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BUILDING A 21ST-CENTURY INFRASTRUCTURE FOR AMERICA: WATER RESOURCES PROJECTS AND POLICY, PART 2

(115–54)

HEARING

BEFORE THE

SUBCOMMITTEE ON
WATER RESOURCES AND ENVIRONMENT

OF THE

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

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CONTENTS

Page

Summary of Subject Matter vi

WITNESSES

Major General Scott Spellmon, Deputy Commanding General for Civil and Emergency Operations, U.S. Army Corps of Engineers:

Oral statement 3
Prepared statement 4

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August 31, 2018

SUMMARY OF SUBJECT MATTER

TO:	Members, Subcommittee on Water Resources and Environment
FROM:	Staff, Subcommittee on Water Resources and Environment
RE:	Subcommittee Hearing on "Building a 21st Century Infrastructure for America: Water Resources Projects and Policies, Part II"

PURPOSE

The Subcommittee on Water Resources and Environment will meet on Friday, September 7, 2018, at 9:00 a.m. in 2167 Rayburn House Office Building to receive testimony from the United States Army Corps of Engineers (Corps) on the 2017 and 2018 Reports to Congress on Future Water Resources Development, and on Chief's Reports. This hearing is intended to provide Members with an opportunity to review these reports and the process the Corps undertakes for developing its projects and activities for the benefit of the Nation.

BACKGROUND

The Corps is the federal government's largest water resources development and management agency. The Corps began its water resources program in 1824 when Congress, for the first time, appropriated funds for improving river navigation. Since then, the Corps' primary missions have expanded to address river and coastal navigation, reduction of flood damage risks along rivers, lakes, and the coastlines, and projects to restore and protect the environment. Along with these missions, the Corps generates hydropower, provides water storage opportunities to cities and industry, regulates development in navigable waters, assists in national emergencies, and manages a recreation program. Today, the Corps is comprised of 38 District offices within eight Divisions and manages nearly 1,500 water resources projects.

To achieve its mission, the Corps plans, designs, and constructs water resources development projects for the purposes of navigation, flood control, beach erosion control and shoreline protection, hydroelectric power, recreation, water supply, environmental protection, restoration and enhancement, and mitigation for fish and wildlife impacts. The Corps planning process seeks to balance economic development and environmental considerations as it addresses water resources challenges. This process is intended to approach the Nation's water

resources needs from a systems perspective and evaluate a full range of alternatives in developing solutions.

The first step in a Corps water resources development project is to study the feasibility of the project. This can be done in two ways. One, if the Corps has previously conducted a study in the area of the proposed project, the new study can be authorized by a resolution, either from the House Committee on Transportation and Infrastructure or the Senate Committee on Environment and Public Works. As a result of authorization process reforms in 2014, the Committee on Transportation and Infrastructure has not adopted a new study resolution since 2010. Two, if the area has not been previously studied by the Corps, then an Act of Congress is necessary to authorize the study. In recent years, most studies have been authorized through a Water Resources Development Act (WRDA).

Typically, the Corps enters into a cost-sharing agreement with the non-federal project sponsor to initiate the feasibility study process. The cost of a feasibility study is shared 50 percent by the federal government, subject to appropriations, and 50 percent by the non-federal project sponsor.

During the feasibility study phase, the appropriate Corps District Office prepares a draft study report containing a detailed analysis on the economic costs and benefits of carrying out the project and identifies any associated environmental, social, or cultural impacts. In some cases, dozens of project alternatives are identified and reviewed. The feasibility study typically describes with reasonable certainty the economic, social, and environmental benefits and detriments of each of the alternatives, and identifies the engineering features, public acceptability, and the purposes, scope, and scale of each. The feasibility study includes any associated environmental impact statement and a mitigation plan. It also contains the views of other federal and non-federal agencies on the project alternatives, a description of non-structural alternatives to the recommended plans, and a description of the anticipated federal and non-federal participation in the project.

Following completion of the feasibility study phase, the document is transmitted to the appropriate Corps Division for review, and, if approved, is then transmitted to the headquarters of the Corps for final policy and technical review. After a full feasibility study is completed, the results and recommendations of the study are submitted to the Congress, usually in the form of a report approved by the Chief of Engineers (commonly referred to as a Chief's Report). If the results and recommendations are favorable, then the final step is Congressional authorization of the project. Project authorizations are contained in WRDAs, the most recent of which was enacted in 2016 as Title I of the *Water Infrastructure Improvements for the Nation Act (*P.L 114-322).

The Corps is subject to all federal statutes, including the National Environmental Policy Act (NEPA), the Clean Air Act, the Clean Water Act, the Endangered Species Act, the Fish and Wildlife Coordination Act, previous WRDAs, Flood Control Acts, and Rivers and Harbors Acts. These laws and associated regulations and guidance provide the legal basis for the Corps planning process.

For instance, when carrying out a feasibility study, NEPA requires the Corps to include: identification of significant environmental resources likely to be impacted by the proposed project; an assessment of the project impacts; a full disclosure of likely impacts; and a consideration of a full range of alternatives, including a No Action Alternative. Importantly, NEPA also requires a 30-day public review of any draft document and a 30-day public review of any final document produced by the Corps. Additionally, when carrying out a feasibility study, the Clean Water Act requires an evaluation of the potential impacts of a proposed project or action and requires a letter from a state agency certifying the proposed project or action complies with state water quality standards.

The Corps also has to adhere to the "Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies" (P&G) developed in 1983 by the United States Water Resources Council. The P&Gs were updated in 2014 with the intention that water resources projects reflect national priorities, encourage economic development, and protect the environment. No funds have been provided through the appropriations process for the Corps to carry out the updated P&G. The P&G is intended to ensure proper and consistent planning by all federal agencies engaged in the formulation and evaluation of federal water resources development projects and activities, and has defined federal objectives for pursuing water resources development projects, including contributions to national economic development consistent with protection of the environment.

Typically, the plan recommended by the Corps is the plan with the greatest net economic benefit consistent with protecting the Nation's environment. For projects that have multiple purposes, the P&G recommends that such projects maximize, to the greatest extent practicable, economic development and ecosystem restoration outputs. Additionally, the Secretary of the Army has the discretion to recommend an alternative if there are overriding reasons based on other federal, state, or local concerns.

Consistent with NEPA requirements, the P&G requires the formulation of alternative plans to ensure all reasonable alternatives are evaluated, including plans that maximize net national economic development benefits, and incorporate federal, state, and local concerns. Mitigation for adverse project impacts is to be included in each of the alternative plans reviewed in the study. The Corps is responsible for identifying areas of risk and uncertainty in the study, with the goal that decisions can be made with a degree of reliability on the estimated costs and benefits of each alternative plan.

On March 15, 2018, the Subcommittee held a hearing on the six Chief's Reports that had been submitted to Congress since the enactment of WRDA 2016, in addition to two Reports to Congress on Future Water Resources Development pursuant to Section 7001 of WRDA 2016. Since the date of that hearing, Congress has received 10 additional Chief's Reports for projects in Seattle, Washington, Norfolk, Virginia, the Lower San Joaquin River, California, Sault Ste. Marie, Michigan, Chickamagua Lake, Tennessee, Española Valley, New Mexico, Kissimmee, Florida, the Kentucky River, Kentucky, Central Everglades, Florida, and San Juan, Puerto Rico. All 16 Chief's Reports that have been submitted to Congress since enactment of WRDA 2016, see the link below:

https://transportation.house.gov/uploadedfiles/chiefs_reports_updated_2018.pdf

The *Water Resources Reform and Development Act of 2014* (WRRDA 2014, P.L 113-121) also established a new mechanism for projects to be considered by Congress for authorization. Section 7001 of WRRDA 2014 requires the Secretary of the Army to annually publish a notice in the Federal Register requesting proposals from non-federal interests for new project authorizations, new feasibility studies, and modifications to existing Corps projects. Further, it requires the Secretary to submit to Congress and make publicly available a "Report to Congress on Future Water Resources Development" (Annual Report) of those activities that are related to the missions of the Corps and require specific authorization by law.

Section 7001 requires that the Corps provide information about each proposal, such as benefits, the non-federal interests, and cost share information, that is in the Annual Report submitted to Congress. This information is meant to guide Congress to set priorities regarding which proposed studies, projects, and modifications will receive authorization in future WRDA legislation.

