

PROPOSALS FOR A WATER RESOURCES DEVELOPMENT ACT OF 2010

(111-77)

HEARING
BEFORE THE
SUBCOMMITTEE ON
WATER RESOURCES AND ENVIRONMENT
OF THE
COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES
ONE HUNDRED ELEVENTH CONGRESS
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U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

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November 16, 2009

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SUMMARY OF SUBJECT MATTER

TO: Members of the Subcommittee on Water Resources and Environment
FROM: Subcommittee on Water Resources and Environment Staff
SUBJECT: Hearing on "Proposals for a Water Resources Development Act of 2010"

PURPOSE OF HEARING

The Subcommittee on Water Resources will meet on Wednesday, November 18, 2009, at 2:00 p.m., in room 2167 of the Rayburn House Office Building to receive testimony from Members of Congress on issues and proposals for consideration of a Water Resources Development Act of 2010.

BACKGROUND

The Subcommittee on Water Resources and Environment has jurisdiction over the U.S. Army Corps of Engineers' (Corps) Civil Works program – the nation's largest water resources program. The Corps constructs projects for the purposes of navigation, environmental protection and restoration, flood damage reduction, hurricane and storm damage reduction, shoreline protection, hydroelectric power, water supply, recreation, and aquatic plant control.

I. General Procedures

The first step in a Corps water resources development project is a study of the feasibility of the project. If the Corps has conducted a study in the area before, a new study can be authorized by a resolution of either the Committee on Transportation and Infrastructure of the House of Representatives or the Committee on Environment and Public Works of the Senate. If the area has not been previously studied by the Corps, then an Act of Congress is necessary to authorize the study. The majority of studies are authorized by Committee resolution.

Once authorized, the Corps first performs a reconnaissance study at Federal expense, at an approximate cost of \$100,000, and which typically takes one year to complete. Reconnaissance

studies determine whether there is a Federal interest in pursuing a given water resource problem or opportunity. In addition, it identifies the non-Federal interest that will participate in cost-sharing of the project. If a reconnaissance study indicates that there may be a viable Federal project and that a more detailed study should be undertaken, the Corps prepares a feasibility report, the cost of which is shared 50 percent by the Federal Government and 50 percent by the non-Federal interest.

After a feasibility study is completed, the results and recommendations of the study are submitted to Congress, usually in the form of a report of the Chief of Engineers. If such results and recommendations are favorable, the next step is authorization. Project authorizations are contained in water resources development acts, which are traditionally enacted on a biennial schedule.

After a project is authorized, it would still require an appropriation of Federal funds to proceed to construction.

II. Continuing Authority Programs for Small Projects

The Corps also has certain authorities to construct small projects without specific authorization by the Congress. These authorities, collectively known as the "continuing authorities program", include: (1) beach erosion control projects with a Federal cost of not more than \$3 million; (2) navigation projects with a Federal cost of not more than \$7 million; (3) flood control projects with a Federal cost of not more than \$7 million; (4) streambank and shoreline protection for public facilities projects with a Federal cost of not more than \$1.5 million; (5) projects to mitigate shoreline damages from Federal navigation projects with a Federal cost of not more than \$5 million; (6) projects of snagging and clearing for flood control with a Federal cost of not more than \$500,000; (7) projects modifying the structure and operation of existing projects for improvement to the environment with a Federal cost of not more than \$5 million; and (8) projects for the restoration and protection of aquatic ecosystems and estuaries (including dam removal) with a Federal cost of not more than \$5 million. Each of these continuing authorities programs has an annual program cost limit.

Since the continuing authorities program entails an abbreviated approval process, it offers an attractive alternative to specifically authorized work when project costs are relatively small. As a result, many Corps continuing authorities have been oversubscribed relative to annual appropriations.

III. Cost Sharing

The Water Resources Development Act of 1986 (P.L. 99-662) as amended, contains the cost sharing provisions, which are generally applicable to Corps water resources projects.

Harbor navigation projects:

For harbor navigation projects, non-Federal interests are required to pay 10 percent of project construction costs to depths 20 feet or less; 25 percent of project construction costs for depths greater than 20 feet, but not more than 45 feet; and 50 percent of project construction costs for depths greater than 45 feet. Since 1996, project construction costs include costs associated with dredged material disposal facilities. In addition, the non-Federal interest must pay 10 percent of the

cost of general navigation features over a period not to exceed 30 years with interest as well as provide all lands, easements, rights of way, and relocations necessary for project construction and maintenance. The cost of the lands, easements, rights of way, and relocations are credited against the additional 10 percent repaid following construction.

Operation and maintenance costs are 100 percent Federal for work associated with depths not greater than 45 feet and 50 percent Federal for additional costs of maintaining depths greater than 45 feet. The Federal share of operation and maintenance is appropriated from the Harbor Maintenance Trust Fund. That fund was created in 1986 and consists of receipts from a 0.125 percent tax imposed on the value of cargo loaded or unloaded at U.S. ports. On March 31, 1998, the Supreme Court ruled that the tax on cargo that supports the Harbor Maintenance Trust Fund is unconstitutional insofar as it applies to exports. The tax on imports and domestic cargo continues to be collected. The balance in the Harbor Maintenance Trust Fund has been growing in recent years and totaled \$4.55 billion at the end of fiscal year 2008.

Inland waterways transportation projects:

The construction and major rehabilitation of inland waterways transportation projects is funded 50 percent from the Inland Waterways Trust Fund, with the balance from general revenues. This trust fund consists of revenues generated from a tax on inland waterways fuel. The tax rate for the trust fund has been 20 cents per gallon since January 1, 1995. Operation and maintenance of the inland waterways system are 100 percent Federal from general revenues.

The Inland Waterways Trust fund has become depleted over recent years and the Administration has proposed phasing out the existing tax on waterways fuel and establishing a lock user fee.

Flood damage reduction projects:

For flood damage reduction projects (previously called flood control projects), structural alternatives require a minimum non-Federal share of 35 percent (25 percent for projects authorized before October 12, 1996) and a maximum of 50 percent. Non-structural projects require a fixed 35 percent non-Federal share. The non-Federal interest must pay at least five percent in cash of the costs of each project assigned to flood damage reduction during construction and provide lands, easements, rights of way, relocations, and disposal areas necessary for flood damage reduction. Additional cash is required to be paid during construction if the local non-cash contribution of lands, easements, rights of way, relocations and disposal areas, and the mandatory five percent cash contribution do not equal 35 percent (or 25 percent, depending on the date of project authorization), but the non-Federal contribution is always limited to 50 percent of project costs assigned to flood damage reduction.

Generally, operation and maintenance of flood damage reduction projects are non-Federal responsibilities.

Hurricane and storm damage reduction and shoreline protection projects:

The cost of initial construction for hurricane and storm damage reduction and shoreline protection projects that protect public lands or privately owned lands with appropriate public access

is cost-shared at 35 percent from non-Federal interests. The cost of construction on non-Federal public lands used for parks and recreation is cost-shared at 50 percent, and on Federal lands, the cost is 100 percent Federal.

The costs of periodic nourishment of projects on privately owned lands ranges from 35 percent non-Federal costs for projects authorized on or before December 31, 1999 to 50 percent non-Federal costs for projects authorized after this date where the periodic nourishment is carried out after January 1, 2003.

Environmental restoration and protection projects:

For projects whose purpose is environmental (ecosystem) restoration and protection, the non-Federal share of construction is 35 percent of total project costs. Operation and maintenance of such projects are non-Federal responsibilities.

Water supply, recreation, and aquatic plant control:

For municipal and industrial water supply (drinking water), the non-Federal share of project costs is 100 percent, repaid over the life of the project, but not to exceed 30 years. For agricultural water supply (irrigation), the non-Federal share is 35 percent, repaid over time. For recreation features, the non-Federal share of the cost of construction is 50 percent of the separable costs allocable to recreation, and for recreational navigation, 50 percent of joint and separable costs. Operation and maintenance of water supply and recreation projects are non-Federal responsibilities.

The Corps may also participate with other Federal and non-Federal agencies for aquatic plant control of major economic significance. The costs of site-specific aquatic plant control efforts are shared with non-Federal interests responsible for 30 percent.

Environmental infrastructure:

Since 1992, the Corps has been involved in the planning, design, and construction of environmental infrastructure projects for drinking water and wastewater. Environmental infrastructure projects constructed by the Corps are cost-shared with the non-Federal interest responsible for 25 percent of the total costs.

IV. Credit

During the development of prior Water Resources bills, the Committee received numerous requests for project-specific credit for individual projects. While requests for credit typically received favorable consideration, the Committee concluded that a general provision allowing credit under specified conditions would minimize the need for future project-specific provisions and, at the same time, assure consistency in considering future proposals for credit.

Section 2003 of the Water Resources Development Act of 2007 (P.L. 110-114) amended section 221 of the Flood Control Act of 1970 to statutorily authorize the Secretary of the Army to provide credit towards the non-Federal share of the cost of a project, including a project implemented without specific authorization in law (i.e., continuing authorities program), for the value of in-kind contributions made by the non-Federal interests that the Secretary determines are

integral to the project. Examples of in-kind credit include the costs of planning, design, management, mitigation, construction and construction services, and the value of materials and services provided before or after the execution of partnership agreement with the non-Federal interest.

Section 2003 also required that eligible credit be limited to those materials or services outlined, in writing, within the partnership agreement with the non-Federal interest.

WATER RESOURCES DEVELOPMENT ACT OF 2010

On November 6, 2009, Chairman James L. Oberstar, and Ranking Member John Mica, sent a "Dear Colleague" requesting proposed Corps project and study submissions for the formulation of a Water Resources Development Act of 2010. The deadline for project submissions is December 3, 2009.

The Committee places a high priority on developing and enactment of a Water Resources Development Act of 2010.

HEARING ON PROPOSALS FOR A WATER RESOURCES DEVELOPMENT ACT OF 2010

Wednesday, November 18, 2009

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON WATER RESOURCES AND
ENVIRONMENT,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:00 p.m. in room 2167, Rayburn House Office Building, the Honorable Eddie Bernice Johnson [Chairman of the Subcommittee], presiding.

Present: Representatives Johnson, Boozman, Cao, Napolitano, Hare, Bishop, Edwards and Perriello.

Ms. JOHNSON. Good afternoon.

Today the Subcommittee continues its work on a Water Resources Development Act of 2010. Enactment of a new water resources bill to address the current needs of the Nation is a high priority of mine and I am certain of all our Committee Members.

