



National Association of Flood & Stormwater Management Agencies

PO Box 56764, Washington, DC 20040 Ph: 202-289-8625

May 22, 2018

The Honorable Bill Shuster
Chairman
House Transportation & Infrastructure Committee
2165 Rayburn House Office Building
Washington, DC 20515

The Honorable Pete DeFazio
Ranking Member
House Transportation & Infrastructure Committee
2165 Rayburn House Office Building
Washington, DC 20515

The Honorable Garret Graves
Chairman
Water Resources & Environment Subcommittee
585 Ford House Office Building
Washington, DC 20515

The Honorable Grace Napolitano
Ranking Member
Water Resources & Environment Subcommittee
585 Ford Office Building
Washington, DC 20515

Dear Chairman Shuster, Ranking Member DeFazio, Chairman Graves and Ranking Member Napolitano:

The National Association of Flood and Stormwater Management Agencies (NAFSMA) is a local and regional public agency driven organization based in the nation's capital, with a focus on effective flood, floodplain and stormwater management in urban areas. The association's mission for 40 years has been to advocate for public policy and encourage technologies in watershed management that focus on flood protection, and stormwater and floodplain management.

Many of NAFSMA's members are partners on flood damage reduction and environmental restoration projects with the U.S. Army Corps of Engineers (USACE) and the association has signed a memorandum of agreement on green infrastructure with the U.S. Environmental Protection Agency (EPA) and a partnership memorandum of understanding with the U.S. Army Corps of Engineers.

NAFSMA members are on the front line, protecting their communities and regions from flood hazards that can result in loss of life and property. They are responsible for flood mitigation, stormwater management and emergency activities, as well as water quality protection.

As a strong advocate for the nation's non-federal sponsors who are involved in the flood damage reduction and environmental restoration projects with the U.S. Army Corps of Engineers, NAFSMA supports the enactment of a water resources bill every two years and supports the Committee's work to develop and move the Water Resources Development Act of 2018 forward to keep the bill on its two-year reauthorization schedule.

NAFSMA supports many of the provisions offered in H.R. 8 and hopes to work with the Committee on some minor recommended changes to a few provisions before a final bill is considered on the House floor. NAFSMA is very supportive of the Committee's thoughtful efforts to reduce the time and resources needed to complete Corps studies, projects and decisions and to increase transparency of the Corps processes.

NAFSMA supports **Sections 104 and 105** which will extend the current authorizations for the National Levee Safety Program and the Dam Safety Programs for an additional four years to run through 2023. NAFSMA also supports Section 109 of WRDA 2018 to address integrated watershed planning.

Section 114 Non-Federal Engagement and Review

Although NAFSMA members strongly support moving in the direction to provide more transparency and involvement in the development of Corps guidance to implement federal water resources laws, the language provided in **Section 114** does not go far enough to ensure a role in the process for non-federal sponsors, who are partners with USACE in carrying out Corps-partnered projects. Non-federal sponsors have a unique role as a partner, rather than as a stakeholder, with the Corps of Engineers during the study and construction of projects, and once a project is completed they ultimately assume responsibility for the operations and maintenance of these projects.

As a result of this critical relationship, formal consultation with non-federal sponsors needs to be established as part of the development process for any new or revised guidance, regulations or new guidelines.

NAFSMA recommends that Section 114 be revised as shown below to ensure that non-federal sponsor engagement is required rather than including language that allows the Secretary to take such action. There has been language in prior WRDA bills calling for consultation with non-federal sponsors and that consultation has not occurred as expected.

(a) NON-FEDERAL SPONSOR ENGAGEMENT

(1) OUTREACH AND CONSULTATION.-The Secretary shall reach out to national organizations representing non-federal sponsors and circulate proposed drafts of implementation guidance for a water resources development law for informal feedback and recommendations. This outreach shall occur at least 60 days prior to issuance of public notice in the Federal Register or on a publicly accessible website.

(b) DEVELOPMENT OF GUIDANCE.-When developing implementation guidance for a covered water resources development law, the Secretary shall take into consideration the input and recommendations received from the Non-Federal Sponsor outreach and consultation, and then make drafts of guidance available for public review on a publicly accessible website for at least 60 days as described below.

(c) PUBLIC NOTICE.

(1) IN GENERAL.-Following outreach and consultation with non-federal sponsors on implementation guidance on a covered water resources law, the Secretary shall issue a formal public notice that-

(A) informs potentially interested stakeholders and the public of the Secretary's intent to develop and issue such guidance; and

(B) provides an opportunity for interested stakeholders and the public to provide input on the development and issuance of such guidance.

(2) ISSUANCE OF NOTICE.-The Secretary shall issue the notice under paragraph (1) through a posting on a publicly accessible website dedicated to providing notice on the development and issuance of implementation guidance for a covered water resources law.

(d) COVERED WATER RESOURCES DEVELOPMENT LAW - No change.

Regarding **Section 118**, which calls for a study of the future of the U.S. Army Corps of Engineers, NAFSMA is concerned about the National Academy of Sciences being named to carry out this initiative. This study would be better suited to be carried out by the National Academy of Public Administration. Regardless of what organization is tagged to carry out the study, language needs to be added that indicates professional organizations representing non-federal partners of the Corps need to be included on the study team and not merely consulted.

Often these study teams are weighted toward involvement of representatives from academia who have served on past NAS panels and studies, rather than bringing in individuals who actually work with the Corps implementing projects on a regular basis. It is frustrating at times to see National Academy of Science panels drawn in many cases from academia, while those actually working at the state and local levels on key issues (USACE's financial and project implementation sponsors) don't have the opportunity to participate.

NAFSMA is supportive of Section 120 which extends Section 1043 – Non-Federal Implementation Pilot Program to 2023.

In closing, NAFSMA supports the Water Resources Development Act of 2018 and urges that the Committee consider the changes to the bill described above. NAFSMA is available to discuss H.R. 8 at any time. Please contact Executive Director Susan Gilson at 202-289-8625 or at sgilson@nafsma.org to discuss the legislation.

Sincerely,

A handwritten signature in black ink that reads "Susan Gilson". The signature is written in a cursive style with a large, looping "G" at the end.

Susan Gilson

Executive Director