

**PROPOSALS FOR A WATER RESOURCES
DEVELOPMENT ACT OF 2022**

(117-38)

REMOTE HEARINGS
BEFORE THE
SUBCOMMITTEE ON
WATER RESOURCES AND ENVIRONMENT
OF THE
COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTEENTH CONGRESS
SECOND SESSION

WEDNESDAY, JANUARY 12, 2022
TUESDAY, FEBRUARY 8, 2022
WEDNESDAY, MARCH 16, 2022

Printed for the use of the
Committee on Transportation and Infrastructure



PROPOSALS FOR A WATER RESOURCES DEVELOPMENT ACT OF 2022

PROPOSALS FOR A WATER RESOURCES DEVELOPMENT ACT OF 2022

(117–38)

REMOTE HEARINGS

BEFORE THE
SUBCOMMITTEE ON
WATER RESOURCES AND ENVIRONMENT
OF THE
COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTEENTH CONGRESS
SECOND SESSION

WEDNESDAY, JANUARY 12, 2022
TUESDAY, FEBRUARY 8, 2022
WEDNESDAY, MARCH 16, 2022

Printed for the use of the
Committee on Transportation and Infrastructure



Available online at: [https://www.govinfo.gov/committee/house-transportation?path=/
browsecommittee/chamber/house/committee/transportation](https://www.govinfo.gov/committee/house-transportation?path=/browsecommittee/chamber/house/committee/transportation)

U.S. GOVERNMENT PUBLISHING OFFICE

50–336 PDF

WASHINGTON : 2023

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

PETER A. DeFAZIO, Oregon, *Chair*

ELEANOR HOLMES NORTON, District of Columbia	SAM GRAVES, Missouri
EDDIE BERNICE JOHNSON, Texas	DON YOUNG, Alaska
RICK LARSEN, Washington	ERIC A. "RICK" CRAWFORD, Arkansas
GRACE F. NAPOLITANO, California	BOB GIBBS, Ohio
STEVE COHEN, Tennessee	DANIEL WEBSTER, Florida
ALBIO SIRES, New Jersey	THOMAS MASSIE, Kentucky
JOHN GARAMENDI, California	SCOTT PERRY, Pennsylvania
HENRY C. "HANK" JOHNSON, JR., Georgia	RODNEY DAVIS, Illinois
ANDRÉ CARSON, Indiana	JOHN KATKO, New York
DINA TITUS, Nevada	BRIAN BABIN, Texas
SEAN PATRICK MALONEY, New York	GARRET GRAVES, Louisiana
JARED HUFFMAN, California	DAVID ROUZER, North Carolina
JULIA BROWNLEY, California	MIKE BOST, Illinois
FREDERICA S. WILSON, Florida	RANDY K. WEBER, SR., Texas
DONALD M. PAYNE, JR., New Jersey	DOUG LaMALFA, California
ALAN S. LOWENTHAL, California	BRUCE WESTERMAN, Arkansas
MARK DeSAULNIER, California	BRIAN J. MAST, Florida
STEPHEN F. LYNCH, Massachusetts	MIKE GALLAGHER, Wisconsin
SALUD O. CARBAJAL, California	BRIAN K. FITZPATRICK, Pennsylvania
ANTHONY G. BROWN, Maryland	JENNIFFER GONZALEZ-COLON, Puerto Rico
TOM MALINOWSKI, New Jersey	TROY BALDERSON, Ohio
GREG STANTON, Arizona	PETE STAUBER, Minnesota
COLIN Z. ALLRED, Texas	TIM BURCHETT, Tennessee
SHARICE DAVIDS, Kansas, <i>Vice Chair</i>	DUSTY JOHNSON, South Dakota
JESÚS G. "CHUY" GARCÍA, Illinois	JEFFERSON VAN DREW, New Jersey
ANTONIO DELGADO, New York	MICHAEL GUEST, Mississippi
CHRIS PAPPAS, New Hampshire	TROY E. NEHLS, Texas
CONOR LAMB, Pennsylvania	NANCY MACE, South Carolina
SETH MOULTON, Massachusetts	NICOLE MALLIOTAKIS, New York
JAKE AUCHINCLOSS, Massachusetts	BETH VAN DUYNE, Texas
CAROLYN BOURDEAUX, Georgia	CARLOS A. GIMENEZ, Florida
KAIALI'I KAHELE, Hawaii	MICHELLE STEEL, California
MARILYN STRICKLAND, Washington	
NIKEMA WILLIAMS, Georgia	
MARIE NEWMAN, Illinois	
TROY A. CARTER, Louisiana	

SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT

GRACE F. NAPOLITANO, California, *Chair*

JARED HUFFMAN, California
EDDIE BERNICE JOHNSON, Texas
JOHN GARAMENDI, California
ALAN S. LOWENTHAL, California
TOM MALINOWSKI, New Jersey
ANTONIO DELGADO, New York
CHRIS PAPPAS, New Hampshire
CAROLYN BOURDEAUX, Georgia,

Vice Chair

FREDERICA S. WILSON, Florida
SALUD O. CARBAJAL, California
GREG STANTON, Arizona
ELEANOR HOLMES NORTON,
District of Columbia
STEVE COHEN, Tennessee
PETER A. DeFAZIO, Oregon (*Ex Officio*)

DAVID ROUZER, North Carolina
DANIEL WEBSTER, Florida
JOHN KATKO, New York
BRIAN BABIN, Texas
GARRET GRAVES, Louisiana
MIKE BOST, Illinois
RANDY K. WEBER, SR., Texas
DOUG LAMALFA, California
BRUCE WESTERMAN, Arkansas
BRIAN J. MAST, Florida
JENNIFFER GONZALEZ-COLÓN,
Puerto Rico
NANCY MACE, South Carolina
SAM GRAVES, Missouri (*Ex Officio*)

CONTENTS

	Page
Hearing held on Wednesday, January 12, 2022, “Proposals for a Water Resources Development Act of 2022: Administration Priorities”	1
Summary of Subject Matter	2
STATEMENTS OF MEMBERS OF THE COMMITTEE	
Hon. Grace F. Napolitano, a Representative in Congress from the State of California, and Chair, Subcommittee on Water Resources and Environment, opening statement	7
Prepared statement	8
Hon. David Rouzer, a Representative in Congress from the State of North Carolina, and Ranking Member, Subcommittee on Water Resources and Environment, opening statement	9
Prepared statement	10
Hon. Peter A. DeFazio, a Representative in Congress from the State of Oregon, and Chair, Committee on Transportation and Infrastructure, opening statement	11
Prepared statement	12
Hon. Jefferson Van Drew, a Representative in Congress from the State of New Jersey, prepared statement submitted for the record by Hon. David Rouzer	67
Hon. Sam Graves, a Representative in Congress from the State of Missouri, and Ranking Member, Committee on Transportation and Infrastructure, prepared statement	69
WITNESSES	
Hon. Michael L. Connor, Assistant Secretary of the Army for Civil Works, Department of the Army, oral statement	13
Prepared statement	15
Lieutenant General Scott A. Spellmon, Chief of Engineers and Commanding General, U.S. Army Corps of Engineers, oral statement	17
Prepared statement	19
SUBMISSIONS FOR THE RECORD	
Submissions for the Record by Hon. Brian J. Mast:	
Letter of June 2, 2021, from Jaime A. Pinkham, Acting Assistant Secretary of the Army for Civil Works, Department of the Army	43
Letter of August 18, 2021, from Radhika Fox, Assistant Administrator, Office of Water, Environmental Protection Agency	44
Prepared Statement of the National Association of Flood and Stormwater Management Agencies, Submitted for the Record by Hon. Sam Graves of Missouri	70
APPENDIX	
Questions to both Hon. Michael L. Connor, Assistant Secretary of the Army for Civil Works, Department of the Army, and Lieutenant General Scott A. Spellmon, Chief of Engineers and Commanding General, U.S. Army Corps of Engineers, from:	
Hon. David Rouzer	75
Hon. Brian Babin	76
Hon. Jenniffer González-Colón	76
Hon. Frederica S. Wilson	77
Hon. Garret Graves of Louisiana	78
Hon. David Rouzer on behalf of Hon. Michelle Steel	80

