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The Honorable Peter DeFazio
Chair
Transportation and Infrastructure Committee
2134 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Sam Graves
Ranking Member
Transportation and Infrastructure Committee
1135 Longworth House Office Building
Washington, D.C. 20515

The Honorable Grace Napolitano
Chair
Subcommittee on Water Resources and
Environment
1610 Longworth House Office Building
Washington, D.C. 20515

The Honorable Bruce Westerman
Ranking Member
Subcommittee on Water Resources and
Environment
209 Cannon House Office Building
Washington, D.C. 20515

July 28, 2020

RE: Water Resources Development Act of 2020 (H.R. 7575)

Dear Chair DeFazio, Ranking Member Graves, Chair Napolitano, and Ranking Member Westerman:

The National Audubon Society applauds your commitment to advancing bipartisan water infrastructure legislation that is critical to restoring America's ecosystems, protecting wildlife habitat, and increasing the use of natural infrastructure. As the House of Representatives is scheduled to vote on H.R. 7575 this week, Audubon would like to highlight our support for a number of elements in the 2020 WRDA bill:

Ecosystem Restoration Project Authorizations, Programs, and Feasibility Studies:

- Everglades and Florida
 - Progress continues on the world's largest ecosystem restoration effort, with a number of projects scheduled to be completed over the next two years. Additional projects and post-authorization change reports with wide-spread stakeholder support will ensure this progress continues, including:
 - Secs. 202 (a)(14) and 202 (b)(3) – Feasibility Report and Post Authorization Change Report for C-111 South Dade project.
 - Sec. 202 (b)(4) – Post-Authorization Change Report for the Caloosahatchee River C-43, West Basin Storage Reservoir.
 - Sec. 321 – Clarifying that the Everglades Agricultural Area Reservoir is part of the Central Everglades Restoration Project.
 - Sec. 401 (5) – Authorizing the Loxahatchee River Restoration project.
 - Sec. 324 – Deauthorizing the Taylor Creek Reservoir and Levee in Upper St. Johns River Basin.
 - Sec. 206 – Lake Okeechobee Regulation Schedule, Florida. We support the inclusion of an evaluation of the impact of water releases from Lake Okeechobee and the requirement of a

monthly Army Corps report on the volumes of water deliveries to or discharges from Lake Okeechobee to certain parts of the Greater Everglades Ecosystem.

- Great Lakes
 - Sec. 207 – Implementing a Great Lakes Coastal Resiliency Study.
 - Sec. 402 (5) – Authorizing Great Lakes Mississippi River Interbasin Study-Brandon Road project. The Great Lakes Mississippi River Interbasin Study-Brandon Road project will address the challenges caused by invasive exotic Asian Carp and complement other important efforts to protect and restore the Great Lakes ecosystem. In addition, we urge that any technology substituted under the included special rule is at least as effective as technologies currently planned for the project.
- Rio Grande
 - Sec. 317 – Reauthorization of the cooperative Rio Grande Environmental Management Program until 2029. The Environmental Management Program provides much-needed conservation and restoration efforts throughout the basin this supports large-scale ecological functions while supporting irrigation for critical food production in the U.S.
 - We continue to urge that the federal cost-share of developing the comprehensive program management plan be increased to 100 percent to ensure the participation of multiple state and local partners.
 - Sec. 326 – Changes to the San Juan-Chama Project; Abiquiu Dam. We support the Abiquiu Dam project changes which would allow for native water, originating from within the Rio Grande Basin, to be stored in the reservoir. Allowing native water storage in the Abiquiu reservoir would increase operational flexibility and provide greater resilience.
- Louisiana Coast and Lower Mississippi River
 - Audubon supports measures in the bill that would direct much-needed investments to enhance the resilience of the Louisiana coast and the Lower Mississippi River. Over the last 80 years, the Louisiana coast has lost over 1,800 square miles of coastal forests, marshes, beaches and barrier islands, increasing flood risks and threatening vital habitat on which birds and other species depend. The Mississippi River is also one of our most commercially and ecologically important waterways, but it also faces significant threats from climate change and more extreme weather. By identifying solutions for enhancing the resilience of communities and ecosystems along the lower Mississippi River, the Corps can support efforts to address increasing risks of flooding in coastal communities and enhance critical habitats for birds, wildlife, and economically important fisheries.
 - Sec. 209 – Requiring the Corps to report on the status of ongoing restoration conducted by the Coastal Louisiana Ecosystem Protection and Restoration Task Force.
 - Sec. 210 – Calling for the development of a Lower Mississippi River Comprehensive Study.
 - Sec. 403 (a)(3) – Authorizing support for important navigation projects including the Houma Navigation Canal and the Baptiste 14 Collette Bayou projects in Louisiana.
- Chesapeake Bay
 - Sec. 307 – Audubon supports increased funding for the Chesapeake Bay Environmental Restoration and Protection Program. The Chesapeake Bay is the largest estuary in the U.S. extending, across five states and the District of Columbia, and is an ecologically important watershed that provides habitats for over 3,600 plant and animal species. However, climate change, pollution, and environmental degradation of the Bay are causing impacts to fisheries and loss of habitat for birds and other species. This funding will provide critical support needed to preserve and enhance this important watershed and engage the public in restoration efforts.

