United States Senate

October 13, 2023

The Honorable Thomas R. Carper
Chairman
Environment and Public Works Committee
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Environment and Public Works Committee
410 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito,

Thank you for your leadership and commitment to passing another *Water Resources Development Act* (WRDA). Last Congress's WRDA included many provisions that help improve the safety of our water infrastructure, address the adverse effects of climate change, and spur economic growth in our communities. We look forward to working with you to build upon this success and take further steps to address the water resource needs of Massachusetts and the Nation.

As you begin your work on the next WRDA, we respectfully request that you consider the following Massachusetts priorities:

- **Cape Cod Bridges Transfer Proposal** – The Cape Cod Bridges are vital assets for the Cape Cod economy and surrounding communities, but are in desperate need of replacement. Today, the Bridges — which are owned by the USACE — serve as the gateway to Cape Cod for more than 260,000 Cape and Islands residents and more than five million annual visitors. However, the Bridges are nearing 90 years old and are functionally obsolete. Massachusetts and the USACE have been jointly submitting grant applications and working to develop a fiscally sound plan to replace the Cape Cod Bridges. Under their proposal, both parties would help fund the replacement of the Bridges and Massachusetts would take ownership of the new Bridges following completion of the project — ultimately saving the USACE from costly maintenance and rehabilitation. We have been working with the Senate Appropriations Committee to secure money for the USACE to put towards this project in the fiscal 2024 Energy and Water Appropriations bill. While this funding can be appropriated without the need for additional authorizing language, we request that the 2024 WRDA bill include language that would better facilitate the USACE in transferring funds to the state for replacement of USACE-owned bridges for which the state has agreed to take ownership. Earlier this year, the Biden Administration included similar proposed language in its fiscal 2024 budget. Although we do not support that exact language, we request the inclusion of similar language in the 2024 WRDA.

- **Feasibility Study of Flood Hazard Mitigation and Watershed Management along the Manhan and Connecticut Rivers –** The City of Easthampton, Massachusetts, is seeking a partnership with the United States Army Corps of Engineers (USACE) to conduct a feasibility study aimed at updating its 1949 wastewater plant outfall into the Connecticut River. Outfall from the wastewater plant travels 2.14 miles, passing through the Manhan River, Arcadia Wildlife Sanctuary, and wetlands before discharging into the Connecticut River, part of New England's largest watershed. Recent flooding severe flooding along the outfall's path resulted in significant losses, including 65 acres of farmland and access disruptions for industrial distribution facilities. The primary objective of this feasibility study is to design an outfall system that addresses climate change impacts and enhances flood resilience, thereby reducing threats to life, safeguarding property assets, preserving biodiversity, and protecting vital local infrastructure essential to the regional supply chain and economy. This study also has the potential to protect a climate corridor with confirmed biodiversity along Easthampton's eastern border, adjacent to the outfall pipe. Given its critical importance, we kindly request the inclusion of language authorizing this study in our next WRDA.

- **Feasibility Study of Promoting Coastal Resilience of the Beach Road Causeway in Tisbury –** The Town of Tisbury, Massachusetts seeks a partnership with the USACE to study approaches for promoting coastal resilience along the Beach Road causeway, including through the restoration and improvements of the Beach Road seawall. Beach Road is a key regional transportation corridor on the island of Martha's Vineyard, accommodating over 14,000 vehicular trips per day during summer months along a long narrow barrier beach between the Tisbury village of Vineyard Haven and the Town of Oak Bluffs. Beach Road provides Vineyard Haven and most of West Tisbury the shortest and most direct emergency route to the island's only hospital, Martha's Vineyard Hospital. Further, the roadway carries utilities that power the state-owned drawbridge at the entrance to Lagoon Pond, a treasured waterway, providing prolific shellfish and fish habitat, swimming and boating, and a US Coast Guard Harbor of Safe Refuge. Lastly, Beach Road is also home to operation and maintenance facilities for the Nation's first offshore wind farm, which is now under construction. A 2,000-foot seawall on the north side of Beach Road has provided vital wave protection for the approximately half-mile portion of this state-designated highway for over 50 years. The Town undertakes repairs to extend the seawall's useful life, but the seawall has experienced deterioration from storms and hurricanes, with sections that are cracked and undermined by shoreline erosion. The seawall currently overtops and floods the roadway during storm events. Given the ongoing deterioration, the seawall is expected to collapse and breach the adjacent Beach Road causeway, impacting emergency access, utilities, and habitat important to the Martha's Vineyard's economy. The Town is seeking a WRDA authorization to determine potential options and federal funding for restoring and improving the seawall and promoting the resilience of Beach Road from coastal storms,

climate change, and sea-level rise, and to protect the integrity of the Beach Road causeway and associated infrastructure.