VI

	Page
Questions to Hon. Michael L. Connor, Assistant Secretary of the Army for Civil Works, Department of the Army, from:	
Hon. David Rouzer	81
Hon. David Rouzer on behalf of Hon. Jefferson Van Drew	83
Hon. John Garamendi	83
Hon. Garret Graves of Louisiana	83
Hon. Michael Guest	85
Questions to Lieutenant General Scott A. Spellmon, Chief of Engineers and Commanding General, U.S. Army Corps of Engineers, from:	
Hon. John Garamendi	85
Hon. Jared Huffman	86
Hon. Michael Guest	87
Hon. Garret Graves of Louisiana	87
Hon. David Rouzer on behalf of Hon. Tim Burchett	88

Hearing held on Tuesday, February 8, 2022, “Proposals for a Water Resources Development Act of 2022: Stakeholder Priorities”	89
Summary of Subject Matter	90

STATEMENTS OF MEMBERS OF THE COMMITTEE

Hon. Grace F. Napolitano, a Representative in Congress from the State of California, and Chair, Subcommittee on Water Resources and Environment, opening statement	95
Prepared statement	97
Hon. David Rouzer, a Representative in Congress from the State of North Carolina, and Ranking Member, Subcommittee on Water Resources and Environment, opening statement	98
Prepared statement	101
Hon. Peter A. DeFazio, a Representative in Congress from the State of Oregon, and Chair, Committee on Transportation and Infrastructure, opening statement	102
Prepared statement	102
Hon. Sam Graves, a Representative in Congress from the State of Missouri, and Ranking Member, Committee on Transportation and Infrastructure, prepared statement	181

WITNESSES

Hon. Wade Crowfoot, Secretary, California Natural Resources Agency, oral statement	114
Prepared statement	116
Hon. Peter Yucupicio, Chairman, Pascua Yaqui Tribe of Arizona, oral statement	118
Prepared statement	120
Hon. Michel Bechtel, Mayor, Morgan’s Point, Texas, and Board President, Gulf Coast Protection District, oral statement	123
Prepared statement	125
Hon. Darrell G. Seki, Sr., Chairman, Red Lake Band of Chippewa Indians, Minnesota, oral statement	127
Prepared statement	128
Mario Cordero, Executive Director, Port of Long Beach, California, and Chairman, Board of Directors, American Association of Port Authorities, oral statement	132
Prepared statement	134
Jim Middaugh, Executive Director, Multnomah County Drainage District, Portland, Oregon, oral statement	137
Prepared statement	139
Julie Hill-Gabriel, Vice President for Water Conservation and Acting Vice President for Coastal Conservation, National Audubon Society, oral statement	141
Prepared statement	142

VII

SUBMISSIONS FOR THE RECORD

	Page
Letter of November 29, 2021, from Farmers and Agricultural Businesses Supporting the Preservation of the Integrity of the Columbia-Snake River System, Submitted for the Record by Hon. David Rouzer	99
Submissions for the Record by Hon. Grace F. Napolitano:	
Letter of February 7, 2022, from Chad Lord, Senior Director, Environment and Climate Policy, National Parks Conservation Association	104
Statement of the American Society of Civil Engineers	106
Statement of Eileen Shader, Director, River Restoration, American Rivers	110
Post-Hearing Supplement From Witness Hon. Darrell G. Seki, Sr. to His Remarks to Hon. Dusty Johnson, Hon. Jared Huffman, and Hon. Grace F. Napolitano, and to His Prepared Statement	182
Letter of February 8, 2022, from the American Chemistry Council et al., Submitted for the Record by Hon. Brian Babin	157
Statement of the Standing Rock Sioux Tribe, Submitted for the Record by Hon. Dusty Johnson of South Dakota	167

APPENDIX

Question from Hon. John Katko to Hon. Wade Crowfoot, Secretary, California Natural Resources Agency	185
Questions from Hon. Eddie Bernice Johnson to Hon. Michel Bechtel, Mayor, Morgan's Point, Texas, and Board President, Gulf Coast Protection District	185
Questions from Hon. Eddie Bernice Johnson to Mario Cordero, Executive Director, Port of Long Beach, California, and Chairman, Board of Directors, American Association of Port Authorities	187
Questions to Julie Hill-Gabriel, Vice President for Water Conservation and Acting Vice President for Coastal Conservation, National Audubon Society, from:	
Hon. Steve Cohen	187
Hon. Eddie Bernice Johnson	188

Hearing held on Wednesday, March 16, 2022, "Proposals for a Water Resources Development Act of 2022: Members' Day Hearing"	191
Summary of Subject Matter	192

STATEMENTS OF MEMBERS OF THE COMMITTEE

Hon. Grace F. Napolitano, a Representative in Congress from the State of California, and Chair, Subcommittee on Water Resources and Environment, opening statement	193
Prepared statement	193
Hon. David Rouzer, a Representative in Congress from the State of North Carolina, and Ranking Member, Subcommittee on Water Resources and Environment, opening statement	194
Prepared statement	194
Hon. Peter A. DeFazio, a Representative in Congress from the State of Oregon, and Chair, Committee on Transportation and Infrastructure, opening statement	195
Prepared statement	196
Hon. Sam Graves, a Representative in Congress from the State of Missouri, and Ranking Member, Committee on Transportation and Infrastructure, prepared statement	289
Hon. Eddie Bernice Johnson, a Representative in Congress from the State of Texas, prepared statement	300

MEMBER TESTIMONY

Hon. Lizzie Fletcher, a Representative in Congress from the State of Texas, oral statement	197
Prepared statement	199
Hon. Robert J. Wittman, a Representative in Congress from the Commonwealth of Virginia, oral statement	200

VIII

	Page
Hon. Robert J. Wittman, a Representative in Congress from the Commonwealth of Virginia, oral statement—Continued	
Prepared statement	202
Hon. Sylvia R. Garcia, a Representative in Congress from the State of Texas, oral statement	203
Prepared statement	204
Hon. Katie Porter, a Representative in Congress from the State of California, oral statement	205
Prepared statement	206
Hon. Rashida Tlaib, a Representative in Congress from the State of Michigan, oral statement	208
Prepared statement	209
Hon. Rick W. Allen, a Representative in Congress from the State of Georgia, oral statement	210
Prepared statement	211
Hon. Darren Soto, a Representative in Congress from the State of Florida, oral statement	212
Prepared statement	213
Hon. Brian Higgins, a Representative in Congress from the State of New York, oral statement	214
Prepared statement	215
Hon. Josh Gottheimer, a Representative in Congress from the State of New Jersey, oral statement	216
Prepared statement	218
Hon. Jim Costa, a Representative in Congress from the State of California, oral statement	219
Prepared statement	221
Hon. Mary E. Miller, a Representative in Congress from the State of Illinois, oral statement	222
Prepared statement	223
Hon. Darrell Issa, a Representative in Congress from the State of California, oral statement	223
Prepared statement	225
Hon. Debbie Wasserman Schultz, a Representative in Congress from the State of Florida, oral statement	225
Prepared statement	227
Hon. Dan Newhouse, a Representative in Congress from the State of Washington, oral statement	228
Prepared statement	230
Hon. Kurt Schrader, a Representative in Congress from the State of Oregon, oral statement	236
Prepared statement	237
Hon. Paul Tonko, a Representative in Congress from the State of New York, oral statement	238
Prepared statement	239
Hon. Earl L. “Buddy” Carter, a Representative in Congress from the State of Georgia, oral statement	241
Prepared statement	242
Hon. Kim Schrier, a Representative in Congress from the State of Washington, oral statement [†]	244
Hon. Lori Trahan, a Representative in Congress from the Commonwealth of Massachusetts, oral statement	245
Prepared statement	246
Hon. Lisa Blunt Rochester, a Representative in Congress from the State of Delaware, oral statement	247
Prepared statement	249
Hon. Grace Meng, a Representative in Congress from the State of New York, oral statement	250
Prepared statement	251
Hon. Frank J. Mrvan, a Representative in Congress from the State of Indiana, oral statement	252
Prepared statement	253
Hon. Bill Foster, a Representative in Congress from the State of Illinois, oral statement	254
Prepared statement	255

[†]Hon. Kim Schrier did not submit a prepared statement.

