



**NATIONAL WILDLIFE FEDERATION®**

National Advocacy Center  
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September 8, 2016

Dear Senator:

As the Senate begins consideration of S. 2848, the Water Resources Development Act (WRDA) of 2016, the National Wildlife Federation, on behalf of our six million members and supporters, shares the following thoughts and urges the Senate to improve and pass this important legislation.

As we saw most recently in the unprecedented flooding in Baton Rouge, Louisiana, the nation is facing ever-growing flood, storm and sea level rise challenges that cannot be addressed through the status quo approach to water resources planning. Effectively addressing these challenges will instead require a planning process that embraces the use of sustainable and cost effective nature and nature based solutions, and prioritizes restoring the environment to protect people, communities and wildlife.

WRDA 2016 makes important progress towards these goals through its authorization of vital ecosystem restoration efforts that will provide critical benefits to the nation's fish and wildlife. The Central Everglades Planning Project will restore natural sheet flow to 10,000 acres of degraded Everglades' wetlands and improve fish and wildlife habitat throughout the system. The Los Angeles River Ecosystem Restoration Project will undo decades of mismanagement by restoring broad stretches of the once vibrant Los Angeles River for people and wildlife. The Green and Barren Rivers Locks and Dams Disposition project will decommission unneeded river infrastructure and pave the way for removing that infrastructure to restore vital river habitat.

The bill would also reauthorize and modernize the Safe Drinking Water and Clean Water Revolving Funds, the central federal programs that assist municipalities in improving and modernizing their water infrastructure. Of particular note, the bill reforms the Safe Drinking Revolving Fund to better understand and respond to lead contamination and health problems and would provide \$100 million in direct aid to Flint Michigan to help upgrade infrastructure to address the recent federal disaster declaration for lead contamination. Given the tragic and on-going crisis in Flint with lead contamination still threatening the health of children and exacting a toll on the entire community, this funding is urgently needed.

The National Wildlife Federation is also pleased that S. 2848 reauthorizes or codifies several key regional ecosystem restoration programs. Specifically, we applaud the reauthorization of the Long Island Sound Restoration Program and the Lake Tahoe Restoration Program, and the formal codification of the Long Island Sound Program. We are also pleased that S. 921, the Delaware River Basin Conservation Act, has been included in the manager's amendment to create a program to restore the Delaware River Basin.

However, the bill would also authorize projects that cause significant harm to the nation's waters, including the Port Everglades project. Lessons learned from the similar Port of Miami dredging project expose the danger that the Port Everglades project poses to the region's irreplaceable coral reefs. These reefs support eco-tourism, fishing, diving, and boating industries that provide hundreds of millions of dollars to the local economy each year. These reefs also protect the coastline from storm surge and provide habitat for fish and other creatures. The Port Everglades project has recently been challenged in federal court and should not be authorized in WRDA 2016.

The National Wildlife Federation appreciates and supports the WRDA 2016 provisions that encourage the use of nature and nature-based solutions and remove barriers to the participation of states and NGOs as non-federal sponsors. However, much more can and should be done to ensure that water resource projects protect people and wildlife. Notably, we urge the Senate to address the following provisions that would:

- **Require or promote a significant expansion in environmentally destructive navigation dredging and maintenance activities, regardless of need.** Section 2011 facilitates extensive dredging by significantly increasing the federal cost share for deepening and maintaining deep draft harbors across the country. Section 2012 *requires* the Corps to dredge shallow draft ports on the inland Mississippi River to authorized depths and widths, regardless of level of use or need. Section 1025 increases removal of important in-stream woody fish and wildlife habitat at full federal expense. Sections 1004 and 2015 let non-federal interests set priorities for operation and maintenance of federal navigation projects, including by establishing a new Army Corps permitting program for navigation maintenance.
- **Facilitate the removal of even more water from already stressed river systems.** Section 1012 requires the Corps to review non-Federal proposals to modify Corps projects to increase water supply. Such projects, which would be constructed with non-federal funds, would come at the expense of fish and wildlife that require healthy river flows to survive and could significantly harm fish and wildlife and resource-based economies.
- **Roll back existing mitigation protections.** Section 1023 allows the Corps to satisfy its mitigation requirements by making payments to a mitigation bank even where the "bank" is not functioning, the required mitigation actions may never be carried out, or the mitigation may not work. The Army Corps has been required to carry out mitigation in advance of, or concurrently with, project construction since 1986.
- **Open the door to significantly increasing the size of levees across the country at full federal expense.** Section 3001 could inadvertently allow the use of guaranteed emergency funds to significantly increase the size of levees across the country (by allowing use of these funds to "increase the level of protection"), leading to unnecessary environmental harm and increased flooding downstream. We support the language in Section 3001 that would advance the use of nature based solutions as part of the PL 84-99 emergency levee rebuilding program. Section 3002 eliminates the requirement for economic and environmental feasibility assessments for levee upgrades to address subsidence and sea level rise, and applies the truncated P.L. 84-99 "emergency" planning process to non-disaster situations. This could lead to significant levee upgrades being carried out at full federal funding with only post-construction NEPA review.

- **Establish a special exemption from the standard Deauthorization process.** Section 2001 would exempt inland waterway navigation projects from the deauthorization process applicable to all other Army Corps projects. This section imposes a 15 year hiatus on the existing process even for projects that are economically and environmentally unsound.

The National Wildlife Federation encourages support for S. 2848 and we look forward to working with you to ensure adoption and implementation of common sense, cost effective reforms that would ensure that the Army Corps can meet the nation's 21<sup>st</sup> century water infrastructure needs while protecting and restoring the nation's rivers, coasts, and wetlands.

Sincerely,

A handwritten signature in black ink, appearing to read "Collin O'Mara".

Collin O'Mara  
President and CEO  
The National Wildlife Federation