

December 14, 2021

The Honorable Thomas R. Carper  
Chairman  
Committee on Environment and Public Works  
United States Senate  
410 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Shelley Moore Capito  
Ranking Member  
Committee on Environment and Public Works  
United States Senate  
456 Dirksen Senate Office Building  
Washington, D.C. 20510

**Re: Water Resources Development Act (WRDA) Reform Priorities**

Dear Senator Carper and Senator Capito:

On behalf of the **87 undersigned conservation and faith-based organizations and businesses**, and our millions of members and supporters across the country, we urge you to include the reforms outlined below in the next Water Resources Development Act (WRDA).<sup>1</sup>

While recent water resources development acts have given the U.S. Army Corps of Engineers (Corps) some of the tools it needs to improve community and ecosystem resilience, much more needs to be done to protect people and wildlife. Increasingly severe storms and floods are wreaking havoc on families and communities, exacerbating historic inequities, and causing skyrocketing flood damages. Between 2000 and 2019, the nation suffered 48 coastal storms and 18 inland floods that each caused more than \$1 billion in damage.<sup>2</sup> The changing climate, combined with historic and ongoing degradation of vast swaths of habitat, have thrust America's wildlife into crisis. Freshwater species, which are most affected by poorly designed and operated water resources projects, are the most imperiled group of fish and wildlife in North America.

Our organizations urge Congress to enact the following common sense, cost-effective reforms that will increase the Corps' ability to leverage the natural defenses provided by healthy rivers, floodplains, and wetlands to make communities safer, redress environmental injustices, and allow our treasured fish and wildlife to thrive. We also call on you to defend the critically important protections provided by careful and comprehensive reviews of Corps projects under the National Environmental Policy Act, the Clean Water Act, and the many other laws that the public relies on to protect our nation's waters.

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<sup>1</sup> Many of these organizations will also be sharing additional WRDA priorities with members of Congress.

<sup>2</sup> NOAA National Centers for Environmental Information (NCEI) U.S. Billion-Dollar Weather and Climate Disasters (2021). <https://www.ncdc.noaa.gov/billions/>, DOI: 10.25921/stkw-7w73. The U.S. experienced more billion-dollar, non-hurricane, inland flood disasters (from extreme rainfall, riverine flooding) in the last decade (18 floods during 2010-2019) than during the prior 3 decades combined (15 floods during 1980-2009).

- **Establish a Resilience Directorate.** Congress should establish a Resilience Directorate within the Office of the Chief of Engineers tasked with ensuring that existing Corps programs, authorities, and operations take full advantage of natural infrastructure and adopt modern, comprehensive planning approaches. Critically, the Directorate should have the resources and budgetary authority needed to work and coordinate across Corps business lines to infuse resilience into every aspect of the Corps' work. This will help the Corps take full advantage of its programs and authorities to improve community and water resources resilience, promote coordinated planning across districts and Corps business lines, avoid piecemeal planning that can increase flood risks and recovery costs, and better leverage the benefits of natural infrastructure.
- **Redress Environmental Injustices.** Congress should ensure the Corps has the tools and capacity needed to help redress the pervasive environmental injustices that plague the nation's most vulnerable communities. Among other key actions, Congress should: (a) strengthen the Corps' programs to deliver technical and resiliency planning assistance to communities, including for Tribes, economically disadvantaged communities, and communities of color; (b) expand the WRDA 2020 Section 118 Pilot Program for Economically Disadvantaged Communities; (c) create a new position of Senior Advisor for Environmental Justice; (d) establish a Federal Advisory Committee on Environmental Justice to advise senior Corps leadership; and (e) incorporate toxics remediation into ecological restoration, navigation, and flood resilience projects. These critical tools, which build on the progress made in WRDA 2020, will help ensure that the Corps can redress environmental injustices.
- **Properly Account for Project Costs and Benefits.** Congress should direct the Corps to account for appropriate categories of project costs and benefits to improve the effectiveness of Corps projects, planning, budgeting, and prioritization. Congress should direct the Corps to, among other things: equitably account for costs and benefits to disadvantaged and low-income communities; count lost ecosystem services as project costs and increases in ecosystem services as project benefits; and include costs associated with addressing site-specific conditions, full life-cycle needs, and sub-optimal funding streams. Accounting for appropriate categories of costs and benefits will help protect taxpayers, non-federal sponsors, and the services provided by natural systems, including flood control, water purification, and wildlife habitat.
- **Utilize Federal and State Expertise.** Congress should direct the Corps to utilize recommendations made pursuant to mandatory Fish and Wildlife Coordination Act reviews that derive from the special expertise of federal and state fish and wildlife experts when planning projects (e.g., methods and metrics for assessing fish and wildlife impacts and mitigation opportunities). The Corps often ignores these critically important recommendations, leading to projects that cause unnecessary harm and to mitigation plans that do not work. Utilizing these carefully developed state and federal expert recommendations is a common sense, cost-effective way to make projects better and improve planning efficiency.
- **Ensure Compliance with Long-Standing Mitigation Requirements.** Congress should ensure that the Corps complies with long-standing Congressional mandates to properly mitigate environmental damage resulting from water resources projects. Congress should reclarify its intent by clearly defining the types of project studies that trigger the civil works mitigation requirements. Despite the plain language of the law and clear Congressional intent, the Corps has ignored these important mitigation requirements when developing long-term operating plans, resulting in a failure to carry out mitigation for significant ecosystem-wide impacts

