

THE CONFERENCE REPORT ON
H.R. 1495, THE WATER RESOURCES DEVELOPMENT ACT OF 2007
Prepared by the Committee on Transportation and Infrastructure Majority Staff
July 31, 2007

AUTHORITY OF THE CORPS OF ENGINEERS

The U.S. Army Corps of Engineers (“Corps”) constructs projects for the purposes of navigation, flood control, hurricane and storm damage reduction and shoreline protection, hydroelectric power, recreation, water supply, environmental infrastructure, environmental protection, restoration and enhancement, and fish and wildlife mitigation.

The process for developing and carrying out a Corps project involves several steps. First, a study of the feasibility of the project is undertaken at Federal expense. If the results of this reconnaissance study indicate that a viable Federal project exists, and that a more detailed study should be undertaken, the Corps prepares a formal feasibility study, which is cost-shared 50 percent by the Federal Government and 50 percent by the non-Federal interest.

After a full study is completed, the results and recommendations of the study are submitted to Congress, usually in the form of a report of the Chief of Engineers. If such results and recommendations are favorable, the next step is authorization, in a water resources development act. Historically, Congress has authorized water resources legislation biannually.

THE WATER RESOURCES DEVELOPMENT ACT OF 2007

Congress generally authorizes new projects, studies, and policies for the Corps of Engineers through a Water Resources Development Act. The Water Resources Development Act of 2007 (“WRDA 2007”) provides the Corps with authority to study water resource problems, construct projects, and make major modifications to existing projects and studies. This legislation includes projects, studies, and programs to address the breath of nation’s inland navigation system, flood protection, shoreline protection, and environmental protection and enhancement. Since Congress last enacted a water resources bill in 2000, many of the project authorizations contained in this legislation have been pending for years, including the authorization of three critical projects to address the Coastal Louisiana area, the Florida Everglades, and the Upper Mississippi River and Illinois Waterway System.

A water resources bill also gives Congress the opportunity to carry out its constitutional oversight responsibility over how the Corps performs its mission as the nation’s preeminent water resource agency. To carry out this vital oversight, WRDA 2007 includes several programmatic changes to the way in which the Corps designs, studies, and carries out projects for the nation’s water resources needs. These modifications, which have been collectively called “Corps reform”, improve upon the Corps study process by creating a strong, workable, and independent process for the review of project studies carried out by the Corps of Engineers, as well as strengthen the Corps’ responsibility to mitigate the impacts of Corps’ projects on the environment.

PROVISIONS IN THE H.R. 1495 CONFERENCE REPORT

- Authorizes 48 Reports of the Chief of Engineers, including nine projects for navigation, 15 projects for environmental restoration, seven projects for hurricane and storm damage reduction, and 13 projects for flood control. Authorization of these Chief's Reports represent approximately \$11.5 billion in project authorization.
- Authorizes 138 projects under the Corps of Engineers continuing authorities programs. These are statutory authorities for small flood damage reduction, ecosystem restoration, navigation, shoreline stabilization, and projects for improvement of the environment.
- Authorizes 100 studies for the Corps of Engineers, covering all of the Corps missions of flood control, navigation, ecosystem restoration, and water supply.
- Modifies approximately 160 existing projects of the Corps of Engineers to allow the Corps to meet the needs of our nation with respect to ongoing flood control, navigation, environmental restoration, and multipurpose projects.
- Authorizes approximately 400 new projects for the Corps of Engineers, including projects for navigation, flood control, environmental restoration, recreation, and environmental infrastructure.
- Authorizes and modifies three critical programs for the restoration of coastal Louisiana, the restoration of the Florida Everglades, and the restoration of the Upper Mississippi River and Illinois Waterway System, along with the construction of seven new 1,200-foot locks on the System.
 - **Louisiana Coastal Area:** Authorizes approximately \$1.9 billion the Corps of Engineers to carry out the comprehensive program for the restoration of the Louisiana Coastal Area. This program will help restore populated and coastal areas significantly impacted by Hurricane Katrina, and will help in preventing future damage from hurricanes and storm surge, by slowing the continuing land loss, and replenishing the coastal marshes of southern Louisiana. This section also authorizes the Corps to integrate into this comprehensive program the findings of a current Corps study for "category 5" protection for coastal Louisiana. Finally, this section deauthorizes and calls for the physical closure of the Mississippi River Gulf Outlet ("MRGO").
 - **Upper Mississippi River and Illinois Waterway System:** The Upper Mississippi River and Illinois Waterways System provides authorization for navigation improvements and ecosystem restoration. The authorization provides for small-scale and non-structural navigation improvements as well as construction of seven new 1200-foot locks on the Upper Mississippi River and Illinois Waterway System. Approximately, \$2 billion is authorized for the navigation improvements. The bill also authorizes a critical ecosystem restoration program. The ecosystem restoration provides for comprehensive restoration activities throughout the basin and authorizes approximately \$1.6 billion for this work.

- **Comprehensive Everglades Restoration Plan:** Authorizes the first three project components of the Comprehensive Everglades Restoration Plan, authorized in the Water Resources Development Act of 2000: Indian River Lagoon, Picayune Strand, and Site 1 Impoundment. Directs the Corps of Engineers to expedite completion of an ongoing study of water deliveries through the Tamiami Trail to achieve necessary flows called for in the Modified Water Deliveries project for restoration of the Everglades, and to recommend a resolution to this project for authorization in the Water Resources Development Act of 2008.

- **Programmatic Changes for the Corps of Engineers:** WRDA 2007 also includes important policy provisions that address concerns with the Corps planning and mitigation process. These provisions reflect needed changes that have been identified in the past several years and were highlighted by some of the problems discovered as a result of Hurricane Katrina.
 - **Independent Peer Review:** WRDA 2007 directs the Corps to undertake Independent Peer Review when certain cost thresholds are met, a Governor of an affected state requests it, or if the Chief of Engineers determines that the project will be controversial. The Independent Peer Review provision creates an important tool to ensure that the best projects are designed and implemented.

 - **Principles and Guidelines:** WRDA 2007 also directs the Corps to update its primary guidance document, the Principles and Guidelines (“P&G”). With an updated P&G, the Corps will be able to better capture the needs of modern infrastructure projects including ecosystem needs along with important infrastructure.

 - **Mitigation:** The new mitigation provision will ensure that necessary infrastructure projects are not built at the expense of our natural environment but will include complete, timely, and appropriate mitigation for environmental impacts.