

**American Rivers * Clean Water Action * Defenders of Wildlife * Earthjustice
Endangered Species Coalition * League of Conservation Voters * Natural Resources
Defense Council * National Wildlife Federation * Oceana * Ocean Conservancy *
Physicians for Social Responsibility * Sierra Club
The Wilderness Society**

April 15th, 2013

Dear Senator:

On behalf of the undersigned organizations and our millions of members and supporters, we strongly oppose floor consideration of S.601, the Water Resources Development Act of 2013 (WRDA). As drafted, this legislation would radically undermine the protections provided by four decades of environmental laws enacted with strong bipartisan support. The consequences of enacting this bill would be devastating. Projects designed without the full application of these laws will put people in harm's way, damage the environment, and waste taxpayer dollars. Accordingly, we urge you to oppose consideration of the bill on the Senate floor until these concerns are addressed.

While WRDA contains beneficial provisions to respond to extreme weather events and advance ecosystem restoration projects like the Everglades and Coastal Louisiana, sections 2032 (Study Acceleration) and 2033 (Project Acceleration) strike at the very core of the environmental review process, placing communities and fragile ecosystems in harm's way. These review acceleration provisions are deeply concerning in that they would ultimately facilitate authorizations of huge water projects such as dredging river bottoms and wetlands or dam construction without adequate review of the community or environmental impacts. Shortcutting these avenues of review are also unnecessary. Effective review is not the cause of project delays; rather delays are driven by the Corps' existing \$60 to \$80 billion project backlog, funding limitations, and poor project planning and design.

These provisions are contrary to both the public interest and the recommendations of the Army Corps of Engineers (Corps). In a letter sent to the Environment and Public Works Committee on March 14, 2013, the Administration urged Congress to "affirm continued use of the current foundational environmental framework for all water resource project decisions... support efforts to evaluate the full range of reasonable alternatives, ensure the integrity of its analysis, and promote better environmental stewardship." More pointedly, the letter recommended that WRDA "should not prescribe regulatory deadlines, limit public participation, or constrain the Federal review process of the potential impacts" of Corps proposals. Sections 2032 and 2033 do precisely the opposite.

Instead of ensuring that the Corps will have the information necessary to understand public safety and environmental impacts of its projects, these provisions impose a "deadline-and-fine" process and multiple layers of bureaucracy that will force reviewing resource agency staff to make uninformed decisions or worse, to rubber stamp unacceptable projects, prioritizing deadline compliance over effective review. The resource agencies with expertise and

responsibility for evaluating impacts to fish and wildlife and other natural resources must have the ability to thoroughly review and comment on water resource projects.

Specifically, Section 2032 establishes an arbitrary and prohibitively short deadlines and cost limitations for completing feasibility studies and associated environmental reviews. Section 2033 establishes additional arbitrary and prohibitively short deadlines for public and resource agency reviews; allows the Corps to elevate multiple technical and substantive disagreements all the way to the President; directs the Corps to impose multiple and ongoing fines on federal resource agencies that miss deadlines or disagree with the Corps on issues soundly within the expertise of the resource agencies; and requires multiple Inspector General reviews of budgetary constraints. Section 2033 also directs the Corps to use inappropriate review procedures and could give the Corps control over crucial environmental reviews that are clearly outside of its jurisdiction, including consultation under Section 7 of the Endangered Species Act, review under the Fish and Wildlife Coordination Act, and reviews under laws governing activities in coastal areas and public lands.

Public safety, the environment, and taxpayers require reviews that carefully evaluate the full impact of Corps projects and rely on the ability of the expert resource agencies to raise concerns and objections free from undue pressure. The National Environmental Policy Act and coordination with agencies like the U.S. Fish and Wildlife Service disclose the true environmental and economic costs of Corps projects and allow decision makers and the public to determine whether those projects are deserving of investment by federal taxpayers. They produce better, less damaging projects and have prevented fundamentally ill-conceived projects from advancing. This has saved hundreds of millions in taxpayer dollars while protecting wetlands vital to flood protection, migratory waterfowl, and clean water. In the face of increasing fiscal challenges, severe storms, floods, droughts, and sea level rise, we simply cannot afford to undermine these critical safeguards.

Because of the egregious manner in which this bill undermines long-standing federal environmental protections, without any legislative hearings or opportunity for impacted agencies and outside experts to evaluate these proposals, we oppose consideration of S.601 and urge you to oppose attempts to move the bill to the Senate floor until these concerns are adequately addressed and these sections are stripped from the bill.

Sincerely,

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