



19 May 2021

To: Senior Leadership of Biden-Harris Administration's Water Team

Ms. Sara Gonzalez-Rothi, Senior Director for Water, CEQ
Ms. Radhika Fox, Acting Assistant Administrator for Water, EPA
Mr. Vance F. Stewart, III, Acting Assistant Secretary of the Army (Civil Works), USACE
Lt. General Scott A. Spellmon, Chief of Engineers and Commanding General, USACE
Mr. Jaime Pinkham, Principal Deputy Assistant Secretary of the Army for Civil Works, USACE
Mr. Robert Bonnie, Senior Advisor on Climate, USDA

Subject: Short-, Medium-, and Long-Term Policy Priorities from the Mississippi River Network (MRN)

Dear Senior Leadership of Biden-Harris Administration's Water Team:

On behalf of the Mississippi River Network (MRN) and the undersigned 24 member organizations, we are writing to offer our policy recommendations for the Biden-Harris Administration as they pertain to the Mississippi River and the 10-state River corridor. MRN represents a group of nearly 60 organizations from the headwaters of the River in Minnesota to the Gulf of Mexico. The 24 MRN member organizations signed below represent conservation, environmental, and advocacy organizations at the local, state, regional, and national levels.

We begin by expressing our gratitude for the work that the Administration is undertaking through a whole of government approach to climate change, racial equity, and environmental issues. As you know, the Mississippi River is a vital ecological, economic, and cultural resource that continuously serves the people of the United States and is designated by Congress as a nationally-significant ecosystem. We are thrilled that many of the Administration's appointed environmental leaders come with deep experience in river issues.

We believe that protecting and restoring the Mississippi River and the communities that depend on it will have the co-benefit of addressing many of the Administration's goals of climate resilience and racial equity. We outline our main policy priority areas below, beginning with

specific legislation and policy requests, then broadening out to our longer-term priorities. We are looking forward to this letter serving as the beginning of a continued conversation with you.

Immediate Action: Vacate the Trump Administration EPA's veto waiver for the Yazoo Pumps Project in Mississippi and Reconfirm that the Veto Applies

In 2008, the Environmental Protection Agency used its Clean Water Act 404(c) authority to veto the Yazoo Pumps to prevent “unacceptable damage” to “some of the richest wetland and aquatic resources in the nation.”(See Supplemental Doc 1.) This veto ensured the protection of 200,000 acres of hemispherically important wetlands for more than a decade—wetlands that support 450 species of birds, fish, and wildlife; are used by 29 million migrating birds each year; and include tens of thousands of acres of federal, state, and privately-owned conservation lands.

The Trump Administration's EPA waived the application of the veto in a scant two paragraphs tucked within EPA's November 30, 2020 comments on the Yazoo Pumps' new draft supplemental environmental impact statement (SEIS). This decision contravened the veto's extensive factual findings and was issued without the required public notice and comment. The Corps of Engineers has since finalized the SEIS, and signed the Record of Decision approving the Yazoo Pumps in January 2021.

The Mississippi River Network and our partner organizations have a long history of opposing this destructive project, including through detailed technical comments. For example, 123 MRN member and partner organizations opposed the project during the most recent public comment periods on the project.

We ask the Biden-Harris Administration to quickly restore protections for these hemispherically significant wetlands by immediately vacating EPA's insupportable veto waiver, reconfirming that the veto applies to the Corps' plan, and withdrawing the Corps' deeply flawed Record of Decision. Each of these actions is fully supported by an extensive factual record. We would welcome the opportunity to discuss any of this further with the relevant agencies and offices involved with the Yazoo Pumps Project.

Immediate Action: Support the Mississippi Restoration & Resilience Initiative (MRRRI)

The Mississippi River Network is pleased to support the creation of a Mississippi River Restoration and Resilience Initiative (MRRRI), championed by Congresswoman Betty McCollum (MN-04) as well as many other engaged organizations up and down the River. This Initiative would take the form of a geographic program, hosted at the EPA and modeled after the highly successful Great Lakes Restoration Initiative.

The groundwork was laid for a future Mississippi River Restoration and Resilience Initiative in the FY 2021 Appropriations Omnibus (Interior-EPA).¹ The funding bill appropriates \$2 million for EPA to lead efforts to develop a federal government-wide Mississippi River restoration and resiliency strategy focused on improving water quality, restoring habitat and natural systems, eliminating aquatic invasive species, and building local resilience to natural disasters.