Additionally, Section 7001 contains a provision that requires the Corps to submit to Congress an appendix containing descriptions of those projects requested by non-federal interests that were not included in the Annual Report. Inclusion of those projects in the appendix provides an additional layer of transparency that allows Congress to review all non-federal interest submittals to the Corps. This allows Congress to receive a more complete spectrum of potential project studies, authorizations, and modifications.

Since enactment of WRDA 2016, two Annual Reports have been delivered to the Committee. The Annual Reports may be reviewed at the link below:

https://transportation.house.gov/wrda-2016/corps-water-resources-report.htm

CONCLUSION

As the Committee on Transportation and Infrastructure moves forward in developing the next WRDA legislation, this hearing is intended to provide Members with an opportunity to review the Annual Reports and Chief's Reports, and the process the Corps undertakes when developing its projects and activities that benefit the Nation.

WITNESS LIST

Major General Scott Spellmon
Deputy Commanding General, Civil and Emergency Operations
United States Army Corps of Engineers

BUILDING A 21ST-CENTURY INFRASTRUCTURE FOR AMERICA: WATER RESOURCES PROJECTS AND POLICY, PART 2

FRIDAY, SEPTEMBER 7, 2018

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

The subcommittee met, pursuant to call, at 9:02 a.m., in room 2167, Rayburn House Office Building, Hon. Garret Graves (Chairman of the subcommittee) presiding.

Mr. GRAVES OF LOUISIANA. Good morning. The subcommittee will come to order. Without objection, the Chair is authorized to declare a recess at any time.

I ask unanimous consent that Members not on the subcommittee be permitted to sit with the subcommittee in today's hearing and ask questions.

Is there any objection?

Without objection, so ordered.

I want to welcome everyone to our hearing today, "Building a 21st-Century Infrastructure for America: Water Resources Projects and Policy, Part 2." The Corps of Engineers constructs water resource projects across the Nation and even military missions around the world. These include navigation projects, ecosystem restoration, flood control, hurricane protection, and other water resources type projects.

Today, we are going to review six Army Corps of Engineers Chief's Reports and three Post-Authorization Change Reports that have been delivered to Congress since we passed H.R. 8 out of committee and out of the House of Representatives. This brings the total number of Chief's Reports to 12 and the total number of PACRs, the Post-Authorization Change Reports, to 4 since the last WRDA bill.

These reports are the result of an arduous process where they look at technical feasibility, environmental implications, and economic considerations, as well to ensure that there is a public or national interest in proceeding with these projects. All the reports are tailored to meet locally developed needs and have support from the non-Federal sponsors.

This hearing today is an important step in Congress' oversight responsibility for the Corps water resources program. And I appreciate Major General Spellmon being here today. I believe it is the

first time you have been in our committee. And I do appreciate all the Members that are here as well.

I recognize the ranking member, Mrs. Napolitano, for any remarks that she may have.

Mrs. NAPOLITANO. Thank you, Mr. Chairman. I am very pleased to be here this morning to welcome Mr. Spellmon. And thank you for holding this very important hearing to reflect on the condition of our Nation's water resources infrastructure.

And I do want to extend a warm welcome to today's witness, Major General Scott Spellmon, deputy commanding general for Civil and Emergency Operations at the Corps of Engineers.

Today's hearing is a crucial necessary step that this subcommittee must take as we work towards enactment of the Water Resources Development Act of 2018, the WRDA. Since the passage of the Water Resources Development Act of 2016 last Congress, the Corps of Engineers has completed and submitted 16 Chief's Reports to Congress that include projects in Seattle, Washington; Norfolk, Virginia; Lower San Joaquin River in California; Kentucky River in Kentucky; San Juan, Puerto Rico and others. These projects whose purpose include flood and storm risk management, ecosystem restoration, and navigation are critical to developing and maintaining our economy at the local, regional, and national levels.

Today's subcommittee members have the opportunity to evaluate this year's reports, as well as the 2017 and 2018 annual reports submitted by the Corps to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014. These annual reports identify completed and proposed feasibility studies, as well as proposed modifications to authorized projects or studies based upon requests submitted to the Corps by non-Federal project sponsors.

Mr. Chairman, like you, I am excited to continue our work on the Water Resources Development Act of 2018. This committee has been extremely successful in getting our work done, thanks to you and the ranking member of the full committee as well as the chair. And authorizing this next generation of Corps projects will benefit our communities and our Nation.

Unfortunately, I share the frustration many of our local sponsors and my own colleagues in this body when we account for how little work the work they put into authorizing Corps projects ultimately means if the funding to build that project does not follow easily. That is to say, our Nation's water resources infrastructure is vastly underfunded, and what we need is a bold vision on how to make necessary infrastructure investments. Ultimately, only increased investment in our water resources infrastructure will enable us to see that the hard work of our local sponsors and the Corps comes into reality.

I thank you, Mr. Chair, for holding this hearing, and look forward to the dialogue. I yield back.

Mr. GRAVES OF LOUISIANA. Thank you, Mrs. Napolitano.

Before we get into introducing our witness this morning, allow me to submit some unanimous consent requests.

I ask unanimous consent that the record remain open for 15 days for additional comments and information submitted by Members or

the witness to be included in the record of today's hearing. Without objection, so ordered.

I ask unanimous consent the record of today's hearing remain open until such time as our witness has provided answers to any questions that may be submitted to him in writing. Without objection, so ordered.

Thank you. I want to welcome Major General Scott Spellmon to our committee, the Deputy Commanding General of the Corps of Engineers.

And, General, I recognize you for your testimony.

TESTIMONY OF MAJOR GENERAL SCOTT SPELLMON, DEPUTY COMMANDING GENERAL FOR CIVIL AND EMERGENCY OPERATIONS, U.S. ARMY CORPS OF ENGINEERS

General SPELLMON. Well, thank you. And good morning, everyone.

Chairman Graves, Ranking Member Napolitano, and distinguished members of the subcommittee, my name is Major General Scott Spellmon. I am the Deputy Commanding General for Civil and Emergency Operations for the U.S. Army Corps of Engineers.

I want to first thank you for the opportunity to be here today to discuss Chief's Reports that have been completed since the passage of H.R. 8, the Water Resources Development Act of 2018, back in June. As this is my first time testifying before this subcommittee, I did want to take just a brief moment and introduce myself.

Before assuming my current position, I served as the Army Corps commander for the Northwestern Division. In this role, I had the privilege of overseeing a very challenging and dynamic annual program of more than $3 billion for civil works, environmental restoration, and military construction projects. My area of responsibility covered 14 States, from St. Louis, Missouri; to Seattle, Washington; essentially encompassing the Missouri and Columbia River Basins.

I am excited to take on this challenging role leading the Corps Civil Works program, and look forward to working collaboratively with this committee as we deliver beneficial water resources projects to our Nation.

Now, since the passage of H.R. 8, six studies have been completed and have had Chief's Reports signed. All of these are still under review by the executive branch. Four of these Chief's Reports recommend navigation improvements, including those in Seattle Harbor, Washington; Norfolk Harbor, Virginia; San Juan Harbor in Puerto Rico; and on the Three Rivers project along the McClellan-Kerr Arkansas River Navigation System. A fifth is a recommended project for flood risk management on the Lower San Joaquin River in California. And the sixth is an aquatic ecosystem restoration study of the resacas, which are Oxbow lakes located in Brownsville, Texas.

The Corps has also approved and transmitted three Post-Authorization Change Reports for executive review. Two of these reports document and recommended an increase in the total authorized project cost which require congressional authorization. One is for the construction of the Chickamauga Lock and Dam in Tennessee, and the other is for construction of a new lock at the Soo locks on the Saint Marys River in Michigan. The third Post-Authorization

Change Report recommends crediting of costs to the non-Federal sponsor associated with certain activities on the central and southern Florida project, Kissimmee River Restoration.

I would also like to take this opportunity to provide a brief update on the 2018 Report to Congress on Future Water Resources development as required by section 7001 of the Water Resources Reform and Development Act of 2014. An open period for potential non-Federal sponsors to submit projects occurred between April and August of this year. During this 120-day window, the Corps utilized traditional media, as well as social media outlets, to inform the public of the opportunity to submit proposals. Additionally, we hosted a public webinar to explain the criteria that these proposals must meet. A total of 34 proposals were received, and they are currently being evaluated per the criteria in section 7001.

Mr. Chairman and members of the committee, this concludes my statement. I appreciate the opportunity to testify today, and I look forward to any questions you may have.

