NWF’S VIEWS ON DRAFT EMERGENCY SUPPLEMENTAL

We have entered a new era of extreme weather and it is critical to safeguard communities from stronger and more damaging storms, flooding, heat waves, prolonged drought, and other disasters. The National Wildlife Federation supports response, recovery, and mitigation related to Hurricane Sandy and damage to the impacted region. Sandy reinforced what we already knew; we must make smarter development and infrastructure investments that reduce our risks from future extreme weather impacts by re-thinking where and how we build, and by increasing the natural defenses provided by ecological systems.

While NWF agrees that critical funding for Hurricane Sandy response and recovery is needed now, NWF has recommendations to strengthen the Senate Appropriations Committee $60.4 billion draft Emergency Supplemental. Response and recovery funding should provide immediate assistance to those in greatest need and be spent efficiently to ensure that rebuilding efforts reduce risk of future damage from extreme weather without compromising the environment.

To that end, NWF recommends incentivizing response and recovery activities designed to reduce future flood risks, while ensuring these efforts do not undermine existing environmental protections or result in negative environmental impacts. Although hard armoring may be necessary in some places, to the extent possible nature-based approaches, like coastal wetlands, should be prioritized. **NWF strongly supports the following provisions:**

- **State and Tribal Assistance Grants.** The bill provides $810 million to states and tribes through capitalization grants for Clean Water State Revolving Funds and the Drinking Water State Revolving Funds, and waives match and cost share requirements. Eligibility is limited to be projects that reduce flood damage risk and vulnerability or enhance resiliency to rapid hydrologic change and natural disasters. These funds will allow public stormwater and wastewater treatment facilities to make necessary repairs incorporating advanced technology upgrades and deliberate consideration of risk while rebuilding.

- **Emergency Watershed Protection Program.** The proposal provides $125,055,000 for the Natural Resources Conservation Service’s Emergency Watershed Protection Program. The program helps conserve natural resources and relieve imminent hazards to life and property caused by natural disasters. These funds will help affected areas clear debris, shore up stream banks, address erosion, and purchase of floodplain easements to reduce future flood risk.

- **NOAA Coastal Restoration and Risk Reduction.** The bill allocates $150 million to evaluate, stabilize and restore coastal ecosystems affected by Hurricane Sandy. In addition, $47 million is provided for the Coastal and Estuarine Land Conservation Program to support State and local restoration efforts in areas affected by Hurricane Sandy.

- **Department of the Interior Refuge Restoration & Protection.** The bill allocates $78 million for the Fish & Wildlife Service to address damages on refuges and $150m for the Department of the Interior bolster building resiliency in parks, refuges and associated ecosystems.
Hasty re-building of affected areas without proper design and planning will jeopardize the ability of these communities to withstand future climate risks, threaten wildlife, and waste taxpayer dollars. **NWF strongly opposes the following provisions to prevent improper and unwise use of Supplemental funds.**

- **Lifts Stafford Act requirements that Protect People and Property.** Section 5606 of the Supplemental waives the Stafford Act requirements (42 U.S.C. 5170c(b)) that ensures that property acquired with FEMA funds, from which a structure is removed, be dedicated and maintained for a use that is compatible with open space, recreational, or wetlands management practices. This waiver would allow for dangerous redevelopment of floodplains: exacerbating downstream flooding, eliminating ecosystem services and nullifying the benefits financed with taxpayer dollars. NWF recommends this provision be stricken.

- **Creates broad environmental loopholes.** The Hazard Mitigation section of the bill Sec 5609 gives the President the authority to streamline environmental laws, among other things, to hasten reconstruction of Hazard Mitigation structures. This would waive NEPA review, Clean Water Act 404 permitting and more and could ultimately exacerbate flooding rather than protect against it by destroying natural features that provide flood control benefits throughout the water system. NWF recommends this provision be stricken.