Congresswoman McCollum will introduce full authorizing legislation for MRRRI this year. MRN and many of our partners provided the Biden-Harris Transition Team with more information about this new initiative in December 2020. A copy of that letter is attached as supplemental reading.

We know that both the benefits and burdens brought by the Mississippi River are not equitably shared. Too often the voices of those most impacted by environmental decisions and those most impacted by environmental degradation and pollution are suppressed, excluded, or ignored in the making of those decisions. That is why we are hopeful that a comprehensive program like MRRRI would prioritize restoration and resilience investments in communities of color and economically disadvantaged populations.

We ask that the Administration to 1) Include funding for MRRRI in the President's FY 2022 budget request and 2) Publicly support MRRRI legislation in Congress when it is introduced later this year. We urge the Administration to signal support for the formation of a MRRRI geographic program by including it as a line item in the President's FY 2022 budget request.

In addition, in the event that additional funds are made available through future economic recovery packages, funding for shovel-ready MRRRI projects would help jumpstart this initiative while providing an economic and environmental lifeline to struggling Mississippi River communities.

Medium-Term: MRN supports the 30x30 conservation goal and asks the Administration to consider the conservation of freshwater resources

MRN is thrilled that the Administration has committed to conserving 30 percent of our land and 30 percent of our oceans by 2030 via its Executive Order on Tackling the Climate Crisis at Home and Abroad issued on January 27, 2021 as well as through the America the Beautiful Plan.

Several MRN member organizations, including the Illinois Environmental Council, Illinois Stewardship Alliance, National Caucus of Environmental Legislators, American Rivers, and the Sierra Club are all working intently on implementing the 30x30 commitment in each of our 10 respective mainstem Mississippi River States. We hope this results in an equitable and inclusive

¹ <https://mccollum.house.gov/media/press-releases/mccollums-fy-21-interior-funding-bill-protects-boundary-waters-twin-metals-mine>

vision for 30x30 that supports flood risk reduction, community-driven land conservation, equitable open space access, sustainable agriculture practices, resilient local food systems, clean water supplies, and creates jobs that promote equity and economic opportunity.

As the Administration implements the America the Beautiful Plan, MRN urges the Administration to consider the conservation of freshwater resources and the landscapes upon which they depend. Protecting biodiversity on land and in the oceans is of course urgent, but it is essential that freshwater resources (such as rivers) be included in these efforts. We will not reverse the wildlife and biodiversity crisis by protecting 30 percent of existing conditions. That will stall the crisis, but not reverse it. Restoring habitat reverses it.

We also encourage 30x30 efforts targeted toward the Mississippi River. Some specific efforts might include permanent protection and restoration of Louisiana's Mississippi River batture lands, increased use of Wetland Reserve Easements and Floodplain easements in the Mississippi River floodplain and its major tributaries (the Yazoo Backwater Area is a key example²) and improving management of the Mississippi River by the Corps to restore and then maintain critically important, diverse river habitats.

The Mississippi River is critical to maintaining our continent's biodiversity. The Mississippi River is home to over 780 species of fish and wildlife and serves as a "river road" or flyway for over 60 percent of all North American birds. At the same time, communities all along the Mississippi River have faced the impacts of climate change firsthand; from catastrophic flooding to increasingly unpredictable extreme weather events. Focusing 30x30 efforts along the Mississippi River would increase this program's return on investment not only on combating the biodiversity crisis, but also on the climate crisis.

Short and Medium-Term: Increased Funding for Conservation Programs in Farm Bill 2023

MRN is a member of the National Sustainable Agriculture Coalition (NSAC), an alliance of grassroots organizations that advocates for federal policy reform to advance the sustainability of agriculture, food systems, natural resources, and rural communities. MRN looks forward to working with NSAC and other members to continue to advocate for increased funding for working lands conservation programs within the Farm Bill such as the Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Agricultural Conservation Easement Program (ACEP), Wetlands Reserve Program (WRP), the Conservation Reserve Program (CRP) and its Clean Lakes, Estuaries, and Rivers (CLEAR) initiative. For ACEP, we urge you to continue to ensure that 70 percent of ACEP funding go toward wetland restoration. In addition to increasing funding through the Farm Bill process, we

² Strategic use of voluntary wetland reserve easements, restoration, and non-structural measures can reduce flood risks for vulnerable communities in the Yazoo Backwater Area (YBWA) of Mississippi, make those communities and the nation's wildlife more resilient to climate change, and advance the vitally important 30x30 Initiative by permanently protecting 80,000 acres of critical wetlands.

support the Biden Administration including conservation programs in infrastructure, climate, and other stimulus or recovery packages.

