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July 3, 2013

The Honorable Bill Shuster
Chair
Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington DC 20515

The Honorable Nick J. Rayhall
Ranking Member
Committee on Transportation and Infrastructure
2163 Rayburn House Office Building
Washington DC 20515

RE: Water Resources Development Act

Dear Chairman Shuster and Ranking Member Rahall:

The Western Coalition of Arid States (WESTCAS) is an organization representing water interests throughout the Western states that recognize the unique conditions in the West for water supply, water quality, wastewater and reuse. We address these unique Western conditions in our federal legislative and regulatory efforts.

WESTCAS applauds the work that you and the Committee are undertaking to prepare a much-needed Water Resources Development Act reauthorization bill (WRDA). The reauthorization of the WRDA is key legislation for Western water managers and interests. This letter is in anticipation of the work that your Committee will be undertaking on a WRDA reauthorization bill.

After reviewing S. 601, the WRDA produced by the U.S. Senate Committee on Environment & Public Works, that is currently being debated in the Senate, we have identified a number of concerns relative to Western water management that we would urge the Committee to recognize as it develops the House version of WRDA:

Section 1001 and Section 1002 authorize projects that have a favorable Chief of Engineer's report and a recommendation by the Secretary. This project authorization process excludes Congressional input, a long-standing and constitutionally valid

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process for selection of projects and replaces it with project decisions being made exclusively by the Executive Branch. Water projects needed in the arid West should have an opportunity for Congressional support.

Section 2014 creates a program for the review of reservoir Operating Plans to maximize the Congressionally authorized purposes but also to add “other project benefits.” We would encourage the Committee to either avoid including this Program or, if such a Program is considered necessary, to avoid “mandating” or “requiring” the Corps of Engineers to include all reservoirs. In the West particularly, the Corps of Engineers should be given discretion in determining the need and extent of such Operating Plan revisions. WESTCAS agrees that increased opportunity for optimizing the use of Corps reservoirs is positive; however, the opportunity should be restricted to those that do not diminish existing authorized purposes and to those that have a partner willing to pay the cost associated with it.

WESTCAS supports measures to expedite the project permitting process that protect the environment. Section 2032 and 2033 while recognizing delays for critically needed water projects can result from environmental review processes; however, Section 2033 would establish a complicated, administrative process that would itself be costly and have the potential to delay project permitting. WESTCAS encourages responsible permitting, expediting the process in a common-sense practical manner, so that water projects throughout the nation and those critical to the arid West can be implemented.

Section VI regarding levee safety is troublesome because it establishes more federal programs, a levee safety board and a myriad of procedures.

WESTCAS supports needed levee safety programs, but urges the Committee to recognize that for the majority levees the condition and the repair needs are understood; more investment should be made in actual levee improvements than in administrative programs.

S. 601 does include a number of provisions that will be positive for Western water management and that WESTCAS supports:

WESTCAS supports the continued funding and expansion of the Planning Assistance to States program provided in Section 2019 as well as the clarification of the Corps’ water storage pricing formulas in Section 2016.

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In addition to responsible means to accelerate project permitting under Sections 2032 and 2033, WESTCAS supports the comprehensive review of the Corps' guidelines on levee vegetation in Section 2020. WESTCAS supports the opportunity for non-federal sponsors to implement pilot projects to evaluate authorizing the non-federal sponsor to construct a federally authorized project under Section 2025. Likewise, Section 2026 that authorizes a non-federal sponsor to carry out feasibility studies for potential federal projects is supported by WESTCAS. Section 2026 provides that the feasibility study cost should be credited to towards the non-federal share of the project construction cost.

WESTCAS supports the need for non-federal sponsors to anticipate and accurately budget for annual operations and maintenance costs, including repair, rehabilitation and replacement costs, associated with water supply as provided in Section 2061. We would further encourage the Committee to consider a provision in the House version that would allow the non-federal sponsor to actually carry-out major repairs and replacements, particularly those related to identified dam safety needs.

WESTCAS supports continuing to allow permit applicants to contribute to the cost of permit review, evaluation and processing. Finally, WESTCAS has joined a number of other water associations in recognizing the need for innovative financing. The WIFIA program provided for in Title X will add a much needed financing alternative for Western water managers. We would urge the Committee that WIFIA should not be established at the expense of the current EPA State Revolving Fund program. WESTCAS would encourage the Committee to allow the use of tax-exempt funding in conjunction with projects selected for WIFIA funding.

WESTCAS also supports the following provision and requests the Committee's consideration of its inclusion in the House version of WRDA to amend Section 219 as follows:

“For projects authorized under this section, the Secretary shall give funding priority to projects that address –

- (A) An indentified threat to public health, safety, or welfare;

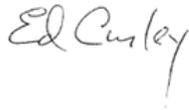
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- (B) A water quality or water supply concern considered critical to the watershed;
- (C) A project for which a non-Federal sponsor has expended funds;
- (D) A project that has previously received federal funds; or
- (E) Water supply and quality in a low-income community.”

As you consider the House version of WRDA, we ask that you consider these comments. We appreciate your work and the work of the Committee in developing a much needed WRDA.

Sincerely,



Ed Curley
President
Western Coalition of Arid States

cc: Mr. John Anderson, Water Resources and Environment Subcommittee, Majority Staff Director

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