- **Establishes blanket authorization of Corps projects without requisite safeguards to protect the environment and ensure appropriate use of funds.** Chapter 4 of the draft (page 16, lines 17-20) authorizes all flood and storm damage reduction projects “under study by the Corps” nationwide provided that the project is cost effective. These projects would be authorized for construction regardless of their location; cost to taxpayers; environmental impacts; or compliance with the various Water Resources Development Acts, the National Environmental Policy Act, the Clean Water Act, or the Endangered Species Act. This blanket authorization fails to ensure that projects will comply with federal law and policy or that they will be environmentally or economically sound. NWF recommends this provision be stricken.

- **Removes longstanding taxpayer protections for Corps projects.** Chapter 4 of the draft establishes a 90% federal - 10% non-Federal cost share, which represents a substantial departure from current law designed to ensure that Corps of Engineers projects address important community needs. The draft also exempts projects from requirements enacted in 1986 (Section 902 of the Water Resources Development Act of 1986) to keep the cost of projects low. NWF recommends that these provisions be stricken.

**NWF recommends modifying the following provisions** to prevent improper and unwise use of Supplemental funds:

- **Community Development Block Grants.** NWF supports helping distressed communities that were most impacted by the storm, and especially the specific allocation of CDBG funds for mitigation projects to reduce future risk and vulnerabilities. However, projects constructed without an eye towards mitigation of risk threaten to undermine the benefits of the mitigation funding. In addition, the draft waives procedures that ensure wise investment of taxpayer money in projects that minimize and mitigate for environmental harm. The draft requires that 33% of all funds ($5.7 billion) be allocated within 60 days of enactment, regardless of the merits of the granted projects or the results of comprehensive impact studies that are directed to be carried out. NWF recommends the following improvements:
  - Ensure the studies and planning processes funded by the legislation are integrated and implemented at the community level in a way that incorporates the best science.
Balance the need to execute projects to address immediate needs with importance of independent review and public transparency requirements. The text should allow for accelerated review, rather than waive public comment and review for projects using CDBG funds entirely.

- Appropriates more than the Corps’ typical yearly budget with no direction. The draft bill appropriates $5.350 billion to the Corps, which is more than the Corps’ typical yearly budget nationwide. Despite this enormous infusion of taxpayer dollars, the bill provides virtually no direction to ensure that those funds are utilized to address true emergency needs created by Hurricane Sandy. NWF recommends the following improvements:
  
  - Limit investigations funding to studies designed to assess short and long term water resources needs for the areas affected by Hurricane Sandy, and to fund the study authorized by Section 2032 of the Water Resources Development Act of 2007 to assess the nation’s flood and large storm vulnerabilities.
  
  - Limit construction funding to the amount needed to carry out emergency construction projects in the areas affected by Hurricane Sandy that promote long term ecosystem sustainability and that comply with the national water policy established by Section 2031(a) of the Water Resources Development Act of 2007.

In addition, NWF recommends the following additions to strengthen the resiliency and health of the impacted region:

- Watershed Restoration. This proposal presents an opportunity to restore areas affected by Hurricane Sandy while advancing watershed restoration goals within the region. Coordinated restoration and conservation efforts in large-scale ecosystems like the Long Island Sound, New York and New Jersey Harbor, and Delaware River and Bay improve and safeguard communities through increased flood resilience and damage reduction, storm surge retention and water quality protection. It is important to consider the long-term advantages of also investing in projects and activities that will improve the health of the region’s watersheds while providing greater risk mitigation to communities during extreme weather events like Hurricane Sandy.

- State Wetland Restoration. Restored wetlands protect and people and property from the impacts of climate change and provide additional recreational and economic benefits. NWF recommends the inclusion of an allocation of at least $10 million to The Environmental Protection Agency (EPA) for State grants to specifically fund wetland restoration and other ecosystem enhancements in areas affected by Hurricane Sandy. This money will be used to help communities be better prepared for future extreme storms, made worse by climate change.

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