



New Orleans Following Hurricane Katrina, NOAA

WRDA 2013 (S.601) Must Be Amended To Protect People and Wildlife and Grow the Economy

Critical, common sense reforms are needed to ensure that U.S. Army Corps of Engineers projects will solve – instead of cause – water resource problems. Far too many Corps projects continue to increase flood risks for communities; damage the economy; and deprive the nation of clean water, natural flood protection, and vital fish and wildlife habitat. In the face of more intense storms like Hurricane Sandy, more frequent and intense floods and droughts, rapidly rising sea levels, and increasingly limited federal funding, the nation can no longer afford this "business as usual" approach to planning water projects.

ADOPT COMMON SENSE REFORMS TO IMPROVE PROJECT PLANNING

USE LOW IMPACT SOLUTIONS WHERE PRACTICABLE. S. 601 should be amended to require the Corps to utilize nonstructural and restoration measures where they can provide an appropriate level of protection and benefits. Despite longstanding legal requirements to consider and utilize nonstructural approaches; to utilize the least environmentally damaging alternative available; to protect and restore the functions of natural systems; to mitigate any unavoidable damage to natural systems; and to avoid the unwise use of floodplains, the Corps continues to promote environmentally destructive and costly structural projects where less costly and environmentally protective nonstructural and restoration solutions are available. Requiring the Corps to use low impact approaches where practicable is a cost-effective way to provide needed protection to people, wildlife, and the many businesses that rely on healthy rivers, coasts, and wetlands.

MODERNIZE OPERATION OF EXISTING PROJECTS. S. 601 should be amended to require the Corps to evaluate and update operations plans and water control manuals for large-scale Corps projects at least every 10 years and implement needed operational changes. Major Corps projects are being operated under decades-old operating plans that do not account for current conditions or science (including more intense storms and droughts), put communities at risk, and aggravate contentious water quantity conflicts. Regular reoperation would ensure that taxpayer dollars are being spent wisely and that modern science, management approaches, and needs guide the operation of Corps projects.

FOLLOW RECOMMENDATIONS OF THE NATION'S FISH AND WILDLIFE EXPERTS. S. 601 should be amended to require mitigation consistent with Fish and Wildlife Coordination Act recommendations. Despite important criteria established in WRDA 2007 to improve fish and wildlife mitigation for Corps projects, the Corps continues to adopt mitigation plans that will not work in part because they ignore expert recommendation made by federal and state fish and wildlife agencies. Current law requires the U.S. Fish and Wildlife Service (and encourages state fish and wildlife agencies) to provide mitigation recommendations for Corps projects but does not require the Corps to accept and address those recommendations. Adding this requirement will improve project planning, protect fish and wildlife, and ensure that money invested in the consultation process yields measurable outcomes.

STRIKE PROVISIONS THAT UNDERMINE SOUND PLANNING AND ROLL BACK FUNDAMENTAL. BEDROCK ENVIRONENTAL PROTECTONS

STRIKE SECTION 2033 – PROJECT ACCELERATION: This provision institutionalizes a convoluted bureaucratic process for strong-arming resource agencies into signing off on Corps projects despite valid objections or the need for additional information. It will create significant pressure to finalize reviews and decisions even when critical information for assessing environmental and public safety impacts is missing, and will have a severe chilling effect on a resource agency's ability to meaningfully evaluate and raise important concerns and objections to federal water projects. It will prevent the Corps from properly determining whether a project is in the national interest and thus appropriate for funding by taxpayer dollars, and will significantly undermine the goals and protections provided by the National Environmental Policy Act and the nation's other vitally important environmental laws.

Section 2033 sets arbitrary and unreasonably short deadlines for reviews; allows the Corps to elevate disagreements over technical issues all the way to the President; and directs the Corps to impose multiple and ongoing fines on resource agencies that miss deadlines or disagree with the Corps on issues soundly within the expertise of the resource agencies. It directs the Corps to utilize programmatic reviews that are not appropriate for informing project-specific decisions, and could require use of emergency review procedures in non-emergency situations. It appears to give the Corps control over reviews outside of its jurisdiction, including consultation under Section 7 of the Endangered Species Act, review under the Fish and Wildlife Coordination Act, and reviews under laws governing activities in coastal areas and public lands.

STRIKE SECTION 2032 – STUDY ACCELERATION: This provision creates additional pressure to finalize studies even when critical information needed to assess environmental and public safety impacts is missing. The Corps should be required to carry out the level of analysis needed to fully understand whether a project is in the national interest – including a thorough evaluation of adverse impacts, potential benefits, and less environmentally damaging approaches – even if additional time is required.

Section 2032 imposes arbitrary time and cost limitations and encourages the Corps to impose page limitations on project studies, including required environmental impact statements.

STRIKE SECTIONS 8003 AND 8004 – FUNDING FOR HARBOR MAINTENANCE PROGRAMS, AND HARBOR MAINTENANCE TRUST FUND PRIORITIZATION: These provisions promote unnecessary harbor dredging and increase the costs of dredging to federal taxpayers. Unnecessary dredging will cause significant and unnecessary harm to the environment. Federal taxpayers should not be burdened with paying for additional new dredging costs, particularly where there is no assurance that the deeper depths will provide national benefits and will not cause significant environmental harm.

Sections 8003 and 8004 make sweeping changes to the way harbor maintenance activities are funded. Section 8003 requires the Corps to spend all moneys received by the harbor maintenance trust fund in a given year on maintenance activities during that same year, regardless of need. Section 8004 increases the federal cost share, and thus the cost to taxpayers, for dredging deep draft harbors and establishes a new federal cost share for dredging private harbor berths.