In the last Congress, the Committee was successful in moving a water resources bill that contained close to seven years' worth of projects, studies, new authorizations and project modifications. There was such broad support for that legislation that Congress soundly overruled President Bush's veto with what was only the 107th veto override in history. It is now appropriate to develop legislation that will address needs that have arisen since enactment of that legislation.

As of the date of the hearing, the Committee has begun accepting project requests from Members for consideration in the Water Resources Development Act. Every person that submits must submit something in their own districts. We can be very supportive of projects we know are needed, but it takes someone from that area to sponsor it.

I look forward to working with Mr. Boozman, the Ranking Member, and continuing the cordial, bipartisan work of putting together a water resources bill. I have looked high and low and I cannot find any Democrat and Republican water nor roads. They do not go with a label, so we will not be going by a label here.

As we saw with the Presidential veto override last Congress, water related infrastructure is not a partisan issue. These flood control, navigation, environmental restoration and other water related projects are far too important to our constituents, our local economies and the American peoples' lives and livelihoods.

This afternoon, we will receive testimony from distinguished Members of Congress regarding projects and policies for consider-

ation in the upcoming Water Resources Development Act. Our intent today is to receive testimony and begin to gather information on individual project requests so that we can be in position to move a new bill next year.

Given today's economic circumstances, this is no small task, but with the growing need in opportunities to improve our water infrastructure and restore the environment, we must rise to the occasion and move forward without delay. It is my hope that unlike his predecessor, President Obama will join us in sweeping bipartisan support for continued investment in our Nation's water related infrastructure that is to be included in the Water Resources Development Act of 2010.

Ms. JOHNSON. I yield to my Ranking Member, Mr. Boozman, for his comments.

Mr. BOOZMAN. Thank you, Madam Chair. We do appreciate your leadership and I totally agree with your statements about water being certainly nonpartisan.

Today, the Subcommittee is meeting to hear testimony from Members of Congress regarding the request for a potential Water Resources Development Act of 2010. During the 110th Congress, the Subcommittee developed legislation authorizing Army Corps of Engineers' projects, those enacted in November 2007. WRDA 2007 was essentially catch-up legislation since most Members were only allowed to request projects that were included in previous WRDA efforts.

The Subcommittee on Water Resources is now giving Members of Congress an opportunity to make new requests to the Committee. This legislation reaffirms our commitment to developing the Nation's water resources by responding to the requests of Members of Congress related to projects in their districts and policy issues affecting the entire Army Corps of Engineers Civil Works Program.

The Army Corps of Engineers is a very unique agency. Its military function began with the construction of the fortifications in preparation for the Battle of Bunker Hill in 1775. In the early parts of the 19th Century, Congress directed the Corps of Engineers to open the Nation's waterways to commerce.

From the beginning, the Corps of Engineers has been the only multi-dimensional and integrated Federal agency that supports economic and national security through its civilian and military functions.

The current system works very well. With its integrated water resource missions including navigation and flood control, the Corps helps improve the Nation's economy. Having a civil works mission in the U.S. Army also provides a ready-made team of experienced engineers, scientists and other professionals that we can call upon in times of national emergencies and threats.

For example, the Corps has undertaken reconstruction efforts in Afghanistan, Iraq, the World Trade Center and elsewhere. The most effective and efficient way to maintain this capability in a state of readiness is by keeping the Corps within the Department of Defense so the functions and capabilities can contribute to both the military and civil works missions.

The Water Resources Development Act provides authority for the Corps of Engineers to carry out its missions of navigation improve-

ments at harbors and waterways, flood damage reduction in our communities and environmental restoration at our lakes, rivers and wetlands. These projects reduce transportation costs, they save lives, homes and businesses from the ravages of flood waters and improve the quality of life. These projects also provide jobs and stimulate the economy.

Today's hearing allows Members of Congress to explain the water resources needs of their districts and how this relates to the water resources needs of the Nation. I look forward to hearing from my colleagues.

With that, I yield back, Madam Chair.

Ms. JOHNSON. Thank you very much.

The Chair now recognizes Mrs. Napolitano for remarks.

Mrs. NAPOLITANO. Thank you so very much, Chairwoman Johnson and Ranking Member Boozman, for holding this hearing and for working towards WRDA which is an important opportunity for Congress to reassess the challenges our Nation faces with water use and water quality.

There are many challenges in my own State. California is facing its third year of drought; farmers and residents are facing water rationing and water usage is causing environmental damage and disrupting the food chain. Legislation in California passed an \$11.4 billion water bond for next year's ballot. Hopefully it will address the water supply, water treatment and environmental restoration, but I am glad our Subcommittee plans to address these challenges through WRDA.

I urge the Committee to look towards recycling, reuse and desalination. We must make critical investments in underground storage, water replenishment and remediation of our aquifers and address the fact that climate change is forcing us to change our water habits and be less dependent on traditional water sources such as rivers and dams.

Madam Chairwoman, there are four specific projects in my district for which I will be requesting inclusion in WRDA. They include Appamona City Ground Water Clean Up Project, \$2.3 million to provide cleanup of perchlorate, VOCs and removal of 17 of the Chino Basin wells that pump to the city's clean water reservoir. Due to the presence of this perchlorate, the city has stopped pumping out of nine of these wells resulting in loss of production of 10,900 acre feet of potable water per year.

The other one is Pico Rivera Water District. The city seeks an authorization of \$7.5 million to provide greater reliability and improvement of quality within the water district system. It requires extensive rehab, replacement of several of the most critical elements including water transmission, distribution pipelines, water supply wells, treatment facilities and the key reservoir and pumping station facility.

Another one would be the city's water system Regional Inter-Tie Project, \$250,000 to renovate inactive inter-ties and build new inter-ties which would enable the city to deliver or receive water with adjoining water systems. We are divided only by streets, we don't have a great amount of land between us.

The next one is Los Angeles County Flood Control District, the River Watershed Environmental Assessment and Restoration

Project for \$50 million to prepare a feasibility study in addition to developing and constructing demonstration projects for ecosystem restoration, flood control, water quality control, water supply storage and outdoor recreation enhancement for the River Watershed.

Using the watershed system approach, the study will provide detailed analysis of current state of the river and how it can be transformed into a valuable resource despite the urbanization of watersheds.

Madam Chairman, thank you so very much for this hearing. I truly appreciate it and look forward to the opportunity to speak on behalf of the projects of my district.

I yield back.

Ms. JOHNSON. Thank you very much.

Mr. Cao?

Mr. CAO. Thank you, Madam Chair, and I would like to thank the Ranking Member for holding this important hearing today. I look forward to working with you and your staff on development of the Water Resources Development Act.

WRDA is one of the most important pieces of legislation this Committee will tackle this year. It is important not only for the projects that will be authorized for the Army Corps of Engineers to study but also for the policy changes that will be implemented.

As we have discussed at length in this Committee, the Army Corps of Engineers is a critical yet often assailed federal agency. They play an extremely important role in my district which includes Orleans and Jefferson Parishes of Louisiana.

Hurricane Katrina revealed multiple flaws in the levees of my district. That resulted in one of the largest disasters in the history of the United States. As you know, my district has been waiting for over four years now for the Army Corps of Engineers to install storm protection mechanisms as mandated by Congress.

In June 2006, temporary hydraulic pumps with gates were constructed at Lake Pontchartrain but these are not the most reliable mechanisms for storm protection to our communities. In June 2007, eye walls were replaced at the points of breach, the 17th Street Canal, Orleans Avenue and London Avenue. On June 15, 2006, \$804 million was signed into law to implement 100 year storm protection. This was to be used for pumping stations at the 17th Street, Orleans Avenue and London Avenue Canals. Additionally, the supplemental spending authorized and funded fortifications of existing internal pumping stations system-wide.

When the Army Corps of Engineers testified recently, I asked where is the additional storm protection, what is causing the delays, why has the Corps not started this construction and I have yet to receive the answers to these questions. We need action now. The project cannot be delayed any longer.

Additionally, we need to have a reasonable understanding of the storm protection and flood control needs of my district. Our terrain and pumping systems are complicated, but they are sophisticated and the envy of many jurisdictions around the world.

I am working with the Army Corps of Engineers as well as local officials and others to identify the projects which are of the greatest need and I look forward to discussing each of these projects further with you individually. This is an important effort and I look for-

ward to our continuing collaboration to address the needs of my district as well as the other areas along the Gulf Coast.

Thank you very much and I yield back my time.

Ms. JOHNSON. Thank you very much.

Mr. Hare?

Mr. HARE. Thank you, Madam Chairwoman. I commend you and Ranking Member Boozman for holding this important hearing today. I want to commend you also for the sense of duty that you have in leading this Committee's jurisdiction over the U.S. Army Corps of Engineers' Civil Works Program.

The Water Resources Development Act is a comprehensive water resources law that provides the U.S. Army Corps of Engineers with the authority to study water resource problems, construct projects and make major modifications to projects in its mission areas including flood and storm damage reduction, mitigation and ecosystem restoration.

The last WRDA bill was passed in 2007 to address a backlog of project authorizations, modifications and studies since its previous authorization in 2000. I want to commend the Committee's leadership for getting this bill signed into law, for overriding President Bush's veto, making it the first Congressional override during President Bush's Administration. Unfortunately, despite the hard work of this Committee, many of these critical projects that were authorized have not been appropriated and still await funds.

I have seven locks in my district and 247 miles of the Mississippi River. I toured one of the locks in Quincy, Illinois and the lock master asked me to take my fist and hit one of the pillars. I did that and a piece of concrete the size of a football came out. He said, if you think this is bad, you should see the lock north of us.

We meet here today to hear proposals for crafting the next WRDA bill. Although there are many important issues that we need to address to get our existing authorizations from WRDA 2007 appropriated, such as fixing and funding the mechanisms of the Inland Waterway Trust Fund, we must meet the responsibility of addressing new water resource issues which have arisen in the past two years.

As we all know, the current economic slowdown has caused the loss of many jobs and the down turn of many sectors. These factors, nonetheless, have caused many economists to call the current situation the worse economic crisis since the Great Depression.

I am a firm believer that investment in infrastructure is an investment in our economy. In addition to a long term surface transportation authorization, WRDA projects, if appropriated, can and will provide crucial funds to strengthen the infrastructure and workforce of this country. It is now upon this Subcommittee to ensure that the next WRDA is crafted wisely and will meet the water resource demands of this country.