- Sec. 128 – Harmful Algal Bloom Demonstration Program. We support provisions to develop a demonstration project to address challenges in the Great Lakes, Lake Okeechobee, the tidal and inland waters of the State of New Jersey, the coastal and tidal waters of the State of Louisiana, the waterways of the counties that comprise the Sacramento-San Joaquin Delta, California and other aquatic ecosystems from harmful algal blooms that can damage the very ecological resources that large-scale restoration efforts are seeking to recover.

Resilience and Natural Infrastructure Provisions

- Natural Infrastructure
 - Audubon supports measures in the bill calling on the Army Corps to use natural infrastructure approaches to enhance community resilience, including:
 - Sec. 113 – Authorizing the Corps to implement natural infrastructure solutions as small flood control projects;
 - Sec. 114 – Authorizing a 65 percent cost share for natural infrastructure projects;
 - Sec. 115 – Calling on the Corps to consider natural and nature-based solutions in feasibility studies;
 - Sec. 122 – Calling for a Comptroller General Report assessing the Corps consideration and implementation of natural infrastructure solutions and any barriers to use of these types of environmentally beneficial solutions;
 - Sec. 123 – Calling on the Corps to evaluate and report to Congress on existing projects that could benefit from modifications to enhance long-term sustainability or reduce operations and maintenance costs, including modifications to add natural and nature-based features;
 - Sec. 124 – Noting Congressional direction to the Corps to prioritize projects that produce multiple benefits, including natural infrastructure and beneficial use projects that enhance flood resilience and improve ecosystems; and
 - Sec. 217 – Calling for a Government Accountability Office (GAO) study on measures to mitigate impacts to fish and wildlife from Corps projects, including a review of compliance with mitigation requirements, the types of mitigation measures used, and an assessment of the efficacy of mitigation measures and the potential roles for natural infrastructure solutions that can reduce flood risks in communities and minimize environmental impacts of flood control projects.
- Resiliency
 - Audubon supports measures in the bill to require and enable the Corps to help communities enhance their resilience to climate impacts, including:
 - Sec. 112 – Calling on the Corps to update planning guidance and regulations to account for the best available science on effects of sea level rise in Corps projects and in how the Corps accounts for the costs and benefits of a project; and
 - Sec. 120 – Providing the Corps with new authority to design and construct projects and consider natural infrastructure approaches to address repetitive flood losses in communities.
- Beneficial Use of Dredge Materials
 - Audubon also supports provisions in the bill that would encourage reuse of valuable dredged sediments for ecologically beneficial projects, including:
 - Sec. 125 – Increasing the number of authorized beneficial reuse pilot projects and prioritizing projects in economically disadvantaged communities. We also support provisions in this section that would require the Corps to consider the environmental benefits of reuse rather than disposal of valuable sediments. These changes will help

to ensure that the Corps is directing valuable dredged sediments toward environmentally beneficial projects that restore habitats and enhance flood protections for communities. As part of this beneficial use pilot program, Audubon and partners are working with the Army Corps and Charleston Harbor to use dredged material to create habitat for nesting seabirds on Crab Bank, which will demonstrate that natural features can prevent erosion and increase resilience for adjacent communities, while also enhancing bird habitat and benefitting recreational users.

