United States Senate

WASHINGTON, DC 20510

May 18, 2010

Barbara Boxer
Chairman
Senate Committee on Environment
And Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

James Inhofe
Ranking Member
Senate Committee on Environment
And Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Boxer and Ranking Member Inhofe:

As the Committee begins its consideration of the Water Resources Development Act for 2010, we are writing to request support for the following projects and policy initiatives. **Please note these projects and policies are listed in no particular order.**

PROJECTS

Obtain Ownership of US Army Corps of Engineers Property, Hammond Marina (City of Warrenton, Oregon)

We are requesting authorization to transfer ownership of Corp of Engineer's property, the Hammond Marina, to the City of Warrenton in lieu of a continuing lease with the Army Corps of Engineers. The City of Warrenton has completed and adopted a master plan for the Hammond Marina and the City would like to make improvements under City of Warrenton ownership. The Hammond Marina is managed by the City of Warrenton and is used by local citizens as well as visitors of the North Coast of Oregon. The City has spent considerable time in an effort to identify improvements to assist the marina to be more useable to the boating public.

Westmoreland Park Ecosystem Restoration Project (City of Portland, Oregon)

We are requesting $4,100,000 to restore a significant stretch of Crystal Springs within Westmoreland Park and replace four fish-blocking culverts. The improvements will improve ecological conditions to benefit fish species listed under the Endangered Species Act, and advance federal interests under the Clean Water Act to improve the quality of surface waters.

The project will remove a concrete lined channel and pond in Westmoreland Park, and reconstruct the stream with a wetland and riparian corridor of functional native trees, shrubs and other plants. An existing, concrete-lined, on-channel duck pond will be replaced with a meandering stream channel and riparian buffer planted with native vegetation. Existing playground structures and a maintenance building will be moved away from the creek. Four culverts will be replaced to provide ESA-listed salmon and steelhead with access to the restored area of the park and high quality habitat farther upstream.

The City has purchased necessary easements on private properties needed to implement the project. The feasibility study is on track to be completed by the end of the year. Based on an

agreement with the US Army Corps of Engineers, the City will provide 35 percent of the costs for the feasibility study.

Cascade Locks Beach Enhancement and Sail Park (Port of Cascade Locks, Cascade Locks, Oregon)

We are requesting $1,044,167 for restoration of the native beach and riparian shoreline, as well as to restore properly functioning aquatic conditions above the Bonneville Pool. The proposed project will also increase safety for small sailing craft in the Bonneville Pool, reduce the need for dredging, enhance fish habitat and endangered species survivability.

This project involves the creation of a natural riparian beach with sand and a gravel shoreline. In addition, the project will create a new beach erosion structure and extend an existing riprap structure (groin) at the site. It will result in safe and focused access to the shoreline, better observation of sailing events, restored habitat and better beach/shoreline function. This will attract more visitors, create a better fish and wildlife environment, and provide economic advantages to Cascade Locks and surrounding communities. An expanded marine park will be used by the public for recreational water access, fishing, and to observe offshore sailing events.

Stewart Parkway – Newton Creek Flood Control/ Detention Project (City of Roseburg, Oregon)

We are requesting $500,000 to mitigate flooding over Stewart Parkway, an important arterial roadway in Roseburg, and decrease the severity of property damage and frequency of flooding, while significantly improving fish habitat.

To accomplish the improvement, the city proposes to use park land as a storm water detention feature to attenuate the flood flows during large events by diverting and detaining storm water, then returning it to the creek. The overall effect is a reduction in peak flow downstream of the proposed detention basin, a decrease in flood elevations both upstream and downstream of the basin and attenuation of flood volumes, which benefit migrating anadromous fish. The project includes construction of detention ponds and water quality swales.

Clatskanie Sewer Headworks Replacement (City of Clatskanie, Oregon)

We are requesting $700,000 to replace the headworks at the sewer plant, which are no longer working. The equipment is original to the plant which was constructed in 1977. The current method of debris removal is done manually with screens that require at least twice daily cleaning. This is insufficient and endangers other waste water treatment equipment further down in the treatment process. The project is a safety and environmental issue to ensure the waste water is treated properly and equipment is not damaged by debris.

