

# NATIONAL WATERWAYS ALLIANCE

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May 3, 2007

The Honorable Barbara Boxer  
Chairman  
Environment and Public Works Committee  
456 Dirksen Senate Office Building  
Washington, DC 20510

Dear Madame Chairwoman:

The National Waterways Alliance applauds your leadership in marking up a Senate Water Resources Development Act of 2007 and readying it for floor action! This bill would authorize vital inland and coastal infrastructure projects needed for transportation, flood control, shore protection and environmental restoration, including locks on the Upper Mississippi and Illinois River system, restoration of the Louisiana coast and the Everglades.

The Alliance strongly supports policies in WRDA that will empower the Corps of Engineers to collaboratively develop water resources projects with all stakeholders to ensure that projects enjoy public confidence and broad based support. We are heartened that S. 1248 contains almost all of the concepts and provisions that we believe further that end (list attached).

Unfortunately, there are two provisions in the bill approved by the Environment and Public Works Committee which we believe would unduly hamper our nation's commitment to meeting water resources challenges and would erode the worthwhile efforts the Corps recently has made to improve the planning and evaluation of proposed projects. These provisions are causing grave concern for many within the water resources community because we believe that the policies established in those provisions will not improve the process by which the Corps of Engineers formulates project solutions or provide value added independent review requirements. These concerns must be addressed before WRDA 2007 is finalized

- *Section 2006, Water Resources Planning Coordinating Committee:* This provision establishes a virtual agency, a Water Resources Coordinating Committee composed of Cabinet members, to undertake a revision of the way the Corps formulates and evaluates water resources projects. NWA's members are very concerned that this Coordinating Committee would be comprised of agencies with little or no expertise in water resources development while the Corps would not have a seat at the table. Adding this type of bureaucracy to the planning process could introduce a distinctly political bias into the Corps' planning guidelines as opposed to the strictly technical approach now taken, thus dismissing lessons learned and codified in a progressive series of laws and guidances starting with the Flood Control Act of 1936 and extending through directives released since Hurricane Katrina. Since the planning guidance is the foundation of how projects are formulated, designed, constructed and evaluated for funding over their life-cycle, such biases could have long-term negative repercussions. From a management efficiency perspective, the new procedures will lead to distributed responsibility, little chance to make executive decisions to resolve deeply held differences of opinion, and the specter of constantly changing guidance. In turn, this will lead to persistent revisiting of study reports and corresponding delays in project implementation. We also believe this proposal would have the unintended but inevitable consequence of eroding Congressional oversight of the Corps Civil Works Program. Distributing the responsibilities of the Secretary to a Coordinating Committee would mean the absence of any single official through which Congress could exercise effective oversight.



An alliance of waterway related businesses in aluminum, building materials, cement, chemical, coal, grain and feed, fertilizer, iron and steel, salt, paper and wood products, petroleum, and other industries; port authorities; labor unions; water carriers; river valley and industry associations; banks; utilities; agricultural and electric power cooperatives; flood control and coastal protection proponents; dredging and waterway service firms; shipyards and repair facilities, and terminals, serving millions of customers, clients and consumers. Visit our website: [www.waterways.org](http://www.waterways.org).

- *Section 2007, Independent Review:* We support cost-effective and value-added review that is integrated into and concurrent with the Corps study process. In a 2002 report, a National Academy of Sciences panel studying the appropriate application of independent peer review to Corps project development wrote, “When either an internal or external review is conducted, the review process should be initiated early in the study. The reason for this early start is that it is useful for Corps District-level planners to have evaluations from reviewers on the assumptions, methods and data to be used in a feasibility study.” This same NAS panel also concluded, “To provide effective review, in terms of both usefulness and results and of credibility, review panels should be given the flexibility to bring important issues to the attention of decision makers. However, review panels should be instructed to not make a recommendation on whether a particular alternative should be implemented, as the Chief of Engineers is ultimately responsible for the final decision on a planning or re-operations study.” Section 2007 of the Committee-reported bill is not in keeping with these fundamental principles as it provides for external review of issues at the end of Corps project studies, including matters involving policy and alternative selection decisions. Further, Section 2007 establishes an inappropriate and counterproductive judicial review regime related to review panel recommendations. Enacting this provision would impose the unacceptable risk of urgent studies being subject to “paralysis by analysis” and important solutions to improve the quality of life being unnecessarily deferred.