[General Spellmon's prepared statement follows:]

Prepared Statement of Major General Scott Spellmon, Deputy Commanding General for Civil and Emergency Operations, U.S. Army Corps of Engineers

Mr. Chairman and distinguished members of the subcommittee, I am honored to be testifying before you today to discuss Reports of the Chief of Engineers (Chief's Reports) and Post Authorization Change Reports (PACRs) completed since the passage of H.R. 8, the Water Resources Development Act of 2018. I am Major General Scott Spellmon, Deputy Commanding General, Civil and Emergency Operations, U.S. Army Corps of Engineers (Corps). This is the first time I appear before you in my current position; I previously served as the Commander of the Corps Northwestern Division. I look forward to continuing to work with this committee. There are six projects that have reports by the Chief of Engineers but are still under executive branch review. Also, there are three pending PACRs currently under executive branch review. The Secretary's office has also forwarded to the Congress a study provided by a non-Federal interest under the authority of Section 203 of WRDA 1986 (P. L. 99–662), as amended, with the Secretary's Review Assessment of the study.

I first would like to provide a brief update on the 2018 Report to Congress on Future Water Resources development as required by Section 7001 of WRRDA 2014. The notice requesting proposals by non-Federal interests for proposed feasibility studies and proposed modifications to authorized water resources development projects was published in the Federal Register on April 20, 2018. The Federal Register Notice is posted on the Corps Headquarters website and the Corps has utilized social media throughout the open season to inform the public of the opportunity to submit proposals. The Corps hosted a public webinar on July 31, 2018, that explained the criteria that proposals must meet, the process to submit proposals and the timeline to be considered for the 2018 Report. Notification to the public regarding this webinar was provided through social media on several days through July of 2018 and it also located on the Corps of Engineers website. The deadline for non-Federal interests to submit proposals to the Corps was August 20, 2018. There were 34 proposals received.

The six proposed projects with reports by the Chief of Engineers since passage of H.R. 8 that were neither included in H.R. 8 nor already authorized and that the executive branch is in the process of reviewing are:

- San Joaquin River Basin, Lower San Joaquin, California (Flood Risk Management)
- Seattle Harbor, Washington (Navigation)
- Norfolk Harbor and Channels, Virginia (Navigation)
- San Juan Harbor Improvements, Puerto Rico (Navigation)
- Three Rivers, Arkansas (Navigation)
- Resacas at Brownsville, Texas (Aquatic Ecosystem Restoration)

There are also three PACRs that are under executive branch review. These reports are:

- St. Marys River, Soo Locks, Michigan (Navigation)
- Chickamauga Lock, Tennessee River, Tennessee (Navigation)
- South Florida Ecosystem Restoration (Kissimmee River), Florida (Aquatic Ecosystem Restoration)

In July of 2018, the Office of the Assistant Secretary of the Army for Civil Works forwarded to the Congress a study prepared by a non-Federal interest, South Florida Water Management District (SFWMD), under the authority of Section 203 of WRDA 1986, as amended, with the Secretary's Review Assessment of the study. This study and Review Assessment do not constitute a Chief's Report. The SFWMD's study addresses water storage and conveyance needs in the Everglades Agricultural Area south of Lake Okeechobee. In the Review Assessment, the Secretary found South Florida Water Management District's proposed project to be feasible from an engineering and construction viewpoint, but did not make a determination of the economic or environmental feasibility of the plan. The Review Assessment detailed a number of significant concerns with the study, provided recommendations concerning the plan and design of the proposed project and specific conditions that must be met to proceed to construction.

Mr. Chairman, this concludes my statement. I appreciate the opportunity to testify today and look forward to answering any questions you may have.

Mr. GRAVES OF LOUISIANA. General, thank you.

We're first going to go to the gentleman from Arkansas, Mr. Crawford.

Mr. CRAWFORD. Thank you, Mr. Chairman.

And good morning, General Spellmon. I want to thank you for being here today. And first, I want to express my gratitude for the recent Chief's Report on the Three Rivers project in Arkansas. It is a critical project to keep navigation on the Arkansas River active and robust.

In the northern part of my district, I have had constituents tell me they believe there have been more major flooding events in the last few years, generally speaking, than historically has been the case. They have been told that the Corps and perhaps others in Missouri have been actively cleaning out some of the rivers and tributaries in southeast Missouri. This could obviously result in more water getting into my district much faster. We haven't had the same kind of dredging in northeast Arkansas, and so flooding has been a problem there more frequently.

I wonder if you can comment on any of this and give me some clarity as to what may or may not be going on with regard to that situation?

General SPELLMON. Sir, I am not familiar with the situation as you have described it, as I have been in my job for about 90 days now. I welcome the opportunity to come out to your region and work with our regional commanders and our district commanders to get more detail and welcome the opportunity for my staff to follow up with yours on a more complete answer.

Mr. CRAWFORD. Outstanding. That would be very helpful. We have a problem in our State where we don't do a comprehensive approach and somebody does something upstream and it affects someone downstream. And I am just thinking maybe we could harmonize with our neighbors to the north in more of a comprehensive approach, and I certainly would welcome you to the district to do that.

General SPELLMON. Yes, sir. Thank you.

Mr. CRAWFORD. Thank you. I yield back.

Mr. GRAVES OF LOUISIANA. I recognize Mrs. Napolitano.

Mrs. NAPOLITANO. Thank you.

This subcommittee has passed the WRRDA 2014 and WRDA 2016, and they were enacted into law. And it speaks to the Members of Congress' desire to respond to the water resources needs of our communities but also to the demand for increased investment.

Can you please describe for the subcommittee the scope of the Chief's Reports and Post-Authorization Change Reports that the Corps expects to send to Congress these coming months?

General SPELLMON. So, ma'am, if I understand the question, you are asking me to briefly describe each of the Chief's Reports?

Mrs. NAPOLITANO. Not each one, but what is the scope of them? What is more important? What has been salient in the recent submissions to you?

General SPELLMON. So, ma'am, let me tackle it this way. As I mentioned, three of the Chief's Reports deal with navigation. These are essentially deepening of different segments of the projects in Norfolk, San Juan, and Seattle Harbors. We have an ecosystem restoration project in, as I mentioned, the resacas in Brownsville, Texas. These Chief's Reports go under concurrent review, both by Congress and the administration.

Mrs. NAPOLITANO. OK. I am interested in more detail on one of them, but I will ask for it later.

In the—a significant amount of time this year to evaluate the Federal Government's response to the hurricanes, Maria and Harvey, of course, Puerto Rico stands out and the U.S. Virgin Islands where people lost their lives and it took 11 months to restore power to the entirety of the island. Can you provide an update of the Corps' activities in Puerto Rico and Virgin Islands related to the 2017 hurricane?

And additionally, the hurricane season has left us largely unscathed thus far. I believe it is imperative we apply the lessons learned from those hurricanes to prepare for future storms. To that end, can you please describe activities the Corps has undertaken or plans to undertake to better prepare our Nation for future hurricanes this coming season?

General SPELLMON. Yes, ma'am. I would start out by saying that any loss of life is tragic and that our hearts and our thoughts are with those families that suffered the loss of loved ones in the storms of last year.

Ma'am, I would refer you to the GAO report that came out—I saw it for the first time yesterday. It came out this month—that effectively describes the conditions that the Corps and our other FEMA partners were operating in. First of all, we had concurrent and overlapping storms. Harvey, Irma, and Maria were disaster number 25, 26, and 27 of——

Mrs. NAPOLITANO. What about the preparations?

General SPELLMON. Yes, ma'am. So we go through a very detailed AAR process and capture lessons learned from our performance last year in disaster response. We do AARs, After Action Reviews, at the district level, the regional level, and at the headquarters level. I will tell you, the actions that we have taken already this year include prepositioning of people well in advance of the storm.

So, for example, Hurricane Lane here a couple of weeks ago that approached the main island of Hawaii. We sent in advance—long

before that storm was scheduled to make landfall—our roofing teams with an advance party of our contractor. We run a model. We can predict what communities were going to have trouble, and we had people on the ground before landfall looking and getting assessments and inventorying of our stocks to ensure that we could respond in a more rapid fashion.

Mrs. NAPOLITANO. All right. That is good to hear, but I am still worried that we are not prepared enough in rebuilding to withstand future hard hurricanes.

General SPELLMON. Right. So I would thank you, Madam, as well as all of Congress for the very generous appropriation in the Harvey, Irma, Maria storm supplemental. Congress gave us $17.4 billion, and, ma'am, that is going to fund 235 projects in 33 States to add resilience to our communities.