I look forward to hearing from our distinguished witnesses. I would like to again thank you, Chairwoman Johnson and Ranking Member Boozman, for holding this important hearing.

I would yield back the balance of my time.

Ms. JOHNSON. Thank you very much.

Mr. Bishop?

Mr. BISHOP. Thank you, Madam Chair.

Thank you and Chairman Oberstar for your leadership and dedication to the development of the Water Resources and Development Act and I look forward to working with both of you to pass this much needed legislation. I am hopeful we can work with our friends in the other body to adopt this legislation in a timely manner and closer to our goal of a bi-annual bill.

My district encompasses 300 miles of eastern Long Island's coastline which includes some of the most popular and beautiful beaches in the country and waterways that I am very proud to represent. Maintaining our coastal resources is an important objective not only in my district but to the tourists and fishing economies of our States that rely on clean, navigable waterways.

Long Island benefits from the good work that the Army Corps does for coastal communities by helping small towns deal with everything from erosion to longstanding environmental concerns. The Corps is currently working on several projects on eastern Long Island that will dredge inlets, study coastal health and restore damaged ecosystems.

I am very pleased to see the Subcommittee consider several pieces of legislation including this new WRDA bill that will benefit Long Islanders and everyone who visits public beaches throughout the Country.

I again thank you, Madam Chair, for your hard work on this issue and look forward to working with you and our colleagues to pass this legislation.

I yield back.

Ms. JOHNSON. Thank you very much.

Before we proceed with our panel, I ask unanimous consent that the testimony of Congressman Bart Stupak and Congresswoman Madeline Bordallo be entered into the record. Without objection, so ordered.

Ms. JOHNSON. In the tradition of this Committee, I will call on you in the order in which you arrived at the Committee. The first speaker will be Ms. Kosmas from Florida, second will be Mr. Boustany from Louisiana, third will be Mr. Dave Loebsack from Iowa, fourth is Mr. Charlie Melancon, fifth is Mr. Ron Klein, sixth is Mr. Steve Scalise and seventh is Mr. Ed Whitfield. You may begin.

TESTIMONY OF THE HONORABLE SUZANNE KOSMAS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA; THE HONORABLE CHARLES BOUSTANY, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA; THE HONORABLE DAVE LOEBSACK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA; THE HONORABLE CHARLIE MELANCON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA; THE HONORABLE RON KLEIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA; THE HONORABLE STEVE SCALISE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA; THE HONORABLE ED WHITFIELD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY

Ms. KOSMAS. Thank you, Madam Chairman.

Chairwoman Johnson and Ranking Member Boozman, I would like to thank you for allowing me to have the opportunity to testify today about a project of great importance to my district, the construction of the South Jetty at the Ponce de Leon Inlet in Volusia County on the east coast of Central Florida. This project was the county's number one funding priority for fiscal year 2010 appropriations and is also supported by a number of other users including commercial businesses in the county.

This project was first approved for study by the Army Corps in 1991. The study was completed in September 1999 and authorized in that year's WRDA bill. The Corps study recommended construction of a 1,000 foot long seaward extension of the existing south jetty which is now buried under sand.

The study and the authorization were achieved after many years of advocacy by the local congressional delegation in support of Volusia County's continued efforts to achieve a more stable Ponce de Leon Inlet. Based on the 1998 prices, the funding level authorized was a total of \$5.45 million for the project. All the necessary non-federal funds based on this funding level have already been secured by the county with the State of Florida and the Florida Inland Navigation District also contributed.

The project has received federal funds in fiscal years 2005, 2006 and 2008. Additionally, I helped to secure the final portion of the federal funds required by the original authorization in the Omnibus Appropriations Act, 2009 and in the fiscal year 2010 Energy and Water Development Appropriations Act which would have allowed construction to begin this year.

Unfortunately, based on rising granite prices on another jetty project in Florida, inflation and a redesign to address concerns over surf conditions, the Army Corps revised its cost estimate this summer to \$18.7 million. In order to comply with Section 902, maximum cost requirements, this revised cost estimate requires reauthorization of the project. Therefore, I am here today to ask you to consider including language to modify the original authorized funding level in the Water Resources Development Act of 2010.

This request stems from a meeting I convened in August with Volusia County and with the Jacksonville District of the Army Corps, including the new district head, Colonel Pantano and the project manager. We met in order to establish an action plan to address the rising costs.

At the meeting, all parties, including myself, agreed to pursue additional funding as well as investigate the possibilities of reducing costs by studying options such as mixing different material with the granite and constructing a shorter jetty. Even with a very tight budget, Volusia County committed to meeting the revised, non-federal cost share despite its quadrupling from \$2.46 million to \$8.15 million. Volusia County has maintained a fruitful partnership with the Jacksonville District.

With your approval, I would like to submit a letter from the County stating its strong support for this project into the record.

Ms. JOHNSON. Without objection.

[The information follows:]



County Chair
Frank T. Bruno, Jr.

FRANK T. BRUNO JR.
COUNTY CHAIR

JOIE ALEXANDER
VICE-CHAIR AT-LARGE

ANDY KELLY
DISTRICT 1

JOSHUA J. WAGNER
DISTRICT 2

JACK H. HAYMAN
DISTRICT 3

CARL G. PERSIS
DISTRICT 4

PATRICIA NORTHEY
DISTRICT 5

JAMES T. DINNEEN
COUNTY MANAGER

November 13, 2009

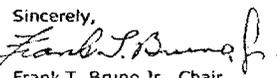
The Honorable Suzanne Kosmas
United States House of Representatives
238 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Kosmas:

I am writing in support for congressional re-authorization for the Ponce DeLeon Inlet; South Jetty Project in the upcoming Water Resources Development Act (WRDA) bill. Volusia County, as the local sponsor, has maintained its partnership with the U.S. Corps of Engineers for many years for this project. The recent project cost increases identified by the Corps requires re-authorization in accordance with the Section 902 maximum project cost limit.

Volusia County remains firm in its support for the project and is working closely with the Jacksonville District of the Corps of Engineers and your office to meet all non-Federal requirements. Without completion of the South Jetty extension, the Inlet will continue to be extremely dangerous for navigation for all boating traffic including access to the coast guard station adjacent to the Inlet. Construction of the project will ensure a stabilized inlet while saving considerable future operations and maintenance costs for the Federal government.

On behalf of the Volusia County Council, I thank you for your continued strong support for this critical project. I look forward to visiting with you soon to discuss this request.

Sincerely,


Frank T. Bruno Jr., Chair
Volusia County

cc: Carrie Chess

Ms. KOSMAS. Along with Volusia County, I believe we must complete this project. Otherwise the inlet will continue to be extremely dangerous for navigation including access to the nearby Coast Guard station. More specifically, this proposal will improve navigation and safety for commercial, recreational and Coast Guard boat traffic by moving the deep water channel from the north side to the center of the inlet. The inlet's current instability allows for excessive shoaling, with sediment deposited in the mouth of the jetty. This has caused capsizing of numerous boats and even boat related deaths.

The reduction of sediment deposition in the inlet and the Atlantic Intercoastal Waterway will also result in the accumulation of sand on the south-facing beaches which will lead to the reversal of current erosion patterns and will help to reduce the Federal recurring operations and maintenance costs associated with the inlet.

Additionally, the County expects approximately 80 new jobs which are greatly needed in Central Florida would be created by this project.

In conclusion, construction of the South Jetty extension will create a complete solution with the North Jetty by providing a safe and navigable inlet for boaters and protecting valuable beaches and surf conditions.

Thank you again for allowing me to testify and I look forward to working with you to complete this vital project.

Ms. JOHNSON. Thank you very much.

Let me say that how much time you take has no bearing on your project. That is one of our unwritten rules.

Mr. Boustany?

Mr. BOUSTANY. Thank you, Chairwoman Johnson and Ranking Member Boozman. I really appreciate the opportunity to testify today.

As a former Member of this Subcommittee charged with addressing critical water resources infrastructure, I am really pleased to return today to provide remarks regarding a very important issue.

Madam Chair, I ask unanimous consent to put my full statement in the record.

As we start work on the Water Resources Development Act, I am very concerned about the negative impacts on Federal ports and harbors that cannot be fully maintained with existing U.S. Army Corps of Engineers funding levels. Because most ports do not have naturally deep harbors, they must be regularly dredged and maintained to allow ships to move safely through Federal navigation channels.

Madam Chair, I am seeking full access for our ports to annual revenues deposited into the Harbor Maintenance Trust Fund generated by the ad valorem Harbor Maintenance Tax for operations and maintenance dredging in the United States.

In 2008, the Harbor Maintenance Tax collected more than \$1.6 billion from shippers for the purpose of funding dredging projects. However, only \$766 million of dredging and related maintenance costs were reimbursed from the fund, whereas ports and harbors were unable to dredge to their authorized project dimensions. Our ports and harbors are the gateways to domestic and international trade connecting the United States to the world.

Responsible for moving more than 99 percent of the Country's overseas cargo, U.S. ports and waterways handle more than 2.5 billion tons of domestic and international trade annually and that volume is projected to double within the next 15 years, particularly after the expansion of the Panama Canal.

In 2007, there were \$13.3 million port-related jobs, 9 percent of all jobs in the United States that account for \$649 billion in personal income. A \$1 billion increase in exports creates an estimated 15,000 new jobs. There are many examples of dredging problems in ports and harbors across the Nation. In many cases, vessels must light load because of dredging shortfalls. The economic implications of light loading are enormous. A ship that is light loaded reduces its efficiencies in the same way that a commercial airline that is required to set aside seats with no passengers would quickly lose its efficiencies.

America's deep draft navigation system is at a crossroads. Our waterways' ability to support the Nation's continuing growth in trade and in the defense of our Nation hinges on much needed Federal attention to unresolved funding needs that are derailing critical channel maintenance and deep draft construction projects of the water highways to our ports.

The Subcommittee should use this unique opportunity to make the changes that need to be made now so that future port dimensions affecting trade, jobs and our national defense will not be compromised.

Madam Chair, in addition to my testimony, I also would like to submit to the record a copy of a bipartisan letter sent to Chairman Oberstar and Ranking Member Mica, which is signed by 53 Members from various parts of the Country in support of this proposal.

