

**American Bird Conservancy * Center for American Progress
Center for Biological Diversity * Comité Diálogo Ambiental, Inc.
Defenders of Wildlife * Earthjustice * Endangered Species Coalition
League of Conservation Voters * Natural Resources Defense Council
National Parks Conservation Association * El Puente de Williamsburg, Inc. * Sierra Club**

November 29, 2017

Honorable Paul Ryan
The Speaker of the House of Representatives
H-232 Capitol Building
Washington, DC 20515

Honorable Nancy Pelosi
House Minority Leader
H-2404 Capitol Building
Washington, DC 20515

Honorable Mitch McConnell
Senate Majority Leader
S-230 Capitol Building
Washington, DC 20515

Honorable Charles E. Schumer
Senate Minority Leader
S-221 Capitol Building
Washington, DC 20515

On behalf of the millions of Americans devastated by recent disasters and our millions of members, including many thousand who are still struggling in the aftermath of the recent hurricanes that have devastated Puerto Rico, the U.S. Virgin Islands, Texas, Florida and elsewhere on the Gulf Coast, we are writing to urge that you support strong emergency supplemental legislation that will:

Fund a robust recovery and rebuilding effort that ensures that rebuilt communities will be stronger, resilient and more sustainable. Such a recovery and development effort should be driven by and centered on the needs of the communities affected.

The Office of Management and Budget's (OMB) recent request for supplemental disaster funding falls dismally short in several critical areas and lacks adequate resources to rebuild resilient energy and water infrastructure. For example, the OMB requested only \$10 million for the Department of Energy to support planning to meet Puerto Rico's long-term electrical power generation and distribution needs. OMB failed to recommend funding for EPA to help communities affected by Hurricanes Harvey, Irma, Maria and Nate to build more resilient drinking water, wastewater, and stormwater infrastructure, as was done in the aftermath of Hurricane Sandy five years ago. Moreover, the administration had earlier committed to reinstating, in some form, federal flood risk management standards that it had previously rescinded, yet nowhere do they propose putting such standards back in place.

We urge Congress to take a more comprehensive view of what the needs of affected areas are and how we, as a nation, will rebuild in the wake of these hurricanes, and in the face of a rising trend of more intense and frequent storms that threaten to increase the risks and costs of future disasters. Congress must do better than simply fund rebuilding efforts that rely on risky and outdated infrastructure designs and land-use practices. Instead, Congress must place a new emphasis on stronger, safer and more resilient rebuilding that includes thoughtful reconsideration of where and what we rebuild, to ensure communities are better prepared and less vulnerable in the future. The proposals listed below attempt to address these issues and urge Congress to adopt them.

Because of the difficulties of communicating to our partners in the impacted areas, these recommendations are subject to change based on their more complete input and a better understanding of actual impacts in the areas.

Hurricanes Harvey, Irma, Maria, and Nate have changed the lives of millions of Americans. Today, more than two months after the hurricanes, several million Americans, especially in Puerto Rico and the U.S. Virgin Islands, are still suffering without safe reliable drinking water, electricity, adequate food, safe shelter and other essential services. Government response has been insufficient, resulting in prolonged hardship and unnecessary risk to human health. Our fellow communities should not be forced to wait any longer. Moreover, we urge the Congress not to require cuts in critical environmental, education and housing programs that benefit people across the country to provide the assistance that communities now so desperately need. The recent tax bill could increase the deficit by over \$1.5 trillion without similar offsets, so it would be callous of Congress to require deep cuts to discretionary programs to address a humanitarian crisis while allowing the nation's debt to mount, to reduce the taxes of the most wealthy Americans. There is adequate precedent and need to fund emergencies without cutting programs needed by people in every state and territory. The time for action is now. While we do not claim to be comprehensive in identifying all urgent needs of the people in these communities, the most critical requirements for such legislation include:

Immediate Needs

1. People Centered Recovery Efforts in Puerto Rico, the U.S. Virgin Islands and all disaster-impacted communities. The ongoing recovery and rebuilding efforts in Puerto Rico and the U.S. Virgin Islands should be driven by and centered on the needs of the people of these islands. Each proposed recovery and development action must be implemented in a way that does not compromise or undermine the long-term development, safeguards, and rights of the people of Puerto Rico and the U.S. Virgin Islands and their ability to influence their recovery. Recovery and development actions in Puerto Rico, the U.S. Virgin Islands, and all disaster-impacted communities must abide by laws like the National Environmental Policy Act (NEPA) that ensure public engagement as well as health and environmental safeguards. Meaningful

stakeholder engagement in the planning, design, and deployment of health, safety, energy, and other infrastructure projects is critical to ensure that any actions are meeting the needs of people on the ground.