MRN also encourages the Administration to support establishing a permanent floodplain easement program in lieu of the Emergency Watershed Protection Easement Program (EWP). The EWP structure does not work well for farmers as funds are often not released at the right time or in the right locations for farmers to take advantage of the program. The other easement options are often not available in floodplain locations due to program restrictions.

Long-Term Priority: Support agricultural policies that benefit the environment, rural economies, public health, and greenhouse gas emissions reductions

We urge your Administration to prioritize agricultural policies and funding that benefit our environment, rural communities, public health, and GHG emissions reductions. MRN supports some of the comments made during the February 2021 hearing “Climate Change and the U.S. Agriculture and Forestry Sectors” held by the House Agriculture Committee. During the hearing, members like Congressman Scott (GA-13) made the point that the agriculture community not only has the most to lose from the climate crisis, but also has the biggest opportunity to mitigate its impacts and be part of re-envisioning the future.

MRN encourages the Biden Administration to consider and communicate the importance of soil health both as a mitigation and adaptation tool. We support efforts to establish and expand programs that encourage farmers, ranchers, and landowners to adopt practices that not only help to reduce greenhouse gas emissions, but also improve water quality and river health.

Farmers and other agricultural experts are increasingly aware of the importance of maintaining continuous living cover on working lands, reducing tillage, diversifying crop rotations, management intensive rotational grazing, and agroforestry. Such practices, if implemented widely, can be our nation's most impactful strategy for reducing agricultural greenhouse gas emissions, increasing climate resilience, improving water quality, and creating economic opportunities.

The USDA should work with Congress to drastically increase funding for EQIP, CSP, CRP (including through CLEAR and CCRP), and related programs; as well as dramatically increase public investment in sustainable agriculture research and value-added market development and regional food system initiatives at land grant universities and federal labs. With many of our nation's small and mid-sized farms in constant financial peril, the Administration must also take steps toward addressing underlying factors that contribute to the failed status quo, including the unsustainable consolidation of farms and dairies, the outsized emphasis on commodity grain production, and systemic barriers to land ownership by young, minority, female and other historically disadvantaged farmers.

Long-Term Priority: Mainstream and Increase Funding for Nature-Based Solutions to Flooding

We are pleased that the Administration's Infrastructure Plan includes protecting and restoring nature-based infrastructure such as healthy rivers, restored wetlands, and reconnected floodplains. We urge the Biden administration to institute a federal flood protection standard similar to the Federal Flood Risk Management Standard (FFRMS). The FFRMS had encouraged all federal agencies to use nature-based solutions wherever possible.

Like you, we know that nature-based solutions are a vital tool to reduce flood and storm damages, protect water quality, and enhance wildlife habitat all while creating economic opportunities in our Mississippi River Basin and across the nation.

Of course, traditional built infrastructure -- levees, dams, and other static, concrete structures -- has its place in the toolbox. But just like "fire suppression only" tactics for forest management out West created the perfect situation for catastrophic wildfires, an outsized reliance on built infrastructure is creating the perfect situation for historic flooding year after year in the Mississippi River basin.

We need to use all the tools in our toolbox when it comes to building flood resilience for the Mississippi River and our river communities. We support the Administration continuing to mainstream and increase resources for nature-based solutions to flooding.

We are thrilled for the opportunity to work with each of you on the priorities outlined above and express our gratitude for the leadership and vision you have already brought to bear on a number of these topics. We would welcome the opportunity to meet with you in the near term and introduce ourselves.

If you have specific comments or follow-up, please reach out to the Mississippi River Network's Policy Director Maisah Khan at mkhan@1mississippi.org.

Supplemental Reading (attached)

1. Yazoo Pumps 2021 Factsheet, https://www.waterprotectionnetwork.org/wp-content/uploads/2021/02/Fact-Sheet Immediate-Action-Required-to-Stop-the-Yazoo-Pumps_Final_12-16-20.pdf
2. Mississippi Restoration & Resilience Initiative (MRRRI) 1-pager
3. MRRRI Letter to Transition Team, December 2020

Sincerely,

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