

Editorial: Tweak big water projects bill

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The water infrastructure of the United States is aging, and aging fast. Yet Congress hasn't enacted a Water Resources Development Act, authorizing U.S. Army Corps of Engineers projects and providing policy direction, since 2007.

Senate Bill 601, now on the Senate floor, is an achievement. California Sen. Barbara Boxer, who chairs the Environment and Public Works Committee, won a rare unanimous vote to get the bill to the Senate floor.

The bill does a lot of good – creating a National Levee Safety Program, providing low-interest federal loans for flood control and water supply projects, using the Harbor Maintenance Trust Fund surplus to expand spending for channel maintenance, increasing the user fee on inland waterways to fund much-needed improvements. It emphasizes the use of natural infrastructure to deal with the threats of intensifying storms, floods and droughts.

The bill also has found a way to get around the sweeping, excessive House earmark ban for any project “targeted to a specific state, locality or congressional district.” The Senate bill would give congressional authorization to a project that has a favorable report from the Corps chief engineer, plus a project plan. That helps Sacramento's Natomas levee project, which has been held up by the House earmark ban.

But the rare unanimity in the Senate committee has come at a cost.

Under the guise of “streamlining,” Boxer has allowed provisions that would make the environmental review process of Corps projects more bureaucratic while undermining the nation’s bedrock environmental laws.

Certainly all reasonable parties agree that key agencies should be brought together early to coordinate projects. The problem is that Sections 2032 and 2033 in S 601 make the process rigid, imposing a “deadline-and-fine” process. Feasibility studies would have to be completed within three years, or face bureaucratic hoops for extensions. Fines would kick in if agencies don’t meet deadlines they’ve set, unless they can prove extenuating circumstances.

What is driving this? Certainly the Corps’ Los Angeles River feasibility study has run into funding problems and years of delay – and studies of port projects to widen and deepen channels for bigger ships take a long time.

But before senators vote for a bill that would curtail environmental reviews, they should take a breath and remember Hurricane Katrina and the Corps’ Mississippi River Gulf Outlet project that funneled Katrina’s storm surge into New Orleans.

A May 6 report by the Congressional Research Service points out that environmental review for Corps of Engineers proposals on average takes two to three years. Obviously, some large, complex or controversial projects take longer, but that’s what in-depth review is for. Most delays come from lack of funding and resulting backlogs.

With the House starting to work on its own bill, promising to undo reviews that can raise important concerns, the Senate should be wary of imposing requirements to complete environmental reviews within three years.

Boxer should accept amendments that modify Sections 2032 and 2033 so the bill streamlines but doesn’t undermine review of Corps projects. The nation is long overdue for a new Water

Resources Development Act, and S 601 has many good elements. But after the Katrina disaster, this is no time to go backward in making sure the Corps does projects right.