

## **Water Resources Development Act**

Unlike the Clean Air Act, the Clean Water Act and the Coastal Zone Management Act, with which many people are familiar, the Water Resources Development Act (WRDA) is relatively obscure. However, it is a very important piece of legislation that can have a dramatic impact on your favorite beach or surf spot because WRDA funds the U.S. Army Corps of Engineers. Almost every coastal community in America is somehow affected by a Corps of Engineers project. The Corps of Engineers are responsible for many coastal armoring projects, beach fill projects, channel dredging for navigation, construction of dams and flood control projects, and wetlands alterations to name a few. While many of these projects are important to support our nation's economy, according to the National Wildlife Federation, "too many [projects] have been instigated by politically-driven 'pork barrel' politics or the desire to bring federal dollars back to home districts, without serious regard for the environmental impacts."

### **What is WRDA?**

The Water Resources Development Act is legislation that is the main vehicle for authorizing projects to be studied, planned and developed by the U.S. Army Corps of Engineers. The WRDA is normally addressed every two years, although Congress has no legal obligation to do so. Congress passed the first WRDA bill in 1974. Before that, Congress authorized flood damage reduction projects through Flood Control Acts, and navigation projects through River and Harbor Acts. Since then, it has been passed in 1976, 1986, 1988, 1990, 1992, 1996, 1999, 2000. After 1976 there was a 10-year hiatus of no WRDAs and no new project authorizations due to a major standoff between the House, Senate and White House over cost sharing and environmental mitigation policies. In 1986, Congress passed a landmark WRDA bill containing 300 new projects, a similar number of de-authorizations for outdated projects, and for the first time, a requirement that all local sponsors pay a portion of project costs.

### **Why the Corps needs Reform**

The primary reason the Corps needs reform is that many projects are approved with bogus justification by federal legislators in order to send pet projects to their home states even if they are environmentally damaging. Frequently, funding for the Corps through WRDA is more about how and where the money is spent than what is accomplished.

A classic example of a Corps pet project with environmentally damaging consequences is the 33 year effort by Senator Jessie Helms, the retired Republican Senator from North Carolina, to get the Oregon Inlet jetties project authorized via WRDA. A project long opposed by the Surfrider Foundation's Outer Banks Chapter, this \$108 million boondoggle planned to build two of the world's longest jetties along the beaches of the North Carolina's Outer Banks. The project was ostensibly intended to benefit local fisherman who complained of hazardous navigational conditions at the Oregon Inlet. However, scientists warned that the jetties would create a serious erosion problem at the Pea Island National Wildlife Refuge and Cape Hatteras National Seashore.

The federal General Accounting Office (GAO) concluded the Corps study justifying the jetties was badly flawed. Fortunately, in a bold move, the Bush Administration killed this project for reasons that are discussed below. This is just one example. Other problems with WRDA-approved projects for the Corps of Engineers are more systemic. For instance, the Corps routinely fails to mitigate the environmental harm caused by Corps levees, dams, flood control, and waterway projects.

The same GAO report that highlighted the folly of the Oregon Inlet project found that the Corps failed to mitigate at all for 69 percent of projects constructed since 1986, when the existing mitigation law was passed. When the Corps does mitigate, it routinely fails to restore one acre of habitat for each acre lost; wetland and other aquatic habitats are often replaced with less ecologically valuable habitat types; and monitoring is not conducted to see whether the created habitats work as promised.

This failure to mitigate has very real ecological and economic implications. For example, wetlands filter pollutants from water; absorb and slow the release of storm runoff; recharge aquifers; provide crucial wildlife habitat for millions of migrating waterfowl, shorebirds and other species; and provide recreation and enjoyment to millions of Americans who visit wetland areas each year. When wetland losses are not mitigated, water quality is harmed, water supplies are strained, flood damages increase, and wildlife is harmed.