Our water resources system contributes mightily to our nation’s well-being. With adequate dredging, our ports and waterways are the backbone of our transportation system—ensuring domestic and international trade opportunities and low-cost, environmentally sensitive goods movements. Our flood damage reduction program saves lives and prevents almost \$8 in damages for each dollar spent. Corps hydropower facilities provide electricity to 24% of citizens. Shore protection projects provide safety from hurricanes and other storm events for transportation, petroleum and agriculture infrastructure around our coastal waterways and deltas. They also provide recreational benefits, returning \$4 in benefits for each dollar invested. Projects for water supply, irrigation, recreation and wildlife habitat provide innumerable benefits.

We thank you for your efforts to ensure that our water resources infrastructure, from our coastlines to our inland rivers and Great Lakes, will continue to be viable. We look forward to working with you to ensure enactment of a sound Water Resources Development Act of 2007 with common sense policies that further the goal of interactive environmentalism and provide our children an economically and environmentally sustainable future.

Sincerely,

Agricultural Retailers Association  
American Association of Port Authorities  
American Association of State Highway and Transportation Officials  
American Council of Engineering Companies  
American Feed Industry Association  
American Public Works Association  
American Shore and Beach Preservation Association  
Arch Coal  
Arkansas River Basin Interstate Committee  
Arkansas Waterways Association  
Arkansas Waterways Commission  
Associated General Contractors of St. Louis  
Association of Equipment Manufacturers  
Association of Ship Brokers and Agents (U.S.A.), Inc.  
Atlantic Intracoastal Waterway Association  
B&H Towing  
Bay Planning Coalition (San Francisco, CA)  
Bergmann Associates  
Bi-State Turkey Creek Association  
Brennan Marine, Inc.

Bunge North America, Inc.  
Burlington/West Burlington Area Chamber of Commerce (IA)  
Buzzi Unicem USA  
California Marine Affairs & Navigation Conference  
Carpenters' District Council of Greater St. Louis and Vicinity  
Caver and Associates, Inc.  
The Celtic Group  
CF Industries  
Chickasaw Basin Authority (TN)  
CH2M HILL  
CHS  
Collins Engineers Inc.  
Columbiana County Port Authority (OH)  
Colusa Elevator Co.  
Commodity Markets Council  
Construction Management Association of America  
CSA Equipment Company, LLC  
Dairyland Power Cooperative  
Design Professionals Coalition  
Determann Industries  
DiMatter & Associates, Inc.  
Dredging Contractors of America  
Gahagan & Bryant Associates  
Garick Corporation  
General Marine Services, Inc.  
Great Lakes Dredge & Dock Company, LLC  
Great Plains Laborers District Council  
Great River Economic Development Foundation  
Greater Lafourche Port Commission (LA)  
Grow Greater Burlington (IA)  
Growmark, Inc.  
Gulf Intracoastal Canal Association  
Gulf States Maritime Association  
Guntersville Marine, Inc.  
Harris County Flood Control District (TX)  
HDR  
Heart of Illinois Regional Port District  
Hermann Sand & Gravel Inc.  
HNTB  
Hunter Marine  
IEI Barge Services  
Illinois Chamber of Commerce  
Illinois Corn Growers Association  
Illinois Soybean Association  
Industrial Association of Quincy (IL)  
Inland Rivers, Ports and Terminals, Inc.  
International Dredging Review  
Iowa Corn Growers Association  
Iowa Renewable Fuels Association  
Jantran, Inc.  
Johnson Machine Works, Inc.  
Johnston Seed Co.

Johnston's Port 33  
Johnston's Terminal (OK)  
Johnston's of Chalmette, Inc. (LA)  
Johnston's of Gramercy (LA)  
Kaskaskia Regional Port District (IL)  
Kindra Lake Towing  
Lake Providence Port Commission (LA)  
Land O'Lakes  
Little Rock Port Authority  
Logistics Services, Inc.  
Marine Transportation Specialists Corporation  
Maritime Association of the Port of New York/New Jersey  
Maritime Exchange for the Delaware River and Bay  
Maritime Transport & Logistics Advisors, LLC  
Martin Marine LLP  
Maryland Grain Producers Association  
Mid-America Intermodal Authority Port District  
Mid-America Port Commission  
Mid-Central Illinois Regional Council of Carpenters  
Minnesota Agri-Growth Council  
Minnesota Corn Growers Association  
Mississippi Valley Flood Control Association  
Mississippi Water Resources Association  
Missouri Corn Growers Association  
Missouri Levee and Drainage District Association  
Missouri Soybean Association  
MO-Ark  
Moffatt-Nichol  
Morrow Group USA, Inc.  
Mt. Vernon Barge Service  
National Association of Maritime Organizations  
National Association of Wheat Growers  
National Council of Farmer Cooperatives  
National Corn Growers Association  
National Grain and Feed Association  
National Grange  
National Industrial Transportation League  
National Marine Manufacturers Association  
National Mining Association  
National Oilseed Processors Association  
National Stone, Sand & Gravel Association  
National Water Resources Association  
National Waterways Conference, Inc.  
New Bourbon Regional Port Authority (MO)  
New Madrid County (MO) Port Authority  
The North American Export Grain Association  
North American Salt  
Northern Wisconsin Regional Council of Carpenters  
NSA Agencies Inc.  
Oklahoma Department of Transportation—Waterways Branch  
Ouachita River Valley Association  
Pacific Northwest Waterways Association