[The information follows:]

**Congress of the United States
Washington, DC 20515**

June 26, 2009

The Honorable James L. Oberstar
Chairman
Committee on Transportation
& Infrastructure
2165 Rayburn House Office Bldg.
Washington, DC 20515

The Honorable John L. Mica
Ranking Member
Committee on Transportation
& Infrastructure
2163 Rayburn House Office Bldg.
Washington, DC 20515

Dear Chairman Oberstar and Ranking Member Mica:

As you work on legislation to improve our nation's infrastructure, we ask that you address issues with the Harbor Maintenance Trust Fund (HMTF), which was created to collect fees in order to pay for the maintenance and operation costs of federal harbors and ports. While nearly one-quarter of the U.S. gross domestic product flows through these harbors, over half of these important ports are not maintained to their authorized dimensions. This results in less efficient and more polluting transport, as well as an increased risk of vessel grounding and collisions.

The Harbor Maintenance Tax (HMT) is charged against the value of imports and domestic cargo arriving at federally-maintained U.S. ports and deposited into the HMTF. The funds accumulated in the HMTF are to be used for maintenance dredging, dredged material disposal areas, jetties, and breakwaters. Every year, hundreds of millions of dollars are collected into the HMTF but never spent.

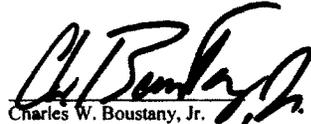
Beginning in 2003, funds appropriated for harbor and channel maintenance have been significantly below annual HMT collections. Currently, there is approximately \$4.7 billion in the HMTF; yet these funds are not being used for these important navigational needs. This surplus has resulted in a considerable backlog of harbor maintenance work throughout the country. To ensure that backlogs do not continue to grow, we urge the Committee to require that expenditures from the HMTF in the future equal the amount of money received into the HMTF.

Similar problems occurred with the Highway Trust Fund and the Airports and Airways Trust Fund. Congress responded by enacting legislation to more closely tie trust fund expenditures and revenues. A comparable fix should be considered for the HMTF as Congress addresses water development and major transportation funding issues.

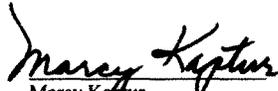
We cannot allow our navigational infrastructure to be in such disrepair, as it will threaten yet more jobs and weaken our nation's economic competitiveness. We ask for your cooperation in addressing this important issue as you work on infrastructure legislation in your committee. We look forward to working with you to craft legislation to correct this

flawed approach to maintaining our nation's ports and harbors. Thank you for your consideration.

Sincerely,

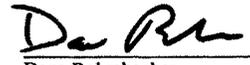

Charles W. Boustany, Jr.
Member of Congress


Bart Stupak
Member of Congress

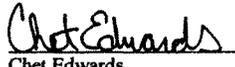

Marcy Kaptur
Member of Congress


Ron Paul
Member of Congress


Solomon Ortiz
Member of Congress


Dana Rohrabacher
Member of Congress


Gene Taylor
Member of Congress


Chet Edwards
Member of Congress

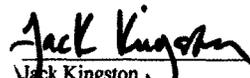

Lynn Woolsey
Member of Congress

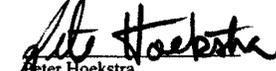

James Moran
Member of Congress

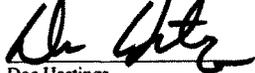

Bill Inscoe
Member of Congress

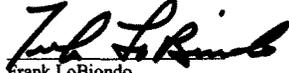

Ken Calvert
Member of Congress


Gene Green
Member of Congress


Jack Kingston
Member of Congress


Peter Hoekstra
Member of Congress

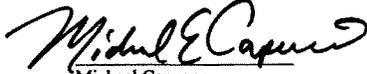

Doc Hastings
Member of Congress

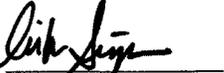

Frank LoBiondo
Member of Congress

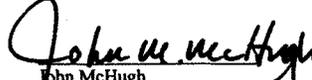

Earl Blumenauer
Member of Congress


Mike McIntyre
Member of Congress

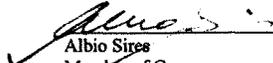

David Wu
Member of Congress

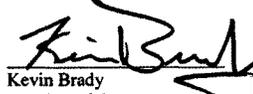

Michael Capuano
Member of Congress

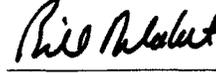

Michael Simpson
Member of Congress

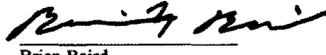

John McHugh
Member of Congress


Steven LaTourette
Member of Congress

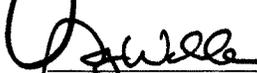

Albio Sires
Member of Congress


Kevin Brady
Member of Congress

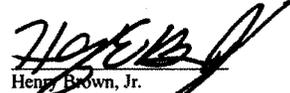

William Delahunt
Member of Congress


Brian Baird
Member of Congress


Janice Schakowsky
Member of Congress


Greg Walden
Member of Congress

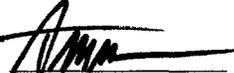

Rodney Alexander
Member of Congress


Henry Brown, Jr.
Member of Congress


Ander Crenshaw
Member of Congress


Mike Michaud
Member of Congress

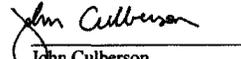

Michael McCaul
Member of Congress


Ted Poe
Member of Congress


Steve Kagen
Member of Congress


Gerald Connolly
Member of Congress


Jo Bonner
Member of Congress


John Culberson
Member of Congress


Stephen Lynch
Member of Congress


Cathy McMorris Rodgers
Member of Congress


John Barrow
Member of Congress


Charlie Melancon
Member of Congress


Steve Scalise
Member of Congress

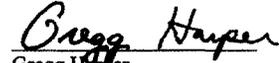

John Fleming
Member of Congress

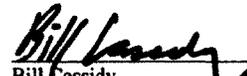

Marcia Fudge
Member of Congress

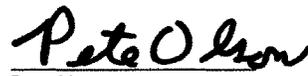

Michael McMahon
Member of Congress


Glenn Nye
Member of Congress


Anh "Joseph" Cao
Member of Congress


Gregg Harper
Member of Congress


Bill Cassidy
Member of Congress


Pete Olson
Member of Congress

Mr. BOUSTANY. I would be glad to take questions.

Thank you, Madam Chair.

Ms. JOHNSON. Thank you very much.

Mr. Loeb sack?

Mr. LOEBSACK. I want to thank Chairwoman Johnson, Ranking Member Boozman and distinguished Subcommittee Members for giving me the opportunity to speak to the merits of projects for inclusion in the upcoming Water Resources Development Act of 2010. I will be a bit briefer than I planned to be. Thank you, Chairman Johnson, for that suggestion.

In my home State of Iowa, the importance of water infrastructure was brought to the forefront in December 2008. Many communities in Iowa experienced flood levels that exceeded the estimated 500 year flood level just 15 years after the last 500 year flood of 1993.

My district was hit particularly hard by this flooding, especially the City of Cedar Rapids which suffered arguably the most damage of any city in the Midwest. The City of Cedar Rapids surrounds the Cedar River which reached a crest of 31.12 feet, 11 feet above the previous record set in 1929. Given this record crest, what flood protection that was in place in Cedar Rapids was breached resulting in widespread evacuations.

There were over 7,000 properties, including over 5,000 residential properties, damaged or destroyed by the flooding causing literally billions of dollars of damage in this city and county alone.

I want to thank my colleagues for working with me in the last Congress to pass two different disaster relief supplemental appropriations bills. While these funds have gone a long way toward our recovery, a critical piece remains for the City of Cedar Rapids and that is flood protection along the river. Cedar Rapids has already begun to take steps to address this need.

Currently the city is in the process of implementing a hazard mitigation voluntary buy-out program to make way for future flood protection and prevention opportunities and to implement a collaborative neighborhood and downtown redevelopment plan which includes significant amounts of levee parks and greenway areas, removable and permanent flood walls, watershed management and land use and zoning changes.

The city is working to coordinate their activities with the Army Corps of Engineers. A feasibility study was authorized in 2006 for a small area of the Cedar River prior to the 2008 flood. A cost share agreement was signed in May 2008, one month before the devastating flood. As a result, the study was expanded in May 2009 to include the entire span of the Cedar River within the city limits to examine flood risk management options. This is the largest urban flood risk management study ever undertaken by the Rock Island Corps of Engineers.

As of October, the study was approximately 45 percent complete. The Corps estimates a draft feasibility study will be ready in early 2010 with the Chief's report ready by the end of 2010. The \$7.5 million study has received around \$3.85 million in Recovery Act funds, \$2 million in local funds and appropriations in previous years through Congress.

The Corps is progressing at a rapid speed and is aiming to complete the study in a little over a year where similar Corps studies generally take three to five years. The flood risk management alternative that is being developed by the Corps will pose challenges for the community and the construction of a flood protection project will require close cooperation between Congress, the Corps and the City just as many flood protection projects in the past have required.

Given the timing, critical nature and speed with which the Corps will complete the study, I look forward to working with the Subcommittee in the future to ensure an opportunity to pursue flood risk management options with participation from the Corps.

Thank you today for allowing me to testify.

Ms. JOHNSON. Thank you very much.

Mr. Melancon?

Mr. MELANCON. Thank you, Madam Chairman. I appreciate the opportunity to be before the Committee today.

The Morganza to the Gulf Hurricane Protection Project is a 64-mile long system of levees, locks, flood gates, all in south Louisiana that when complete protect about 120,000 people and 1,700 square miles of land against deadly and destructive storm surges such as those caused by Hurricanes Katrina, Rita, Gustav, and Ike.

Morganza would protect an area of the Country responsible for one-third of our Nation's oil and natural gas production. Our coastal wetlands are a habitat for 30 percent of the sea food consumed in this country. Our communities are great places to live with some of the Nation's most stable housing prices and lowest unemployment rate. It is the working coast of the United States.

Morganza was first considered in the early 1990s when a reconnaissance study was completed to determine if providing hurricane protection to southeast Louisiana was in the federal interest. Ultimately, the study found that the contributions these communities make to our Nation's energy security made it in the federal interest to protect this area from hurricanes and storm surge.

While WRDA 2000 included an authorization for Morganza to the Gulf, it was contingent upon a Chief's report being completed that year. The Corps of Engineers missed that deadline and progress on Morganza screeched to a halt. However, Morganza is so critical in protecting these communities from hurricanes, the locals passed a tax themselves to try and build part of the levee system on their own. Instead of standing idly by and waiting for the Federal Government to save them, the citizens of this area have been and still are taxing themselves at a rate of \$6 million a year to protect this important area, not only for their livelihood and their property but for that of the country.