The Corps of Engineers are also responsible for many beach fill projects, harbor dredging, and construction of seawalls along the coast. While some of the projects may be necessary or even desirable, it is essential that the Corps of Engineers is held accountable for sound science, fair economic evaluation, fulfilling their obligations and listening to local communities and the public. Influencing the amendments to the Water Resources Development Act is an effective means to change the Corps behavior.

## **Solutions**

Since so many coastal projects that Surfrider Foundation chapters work on involve the Corps of Engineers, Surfrider has joined the Corp Reform Network (CRN). CRN was launched in 2002 out of the frustration state, local and national organizations felt after decades of attempting to save vital resources threatened or damaged by Corps proposals and projects. CRN provides support and assistance to grassroots groups seeking help in stopping unjustifiable projects and in steering the Corps toward more friendly approaches. The network has crafted legislative proposals and provides the grassroots muscle to help make reform a reality. Comprising 90 national, regional and local organizations, including Surfrider Foundation, representing millions of Americans, CRN provides a unified voice to clearly demonstrate that Americans across the country support Congressional action and expect the benefits of Corps reform to come home to the projects in their own backyards.

CRN works to advocate changes in the policies and practices of the Army Corps of Engineers so that the agency ceases promoting projects and issuing permits that result in wasting taxpayers dollars, destroying and degrading America's water and coastal resources. Instead, the Corps should assist in the protection, restoration and recovery of damaged habitat. CRN seeks to assist and support member organizations in understanding and dealing with Corps regulations, activities and projects that

affect local water resources. CRN also seeks to improve the effectiveness of organizations working to reform the Army Corps of Engineers by providing technical, legal and other support, and by providing timely information to assist groups participating in federal policy decision-making.

The Corps Reform Network is jointly led by American Rivers and the National Wildlife Federation. For assistance on a Corps-related issue, please contact Surfrider Foundation's Coastal Science Manager, Mark Rauscher, at [mrauscher@surfrider.org](mailto:mrauscher@surfrider.org)

### **Where things stand today**

In September 2003, the House of Representatives approved a \$5 billion WRDA. For the first time, the bill includes some modest measures to reform the Corps—not enough to solve the Corps' problems, but a significant first step. Included in the bill are an independent review provision to ensure accountability from independent sources, language to improve mitigation procedures and first steps toward updating the Corps' antiquated planning guidance. Unfortunately, the bill also includes language to "streamline" NEPA (See Making Waves Vol. 9, Number 4 article on NEPA) provisions, which raises concerns about adequate environmental review of the impacts of proposed Corps projects.

Ironically, the Bush administration, which has been dreadful on almost all environmental fronts, has been an ally when it comes to Corps reform. For example, Mississippi Congressman Mike Parker, who was assigned to oversee the Corps, was the first administrator to get fired under Bush's watch due to his efforts to stuff the Corps budget with pork. Whether this tightening of the Corps belt is motivated for concern about the environment or reduction in federal spending, the result has been to move the Corps in a greener direction.

Corps reform was considered, but not enacted during the 108<sup>th</sup> Congress in 2004. There is currently another attempt (WRDA 2005) in the 109<sup>th</sup> Congress.

### **To learn more:**

Much of the information for this article was gleaned from the website of CRN and the excellent websites of American Rivers and National Wildlife Federation on WRDA and Corps Reform:

<http://www.corpsreformnetwork.org/>

[http://www.americanrivers.org/site/PageServer?pagename=AMR\\_corpsreform](http://www.americanrivers.org/site/PageServer?pagename=AMR_corpsreform)

<http://www.nwf.org/greeningcorps>

Also see Michael Grunwald's series on the Corps in the [Washington Post](#) (free registration required)

Finally, the link below is to an analysis of the latest attempt at Corps reform in WRDA 2005. There is great concern from CRN that Senate Bill 728 rolls back environmental protections and does not reform the Corps.

[http://www.corpsreformnetwork.org/documents/S.728\\_3pager\\_DoesNotReformTheCorps\\_May2005.pdf](http://www.corpsreformnetwork.org/documents/S.728_3pager_DoesNotReformTheCorps_May2005.pdf)