We are taking this very, very seriously. We know we have to deliver for the Nation. In fact, we have a lot of our senior staff meeting in Dallas, Texas, this week as we outline that program, because we want to get these projects in the ground as soon as possible.

Mrs. NAPOLITANO. Thank you very much, sir.

I yield back.

Mr. GRAVES OF LOUISIANA. Thank you.

We are going to go to Mr. Gibbs from Ohio.

Mr. GIBBS. Thank you, Chairman. Thank you, General, for being here.

On the Soo lock, we have got the economic validation study, the executive summary here. This came in June, I believe, of this year. My understanding is that the full report hasn't been released because of security sensitive redactations. What's the status of getting the full report to the committee?

General SPELLMON. So, sir, we received the report from our Mississippi Valley Division and General Kaiser, and that report is undergoing review in my office. We are going through that with a fine-tooth comb before we forward that on.

Mr. GIBBS. OK. Also, you have to refresh my memory, I think in your testimony you talked about the one lock there at Soo, the St. Marys—Soo lock. What is the status? Because I am looking here on this executive thing on the benefit-cost ratio. I remember in the past, we have had discussion about OMB and the Corps and where we stand on all this, on this benefit-cost ratio to move this project forward.

General SPELLMON. Yes, sir. So the analysis that our team has done developed a benefit-cost ratio of about 2.42, if my memory serves me correctly.

Mr. GIBBS. Yeah.

General SPELLMON. I think some of the differences that we have with the local sponsor is how we calculated that economic benefit. So I am happy to go into detail, either here or separately, on the details of that difference and how we are continuing to gauge and work through that.

Mr. GIBBS. OK. So you anticipate this moving forward? I have been a big advocate that this Soo lock needs to get done. So your anticipation is that we are on the right track?

General SPELLMON. Yes, sir.

Mr. GIBBS. OK.

General SPELLMON. Yes, sir, we are.

Mr. GIBBS. OK. Thank you. I yield back.

Mr. GRAVES OF LOUISIANA. The gentleman from California, Mr. Garamendi.

Mr. GARAMENDI. Thank you, Mr. Chairman.

General, thank you very much for all the work that you are doing, and congratulations and condolences on your new job. You are going to have your hands full.

You have been very, very helpful to me in the Sutter Basin issue. I don't suppose you had been in your job too long before I had the opportunity to talk to you about it. And you have been very creative, and I very much appreciate that.

We are down to the last wire of this. And if you could turn your attention to a vertically integrated process, I think we can get this thing done for the next flood season and complete a 40-mile project in the Sutter Basin. So I really appreciate your effort on that. So we will move that along, and it has been a very good process in which the Corps, working with the local entities, has been able to successfully move in a very rapid way. Also, the Marysville project, two very important projects in our area. And so my appreciation and thanks to you and to the district, as well headquarters here.

The section 204 authority fits right into this, and so here we go. Maybe next time we can write legislation with more clarity and not run into the problem that we have had here. I guess that is our problem.

This is really addressed to Mr. Graves and to the chairman and the ranking member of the committee. WRDA is in process, the conference committee is moving along. I would like to draw the attention of the committee and certainly to the conferees to the necessity of maintaining section 310 of the House bill. I don't know, the Senate sometimes is a bit difficult to deal with, but section 310 authorizes the Three Rivers Levee Improvement Authority, and that is the last 3 miles of the project on the Yuba River, at no cost to the Federal Government. It is simply the authority to get that project done.

And finally, I know this is going to be an issue all of us are going to deal with so we may as well get it on the table, and that is should the Corps of Engineers continue as it is today or should it be reorganized? My own personal experience, having dealt with the reorganization in 2010 in the Department of the Interior where the mine safety programs were dispersed from the Department of the Interior and sent to multiple places, it created a decade of chaos. And so I would suggest that we stay with where we are and not deal with any further effort to dismantle the Corps of Engineers.

So I am taking the opportunity to express our position, some of which is of interest to the members of this committee and beyond.

With that, I think I have just about consumed 3 of my 5 minutes. So let it go at that.

Again, General, thank you very much for your work on the Sutter Basin project. I appreciate it, appreciate your willingness to be creative and find a way past some legislative glitches that unfortunately we created for ourselves. So thank you.

With that, I will yield back.

General SPELLMON. Thank you, sir. I look forward to working with you.

Mr. GRAVES OF LOUISIANA. I want to thank the gentleman from California.

And just very quickly, section 310 of the House bill pertains to the Yuba River. That is a project that we have been discussing with the Senate together with our counterparts, and we have been working to defend the House bill which we think has very good policy, which would include section 310, but we will follow up with you directly as we continue discussing this with the Senate. But I will say that we are united with Mrs. Napolitano in pushing the House bill which would include section 310.

Mr. GARAMENDI. There is no doubt in my support for your position, which we all created here, and the hard work that you are doing. I didn't mean to indicate anything otherwise, but to put this on the record that this is important, as is the bill that we put out, which was, in my estimation, perfect.

Mr. GRAVES OF LOUISIANA. I want to thank the gentleman from California for his contributions to the bill, and we will continue to work with you. Mrs. Napolitano and I have both advocated for the inclusion of that project in the final version, and we will continue to work together to push the Senate on that. So thank you.

We are going to the gentleman from California, Mr. Denham.

Mr. DENHAM. Thank you, Mr. Chairman.

General, good morning. It is good to see you this morning. Glad to see the Chief's Report for phase 1 to the Lower San Joaquin River is now signed and included in the WRDA bill. This is a great cost-benefit ratio.

But more importantly than the cost benefit, this is also the area where the Corps is going to build their first VA mega clinic. And so while we have got 262 critical infrastructure sites in that area, 12 which are considered essential to life and safety, we also have Sharpe Army Depot, and now we are going to build a VA hospital.

So my question to you is, as we are looking at—again, appreciate the fact that we signed phase 1. It has taken way too long. We have been working on this for quite some time, but because we are building the new mega clinic, and now we have got phase 1 in the works, it is time to get quickly on to phase 2. And I want to see the Corps request funding from Congress so that we can do our job here and expedite this as well.

So my first question is, is the Corps ready to request funding on phase 2 of this project?

General SPELLMON. Sir, my understanding is that phase 2 is not included in the scope of the current effort by the non-Federal sponsor. We would ask that the non-Federal sponsor give us their desire to move forward with phase 2 and then we can take the necessary next steps, sir.

Mr. DENHAM. Thank you. And I look forward to having the Corps come back out again and have this discussion at the local level. I think it is critical to understand specifically what is happening on the ground.

But from a national perspective, one thing that is very different here versus any other project in the country is this is the Corps'

first big project where they are going to build a mega clinic for the VA. So I do think that there is some uniqueness in this.

One of the other challenges that we have with moving forward is the Executive Order 11988. Can you commit to me that the Corps will quickly address and resolve that Executive order issue, the question surrounding the RD 17 area and move forward with the second phase of this feasibility study? I know that our locals have to do requests, but we have an issue with the Executive order that we have got to resolve as well.

General SPELLMON. Yes, sir. You have our commitment, once we receive the request from the non-Federal sponsor, we will take the necessary next steps.

Mr. DENHAM. Thank you, General.

I yield back.

Mr. GRAVES OF LOUISIANA. Thank you very much, Mr. Denham.

We are going to go to the other gentleman from California—we have got a triple here—Mr. Lowenthal.

Dr. LOWENTHAL. Thank you.

And before I begin, I would like to preface my remarks by agreeing with Representative Garamendi in complimenting the chair of the subcommittee and the ranking member for working together on the WRDA project. I think this is a model for the way the legislature should work, and I am proud to be part of this subcommittee and to state that.

Mr. GRAVES OF LOUISIANA. Would the gentleman yield?

Dr. LOWENTHAL. Yes.

Mr. GRAVES OF LOUISIANA. I just want to make note, this bill, this is a major infrastructure bill. This passed the House of Representatives by a vote of 408, and there were only 2 confused people.

So I yield back.

Dr. LOWENTHAL. I am glad to say, on this occasion, I was not one of those two confused people. Not saying that on other occasions I haven't been confused.

General Spellmon, first, I want to thank you for the Corps' important work on the Chief's Reports that were submitted to Congress this year. I also congratulate you also on this assignment.

I am the cochair of the Congressional PORTS [Ports Opportunity, Renewal, Trade, and Security] Caucus. And I applaud the efforts to complete reports on the critical navigational improvements in both Seattle and in Norfolk. That will increase the flow of commerce at these ports, and I strongly support that and I strongly support the Corps' work.