The State of Louisiana has also committed significant resources to begin construction without Federal assistance, but they need the Federal Government to be a partner in this project and have anxiously followed the progress of WRDA for years, hoping for a full authorization for Morganza.

In November 2007, WRDA overcame a presidential veto and authorized Morganza to the Gulf at \$886.7 million, the cost estimate supplied by the Corps. In December of 2007, one month later, the Corps decided that the project would exceed its authorization level

by more than 20 percent and must be reevaluated. This is an unusual treatment for a project that has not received any post authorization of federal construction appropriations.

To make matters worse, the Corps has essentially stopped all progress on this project while they completed a reanalysis due in December 2012. Engineering and design work that was funded and ongoing in 2006 again has been halted.

This past spring of 2009, after reviewing for nearly a year and re-reviewing alternatives that were also part of the EIS alternative process for the Chief's report, the Corps returned to its position of supporting the project alignment that was within the Chief's report completed in August 2002. Seven years without hurricane protection and the Corps was right back where it started.

It is inexcusable to me that the Corps has failed to move this project forward even after a long process of becoming authorized by this Committee. Worse yet, Federal dollars that could be better spent on construction are wasted on continuing studies for elements already studied and settled upon. As the Corps evaluates Morganza to the Gulf for the third time, keeping the clock running during their decades of analysis, my constituents remain exposed to the Gulf of Mexico and the deadly storms that continue to batter our coast.

By delaying progress on Morganza, the Federal Government is turning a deaf ear to the 120,000 Americans in south Louisiana who currently have little or no defense against storms and are like sitting ducks in the path of the next killer hurricane. We are jeopardizing the energy security of our entire Nation at the same time.

As we remember all too well from Hurricanes Katrina and Rita, shutting down the infrastructure in south Louisiana and in the Gulf of Mexico that supports oil and gas production has been a serious economic impact on this entire Nation. To address this, I plan to work with the Committee between now and December 3 to find a way forward to expedite construction of the Morganza Hurricane Protection Project. The time for delays and endless re-evaluations has passed. We must move forward whether it is by constructing elements that are ready to be built now or by finally building the entire system, a project that has already completed the NEPA process and is included in the Chief's report.

Morganza to the Gulf will provide critical hurricane protection to well over 100,000 Americans in south Louisiana, help prevent further loss of wetlands and increase our Nation's energy security. We cannot afford to delay it any longer.

I thank you for the time you have rendered me.

Ms. JOHNSON. Thank you very much.

Mr. Klein?

Mr. KLEIN. Thank you, Chairwoman Johnson and Ranking Member Boozman for holding this important hearing and for your leadership working with Chairman Oberstar and Ranking Member Mica in pushing forward with a new Water Resources Development Act for 2010.

As we all know, WRDA was originally designed to be a biannual bill. But during this decade, Congress fell off course and failed to pass a WRDA bill after 2000 until 2007. For seven years, critical

Army Corps projects and studies fell behind schedule due in part to Congressional inaction.

Of particular concern to my constituents in Florida was the Comprehensive Everglades Restoration Project, otherwise known as CERP. Originally authorized in WRDA 2000, CERP represents the largest ecosystem restoration effort in the history of the United States working with the U.S. Army Corps of Engineers.

Its purpose is to restore the historic water flow of Florida's unparalleled Everglades ecosystem through a variety of component projects such as the creation of stormwater storage reservoirs, aquifer storage and recovery wells and stormwater treatment areas.

As a State Senator in the Florida Legislature during this time and as one of the authors and co-sponsors of the Everglades Forever Act, which was our Florida legislative Act, I know that the Federal Government's inaction was incredibly frustrating in light of the 50-50 agreement between State and local entities and the Federal Government. In our view, Florida was pouring billions of dollars into Everglades restoration while the Federal Government was failing to live up to its end of the bargain.

That is why I want to commend this Committee for helping to fulfill the Federal Government's commitment to Everglades restoration. Through your leadership in the last year, we made a significant step forward in Everglades restoration with WRDA 2007. With passage of the WRDA bill in this Congress, we continue our commitment by authorizing a new set of CERP projects.

I want to highlight one important CERP project in my backyard known as the Broward Water Preserve Area Project which is located in central and southern Broward County and the northern Miami Dade County areas. The projects are designed to improve Everglades water quality by enhancing the buffer between residential development and protected Everglades wetlands, capture and divert stormwater runoff and reduce underground seepage. This project is shovel ready and ready to go. All construction plans and specifications are complete and all Federal, State and local permits have been issued. That is why it is critical that this project be included with your support in this new WRDA bill.

I strongly urge this Committee to consider this project along with other Everglades projects that Members of the Florida delegation will be submitting, so we can continue our historic commitment to restoring the River of Grass and keep the unparalleled natural splendor a national treasure for generations to come.

Thank you, Madam Chair and Ranking Member.

I yield back my time.

Ms. JOHNSON. Thank you very much.

Mr. Scalise?

Mr. SCALISE. Thank you, Chairwoman Johnson, Ranking Member Boozman and Members of the Subcommittee, for allowing me the opportunity to address you today. I appreciate the commitment by your Committee to move forward on this important legislation.

I represent Louisiana's 1st Congressional District which encompasses all or parts of six parishes in the greater New Orleans area, including Jefferson, Orleans, St. Charles, St. Tammany, Tangipahoa and Washington Parishes.

Southeast Louisiana has faced many challenges since the destruction caused by Hurricane Katrina's storm surge and the failure of the Federal levees in New Orleans. While major investments have been made to the infrastructure in our region—I thank this Subcommittee for your work on the 2007 WRDA bill—much of the region remains completely unprotected from hurricane storm surge and the Corps continues to ignore their own reports that have identified the best options for pursuing the strongest level of protection for the people and also the national assets in southeast Louisiana.

To illustrate this point, I would like to offer a few examples and would like to ask unanimous consent to submit a more detailed statement for the record.

Mr. SCALISE. The Corps told our delegation that the Category 5 Report, titled Louisiana Coastal Protection and Restoration Study, will be released this December. Not only is this report long past due but when it is finally released, we are being told it will not include specific project recommendations for this Committee and this Congress to move forward on.

While the report will not list specific project recommendations as intended by Congress when it was authorized, one key alternative that should be presented in the report provides an option for a Lake Pontchartrain barrier plan which would provide storm surge protection to residents on both the north and south shores of Lake Pontchartrain.

It is critical to note here that this project would provide much needed protection to St. Tammany Parish on the north shore which currently has no protection whatsoever from hurricane storm surge entering Lake Pontchartrain.

In the wake of Hurricane Betsy over 40 years ago, Congress authorized a similar hurricane protection project that proposed locks at Chef Menteur Pass and the Rigolets to prevent storm surge from entering the Lake. Barriers in these locations which would protect both the north and south shores of the Lake could have prevented the massive breeches in the federal levees that left much of my district and the City of New Orleans inundated.

We must revisit the feasibility of building storm surge barriers at the Rigolets and Chef Pass to provide the strongest level of protection to the people and businesses on both the north and south shores of Lake Pontchartrain.

While the project I just described was halted not by the Corps but by outside radical environmental groups in the 1970s, we continue to wrangle with the Corps on various projects in my region at both the study level and construction level. For example, despite congressional intent and direction to modify the three outfall canals in Jefferson and Orleans Parishes, the Corps continues to proceed with a plan called Option 1 which does not provide the best level of hurricane protection for the people in these parishes.

The Corps has noted in its own report to Congress that two different plans called Options 2 and 2A are more reliable options for hurricane and flood protection. There are also a number of projects in addition to this in which the Corps continues to delay critical reports and studies that were authorized by Congress.

As we work towards this next WRDA bill, I look forward to working with you all to expedite these studies and reports, address crit-

ical cost sharing issues and improve and secure our Nation's key federal navigable waterways in south Louisiana.

One final thing I would like to note is the importance to our Country of coastal protection and restoration. A crucial component of comprehensive hurricane protection includes rebuilding and restoring our coastline. Coastal erosion in Louisiana has reached catastrophic levels. Louisiana loses approximately 24 square miles of coastal wetlands each year. Not only are our wetlands important to Louisiana and the Gulf Coast, but these wetlands also protect infrastructure of national significance.

Five of the largest ports in the United States are located in south Louisiana. About one-third of all oil and gas production comes across the coast of Louisiana and we provide 26 percent of the commercial fish landings in the lower 48 States. In 2006, Louisiana voters overwhelmingly approved a constitutional amendment to dedicate the State share of offshore oil and gas revenues to hurricane protection and coastal restoration projects. Our State has made this commitment but in order to protect these invaluable national resources, the Federal Government must join us in our efforts to make meaningful investments in coastal restoration.

I look forward to working with your Committee on these projects as a WRDA bill is drafted for 2010. Again, I appreciate the opportunity to speak before the Committee today.

Thank you, Madam Chair.

Ms. JOHNSON. Thank you very much.

Mr. Whitfield.

Mr. WHITFIELD. Chairwoman Johnson and Ranking Member Boozman and other Members of the Committee, I want to thank you for your patience and giving us an opportunity to talk about some problems in our districts.

On January 22, 2007, almost three years ago, I was startled to hear from the Nashville District Office of the Army Corps of Engineers that Wolf Creek Dam, located on the Cumberland River in my district, was at high risk for failure. As a matter of fact, the Corps, at that time, placed the rehabilitation of this dam as one of its top five national priorities.

The Corps said at that time that if this dam failed, it would result in loss of life, flooding all the way to Nashville, Tennessee, which was about 100 miles away, and billions of dollars in private property damage.

In order to immediately address the problem and remove the possibility of failure, the Corps directed the lowering of the pool level from 723 feet in the summer and 690 feet in the winter immediately to 680 feet. This has had three impacts on the community. First of all, Congressman Hal Rodgers and I, working with the Governor and others, were instructed we need to get warning sirens because the threat of dam failure is so immediate that it was imperative the people be notified if it happened. We were successful in doing that.

The second thing that happened was this is a huge recreation area and in the summer, the pool levels were so low to keep pressure off the dam that many businesses in the area went out of business and there were many bankruptcies through no fault of

their own, because they had nothing to do with the safety of this dam.