Walla Walla River Basin Ecosystem Restoration Project (Confederated Tribes of the Umatilla Indian Reservation, Pendleton, Oregon)

We are requesting $257,400,000 for implementing a bucket for bucket replacement of Walla Walla River water, currently diverted by the Basin's primary irrigators, with Columbia River water to restore Walla Walla River instream flows. A series of pump stations will divert and deliver Columbia River water through 37 miles of pipeline to two irrigation districts in Oregon (Walla Walla River Irrigation District and Hudson Bay District Improvement Company) and one irrigation district in Washington (Gardena Farms Irrigation District). In return, the three irrigation districts will bypass all or a portion of their Walla Walla River water rights to meet the instream flow target goals of the Project. The Project will allow the natural flows of the Walla Walla River to remain instream to enable the recovery of recently reintroduced spring Chinook salmon, and the recovery of other native species while maintaining the water supply necessary to meet existing water uses. A feasibility study is expected to be completed by the Corps of Engineers this fall.

This project is supported by Governor Gregoire of Washington, Governor Kulongoski of Oregon, the Walla Walla River Irrigation District, Umatilla County Board of Commissioners, Citty of Walla Walla, City of College Place, City of Milton Freewater, Walla Walla Watershed Alliance, Walla Walla Basin Watershed Council, American Rivers, Trout Unlimited, and the Washington Environmental Council.

North Valley Industrial Park Pump Station (Josephine County, Oregon)

We are requesting $97,387 to facilitate a full upgrade of the wastewater collection system that serves the Industrial Park in Josephine County. This project seeks to replace the control panel, transfer switch, radio, relays and power service to sewer pump station in industrial park. The NVIP wastewater system will eventually be integrated with a STEP (Septic Tank Effluent Pumping) system to serve the broader area, including the NVIP. The STEP system will relieve economic limitations associated with the volume of wastewater in the area needing treatment, and the pump station electrical update will improve critical station reliability and the ability to efficiently deliver wastewater from the NVIP into the STEP system.

Lower Columbia River Estuary Ecosystem Restoration WRDA Section 536 (Lower Columbia River Estuary Partnership, Portland, Oregon)

We are requesting $4,700,000 for implementing the National Estuary Program provisions of Comprehensive Conservation and Management Plan, specifically habitat restoration for threatened and endangered species. Over 50% of habitat has been lost since settlement. The loss of fish has had a decimating effect on the state's commercial fishing industry. Thirteen fish are listed as threatened and endangered. Toxic contaminants are in the fish, sediment and water. The river continues to be a nationally important shipping and transportation corridor. The river's five deep water ports are the nation's primary terminals for several importers of manufactured vehicles and the major depot for the export of the nation's grain. The Section 536 funds will expand regional habitat restoration projects that advance species recovery.

Wastewater Treatment Facility Improvement Project (City of Drain, Oregon)

We are requesting $8,000,000 for the City of Drain to construct a new wastewater treatment plant to meet state and federal requirements and install a new standby generator for emergency purposes.

Drain originally designed and constructed a wastewater treatment plant between 1956-58. Prior to that, sewage flowed through a gravity piping system directly into Elk Creek. Drain has a rapidly aging wastewater treatment system and the plant is unable to meet its discharge permit requirements. Drain is currently operating under a Mutual Agreement & Order with the Oregon Department of Environmental Quality. Improvements to the wastewater treatment plant will improve the quality of life for local citizens, improve water quality in nearby streams for fish enhancement and provide a stable infrastructure for new & developing businesses and future housing developments.

City of Reedsport Levee Repair Project (City of Reedsport, Oregon)

I am requesting $240,000 to make necessary and needed repairs to the levee system protecting the lower portion of Reedsport from flooding. Reedsport's levee system contains a system of culverts and tide gates to allow water from the landward side of the levee to flow away from the land and into the Umpqua River and Scholfied Creek. As the culverts and tide gates were installed during construction of the Army Corps built levee in 1969, they are at their expected lifespan. When not operating properly, they allow rising water from the river and creek to back up through the failing culverts and into the protected landward side of the levee. If approved, the project will use slip line technology to repair at least 50% of the 10 culverts immediately and the remainder in the near future. This technology essentially slips a liner into the failing culvert to repair any damage. Approximately 67% of the 6 tide gates are failing and need to be repaired or replaced immediately with the remaining being repaired/replaced in the near future.

