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Washington, D.C. 20510

The Honorable Thomas Carper
Ranking Member
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United States Senate
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The Honorable Peter DeFazio
Chairman
Committee on Transportation & Infrastructure
United States House of Representatives
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The Honorable Sam Graves
Ranking Member
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United States House of Representatives
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August 12, 2020

Chairman Barrasso, Chairman DeFazio, Ranking Member Carper, and Ranking Member Graves:

The undersigned 57 organizations are heavily invested in the resilience of the New York-New Jersey region and understand the importance of the Water Resources Development Act (WRDA) legislation passing Congress every two years. We thank you for your continued hard work in crafting America's Water Infrastructure Act of 2020 (AWIA 2020) in the Senate and WRDA 2020 in the House. The New York-New Jersey region is vital to the nation's economy, and supporting the policies and projects in a bipartisan bill will build resilience, create jobs, and spur the economic recovery that is desperately needed.

On behalf of our membership and the undersigned organizations, we submit the following support for provisions to include in the final bill:

- **Principles and Requirements:** Section 109 directs the Army Corps to issue final agency procedures and interagency guidelines for the Principles and Requirements (P&R), within 180 days of enactment, to use in the formulation of future water resources development projects. We strongly support the adoption of the 2013 "Principles and Requirements for Federal Investments in Water Resources" prepared by the Council of Environmental Quality pursuant to section 2031 of the Water Resources Development Act of 2007.
- **Economically Disadvantaged Communities:** We strongly support provisions that focus on building equity in flood resilience planning and implementation. Section 110 prioritizes essential technical assistance to economically disadvantaged communities to plan for flood resilience at full federal expense. Section 119 establishes a pilot program to produce 10 feasibility studies at full federal expense for flood risk reduction in economically disadvantaged communities. We support Section 119, however suggest that the scope of the feasibility study authorization be explicitly expanded to include future sea level rise in addition to other flood risks, such as hurricanes and storms. For some

disadvantaged communities, the repetitive loss from sea level rise could be more damaging than an episodic event.

- **Natural and Nature-Based Features:** We strongly support the provisions that prioritize the use of natural and nature-based features that provide flood risk reduction while also providing ecosystem services to communities, such as fish and wildlife habitat, recreational and commercial opportunities and clean water. Section 113 (and corresponding Section 1098 of the Senate WRDA bill) allow natural and nature-based infrastructure to be considered for funding under the continuing authorities program (Section 205 of Flood Control Act of 1948). Section 114 ensures consistency in cost-sharing requirements for natural infrastructure projects to match the 35% of total project costs, such as is used in nonstructural flood projects. Section 122 requires an accountability study on the Army Corps of Engineer's use of natural and nature-based features, including a review of internal guidance for natural infrastructure projects; an evaluation of the costs, benefits, and effectiveness of natural infrastructure; a description of the statutory, fiscal, regulatory, or other policy barriers to considering natural infrastructure; and recommendations for policy changes related to improving the use of natural solutions. We encourage this study to fully evaluate the agency's guidance on cost-benefit analysis, specifically for ecosystem services provided by natural infrastructure and equity of implementation.
- **Planning for Sea Level Rise:** We support Section 112 of the House bill that focuses on ensuring sea level rise is integrated into our planning and investments. Section 112 directs the Corps to update the sea level rise planning guidance and ensure future scenarios are based on the best available science and included in any feasibility study.
- **Expanding Authorization for NYNJHATS:** We strongly support Section 203 which modifies the authorization for the New York-New Jersey Harbor and Tributaries Study to include the evaluation and development of solutions to low-frequency precipitation events and sea-level rise and consultation with affected communities. This study is imperative to the future of the NY-NJ region and the 16 million people who live and work there. We thank the House committee for working with the NY-NJ delegation to ensure a comprehensive study that can build resilience for decades to come. We remain concerned about the requirement to carry out the study in accordance with Section 1001 of WRDA 2014. The complexity and extent of the project study area requires a greater investment of time and funding. Both of these considerations already qualified the project for an interim policy exemption from the Assistant Secretary of the Army (Civil Works) on October 31, 2018. With four years of the study to build upon, we request that Congress require completion of the NYNJHATS by September 30, 2023. Finally, we note Section 1072 of the Senate bill requiring annual briefings and reporting to Congressional committees for the South Atlantic Coastal Study and recommend similar requirements for the NYNJHATS given its regional and national significance and the vast array and numbers of stakeholders to engage.
- **Hudson-Raritan Estuary Ecosystem Restoration:** We are pleased that the Report of Chief Engineers was completed in May 2020 in order to include this essential project in the House bill and thank the Senate for the placeholder. We strongly support this

authorization which provides essential ecosystem restoration in the estuary at a total cost of \$408 million.

- **Additional Authorizations:** We support additional authorizations that will benefit the communities and environment of the NY-NJ region, including Fire Island Inlet to Montauk Point, New York Reformulation at a total cost of \$1.485 billion; Hashamomuck Cove Coastal Storm Risk Management at a total cost of \$46.9 million; Rahway River Basin, New Jersey Coastal Storm Risk Management at a total cost of \$71.9 million; East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, Atlantic Coast at a total cost of \$379.5 million; Peckman River Basin, New Jersey ecosystem restoration at a total cost of \$146.2 million; and New Jersey Beneficial Use of Dredged Material for the Delaware River at a total cost of \$164.2 million. We appreciate the authorization of studies in Raritan River Basin (New Jersey) and Wading River Creek (New York) and the expedited completion of studies in Rahway River Basin (New Jersey), Raritan and Sandy Hook Bay (New Jersey), Rondout Creek-Walkkill River Watershed (New York) and Spring Creek South/Howard Beach (Queens, New York). We also support language in the Senate WRDA bill for continued funding and support for the important National Estuary Program.

Thank you for your continued commitment to resilience nationally, and specifically in the NY-NJ region. We look forward to building support for impactful bipartisan WRDA legislation.

Respectfully submitted,

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cc: New York and New Jersey Congressional Delegation