

 Bay Planning Coalition

 SAVE THE BAY



STATE OF CALIFORNIA  
Coastal Conservancy

San Francisco Bay  
Conservation and Development Commission

November 25, 2013

The Honorable Barbara Boxer  
Chair  
Committee on Environment and Public Works  
U.S. Senate  
Washington, D.C. 20515

RE: Conference Report, The Water Resources Development Act of  
2013

Dear Senator Boxer:

On behalf of the Bay Planning Coalition, Save San Francisco Bay, the Bay Institute, the California State Coastal Conservancy, and the San Francisco Bay Conservation and Development Commission, we appreciate the opportunity to submit comments and suggestions on the water resources legislation being discussed in a joint House-Senate Conference Committee. Our five organizations are in agreement on the need to pass a WRDA bill this year.

We unanimously urge you and your fellow conferees to support the passage of the Water Resources Development Act of 2013 with the following amendments:

1. *Language to ensure that the U. S. Army Corps of Engineers (USACE) can use construction funds for both flood protection and ecosystem restoration work on lands owned by other federal agencies, including the U.S. Fish and Wildlife Service. This would assist the Bay Area's South Bay Salt Ponds project and more quickly enable the restoration of the Bay to its natural state, providing flood protection and wetlands restoration. USACE has such authority now to use these funds in this manner everywhere except on federal lands. We urge you to adopt the amendment proposed by Representative Mike Honda in the Rules Committee, which is attached.*
2. *Language to ensure that the USACE uses the best available scientific knowledge of projected sea level rise, consistent with most recent National Research Council recommendations, when analyzing flood risk management alternatives.*

3. *Language to restore the original cost sharing agreement for the Bel-Marin Keys project, reinforcing Congress's original intent.* We urge you to adopt the following language to be placed at the of Section 2003(c) of the Senate bill that amends Section 2037 of WRDA 2007:  
*(C) APPLICABILITY - The amendment made by Subsection (a) shall not apply to any project authorized under this Act if a report of the Chief of Engineers for the Project was completed prior to the date of enactment of this Act.*
  
4. *Language to increase beneficial use of dredged material specifically to assist local flood risk management efforts where there is a federal/state partnership that implements regional sediment management (RSM) efforts.* We strongly urge you to include in the Conference Report Section 2326 of the Senate legislation, as it helps to ensure that material suitable for beneficial reuse can be utilized in a cost effective manner, including its use for either or both marsh restoration and flood risk management purposes. In addition, we request that you add to the proposed Senate language the underlined addition that likely would apply only in San Francisco Bay:  
*(ii) Reduction in non-Federal share-- The Secretary may reduce the non-Federal share of costs of construction of a project if the secretary determines that, (1) through the beneficial use of sediment at another Federal project, there will be an associated reduction or avoidance of cost, or (2) significant habitat and/or flood benefits would be provided and the project would help implement a federal/state Long Term Management Strategy for placement of dredged material.*

Also, we urge you to support broadening this authority beyond Construction General Funds so that it includes Operation and Maintenance funded projects as well. Finally, we strongly urge that San Francisco Bay be added to the list of RSM priority areas (there are currently eleven listed in the legislation.)

5. *Language in Section 1004 of the Senate legislation that establishes an expedited process to authorize projects with a completed Chief's Report.* Adoption of this policy would enable the South Bay Salt Ponds Project to be considered for authorization expeditiously if the Chief's report is issued next year as planned. That being said, we strongly suggest, as well, that additional language be added to the current bill that provides a specific period after enactment of the legislation for Chief's Reports to be completed and authorized to help ensure that USACE studies near completion are actually authorized.
  
6. *Language that requires USACE to study innovative ways to improve dredging and sediment management, including the availability of dredging equipment, as found in Senate Section 2024.* We strongly urge you to adopt this language that has the potential to more successfully promote the use of beneficial reuse of dredged materials for flood risk management and marsh restoration and to reduce the overall cost of dredging in the Bay Area, which is among the highest in the Nation. In addition, we propose that the Conference Report include clarifying language that the study assess these issues at the regional (as well as national) level, and that information regarding RSM in the Bay Area be included in the report. Finally, we urge that RSM be addressed as part of any such study, which could include the following language:  
*(6) the identification of innovative techniques and cost-effective methods to expand regional sediment management efforts, including the placement of dredged sediment within river diversions and estuarine areas to accelerate the creation of wetlands.*

7. *Language that authorizes the full expenditure of Harbor Maintenance Taxes (HMT) for their intended purposes and the creation of a “carve-out” for at least Low Use ports, if not also for Medium Use ports.*
8. *Language that enables the Secretary to enter into an agreement at the request of a non-federal interest to maintain navigation projects, consistent with Section 101(b) of WRDA 1986. Such language is included in Section 203 of H.R. 3080 and should be included in the final product of the conference committee.*
9. *Language that allows the use of Harbor Maintenance Trust Fund revenues to maintain Federal channels to 50 foot depths, and prioritizes future expenditures from the Harbor Maintenance Trust Fund, consistent with Section 8004 of S. 601.*

Finally, we fully support language found in each bill that enables local sponsor planning and construction of WRDA projects. Such sponsorships could provide a more expeditious avenue to construct marsh at the Bel Marin Keys site (and, potentially, at the South Bay Salt Ponds site).

Developing Conference Reports on issues as complex and far-reaching as WRDA is one of the more difficult tasks facing any Congress. On behalf of the Bay Area, and other estuarine areas in which the reuse of dredged materials can provide communities with flood risk management and endangered species with new and/or restored marsh, we urge you in the strongest possible terms to consider our recommendations and support an amended WRDA Conference Report.

Sincerely,

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