



August 10, 2020

The Honorable John Barrasso,
Chair, Environment and Public Works Committee
U.S. Senate

The Honorable Tom Carper
Ranking Member, Environment and Public Works Committee
U.S. Senate

The Honorable Peter DeFazio,
Chair, Transportation & Infrastructure Committee
U.S. House of Representatives

The Honorable Sam Graves
Ranking Member, Transportation & Infrastructure Committee
U.S. House of Representatives

Dear Chairs Barrasso & DeFazio and Ranking Members Carper & Graves:

The American Shore and Beach Preservation Association (ASBPA) is pleased with both Senate and House versions of the Water Resources Development Act (WRDA). We applaud you for your commitment to pass WRDAs on a regular two-year cycle, and encourage you to continue working in a bipartisan manner to conference and finalize a WRDA that can pass both chambers and be signed by the President in 2020.

Both the House (**H.R.7575**) and the Senate (**S. 3591**) WRDAs have policies and sections we support on topics of coastal resilience, natural infrastructure, coastal restoration, and flood risk reduction. These will be broadly summarized in a forthcoming letter dated from a coalition of conservation groups.

In this letter, we are providing detailed feedback on the policies that address the **beneficial use of dredged material (BUDM)**, also referred to as beneficial reuse, including **Sections 1012, 1019, 1080 and 1095 in S.3591 and Section 125 in H.R.7575**. While we support the concepts in all these sections, we believe some sections have policy specifics and legislative wording that will better support BUDM in practice than other sections. We hope this analysis will help you craft the best language for a final bill.

What we prefer in H.R. 7575:

We believe the construct of including all the BUDM sections under a single section, as done in HR 7575, provides more weight and clarity to the US Army Corps of Engineers (USACE) in considering Congress's intent on BUDM. We particularly like the opening sentence of **Section 125**:

IN GENERAL.—It is the policy of the United States for the Corps of Engineers to maximize the beneficial reuse, in an environmentally acceptable manner, of suitable dredged material obtained from the construction or operation and maintenance of water resources development projects.

This sets a clear expectation for USACE.

Section 125(a)(2) of H.R. 7575, largely corresponds to **Section 1080 of S. 3591**. There are minor drafting differences, but they are effectively the same. Only the House version includes calculation of “*efficiency*” and specifying “*impacts (including ... on living coral)*”; it also specifies considering multiple projects and “*impacts that result from the combined activities.*” Whereas only the Senate version includes calculation of “*feasibility.*” These differences are unlikely to have a substantive affect on how USACE implements this section, but we slightly prefer the House language which is more detailed.

Section 125(c) of H.R. 7575, “Five-Year Regional Dredged Material Management Plans,” largely corresponds to **Section 1019 of S. 3591**. While the text is mostly the same, the House versions provides slightly more detail and clarity, which we think will help the implementation of this section. In particular, we appreciate the following requirement of the plan, which is only in the House version:

(c)(2)(E) the district-wide goals for beneficial reuse of the dredged material, including any expected cost savings from aligning and coordinating multiple projects (including projects across Corps districts) in the reuse of the dredged material.

What we prefer in S. 3591

Section 1012 in S. 3591 is better for BUDM than the corresponding **Section 125(b) in H.R. 7575**. The Senate bill authorizes twenty additional pilot projects, ten more than the House bill, and while these might not get funded in the near term, the demand for the BUDM pilot projects is huge, so we would prefer to see more authorized. Also, the Senate bill explicitly requires ten of the pilot projects to use “thin layer placement”, a technique that will be critical to help many coastlines adapt to sea level rise and needs to be expanded. We would encourage a final WRDA to mostly use language from Section 1012 in S. 3591. However, we do support the “Sense of Congress” language from the House bill:

(b)(2)SENSE OF CONGRESS.—It is the sense of Congress that the Secretary, in selecting projects for the beneficial reuse of dredged materials under section 1122 of the Water Resources Development Act of 2016 ([33 U.S.C. 2326](#) note), should ensure the thorough evaluation of project submissions from rural, small, and economically disadvantaged communities.

Section 1095 in S.3591 does not have an equivalent in H.R. 7575. This section encourages local communities and USACE districts to consider how to align dredging and sediment placement projects and should provide some benefit to natural infrastructure projects. We support this section and support its inclusion in an overarching section on BUDM,

To support coastal communities and improve the efficiency of how USACE manages sediment, we hope you will include the best of the House and Senate provision on BUDM in the final version of WRDA. Please let me know if you have any questions.

Sincerely,



Derek Brockbank
Executive Director