Testimony of the Izaak Walton League of America

Subcommittee on Energy and Water

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Submitted by Scott Kovarovics, Conservation Director

The Izaak Walton League of America appreciates the opportunity to submit testimony concerning appropriations for fiscal year (FY) 2013 for programs under the jurisdiction of the Subcommittee. The League is a national, nonprofit organization founded in 1922 with more than 39,000 members and 250 local chapters nationwide. Our members are committed to advancing common sense policies that safeguard wildlife and habitat, support community-based conservation, and address pressing environmental issues. The following pertains to programs administered by the U.S. Army Corps of Engineers.

Corps of Engineers, Operations and Maintenance, Missouri River

The League joins other groups in urging the Subcommittee to appropriate $90 million in FY 2013, as requested by the president, for the Missouri River Recovery Program. With this funding, the Army Corps of Engineers, U.S. Fish and Wildlife Service (FWS), states, and other partners can continue important ecosystem restoration efforts that are producing long-term ecological and economic benefits.

The Missouri River basin encompasses land in 10 states covering one-sixth of the continental United States. The Missouri is one of the most altered ecosystems on earth. Although recovery and restoration efforts are on-going, they need to continue and expand.

The Corps, FWS, and many state agencies have been restoring habitat for fish and wildlife along the river. This work is critical for the Interior Least Tern and Pallid Sturgeon, listed as endangered, and the Piping Plover, listed as threatened, under the Endangered Species Act. The restoration efforts also benefit many other species of fish and wildlife throughout the region. These habitat restoration projects are working with the river - not against it.

These projects also generate additional economic activity in communities along the river. Anglers, hunters, boaters, birdwatchers, and others have been using these areas proving the old adage “if you build it, they will come.” The Missouri Department of Conservation and the Nebraska Game and Parks Commission found recreational spending provides $68 million in annual economic impact to communities along the Missouri River from Yankton, South Dakota to St. Louis, Missouri. A South Dakota Game, Fish, and Parks study shows that recreational benefits from angling on the Missouri River account for over $107 million in annual economic activity in the Dakotas and Montana. These projects are bringing more people to the river throughout the Missouri basin.

In addition to the economic boost from tourism, restoration projects support job creation throughout the entire region. The Corps contracts with local construction companies, creating jobs, and injecting dollars into local economies through purchases of materials, fuel, food and lodging. With the funding requested, the Corps could readily implement more of these important economic and river restoration projects.

Missouri River Ecosystem Restoration Plan: The League urges the Subcommittee not to include any provision in its FY 2013 bill limiting funding for the Missouri River Ecosystem Restoration Plan (MRERP). This long-term ecosystem study will lead to a comprehensive plan that federal agencies, states, tribes, and communities along the river will be able to implement for a healthier Missouri River. A great deal of time and effort has already gone into development of MRERP. Funding must be allowed for this important effort to get back on track before the information already gathered loses relevance and will cost U.S. taxpayers more to gather again.

Missouri River Authorized Purposes Study: The League urges the Subcommittee to provide funds to complete the Missouri River Authorized Purposes Study (MRAPS). The League strongly opposes the funding prohibition contained in the Consolidated Appropriations Act of 2012. It does not provide taxpayers with meaningful savings in the near-term and jeopardizes real future savings. Delaying this analysis deprives the country of Missouri River management geared toward future needs rather than those identified during World War II.

MRAPS for the first time will review the eight authorized Missouri River purposes established by the Flood Control Act of 1944. This thorough analysis of the purposes will determine the best management for the American taxpayer, all the residents of the basin, and fish and wildlife, taking in account today's economic values and priorities, rather than those imagined nearly 70 years ago.

Full funding of MRAPS is a wise investment. A comprehensive review and accompanying changes will streamline future Corps operational expenses saving tax dollars and bringing Missouri River management into the 21st century. MRAPS needs to be re-started in FY 13.

Corps of Engineers, Operations and Maintenance, Upper Mississippi River

The League is an active and long-time proponent of restoring the Upper Mississippi River (UMR) ecosystem. We have supported the Upper Mississippi River Restoration program (also known as the Environmental Management Program) since its inception and continue to support this vital restoration initiative. We urge the Subcommittee to provide $33.2 million for Upper Mississippi River Restoration (UMRR) in FY 2013 as authorized by the Water Resources Development Act (WRDA). Although we are encouraged by the president's request for FY 2013, pressing restoration needs on-the-ground require the full amount authorized for UMRR.

