

Water Resources Bill Passes Senate Committee

June 25, 2004

The Senate Environment and Public Works Committee approved legislation on June 23 reauthorizing the Water Resources Development Act (WRDA).

The committee expects the WRDA bill, S. 2554, to cost slightly more than the \$4.6 billion House-passed bill, partly because there are new Senate-only projects.

Committee members adopted three amendments, including a proposal by Sen. Barbara Boxer (D-CA) requiring a high standard of mitigation for Army Corps of Engineers navigation projects that cause wetlands loss. Under Boxer's amendment, the Corps would have to replace each acre of lost fish and wildlife habitat with a comparable acre of wetlands.

Although Chairman James Inhofe (R-OK) objected to the amendment, Sen. Lincoln Chafee (R-RI) broke ranks and provided a 10-9 margin for the Boxer language.

Inhofe argued that "excessive mitigation projects would probably slow down projects and make them more expensive." But Boxer claimed the amendment would only hold the corps to the same wetlands protection standards as the private sector. Developers and other industries with projects affecting wetlands are required under Clean Water Act Section 404 to create new wetlands, restore wetlands or pay fees to support those actions.

The committee also adopted by voice vote an amendment by Sen. George Voinovich (R-OH) to codify President Bush's recent executive order making the U.S. EPA the lead agency of a task force to clean up the Great Lakes. Despite billions of dollars of federal investment, the lakes continue to be plagued by sewer overflows, fish consumption advisories, contaminated sediments and the threat of invasive species.

Like the House bill, the Senate measure requires independent peer review of corps projects, but the Senate version specifies that peer reviews will be convened by the Army inspector general. Peer review panels composed of three to seven non-corps water resource experts would be required for each corps study or report under the Senate draft, with exclusions for environmental impact statements and general re-evaluation reports for projects.

The Senate bill also requires the corps to consult with the U.S. Fish and Wildlife Service annually on mitigation measures for projects expected to raise concerns among navigation project supporters. Environmentalists see the language as codifying existing practice.

S. 2554 would also create a 23-member "Corps of Engineers River Stewardship Commission," five members of which would be appointed by the House and Senate majority and minority leaders. The commission "shall complete an investigation and submit to Congress a report on the management of rivers in the United States by the

Corps of Engineers," with emphasis on compliance with environmental laws, according to the draft language.

Regarding beach protection projects authorized in the bill, the legislation creates an advisory committee of biologists, engineers, geologists and other experts to review beach replenishment. The Senate Environment and Public Works Committee approved legislation on June 23 reauthorizing the Water Resources Development Act (WRDA).

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The legislation also would double the size of locks on the Upper Mississippi and Illinois Rivers, build seven new locks on the rivers and provide \$1.46 billion for ecosystem restoration in the basin.

With the broad Senate provisions on corps environmental accountability and beach restoration, lobbyists attending the markup predicted difficult negotiations with the House on crafting a WRDA bill.

In her position with the staff of the Senate Environment and Public Works Committee, ASCE's Congressional Fellow, Carol Ellinger, has been deeply involved in preparing this legislation (see her report below).

The bill has to be approved by the Senate prior to conference negotiations, and it was not clear at press time when the bill will be scheduled for a floor vote.

This weekly report is written by the American Society of Civil Engineers' Government Relations staff. If you have any questions or comments about any items in this report please email govwash@asce.org.