2. Meeting Immediate Needs in Puerto Rico and U.S. Virgin Islands for Safe Water, Electricity, and Food. Federal agencies must be funded to ensure that all residents of Puerto Rico and the U.S. Virgin Islands have reliable access to critical services such as safe drinking water, sewage treatment, electricity, communications, food, and housing. As part of this, EPA should be funded to immediately and comprehensively test and evaluate drinking water systems across Puerto Rico and the U.S. Virgin Islands, and should publicly release the results in a manner that will reach citizens, considering communications problems. The legislation should also ensure that citizens in Puerto Rico and the U.S. Virgin Islands receive the same emergency food stamps (SNAP) provided to people in Texas and Florida after the hurricanes. Also, financial matching requirements for any community disaster loans or grants provided by FEMA and any other federal agency, need to be waived to ensure that municipalities receive critical assistance without delays, given the dire financial situation in Puerto Rico and the U.S. Virgin Islands.

3. Rebuilding the Electricity System in Puerto Rico and U.S. Virgin Islands to be Sustainable and Resilient. The recovery process provides an opportunity to rebuild the grid and electricity systems, so they are cleaner, stronger, more resilient to future storms, and more reliable. Grid resiliency, energy storage, and a focus on energy generation from renewable sources will be key to this recovery. Shifting to renewable resources has been a focus of both Puerto Rico and the U.S. Virgin Islands who have adopted renewable energy portfolio standards that require shifts to renewable energy sources. It is even more important now, post-hurricane, that they can count on a strong, clean, renewable energy portfolio maximized through distributed generation. By ensuring access to the grid to distributed energy in the future – including solar plus storage and micro grid technology – Puerto Rico could become a leader in island resiliency. Also, empowering the experts on the island, such as the Puerto Rico Energy Commission, and it's equivalent in the U.S. Virgin Islands, with a central role in the design and implementation of any plan will be critical for the success of any project. This empowerment must include resources to ensure that the best technical expertise is available to guide the process and clear separation of powers to promote fact-based decisions that follow the best interests of the people.

This latter piece is critical, as it has become increasingly clear that some companies will attempt to take advantage of the crisis to push contracts, projects, and other schemes that are not in best interests of the people of Puerto Rico or the U.S. Virgin Islands. The waste incinerator proposed for Arecibo, Puerto Rico is an example. The incinerator project is neither renewable nor resilient and yet proponents are using the current crisis and a “green” rebranding to try to circumvent regulatory framework and push for Congressional blessing. Furthermore, facilities currently operating, like the coal-fired plant in Guayama, and proposed projects, like the Aguirre Offshore

Gasport in Salinas, that represent health and environmental hazards should be phased out or discarded as the people of Puerto Rico seek to integrate a resilient framework that ensures improvement in the quality of life of communities.

Congress cannot allow money to be spent on projects that are not economically feasible, would negatively affect the health of people of the island, and that would create additional health and safety hazards.

4. Reconstructing Resilient Drinking Water and Sewage/Waste Water Infrastructure. The legislation also should provide at least \$2.5 billion to support the reconstruction of more resilient water infrastructure and funding to correct longstanding water infrastructure problems in Puerto Rico and the U.S. Virgin Islands. Before the hurricanes, Puerto Rico’s drinking water and wastewater infrastructure were already dangerously weak; afterward, it is failing to ensure the protection of millions of Americans from grave health risks. Repairs and upgrades are urgently needed. We approve of the administration’s request to waive the “pre-disaster condition” of any public facility damaged in Maria. Given the dilapidated state of much of Puerto Rico’s and the U.S. Virgin Islands’ infrastructure, it makes no sense to simply repair it to its’ previously degraded condition. More is needed, and we urge Congress to adopt the administration’s request. Funding should provide for repairs and infrastructure upgrades to decrease potable water losses in the distribution system (non-revenue water), watershed reforestation and protection, water harvesting and conservation measures, upgrades to water and wastewater system plants, correction of infiltration and overflows at wastewater systems and mechanisms to upgrade and ensure compliance of non-Puerto Rico Aqueduct and Sewer Authority (PRASA) systems.

5. Establishing Flood Protection Standards for Federally-Funded Infrastructure. The legislation should reinstate the Federal Flood Risk Management Standard, or create a flood protection standard that achieves the same outcome, to assist hurricane-impacted communities to rebuild damaged infrastructure with a higher margin of safety against future flood disasters.

6. Considering Future Conditions on Advisory Flood Maps. FEMA should be required to create Advisory Flood Maps for coastal communities impacted by the recent hurricanes that account for future conditions that exacerbate flood risk, like sea level rise, land subsidence, extreme weather events and projected development. These maps would not be used for federal flood insurance rate maps. The administration has requested a combined \$53 million for USGS and NOAA to provide mapping products, which could assist FEMA’s efforts to create these requested Advisory Flood Maps.

