

Warwick Group CONSULTANTS



Water Resources Policy, Public Finance & Advocacy

What Coastal Communities Need in the Next WRDA

By Howard Marlowe, President of Warwick Group Consultants, LLC

Congress is beginning its biennial process of producing legislation authorizing new Army Corps of Engineers projects and policies, generally referred to as the Water Resources Development Act (WRDA). Our Nation's ports, inland waterways, dams and rivers are vital to not only the national economy but also to the economies of states and localities. With all that heavy weight on its shoulders, WRDA legislation also helps coastal states and cities become more resilient to flooding, erosion, and tropical storms.

While the coast consumes less than 3 percent of the Corps' total budget, it accounts for more than half of the nation's population, 45% of its Gross Domestic Product, 55 million jobs, and over \$344 billion in federal tax revenues. This will be an especially difficult year for coastal communities. While WRDA does not provide any relief for those economic woes, it does provide policies and programs for communities to better manage their proximity to water and to deal with rising seas and strong storms.

There was a time when the administration would start the WRDA process by proposing legislation of its own. That is no longer the case. Now, two committees of Congress – one for each chamber – undertake separate efforts to divine what should go into the bill. In doing this, they turn to many suppliers of advice. You can be one of their sources, and *now* is the time to speak up for the Coast

Here are my seven recommendations for WRDA 2020 that will increase coastal resilience and produce meaningful benefits for our national, state and local economies:

1. Make Benefit-Cost Analyses Meaningful

Under law, investments in water resources projects must produce a BCR of at least 1 to 1. While calculating the costs of constructing a project is straightforward, determining which benefits should be accounted for is not. On April 3, 2020, Assistant Secretary of the Army for Civil Works R.D. James declared that "The lack of consideration of all benefits has become apparent, which raises concern that investments (sic) decisions for Civil Works projects are incomplete, leading to suboptimal investment decisions." For both coastal and inland flood risk management projects, investments that would save lives, avoid business disruptions and improve public safety are being denied because of the Corps' failure to include in project BCR calculations the monetary value of life and safety benefits under the Other Social Effects category. Secretary James has made a bold step in the direction of correcting these failures. Congress should support this directive with **WRDA legislative language that requires the full value of all four categories of benefits, National, Regional, Environmental and Other Social Effects be included in the feasibility study analysis and used to calculate a project's benefit-cost ratio.**

2. OMB is the enemy of Congressional Water Resources Policy Initiatives

Ever since Congress gave up the power to earmark the Corps of Engineers budget in 2008, the new programs authorized by Congress in WRDA legislation to improve the nation's water resources programs have meant nothing because OMB has chosen not to budget any money for them. Since Congress can't do anything but add pots of money with suggestive language as to what should be done with it, new efforts to better manage coastal sediment and promote regional collaborations that will reduce costs and increase the effectiveness of projects have gotten nowhere. OMB micromanages not only every dollar the Corps spends but every rule interpreting what it is that Congress intends in WRDA. The role of Congress as a coequal branch of government and the keeper of the public purse has been nearly obliterated by OMB's reach into every detail of the Corps' activities. Many of WRDA's provisions require the appropriation of money by Congress to be effective, but Congress has deprived itself of the ability to give new life and a 21st Century vision to the Corps. **For the sake of the coastal and inland communities that rely on Corps to help them deal with riverine and ocean flooding as well as coastal and inland navigation, it is time for Congress to take back the power it gave away.**

3. Expand Coastal Watershed and Regional Sediment Management

Congress has created policies that promote watershed management and the management of sediment within them and along our coasts. Expanding either the number of Beneficial Use Pilot Programs or the total authorized levels of funding for the Corps' Section 204 Continuing Authorities Program (Regional Sediment Management) are important, but their promise can only be met with funding only comes from the separate appropriations process. States and local governments must be the advocates for funding these programs since the Corps is not in a position to take the lead. Following are some provisions that would be very helpful for inclusion in the next WRDA authorization legislation.

