

Testimony of

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Before the

**SUBCOMMITTEE ON WATER RESOURCES & ENVIRONMENT,
HOUSE TRANSPORTATION & INFRASTRUCTURE COMMITTEE**

FOR THE SUBCOMMITTEE HEARING REGARDING

H.R. 135, The Twenty-First Century Water Commission Act of 2007

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Good morning, Chairman Johnson, Ranking Member Baker and Members of the Subcommittee on Water Resources and Environment.

My name is David R. Conrad. I serve as Senior Water Resources Specialist for the National Wildlife Federation. The National Wildlife Federation is the nation's largest conservation education and advocacy organization, with some four million members and supporters and affiliates in 48 U.S. states and territories. Since our founding in 1936, the Federation has been actively involved in the development of federal natural resources policy, and especially the many policies related to our nation's waters and shorelines. In this regard, we have been actively involved in the development and implementation of a wide array of federal legislation, including the Clean Water Act, the Water Resources Development Act, the National Flood Insurance Program (NFIP), and the Coastal Zone Management Act. I have been personally involved in amendments to, and implementation of, a number of these laws.

On behalf of the National Wildlife Federation, I welcome the opportunity to testify on H.R. 135, the Twenty-First Century Water Commission Act of 2007. We applaud Representative Linder for introducing this bill, and the 22 other members who have joined as cosponsors. This is an important subject for legislation, and we believe there is a strong need for a new national water commission. The issue of water resources is critical to national security, economic security, the health and well being of our citizens, and the wildlife and ecological health of our nation. International tensions over shared water resources are increasing as water becomes scarcer and water quality is compromised. Many of our communities find they cannot afford necessary upgrades to their antiquated sewers and water treatment and delivery systems. Wetland resources continue to decline. Our nation's flood risk and the cost of flood damages is increasing. The need for broad-based planning for water resources in virtually every area of the country is becoming increasingly clear. For these reasons, we would urge an expansion of the scope of the Commission from its current narrow focus on water supply. We believe a broader

mandate that reflects the wide variety of water resources issues we face would better serve the nation's interests.

Duties of the Commission

Thirty-five years have passed since the last National Water Commission issued a report to Congress and the President on our nation's water resources. This report provided insights on a wide range of water issues, including the effects of water management on the economy, groundwater issues, state and federal water law, and interbasin transfers.

The Duties of the 1973 Commission were stated in one long sentence, Section 3 (a) of the National Water Commission Act, P.L. 90-515, Sept. 26, 1968, 42 U.S.C. § 1962a, which says:

The Commission shall:

- (1) review present and anticipated national water resource problems, making such projections of water requirements as may be necessary and identifying alternative ways of meeting these requirements – giving consideration, among other things, to conservation and more efficient use of existing supplies, increased usability by reduction of pollution, innovations to encourage the highest economic use of water, interbasin transfers, and technological advances, including but not limited to desalting, weather modification, and waste water purification and reuse;
- (2) consider economic and social consequences of water resource development, including, for example, the impact of water resource development on regional economic growth, on institutional arrangements, and on esthetic values affecting the quality of life of the American people; and
- (3) advise on such specific water resource matters as may be referred to it by the President and Water Resources Council.

A lot has changed since the '73 report– not just technologically, but also ecologically, as well as our understanding of a broad range of water concerns. Today, we are becoming increasingly aware of the delicate nature of our aquatic ecosystems and how dependent we are on the natural services that in the past we often have taken for granted. We have learned that interbasin transfers often are accompanied by transfers of invasive species which do ecological harm and increasing political tensions over threats of diverting downstream communities' water supplies. In addition, the reality of global warming can no longer be denied. As we know, the threat of global warming will have significant impacts on our precious water resources. I would urge the Committee to specifically require the Commission to examine the impacts of global warming on our nation's water resources, including flood risks, water quality, and wetland habitats. The Intergovernmental Panel on Climate Change (IPCC) reports have been clear -- global

warming is expected to result in profound effects on water cycles – more drought in the West, more flooding and droughts in the East, and higher sea levels along all our coasts. The scientific community agrees that weather events like Hurricanes Katrina, Wilma, and Rita could become increasingly common because of global warming.