Reedsport is required by FEMA to have the levee surrounding approximately 50% of the City certified if the City wants to remain in the National Flood Insurance Program (NFIP). Consequently, the City has partnered with the USDA Forest Service in order to satisfy the requirements of the Chief's Economy Act (10 U.S.C. 3036(d)(2)), which requires federal dollars be coupled with City dollars to allow the Army Corps of Engineers (ACOE) to perform the FEMA required levee certification services. The USDA Forest Service has contributed $4,000 and the City of Reedsport has contributed $43,570. Subsequently, the City has finalized an agreement with the Army Corps of Engineers to proceed with certification so that FEMA can create DFIRMS (Digital Flood Insurance Rate Map) of the area. Before the Army Corps of Engineers can complete certification, any and all repairs to the levee must be completed.

Maintenance Dredging of Westport Slough Navigational Channel (US Army Corps of Engineers – Portland District, Portland, Oregon)

We are requesting $1,000,000 for reauthorized maintenance dredging on Westport Slough Channel, a federally authorized navigation channel that was authorized in 1938 and maintained by the US Army Corps of Engineers until 1993. In 1993, maintenance was temporarily suspended, in order to divert funds to channel deepening. After 17 years of no maintenance, this

channel can no longer accommodate ocean-going or even river barges and medium draft vessels. The channel has shoaled to just 7 feet, where it was authorized at 25 feet.

Coos Bay Channel Modification (Oregon International Port of Coos Bay, Oregon)

We are requesting $314,259,000 to deepen and widen the existing navigation channel from the entrance to Mile 8 to accommodate the larger bulk, breakbulk and container vessels wishing to transit the Channel.

Over the last several years, the marine transportation industry has shown increasing interest in Coos Bay for the development of an intermodal container terminal. With container ships increasing in size, the Port of Coos Bay is pursuing the required analysis of channel modifications for lower Coos Bay in order to serve the newest class of container ships coming into service. On June 11, 2007, the Port received authorization from the Corps to conduct a Feasibility Study under Section 203 of the Water Resources Development Act of 1986. This Study is will be completed in 2011. The results of this study are expected to demonstrate a favorable cost-benefit ratio for the proposed modifications and to recommend deepening the channel from the current 37 feet to 45 feet.

Rogue River Estuary Gravel Removal (Port of Gold Beach, Gold Beach, Oregon)

We are requesting $500,000 to remove the encroachment of river gravel into the estuary at the mouth of the Rogue River. The completion of this project would remove the threat of blockage into the Port of Gold Beach marina.

The natural flow of river gravel threatens to block the entry into the Port's marina and also has filled a large percentage of the estuary. This action has reduced the quantity of fishable water at the mouth of the river. The amount of river bed is reduced increasing the impact of flood and storm damage.

Repair and Recertification of Milton-Freewater Levee (Milton-Freewater Control District, Milton-Freewater, Oregon)

We are requesting $4,000,000 to repair the levee which protects the City of Milton-Freewater, Oregon, from flooding by the Walla Walla River. The levee, built by the Corp of Engineers in the 1950's is under the jurisdiction of a small special taxing district, the Milton-Freewater Water Control District. The levee was declared deficient in specific areas by a Corps of Engineers inspection. As a result, the levee has been decertified, dropped from the Corps' Rehabilitation program, and caused the Federal Emergency Management Agency to issue new floodplain insurance maps which places almost all of the City of Milton-Freewater in the floodplain.

Nichols Basin Habitat Enhancement and Development Framework (Port of Hood River, Hood River, Oregon)

We are requesting authorization for the Corps of Engineers to conduct a Watershed and River Basin Assessment of the Nichols Basin located at the confluence of the Hood and Columbia Rivers.