- a. The Section 204 program is limited in its use for long-term sediment management plans in at least one of the draft WRDA proposals recognizes this by establishing a separate program for ongoing regional sediment management. It should be expanded to **encourage ports to modify their operations manuals for the disposition of material dredged from their navigation channels so that as much of that material as possible gets on or near adjacent shores for both flood risk reduction and environmental restoration purposes.** Sand is a precious and endangered natural resource and must not be dumped offshore when there is a nearshore or onshore alternative for coastal risk reduction and/or environmental enhancement.
- b. It is time that it becomes congressional policy to **prohibit the offshore dumping of sand from Federal ports, harbors and channels unless it can be shown that the quality of the sand would be harmful to any beneficial use alternative.** This already is happening at the state level in some of the Great Lakes states. When analyzing benefits and costs, the same inclusive approach to assessing benefits shall apply that is described elsewhere in this memorandum. Benefit-cost analyses must also include the environmental of dumping the sediment offshore.
- c. **Authorize the Corps to sell to private companies any sediment not suitable for beneficial use and to place revenues received from such sale into a Corps fund to pay the costs of projects that test the use of natural and nature-based techniques as well as alternative technologies for reducing the cost of coastal storm damage reduction projects.**

4. Encourage regionalization and collaboration among groups of states and/or local governments

The most effective way for groups of localities or states to assess their coastline for sand quantities and qualities as well as vulnerabilities to flooding and other storm damage is by conducting a Corps Section 729 Watershed Management Study, which is cost-shared and by definition cannot lead to a new federal project, but only recommendations for federal or non-federal actions to be taken. OMB practice is to consider each new Section 729 study to be a “new start”, just as it would be for a feasibility study for a new federal project. Since Congress places strict limits on the number of “new start” feasibility studies,” it is unlikely that a request to fund a new 729 will be successful. The answer is to **require that no regional study conducted under the Corps Section 729 watershed management authority be considered a “new start”**, because it does not necessarily lead to new investment decisions.

5. Encourage Local and Regional Implementation of Sea Level Rise Initiatives

Coastal communities are well aware of the threat of increased “sunny-day flooding” and sea level rise. Many have commissioned studies, but few can afford to implement resilience and adaptation initiatives recommended by experts. Local governments need the technical expertise to determine what measures best meet their needs, and a funding to plan and implement them. **Congress should authorize a program to provide grants to communities acting individually and in regional alliances, for the mitigation of damages from sea level rise and adaption to its future impact.** These grants should be for both planning and implementation and should require a non-federal match that can be waived based on the degree to which plans are implemented.

6. Support the Corps’ Use of Environmental Features

- a. **Enable the Corps to implement multipurpose projects that incorporate both flood risk reduction and environmental features.** Current Corps practices as well as its business lines make it impossible to incorporate environmental features into a flood risk management project.
- b. **Require the Corps to evaluate proposed environmental features based on both a qualitative analysis of benefits as well as a science-based evaluation of the likelihood of achieving the project’s desired results.**
- c. **Retroactively amend previous disaster supplemental legislation to make it clear that the use of that word “flood” may include environmental restoration** and is not limited to the Corps’ flood damage reduction protocols, models and analyses. When Congress has used the word “flood” in its disaster supplementals, Corps Headquarters has interpreted that to mean that environmental measures cannot be included in traditional flood risk reduction initiatives. There are currently studies using post-disaster funds that would benefit from this change.

7. Other Important Recommendations

The following recommendations are commonsense solutions to overcome bureaucratic barriers that have gotten in the way of more effective and cost-efficient management of the nation's coastal resources.

- a. **Require that all constructed Federal Coastal Storm Damage Reduction Projects be analyzed to determine what, if any, measures can be taken to increase their effectiveness**, including raising dune height or adding dunes, modifying their original design, and incorporating opportunities for the beneficial use of sand. Most of these projects were designed over 20 to 40 years ago. Both coastal science and meteorological conditions have changed significantly since then.
- b. **Amend the Section 1037 process authorized by Congress to reevaluate coastal storm damage reduction projects** for an extension of federal fiscal participation beyond 50 years to **(a) allow the Corps to give full consideration to how that project has functioned** since it was initially constructed, **(b) include all benefits to life and safety as well as other social effects** to determine if continued federal financial participation in periodic nourishments is warranted, and **(c) extend the period of federal fiscal participation for all projects now under such review for another 15 years** to enable the Corps to adapt its analyses of all benefits and non-federal sponsors time to consider financing alternatives. The Section 1037 process is not working and must be rethought.

Conclusion

The power to get Congress to make changes such as these lies with state and local leaders. I hope you will consider these recommendations as you add your voice to the others who are emailing legislators about this vital piece of legislation. For more information about any of these suggestions or support for your advocacy, please email howard.marlowe@warwickconsultants.net

Over the past 37 years, Howard Marlowe has worked as a consultant and advocate for state and local governments on water resource needs. He is based in Washington, DC.

