

## RECOMMENDATIONS TO THE ARMY CORPS OF ENGINEERS

**1. The Corps should fully recognize, and abide by, all of its current mandates under existing federal environmental and water resources laws, including recognition of:**

✓ The need for comprehensive, cumulative impact analyses of the environmental impacts of agency actions *before* decisions are made.

✓ The need for *meaningful* consultation with federal and state resource agencies on the impacts of Corps actions on fish and wildlife resources. (see Fish and Wildlife Coordination Act, 16 U.S.C. § 662 and Endangered Species Act, 16 U.S.C. § 1536)

✓ The requirement that environmental restoration projects be given at least equal priority to navigation, flood control, or other projects (see Coastal Wetlands, Planning, Protection and Restoration Act, 16 U.S.C. § 3956).

**2. The Corps should ensure that all of its projects are truly in the public interest by:**

✓ Conducting honest, up-to-date analyses of the actual need for, and environmental impacts of projects — not just for new projects, as required by law, (see Water Resources Development Act of 1986, 33 U.S.C. §§ 2214, 2281, 2282, and the National Environmental Policy Act, 42 U.S.C. § 4332) but for those that were authorized decades ago yet experience little or no use. Benefit-cost analyses conducted in the past are often irrelevant now, and the fiscal, economic, and environmental costs associated with many projects are no longer acceptable.

✓ Recognizing that estimates of navigation use based on interviews with potential users are inherently biased in favor of constructing taxpayer subsidized water projects.

✓ Recommending to Congress and the public that they proceed with federal action only on those projects that truly are in the public interest. The Corps currently has authority under section 216 of the Flood Control Act of 1970 (P.L. 91-611) to review the operation of completed projects when economic and physical conditions change, and make recommendations to Congress to improve the overall quality of the environment in the public interest. By proactively using this authority where appropriate, the Corps can help eliminate unneeded projects that undermine the public interest. Such reviews should provide the opportunity for meaningful public input.

**3. The Corps should implement Section 404(b)(1) of the Clean Water Act in a manner that better protects rapidly dwindling wetlands resources through comprehensive watershed based analyses. The Corps must:**

✓ Consider permits in the context of all permits issued, pending, or proposed for a specific region or watershed.

✓ Evaluate the cumulative impacts of past, ongoing, and future permitting actions, including consideration of:

- (1) the number of permits issued and denied;
- (2) the number, location, and ecological criteria of wetland acres destroyed;
- (3) existing and projected land uses;
- (4) flood trends;
- (5) water quality trends;
- (6) changes in biological diversity; and
- (7) the amount, location and ecological values actually replaced by required mitigation.

✓ Deny permits for which practicable alternative non-wetland sites exist.

✓ Deny permits, particularly in heavily developed areas, when the activities for which the permit is sought are not water dependent.

**4. The Corps should vastly improve its policies and methods for providing information to the public, and for receiving public input, by:**

✓ Providing sufficient information in public notices of proposed Corps activities to allow for *meaningful* public input.

✓ Providing written responses to those who have commented on proposed activities, explaining modifications made or reasons why requested modifications were not made.

✓ Notifying those who have commented on Corps actions of the decision that is reached, before the project is started, rather than leaving them to read about it months later in a newspaper or elsewhere.

✓ Making all documents, such as those relevant to proposed activities, easily accessible to the public. A single document serving the entire public and available for review at only one location is entirely unacceptable.

✓ Keeping interested parties informed of the results and status of monitoring requirements that are required as conditions of Corps projects or permits, to ensure public accountability of agency actions.

✓ Updating mailing lists continually and including all parties whose comments and activities suggest an interest in Corps activities.

✓ Honoring all requests for information promptly, rather than refusing them; particularly those requests made under the Freedom of Information Act (5 U.S.C. § 552).

✓ Establishing a contact person, such as an 'Ombudsman' in each Corps District to provide information and answer questions.

✓ Re-evaluating the effectiveness and inclusiveness of its advisory boards -- including the Environmental Advisory Board.

✓ Expanding the use of Program Managers for the Environment, who report directly to the District Engineer, with responsibility for providing guidance to District Managers on the district's environmental program, policies and procedures, ensuring that all district activities emphasize an environmental commitment and enhance environmental sensitivity in all projects.

**5. The Corps should develop mechanisms to provide consistency among district offices to ensure that the cumulative impacts of Corps activities are adequately considered, particularly in large multi-district projects.**

**6. The Corps should develop mechanisms to provide consistency between its regulatory responsibilities, such as the dredging and filling of wetlands, and its civil works responsibilities for navigation and flood control.**

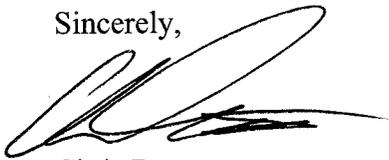
In particular, the Corps needs to recognize its current mandate under the Coastal Wetlands Planning, Protection and Restoration Act to ensure that all navigation, flood control or irrigation projects under the authority of the Secretary of the Army, are consistent with joint federal-state efforts to restore coastal wetlands under the Act (See 16 U.S.C. § 3952).

**7. The current policy of rotating District Engineers to a new location every two to three years should be terminated.**

A new policy should be established that allows District Engineers to develop long-lasting relationships, understanding of the community, and effective communication with the wide variety of local constituencies affected by Corps activities. The minimum time period for District Engineers to remain in one place should be five to ten years.

The GRN thanks the Corps of Engineers for considering these comments.

Sincerely,



Chris Dorsett  
Program Director for Fisheries