Pemiscot County (MO) Port Authority  
Pontchartrain Levee District (LA)  
Portland Cement Association  
Port of Alexandria (LA)  
Port of Corpus Christi (TX)  
Port of Everett (WA)  
Port of Galveston (TX)  
Ports of Indiana  
Port of Lake Charles (LA)  
Port of Memphis (TN)  
Port of Milwaukee (WI)  
Port of Muskogee (OK)  
Port of New Orleans (LA)  
Port of Palacios (TX)  
Port of Palm Beach (FL)  
Port of Pasco (WA)  
Port of Pittsburgh Commission  
Port of Port Orford (OR)  
Port of Portland (OR)  
Port of Shreveport-Bossier (LA)  
Port of South Louisiana  
Port of St. Louis (MO)  
Port of West St. Mary (LA)  
Red River Valley Association  
Red River Waterway Commission  
River Navigation Coalition  
River Resource Alliance  
Rodger D. Harris and Associates  
Rosedale-Bolivar County Port Commission (MS)  
Salt Institute  
Shattuck Grain Inc.  
Shaver Transportation Company  
Shelby County, TN  
Smurfit-Stone Container Corporation  
Soil Farming Inc.  
SSA Marine  
Terra Nitrogen  
Texas Water Conservation Association  
The Associated General Contractors of America  
The Fertilizer Institute  
Tombigbee River Valley Water Management District  
TPG Marine Enterprises, LLC  
Transportation, Elevator & Grain Merchants Association  
Transportation Institute  
Trinity Marine  
Tri State Economic Summit (IA-IL-MO)  
Tulsa Port of Catoosa (OK)  
Two Rivers Economic Development District (IL)  
University of New Orleans  
Upper Mississippi, Missouri & Illinois Rivers Association  
Upper Mississippi Waterway Association  
Upper Monongahela River Association Incorporated

Ursa Farmers  
Virginia Maritime Association  
Volunteer Barge & Transport, Inc.  
Waterways Council, Inc.  
W.B. Johnston Grain Co.  
White River Coalition  
Waterways Advisory Board-Oklahoma Department of Transportation  
Wisconsin State Council of Carpenters

## **National Waterways Alliance Key Components Within a Water Resources Development Act**

- 1) Project sponsors should receive credit for in-kind contributions.
- 2) The Chief of Engineers should submit to the Committee of Environment and Public Works of the Senate and the Transportation and Infrastructure Committee of the House of Representatives a report on the expenditures for the preceding fiscal year and estimated expenditures for the upcoming fiscal year.
- 3) All project benefits and costs, including social, environmental, regional and local, should be compiled and provided to Congress so that adequate decisions on authorization and funding can be facilitated.
- 4) Upon concurrence with project sponsors, projects should be designed to maximize the economic and environmental benefits of projects or separable elements of projects.
- 5) The Corps should receive credit for receipts from Power Marketing Administrations to be applied to funding the operation and maintenance needs of power facilities, in accordance with preference power customers.
- 6) The project planning process should be streamlined.
- 7) There should be a review of any major and/or controversial scientific, engineering or technical basis for an authorization project recommendation decision of the Corps of Engineers. Any independent review should have qualified participants, with geographic and/or technical knowledge, and should be conducted concurrently with a study or report to ensure that the review does not unnecessarily delay any project. All federally-mandated peer reviews should be fully federally-funded.
- 8) Congress should not delegate their responsibility for project prioritization and oversight of the Corps program to the Executive Branch.
- 9) The threshold for determining the level of local sponsor cost-sharing on port/harbor deepening projects should be extended to 53 feet.
- 10) Dredged material from construction and operation and maintenance of water resources projects should be used for beneficial purposes, if possible.
- 11) Project cooperation agreements should be instituted and managed on a local basis, with adequate oversight.
- 12) Project mitigation should be conducted in a timely manner and take into account existing mitigation science, as well as the functions of wetlands.
- 13) The Corps of Engineers needs a comprehensive policy direction to include cooperation with state, local, tribal and international entities, as well as interagency cooperation, since the last was in 1986.