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To: ERBA Membership and LinkedIn  
Re: WRDA 2022 Includes Needed Mitigation GAO Studies

The passage of the Water Resources Development Act (WRDA), included in the National Defense Authorization Act now on its way to the President's desk to be signed into law, is a major step forward towards better understanding and ultimately improving current mitigation delivery under the Clean Water Act 404 mitigation program. In Section 8236(d), the legislation directs the Government Accountability Office (GAO) to broadly review how compensatory mitigation is implemented for both Corps Civil Works projects and under the 2008 Compensatory Mitigation Rule (33 CFR 332). The studies are both comprehensive and detailed, and will provide critical information to inform future policy efforts to improve the Corps' delivery of compensatory mitigation. These studies are a direct result of the lobbying efforts of ERBA and its members, capturing ERBA's recommendations to Congress over the past two years, including specific changes to the language that ERBA requested. Additionally, they include review of alternative contracting approaches and specifically the "pay for performance" procurement model, long championed by ERBA and its members.

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