But closer to home, I know that the Port of Long Beach is working with its L.A. District on a navigational improvement study, but they have requested a waiver to allow the study to exceed some limits of the 3 x 3 x 3 SMART Planning process. The waiver will make sure that the channel deepening study moves forward in tandem with the ports master plan, that is the reason that they are asking, to make sure that the master plan and the 3 x 3 moves. I would appreciate just your full consideration of this request.

General SPELLMON. Sir, thank you. We fully understand and recognize that not every project, not every study neatly fits within the confines of 3 x 3 x 3. We go through a process to evaluate what

we will get from the district, and then I meet with Assistant Secretary James every week and we talk through these requests as they come in.

Dr. LOWENTHAL. Thank you. And as one of the nonconfused Members of Congress, I yield back.

Mr. GRAVES OF LOUISIANA. The gentleman from Texas, Mr. Babin, is recognized.

Dr. BABIN. Thank you, Mr. Chairman.

General, welcome. Thank you for being here. I also want to thank you for visiting my district in my region recently. And I appreciate your service too. I notice a Purple Heart ribbon on your chest there. Thank you. I don't know the details of that but appreciate your service.

One year ago today, my district and most of southeast and coastal Texas was still reeling from the devastating effects of Hurricane Harvey. I wanted you to please share briefly some of the specific lessons that the Corps has learned from our experience with this terrible storm and how you have applied those findings to improve your practices and protocols for your response to the inevitable next storm, if you don't mind, just briefly. I appreciate that.

General SPELLMON. Yes, sir. Certainly, 60 inches of rainfall over the city of Houston and the surrounding areas was unprecedented. So, yes, sir, we have done an early set of After Action Reviews; as I mentioned, both our Galveston District, our southwestern division, and also at the region.

I think one of the key takeaways that we have shared amongst the command is the importance of communication with partners above and below the other projects. So we believe the district and the division went through means to talk to everyone affected, or potentially affected by this unprecedented rainfall, but the perception exists that we did not. So we have got to double back on our efforts and look at our processes for storms of this nature when they occur.

Dr. BABIN. Right, OK. Thank you.

And then the second thing, I am aware of various procurement practices at the State and local levels that are really artificial barriers to competition for new and innovative materials on projects, and that is why I introduced a bill, H.R. 5310, the Municipal Infrastructure Savings and Transparency Act, to ensure open competition and competitive bidding in infrastructure projects that receive Federal funding. And that will help lower costs and provide greater choice of new and innovative materials for engineers.

And I was hoping that the Corps might help me, commit to helping me to identify some of these State and local barriers, and work with me on recommendations to eliminate them so that we can save taxpayer money. I want to ask you, what are the specific programs that the Army Corps already has in place to spur innovation and infrastructure investments in technologies and any comments you might have there?

General SPELLMON. Sir, just a couple. So we recognize that with this record level of appropriation in storm supplemental that we have been trusted with, that our standard project management processes are not going to allow us to deliver on time for the Nation. One of the areas we know we want to—we have got to get bet-

ter at is innovation, both in our acquisition strategies, in our designs, and certainly in the materials that we use.

So we have a set of labs, as you know, sir, throughout the Corps, and we have tasked them to be able to help us. We want to work with industry, want to work with private partners such as the ones that you are mentioning, sir, so we can get better in this regard. You do have our full commitment.

Dr. BABIN. I appreciate that.

So how does the Corps ensure competition in contracts to maximize taxpayer savings and help with investing in more projects? What are some of the things that you already do?

General SPELLMON. Yes, sir. So obviously, we are bound by the Federal acquisition regulations in all of our acquisition processes. Having said that, some of the things that we want to take on to allow us to speed the delivery of project is not have 43 districts, each going after separate acquisition strategies for the 253 supplemental projects I mentioned earlier. We want to get into things we call multiple award task order contracts. We can do them at the regional level. We are even discussing doing them at the enterprise level, sir, again to expede the ability to get moving dirt, as Assistant Secretary James would describe it.

Dr. BABIN. Absolutely. We want the latest technologies to be utilized to save taxpayer money, so we sure hope so.

And that is all I have. I yield back, Mr. Chairman.

Thank you, General.

Mr. GRAVES OF LOUISIANA. The gentleman from Texas, Mr. Weber.

Mr. WEBER. Thank you, Mr. Chairman.

General Spellmon, welcome. Glad to see you here. I have got five ports in my district, three coastal counties of Texas starting at that other foreign country, Louisiana. We were ground zero for Harvey flooding. We have got more ports than any other Member of Congress: Port of Beaumont, Port of Port Arthur, Port of Texas City, Port of Galveston, and then Port of Freeport. Sabine-Neches Waterway is the longest waterway in the gulf coast, second only to the Mississippi River.

We have a Chief's Report, I believe from 2014, WRRDA, on deepening the Sabine-Neches Waterway. And you may be aware that the Port of Beaumont moves more military personnel equipment than any other port in the country. So I would argue that national security is extremely important. It shoaled in bad from Hurricane Harvey, all the rain from Hurricane Harvey, as you know, was more of a rain event for that part of the Texas gulf coast than a wind event. There is a lot of lightering having to go on because of the fact that it shoaled in. The channel needs to be deepened.

We have an approved Chief's Report, and I didn't see it in the PDF today that you offered at the end of your comments, the updated 2018 PDF. Why is that?

General SPELLMON. Sir, if you are referring to the Sabine Pass-Galveston Bay——

Mr. WEBER. No. Unless that is including—I read it very briefly. I know that there is a coastal storm barrier protection study going on, because as Congressman Babin said, it is not a question of if we get another hurricane, but simply when. And a lot of jet fuel

and energy is produced on that part of the Texas gulf coast in his and my district combined.

So it is extremely important that we don't have a release out in the Galveston Bay if something destroys some of the tanks holding oil or other noxious chemicals, but also the fact that we want to get the Sabine-Neches Waterway dredged down to close to 50 feet. I don't see that anywhere in your remarks here today.

General SPELLMON. No, sir. The Sabine Pass-Galveston Bay was funded as new construction in the storm supplemental, total of——

Mr. WEBER. Right. Well, that is actually something separate. There is a Chief's Report from WRRDA 2014 on the deepening of the Sabine-Neches Waterway. And I looked at your—there are 77 pages in the PDF at the end where it says "Chief's Reports Updated 2018." And I see the one that you are talking about which is the study being funded, but I do not see the Chief's Report for the Sabine-Neches Waterway. Can you shed some light on that?

General SPELLMON. Sir, I will follow up with you. I will go back and take that and we will follow up with your staff.

Mr. WEBER. Yeah, let's find that out. I also see the one there for Galveston Channel Extension. There is also—there is a Chief's Report, thankfully, on the Galveston Channel Extension and also the one Sabine Pass to Galveston Bay that you cited. But please follow up on that because that is very, very important to our area.

General SPELLMON. We will, sir.

Mr. WEBER. You have been there 90 days, you said?

General SPELLMON. About 90 days, yes, sir.

Mr. WEBER. About 90 days. You will find out that the BCR on the Sabine-Neches Waterway is—some might say it is a little lower than they would like to see it. And, obviously, we would. There is billions of dollars of development along that long waterway. It has the most developable area, and the fact that it is so instrumental in national security, I don't know how we figure that in, how do we get that BCR up, because it is strategic to our country's defense. A MARAD fleet is out there. We have got some mothball ships out there, if you want to call them that.

So please check in to that because that is extremely important. The Galveston Channel Extension Project also is important to us. So if you could check on those and get back to our office, it would be greatly appreciated.

General SPELLMON. Sir, I will. And I had a great visit down to that region here a couple of weeks ago. And you mentioned Beaumont. I am certainly familiar with the importance of Beaumont from deploying out of Fort Hood a number of times.

Mr. WEBER. Right. Well, please come back. We have got good fried shrimp and good seafood gumbo. We would love to show you around and show you how important it is. Just please get back to us. Thank you.

General SPELLMON. Yes, sir.

Mr. WEBER. I yield back.

Mr. GRAVES OF LOUISIANA. Thank you.

We are going to go to the gentleman from Florida, Mr. Mast.

Mr. MAST. Thank you, Chairman. I appreciate it.