This assessment will build on an evaluation of the Nichols Basin and Hood River Delta now being conducted by the Corps of Engineers. The study will develop a long-range management plan that will result in the Hood River Habitat Enhancement & Development Framework. This framework will identify fill and habitat creation alternatives, determine fill volumes & costs, identify development opportunities and land value created, determine methods to enhance habitat qualities and remediate areas of environmental contamination, reduce future flood impacts, and following public participation, identify specific development plans that will include, if feasible, the extinguishment of a remnant flowage easement now in place in the Nichols Basin.

Port of Astoria Dredging (Port of Astoria, Astoria, Oregon)

We are requesting authorization for the Army Corps of Engineers to remove approximately 200,000 and 300,000 cubic yards of material from the area between the Columbia River Shipping Lane and the Port of Astoria's authorized dredge area 150 feet from the face of the piers.

The Port of Astoria performs maintenance dredging around piers and the Army Corps of Engineers is responsible for maintaining the main shipping channel. However, a significant sediment berm that has built up over time in an area for which no one has authority to dredge. This is beginning to interfere with the efficiency and safety of ship traffic between the port's docks and the shipping channel.

With the increase of cargo traffic about to occur off Pier 1, this will be come a significant barrier to the successful passage of ships between this port and the shipping lane, as well as interfering with the timing of scheduled port dockings at upriver ports. The tidal influence in this area makes it a challenge not only for the ships docking at Port of Astoria, but for those that must sit at anchor waiting for tides and/or up river berths.

Gresham Green Stormwater Retrofits (City of Gresham, Oregon)

We are requesting $6,565,000 to determine the cost effectiveness of Low Impact Development practices in different settings within the City of Gresham, Oregon. This project will identify how and where Low Impact Development practices could be implemented. Factors such as local geology and depth to groundwater, topography, percent impervious area, vehicle trips, pollutants and flow volumes will be considered. A retrofit master plan will document the rationale and results. This project will provide a model for nationwide adoption of green stormwater retrofits. Such retrofits will reduce pollutants entering streams, and improve stream channels and aquatic habitat by reducing peak flows and flooding. The retrofits may also enhance groundwater quality and quantity.

Hubbard Creek Impoundment Improvement Project (City of Port Orford, Oregon)

We are requesting $2,000,000 for construction to enlarge the Hubbard Creek Impoundment to ensure that the City of Port Orford has sufficient water for the community's needs. At present, the impoundment is too small to meet the needs of the community during the dry summer months. The creek has almost dried up several different years. They are presently using all of the stream flow to provide water to the City. This water comes from the impoundment and goes to the treatment plant for treatment before being delivered to the community water users. Port Orford is in an economically distressed area on the Oregon Coast and providing adequate water is a must if this community is to survive, grow and attract additional business to locate in the City.

Columbia County Levee Certification (Columbia County, Oregon)

We are requesting $293,326 for the cost of the Corps of Engineers to assist participating levee districts along the Columbia River in Columbia County, Oregon, in preparing the documentation necessary to obtain levee certification work from the Federal Emergency Management Association pursuant to 44 CFR 65.10. The Thomas Amendment to WRDA currently prevents participating levee districts from receiving assistance from the Corps of Engineers. Columbia County has obtained the partnership of another Federal agency, the Natural Resources Conservation Service, which will allow some of the Districts to pursue assistance from the Corps to do levee certification work, but the cost of this work is strain on the financial capability of these small Districts.

With this funding and authorization, the Army Corps of Engineers, Portland District, will also perform hydraulic analyses of the 10-, 2-, 1-, and 0.2-percent-annual-chance floods, assuming the levee system to be in place and will use all available as-built levee profiles or topographic data and the 1-percent-annual-chance water-surface profile obtained from the above hydraulic analysis conducted with the levee in place to make a determination of the available freeboard of each system element. Portland District will also make an on-site inspection of all the physical elements and encroachments of District to evaluate their impact on the overall operability of the levee system.

Portland District will summarize the results and conclusions of the levee evaluation in a final letter report to Districts and letter to the Federal Emergency Management Agency.

City of Astoria Combined Sewer Overflow Project (City of Astoria, Oregon)

We are requesting $45,000,000 to separate storm sewers from sanitary sewers. The purpose of the project is to protect the waters of the Columbia River from contamination and enhance natural resources such as salmon runs.

