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The Honorable John Barrasso
Chair
Committee on Environment and Public Works
307 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment and Public Works
513 Hart Senate Office Building
Washington, D.C. 20510

Chair Barrasso and Ranking Member Carper:

The National Audubon Society applauds your commitment to advancing water infrastructure legislation that is critical to restoring America's ecosystems, protecting wildlife habitat, and increasing the use of natural infrastructure. These goals are critical to advancing Audubon's mission to protect and restore the places that birds need for today and tomorrow.

As progress continues in developing the next Water Resources Development Act (WRDA) bill, known as America's Water Infrastructure Act (AWIA), we urge you to prioritize the use of natural infrastructure and nature-based solutions that are essential for resilient communities, robust populations of birds and wildlife, and local economies that depend on reliable water infrastructure. It is also important that the ecosystem restoration mission of the U.S. Army Corps of Engineers (Army Corps) is prioritized as an important way to advance projects and policies that provide ecological benefits through WRDA bills.

We encourage the Committee to improve upon the draft AWIA bill by addressing the following:

- **Natural Infrastructure (Sec. 1098):** Audubon supports Section 1098 amendments that allow "natural infrastructure" projects to be funded as small flood control projects through the Corps Continuing Authorities Program. However, we encourage the Committee to do more to support the use of natural and nature-based features through the Army Corps civil works program, including by amending 33 U.S.C. § 2213(b) to specifically clarify that natural

infrastructure projects (i.e., projects that “incorporate natural and nature-based features”) qualify for the same federal cost sharing as that allowed for nonstructural projects. Natural infrastructure can provide more cost-effective and environmentally beneficial solutions for managing stormwater, protecting coastal communities from more frequent and severe storms, and recharging groundwater aquifers in arid environments. The Committee should support and encourage these types of innovative approaches that deliver multiple benefits to communities and ecosystems.

- **Small and Disadvantaged Communities (Secs. 1017 and 1083):** Audubon supports provisions in Sections 1017 and 1083 that waive cost share for underserved communities and change the process for calculating project benefits for small, rural, and economically disadvantaged communities. Federal cost sharing and benefit-cost ratios are often a barrier to socially vulnerable communities accessing Army Corps programs to study and implement projects to reduce storm and flood risks. Audubon supports these measures that will increase access to flood risk reduction planning in underserved communities by waiving the non-Federal study cost share for feasibility studies that evaluate natural infrastructure and non-structural solutions for socially vulnerable areas. By enacting these changes, the Committee can help to ensure that the most at-risk communities have the resources needed to evaluate flood risk reduction measures, including environmentally beneficial natural infrastructure projects that can enhance flood resilience, while also improving water quality, public health, and important habitats for birds and other wildlife.
 - We support and appreciate the goal to ensure equity and broad access for small and disadvantaged communities across the nation. We are concerned, however, that the Continuing Authority Program cost share waivers for small and disadvantaged communities are limited to three per Corps district each fiscal year. This approach does not reflect the concentration of small and disadvantaged communities in some regions of the United States and we propose that waiver limits account for regional variations in need.
- **Beneficial Use (Secs. 1012, 1019, 1080, and 1095):** We support the draft bill’s extension of the beneficial use of dredged materials (BUDM) pilot program from 20 to 40 pilots and expansion of the program to promote thin layer placement of dredged sediment for the maintenance and restoration of wetlands (at Sec. 1012) and requirements for District Sediment Management Plans to promote environmentally beneficial use of dredged materials (at Sec. 1019). Additionally, we support provisions in AWIA that call on the Secretary to consider beneficial use options for dredged sediments that are not the least cost alternative (Sec. 1095) and to revise benefit-cost analyses to consider the environmental benefits of beneficial use projects (Sec. 1080). However, we encourage the Committee to revise Section 1080 to more efficiently and effectively direct the Corps to change its criteria for evaluating beneficial use by amending lines 16-22 on page 124, and simply stating: “(a) IN GENERAL—Not later than 180 days after the date of enactment of this Act, the Secretary shall ensure, when evaluating the placement of dredged material, the Corps of Engineers shall consider...” These changes will help to ensure that the Army Corps expeditiously implements policy changes to direct the use of valuable dredged sediments toward environmentally beneficial projects that restore habitats and enhance flood protections for communities. For example, 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, a natural feature that serves as both a local tourist destination and prevents erosion and increases resilience for the adjacent communities. Ultimately, Audubon urges the Committee to ensure that the Army Corps is deploying 100 percent of uncontaminated dredged sediments to beneficial uses.