- **Feasibility Study on Repairs to Jetties in Oak Bluffs –** The Town of Oak Bluffs, Massachusetts seeks a partnership with the USACE on a feasibility study, conceptual design, and completion of urgent repairs to the north and south jetties in Oak Bluffs harbor. The deteriorated jetties allow sand accretion through the structures and into the harbor entrance. In addition, the reduced jetty height due to erosion makes the harbor more vulnerable during storm events. The Town has had to execute an emergency dredge in each of the last two years to provide adequate navigational depth in the harbor near the jetties. Further, the increased frequency and intensity of coastal storm events impacting this island community is causing the jetties to deteriorate at a quicker rate than in previous decades. Sea-level rise will continue in the decades ahead and the jetties need increased height and repaired armor to protect the shoreline and protect operations in the harbor that is the lifeline for the community. Among other benefits, a jetty restoration and improvement project will ensure the continued operation of ferry services between the island and the mainland which is critical for the Town's tourist economy and a lifeline for island residents. An improved jetty will also facilitate the continued operation of numerous commercial fishing business, sport fishing, pleasure boating and the associated land-based portions of these operations. Without a functioning and well-protected harbor, Oak Bluffs' social, economic, and cultural health would be adversely impacted. The Town has secured the necessary permits and design for the project, and is seeking federal support for the project.

- **East Chop Drive Restoration in Oak Bluffs –** The Town of Oak Bluffs, Massachusetts seeks a partnership with the USACE to promote and restore coastal resilience along East Chop Drive. East Chop, historically referenced as "the Highlands of Oak Bluffs," features the high prominent bluffs that gave Oak Bluffs its name. East Chop Drive was initially constructed by the Commonwealth of Massachusetts in the late 1800s, is one of Martha's Vineyards' most scenic vistas and is also home to one of the New England Lighthouses built in 1878, which directly abuts the northern end of the project site. The bluff is protected by a variety of engineered coastal protection features including a stone revetment, a stone jetty, a timber bulkhead and a vegetated coastal bank. Over the past decade the engineered coastal bank area has experienced increased erosion that has undermined the paved roadway, East Chop Drive, to the point of imminent failure. Any significant storm event could result in catastrophic failure and collapse of the bank. The continued erosion, destabilization and undermining of East Chop Drive has made the roadway extremely unsafe and has resulted in the roadway's closure, preventing vehicular access along this important roadway. Several residences on the east side of the roadway are at risk due to the failing bank. The storm drainage system within East Chop Drive, which discharges into Nantucket Sound, has also been damaged by erosion. The goal of the project is to re-open East Chop Drive to homeowners, residents and tourists,

including pedestrians, cyclists and automobiles. The project will result in a stabilized and vegetated bank and improved stormwater management system, which will reduce adverse environmental impacts to important waters of the U.S. and associated marine resources. A construction access ramp will also be converted into an ADA/MAAB public access ramp providing safe access to the top of the revetment and allow pedestrian access to popular fishing and swimming spots. The Town is seeking a WRDA authorization to advance this important project, to promote the resilience of East Chop Drive from coastal storms, climate change, and sea-level rise, and to protect the integrity of the East Chop Bluff and associated infrastructure.