Thank you, General, for taking the time today. I appreciate you speaking with me before this. I appreciate all your work and the

Corps' work on WRDA 2018, the work with the southern reservoir, the EA Reservoir there, the work in working to help us get an update to the Lake Okeechobee regulations scheduled, the Kissimmee River restoration, all of it, really appreciate the partnership on that.

All of these things that you have worked with my office on, they surround what is known as management of Lake Okeechobee. I know you are very familiar with this. And I wanted to ask some questions about Chief's Reports, specifically a little bit on that process. Are old Chief's Reports ever updated?

General SPELLMON. Sir, as we get closer to appropriation on, say, a dated Chief's Report, they may have to go through a limited reevaluation. Economics may need to be updated. There may be design changes or new materials, new technology that may be incorporated, but there can be a requirement to update the report, sir, before we move forward with construction.

Mr. MAST. But being dated, that is something that you would say, we look at this and we can say this is dated, it should be updated, that is common practice or——

General SPELLMON. Yes, sir, it is.

Mr. MAST [continuing]. Within the parameters of being reasonable?

General SPELLMON. Yes, sir.

Mr. MAST. The Chief's Report for the development of the central and south Florida project that governs all of this, that is a Chief's Report from 1948. Would you say that there might be room to update a Chief's Report from 1948? It is what specifically provides that the priorities are flood control; water supply for municipal, industrial, and agricultural uses; prevention of saltwater intrusion; water supply for Everglades National Park; and protection of fish and wildlife, but it is from 1948.

General SPELLMON. Yes, sir. So I am not familiar with the 1948 central and south Florida project. I am more familiar with some of the more recent efforts under the Central Everglades Restoration Program and the 68 projects associated with it to get after some of the water supply and water quality issues in your region.

Mr. MAST. And I am glad you brought up water quality issues. It matters to me to hear you say that. It is important to my community to hear you mention water quality, because sometimes that is often left out. These other issues that I just mentioned are important, but, to me, when we are talking about these Chief's Reports, it is an issue that the Chief's Report mentions very specifically the things that will be managed and it doesn't mention anything about the water quality, which in many cases is a State issue, but you did mention it is an issue in what is going on with central and southern Florida policies.

So in that, I would ask, are you aware of some of the water quality issues? One of our most recent tests, which is in line with other tests, it said that the sample was 495 parts per billion of microcystin, an algae, a toxin. That is what is being discharged out of the lake into an epicenter of human population. That is an issue of water quality.

And so I would ask, do you think that the 1948 Chief's Report could be updated, it could be looked at as dated and there is poten-

tial to put something in place that mentions health and human safety as being a factor?

General SPELLMON. Yes, sir. Certainly, there is always room for updating. I would just—I want to be clear, we don't have the authority to regulate water quality. The State's responsibilities for water quality in your region are very clear in the Clean Water Act and, as you mentioned, the central and south Florida authorities. But, sir, no, this is a partnership going down to Central Everglades Restoration program, we want to do our part with the State and all of our partners to help those communities.

Mr. MAST. Well, in that, in talking about the balance between State and Federal relationship there, the Army Corps feasibility study from 1999 on this issue, it reads: Water quality improvement must be an integral part of all hydrologic restoration. It also reads: Several plan components and other project elements are included to improve water quality conditions. It also reads: Water Resources Development Act of 2000, which established the Central Everglades Restoration Project and Public Law, it lists protection of water quality as a specific authorization.

So water quality is the intent of Congress. I just listed off three specific places. It is clear that water quality is the intent of Congress. And so it is in that that I would like to ask you, can you work with me on addressing the fact that this issue, this human health and safety issue that is related to water quality is not listed in this Chief's Report? Can your office—can the Corps work with me on making that a piece of a Chief's Report when managing this system?

General SPELLMON. Yes, sir. I would welcome this dialogue with you and your team.

Mr. MAST. Thank you. I yield back.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Mast, vice chairman of the subcommittee.

We are going to go to the gentleman from California, Mr. LaMalfa.

Mr. LAMALFA. Yet another Californian, Mr. Chairman. Thank you.

As we know, farming agriculture is a major economic activity in the U.S., totaling $100 billion in exports every year. And the Army Corps and EPA have been making it very difficult to responsibly use land when they regulate the Clean Water Act the way they have, especially in my district in California.

They have been unfairly attacking farmers and legitimate land users by retroactively claiming that ag land is a wetland or that normal farming practices exempt under the Clean Water Act suddenly require permits, otherwise known as previously converted crop land. Should someone decide to go along and pursue that permit, it might take 3 years for them to get it off their desk, 3 crop years lost for them to move this permit that they are already exempt from having under previous converted crop land, et cetera.

So what I am asking you, sir, is will the Army Corps and EPA work with the other land management agencies to make their jurisdictional determinations so that land users have some idea where to direct their issues when someone suddenly decides a permit is needed?

General SPELLMON. Sir, yes. So the program we started here just in the last 90 days in the Corps is taking a deep dive, a hard look at every longstanding permit. I have some permit applicants that have been outstanding for 5 years. We are doing a detailed look at every one of those and why those permit actions have been suspended. There is a variety of reasons, but, yes, sir, you have our commitment to move on these decisions in a much more rapid fashion.

Mr. LAMALFA. OK. You promised to move more quickly on the permits, but what about the concept that the permit wasn't needed to begin with under exemptions clearly spelled out in the Clean Water Act and reinterpretations done by some divisions of the Corps that seem to have gone off on their own tangent?

General SPELLMON. Sir, I am not familiar with the details, but you have our commitment that we will look into this.

Mr. LAMALFA. I appreciate that. Check it out in northern California, via Sacramento, the Redding office, and there is a lot of action happening in Tehama County. For example, disking. You are familiar with disking in agriculture?

General SPELLMON. No, sir. No, sir.

Mr. LAMALFA. OK. Well, I will explain it to you. It is similar to plowing, only a disk is an implement towed behind a tractor that has approximately 40, maybe 50 round disks on it that rotate as you are pulling it through the field. It turns the soil slightly and, you know, reincorporates. Disking is used by the U.S. Fish and Wildlife Service for wetland management, it is used for mosquito abatement to prevent more breeding of mosquitoes, protection from invasive plant species, used to recycle nutrients in the soil to keep the land productivity high, and is used by almost every agency and organization that has something to do with land use for a variety of reasons, but only to very slightly if at all alter the land.

So we have agencies using this as a tool that they need, and I am glad they do, but the Corps and EPA have attempted to say disking is an activity that requires a permit by a farmer because it creates slight mounds and therefore changes the topography. What we heard in a couple of these cases is that when you have gone out and disked the field, that because it creates these mounds, that they are looking at this as a high land and a low land that is now regulatable by some of the people in the division here.

So do you believe that really should be a standard of the Army Corps?

General SPELLMON. Sir, I am not familiar, I have not run across this particular issue set before. And I would like the opportunity to get back with my staff and get some additional detail of decisions, procedures that are being made in the field in this regard.

Mr. LAMALFA. We would certainly be happy to supply you that information too. Please get back to us.

So are you familiar with the Duarte Nursery settlement that happened in California?

General SPELLMON. No, sir.

Mr. LAMALFA. OK. Well, they finally gave up and settled for over $1 million after having tilled their land—after it had been idle for several years, with the idea that when land is idle, you know, farmers tend to fallow their land, that now that requires a permit

and that they had somehow disturbed a wetlands or a waterway to the United States.

So do you think the Army Corps is going to extend that decision to more and more retroactive activity by other farmers around the country?

General SPELLMON. Sir, I don't know the answer to your question. We will get back with your staff and with you on this issue.

Mr. LAMALFA. OK, thank you. Because this has really been an out of control situation. And not with the intent of the law, the intent of Congress, and I certainly think at some point your organization, so I would really ask you to look into it, especially the Sacramento division and what their activity has been in northern California.

General SPELLMON. We will, sir.

Mr. LAMALFA. Thank you.

General SPELLMON. Thank you.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. LaMalfa.

I want to make note that that is a problem in Louisiana as well, and I have also heard from other Members about it, General.

We are going to go to the gentlewoman from Connecticut, Ms. Esty.

Ms. ESTY. Thank you very much.

So, General Spellmon, I had two points I wanted to raise with you. And, again, thank you for appearing before us today. I understand that the Corps is proud of efforts it has made to publicize when deadlines are, but I have to tell you, in my district, there are a number of organizations that had been looking to and working with my office to try to figure out whether it is appropriate to request a grant. They did not realize how early the deadlines are.