IX

	Page
Hon. Tracey Mann, a Representative in Congress from the State of Kansas, oral statement	256
Prepared statement	257
Hon. Sanford D. Bishop, Jr., a Representative in Congress from the State of Georgia, oral statement	258
Prepared statement	259
Hon. Earl Blumenauer, a Representative in Congress from the State of Or- egon, oral statement	260
Prepared statement	262
Hon. Elaine G. Luria, a Representative in Congress from the Commonwealth of Virginia, oral statement	263
Prepared statement	265
Hon. Pete Sessions, a Representative in Congress from the State of Texas, oral statement	266
Prepared statement	267
Hon. Melanie A. Stansbury, a Representative in Congress from the State of New Mexico, oral statement	269
Prepared statement	270
Hon. David J. Trone, a Representative in Congress from the State of Mary- land, oral statement	273
Prepared statement	274
Hon. J. Luis Correa, a Representative in Congress from the State of Cali- fornia, oral statement	275
Prepared statement	276
Hon. Susie Lee, a Representative in Congress from the State of Nevada, oral statement	276
Prepared statement	277
Hon. Stacey E. Plaskett, a Delegate in Congress from the Virgin Islands, oral statement	278
Prepared statement	279
Hon. David G. Valadao, a Representative in Congress from the State of California, oral statement	281
Prepared statement	283
Hon. Ed Case, a Representative in Congress from the State of Hawaii, oral statement	284
Prepared statement	285

SUBMISSIONS FOR THE RECORD

Letter of March 8, 2022, from Hon. Sam Graves, Ranking Member, Com- mittee on Transportation and Infrastructure et al. to Hon. Michael S. Regan, Administrator, U.S. Environmental Protection Agency, and Hon. Michael L. Connor, Assistant Secretary of the Army for Civil Works, U.S. Department of the Army, Submitted for the Record by Hon. Dan Newhouse	231
Letter of March 16, 2022, from Hon. Pete Sessions to Hon. Grace F. Napolit- ano, Chair, and Hon. David Rouzer, Ranking Member, Subcommittee on Water Resources and Environment, Submitted for the Record by Hon. Pete Sessions	268
Letter of March 7, 2022, from Hon. Alexandria Ocasio-Cortez, a Representa- tive in Congress from the State of New York, to Colonel Matthew W. Luzzatto, Commander and District Engineer, U.S. Army Corps of Engi- neers, Submitted for the Record by Hon. Alexandria Ocasio-Cortez	305
Prepared statements from the following Members of Congress:	
Hon. Pete Aguilar, a Representative in Congress from the State of Cali- fornia	289
Hon. Nanette Diaz Barragán, a Representative in Congress from the State of California	290
Hon. Kathy Castor, a Representative in Congress from the State of Flor- ida	291
Hon. Diana DeGette, a Representative in Congress from the State of Colorado	293
Hon. Rosa L. DeLauro, a Representative in Congress from the State of Connecticut	294
Hon. Suzan K. DelBene, a Representative in Congress from the State of Washington	296
Hon. Veronica Escobar, a Representative in Congress from the State of Texas	296

	Page
Prepared statements from the following Members of Congress—Continued	
Hon. Russ Fulcher, a Representative in Congress from the State of Idaho	297
Hon. Andrew R. Garbarino, a Representative in Congress from the State of New York	298
Hon. Raúl M. Grijalva, a Representative in Congress from the State of Arizona	298
Hon. Josh Harder, a Representative in Congress from the State of Cali- fornia	299
Hon. Mondaire Jones, a Representative in Congress from the State of New York	300
Hon. Marcy Kaptur, a Representative in Congress from the State of Ohio	301
Hon. Brenda L. Lawrence, a Representative in Congress from the State of Michigan	302
Hon. Doris O. Matsui, a Representative in Congress from the State of California	303
Hon. James P. McGovern, a Representative in Congress from the Com- monwealth of Massachusetts	303
Hon. Tom O'Halleran, a Representative in Congress from the State of Arizona	307
Hon. Cathy McMorris Rodgers, a Representative in Congress from the State of Washington	308
Hon. Harold Rogers, a Representative in Congress from the Common- wealth of Kentucky	310
Hon. Bobby L. Rush, a Representative in Congress from the State of Illinois	311
Hon. Bradley Scott Schneider, a Representative in Congress from the State of Illinois	312
Hon. Robert C. "Bobby" Scott, a Representative in Congress from the Commonwealth of Virginia	312
Hon. Mikie Sherrill, a Representative in Congress from the State of New Jersey	313
Hon. Nydia M. Velázquez, a Representative in Congress from the State of New York	314

PROPOSALS FOR A WATER RESOURCES DEVELOPMENT ACT OF 2022: ADMINISTRATION PRIORITIES

WEDNESDAY, JANUARY 12, 2022

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

The subcommittee met, pursuant to call, at 10 a.m. in room 2167 Rayburn House Office Building and via Zoom, Hon. Grace F. Napolitano (Chair of the subcommittee) presiding.

Members present in person: Mr. Rouzer, Dr. Babin, Mr. Graves of Louisiana, Mr. Bost, Mr. Westerman, Mr. Mast, and Mr. Guest.

Members present remotely: Mrs. Napolitano, Mr. DeFazio, Mr. Huffman, Ms. Johnson of Texas, Mr. Garamendi, Mr. Lowenthal, Mr. Malinowski, Mr. Delgado, Ms. Bourdeaux, Ms. Wilson of Florida, Mr. Carbajal, Mr. Stanton, Ms. Norton, Mr. Cohen, Mr. Katko, Mr. Weber of Texas, Mr. LaMalfa, and Miss González-Colón.



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Peter A. DeFazio
Chairman

Katherine W. Dedrick, Staff Director

Sam Graves
Ranking Member

Paul J. Sans, Republican Staff Director

JANUARY 7, 2022

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Water Resources and Environment
FROM: Staff, Subcommittee on Water Resources and Environment
RE: Subcommittee Hearing on “Proposals for a Water Resources Development Act of 2022: Administration Priorities”

PURPOSE

The Subcommittee on Water Resources and Environment will meet on Wednesday, January 12, 2022, at 10:00 a.m. in 2167 Rayburn House Office Building and by video conferencing via Zoom to receive testimony from the U.S. Army Corps of Engineers (Corps) on the administration’s priorities for a new water resources development act (or WRDA) for 2022. This hearing is also intended to provide Members with an opportunity to review the *2021 Report to Congress on Future Water Resources Development* and several reports of the Chief of Engineers on individual water resources projects that have been submitted to Congress for authorization.¹ These reports and administration priorities will inform the committee in its development of a new WRDA, which the committee expects to develop and approve in 2022.

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 environmental restoration and protection.²

Along with these missions, the Corps provides water supply and storage opportunities to cities, agriculture and industry, aids in the production of hydropower, assists in national emergencies, and manages a recreation program. Today, the Corps is comprised of 38 district offices within eight divisions; operates more than 700 dams; has constructed 14,600 miles of levees; and maintains more than 1,000 coastal, Great Lakes, and inland harbors, as well as 12,000 miles of inland waterways.³ To achieve its civil works mission, the Corps plans, designs, and constructs water resources development projects, typically in partnership with, and using the financial support of, non-federal interests (project sponsors). The Corps planning process seeks to balance economic development and environmental considerations as it addresses national, regional, and local water resources challenges.⁴

¹ The *Report to Congress on Future Water Resources Development* was authorized by section 7001 of the Water Resources Reform and Development Act of 2014 (P.L. 113–121). This *Report*, as well as the pending Reports of the Chief of Engineers (*hereinafter* Chief’s Reports) are publicly available at <https://transportation.house.gov/water-resources-development-act-of-2022/reports>.