In response to Environmental Protection Agency requirements to separate storm water from sanitary sewers, the City of Astoria began work on their Combined Sewer Overflow project in 2002. The City has completed a portion of the required work at a cost of $17,000,000. This has placed a major burden on the homeowners and renters in the City, who must pay a significant surcharge on their monthly sewer bills to service the debt. The project is anticipated to extend to

2022 and cost a total of $62,000,000, which is an enormous burden for the Columbia River from contamination and enhance natural resources such as salmon runs.

City of Astoria Waste Water Treatment Facility (City of Astoria, Oregon)

We are requesting $8,000,000 to rebuild the waste water treatment facility. Astoria's wastewater treatment plant was constructed in 1974. Since that time, the State and Federal requirements have increased significantly, and the plant has deteriorated over time due to sedimentation, chemical buildup and other factors. There is much more concern about impact on salmon runs and other aquatic species since the plant was built. The city's sewage treatment plant is several decades old and in need of upgrading to meet current federal standards.

Drift Creek Reservoir (East Valley Water District, Mt. Angel, Oregon)

We are requesting $27,000,000 to build a reservoir that will store 12,300 acre feet of water to supplement the district's water supply. In addition to the reservoir, there will be a pressurized pipeline delivering water to the farms. A bypass structure will allow instream flows to be bypassed for water quality and fishery protection.

This project will provide a stable water supply for high value crops grown on 15,000 acres of prime farmland in the Willamette Valley, Oregon. Conditional "time-limited" permits and temporary transfers for the use of water currently delivered to the farms do not provide long-term stability and those rights must be replaced with a permanent water supply. The stored water will provide that stability and will relieve pressure in the three limited groundwater areas (as designated by the Oregon Water Resources Department) in the district's service area. The project will also relieve over-appropriated surface water sources in the basin. The storage project will provide a permanent source of water for irrigation of high-value vegetable and other crops that will allow the farmers in the area to maintain their cost-effective operations and support the food processing industry located in the basin, maintaining low cost food production for the public. In addition, mitigation will provide removal of smaller off-site dams on other tributaries that currently block migration flows of fishery. Some of the stored water will benefit fish in the basin by stabilizing instream flows and lessening water temperature to improve water quality through cooler water releases. Storage becomes even more critical to the public to help lessen the impact of climate change.

Restoration of the Canoe Canal (City of Eugene, Oregon)

We are requesting $5,000,000 to renovate the 2.5 mile Canoe Canal which is a side channel of the Willamette River.

The 2.5 mile long Canoe Canal was once the main channel of the Willamette River. Due to the dynamic nature of the river, the main channel of the river changed to its present location following a series of floods. This left the former main channel as an intermittently connected side-channel with stagnant water for much of each year.

In the early 1970's, a year-round, permanent re-connection of this side channel was made to the river through the construction of the canoe canal. Unfortunately, the construction effort was mostly focused on recreational outcomes, specifically to provide a flat water paddling experience. Ecosystem goals, such as providing habitat for native fish, were not included. In addition, this 1970's project included 5 flow-regulating structures that are barriers to fish passage.

Through this WRDA project, the canoe canal will be renovated to remove fish passage barriers, improve water quality, and enhance existing recreational features.

Caloopia River Watershed Restoration (Caloopia Watershed Council, Brownsville, Oregon)

We are requesting $450,000 for designing and implementing a variety of techniques for river restoration and conservation as promulgated by the National Resources Conservation Service in order to prevent current erosion to Pioneer Park, create a better floodplain area and utilize natural systems to better protect the area during normal and adverse conditions. Calapooia River Restoration work through the City of Brownsville will abate a major erosion concern impacting Pioneer Park and other community assets.

Port of Port Orford Breakwater Re-design Study (Port of Port Orford, Port Orford, Oregon)

We are requesting $650,000 to fund a breakwater design that would both eliminate the need for annual dredging and protect the dock. In 1968, a breakwater was built to protect the dock in Port Orford. Within one year it was determined that the breakwater trapped sand and dredging would be required on an annual basis. With a re-design on the current breakwater, this could save annual dredging dollars in the long run.