- **Scituate Cedar Point Seawall –** The Cedar Point Seawall in Scituate, Massachusetts is severely degraded and at significant risk of failing in one of the coastal storms that routinely impact this vulnerable coastal community. A failure of the seawall could lead to a complete breach of the Cedar Point peninsula, which could cutoff the surrounding mixed-use neighborhood from the rest of the Town, prevent evacuation of residents, and lead to life loss and injury for those still in structures. A seawall failure would also lead to flooding and damage to residential and commercial property and public infrastructure in the subject area. As part of an ongoing Section 103 feasibility study, USACE, in partnership with the Town, is assessing the potential risk for and impacts of a seawall failure, and the cost and benefits of a seawall replacement. USCAE and the Town have unfortunately encountered challenges with determining a federal interest through the feasibility study, as follows: (1) additional hydraulic study is required to fully assess the geographic area of adverse impacts from a seawall failure; however the analysis is limiting the geographic area of impacts and excluding the benefits of prevented damages to broader harbor infrastructure and other commercial areas, which is reducing calculated benefits of a seawall replacement; (2) due to the limited geographic reach of adverse impacts and associated limited benefits, the initial Section 103 benefit cost ratio of the project is less than 1 based on a seawall failure in a 50-year storm; and (3) the estimated total project cost exceeds the section 103 project cost cap of $10 million. The available funding from the Town and USACE for the Section 103 study is exhausted, but additional analysis is needed. The Town and stakeholders are seeking potential authorizations which could help overcome the challenges described above and support federal action to replace the seawall.

- **Sandwich Section 111 Beach Nourishment –** In 2021, USACE completed the Cape Cod Canal and Sandwich Beaches Section 111 Shore Damage Mitigation Study, which concluded “analyses demonstrated that the jetties at the east end of the Canal unquestionably and significantly increase erosion of the Sandwich shoreline along Town Neck Beach and Springhill Beach.”[1] Further, the study determined “erosion of the

[1] U.S. Army Corps of Engineers. Cape Cod Canal & Sandwich Beaches Section 111 Shore Damage Mitigation Study, 2021.

Sandwich shoreline and its threat to both the shorefront and interior coastal community has reached what effectively amounts to 'critical mass'; a tipping point where what once served as a naturally wide buffer to coastal storm energy has little to no remaining capacity to absorb that energy. . . and each coastal storm in the area now has a high likelihood of undermining shorefront structure and/or breaching the dune; the consequences of which would be significant and felt by the entire community." In accordance with the findings and recommendations of the Section 111 study to provide an initial remedy for the erosion caused by the federally-owned canal jetties, USACE intends to complete a beach nourishment project to protect the subject area. However, there is significant concerns the allowed Section 111 $12.5 million per project cap will be insufficient to address the extent of the erosion and mitigate potential risks of catastrophic storm impacts for Sandwich's residential, commercial, and public property. Further, the USACE has determined that ongoing maintenance beach nourishment would be needed to continue to remedy erosion caused by the jetties. Accordingly, we request language in the next WRDA that will authorize USACE to adjust its cap for the Sandwich Section 111 project to not less than $20 million, and, in accordance with the findings from the 2021 Section 111 study, authorize and prioritize ongoing maintenance beach nourishment at Town Neck Beach, including but not limited to application of spoils from maintenance dredging of the Cape Cod Canal, to protect the Town of Sandwich from potential disaster associated with the impacts of the jetties.

- **Combined Sewage Overflows Repairs in Lowell –** The City of Lowell is seeking additional authorization for support from the USACE to repair the Combined Sewage Overflows in Lowell, Massachusetts. Every year the Combined Sewage Overflows in Lowell dump roughly 200 million gallons of sewage into the Merrimack River. This pollutes the river and has adverse impacts for Lowell and communities downstream. In total, 600,000 individuals rely on the river for drinking water, intensifying the urgency of the issue. Unfortunately, replacing or fixing CSOs is costly and requires significant federal investment. WRDA 2022 authorized $20 million for Lowell's wastewater infrastructure, including Combined Sewage Overflows. The project is expected to be costly, therefore, stakeholders are requesting language in to increase the authorization to $30 million.

- **Improve Planning for Natural and Nature-Based Measures –** Natural and Nature-Based measures, including actions to protect and restore rivers, floodplains, and wetlands, are effective at mitigating flood risk and add additional benefits to communities. Congress has directed the USACE to fully consider natural and nature-based measures, which can be used alone or in conjunction with grey infrastructure, when planning projects. However, the USACE's ability to do so is impeded by entrenched institutional planning barriers. According to the Congressional Research Service, Natural and Nature-Based measures often require the USACE "to work with more federal and nonfederal agencies, landowners, and other stakeholders than the agency would with