² <https://www.swl.usace.army.mil/Missions/Planning/>

³ Congressional Research Service (CRS), *U.S. Army Corps of Engineers Civil Works: Primer and Resources*, (2021). <https://crsreports.congress.gov/product/pdf/IN/IN11810>.

⁴ Congressional Research Service (CRS), *Army Corps of Engineers: Water Resource Authorization and Project Delivery Processes* (2019). <https://crsreports.congress.gov/product/pdf/R/R45185>.

INITIATING A WATER RESOURCES DEVELOPMENT PROJECT

The first step in a Corps 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 of either the House Committee on Transportation and Infrastructure or the Senate Committee on Environment and Public Works (pursuant to 33 U.S.C. 542). Two, if the area has not been previously studied by the Corps, then an act of Congress is necessary to authorize the study—usually through a WRDA bill.

Typically, the Corps enters into a cost-sharing agreement with a non-federal project sponsor to initiate the feasibility study process. The cost of a feasibility study is usually split evenly between the federal government (subject to appropriations) and the non-federal project sponsor.⁵

Since February 2012, the Corps' feasibility studies have been guided by the "3x3x3 rule," which states that feasibility reports should, generally, be produced in no more than three years; with a cost not more than \$3 million; and involve all three levels of Corps review—district, division, and headquarters—throughout the study process.^{6,7}

During the feasibility study phase, the 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. The feasibility study typically describes with reasonable certainty the economic, social, and environmental benefits and detriments of each project alternatives being considered, and identifies the engineering features, public acceptability, and the purposes, scope, and scale of each. The feasibility study also includes an analysis of any associated environmental effects of the project and a proposed mitigation plan. It also contains the views of other federal and non-federal agencies on 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. In addition, pursuant to section 116(b) of the Water Resources Development Act of 2020 (WRDA 2020; 33 U.S.C. 2282 note), each feasibility study for a flood risk management or hurricane and storm damage reduction project is required to include a summary of any natural or nature-based feature alternative evaluated for the project that describes the long-term costs and benefits of the alternative and whether such alternative was utilized in the final recommended project.⁸

After a full feasibility study is completed, the results and recommendations of the study are submitted to Congress in the form of a *Report of the U. S. Army Corps of Engineers Chief of Engineers* (more commonly referred to as a Chief's Report).⁹ If the results and recommendations on the proposed project are favorable, then the subsequent step is congressional authorization for construction of the project, which is typically performed in a WRDA bill.

UTILIZING THE SECTION 7001 ANNUAL REPORT

The Water Resources Reform and Development Act of 2014 established an additional mechanism for Corps projects and studies to be communicated to Congress for potential authorization.¹⁰ Section 7001 of this legislation requires the Secretary of the Army to annually publish a notice in the *Federal Register* soliciting proposals from non-federal project sponsors 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 (7001 Report)* of those activities that are related to the missions of the Corps and require specific authorization by law. The *7001 Report* includes information about each proposal, such as benefits, the non-federal project sponsors, and cost share information.

⁵Section 118 of WRDA 2020 authorized a pilot program for the formulation of certain flood risk management and coastal storm risk management project studies in rural and economically disadvantaged communities at Federal expense. Funding to carry out this authority was included in the Infrastructure Investment and Jobs Act (Pub. L. 117–58).

⁶https://planning.erdc.dren.mil/toolbox/library/MemosandLetters/USACE_CW_FeasibilityStudyProgramExecutionDelivery.pdf.

⁷The 3x3x3 process was codified in section 1001 of the Water Resources Reform and Development Act of 2014.

⁸Division AA of the Consolidated Appropriations Act of 2021 (P.L. 116–260).

⁹See <https://planning.erdc.dren.mil/toolbox/library.cfm>.

¹⁰Water Resources Reform and Development Act of 2014 (P.L. 113–121)

GUIDING THE CORPS

The Corps is subject to all relevant federal statutes, including the National Environmental Policy Act (NEPA), the Clean Water Act, the Endangered Species Act, the Fish and Wildlife Coordination Act, and prior authorization bills for the Corps (e.g., 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: an identification of significant environmental resources likely to be impacted by the proposed project; an assessment of the project impacts; a full disclosure of the likely impacts; and a consideration of the full range of alternatives, including a “No Action Alternative.”¹¹ Importantly, NEPA also requires a 30- to 45-day public review of any final document produced by the Corps.¹² Additionally, when carrying out a feasibility study, section 401 the Clean Water Act requires an evaluation of the potential impacts of the proposed project or action and requires a letter from a state agency certifying the proposed project or action complies with state water quality standards.

When formulating and evaluating water resources development project alternatives, the Corps utilizes the *Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies*, developed in 1983, more commonly known as the *Principles and Guidelines* (or *P&G*). However, in response to stakeholder concern about the Corps’ over-reliance on national economic benefits as a required decision metric, in WRDA 2007, Congress established a new, national policy “that all water resources projects should reflect national priorities, encourage economic development, and protect the environment by—(1) seeking to maximize sustainable economic development; (2) seeking to avoid the unwise use of floodplains and flood-prone areas and minimizing adverse impacts and vulnerabilities in any case in which a floodplain or flood-prone area must be used; and (3) protecting and restoring the functions of natural systems and mitigating any unavoidable damage to natural systems.”¹³ Section 2031 of WRDA 2007 directed the Corps to update the *P&G* in accordance with this policy.

In 2013, the Obama administration established a framework to revise the *P&G* in accordance with the requirements of WRDA 2007.¹⁴ This revised framework, now called the updated *Principles, Requirements and Guidelines for Water and Land Related Resources Implementation Studies* (or *PR&G*), is intended to ensure proper and consistent planning by all federal agencies engaged in water resources development projects and related activities, and ensure such projects maximize sustainable development, protect and restore the functions of natural systems, and affordably address the needs of economically disadvantaged communities.¹⁵

The Corps has yet to formally adopt implementation guidance for the *PR&G*, as required by WRDA 2007. Accordingly, section 110 of WRDA 2020 directed the Corps to issue final agency procedures for implementation of the *PR&G* and required the Corps to review and, as necessary, update the *PR&G* every five years.

In addition, the Corps has issued two memorandums (January 5, 2021 and March 6, 2021) that direct the Corps to examine potential benefits beyond the national economic development benefits for future Corps projects, including regional and societal benefits.¹⁶ These policy memorandums direct the Corps to include in the final array of alternatives an option that maximizes all project benefits, an option for flood risk reduction projects that utilizes a non-structural approach, and a locally-preferred plan, if requested by the non-federal project sponsor.¹⁷ However, any additional costs for implementing a locally-preferred plan are traditionally picked up by the non-federal project sponsor.¹⁸

¹¹ See <https://www.ecfr.gov/current/title-40/chapter-V>

¹² See id.

¹³ Pub. L. 110–114, Section 2031; see also Policy Directive—Comprehensive Documentation of Benefits in Decision Document, dated January 5, 2021.

¹⁴ <https://obamawhitehouse.archives.gov/administration/eop/ceq/initiatives/PandG>

¹⁵ <https://planning.erdc.dren.mil/toolbox/guidance.cfm?Id=269&Option=Principles%20and%20Guidelines>

¹⁶ See Policy Directive—Comprehensive Documentation of Benefits in Decision Document, dated January 5, 2021; and Director of Civil Works Memorandum—Comprehensive Documentation of Benefits in Decision Documents, dated March 6, 2021.

¹⁷ See id.

¹⁸ See e.g., section 1036 of WRRDA 2014; 33 U.S.C. 701b-15.

OUTLOOK FOR A WRDA 2022

Annual 7001 Reports:

In recent years, the committee has utilized the *7001 Report* as a guide to describe studies, projects, and modifications supported by non-federal project sponsors for inclusion in the development of a new WRDA bill. The *7001 Report* for calendar year 2021 was submitted to Congress in November 2021, and the *7001 Report* for calendar year 2022 is expected in February 2022. A list of all existing *7001 Reports* is available at <https://transportation.house.gov/water-resources-development-act-of-2022/reports>.