So I would respectfully urge that more be done, that efforts be done with every Member of Congress so that we can help get them out to our communities, nonprofits, councils of government, counties, because those of us on the committee even have communities that were not aware of this or entities within our communities. So I think we can do a better job, and I am just telling you anecdotally, and I have been on this committee for almost 6 years now and on this subcommittee for 6 years, and we had organizations and nonprofits and things that had no idea when the deadlines are, and they are early.

If you look at it in line of the pretty early deadlines and people have a sense of when other deadlines are, and since they are as early as they are, I think we can do a better job. And I am sure that is in the Corps' interest, and just wanted to give you that——

General SPELLMON. Yes, ma'am.

Ms. ESTY [continuing]. Feedback and see how we can help on that.

The second was, again, on coordination and sort of some of the nontraditional uses. I am going to use an example, in my district, we have a dam in Thomaston. The community is looking all over the Northeast to do greenways as part of connecting communities to be able to do bikeways, walkways, reclaim our rivers, et cetera. Well, a lot of that in a State like mine, in Connecticut, we have a lot of dams. We have a lot of water in Connecticut. Quite unlike

my colleague, Mr. LaMalfa, we have different issues. We have too much water and the risk of aging dams.

We are having a little bit of trouble with getting proposals like that considered. So I would ask that to recognize that depending on the part of the country, it would be helpful to local communities to consider a little more flexibility for community involvement and appropriate usage. And we have met and we have got folks meeting soon with the Corps again to talk about this. I have already met with them regionally, but I think that will help the public understand that the Corps is there to serve our purposes. But that also includes, when appropriate, constructive use of areas, and so we have several that are things like greenways, in addition to your traditional flooding area.

So we will, the Fifth District of Connecticut will be back with proposals from the Naugatuck Valley Council of Governments, from New Britain, Connecticut, which has some dam work and some dredging that they are looking for help with permits. And, again, we have worked on continuing authorities projects. I do want to let you know we are eager to see more funding there, cutting that red-tape, which we are working on raising those limits so that we can get more of those projects, again, in conjunction with our communities, getting these projects moving. And we have got a lot of aging dams in my part of the world. There is not enough money to go around, and we are going to have to be creative and collaborative to make sure these projects get done in a way that works to the benefit of communities as well as protecting the public.

So, again, I want to thank you. We have had a good relationship with the Corps during my time on the committee, but we can always do better.

General SPELLMON. Yes, ma'am. And thank you for sharing both of those with me. And we will follow up with our district and our regional team on both of these topics. Thank you.

Ms. ESTY. Thank you. And I yield back.

Mr. GRAVES OF LOUISIANA. Mr. Mitchell.

Mr. MITCHELL. Thank you, Chairman Graves, for allowing me the opportunity to speak at this hearing.

And thank you, Major General Spellmon, for coming today. I also thank you for your service to the Nation and your continued service in the Corps of Engineers. I also appreciate the efforts of your staff before you came even. They met with me a couple of times to look at the economic analysis, to talk about the importance of Soo locks.

As we talked about when we started, I have a fair amount of water around me in the Great Lakes, not as much as some of my colleagues here, but important water.

This hearing is an example of Congress and the administration working together to make significant infrastructure improvements to this Nation. As the chairman notes, only two wayward Members didn't quite understand the importance of the Water Resources Development Act, and that is quite a feat around here.

We are here to talk about your updated reports, and one in particular is interesting to me, the Soo locks. The Soo locks is a critical source of infrastructure in this Nation. In 1985, Congress authorized a new lock, a 1,200-foot lock, because we only had one, the Poe lock, right now as you are studying your notes. Nearly all domestic

iron ore goes through that lock because it accommodates 1,000-foot freighters. It is a national security concern, it is an economic concern, which we talked at length to your staff. And, again, my appreciation to them for sitting down the extended time they did in talking about the economic assumptions that were going in that report.

While this is my first term in Congress and my first term obviously on the committee, since day one, the Soo locks were something that were important in Michigan in this country. This isn't the first time it has been discussed in the 115th Congress. Also it was discussed, as you are aware, I think, at the House Armed Services Committee that I sit on, and became a component of the report for the NDAA this year.

I was also pleased that the President decided to speak up and say that we needed to deal with the Soo locks, that we could no longer ignore the fact that if the Poe lock goes down, 11 million people lose their jobs in 90 days, we can't move iron ore nor mine other trade. So I appreciate all your work, I appreciate the study you have done. And we will work with you and the Army Corps and other Members to ensure that we secure the funding we need to go to the next step, which is some of the detailed studies you need to do for engineering so we can build that lock that we promised this Nation in the mid-1980s we would do, and we will finally move forward.

Please be aware and tell your staff if they need any assistance, any feedback, that in Congress, I certainly hope to stick around and will do anything I can to support the efforts for the Soo locks to continue the development of that additional lock. Any feedback you have on that issue, General Spellmon, I appreciate.

General SPELLMON. First of all, I want to thank you. I have been to the Soo locks on a number of occasions, so we do understand the importance, as does the Chief, our Assistant Secretary, and, frankly, all of the Army understand the importance of that waterway to the Nation. We want to do this and we want to do this work. We thank Congress for the funding to do the major rehabilitation on the existing lock, and we look forward to getting the funds and the appropriation to construct the new lock.

Sir, we would love to continue the conversation and dialogue with you and your staff on the economics study that we have done. I know there is some disagreement, but I don't think there is any disagreement on the importance of this piece of infrastructure to the Nation.

Mr. MITCHELL. Well, there may be some differences on the details in economic study as I will use the term, "close enough for government work," and now let's get on with actually doing the work. Next time you decide to go to the Soo locks or your staff, let my staff know, I will wander up there. It would be nice if we didn't do that in the dead of winter, but happy to go to the Soo locks with you and talk further about the importance of that, not just for our State, and the Great Lakes, but for this Nation. Building a lock is critical.

General SPELLMON. Yes, sir.

Mr. MITCHELL. Thank you very much. I yield back. Thank you, Mr. Chair.

Mr. GRAVES OF LOUISIANA. The gentleman from Georgia, Mr. Woodall.

Mr. WOODALL. Thank you, Mr. Chairman.

Thank you for being here today. Thank you for your partnership on all the projects you are working on down in Georgia. Of course, we are particularly proud of what is going on in Savannah. It was a long time coming, and you all never gave up on making that happen. And we are about to have real economic results for the entire southeastern United States, and I thank you for that.

What I really want to talk about, though, in terms of 21st-century policy is return flows. I represent a community in Georgia, County of Gwinnett. They spent $1 billion on a water treatment plant to pump the water back in to Lake Lanier, our core lake, cleaner than we took it out. In fact, we sit on the Continental Divide. If you dump your cup of water out on one side of the county, it runs into the gulf. And if you dump your cup of water out on the other side of the county, it runs into the Atlantic. And knowing that that Gulf Basin, that Chattahoochee River water system is so threatened with overutilization or undersupply, we make an effort to put as much as we can back into that basin. And yet, as we talk about water allocations, we get absolutely no credit for the $1 billion water treatment plant that is doing it better and taking more stewardship responsibility than any other community in the basin.

If we are to encourage jurisdictions to take those risks, to make those investments that are going to benefit us all as a community, as a region, as a Nation, we have got to get some credit. It has got to be skin in the game for making bad decisions and skin in the game for making good decisions.

Could you speak to that just a little bit?

General SPELLMON. No, sir, I agree with you. Thank you for those comments. I have got much to learn about Lake Lanier and this particular basin and the project, the recycling project that you mentioned. I would love the opportunity to get down there and walk the ground with your staff and the constituents, and then come back to you on the math of the reallocation that you mentioned.

Mr. WOODALL. I appreciate that. I know folks want to be good stewards, and I am proud to represent a community that puts its money where its mouth is, but just like good tax policy encourages people to make different decisions, good water policy is going to encourage more good stewardship in the basin.

I also want to make sure I told you, we often have forums to poke the Corps for things that didn't go the way we wanted them to go, and I get those telephone calls from constituents. In fact, I have several families with wheelchair-bound family members who live on Lake Lanier. And, of course, if you want to get from your house to your dock, you have got to roll over Corps property to get there, and the Corps has some real rules about how you can develop that property. And these families were unable to put together a pathway that their family members could use to get from the house to the dock.

I mentioned that to our local Corps leadership, and they said, not on my watch is that going to be true. These rules are in place to protect communities, these rules are in place to empower commu-

nities, and these rules are not in place to stifle families who are just trying to do the very best they can with the hand they have been dealt. And you all stepped in, made the necessary waivers and allocations such that those family members are now utilizing their facilities, and those families feel included in our entire regulatory process.