On April 12, 2007, the National Wildlife Federation and Environmental Defense released the report, “America’s Flood Risk is Heating Up,” which chronicles the impacts of global warming on the nation’s flood risk. The report emphasized the need for the U.S. Army Corps of Engineers to incorporate modern climate science as it plans and manages water resources projects, and it urged Congress to update the National Flood Insurance Program to reflect the new realities of global warming.

From flood risks to sewage overflows, a 21st Century Water Commission would have a monumental role in helping define and resolve water resources issues over the next 50 years. These next 50 years could be critical to the health of our planet.

I would like to draw the Committee’s attention to the language in Section 8207, of the House-passed energy bill, H.R. 3221, which includes very good language to create a similar Commission as the one contemplated in H.R. 135, but with a much broader scope. The language in the energy bill would require the Commission, in addition to projecting future water demand and optimizing future water supply, to also:

- suggest strategies for using best available climate science in projections of future flood and drought risk, and for developing hazard mitigation strategies to protect water quality, in extreme weather conditions caused by climate change;
- suggest strategies for financing options, incentives, and strategies for development of comprehensive water management plans, holistically designed water resources projects, conservation of existing water resources infrastructure (except drinking water infrastructure) and to increase the use of nonstructural elements (including green infrastructure and low impact development techniques);
- identify policies that encourage low impact development, especially in areas near high priority aquatic systems;
- suggest strategies for encouraging the use of, and reducing biases against, nonstructural elements (including green infrastructure and low impact development techniques) when managing stormwater;
- suggest strategies for addressing increased sewage overflow problems due to changing storm dynamics and the impact of aging stormwater and wastewater infrastructure, population growth, and urban sprawl;
- promote environmental restoration projects that reestablish natural processes; and
- identify opportunities to promote existing or create regional planning, including opportunities to integrate climate change into water infrastructure and environmental conservation planning.

I urge the Committee to consider adding these important components to the duties of the Commission in Section 4 of the H.R. 135.

In its current form, H.R. 135 does not address border conflicts over water issues. We would therefore encourage the Committee to require the Commission to explore the avenues to reduce international conflicts over water resources, especially current tensions on the U.S. borders with Canada and Mexico.

Membership

I believe that the membership of the Commission should be changed to include members appointed by the Congress, not just the President. This would likely give the Commission a broader base of support for the difficult tasks it would face.

Water Resources Council

Finally, I would also like to draw the Committee's attention to the Water Resources Council, which acted as a federal integrated water resource planning entity from 1965 to 1983. The Water Resources Council was established by the Water Resources Planning Act of 1965. (42 U.S.C. 1962a -1962(a)(4)(e). The Water Resources Council maintained a continuing assessment of the adequacy of water supplies in each region of the U.S. The Secretaries of Agriculture, Interior, Army, Health, and Education, Chairman of the Federal Power Commission, and the EPA Administrator served on the Council. The Act also created seven River Basin Commissions to promote water resources planning and economic development. The Council was charged to provide biennial water resources assessments. It also produced the Principles and Guidelines, which are guidelines for evaluating federally funded water projects and allocating water. The Water Resources Council also provided valuable research assistance to the 1973 National Water Commission, and the Commission was required by law to consult with the Water Resources Council as it drafted its final Commission report.

We strongly urge the Committee to consider reconstituting such a Council or requiring that the 21st Century Water Commission evaluate the possibility of reviving a Water Resources Council or an entity with a similar function. As our water resources become more scarce, a newly constituted Water Resources Council could oversee a much-needed integrated federal water policy to safeguard our national security and our citizen's health.

Once again, Madam Chair and Members of the Subcommittee on Water Resources and the Environment, we applaud your work to hold a hearing on this important legislation. We all share a moral responsibility to protect our water resources and to protect our children's future.

Thank you.