7. Addressing Immediate Health Needs and Planning for the Future. The Environmental Protection Agency (EPA) and the Department of Health and Human Services (HHS) must take urgent action to address the immediate health needs of hurricane-affected areas, including mold exposure, wound infections and waterborne illness from contaminated water, heat-related

illnesses and deaths, PTSD and other mental health issues, injuries from debris removal, cleanup of Superfund and other toxic sites, and more. The federal agencies should be required to develop comprehensive health plans for future disasters, including for the provision of sufficient, safe drinking water and healthcare.

8. Incorporating Environmental Justice and Social Vulnerability into Recovery Planning.

Federal agencies and states, cities and communities receiving federal disaster aid and recovery funding should be required to integrate environmental justice principles, including consideration of cumulative environmental exposures, sensitive populations, and social vulnerability into recovery planning and policies crafted to support redevelopment and establishment of their recovery plans. This will support rebuilding and recovery efforts that match community priorities and do not displace residents. In addition, to avoid displacing residents, states receiving Community Development Block Grants-Disaster Relief funding should be instructed to ensure a 1:1 replacement of subsidized rental units that have been severely damaged or destroyed by recent disasters.

9. Funding Voluntary Buyouts and Natural Infrastructure. Congress should appropriate supplemental funds to FEMA to establish voluntary property acquisition projects to purchase repeatedly flooded structures from willing landowners in hurricane-impacts states and territories. These and other funds should support the creation of natural infrastructure projects on the acquired properties, to further reduce flood risk for the participating community. While FEMA does not allow redevelopment of acquired properties, other agencies, like HUD, do allow for redevelopment of areas known to be vulnerable to flooding. For appropriations made to other federal agencies for purchasing repeatedly flooded homes, the legislation must be clear that redevelopment should be avoided whenever possible and, if necessary, should not promote gentrification and low-income community displacement.

10. Providing Technical Assistance to Recovering Communities and Supporting

Community Engagement in Recovery. There is an ever-growing need to increase the nation's resilience and readiness for unavoidable impacts of a changing climate as well as provide assistance to adversely affected communities. Responsible federal agencies have deep expertise and must be funded to provide technical assistance on multiple levels to support both immediate recovery from disasters and assessment of climate-related vulnerabilities for future planning purposes. While Federal and State governments have the overall responsibility for reducing risk and responding to disasters, it is a shared responsibility between Governments and communities. "Community Based Disaster Management" (CBDM), is critical to ensuring both inclusion in recovery planning but also successful implementation of recovery efforts. CBDM involves building the capacity of communities to participate in the assessment of their vulnerability to both human-induced and natural hazards and develop strategies and resources necessary to prevent and mitigate the impact of identified hazards as well as respond, rehabilitate, and rebuild following a disaster. CBDM empowers communities to be pro-active in disaster management

and creates a partnership between people, governments and non-profits to ensure effective use of resources to enable a full recovery.

11. Prioritizing Transparency. To ensure that taxpayer resources are allocated in an environmentally and financially sustainable manner, Congress should authorize that a public database be created that tracks government spending throughout the rebuilding. It can be done: similar efforts took place after Congress approved the American Recovery and Reinvestment Act, and technology has improved since 2009. Additionally, localities charged with allocating rebuilding resources should be required to solicit meaningful public comment via public hearings, and community meetings. Local officials, taxpayers, and community leaders should be able to influence how disaster funds are allocated. Allowing the public to track funds will help limit waste, fraud and abuse, and ensure that these resources create a sustainable future by guaranteeing residents and businesses are rebuilding with the highest environmental standards.

Longer-Term Needs

12. Planning Post-Disaster Workforce Redevelopment. The Department of Labor and the Department of Housing and Urban Development in collaboration with Department of Energy should support a post-disaster redevelopment plan that ensures that displaced people can re-establish secure and sustainable livelihoods that enable their recovery.

13. Maximizing Deployment of Clean Energy in Rebuilding. Federal agencies should be funded to provide direct grants to impacted communities to support micro grids, clean energy generation from renewable sources (such as solar and wind), energy storage, and energy efficiency to better meet the electrical, heating and transportation needs in the future. Such grants should prioritize low-income and hard-to-serve areas, to ensure that recovery resources for rehabilitation and residential upgrades reach and benefit the most under-served residents. Clean energy rebuilding should incorporate community participation and leadership to further energy democracy and literacy. Existing grants, low-cost financing, and incentive programs should be leveraged to invest in rebuilding more efficient and storm-resistant homes and ensure proper disposal of discarded/ruined equipment.