documented in the Corps' own studies. Clearly defining the types of studies that trigger mitigation will help protect the nation's fish and wildlife, as long-required by Congress, and increase resiliency.

- **Employ and Properly Account for Voluntary Easements.** Congress should ensure the Corps has the tools it needs to develop and implement resilient solutions by directing the Corps to: (a) map all flood easements in a publicly accessible database—including the many flood easements already owned by the Corps, conservation easements, and permanently protected lands and waters in the project area before assessing the impacts and benefits of a water resources project planning; and (b) direct consideration of Corps-purchased permanent flood easements as an appropriate natural infrastructure solution. Increasing reliance on voluntary flood and other conservation easements will facilitate development of resilient solutions.
- **Eliminate Perceived Barriers to Effective Planning.** Congress should facilitate the Corps' ability to plan, implement, and operate projects to promote thriving and resilient communities and natural systems by: (a) establishing "community and natural systems resilience" as a co-equal project purpose for each water resources project; and (b) directing the Corps to include, as part of a recommended alternative, criteria that will trigger a reevaluation of alternative approaches if project construction remains unfunded for extended periods of time. This will remove perceived barriers to planning that utilizes the most resilient and up-to-date approaches.
- **Identify Floodplain Reconnection Opportunities on Federal Lands.** Congress should authorize a program directing the Corps to conduct feasibility studies of federal levee alteration projects (levee setbacks, removals, spillways, or other alterations that will allow flood waters to access floodplains) for levee systems that are located on federal public lands. As climate and aging continue to impact levees, we must reevaluate existing levees to determine if they are still the optimal solution or if there are newer and more effective solutions for reducing flood risks. The Corps should identify levee protected areas that have previously been acquired and put into conservation, and assess opportunities to alter such levees to allow flood waters to access floodplains.
- **Advance Disposition of Obsolete Dams.** Congress should authorize disposition studies for all dams not meeting the mission of the Corps and allow for the deauthorization and removal of these structures for ecological, economic, and social benefit. The Corps operates and maintains 740 dams and associated structures across the country. Many are no longer serving their federally designated purpose, but instead are harming the environment and posing human safety hazards. Congress previously gave the Corps authority to consider removal of projects via disposition studies, but the trigger to initiate a study and the breadth of such a disposition study must be strengthened to require consideration of the ecological, economic, and social benefits of removal.
- **Establish a Nationwide Low-Head Dam Inventory and a State Low-Head Dam Inventory.** Congress should authorize a Nationwide Low-Head Dam Inventory and a State Low-Head Dam Inventory and Rehabilitation Program, to be administered by USACE in coordination with FEMA and the Bureau of Reclamation, to comprehensively address the public safety impacts of low-head dams. Low-head dams - traditional dams, weirs, or diversion ditches - can damage natural flowing river systems and pose a threat to public health. Low-head dams have been responsible for more than 1,400 deaths over the past 50 years, and many are no longer providing their

intended purpose. There currently is no reliable inventory of low-head dams in the United States, but the Association of Dam Safety Officials estimates there may be as many as 5,000 low-head dams across the nation.

Our organizations urge Congress to adopt these common sense, cost-effective, and multi-benefit reforms to help ensure that federal water resources planning can address the significant costs and impacts of climate change – including from more intense storms, more frequent and severe flooding, and unprecedented droughts – as well as unintended consequences from many already-constructed water resources projects. We look forward to working with you to ensure that these reforms are enacted into law.

Sincerely,

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