- **Protecting and restoring the Delaware River Watershed.** In the Water Infrastructure Improvements for the Nation Act, (PL 114-332) that included WRDA 16, the Delaware River Basin Conservation Act (DRBCA) created the Delaware River Basin Restoration Program (DRBRP) in the U.S. Fish and Wildlife Service, clearly affirming the national priority of restoring the Delaware River Watershed. The DRBRP provides a competitive grant and technical assistance program to support on-the-ground work by state and local governments, non-profit organizations, and universities. The Delaware River Basin Commission (DRBC) is a federal-state compact agency tasked with overseeing a unified approach to managing the basins' water resources. Despite the recognition of importance of the commission in the DRBCA, full funding for federal government participation has not been appropriated since October 1, 1996, with the exception of one congressionally directed appropriation in FY2009. In order to advance the goals of DRBCA, support for both the DRBRP alongside the DRBC is imperative. Audubon supports provisions in AWIA changing the federal partner for the Delaware River, Susquehanna, and Potomac River Basin Commissions from the Army Corps to the Environmental Protection Agency (EPA) (Sec. 1025).
- **Provisions to protect and advance restoration of America's Everglades. (Secs. 1074, 1093, 1308, and 1606):** We support provisions in AWIA that aim to remove hurdles to timely restoration of America's Everglades and help to ensure that progress toward the world's largest ecosystem restoration program continues. We also support provisions to address new challenges to the Everglades and other aquatic ecosystems from toxic algal blooms and invasive exotic species that can damage the very ecological resources that large-scale restoration efforts are seeking to recover.
- **Completion of Reports (Sec. 1073):** We thank the Committee for specifically authorizing \$50 million in funding to support important studies that were called for in previous WRDA legislation. Audubon encourages the Committee to specifically authorize and work with appropriators to provide funding for the important National Academy of Sciences studies required 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 Army Corps 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.

- **Pre- and post- monitoring of project impacts:** We also encourage the Committee to include specific mandates and funding for monitoring. The Army Corps should be required to include and fund more robust monitoring plans to track and assess impacts during project implementation and after completion. Monitoring can help determine if negative impacts are occurring, and provide the chance to adjust operations to reflect real-time impacts. Monitoring can also demonstrate the tangible benefits after a project is completed in a way that helps articulate the return on investment of ecosystem restoration, navigation, and flood-risk management projects alike.
- **Amend Sec. 1507 (GAO Report on Certain Federal Dams and Reservoirs).** Audubon encourages amendments to ensure this evaluation not solely focus on water storage but to also consider instream flow needs.

Audubon thanks the Committee and supports the authorization of the following projects and studies included in the draft AWIA bill:

- **Chesapeake Bay Environmental Restoration and Protection Program amendments (Sec. 1035):** 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. Army Corps funding is critical to preserving and enhancing this important watershed.
- **Comprehensive Study of Mississippi River System (Sec. 1099):** Audubon supports the authorization of a \$25 million study on the lower Mississippi River. The Mississippi River is one of our most commercially and ecologically important waterways, but it also faces significant threats from climate change and more extreme weather. This study can identify solutions for enhancing the resilience of communities and ecosystems along the lower Mississippi River in both Louisiana and Mississippi that face increasing risks of flooding and provide critical habitats for birds, wildlife, and economically important fisheries.
- **Sec. 1061 Reauthorization of the Rio Grande Environmental Management Program until 2024**
 - We also urge reauthorizing this program until 2029 and an increase in the federal cost-share.
- **Sec. 1063 Rural Western Water**
- **Sec. 1202 Expedited Completion**
 - (31) The project for ecosystem restoration, Caloosahatchee River C-43, West Basin Storage Reservoir, Florida
 - (30) The project for ecosystem restoration, Canal 111, South Dade, Florida
 - (24) The project for flood risk management, Upper Barataria, Louisiana.
 - (25) The project for navigation, Houma Navigation Canal, Louisiana.
 - (26) The project for navigation, Port Fourchon, Belle Pass, Louisiana.
 - (45) The project for navigation, Baptiste 14 Collette Bayou, Louisiana.