- **Benefit Cost Analysis (BCA)**
 - Sec. 109 – Audubon supports provisions in the bill that call on the Corps to update the Principles, Requirements, and Guidelines (PR&G) to ensure that, in assessing the costs and benefits of a project, the Corps is fully accounting for the regional economic development, environmental quality, and other social benefits that can be delivered by a project. One of the major barriers to advancing the use of natural infrastructure is the challenge in demonstrating the benefits that resilient nature-based alternatives provide. Updating the criteria used to assess benefits and costs will more accurately account for ecosystem services benefits.
 - Audubon also encourages the House to consider provisions included in the Senate bill (at Sec. 1073) that would specifically authorize funding for important studies that were called for, but never funded, by Sections 1102 and 1103 of America’s Water Infrastructure Act of 2018. Section 1102 requires a National Academy of Sciences Study to examine ways to improve the Army Corps’ project delivery process. Section 1103 requires a National Academy of Sciences Study to examine ways to improve the Corps’ BCA. These studies are essential for improving the efficiency of the Army Corps’ planning and construction activities and for ensuring accurate evaluation of project costs and benefits, including consideration of the social and environmental costs and benefits of project alternatives over a project’s full lifecycle and methodologies for setting discount rates. Currently, the BCA does not accurately account for all of the costs and benefits of projects; actual costs of projects are often much higher than estimated, and the Corps analysis fails to account for the environmental impacts of structural flood control projects and the environmental benefits of natural infrastructure approaches. These studies will provide the technical foundation needed to ensure that the Army Corps modernizes its methodologies for assessing the full costs and benefits of projects.

Measures to Benefit Economically Disadvantaged Communities

- **Resiliency Planning**
 - Sec. 110 – Audubon supports important provisions enabling the Corps to provide technical assistance to communities to help them prepare for increasing flood risk as a result of sea-level rise and other changing climactic conditions, and specifically prioritizing economically disadvantaged communities.
- **Project Consultations**
 - Sec. 111 – Includes much-needed direction to the Corps requiring consultation with Tribal, indigenous, environmental justice, rural, and economically disadvantaged communities and requiring updates to Corps policies, guidance, and regulations to ensure that the Corps is considering the environmental justice and disproportionate impacts to communities from Corps projects and identifying appropriate alternatives to reduce or avoid impacts.
- **Feasibility Studies**

- Sec. 118 – Audubon supports provisions to waive cost share for economically disadvantaged communities, which can be a barrier to these communities accessing Army Corps programs to study and implement projects to reduce storm and flood risks.
- Flood Protection Pilot Program
 - Sec. 119 – Audubon also supports provisions in the bill that would authorize ten pilot projects to evaluate flood risk reduction and hurricane and storm surge damage reduction projects, including natural infrastructure approaches, that could be implemented to reduce flood risks in economically disadvantaged communities, including rural communities and communities of color facing persistent poverty.

In addition to these priorities, Audubon thanks the Committee for rejecting attempts to advance the One Lake/Pearl River Basin Demonstration Project and the Yazoo Backwater Area/Flood Reduction, Wildlife Habitat, and Water Quality Improvement Project. Natural infrastructure alternatives should be pursued to address the longstanding flooding concerns in these regions.

Finally, we thank you for rejecting provisions that would weaken environmental review and permitting requirements, such as requiring adoption of additional categorical exclusions, or that impose artificial time clocks on these processes. Comprehensive and transparent review processes that ensure that all stakeholder, including the public, are able to evaluate and respond to project proposals are essential to development and design of projects that meet the needs of communities and the environment. We urge these measures to remain absent from this, and future, WRDA legislation.

Audubon looks forward to continuing to work with the Committee and Subcommittee to advance these and other important water infrastructure priorities in the future.

Sincerely,



Julie Hill-Gabriel
Vice President, Water Conservation
National Audubon Society

CC: The Honorable Nancy Pelosi

The Honorable Kevin McCarthy