The third thing that has occurred is that now it is my understanding that the Corps of Engineers has said that the rehabilitation and the money spent on this dam is not safety related which was totally unbelievable to us in the area because even the national Corps of Engineers office has said this has always been a safety issue.

The reason it is important to determine if it is safety related or not is because of the way it is going to be paid for under Section 1203 of the Water Resources Development Act of 1986. If it is determined not to be a safety issue, then the electric rates for everyone in that area will be increased by 46 percent at a time when we have high unemployment, we have many people without jobs and we have many businesses that literally went bankrupt through no fault of their own.

I would simply ask the Committee respectfully as you move forward on this legislation that we be given an opportunity to work with you to do everything that we possibly can to make sure these electric rates are not increased because the Corps, in a capricious manner in my view, has determined now at the national level that this is not a safety issue which is unbelievable because all along it was made very clear to us that it was in imminent danger of breaking, lives were threatened, property damage was threatened and it was an emergency issue.

I want to thank you for giving me the opportunity to testify and I look forward to working with you on this issue as well as the issue affecting those people who went bankrupt.

Thank you.

Ms. JOHNSON. Thank you very much.

Thanks to all of you for coming and presenting your needs.

Thanks to the Members of the Committee for coming and listening. We all working together will do the best we can to address all of the important issues.

The Committee is adjourned.

[Whereupon, at 2:50 p.m., the Subcommittee was adjourned.]



**Testimony from Ms. Bordallo on the Water Resources Development Act of 2009
Subcommittee on Water Resources and Environment of the
House Transportation & Infrastructure Committee
November 18, 2009**

Thank you for the opportunity to submit testimony for the record on the Water Resources Development Act of 2009 (WRDA). I commend you and Chairman Oberstar on your leadership and your initiative in beginning the process of authorizing water related infrastructure projects which will help to address our nation's water resources needs. I respectfully request the Committee's consideration of a number of provisions important to current and future water related infrastructure projects on Guam. Inclusion of these provisions in this year's WRDA will help ensure the structural integrity of the waterways, shorelines, and water-wastewater infrastructure in order to facilitate and sustain the military build-up on Guam. Continued support and partnership from federal partners like the U.S. Army Corps of Engineers is critical to ensuring our local community is provided with the highest quality of life possible.

Of particular importance to Guam would be the authorization of \$35,000,000 for environmental water infrastructure improvements on Guam. The realignment of military forces to Guam will bring an additional 20,000 servicemembers and dependents over the next five years. In addition, several thousand workers will be housed on Guam over the next several years to help build the new military beddown area. These increases in personnel will put significant strain on our environmental and water resources and improvements and modernization are needed to facilitate the increased demand on our local infrastructure. Currently, the Guam Waterworks Authority (GWA) provides water services to the civilian population and some excess water to the Department of the Navy for needs at Naval Base Guam. Most critical infrastructure on Guam is aging and in need of urgent repairs. The current distribution and supply system needs to be retrofitted and modernized in order to stem the loss of water and ensure quality and reliability in drinking water supply. Furthermore, groundwater sources account for 70% of the freshwater supplied by GWA. If protected, these groundwater sources are considered sufficient to meet current and future demand. However, groundwater sources are especially susceptible to contamination and back-up systems may be necessary to account for this capability shortfall. The expected influx of new residents, military installations, and businesses will add a significant burden on GWA's limited resources and ability to provide adequate water and wastewater services on Guam. Authorization of funds for water related infrastructure in Guam will address many of these concerns and offer the Government of Guam the ability to work with the U.S. Army Corps of Engineers and to make the necessary infrastructure improvements prior to the arrival of increased military forces.

I also request your continued support for inclusion of language identical to Section 2017 which was included in the House version of the Water Resources Development Act of 2007, H.R. 1495. This provision would waive local cost-sharing requirements up to \$500,000 for all studies and projects in Guam, American Samoa, Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the United States

Virgin Islands. The provision is important to our island economies and would help ensure that the unique needs of the territories are addressed in developing our water infrastructure.

I will also seek to include a provision that would provide for the authorization of \$500,000 for the architectural and engineering phase, and \$5,000,000 for the construction of a Talofofo Bay and Inarajan Bay Shoreline Protection Project. Since 1997, several super-typhoons have swept through Guam with devastating results including the complete destruction of the seawalls that had served to break the incoming tide. The lack of seawalls have resulted in significant erosion of the shoreline and subsequently led to deterioration of the structural integrity of coastal roads and the Talofofo Bay Bridge. The Talofofo Bay Bridge provides a vital link for commuters, students, military personnel and civilians to the southern portion of the island that would be lost if we allow the shoreline and related infrastructures to further deteriorate. I know that the Government of Guam and the U.S. Army Corps of Engineers are keenly aware of this problem and I hope that authorization for this project will provide the financial incentive to provide better shoreline mitigation to keep this vital link to our island open and in good operational condition.

Finally, I will also be seeking authorization for the F-1 Fuel Pier Shore Protection Project in Apra Harbor, Guam. The F-1 Fuel Pier Shore Protection Project will stop erosion at the pier, which must be protected to prevent its collapse. Weakness in the pier could cause an oil spill with adverse environmental consequences and shut down the only commercial port facility on Guam. The commercial Port of Guam is critical to the success of military build-up on Guam. The port is expected to handle the bulk of the cargo needed to facilitate the construction of necessary base and civilian infrastructure on Guam. I understand that the Port Authority of Guam is working with the U.S. Army Corps of Engineers on this project and both hope to begin construction of the necessary improvements to protect this vital shoreline.

Thank you again for allowing me the opportunity to submit testimony to the Committee. I look forward to working with the Committee Members in the future as we address the water related infrastructure needs of Guam and our nation.



**OPENING STATEMENT OF
THE HONORABLE RUSS CARNAHAN (MO-3)
WATER RESOURCES AND ENVIRONMENT SUBCOMMITTEE
TRANSPORTATION AND INFRASTRUCTURE COMMITTEE**

**Hearing on
*Proposals for a Water Resources Development Act of 2010***

**Wednesday, November 18, 2009
2167 Rayburn House Office Building**

I want to thank Chairwoman Johnson and Ranking member Boozman for holding this hearing to discuss proposals for a Water Resources Development Act of 2010.

Two years ago, Congress passed the first, and long overdue, reauthorization of the Water Resources Development Act in seven years. As you know, the enactment of WRDA 2007 required Congress to override a presidential veto. That override, which garnered overwhelming bipartisan support, has enabled my home state of Missouri and many others to move forward with critical infrastructure projects.

The WRDA 2007 was an excellent first step towards addressing the backlog of project authorizations, modifications, and studies that have built up, but there is more that must be done. I commend Chairman Oberstar and Chairwoman Johnson's dedication to passing another Water Resources Development Act to address the country's latest needs in flood damage reduction, navigation, environmental protection and restoration, hurricane and storm damage reduction, water supply, and other water related projects.

Additionally, I am interested in learning more about proposed flood damage reduction projects. Last summer widespread flooding in many Midwestern states, including Missouri, underscored the importance of these projects. In Missouri, levees and floodwalls play a vital role in protecting cities and communities near the state's rivers, especially those along the Mississippi river. Close monitoring and maintenance of these flood management measures prevents extensive damage to property and can even save lives.

In closing, I want to thank our witnesses for joining us today and I look forward to hearing their testimony.



Congressman Robert E. Latta
Subcommittee on Water Resources & Environment
Hearing on Proposals for a Water Resources Development Act (WRDA) of 2010 –
Submitted for the Record
November 18, 2009

Good afternoon. Chairwoman Johnson and Ranking Member Boozman:

I believe there is an impending crisis in this country in relation to water infrastructure issues. The Water Resources Development Act (WRDA) of 2010 will be important in ensuring that water infrastructure projects are authorized for future funding. During my time in Congress one of main priorities has been to assist the local communities in my District with their water infrastructure issues and particularly water supply. It is the main issue I hear over and over from local communities, as they simply do not have the financial means to address regulations that have been placed upon them in relation to drinking water and wastewater infrastructure.

In addition, funding for flood control activities through the Army Corps of Engineers is a main priority for my District. Given the heavy flooding the Northwest Ohio region has experienced over the last few years, it is imperative for the economic and psychological health of the affected communities that these projects in my District receive the necessary funding to ensure that future events do not bring such devastating consequences as those in the past.

There are very serious issues relating to wastewater and drinking water infrastructure facing communities across the state of Ohio. According to estimates by the Congressional Budget Office, Environmental Protection Agency and the Water Infrastructure Network, it could take between \$300 and \$400 billion to address our nation's clean water infrastructure needs over the next 20 years to keep our drinking water and waterways clean and safe. The need in Ohio is substantial, with an estimated \$21 billion needed to adequately address Ohio's water infrastructure needs. While this in itself has put undue strain on the budgets of these local communities, many of these Ohio communities are facing serious, expensive enforcement proceedings by the Ohio Environmental Protection Agency because they could not afford the upgrades required by law in the first place.

During these difficult economic times for our country and its citizens, Ohio communities are being put in a very tough situation: feeling great pressure to comply with regulations while at the same time facing the reality that, in many cases, there simply are not funds available for these communities to fund the projects being mandated upon them.

I have made the request several times over the past six months to EPA Administrator Jackson to direct the Ohio Environmental Protection Agency to, as appropriate, grant variances so these communities can make the

improvements needed to their drinking water and wastewater systems.

While we all agree that our nation's health, quality of life, and economic well-being rely on adequate drinking water and wastewater treatment, the current requirements present an undue burden on these Ohio communities during these tough economic times.

I look forward to continuing to work with the Water Resources and Environment Subcommittee, as well as the full Committee on Transportation & Infrastructure, on the WRDA legislation for 2010. Thank you and I yield back my time.



Opening Statement by Congressman Bart Stupak
Subcommittee on Water Resources and Environment
“Hearing on the Water Resources Development Act”
November 18, 2009

Thank you, Chairwoman Johnson, for the opportunity to highlight a key issue and solution to the backlog of dredging projects that continues to negatively affect the harbors of the Great Lakes.

This dredging backlog negatively affects the Great Lakes’ economy because it is directly tied to the region’s waterborne commerce.

This issue, in fact, goes beyond the Great Lakes and negatively affects harbors across our nation.

This Committee was instrumental in protecting our harbors when it incorporated language in the 2007 Water Resources Development Act (WRDA) to stop the previous Administration from using a tonnage-based standard for determining which harbors to dredge.

