



May 7, 2021

Via: WRDA2020@usace.army.mil and <http://www.regulations.gov/>

Ms. Amy Frantz

U.S. Army Corps of Engineers

Headquarters, U.S. Army Corps of Engineers

441 G Street NW., Room 3F91

Washington, DC 20314-1000

Re: Implementation Guidance for the Water Resources Development Act of 2020, COE-2021-0002

Dear Ms. Frantz:

The Coastal States Organization (CSO) and American Shore and Beach Preservation Association (ASBPA) were pleased to see the passage of the 2020 Water Resources Development Act (WRDA).¹ The Act contains numerous provisions to improve the resiliency of our nation's coastlines, including supporting better management of coastal sediment and advancing natural infrastructure that can reduce flood and coastal storm risk to coastal communities. The Act will also help the US Army Corps of Engineers (USACE) with its self-described efforts to “revolutionize” by requiring USACE to plan and implement water resource projects that maximize benefits across budgetary lines.

ASBPA and CSO have long advocated for policies² that advance:

- **Regional Sediment Management (RSM)** and the **Beneficial Use of Dredged Material (BUDM)**;
- A modification to the US Army Corps of Engineers (USACE) **Benefit-Cost-Ratio (BCR)** process that better considers the full range of benefits and cost savings of **Natural Infrastructure** used for flood risk reduction.

WRDA 2020 includes policies accomplish do each of these critical aspects of coastal management.

As USACE develops implementation guidance for polices included in WRDA, USACE must adhere to the congressional directives laid out in WRDA 2020 and should follow the intent of Congress as indicated in this legislation.

CSO and ASBPA respectfully offer these recommendations on implementation of the following section of WRDA 2020:

¹ Water Resources Development Act of 2020, Pub. L. No. 116-260 (2020).

² “Joint Beach and Inlet Management Policy” <https://www.coastalstates.org/joint-beach-and-inlet-management-policy/>

Section 125, which establishes that “It is the policy of the United States for the Corps of Engineers to maximize the beneficial reuse... of suitable dredged material.”

ASBPA and CSO believe it is a national priority that USACE evolve its budgeting and planning operations to reflect Regional Sediment Management principles so that **100% of uncontaminated dredged sediment is used beneficially**. Section 125 includes multiple policies that will need implementation guidance. In implementing Section 125, USACE should:

- Work closely with coastal states and territories on its development of a national beneficial use policy, including a reliable method for establishing the economic value of clean dredged material for hurricane and storm or flood risk reduction and habitat restoration in the determination of a project’s Federal Standard alternative.
 - The cost of offshore disposal of dredged sediment, which is lost to the coastal system forever, should include the full and future economic value of that dredged sediment. In other words, only if the combined cost of physically disposing dredged sediment offshore *and* the full and future economic value of the sediment being disposed is less than the cost of beneficial placement should offshore disposal be considered the “least cost alternative.”
- Partner with coastal states and territories on the development of regional dredged material management plans.
 - USACE should fully fund plan development, including capacity support to involve state and local planners, incorporate state data, and fill data gaps;
 - Strategies should reflect state needs and priorities;
 - Strategies should be reliably updated annually;
 - Districts should coordinate regionally on sediment management.
- Work with coastal states and territories to fund and implement existing and additional 1122 pilot projects³. Guidance for Sec. 125 should clearly establish that the 1122 BUDM program is for *pilot* projects that are intended to serve as examples of new ways to plan, budget and/or account for benefits when developing BUDM projects. Therefore 1122 projects should not be required to meet, or even demonstrate, the same benefit-cost-ratio as Section 204 Continuing Authorities Program (CAP204) BUDM projects.
 - USACE should identify and select projects from rural, small, and economically disadvantaged communities with dredging and beneficial use needs that could be best met by the pilot program.
 - Additionally, guidance for expanding the 1122 pilot programs should clarify WRDA 2016 Sec. 1122 implementation guidance⁴ Section 9 (Pilot Project Implementation) by stating that flexibility should be allowed for projects that serve additional purposes outside the scope of, or underrepresented in, CAP204. This includes authorization for projects to investigate beyond the traditional Benefit Cost Analysis (BCA) as defined in the National Economic Development Plan to carry out the intent of Section 1122.

³ Water Resources Development Act of 2016, Pub. L. No. 114-322, § 1122 (2016).

⁴ [Memorandum from Ass’t Sec’y of Army for Civil Works to Commanding General of the U.S Army Corps of Engineers, subject: Implementation Guidance for Section 1122\(a\)-\(h\) of the Water Resources Development Act \(WRDA\) of 2016, Beneficial Use of Dredged Material \(3 Jan. 2018\)](#).