Simnasho Arsenic Remediation Project (The Confederated Tribes of Warm Springs, Warm Springs, Oregon)

We are requesting $2,700,000 to develop a new production well that meets Environmental Protection Agency water quality standards. The new well is estimated to have the capacity of 175 gallon/minute, or 252,000 gallons/day. The current peak use is 110,000 gallons/day. The project will also develop a treatment facility and construct 5 miles of water transmission line to the Simnasho Community.

This project will provide safe drinking water to the Simnasho residents that is arsenic free and meets current EPA drinking water quality standards.

Kah-Nee-Ta Waste Water Treatment Plant Replacement (The Confederated Tribes of Warm Springs, Warm Springs, Oregon)

We are requesting $2,000,000 to replace existing and outdated waste water treatment system that currently fails to meet Environmental Protection Agency standards. This project will

decommission existing lagoon system and replace it with a Bio-lac extended aeration wastewater treatment plant, which will also reduce the current system footprint. This replacement is required per the National Pollutant Discharge Elimination System Permit program by 2012. The waste water effluent enters into the Warm Springs River, which has anadromous fish, including threatened and endangered species listed by the Fish & Wildlife Service. The new treatment facility will help protect these species.

Water Infrastructure Seismic Reliability Program

We are requesting $75,000,000 to fund a new authority for the Corps of Engineers to help local entities make necessary improvements to water infrastructure to address seismic issues and prevent possible damage and disruption in service due to a seismic event.

WRDA 1990 and 1996 authorized a small pilot program of Infrastructure Seismic Reliability studies in southern California. Five studies were completed and demonstrated the cost-effectiveness of retrofitting infrastructure that is vulnerable to earthquake activity, resulting in benefit-cost ratios of 3 to 1 to as much as 10 to 1. Based on these findings, this Seismic Infrastructure Reliability program could be expanded to include all high-risk earthquake prone areas of the country, specifically zones 3 and 4 in the Uniform Building Code National Seismic-Risk Map, which include Alaska, Hawaii, California, Nevada, Oregon, Washington, Idaho, Montana, Wyoming, Utah, Missouri, Arkansas, Tennessee, Kentucky, and Puerto Rico. We are also proposing that the program be expanded to include construction assistance.

POLICY

Cooperative Agreements with Columbia River Basin Tribes (Columbia River Inter-Tribal Fish Commission, Portland, Oregon)

We are requesting authority for the Army to enter into cooperative agreements with tribes in the Columbia River Basin to fulfill existing statutory obligations.

This authorization would provide an important set of tools for the Corps of Engineers to achieve its existing statutory missions related to certain natural resources in the Columbia River Basin by providing the Corps with authority to enter into cooperative agreements with the federally recognized Indian tribes in the Columbia River Basin.

The Corps' accomplishments would be facilitated through such clarified authority with tribes to achieve protection, mitigation or enhancement projects for fish and wildlife, water quality, or tribal cultural resources. In many cases, there is simply no substitute for tribal expertise and participation in Corps' directed efforts, such as clean-up of PCBs on Bradford Island, protection of tribal burial sites and petroglyphs on Corps' property, or fish enhancement projects on streams running through tribal reservation lands.

Unlike other federal agencies, such as the Bonneville Power Administration and Environmental Protection Agency, which also work on dam-related natural resources issues that affect Indian

tribes, the Corps does not have authority under the Federal Grants and Cooperative Agreements Act, 31 U.S.C. §6301 *et seq.* to enter into cooperative agreements with Indian tribes to carry out its mission related to the operation of existing dams, particularly the Federal Columbia River Power System. Such agreements would serve to support important tribal and federal purposes.

PROPOSED LANGUAGE:
Sec. _____. The Secretary of the Army may enter into cooperative agreements with Federally-recognized Indian tribes located, in whole or in part, within the boundaries of the Columbia River Basin or with designated representatives of such tribes to carry out activities within the Basin to protect fish, wildlife, water quality, and cultural resources.

