



**Action Item: Briefing on Federal Water Resources Development Act of 2013 Legislation and  
Consideration of Letter from Commission to Congress**

**Background**

On May 15, 2013, the Senate voted 83-14 to approve S. 601, the \$12.2 billion Water Resources Development Act (WRDA). Senators Barbara Boxer (D-CA) and David Vitter (R-LA) introduced this first WRDA bill to pass in six years.

The legislation will fund U.S. Army Corps of Engineer activities on flood protection and levee projects, ports, drinking water, levees, dams and environmental restoration projects. One of the largest projects that is expected to benefit from funding is the American River Watershed Common Features Project in Natomas Basin which would improve flood protection for the Sacramento region. The bill would also support the pilot Water Infrastructure Finance and Innovation Act program to provide low-interest loans for large water projects such as water recycling, habitat restoration, and groundwater cleanup.

The House will consider its own Water Resources Reform and Development Act (WRRDA). House Transportation and Infrastructure Committee Chairman Bill Shuster (R-Pa.) expects the bill to be ready for full consideration by the House in October.

Some members of Congress, as well stakeholders and environmental organizations have expressed concerns with the Senate bill. Among the concerns are some of the new streamlining provisions and expanded authority to the U.S. Army Corps for project selection. According to a letter sent to Congress by a coalition of environmental and natural resources organizations earlier this year, "These provisions would radically undermine protections provided by a highly rational structure of environmental laws enacted with strong bipartisan support over the past four decades. [The sections] will not improve decision-making or save taxpayer dollars. Instead, they will force agency staff to make uninformed decisions or worse, to rubber stamp unacceptable projects, prioritizing deadline compliance over effective review."

California Water Commission staff has contacted and will be working with Congress member Matsui's office on the Commission's role in supporting the objectives of the bill. The Commission will also coordinate with the Department of Water Resources which is actively working to represent California's interests in the proposed WRDA legislation.

**Legislative Summary** of S. 601, Water Resources Development Act of 2013 (prepared by Congressional Budget Office April 2013)

S. 601 would provide federal funding and authorize the Army Corps of Engineers to construct water projects for mitigating storm damage, restoring ecosystems, and reducing erosion on inland and

intracoastal waterways. The legislation also would authorize the agency to establish grant programs to assist local and state governments with levee safety and rehabilitation programs. Finally, it would provide loans or loan guarantees to state and local governments and certain nongovernmental entities to complete water infrastructure projects.

**Water Resource Projects.** Provides \$3.4 billion from 2014-2018 to construct water projects that are in the federal interest if certain conditions are met. According to the Corps, 27 projects meet the criteria. The four largest are the Mississippi Coastal Improvement Program, the American River Watershed Common Features Project in Natomas Basin, California, the Sabine Neches Waterway in Texas and Louisiana, and the Fargo-Moorhead Metro in Minnesota and North Dakota.

**Policy Reforms.** Authorizes the Corps to implement pilot programs to stabilize riverbanks and reduce erosion on inland and intracoastal waterways; to construct projects to manage risk from floods; reduce damage from storms; and improve navigation of the nation's harbors. It would increase funding for other activities, including flood control, floodplain management, project modifications to improve the environment, ecosystem restoration, and assistance to states for water resource development. The Congressional Budget Office (CBO) estimates the cost for these activities at about \$1 billion over the 2014-2018 period.

**Regional and Nonproject Provisions.** The Corps would establish regional partnerships with state and local governments, other federal agencies, and interested parties to address regional priorities for water resources, including restoring ecosystems, controlling invasive species, and mitigating impacts from floods and extreme weather. The bill would authorize the Corps to conduct studies and construct projects that meet the water resource priorities in each region. CBO estimates that implementing this title would cost \$271 million over the 2014-2018 period.

**Levee Safety.** The Corps—in consultation with FEMA—will develop a levee safety program, including a national database to classify flood risk at federal and nonfederal levees, levee safety guidelines, and a public education program. The agencies would create an independent board to advise the Corps and Congress on consistent approaches to levee safety. The Corps also would provide technical assistance and training to state and tribal governments for safety programs to reduce flood damage. Under the bill, the federal share of costs for those activities would be limited to 65 percent of total costs. Finally, it would authorize the Corps to establish grant programs to state and tribal governments to develop safety programs for levees and provide funding assistance to nonfederal partners for rehabilitating levees. CBO estimates that implementing this title at \$443 million over the 2014-2018 period.

The bill also provides funding and policy direction for harbor maintenance, pilot projects for loans or loan guarantees to state and local governments to complete water infrastructure projects, reduce storm damage and flood risk, improve navigation, restore ecosystems, reauthorize the national dam safety program, and authorize the Corps to carry out water resources projects to restore water infrastructure and natural features, such as wetlands that help mitigate storm damages.

## **Attachment**

Draft Letter to House Committee on Transportation and Infrastructure

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Meeting Date: August 21, 2013

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**Alternate Language**

This item was originally scheduled for the Commission's July meeting. At that meeting, Commissioner Delfino raised concerns regarding the streamlining of project review. In response to her concerns, alternate language is proposed below:

While there are many positive benefits to the bill which passed the Senate, the Commission does share concerns that changes in the legislation do not preclude the opportunity for meaningful public review and participation in the decision-making processes associated with these projects and investments. We urge the House to address these issues in its version of the legislation and to continue the momentum to advance the federal government's strategic investments in our nation's water future.

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