

Life needs rivers: 2021 River Action Agenda

For the past five decades, American Rivers has worked to protect wild rivers, restore damaged rivers, and conserve clean water for people and nature. We do this work because, quite simply, life needs rivers. Because we recognize the absolutely fundamental importance of water, and the vital role that rivers play in gathering and delivering water to supply our communities, grow our crops, and power our economy. Because healthy, resilient river systems are the first line of defense against the potentially devastating impacts of climate change. Because finding equitable solutions to river and water challenges is key to dismantling longstanding environmental injustices. Because rivers are pathways to the great outdoors and give us opportunities for fishing, boating, hiking and connecting with nature. And, because rivers run with a powerful current through the history and culture of America, and are key to our future.

With the advent of a new administration and Congress, we have a historic opportunity to restore our rivers and clean water as we rebuild our nation and economy from the ravages of COVID-19, while also repairing the damage done to rivers and clean water during the past four years. Accordingly, American Rivers pledges to work with President Biden and Congress to enact and implement the ambitious policy initiatives prescribed in this 2021 River Action Agenda.

1. Invest in rivers and clean water to recover from COVID-19

In the wake of COVID-19, Congress appropriated more than four trillion dollars to jumpstart the economy and bring millions of unemployed Americans back to work, and more federal assistance is needed. This presents a historic opportunity to make significant investments in our crumbling infrastructure which has been grossly underfunded for decades. Investments in water infrastructure and healthy rivers will not only create jobs, but will also strengthen our communities, improve public health and safety, address longstanding injustices and improve our environment.

While COVID-19 is shining a grim light on injustices surrounding the availability of clean water for all, our rivers and water infrastructure has been neglected and abused for decades. Too many people in our country lack access to safe, clean affordable water — two thirds of which comes from rivers and streams. Centuries of poor river management have degraded ecosystems and disconnected communities from their rivers. And, the impacts of climate change — increased drought, severe storms and increased flooding — are exacerbating existing vulnerabilities in communities across the country¹. Many of these inequities fall disproportionately on Black, Indigenous, Latino and other marginalized people. Our nation is in a defining moment, as we grapple with the coronavirus pandemic, a historic economic downturn and the reality of climate change. Equitable investment in clean water and healthy rivers can be a powerful part of the solutions needed to rebuild our communities and economy.

To put our economy back on track, while addressing some of our nation's most pressing challenges, Congress must increase funding for healthy rivers and clean water. Any infrastructure, economic stimulus, or jobs bill crafted to address the COVID-19 economic crisis must include major investments in water infrastructure, flood management, and watershed restoration. American Rivers recommends Congress invest \$500 billion for rivers and clean water over the next 10 years. We recommend an initial investment of at least \$50 billion to address the urgent water infrastructure needs associated with COVID-19 and shovel ready projects to improve flood management and restore rivers across the country. We recommend the funds be prioritized in the following ways:

- **Improve Water Infrastructure:** We recommend \$200 billion over 10 years to improve water infrastructure and prioritize funding where it is needed most. This includes:
 - Increasing financial support for state and federal government to ensure safe and affordable clean water and sanitation through water infrastructure improvements;
 - Developing water assistance programs that ensure basic levels of water and sewer services are available to support communities in need;
 - Ensuring that decision-making around water infrastructure in local and regional water management includes full community engagement and participation, particularly low-income and communities of color; and
 - Prioritizing investments towards solutions that maximize economic, social and environmental benefits and improve community resiliency such as green stormwater infrastructure.
- **Modernize Flood Management:** Allocate \$200 billion over 10 years that will provide investments to incentivize a shift from outdated flood control to an integrated flood management approach that prioritizes equitable, multiple benefit solutions ensuring all communities are resilient to flooding.

Restore Watersheds in our Communities: Invest \$100 billion over 10 years to restore rivers, make agriculture more sustainable and improve recreation opportunities.

2. Reverse regulatory rollbacks and restore strong, effective federal protection for rivers and clean water

The last four years have seen unprecedented rollbacks of regulations protecting rivers, clean water and community health. We must devote the next four years to reversing those rollbacks and reinvigorating implementation of the Clean Water Act and the National Environmental Policy Act.