It could have been a multiyear headache. It could have been one of those things that we argued about for a decade, but instead, it was one of those things that your men and women on the ground took responsibility for, said, we can do better and we will do better and we wish this had never happened to these families to begin with. And I just want to thank you for giving the teams on the ground the kind of flexibility to make those things happen.

General SPELLMON. Thank you, sir. I am very familiar with this issue from my time. Very similar cases in the Missouri River, on the Columbia River, and all the tributaries, I understand, and thank you for the comment.

Mr. WOODALL. And one final accolade that we did have thefts start to tick up, and one of the regulations that we had in terms of trying to keep docks up to code was that security cameras were prohibited on docks, as were couches and old washing machines, dryers, and things that you would want to be prohibited from the dock. But security cameras made that list. You all partnered with us last summer to change that regulation. It has made a real difference in terms of homeowners and their security and their watercraft security.

So, again, things that once upon a time, 4, 5, 6 years ago, would have just been like pulling teeth to get done, you all are making possible, and I am grateful to you for really changing the partnership spirit that those men and women with whom you work every day on Lake Lanier are feeling. Thank you.

General SPELLMON. Thank you, sir. Thank you.

Mr. WOODALL. I yield back, Mr. Chairman.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Woodall.

I recognize myself.

General, Houma Navigation Canal, section 203 that has been submitted to the Corps of Engineers, candidly myself and Congressman Scalise are a bit frustrated that we are not talking about that today. Could you give us an update on the status of that, 203?

General SPELLMON. Yes, sir, I can. It is under executive branch review. I believe specifically it is with the Office of Management and Budget, sir. It went over to the office in early August. And I believe they have upwards of 60 days to conduct their review, but that is where the——

Mr. GRAVES OF LOUISIANA. And how long did it take the Corps to review this?

General SPELLMON. Sir, I could get you that answer. I don't know.

Mr. GRAVES OF LOUISIANA. Actually, I think I have it already, but I just—I want to reiterate the urgency of that project. It would be incredibly unfortunate to miss the window that we have on this bill right now to authorize construction of that project.

And, General, I just want to make note, as a sort of thematic concern: This project dates back to 1998, as I recall. And the

project, according to the Corps of Engineers' own schedule, was supposed to be completed, a Chief's Report was supposed to be completed, let's see, even on your revised schedule, which was crazy, because I think it came back and suggested 2008, which a project that was authorized or study authorized in 1998, I think the revised schedule by the Corps of Engineers showed completion by the Corps in 2008. So 10 years to look at simply a deepening project.

Then when the Corps continued spinning the wheels, the locals ended up converting it to a 203, which is where we are now. So I just want to, again, reiterate the urgency there.

General, next question. General Semonite has ordered the Corps of Engineers to move forward on a reorganization plan. You are familiar with the House bill that does direct the GAO to conduct a study looking at perhaps a different home agency for the Corps of Engineers. The President's reorganization plan, which I support this component of it, also looks at reorganizing a portion of the Corps within the Department of the Interior and a portion with the Department of Transportation.

While I am not willing to endorse those agencies at this point, I do believe that there is some compatibility issues with the Corps being in the Department of Defense. When I called Secretary Mattis and talked to him about Russia and China and North Korea and Syria and Iran, I don't think I should also add a wetlands permit. It is not compatible.

Could you give us an update on where the Corps is with that?

General SPELLMON. Yes, sir. So we have had the opportunity to brief both General Semonite, Secretary James, and Dr. Esper. We walked him through the early stages of a mission analysis: What are the limitations and constraints? What are some of the legislation that would have to be changed in order to implement this particular proposal?

What I shared with all three, including Dr. Esper, after walking him through the six major bodies of legislation that would have to be changed, is the point you just mentioned. We do not think it would be wise to separate water management responsibilities on any basin between two Federal agencies. The eight project purposes in many cases that Congress asked us to achieve with water above and below our projects, those decisions ought to remain in one agency.

The second concern that we outlined to our leadership was the loss of the Civil Works workforce, and the impact to the Department of Defense. So, sir, you know there are 22,900, roughly, Civil Works employees in the Corps, and they do much more than just civil work. So today you have Civil Works employees renovating and modernizing the Mosul Dam in Iraq on behalf of the Department of State and CENTCOM.

We have Civil Works employees in Afghanistan working on the Northeast and Southeast power system, again, in support of the combatant commander there. You are familiar, that we sent Civil Works employees to Puerto Rico to restore the power grid when the Nation called. So the guidance that came out of Secretary Mattis' staff was, as we do this planning, is there a way that we retain that capability, either internally, or have an expeditionary capability in the other agencies?

So to answer your question, sir, we are on the very early stages of outlining all of this to our leadership, and we have more work to do. I would say it is the same people, the same staff that is trying to deliver on this record supplemental and program that Congress has trusted us with that would be doing this particular planning.

Mr. GRAVES OF LOUISIANA. General, thank you.

I just want to quickly note a couple of other things. One, I do want to thank you and thank your team for the allocation of supplemental funds. We do plan on having a hearing. I know there are a number of Members from Texas and Florida, as well as myself, Members from Louisiana and other States that are very interested in the implementation plan, want to ensure proper oversight, want to discuss with you the potential for where section 1043 authority may apply to ensure expedited implementation of those projects.

Also, I would like to talk to you a little bit about some of the problems we had with permits, and particularly the Shellfish Caucus issues in your former area of operation out West.

And, lastly, we are going to submit some questions to you on the record, pertaining to some of the projects that we are having oversight over today, particularly, the lower San Quentin. We are talking about potentially $42 million per mile for that project, much of which is existing levees.

I have questions about Seattle Harbor. You are talking about $65 per cubic yard of material. I understand it is a locally preferred plan. Just want to make sure we understand those components. That is an extraordinary cost.

I would like cost on cost per cubic yard for the Norfolk Harbor.

San Juan Harbor, I know this is a really important project for recovery. Thinking about $350 million to be borne by the island of Puerto Rico right now when we all know their financial situation. In addition to the authorization of this project, I think we need to have a discussion about a financial plan. I think that should include obviously my friend Mrs. Napolitano, but also Congresswoman González-Colón needs to be part of this. We need to be discussing how to implement this. This is part of their recovery, and we need to make sure that we don't just authorize it, but we actually have a feasible financial plan of how to move forward.

Lastly, on the Soo locks, just looking at this, you are increasing your contingency to 37 percent, 37 percent contingency on this project. General, I have built tens of billions of dollars in projects in this space over my life; 37 percent is a high cost. This project dates back decades. You also were showing a 700-percent variance in your BC ratio. Those numbers, you are asking us to authorize nearly a $1 billion project. That is an awful lot of wiggle room. You have got to give us some confidence that you know what you are doing and that this is going to be a good investment for taxpayers. So I would like to learn a little bit more about that one. But with that, I am over time.

And any other questions that folks have? The gentlewoman from California?

Mrs. NAPOLITANO. Thank you, Mr. Chair.

No, I will submit my questions for the record. I do have some.

Mr. GRAVES OF LOUISIANA. We good? All right.

So, General, again, I want to thank you very much for being here today. I know this was your first time, and I know you haven't been in that job very long. So I do appreciate you getting up to speed on all of these issues that are important to the subcommittee and to the full committee. If there are no further questions, I want to thank you for being here today, and this has been informative and helpful.

This is going to be probably one of our—one of our final—though there should be a few others, but I do want to make note, and I am sure there are going to be other opportunities in closing that our full committee chairman, Mr. Shuster, is retiring from the Congress. It has been an incredible pleasure to work with him. He has been able to get us on a track for a 2-year water cycle. He has been a very fair, bipartisan chairman.

I remember when I first came to the Congress, and I told him of my interest to join the committee; I think he got right up in my face in a very intimidating manner and said: Are you going to do what I say?

And I very sheepishly said: When you are right.

And he really has been a great chairman to work with and really been very fair on policy.

I think we are going to see incredible, incredible reforms, and I am very excited to see implementation of this legislation, of FAA legislation, disaster recovery, of course the FAST Act, and many other bills that are going to be an important part of his legacy but, most importantly, affect the lives of every American. So he is going to have an important legacy, and I do appreciate the opportunity to work with him.

If no other Members have anything else to add, then the committee stands adjourned.

[Whereupon, at 10:12 a.m., the subcommittee was adjourned.]

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