We specifically recommend the following language to replace 9.a.4 of the Sec. 1122 WRDA 2016 guidance:

“Documentation of compliance with policies applicable to Section 204 of the Continuing Authorities Program. Flexibility shall be given for projects to investigate beyond the traditional BCA as defined in the National Economic Development Plan. Prioritize and implement projects that serve additional purposes outside the scope of, or underrepresented in, the Section 204 Continuing Authorities Program (CAP), including the monetary and nonmonetary benefits of:

- *Creating economies of scale by coupling projects in different geographic locations;*
- *Community economies and social benefits;*
- *Protecting, restoring, and creating aquatic ecosystem habitats;*
- *Stabilizing coastal systems and enhancing shorelines for recreation; and*
- *Learning opportunities, such as:*
 - *Comparing the effectiveness of different placement methods and locations of dredge material,*
 - *Developing a better understanding of the true costs of beach nourishment practices,*
 - *Building on the understanding of coastal processes and the sediment budget, or*
 - *Better estimating the long-term maintenance requirements and coastal management options associated with the sediment deficit.”*

Section 110 directs USACE to issue final agency procedures for the Principles, Requirements, and Guidelines (PR&G), pursuant to section 2031 of WRDA 2007. The PR&G serves as the basis for the USACE evaluations of project benefits and costs.

Section 124 provides a Sense of Congress that USACE should maximize the consideration and evaluation of projects with multiple benefits.

CSO and ASBPA strongly support the intent of Congress that USACE should modernize the criteria used to assess costs and benefits during navigation and flood risk reduction project planning by accounting for improved, restored, or protected ecosystem services and recreation-driven economic stimulus as project benefits, and by selecting project alternatives that provide the greatest total benefits.

- USACE should implement Principles, Requirements, and Guidelines (PR&G) that equally weigh a project’s national economic impacts, regional economic impacts, environmental impacts, and social impacts and assess the tradeoffs among alternatives, rather than simply maximizing national economic development. The new PR&G should require USACE to work closely with states, territories and local communities on planning processes that:
 - Equitably benefit all populations, including vulnerable populations with less capacity to engage in government planning processes;
 - Consider project impacts in light of changes in climate, hazards, populations, and development over the entire operational lifetime of the project (as additionally directed in Sec. 113 of the Act); and

- Seek to maximize multiple benefits within a single project, including flood risk management, ecosystem restoration, and navigation.

***Section 211** reminds USACE that WRDA 2018 requires a Great Lakes coastal resilience study and provides further direction on the contents of the study, directs USACE to expand its comprehensive assessment of water resources needs for the Great Lakes System, and directs USACE to make recommendations for potential projects and other measures to respond to changing hydrologic and climatic conditions in the region.*

The Great Lakes Coastal Resilience Study (GLCRS) was proposed as a 729 watershed study 5 years ago, and authorized in WRDA 2018, but has not been funded. USACE should fund and implement the GLCRS in partnership with state and local governments to help Great Lakes coastal communities become more resilient.

- As with many other sections of WRDA, Sec. 211 requires USACE to look beyond just a single benefit associated with a budget line. “Coastal Resilience” is not just flood and navigation resilience, but a consideration of how coastlines provide multiple benefits to coastal communities. So while Sec. 211 expands the scope of the GLCRS, requiring the Secretary (Sec. 211(a) “the Secretary shall...”) to broadly make recommendations on, among other things, nature based features, invasive species, and recreation associated with water resource development projects, we encourage USACE to maintain the GLCRS as a 729 study, but with input from the Great Lakes States as to the suite of items assessed. The Great Lakes Coastal Management Programs provided input to USACE driven project management planning process to scope the GLCRS. The current scope has broad state support. An expansion of scope increases cost and potentially dilutes focus.
- Sec. 211 also allows the Secretary (Sec. 211(b)(1) “the Secretary may...”) to make specific recommendations on projects, project modifications and studies. We believe any specific project or study recommendation that originates with the GLCRS should be considered a separate project with an associated feasibility study that is cost-shared by the specific local partner, rather than the Great Lakes states combined.
 - Similarly Sec. 211(b)(2) authorizes feasibility studies for Lake Ontario shoreline, NY, and Chicago shoreline, IL. These feasibility studies should be seen as in addition to the GLCRS, and the cost-share provide by the local partner, not the Great Lakes states combined.

CSO and ASBPA support many other sections of WRDA 2020 that advance natural infrastructure in various aspects of planning, project development and funding, including **Sections 114, 115, 116, and 123**. We additionally support sections related to coastal resilience and planning for sea level rise, including **Sections 113 and 111**. We are joining with other NGOs in submitting separate comments on these sections.

Conclusion

ASBPA and CSO are pleased that WRDA 2020 takes significant steps to direct USACE to better manage sediment, improve coastal resilience, and advance natural infrastructure. When developing

implementation guidance, we ask USACE to follow the intentions of Congress and, where possible, ensure that policies are being implemented in coordination with state coastal programs.

Sincerely,



Derek Brockbank
Executive Director,
Coastal States Organization



Anthony P. Pratt
President,
American Shore & Beach Preservation Association

ABOUT ASBPA: Founded in 1926, the American Shore and Beach Preservation Association (ASBPA) is a 501(c)3 nonprofit that advocates for healthy coastlines by promoting the integration of science, policies and actions that maintain, protect and enhance the coasts of America. For more information on ASBPA, go to www.asbpa.org, www.facebook.com/AmericanBeaches or www.twitter.com/asbpa.

ABOUT CSO: The Coastal States Organization (CSO) represents the Nation's Coastal States, Territories & Commonwealths on ocean, coastal, and Great Lakes resource issues. For more information on CSO, go to <http://www.coastalstates.org/>, <https://www.facebook.com/CoastalStatesOrganization>, or https://twitter.com/coastal_states.