Pending Chief's Reports:

Since enactment of WRDA 2020, the committee has received 14 additional Chief's Reports for potential projects in: Fairfield/New Haven, Connecticut (coastal storm risk management); Elim, Alaska (navigation); Prado Basin, San Bernardino, Riverside and Orange Counties, California (ecosystem restoration); Lower Cache Creek, Yolo County, California (flood risk management); Portland, Oregon (flood risk management); Coastal Texas (coastal storm risk management); San Juan, Puerto Rico (coastal storm risk management); Monroe County, Florida (coastal storm risk management); Okaloosa County, Florida (coastal storm risk management); Selma, Alabama (flood risk management); Port of Long Beach, Los Angeles County, California (navigation); Folly Beach, South Carolina (coastal storm risk management); Pinellas County, Florida (coastal storm risk management); and Valley Creek, Bessemer and Birmingham, Alabama (flood risk management).¹⁹

Pending Director's Reports:

Director's Reports, also known as Post-Authorization Change Reports (PACR), document necessary changes to previously authorized water resources development projects, such as a change in project purpose or a significant change in the total cost of the project. Since enactment of WRDA 2020, the committee has received one PACR for the Washington, DC, Flood Risk Management project.²⁰

Additional Corps Authorities:

Congress has granted the Corps programmatic authorities—Continuing Authorities Programs (CAPs)—that enable the Corps to undertake small-scale projects with limited scope and cost without requiring project-specific congressional authorization. These projects are usually still cost-shared with a non-federal project sponsor. There are currently 9 CAP categories: streambank erosion and shoreline protection (section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r)); beach erosion control (section 3 of the Act of August 13, 1946; (33 U.S.C. 426g)); navigation improvement (section 107 of the River and Harbor Act of 1960; (33 U.S.C. 577)); mitigation of shore damage by federal navigation projects (section 111 of the River and Harbor Act of 1968; 33 U.S.C. 426i); regional sediment management/beneficial use of dredged material (section 204 of WRDA 1992; (33 U.S.C. 2326)); flood control (section 205 of the Flood Control Act of 1948; (33 U.S.C. 701s)); aquatic ecosystem restoration (section 206 of WRDA 1996; (33 U.S.C. 2330)); removal of obstructions and clearing channels for flood control (section 2 of the Act of August 28, 1937; (33 U.S.C. 701g)); and project modifications for improvement of the environment (section 1135 of the WRDA 1986; (33 U.S.C. 2309a)).

Congress has also provided authority for the Corps to assist with the planning, design, and construction of drinking water and wastewater projects in specified areas, known broadly as Environmental Infrastructure (EI) assistance. EI authorities are typically developed either on a project-by-project basis (see section 219 of WRDA 1992) or on a programmatic basis for specified geographic regions. The EI programs support publicly owned and operated facilities, such as distribution and collection works, stormwater collection and recycled water distribution, and surface water protection and development projects.

The Corps is also authorized to engage in technical assistance for certain activities, such as flood risk mitigation and watershed studies. Corps district offices partner with state, tribal, and local governments to provide or coordinate technical assistance or expertise through many of its programs. The primary Corps technical assistance programs include: Flood Plain Management Services (section 206 of the Flood Control Act of 1960; also referred to as Silver Jackets) and Planning Assistance to States (Section 22 of WRDA 1974). Section 111 of WRDA 2020 directed the Secretary of the Army to prioritize the provision of technical assistance to support

¹⁹ See *id.*

²⁰ See *id.*

flood risk resiliency planning efforts of economically disadvantaged communities or communities subject to repetitive flooding.

WITNESS LIST

- The Honorable Michael L. Connor, Assistant Secretary of the Army for Civil Works, Department of the Army
- Lieutenant General Scott A. Spellmon, Chief of Engineers and Commanding General, U.S. Army Corps of Engineers

Mrs. NAPOLITANO. Good morning to everybody, welcome, and have a happy, healthy new year, everybody. I now call this meeting to order, and today's hearing is a very important one, serving as the kickoff to a new Water Resources Development Act for 2022.

The Army Corps of Engineers carries out critical work across the country, and much of that work relies on consistent authorization from us, in Congress. This subcommittee has come together on a bipartisan basis for the last four Congresses to pass a new WRDA bill, and with this hearing, we initiate that tradition again.

Let me begin by asking unanimous consent that the chair be authorized to declare a recess at any time during today's hearing.

Without objection, so ordered.

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

And without objection, so ordered.

As a reminder, please keep your microphones muted unless speaking. Should I hear any inadvertent background noise, I will request that the Member please mute their microphone.

And finally, to insert a document into the record, please have your staff email it to DocumentsT&I@mail.house.gov.

I am very pleased that our first hearing of the year is on the development of further legislation to benefit our Nation's economy, its environment, and the well-being of communities in every one of our congressional districts. Today, we begin the development of a new Water Resources Development Act for 2022, also known as WRDA.

I am pleased we will start by hearing from the Biden administration and the Chief of the Army Corps of Engineers.

The committee, on a bipartisan basis, has now completed work on four consecutive WRDAs since 2014. A proud accomplishment. Thank you, Mr. Chair.

Today's hearing marks the beginning of our work on the fifth consecutive WRDA. This committee has been successful in enacting a WRDA every 2 years because our Members recognize how critical the Corps' work is to meeting the unique water resource needs of our communities.

Through biennial enactment of WRDA legislation, this committee has met local, regional, and national needs through authorization of new Corps' projects, studies, and policies that benefit every corner of the Nation. However, all of the projects and studies authorized in WRDAs need appropriated funds for the communities to realize the full navigation, flood control, and environmental benefits these projects provide.

Last year, Congress approved, and the President signed into law, the bipartisan Infrastructure Investment and Jobs Act. This critical legislation provides \$17.1 billion to the Corps to address the backlog of vital construction and operation, as well as maintenance, activities on projects throughout the Nation.

Additionally, the Jobs Act follows the Biden administration's fiscal year 2022 budget request, which I remind my colleagues, was the largest single budget request for the Corps in its history. I am pleased that the Biden administration recommended sufficient funds to complete a dam safety project at Whittier Narrows in my

district, and I trust and hope that the Corps will keep that in mind as it develops a spend plan for the funds from the Jobs Act.

The combined funding from the Jobs Act and the annual appropriations and emergency supplemental bills is historic by any definition. This funding will allow for a game-changing, once-in-a-generation investment in our critical water resources infrastructure. This critical funding will enable the Corps to carry out authorized projects across the country, which will finally help communities to address local flooding needs, will ensure sustainable and predictable water supply needs for arid regions, and help to restore our Nation's environmental treasures.

In addition, we have all seen the effect that COVID-19 has had on our economy and supply chains. These investments will advance projects, especially dredging, in our coastal ports and inland waterways that are so very critical to our economy. These projects will make it easier for American businesses to export their goods around the world and fuel our economy for the future.

I am very pleased to have the top leadership of the Army Corps of Engineers before this committee today. Both Assistant Secretary Connor and Lieutenant General Spellmon bring years of experience and knowledge in managing the Nation's water resources needs.

I welcome both of you here today and look forward to hearing from you on the priorities we should consider for the next WRDA, plans you have for the historic funding included in the Jobs Act, and updates on implementing policies from previous WRDAs, including one that I authored to review adding water supply to your core mission areas.

The committee also thanks you for transmitting the annual "Report to Congress on Future Water Resources Development for 2021," or the 7001 Report, to us this past November. These statutorily required reports help us as we seek to authorize studies and projects in WRDAs. I hope that you will both commit today that the 2022 report will be submitted to Congress on time at the beginning of February of this year. That is just around the corner.

And as I stated earlier, this is our first hearing on WRDA 2022, and I plan to hear additional perspectives in the weeks and months to follow.

I strongly encourage every Member and their staff to work with their local Corps district to learn about projects in their communities. I am fully committed to considering our track record and completing another bipartisan WRDA, and I value and appreciate the cooperation of the ranking member and your staff.

Now, I am pleased to yield to the ranking member of the subcommittee, Mr. Rouzer, for any statement he may have.