This tonnage based policy unfairly hurt several harbor communities in Northern Michigan, and ignored the important role these harbors play in our nation's economy.

As you work on new WRDA legislation to improve our nation's water infrastructure, I ask that you consider the proposal that I, my colleague Congressman Boustany, and 46 other Members of Congress submitted to the Committee earlier this year.

We believe that the solution to clearing the dredging backlog lies in dedicating the funding garnered through the Harbor Maintenance Trust Fund (HMTF) for this purpose. The HMTF was created to collect fees in order to pay for the maintenance and operation costs of federal harbors and ports.

Nearly one-quarter of the U.S. gross domestic product flows through our domestic harbors and two-thirds of all shipping in the U.S. either starts or finishes at small ports yet, over half of these critical ports are not maintained to their authorized dimensions. This results in less efficient and more polluting transport, as well as an increased risk of vessel grounding and collisions.

What my colleagues and I propose is that the HMTF be strictly used for maintenance dredging, dredged material disposal areas, jetties, and breakwaters.

Every year, hundreds of millions of dollars are collected into the HMTF but never spent.

Funds appropriated for harbor and channel maintenance have been significantly below annual HMTF collections.

Currently, there is approximately \$4.7 billion in the HMTF; yet these funds are not being used for important navigational needs. As a result, a considerable backlog of harbor maintenance work exists throughout the country.

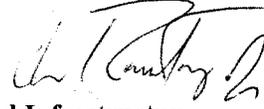
To ensure that backlogs do not continue to grow, I urge the Committee to require that expenditures from the HMTF in the future equal the amount of money generated by the HMTF.

Similar problems occurred in the past with the Highway Trust Fund and the Airports and Airways Trust Fund. Congress

responded by enacting legislation to closely tie trust fund expenditures and revenues.

We cannot allow our navigational infrastructure to be in such disrepair, as it will threaten yet more jobs at a time when our economy is still recovering.

I look forward to working with you to address this and other critical issue as the Committee works to craft the next Water Resources Development Act. Thank you for your consideration.



House Committee on Transportation and Infrastructure

Subcommittee on Water Resources and Environment

hearing on

Proposals for a Water Resources Development Act of 2010

**CALLING FOR FULL USE OF THE
HARBOR MAINTENANCE TRUST FUND TAX FOR ITS INTENDED
PURPOSE**

November 18, 2009

**Rep. Charles Boustany, Jr., M.D.
Oral Statement**

Mr. Chairman and Subcommittee Members ---

Thank you for providing me the opportunity to testify today. As a former Member of the Subcommittee charged with addressing critical water resources infrastructure, I am pleased to return to provide remarks regarding a very important issue.

I am very concerned about the impacts on federal ports and harbors that cannot be fully maintained with existing U.S. Army Corps of Engineers funding levels. Because most ports do not have naturally deep harbors, they must be regularly dredged and maintained to allow ships to move safely through federal navigation channels.

I seek full access for our ports to the annual revenues deposited into the Harbor Maintenance Trust Fund generated by the ad valorem Harbor Maintenance Tax for operations and maintenance dredging in the United States.

In 2008, the Harbor Maintenance Tax collected more than \$1.6 billion from shippers for the purpose of funding dredging projects. However, only \$766 million of dredging and related maintenance costs were reimbursed from the fund, where as ports and harbors were unable to dredge to their authorized project dimensions. Our ports and harbors are gateways to domestic and international trade, connecting the United States to the world.

Responsible for moving more than 99 percent of the country's overseas cargo, U.S. ports and waterways handle more than 2.5 billion tons of domestic and international trade annually, and that volume is projected to double within the next 15 years - particularly after the expansion of the Panama Canal. In 2007, there were 13.3 million port-related jobs - 9% of all jobs in the US that account for \$649 billion in personal income. A \$1 billion increase in exports creates an estimated 15,000 new jobs.

There are many examples of dredging problems in ports and harbors across the nation. In many cases, vessels must “load light” because of dredging shortfalls. The economic implications of light loading are enormous. A ship that is light-loaded reduces its efficiencies in the same way that a commercial airplane that is required to set aside seats with no passengers would quickly lose its efficiencies.

America’s deep-draft navigation system is at a crossroads. Our waterways’ ability to support the nation’s continuing growth in trade and in the defense of our nation, hinges on much-needed federal attention to unresolved funding needs that are derailing critical channel maintenance and deep-draft construction projects of the water highways to our ports.

The Subcommittee should use this unique opportunity to make the changes that need to be made now – so that future port dimensions affecting trade, jobs and our national defense will not be compromised.

In addition to my testimony, I’d also like to submit the record a copy of a bipartisan letter sent to Chairman Oberstar and Ranking Member Mica signed by 53 members from various parts of the country in support of this proposal.

I’d be happy to take any questions.



**Testimony Before the Subcommittee on Water Resources and Environment
Proposals for a Water Resources Development Act of 2010
The Honorable Ron Klein
November 18, 2009**

Thank you, Chairwoman Johnson and Ranking Member Boozman, for holding this important hearing, and for your leadership working with Chairman Oberstar and Ranking Member Mica in pushing forward with a new Water Resources Development Act for 2010. As you well know, WRDA was originally designed to be a biannual bill. But during this decade, Congress fell off course and failed to pass a WRDA bill after 2000 until 2007.

For seven years, critical Army Corps projects and studies fell behind schedule due in part to Congressional inaction. Of particular concern to Floridians was the Comprehensive Everglades Restoration Project, or CERP. Originally authorized in WRDA 2000, CERP represents the largest ecosystem restoration effort in the history of the U.S. Army Corps of Engineers. Its purpose is to help restore the historic water flow of Florida's unparalleled Everglades ecosystem through a variety of component projects, such as the creation of stormwater storage reservoirs, aquifer storage and recovery wells, stormwater treatment areas.

As a Senator in the Florida state legislature during this time and as one of the authors and cosponsors of the Everglades Forever Act, I know that the federal government's inaction was incredibly frustrating in light of the 50/50 agreement between state and local entities, and the federal government. In our view, Florida was pouring billions of dollars into Everglades restoration while the federal government was failing to live up to its end of the bargain.

That's why I want to commend this committee for helping to fulfill the federal government's commitment to Everglades restoration. Through your leadership, we made a significant step forward in Everglades restoration with WRDA 2007, and with the passage of a WRDA bill in this Congress, we can continue our commitment by authorizing a new set of CERP projects.

I want to highlight one important CERP project in my backyard. The Broward Water Preserve Area projects are located in central and southern Broward County and northern Miami-Dade County. The projects are designed to improve Everglades water quality by enhancing the buffer between residential development and protected Everglades wetlands, capture and divert stormwater runoff, and reduce underground seepage. This project is shovel ready. All construction plans and specifications are complete, and all federal, state, and local permits have been issued. That's why it's critical that this project be included in this new WRDA bill.

I strongly urge this committee to consider this project, along with the other Everglades projects that Members of the Florida delegation will be submitting, so we can continue our historic commitment to the restoring the River of Grass, and keep this unparalleled natural splendor a national treasure for generations to come.

Thank you and I yield back my time.



**Rep. Suzanne Kosmas Testimony before the Water Resources Subcommittee
November 18, 2009**

Chairwoman Johnson and Ranking Member Boozman, thank you for allowing me the opportunity to testify today about a project of great importance to my District -- the construction of the South Jetty at Ponce de Leon Inlet in Volusia County. This project was the county's number one funding priority for FY10 appropriations and is also supported by a number of users, including commercial businesses in the county.

This project was first approved for study by the Army Corps in 1991. The study was completed in September 1999 and authorized in that year's WRDA bill. The Corps' study recommended construction of a 1,000 foot-long seaward extension of the existing south jetty, which has since been buried under sand. The study and authorization were achieved after many years of advocacy by the local congressional delegation in support of Volusia County's continued efforts to achieve a more stable Ponce DeLeon Inlet.

Based on 1998 prices, the funding level authorized a total of \$5.45 million for the project. All necessary non-federal funds based on this funding level have already been secured by the County with the State of Florida and the Florida Inland Navigation District contributing as well. The project has received federal funds in FY05, FY06, and FY08. Additionally, I helped to secure the final portion of federal funds required by the original authorization in the Omnibus Appropriations Act, 2009 and in the FY10 Energy and Water Development Appropriations Act, which would have allowed construction to begin this year. Unfortunately, rising granite prices on another jetty project in Florida, inflation, and a redesign to address concerns over surf conditions caused the Army Corps to revise its cost

estimate this summer to \$18.7 million. In order to comply with Section 902 maximum cost requirements, this revised estimate requires re-authorization of the project. Therefore, I am here today to ask you to consider including language to modify the original authorized funding level in the Water Resources Development Act of 2010.

This request stems from a meeting I convened in August with Volusia County and the Jacksonville District of the Army Corps, including the new district head Colonel Pantano and the project manager, in order to establish an action plan to address the rising costs. At the meeting all parties, including myself, agreed to pursue additional funding as well as investigate the possibilities of reducing costs by studying options such as mixing different material with the granite and constructing a shorter jetty. Even with a tight budget, Volusia County committed to meeting the revised non-federal cost share despite its quadrupling from \$2.46 million to \$8.15 million and has maintained a fruitful partnership with the Jacksonville District. With your approval, I would like to submit a letter from the County stating its strong support for this project into the record.

Along with Volusia County, I believe we must complete this project -- otherwise the inlet will continue to be extremely dangerous for navigation, including access to the nearby Coast Guard station.

More specifically, this proposal will improve navigation and safety for commercial, recreational, and Coast Guard boat traffic by moving the deep-water channel from the north side to the center of the inlet. The inlet's current instability allows excessive shoaling with sediment deposited in the mouth of the jetty, which has caused the capsizing of numerous boats and even boat-related deaths. The

reduction of sediment deposition in the inlet and the Atlantic Intracoastal Waterway will also result in the accumulation of sand on south facing beaches leading to the reversal of current erosion patterns and will help to reduce the Federal recurring operations and maintenance costs associated with the inlet.

Additionally, the county expects that approximately 80 new jobs, which are greatly needed in Central Florida, would be created by this project.

In conclusion, construction of the South Jetty extension will create a complete solution with the North Jetty by providing a safe and navigable inlet for boaters and protecting valuable beaches and surf conditions. Thank you again for allowing me to testify; I look forward to working with you to complete this vital project.