14. Preventing Destruction of Floodplain Wetlands and Restricting Construction in Floodplains. The legislation should restrict the discharge of dredged or fill material into wetlands located in areas identified by mapping projections of future sea level rise and extreme weather events. It should also restrict the use of federal funds, loans or loan guarantees for construction in floodplain areas.

15. Assessing the Contribution of Urban Storm Water to Chronic Flooding. The legislation should expand and provide appropriate funding for EPA, the U.S. Army Corps of Engineers (USACE), and the National Academy of Sciences (NAS) project to explore the issue of urban flooding. An existing NAS project should be expanded to include those urban areas affected by Hurricanes Harvey, Irma, Maria, or Nate. The purpose is to assess how uneven distribution of storm water infrastructure and poor management of storm water and impervious area development may have caused or exacerbated flooding in urban areas affected by recent hurricanes.

16. Ensuring Clean Energy for Low-Income Communities. The legislation should provide grants for communities to expand installation of energy efficiency upgrades and distributed renewables based on the Clean Energy for Low Income Communities Accelerator (part of DOE's Better Buildings initiative) for communities affected by natural disasters to be funded through the Housing and Urban Development CDBG-Disaster Funds in close consultation with Department of Energy Weatherization and Intergovernmental Affairs Office.

17. Conducting a New Rebuild By Design Competition. Create a new "Rebuild By Design" Competition, similar to the effort funded by Congress after Superstorm Sandy. The original competition spurred innovation and collaboration among community members, civic leaders, and nationally recognized design and engineering firms. The result was nine innovative projects in New York and New Jersey that were designed to enhance resilience in creative ways and provide funding to begin implementation. A new competition would be for communities in areas impacted by Hurricanes Harvey, Irma, Maria, and Nate and would develop innovative solutions to enhance resilience and address vulnerabilities exposed by recent hurricanes. The administration has requested \$12 billion for HUD to administer a nationwide competition for areas that have been the subject of at least two federally declared flood disasters. We urge Congress to act on this request and we recommend that a minimum of \$2 billion be dedicated specifically for Puerto Rico and the U.S. Virgin Islands.

18. Studying the Potential of a State Disaster Deductible to Reduce Federal Disaster Expenses. To provide an incentive for states and municipalities to protect communities and taxpayers from dangerous and costly disasters before they happen, Congress should give FEMA the funding necessary to study how the agency's proposed disaster deductible could lower the risks and costs associated with future disasters. The study should examine what practices and policies could be adopted by state governments to reduce the potential for damages, to enhance resilience, and to mitigate their vulnerability to future disasters. FEMA should also examine how Tribes, Territories, and communities in which most families earn below the federal median income could be exempted from meeting the disaster deductible.

19. Funding for Recovery of National Parks and Funding for Restoration of National Wildlife Refuges. Funding is needed for long-term recovery and resilience of the more than 50

National Park units in 9 states and territories that have been impacted thus far during the 2017 hurricane season. Wildlife refuges throughout the Gulf region and in the Caribbean experienced significant impacts from this year's hurricanes. Refuge facilities were seriously damaged, with at least 10 buildings destroyed in Texas's Aransas Refuge alone. Property throughout Vieques Refuge in Puerto Rico was decimated. Species and their habitat suffered as well. Only five endangered Attwater's prairie chickens in Texas's Attwater Prairie Chicken Refuge survived. Storm surge dramatically increased water salinity in the Aransas Refuge in Texas, negatively impacting the endangered whooping crane. The Fish and Wildlife Service is assessing effects on endangered key deer in the Florida Keys. Endangered Puerto Rican parrots were also hit particularly hard and most are currently living in an underground bunker. Even worse, invasive species dispersed by floodwaters will take years to eliminate from these refuges. Levees, berm systems and other natural infrastructure that normally protect inland wetland areas were overwhelmed and washed out in Texas, Georgia, Florida, and South Carolina refuges. These natural barriers shield inland communities, commercial areas and environmental landscapes from storm damage. It is critically important that Congress provide funding to support species recovery, restore wildlife habitat, repair damaged facilities and rebuild natural infrastructure on these refuges.

These and other measures are important to ensure the recovery and resilient rebuilding of the infrastructure and communities so profoundly harmed by the recent hurricanes. We encourage that Congress require accountability and transparency from state and local government entities in the use of federal funds to be provided in the proposed emergency supplemental legislation. The best way to achieve this is ensuring public participation and community engagement in all phases of recovery work: planning, design, and implementation. We look forward to working with you to enact strong, bipartisan legislation to achieve these goals. Thank you for your attention to these important matters.

Sincerely,

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