- **Restore science to federal agency decision-making.** Freshwater ecosystems are the most threatened on the planet and climate change related impacts such as flooding, drought, and disease outbreaks underscore the need to base immediate action to reduce greenhouse gases on peer-reviewed science. Federal agencies such as US Geological Survey, US Fish and Wildlife Service, National Oceanic and Atmospheric Administration, National Park Service, and the Environmental Protection Agency have been blocked and gagged from using science to guide their actions over the past four years. They will require increased funding and political support to restore their ability to meet their obligations to use and create the best available science to implement actions to address climate change impacts and protect valuable freshwater ecosystems and biodiversity.
- **Reinstate the Clean Water Rule.** The Clean Water Rule, promulgated by the Obama administration in 2015 after input from hundreds of freshwater scientists, public hearings across the country, and over a million comments from the public, made clear that headwater streams and wetlands are protected by the Clean Water Act, providing regulatory certainty to landowners, farmers, and developers. By contrast, the Trump administration's Dirty Water Rule adopted in 2019 with no scientific support and in the face of overwhelming public opposition, eliminated protection for ephemeral streams (18 percent of all rivers) and isolated wetlands (51

percent of all wetlands). The Biden administration should rescind the Dirty Water Rule and reinstate and implement the Clean Water Rule.

- **Strengthen national stormwater regulatory requirements.** In most urban and suburban areas, the biggest threat to clean water is polluted stormwater runoff. The regulatory measures now in place fail to adequately address this major pollution source. Water quality will be improved with stronger national standards for reducing stormwater runoff including (1) explicit preferences for utilizing green infrastructure and low impact development; (2) a performance-based standard which requires a certain amount of water be retained or infiltrated on-site for areas that are newly developed or redeveloped; and (3) expanding the scope of permits that control stormwater to include the many areas that are either presently exempt or only required to implement nominal control to better protect both our high quality and most vulnerable areas.
- **Restore state and tribal authority under Section 401 of the Clean Water Act.** Section 401 of the Clean Water Act gives states and Tribes the authority to assess hydropower, river channelization, wetlands alteration, and oil and gas and other infrastructure projects that impact their own waters, and based on their own standards where local expertise, familiarity with the resource, and input from the most directly affected members of the public can inform the decision. The Trump administration's 2020 regulatory changes undermine that authority and should be reversed.
- **Ensure vigorous and effective implementation of the National Environmental Policy Act (NEPA).** NEPA is a cornerstone federal environmental law, requiring that any major action undertaken, permitted or funded by the federal government be assessed to determine its impact on our air, land, and waters. Federal agencies are required to prepare environmental assessments and, if necessary, more detailed environmental impact statements that evaluate the impact of the proposed project, consider alternatives that would have lesser impacts and, perhaps most importantly, open the process to public scrutiny and comment. Changes to NEPA regulations promulgated by the Trump administration in 2020 severely undermined NEPA's effectiveness, limiting projects subject to review, ignoring climate change and cumulative impacts, and curtailing public input. The Biden administration should rescind those regulations and restore the prior regulations ensuring full implementation of NEPA.

3. Improve protection and management of the nation's floodplains.

Floodplains, the lowlands adjacent to rivers and streams that are subject to inundation during floods, are among the most productive wildlife habitats, the most fertile farmland, and are the areas most attractive for development. Poorly-planned development in floodplains across the country has led to massive losses of wetlands, immeasurable pollution and habitat destruction in the nation's rivers, and billions of dollars lost to flood damage and squandered on largely ineffective flood control measures. Communities of color and low-income communities are often the most adversely affected by flooding and have challenges accessing resources to become more resilient and reduce flood risk. A new approach is needed that promotes equitable, integrated flood management and prioritizes nature-based approaches to manage floods. American Rivers urges the Biden administration to:

- **Incentivize and build capacity for multi-benefit, nature-based solutions for flood management.** Nature-based solutions to flood management - restored wetlands, reconnected

floodplains, natural floodways, and natural vegetation - work with natural river processes and are generally more cost-effective and sustainable than traditional structural approaches. In many cases hardened infrastructure is less resilient, less cost-effective, and less environmentally friendly than natural and nonstructural solutions. Nature-based solutions are growing in use and popularity due to the multiple benefits they provide to communities. However many policy barriers exist and there is a lack of knowledgeable practitioners. The administration should take the following steps to increase the use of nature-based solutions to flooding:

- Direct flood management agencies including the U.S. Army Corps of Engineers and the Federal Emergency Management Agency to prioritize nature-based approaches to flood management and disaster mitigation and revise policies that restrict their use.
 - Require State Hazard Mitigation Plans to incorporate activities that will improve the use of nature-based solutions including trainings, mapping, coordination with conservation agencies and organizations, and project planning.
 - Create a new grant program that will assist Tribes, state and local governments, and regional watershed authorities in implementing and building capacity for multi-benefit floodplain projects and programs.
- **Reform the National Flood Insurance Program.** The National Flood Insurance Program (NFIP) should be a primary tool for reducing flood risk and improving resilience to climate change. The program has the potential to guide communities toward safer development strategies that work with the natural flood cycle of rivers and increase the benefits that rivers and floodplains can provide to communities including abundant clean water, recreation opportunities, and gathering places for all. The Biden administration should work with Congress to reform the NFIP to:
 - Prioritize community-driven property acquisition and buyouts within mitigation programs;
 - Strengthen standards for new construction to avoid building in vulnerable areas;
 - Align flood mapping, floodplain regulations, and mitigation programs to support the restoration of natural and beneficial functions of floodplains;
 - Improve flood maps to include future flood risk due to climate change, erosion hazard zones and channel migration zones.
- **Direct and fund the Federal Interagency Floodplain Management Task Force to update the Unified National Program for Floodplain Management.** The Federal Interagency Floodplain Management Task Force (FIFMTF) was established in 1975 to implement a “Unified National Program for Floodplain Management” with “dual goals of reducing the loss of life and property caused by floods and protecting and restoring the natural resources of floodplains.” The FIFMTF has the critical responsibility of aligning dozens of floodplain management related agencies spread across the federal government and ensuring they work effectively with state and local floodplain managers. The FIFMTF should be immediately reconvened and directed to update the Unified National Program for Floodplain Management with a focus on equitable and integrated floodplain management that prioritizes nature-based solutions. The FIFMTF should continue working to eliminate silos and conflicts between programs that do not align and facilitating the improvements that will support multiple benefit floodplain projects that reduce flood damage, and provide additional benefits like clean water, restored habitat and carbon sequestration.
- **Enact the Federal Flood Risk Management Standard.** The number and severity of floods annually is rising, along with the cost to taxpayers of responding to flood disasters. The federal

government needs to better protect taxpayer investments in federal infrastructure as well as public safety and riverine habitat. The Obama Administration issued Executive Order 13690 “[e]stablishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input.” This executive order required federal agencies to update their standards for federal investments when building in or affecting floodplain areas and required consideration of nature-based solutions. However, the Trump Administration revoked E.O. 13690. The Biden administration should reinstate E.O. 13690 and work with Congress to enact legislation making the Federal Flood Risk Management Standard permanent.

4. Launch a national initiative to prioritize and fund dam removals.

There are over 90,000 dams on rivers and streams across the country. Many of these provide needed irrigation, flood control, and energy production services. But many others no longer serve a useful purpose and are often hazards to water quality, fish and wildlife, and public safety. The single most effective way to rehabilitate a damaged river system is to remove unnecessary barriers to connectivity and the free movement of water, nutrients, and wildlife. We urge the Biden administration to launch an interagency initiative that includes the following actions:

- **Prioritize and fund barrier removal to improve habitat, connectivity, water quality, and public safety.** Increase funding and coordination opportunities for federal agencies –National Oceanic and Atmospheric Administration, U.S Forest Service, U.S. Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation, National Park Service, Federal Emergency Management Agency, Natural Resources Conservation Service, and U.S Army Corps of Engineers– to focus on multi-benefit projects that prioritize improving habitat, connectivity, and public safety. The Biden administration should establish an interagency community of practice around dam removal enabling federal agencies to share knowledge and best management practices, as well as establish barrier removal as a standard part of natural resources management across the federal family.
- **Develop a schedule for reviewing the operation plans of federal facilities.** Privately owned dams regulated by the Federal Energy Regulatory Commission are required to have their operations reviewed every 30-50 years to ensure that dams are functioning properly, are in compliance with modern environmental laws, and their impacts on the environment and public safety are properly mitigated. Federal facilities face no such scrutiny or review. The Biden administration should develop a schedule for reviewing taxpayer owned dams and, where appropriate, consider disposing of outdated or unsafe infrastructure.
- **Develop accurate budget projections that reflect the true costs of maintaining and operating federal water infrastructure.** Dams and other freshwater infrastructure must be constantly maintained and managed. Reservoirs built in the middle of the last century are rapidly filling with sediment, reducing their function and potentially endangering public safety. Dams built decades ago may be facing such massive maintenance costs that a straightforward, science-based cost/benefit analysis might lead budget managers to conclude that the taxpayers’ interest are better served by removal. The failure to develop cradle-to-grave management plans for federal hydropower, flood control, and irrigation facilities masks the true cost of these facilities. The Biden administration should conduct true cost/benefit analyses and long-term maintenance plans for federal dams. A full accounting of the cost of maintaining these facilities should

include upgrades and reoperation costs to meet modern environmental standards, decommissioning, and removal. The costs of such life cycle management should be included in annual budget requests.

- **Facilitate dam removal and river restoration through the hydropower relicensing process.** Hydropower dams have devastated river health nationwide, with significant negative impacts on rivers, fish and wildlife populations, and cultural resources. There are also serious safety issues with dams. At the same time, climate change threats call for a proactive approach to ensuring a mix of energy sources that do not rely on fossil fuels – and that includes hydropower.
 - Prioritize improved dam safety
 - Advance effective river restoration through improved off-site mitigation strategies
 - Improve federal hydropower licensing, relicensing, and license surrender processes
 - Prioritize increased funding for dam removals

5. Increase protection of Wild and Scenic Rivers

2018 marked the 50th anniversary of the Wild and Scenic Rivers Act, arguably one of the least known and most effective federal conservation statutes. Since its inception, the Act has protected over 12,000 miles of pristine rivers and millions of acres of riverside habitat from dam construction, mining, and other threats. While this is an accomplishment to be celebrated, that total represents a fraction of one percent of the river miles in the U.S., and many of the last wild rivers in America remain vulnerable to damming, mining, oil and gas exploration, and other development pressures. Moreover, many rivers that have been designated for Wild and Scenic protection are not in fact receiving the protection and management that the law mandates. Building on the legacy of river conservation established by Congress and President Lyndon Johnson over 50 years ago, as well as the opportunity created by the adoption of the Great American Outdoors Act permanently funding the Land and Water Conservation Fund, the Biden administration should:

- **Secure protection for an additional 5,000 miles of rivers through new designations and eligibility determinations.** The Biden administration should support Congressional designation of new Wild and Scenic designations in Washington, Montana, Oregon and other states. In addition, the next Administration should undertake revisions to management plans for Bureau of Land Management and U.S. Forest Service lands throughout the west, ensuring that rivers flowing through those lands are deemed eligible for Wild and Scenic status and receive the administrative protections they deserve until Congress acts to permanently protect them.
- **Dedicate additional funding and personnel resources to the protection and management of Wild and Scenic rivers.** Many rivers currently designated as Wild and Scenic or recognized as eligible for such protection are not yet managed by federal land management agencies in an appropriate manner. Some lack management plans required by the Act, and others are not being effectively protected from development pressure. The Wild and Scenic Rivers System, like the national wilderness and wildlife refuge systems, deserves committed and effective stewardship. The Biden administration should champion a significant increase in funding to elevate the visibility of the system and improve the stewardship of Wild and Scenic rivers.

- **Establish a Wild and Scenic Rivers Center for research and development of river conservation tools.** Analogous to the highly successful Carhart National Wilderness Training Center, this new institution would promote the conservation of Wild and Scenic rivers through applied research and on-the-ground development of river conservation and management approaches.
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