[Mrs. Napolitano's prepared statement follows:]

Prepared Statement of Hon. Grace F. Napolitano, a Representative in Congress from the State of California, and Chair, Subcommittee on Water Resources and Environment

I am pleased that our first hearing of the year is on the development of further legislation to benefit our nation's economy, its environment, and the well-being of communities in every one of our congressional districts.

Today, we will begin the development of a new Water Resources Development Act for 2022, also known as WRDA, and I am pleased we will start with hearing from the Biden administration and the Chief of the Army Corps of Engineers.

This committee, on a bipartisan basis, has now completed work on four consecutive WRDAs since 2014. Today's hearing marks the beginning of our work on the fifth WRDA in a row.

This committee has been successful in enacting a WRDA every two years because our members recognize how critical the Corps' work is to meeting the unique water resource needs of our communities.

Through biennial enactment of WRDA legislation, this committee has addressed local, regional, and national needs through authorization of new Corps projects, studies, and policies that benefit every corner of the nation.

However, all of the projects and studies authorized in WRDAs need appropriated funds for communities to realize the full navigation, flood control, and environmental benefits these projects provide.

Last year, the Congress approved, and the president signed into law, the bipartisan Infrastructure Investment and Jobs Act. This critical legislation provides \$17.1 billion to the Corps to address the backlog of vital construction and operation and maintenance activities on projects throughout the nation.

Additionally, the Jobs Act follows the Biden administration's Fiscal Year 2022 budget request—which I remind my colleagues, was the largest single budget request for the Corps in its history.

I was pleased that the Biden administration recommended sufficient funds to complete a dam safety project at Whittier Narrows in my district and I trust and hope that Corps will keep that in mind as it develops a spend plan for funds from the Jobs Act.

The combined funding from Jobs Act and annual appropriations and emergency supplemental bills is historic by any definition. This funding will allow for a game-changing, once-in-a-generation investment in our critical water resources infrastructure.

This critical funding will enable the Corps to carry out authorized projects across the country, which will finally help communities to address local flooding needs, will ensure sustainable and predictable water supply needs for arid regions, and will help to restore our nation's environmental treasures.

In addition, we have all seen the impact that COVID-19 has had on our economy and supply chains. These investments will advance projects, especially dredging, in our coastal ports and inland waterways that are so critical to our economy. These projects will make it easier for American businesses to export their goods around the world and fuel our economy for the future.

I am very pleased to have the top leadership for the Army Corps of Engineers before the committee today. Both Assistant Secretary Connor and Lieutenant General Spellmon bring years of experience and knowledge in managing the nation's water resources needs.

I welcome you here today and look forward to hearing from you on priorities we should consider for the next WRDA, plans you have for the historic funding included in the Jobs Act, and updates on implementing policies from previous WRDAs, including one that I authored to review adding water supply to your core mission areas.

The committee also thanks you for transmitting the annual Report to Congress on Future Water Resources Development for 2021 or 7001 report this past November. These statutorily required reports help us as we seek to authorize studies and projects in WRDAs. I hope that you will both commit today that the 2022 Report will be submitted to Congress on time at the beginning of February of this year.

As I said earlier, this is our first hearing on WRDA '22 and our subcommittee plans to hear additional perspectives in the weeks and months to come. I strongly encourage every member and their staff to work with their local Corps district to learn about projects in their communities.

I am fully committed to continuing our track record and completing another bipartisan WRDA and I value and appreciate the cooperation of the Ranking Member and your staff.

At this time, I am pleased to yield to my colleague, the Ranking Member of our subcommittee, Mr. Rouzer, for any thoughts he may have.

Mr. ROUZER. Well, thank you, Madam Chair. I appreciate you holding this hearing today. And I would also like to thank our witnesses for being with us, although remotely, and understandably so.

Today's hearing marks the public kickoff phase of the House of Representatives drafting of a Water Resources Development Act for 2022. This is one of the most important pieces of legislation, I think we can all agree, that we do here, on the Transportation and Infrastructure Committee.

Every day, people across our country read stories and hear news reports about how Washington is broken. However, the WRDA process is something that works and one of the reasons why I look forward to this new year.

These have not only been consistent, but also bipartisan. In fact, since 2014, Congress, as the chairman said, has passed a WRDA bill every 2 years. The WRDA 2020 passed the House by voice vote.

And one thing we hear frequently from those who depend on these bills is how thankful that they are that we work together in a bipartisan manner, and do so through regular order.

I look forward to working with my colleagues on both sides of the aisle here on this committee, subcommittee, and the full House, to keep this institutional tradition intact. Throughout this process, we will hear from folks all around the country, representing a wide variety of interests. However, it makes sense to hear first from those who actually direct and do the work: the United States Army Corps of Engineers and the Office of the Assistant Secretary of the Army for Civil Works.

There are several ways that the Corps and the Assistant Secretary help Congress develop a water resources bill. Perhaps most notable among them are the individual Chief's Reports for projects and the annual 7001 Report, named after the section of WRRDA 2014 that required an annual project list be provided to Congress that represents non-Federal entity input into the Corps' process.

I look forward to hearing from the Assistant Secretary and the Chief of Engineers on these reports, and I also look forward to discussing best moves forward with the 2022 WRDA.

[Mr. Rouzer's prepared statement follows:]

Prepared Statement of Hon. David Rouzer, a Representative in Congress from the State of North Carolina, and Ranking Member, Subcommittee on Water Resources and Environment

Thank you, Chair Napolitano. I appreciate you holding this hearing, and I would also like to thank our witnesses for testifying today. Today's hearing marks the public kick-off phase of the House of Representatives' portion of the drafting of a Water Resources Development Act (WRDA) for 2022. This is one of the most important pieces of legislation that we do here at the Transportation and Infrastructure Committee.

Every day, people across our country read stories and hear news about how Washington is broken. However, the WRDA process is something that works and one of the reasons why I look forward to this year. Since 2014, Congress has passed a WRDA bill every two years. These have not only been consistent but also bipartisan. In fact, WRDA 2020 passed the House by voice vote.

One thing we hear frequently from those who depend on these bills is how thankful they are that we work together in a bipartisan manner and do so going through regular order. I look forward to working with my colleagues on both sides of the aisle here on the Committee and the full House to keep this institutional tradition intact.

Throughout this process, we will hear from people all over the country representing a wide variety of interests. However, it makes sense to hear first from those who actually direct and do the work: the United States Army Corps of Engineers and the Office of the Assistant Secretary of the Army for Civil Works.

There are several ways that the Corps and the Assistant Secretary help Congress develop a water resources bill. Perhaps most notable among them are the individual “chiefs reports” for projects and the annual 7001 report, named after the section of WRRDA 2014 that required an annual project list to be provided to Congress that represents non-federal entity input into the Corps process. I look forward to hearing from the Assistant Secretary and the Chief of Engineers on these reports and to discuss best moves forward with the 2022 WRDA.

Mr. ROUZER. Again, thank you to our witnesses, and I yield back.

Mrs. NAPOLITANO. Thank you, Mr. Rouzer. At this time, I am pleased to recognize and note the chair of the full committee, Mr. DeFazio, for any thoughts he may have.

Mr. DEFAZIO. Thanks, Madam Chair. As has been stated earlier, it was former Chairman Bill Shuster who started the tradition and the commitment to doing a Water Resources Development Act every 2 years, beginning in 2014. We continued that tradition last year, and I fully intend that we will continue again this year.

Last year, as was noted, it did pass the House by voice vote. Actually, I believe it passed the House twice. And we negotiated with the committee of jurisdiction in the Senate. But even then, the Senate couldn’t take up a bill that passed the House unanimously, and we had to do it in the year-end omnibus budget deal. Hopefully, this year, the Senate will be able to partner and work with us on the bill so that we can better develop the policy and the projects as we move forward.

The last WRDA had 48 Chief’s Reports. That was, as far as I know, more than any other time previously. That was more than in 2016 and 2018 combined, which shows that the Corps certainly has the capability to address the needs of the Nation, to design projects to meet our needs and restore some of our water infrastructure, some of which dates to the 1800s, and some of that is very critical infrastructure.