- **Sec. 1401 – Project Authorizations – Ecosystem Restoration**
 - Great Lakes and Mississippi River Interbasin Study–Brandon Road, Will County
- **Subtitle E – Water Supply and Storage**
- **Clean Water Title (Title II):** Audubon supports reauthorization and increased funding for the Clean Water State Revolving Fund (SRF) (at Sec. 2015), which provides resources to help states and municipalities maintain and improve wastewater treatment infrastructure that is critical to protecting water quality and public health. The Committee should include a 20 percent green project reserve set aside to encourage states to invest in energy-and water-efficiency upgrades, and natural and nature-based approaches for addressing local water quality challenges. Additionally, we support the creation of a clean water infrastructure resiliency and sustainability program (Sec. 2001) to provide funding to enhance the resilience of water infrastructure to climate risks, including sea-level rise, more frequent and intense storms, and greater water scarcity. This program will provide needed resources to deploy natural infrastructure and other approaches for reducing risks to water infrastructure systems and preserving and protecting watersheds that provide important water resources for communities and agriculture and that are also needed to support important biodiversity. Audubon also supports provisions specifically authorizing funding for water and energy efficiency upgrades for small and disadvantaged communities (Sec. 2004), which often lack the financial resources needed to upgrade water infrastructure systems and could benefit from additional federal support.
- **San Francisco Bay Restoration Grant Program (Sec. 3006):** Audubon supports inclusion of Section 3006 in the AWIA, which would create a San Francisco Bay Restoration Program at the U.S. Environmental Protection Agency (EPA) and would authorize funding of up to \$25 million per year to support the restoration of this ecologically and economically important estuary. The San Francisco Bay is the Pacific Coast’s largest estuary and is surrounded by the rapidly growing and urbanized counties that make up the Bay Area. The Bay hosts a range of environmentally, economically and socially important uses, including ports, industry, agriculture, fisheries, and recreation. The Bay also provides important habitats for waterbirds, including Brant Geese and Surf Scoters, underscoring the ecological value of this ecosystem. However, San Francisco Bay faces significant threats. It has lost 90 percent of its tidal wetlands and more than 50 percent of its eelgrass and mudflat habitat. Climate change is also exacerbating these threats by altering the salinity balance of Bay waters, increasing water temperatures, reducing species abundance and diversity, and increasing habitat loss and flood risks from rising sea levels. We applaud the Committee’s work to include provisions and funding for this important program in the AWIA bill.
- **Puget Sound Coordinated Recovery (Sec. 3009):** Audubon also supports inclusion of Section 3009, which would support a coordinated federal agency effort and authorize up to \$50 million in funding needed to support Puget Sound restoration efforts. The Puget Sound area is home to 4.5 million people and is a rapidly growing economically important metropolitan region; the Sound is also an ecologically important resource providing habitats for many threatened and endangered species, including orcas, Chinook salmon, and steelhead. Despite significant investments to improve the health of Puget Sound, progress towards ecosystem recovery targets remains slow and the Sound continues to suffer from pollution, habitat

degradation, and climate-related threats. The declining health of the Sound is demonstrated by declines in the number of marine birds wintering in Puget Sound over the last 30 years and migratory, fish-eating birds appear to be at the greatest risk. To improve efforts to restore the Sound, we encourage you to include similar provisions as those laid out in H.R. 2247 that would specifically call for the development of a federal action plan to address climate and other threats to the Puget Sound, including ocean acidification, spread of invasive species, and destruction of marine and wildlife habitats.

Audubon also urges the Committee to continue rejecting efforts to advance environmentally harmful projects, such as the Pearl River Basin Demonstration Project or the Yazoo Backwater Area/Flood Reduction, Wildlife Habitat, and Water Quality Improvement Project. We were pleased to see the draft AWIA does not include these projects. Natural infrastructure alternatives should be pursued to address the longstanding flooding concerns in the regions these projects affect.

Additionally, we urge you to reject 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.

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

Sincerely,



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