The League has also strongly expressed its opinion that the large-scale navigation modifications included in the Recommended Plan for the Upper Mississippi Navigation and Ecosystem

Sustainability Program (NESP), as authorized by the Water Resources Development Act of 2007, have not been justified by the Corps and should not be pursued. Previous reviews by the National Academy of Sciences and the Assistant Secretary of the Army, Civil Works found that the navigation construction component of NESP was not economically justifiable. A report released in 2010 by the Nicollet Island Coalition, of which the League is a member, provides additional evidence that proposed locks and dams in this region are not a good investment for American taxpayers. With this in mind, the League supports the administration's decision not to request funding for NESP in FY 2013.

While the lock and dam expansion authorized by NESP is not a good investment, the League recognizes the need for Congress to invest in inland navigation to maintain the transportation infrastructure on the rivers. The Inland Waterway Trust Fund (IWTF) provides 50 percent cost-share for construction and rehabilitation on navigation infrastructure. The League agrees with the administration that the IWTF needs to be reformed because not enough revenue is generated by the $0.20 per gallon fuel tax on navigation to fund the multi-billion dollar backlog of projects. The League supports the president's proposal to implement a user fee at the locks, while maintaining the 50 percent cost-share model on all inland waterway construction and navigation projects. The League strongly opposes including any provision in the Subcommittee's FY 2013 bill that increases the cost-share portion from the taxpayer funded general appropriation, as proposed by the Inland Marine Transportation System Capital Investment Strategy Team. Such a proposal will increase the national deficit and allow environmentally damaging and economically questionable projects to move forward.

The Upper Mississippi River is one of the most complex ecosystems on earth. It provides habitat for 50 species of mammals, 45 species of reptiles and amphibians, 37 species of mussels, and 241 species of fish. The need for ecosystem restoration is unquestionable. As the Corps correctly stated in its study of navigation expansion, this ecosystem is "significantly altered, is currently degraded, and is expected to get worse." Researchers from the National Academy of Sciences have determined that river habitat is disappearing faster than it can be replaced through existing programs such as UMRR, which was authorized at $33.2 million annually by Congress in 1999, but has never received full appropriations. As habitat vanishes, scientists warn that many species will decline and some will disappear.

Our nation relies on a healthy Mississippi River for commerce, recreation, drinking water, food, and power. More than 12 million people annually recreate on and along the Upper Mississippi River spending $1.2 billion and supporting 18,000 jobs. More people recreate on the Upper Mississippi than visit Yellowstone National Park while barge traffic has remained static on the river for more than two decades.

In assembling the UMR-IWW navigation study, the Corps recognized the critical need for ecosystem restoration and encouraged Congress to invest approximately $130 million annually in Upper Mississippi River habitat restoration efforts. With this need in mind, the League

strongly encourages the Subcommittee to prioritize investment in ecosystem restoration by appropriating $33.2 million for the Upper Mississippi River Restoration in fiscal year 2013. Additional funding for restoration will support economic development and job creation in communities along the UMR and provide long-term conservation and economic benefits for the region and the nation.

Clean Water Act Guidance and Rulemaking

This year, the American people will be celebrating the 40th anniversary of passage of the Clean Water Act. With this in mind, the League strongly urges the Subcommittee not to include or accept any provision in its FY 2013 bill barring the Army Corps from finalizing and implementing Clean Water Act guidance or proceeding with the formal rulemaking process to revise its clean water regulations. Our organization and hunting, angling and conservation groups across the country actively opposed a similar provision in the Subcommittee's FY 2012 bill.

Since proposing draft guidance last spring, the Army Corps has conducted a nearly unprecedented public engagement process for agency guidance. During this process, the Corps and the Environmental Protection Agency (EPA) held a 90-day public comment period. The agencies received more than 230,000 comments and have publicly described the overwhelming majority as supporting the proposal. In mid-February 2012, the Corps and EPA submitted revised guidance to the Office of Management and Budget (OMB) for another round of inter-agency review. This process also allows nongovernmental organizations to meet with OMB to share their perspectives on the policy.

Guidance proposed by the Corps is based on sound science and clearly complies with the Supreme Court decisions in *SWANCC* and *Rapanos*. Allowing the Corps to proceed with guidance will partially restore protections for streams flowing to public drinking water supplies for 117 million Americans. It will also begin – but only begin – to restore protections for some wetlands. Healthy wetlands are essential to waterfowl, fish, and other wildlife, provide cost-effective flood protection, and improve water quality. They also support hunting, angling, and wildlife watching, which together inject $122 billion annually into our economy. Finalizing the guidance will also provide more clarity and certainty about Clean Water Act implementation to landowners, developers, agency personnel, and state and local governments.

Once again, we urge the Subcommittee not to include any provision in its FY 2013 bill limiting the Corps' ability to finalize and implement Clean Water Act guidance or initiate formal rulemaking concerning clean water regulations.

We appreciate the opportunity to submit this testimony.