The Corps has been really pathetically underfunded for decades. The backlog of critical infrastructure projects has grown and grown to tens of billions of dollars. We have allowed for too long our infrastructure—critical infrastructure—to degrade, whether we are talking about the inland waterways, the ports, the harbors, flood protection, or other issues. We get a C-minus from the American Society of Civil Engineers. We can do better than that.

And there is a lot of promise now. The \$17.1 billion in the Bipartisan Infrastructure Law, \$11 billion dedicated specifically to project construction. This will help reduce the backlog at our ports and reduce the price of goods. It will provide enhanced protection for our communities from flood and storm risks, and put the Nation on a path for sustainable infrastructure for future generations.

The Corps only has a couple more days to finalize where those Bipartisan Infrastructure Law funds will be spent. And I am hopeful to hear more about that today. We will be following very carefully the focus, the implementation of this law, and the policy changes that were dictated in the last few WRDA bills.

In 1996—things take a little while around here sometimes, sometimes way too long—I started working with Bud Shuster—that is Bill’s dad—on the creation of a Harbor Maintenance Trust Fund to use the dollars, the tax dollars that have been dedicated since the Reagan era, to our port infrastructure, which had been sequestered

in the Treasury, so that they could be used for illusory deficit offset, or spent elsewhere, even though the balance did accrue to the Treasury. Nearly \$10 billion. And we finally got that done last year, in WRDA 2020. Certainly, as the pandemic showed how overburdened and inadequate our ports are in this international economy, it couldn't have been more timely.

I want that we will continue to better support the Corps in its expertise, make them accessible and available to any community who needs it, even those with unique challenges, economic disadvantages, those under severe threat from climate impacts or pollution, as we heard from Mr. Garamendi before the committee met, or other issues that have been raised in Florida and elsewhere.

We need to build back better in a way that is resilient, that we are innovative, we can meet future challenges, and we don't leave any parts of the country behind, including rural, Tribal, and disadvantaged communities.

Madam Chair, thank you for your leadership. And I want to thank Assistant Secretary Connor and General Spellmon for joining us today, and I look forward to the dialogue as we move forward with this hearing. Thank you, I yield back.

[Mr. DeFazio's prepared statement follows:]

Prepared Statement of Hon. Peter A. DeFazio, a Representative in Congress from the State of Oregon, and Chair, Committee on Transportation and Infrastructure

Since 2014, this committee has been successful in enacting four consecutive, bipartisan WRDA bills, and today, we take our first step in continuing that tradition in the 117th Congress.

In 2014, former Chairman Bill Shuster made a commitment to enacting a new water resources bill every two years. That tradition has continued, unabated, since that time, and biennial consideration of WRDA legislation is now the regular order of this committee.

Enacting WRDAs each Congress provides a predictable timeline for non-federal project sponsors and the Corps alike as projects move through the study and construction phases. Most importantly, the timeline works. It allows for Congress' timely consideration of the Corps' important water infrastructure projects that provide benefits to communities across the nation.

In the last WRDA, we authorized 46 Chief's Reports. That's 46 projects ready for construction. That's more projects than were authorized in '16 and '18 combined, showing that if this committee can do our part as authorizers, the Corps can do their job in studying, planning, and designing projects to address the country's urgent needs in water infrastructure.

The other side of that coin, as always, is providing funding to complete the work that Congress has authorized. The Corps has been laughably underfunded for decades, leading to a \$100 billion backlog of projects that would provide enumerable benefits in flood risk reduction, ecosystem restoration, water supply, and navigation.

For too long, we have allowed our infrastructure to age and degrade, and have failed to modernize our systems to address current water resources challenges. If we have any hope of getting our water infrastructure above the current C-minus average grade provided by the American Society of Civil Engineers, we need to accurately value the essential work of the Corps to our economy, to our way of life, and to our environment.

Fortunately, Congress has responded by taking one large step in addressing the project backlog. The Bipartisan Infrastructure Law provided over \$17 billion dollars to the Corps, of which \$11 billion is to be allocated specifically to project construction. This historic investment will have immediate and tangible benefits that will be felt by every American—reducing the prices of the goods and services we use, increasing the protection of our communities from flood and storm risks, and ensuring a safe and healthy environment for generations to come.

In that respect, this hearing with Assistant Secretary Connor and Lieutenant General Spellmon is quite timely—statutorily, the Corps only has a couple more days to finalize where those Bipartisan Infrastructure Law funds will be spent.

I know everyone on this committee has been closely tracking that information as well as many of the other provisions that were passed within the Bipartisan Infrastructure Law. I hope there are some updates you both can provide to the committee today.

Careful and expedient implementation of the Bipartisan Infrastructure Law will be a focus of the committee this year, as well as implementation of the policy changes included in the last few WRDA bills.

For the past four Congresses, I have been working with members on both sides of the aisle to finally unlock federal investment for our nation's ports and harbors. In WRDA 2020, we were able to finally make headway in that direction, so I will certainly be closely following implementation of those changes to the Harbor Maintenance Trust Fund.

In many ways, my 20-plus year effort to unlock critical harbor maintenance funds could not have happened at a better time, particularly when the global pandemic showed the vulnerability of our overburdened ports.

We must be investing more in our nation's ports and harbors in order to keep America competitive in the global economy. Maintaining our inland waterways and coastal ports is a critical part of holding a competitive edge.

Additionally, I hope to see this committee continue its work in ensuring the Corps' expertise is available and accessible to any community who needs it. That includes those with unique challenges, economic disadvantages, and those under severe threat from climate change impacts.

As we work to upgrade the country's water infrastructure, we truly need to Build Back Better, and make sure that we are keeping an eye towards resiliency, innovative solutions, and future challenges. Our rural, Tribal, and disadvantaged communities cannot be left behind as we work to build and upgrade our water resources to meet the demands of the 21st century.

Madam Chair, I again thank you for your leadership on this important legislation, and I look forward to working with you, Ranking Member Graves, and Ranking Member Rouzer to continue our bipartisan tradition of enacting a Water Resources Development Act every two years.

I want to thank Assistant Secretary Connor and General Spellmon for joining us today. I look forward to an engaging dialogue with you and my colleagues on all of the critical work the Corps is currently doing, and how we can best partner with you in our formulation of a new WRDA bill.

Mrs. NAPOLITANO. Thank you, Chairman DeFazio, for your kind words, and very well put. Thank you very much.

Now we will proceed to hear from our witnesses that are testifying today. I ask the witnesses to please, if you have your cameras on, leave them on for the duration of the panel. Thank you for being here and participating.

On today's panel, we have the Honorable Michael L. Connor, Assistant Secretary Army of the Army for Civil Works and Lieutenant General Scott A. Spellmon, Chief of Engineers and Commanding General of the U.S. Army Corps of Engineers.

Without objection, your prepared statements will be entered into the record. And our two witnesses are asked to limit their remarks to 5 minutes.

Assistant Secretary Connor, welcome. You may proceed.

TESTIMONY OF HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY; AND LIEUTENANT GENERAL SCOTT A. SPELLMON, CHIEF OF ENGINEERS AND COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

Mr. CONNOR. Thank you. Thank you, Chairwoman Napolitano, Ranking Member Rouzer, Chairman DeFazio, members of the sub-

committee. I appreciate the opportunity to testify today regarding WRDA 2022.

As you introduced me, I am Mike Connor. I am the Assistant Secretary of the Army for Civil Works, a position I have been in since November 29th of last year. I submitted my written testimony, and will summarize a few highlights here.

The Army Civil Works program is the Nation's largest water resources program. It serves three primary missions: flood and storm damage reduction, commercial navigation, and aquatic ecosystem restoration. It also addresses a host of other water resource and infrastructure needs, as directed by Congress.

The Corps of Engineers has contributed significantly to the Nation's well-being. I appreciate the recognition of that fact here. It supports the economy with its infrastructure, and protects and improves the lives of Americans with actions to address flood risk, environmental protection needs, even drought. Today the Army Corps is committed to the national effort to work as partners with communities to improve their resilience to extreme weather events and other challenges related to a changing climate.