structural measures." Many project studies also fail to meaningfully consider the benefits provided by natural and nature-based measures, including those already in place through existing Federal and State conservation lands, and permanent conservation and flooding easements in the project area. Therefore, we request language that allows the Secretary of the Army to transfer funds to other federal agencies to implement measures that are 1) recommended in a Record of Decisions, and 2) included under 33 USC 701b-11(a). Additionally, we request language that requires feasibility studies, general reevaluation reports, and reviews carried out under 42 USC 4321 include the maps of the locations and acreage of conservation lands and permanent easements in areas that may be affected by the project or project operations. Maps should include 1) Conservation lands and waters including forests, parks, wildlife refuges, conservation areas, and other protected areas owned by the federal or state government, 2) mitigation lands and waters owned the federal government, 3) conservation easements owned by the federal government, 4) flood, flowage, or floodplain easements owned by the federal government.

- **Facilitate Cost-Effective Modeling --** Robust hydrologic models populated with accurate and up-to-date data are essential for planning effective water resources projects and avoiding dangerous, unintended consequences. However, significant resource constraints have limited the USACE's ability to keep pace with the rapid advances in modeling future flood and storm risks, including advances in modeling increasingly frequent and more severe storms and floods, extensive riverine and landscape changes, and the compound effects of multiple flood drivers. In many cases, the USACE has been unable to accurately model the positive or negative effects of a proposed project at a specific location. Facilitating robust modeling will protect communities and ensure efficient use of federal resources, technical expertise, and taxpayer dollars. Therefore we request language that directs the USACE to partner with other federal agencies, national laboratories, and institutions of higher learning to develop, update, and maintain hydrologic and climate-related models for use in water resources planning. Additionally, the USACE must ensure that any model covered under this language is reviewed by no less than three independent hydrologic modeling experts from academia to assess the appropriateness of the model.

- **Design and Construction of Flood Control Station and Levee Improvements along the Connecticut River** – The City of Northampton, Massachusetts, seeks support from the USACE to design and construct improvements to its flood control system along the Connecticut River. The Connecticut River Flood Control System was designed and constructed by the USACE between 1939 and 1941 to protect low-lying or floodplain areas in downtown Northampton. The City is responsible for the operation and maintenance of the system. The Flood Control Pumping Station on Hockanum Road is over 80 years old and is a critical to discharge interior drainage from the downtown area during high water on the Connecticut River. Over the last 30 years, the pumping station has been activated on average 38 days per year. The necessary improvements include

refurbishing the existing building structure, resizing and replacing the HVAC system, replacing the existing engines and axial lift pumps, and other various upgrades. The intended purpose of improvements is to maintain a 21st century flood mitigation system that is designed to protect Northampton from climate change and enhanced flood risks, thereby reducing threats to life, loss of property, and local infrastructure critical to the regional supply chain and economy. Accordingly, we request the inclusion of language in our next WRDA to authorize this work.

- **Massachusetts Connecticut River Flood Risk Management Study –** In 2023, Massachusetts communities located along the Connecticut River experienced historic rains and catastrophic flooding, which caused severe damage to municipal and state transportation infrastructure, residential and commercial property, flooded agricultural fields, destroyed crops, and killed livestock, and overflowed raw sewage and wastewater into the river. In light of the growing threat of climate change and more frequent extreme storms, we must identify specific flood control and resiliency measures that can reduce flood risk and prevent and mitigate the public health, environmental, and financial impacts of flooding along the river in Massachusetts. Accordingly, we request the inclusion of language in our next WRDA that will authorize a feasibility study to identify the problems, needs, and opportunities for flood risk management, and to determine if there is a technically feasible, economically justified and environmentally compliant recommendation for Federal participation in renewed flood risk reduction management for the Connecticut River in the Massachusetts study area.

- **Cape Cod Rail Drawbridge:** USACE operates a drawbridge to allow rail access to Cape Cod. We request the inclusion of language to improve coordination between the USACE and the Massachusetts Department of Transportation to better account for multimodal access for residents of Massachusetts

Thank you for considering Massachusetts's water resources priorities as you begin your work on the next WRDA. Please feel free to contact Nate Birnbaum (nate_birnbaum@markey.senate.gov) in Senator Markey's office or Caleb White (Caleb_White@warren.senate.gov) in Senator Warren's office for additional information.

Sincerely,

Edward J. Markey
United States Senator

Elizabeth Warren
United States Senator