Harbor Maintenance Trust Fund Spending Guarantee

We are requesting that the Committee include the text of the Harbor Maintenance Act, which ties Harbor Maintenance Trust Fund (HMTF) annual appropriations level to annual HMTF revenues.

Over the past decade, the HMTF has accumulated a balance of more than $5 billion. During the past few years, less than 2/3 of the annual HMTF revenue has been appropriated for harbor maintenance. Annual maintenance dredging can determine whether many ports and terminals on rivers across the nation will be able to engage in international trade from deep draft vessels. A recent Army Corps of Engineers analysis of the 59 busiest commercial Federal harbor channels in the United States found that the authorized channel depth for those channels was available for as little as half the authorized width of the channel for less than one-third of the year, and that this rate of availability has been declining for several years. Almost 30% of commercial vessel port calls in the United States in recent years were constrained by inadequate channel depths. If this trend is not reversed soon, our nation's harbors and navigation channels will act as clogged arteries, harming a major driver of the nation's economy, and international trade.

The requested legislative language will facilitate the elimination of this harbor maintenance backlog, improve the efficiency of water-borne transportation in the United States, and create and preserve jobs associated with harbor maintenance, port operations, and U.S. imports and exports.

Section 214 Permanence

Section 214 of WRDA 2000 was enacted to permit non-federal public entities to contribute funds to the Army Corps of Engineers to help expedite the processing of Corps permits. In many parts of the country, the Corps of Engineers faces a tremendous backlog of permit applications that must be reviewed. This backlog has imposed a great cost in lost jobs, reduced economic activity and a decline in international competitiveness. This authority has been extended several times through stand-alone legislation, yet is set to expire on December 31, 2009. This authority granted by Section 214 has worked well in practice and should be extended without any additional restrictive language so that additional staff can remain on the job without interruption.

Section 214 has already been extended numerous times with short-term extensions. However, the time has come to provide predictability for the Corps and the non-Federal sponsor entities by making this authority permanent. To this end, we request the inclusion of the following language:

> *Section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594, 117 Stat. 1836, 119 Stat. 2169, 120 Stat. 318, 120 Stat. 3197) is amended by striking subsection (c).*

Sustainable Rivers Program (The Nature Conservancy)

We are requesting $126,000,000 to fund a new authority for the Corps of Engineers to establish a Sustainable Rivers Program with funding for environmentally sustainable dam re-operations and to secure downstream floodplain easements.

This new program within the Corps of Engineers would improve the health of tens of thousands of river miles across the nation by using science to help guide adjustments to dam operations and restore associated floodplains to better protect water quality, fish and wildlife, and habitat while preserving other benefits that dams provide society such as flood protection, hydroelectric power, water supply, and recreation.

The program would help the Corps of Engineers meet its Congressionally-authorized mission in ecosystem restoration and enhance the effectiveness of other public investments in environmental and natural resource health made through the Clean Water Act, Endangered Species Act, and local, state, and federal parks, wildlife refuges, and fisheries management. Improved integration between reservoir management and downstream floodplain management also will occur through this program, enhancing public investments in flood protection and increasing the resiliency of communities, economies, and nature to a myriad of threats including the uncertain impacts of climate change.

Rural Community Flood Protection Act

We are requesting that the Committee include the text of the Rural Community Flood Protection Act, which authorizes the Secretary of the Army (Corps of Engineers) to conduct levee system evaluations and certifications when requested by non-Federal interests.

The bill makes two major changes to the Corps: First, it provides the Corps with authority to carry out levee recertification studies (authority they currently do not have); and Secondly, it directs the Corps to have a non-federal cost sharing component to engineering studies they will provide.

In addition, we certify that neither of us nor our immediate families has a pecuniary interest in any of the congressionally directed spending item(s) that we have requested, consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate. We further certify that we have posted a description of the items requested on our official websites, along with the accompanying justification.

Thank you for your consideration of these requests. I look forward to working with the committee to meet Oregon's critical water resources needs. If you have any questions, please contact Peter Gaulke of Senator Merkley's staff at 224-3753 or Isaiah Akin of Senator Wyden's staff at 224-5244.

Sincerely,

Jeff Merkley
United States Senator

Ron Wyden
United States Senator