Testimony of Congressman Dave Loebsack (IA-2)

House Transportation and Infrastructure Subcommittee on Water Resources and Environment

Proposals for a Water Resources Development Act of 2010

2167 Rayburn House Office Building

November 18, 2009, 2:00PM

I want to thank the Chairwoman, Ranking Member, and Subcommittee Members for giving me the opportunity to speak to the merits of projects for inclusion in the upcoming Water Resources Development Act of 2010.

In my home state of Iowa, the importance of water infrastructure was brought to the forefront in the summer of 2008. For Iowa, and many states in the Midwest, 2008 brought severe storms and flooding along the Mississippi and its many tributaries. In Iowa, 85 of 99 total counties were presidentially declared disaster areas.

Many communities in Iowa experienced flood levels that exceeded the estimated 500 year flood level, just 15 years after the last 500 year flood in 1993. My district was hit particularly hard by this flooding, especially the City of Cedar Rapids which suffered arguably the most damage of any city in the Midwest.

The City of Cedar Rapids surrounds the Cedar River which reached a crest of 31.12 feet, 11 feet above previous record set in 1929 and well above the estimated 500 year flood level. Given this record crest, what flood protection was in place in Cedar Rapids was breached, resulting in widespread evacuations.

The flooding affected 10 square miles or 14 percent of the city and over 18,500 people. Cedar Rapids is Iowa's second largest city and many homes, small businesses, critical large industry, schools, churches, museums, historical infrastructure, and city and county government buildings are located near the river.

There were over 7,000 properties, including over 5,000 residential properties, damaged or destroyed by the flooding causing billions of dollars of damage in this city and county alone. I thank my colleagues for working with me last Congress to pass two different disaster relief supplemental appropriations bills. While these funds have gone a long way toward our recovery a critical piece remains for the City of Cedar Rapids—flood protection along the river.

Cedar Rapids has already begun to take steps to address this need. Currently, the city is in the process of implementing a hazard mitigation voluntary buy-out program to make way for future flood protection and prevention opportunities and to implement a collaborative neighborhood and downtown redevelopment plan which includes significant amounts of levee parks and greenway areas, removable and permanent flood walls, watershed management, and land use and zoning changes.

This plan was developed after extensive input from residents and stakeholders and will affect an estimated 1,300 properties with a value of approximately \$175 million. Nearly 90 percent of the housing will be acquired using supplemental CDBG funds appropriated by Congress and the rest with FEMA Hazard Mitigation funds.

The city is working to coordinate their actions with the Corps. A feasibility study was authorized by Congress in 2006 for a small area of the Cedar River. A cost-share agreement was signed in May 2008, one month before the devastating flooding. As a result, the study was expanded in May 2009 to include the entire span of the Cedar River within the city limits to examine flood risk management options. This is the largest Flood Risk Management study ever undertaken by the Rock Island Corps.

As of October, the study was approximately 45 percent complete. The Corps estimates a draft feasibility study will be ready in early 2010 with a Chiefs Report ready by the end of 2010. The \$7.5 million study has received around \$3.85 million in ARRA funds, \$2 million in local funds, and appropriations in previous years through Congress. The Corps is progressing at a rapid speed and is aiming to complete the study in a little over a year where similar Corps studies generally take 3-5 years.

The flood risk management alternatives being developed by the Corps will pose challenges for the community, and the construction of a flood protection project will require close cooperation between Congress, the Corps and the city, just as many flood protection projects in the past have required.

Given the timing, critical nature, and speed with which the Corps will complete this study, I look forward to working with the Subcommittee in the future to ensure an opportunity to pursue flood risk management options with participation from the Corps. Thank you.



Testimony from Rep. Charlie Melancon
November 17, 2009

Thank you Mr. Chairman,

I appreciate the opportunity to testify here today on a very important project in the heart of my district.

Morganza to the Gulf was first considered in the early 1990s with a reconnaissance study to determine if providing hurricane protection to SE LA was in the Federal interest – and ultimately the study found such a Federal interest.

Unfortunately, WRDA 2000 included an authorization for Morganza to the Gulf, but contingent upon a chief's report being completed that year and that deadline was missed by the Corps of Engineers.

Unable to stand idly by, the citizens of this area elected to tax themselves and State committed significant resources to begin construction without Federal assistance.

In November of 2007, WRDA 2007 overcame a Presidential veto and authorized Morganza to the Gulf at \$886.7m - a cost estimate supplied by the Corps.

In December of 2007, the Corps decided that the project would exceed its authorization level by more than 20% and must be re-evaluated. I understand that this is unusual treatment for a project that has not received any post-authorization Federal construction appropriation.

To make matters worse, the Corps has essentially stopped all progress on this project since the authorization while they complete a reanalysis set to be completed in December 2012. Engineering and design work that was funded and ongoing in 2006 has been halted.

This past spring (2009), after reviewing for nearly a year and re-reviewing alternatives that were also a part of the EIS alternative process for the Chief's Report, the Corps has returned to its position of the project alignment that was within the Chief's Report completed in Aug of 2002.

It is inexcusable to me that the Corps has refused to move this project forward – after the long process of becoming authorized by this Committee. Worse yet, they spend Federal dollars that could be better spent on construction on studies for elements already studied and settled upon.

As the Corps re-evaluates Morganza to the Gulf for the third time and keeps the clock running during their decades of analysis, my constituents remain exposed to the Gulf of Mexico and storm events.

My constituents live in an area of the county responsible for one-third of our domestic oil and gas production, some of the nation's most stable housing prices and lowest unemployment. They are taxing themselves \$6 million a year to protect themselves and are simply in need of a Federal partner to construct a project that was found to be of Federal interest in the early 1990s.

To address this, I plan to work with the Committee between now and Dec. 3rd to find a way forward and expedite construction of this project. Whether it is constructing elements that can be built now or move the project that has already completed the NEPA process and included in the Chief's report, the time for re-evaluating evaluations has passed. Protective measures need to be constructed that will protect the residents of my district and state while helping to address wetland loss – Morganza to the Gulf of Mexico accomplishes both.

Steve Scalise

**Statement of Congressman Steve Scalise
Subcommittee on Water Resources and Environment
Hearing on "Proposals for a Water Resources Development Act of 2010"
November 18, 2009**

Thank you Chairwoman Johnson, Ranking Member Boozman, and Members of the Subcommittee for allowing me the opportunity to address the subcommittee and for moving forward on a WRDA bill for 2010. I appreciate the commitment by your committee to move this important legislation forward.

I represent Louisiana's First Congressional District, which encompasses all or parts of 6 parishes in the Greater New Orleans area, including Jefferson, Orleans, St. Charles, St. Tammany, Tangipahoa, and Washington Parishes.

Southeast Louisiana has faced many challenges since the destruction caused by Hurricane Katrina's storm surge and the failure of the federal levees in New Orleans. While major investments have been made to the infrastructure in our region—and I thank this subcommittee for your work on the 2007 WRDA bill—much of our region remains completely unprotected from hurricane storm surge, and the Corps continues to ignore their own reports that have identified the best options for pursuing the strongest level of protection for the people—and also the national assets—in Southeast Louisiana.

The Corps has told our delegation that the "Category 5" report, titled the "Louisiana Coastal Protection and Restoration" study, will be released this December. Not only is this report long past due, but when it is finally released, we are being told it will not include specific project recommendations for this Committee and this Congress to move forward on. While the report will not list project recommendations as was intended by Congress when it was authorized, one key alternative that should be presented in the report provides an option for a Lake Pontchartrain Barrier Plan, which would provide storm surge protection to residents on both the north and south shores of Lake Pontchartrain. It is critical to note here that this project would provide much-needed protection to St. Tammany Parish on the north shore, which currently has no protection whatsoever from hurricane storm surge entering Lake Pontchartrain.

In the wake of Hurricane Betsy over 40 years ago, Congress authorized a similar hurricane protection project that proposed locks at Chef Pass and the Rigolets to prevent storm surge from entering the Lake. Barriers in these locations, which again, would protect both the north and south shores of the Lake, could have prevented the massive breaches in the federal levees that left much of my district and the City of New Orleans inundated.

We must revisit the feasibility of building storm surge barriers at the Rigolets and Chef Pass to provide the strongest level of protection to the people and businesses on both the north and south shores of the Lake.

While the project I just described was halted not by the Corps but by outside radical environmental interest groups in the 1970's, we continue to wrangle with the Corps on various projects in my region at both the study level and the construction level.

For example, despite Congressional intent and direction to modify the 3 outfall canals in Jefferson and Orleans Parishes, the Corps continues to proceed with a plan, called "Option 1," which does not provide the best level of hurricane protection for the people in these parishes. The Corps has noted in its own report to Congress that two different plans, called Options 2 and 2a (*which includes a plan to pump flood waters to the Mississippi River instead of Lake Pontchartrain*) are more reliable options for hurricane and flood protection.

There are also a number of projects, in addition to this one, in which the Corps continues to delay critical reports and studies authorized by Congress. As we work toward this next WRDA bill, I look forward to working with you all to expedite these studies and reports, address critical cost share issues and improve and secure our nation's key federal navigable waterways in South Louisiana.

One final thing I would like to note is the importance to our country of coastal protection and restoration. A crucial component of comprehensive hurricane protection includes rebuilding and restoring our coastline. Coastal erosion in Louisiana has reached catastrophic levels. Louisiana loses approximately 24 square miles of coastal wetlands each year, and the projected loss over the next 50 years, with current restoration efforts taken into account, is estimated to be approximately 500 square miles. More than 47% of Louisiana's population lives in Louisiana's coastal parishes.

Not only are our wetlands important to Louisiana and the Gulf Coast; these wetlands also protect infrastructure of national significance. Five of the largest ports in the U.S. are located in South Louisiana, and our coastal wetlands provide storm protection for over 450 million tons of waterborne commerce carried through these ports. About one-third of all U.S. oil and gas production comes across the coast of Louisiana, and we provide 26% (by weight) of the commercial fish landings in the lower 48 states.

In 2006, Louisiana voters overwhelmingly approved a constitutional amendment to dedicate the state's share of offshore oil and gas revenues to hurricane protection and coastal restoration projects. Our state has made this commitment, but in order to protect these invaluable national resources, the federal government must join us in our efforts to make meaningful investments in coastal restoration.

I look forward to working with your committee on these projects as a WRDA bill is drafted for 2010, and again, I appreciate the opportunity to speak before the committee today.