As the President has made clear, the administration is focused on increasing infrastructure and ecosystem resilience, and decreasing climate risk for communities, based on the best available science, promoting environmental justice in disadvantaged, underserved, and rural communities, and creating good-paying jobs.

The Army Civil Works program will continue to work within its own authorities to tackle the climate crisis at home. We also participated in a whole-of-Government effort, including the inter-agency Water Subcabinet and the Coastal Resilience Interagency Working Group. WRDA 2022 is where we can continue to ensure the authorities necessary to implement the administration's priorities.

The President has set a goal that 40 percent of the overall benefits of Federal investments flow to disadvantaged communities: the Justice40 initiative. I am committed to working with Lieutenant General Spellmon to seek opportunities to secure environmental justice and spur economic opportunity for disadvantaged communities that disproportionately experience the adverse effects of climate change.

I should also make clear the Army's role in supporting a broad range of infrastructure and landscapes. The Army works with our Nation's coastal ports to maintain their channels; operates and maintains the inland waterways of commerce; supports State, Tribal, and local flood risk management activities; restores significant aquatic ecosystems; and operates and maintains multipurpose dams and the reservoirs behind them. It is a great story, but much of the water resources infrastructure that the Army Corps owns and operates was constructed over 75 years ago, and will require significant investments to maintain.

Thank you for the significant resources Congress has already provided, as referenced earlier.

As the Army works on policy and administrative changes to improve infrastructure development and regulatory responsiveness, my staff and I are looking at authorities, policies, regulations, and procedures to identify opportunities for increased efficiency and ef-

fectiveness. This is particularly necessary, given the substantial resources provided to the Corps this past year, and the importance Congress ascribes to our programs.

We want to ensure that Army Civil Works is using its significant capabilities in an equitable manner, that it incorporates natural and nature-based infrastructure solutions to resiliency efforts, that it reduces redundancy, and that it delegates authority for decision-making to the appropriate level. I am committed to working closely with the Chief of Engineers and his commanding officers to position the Civil Works programs for continued success.

With respect to significant matters of interest to the committee, we are working with OMB to finalize a proposed rule to implement WIFIA, as provided for in the 2021 Energy and Water Development Appropriations Act. This proposed rule would implement a new Federal credit program to support investment in non-Federal dam safety projects through credit assistance to maintain, upgrade, and repair non-Federal dams. This new Federal credit program will provide another way for non-Federal dam owners and managers to enhance the safety of their dams, while also adjusting water supply, energy, and environmental needs in a changing climate.

The Army has completed 18 WRDA 2020 implementation guidance documents, and made substantial progress on the remaining guidance. I know that is an interest to all of you. Certain provisions may require rulemaking. You have my commitment that WRDA 2020 implementation will be a priority, and we will continue to complete the remaining implementation guidance documents and rulemakings.

The Army is also making progress on key regulatory issues. Together, we are working closely with EPA to develop a durable definition of “waters of the United States” informed by science, experience, and expertise to protect all interests dependent on clean water.

The Army also lifted the temporary pause on finalizing section 404 permit decisions in November 2021, and is working to resolve the vast majority of outstanding jurisdictional determination decisions.

The Army is also moving forward to coordinate with certifying authorities on water quality certifications that are potentially impacted by the recent vacatur of the 2020 Clean Water Act section 401 rule.

Thank you, Madam Chair and all committee members. I look forward to answering questions after General Spellmon’s testimony.

[Mr. Connor’s prepared statement follows:]

Prepared Statement of Hon. Michael L. Connor, Assistant Secretary of the Army for Civil Works, Department of the Army

Chairman DeFazio, Chairwoman Napolitano, Ranking Member Graves, Ranking Member Rouzer and distinguished members of the Subcommittee, thank you for the opportunity to testify before you today to discuss the U.S. Army Corps of Engineers Civil Works program priorities for water infrastructure needs in the proposed Water Resources Development Act (WRDA) of 2022.

I am Michael Connor, the Assistant Secretary of the Army for Civil Works (ASA(CW)). I began serving in this position on November 29, 2021.

The U.S. Army Civil Works Program is the Nation's largest water resources program. It serves three main missions: flood and storm damage reduction, commercial navigation, and aquatic ecosystem restoration. The Civil Works Program also addresses a host of other water resource and infrastructure needs as authorized and funded by Congress. Our civil works projects have contributed significantly toward the Nation's well-being, supporting the economy and protecting and improving the lives of Americans with innovative water management processes to address flood risk, environmental protection needs, even drought. As such, the U.S. Army Corps of Engineers is committed to the national effort to help communities improve their resilience to extreme weather events, through our technical assistance programs and our water resources projects, a mission of increasing importance with a changing climate. Much of the Army's work can only be accomplished through a foundation of partnerships between the Corps and local communities, which allow us to work together to help develop, manage, restore, and protect the Nation's water resources and the environment.

The Administration is focused on increasing infrastructure and ecosystem resilience to climate change and decreasing climate risk for communities based on the best available science; and promoting environmental justice in disadvantaged, underserved, and rural communities and creating good paying jobs that provide the free and fair chance to join a union and collectively bargain. We believe in smart investments that maximize the resiliency and durability of our water management resources; moving into a more sustainable posture by investing in infrastructure that delivers benefits all across America. This can be accomplished through authorizations that address the effects of climate change.

The President has directed each federal agency to work within its own authorities to tackle the climate crisis at home. As part of this whole of government effort and a member of the Federal family, we work with the Interagency Water Subcabinet, comprised of the Departments of Interior, Agriculture, Energy and Commerce (National Oceanic and Atmospheric Administration), and the Environmental Protection Agency, to streamline and coordinate the Federal government's approach to managing America's water resources and work to restore and protect the environment, safeguard public health and safety, and contribute to the nation's economy. We also partner with the Coastal Resilience Interagency Working Group, which includes the Departments of Transportation and Homeland Security, to elevate, coordinate and accelerate the Federal government's efforts to increase the resilience to climate change of the Nation's coasts and coastal communities. It is a priority of the Office of the ASA(CW) and the U.S. Army Corps of Engineers to increase resilience to the impacts of climate change; protect and conserve our water resources; and maintain the key features of our infrastructure that support the nation's economy. WRDA 2022 is where we can continue to ensure the authorities necessary to implement these priorities.

The President has also set a goal that 40 percent of the overall benefits of Federal investments flow to disadvantaged communities—the Justice40 Initiative. The Justice40 Initiative is a critical part of the Administration's whole-of-government approach to advancing environmental justice. I am committed to working with Lieutenant General Spellmon and his team to seek opportunities to secure environmental justice and spur economic opportunity for disadvantaged communities that are experiencing adverse effects of climate change.

The Army works with our Nation's coastal ports to maintain their channels; operate and maintain the inland waterways of commerce; support state, Tribal, and local flood and coastal storm damage risk management reduction activities; restore significant aquatic ecosystems; and operate and maintain multipurpose dams, as well as the reservoirs behind them. There are about 250 million day-visits a year for recreation at Corps' lands and reservoirs, making the Corps one of the top Federal recreation providers, an important outlet for many Americans during the course of the ongoing pandemic.

The infrastructure that the Army maintains includes 13,000 miles of coastal navigation channels (including the channels of the Great Lakes), 12,000 miles of inland waterways, 715 dams, 241 locks at 195 navigation sites, 14,700 miles of levees, and hydropower plants at 75 locations with 353 generating units. These projects help provide risk reduction from flooding in our river valleys and along our coasts, facilitate the movement of approximately two billion tons of waterborne commerce, and provide up to 24 percent of the Nation's hydropower.

Much of the water resources infrastructure that the Army Corps owns and operates was constructed over 75 years ago and will require significant investments to maintain.

As the Army continues to work on policy and administrative changes to improve infrastructure delivery and regulatory responsiveness, my staff and I are looking at

the organization, authorities, policies, regulations, and procedures, in order to identify opportunities for increased efficiency and effectiveness. We want to ensure that the Army Civil Works Program is using its significant capabilities in an equitable manner and to address longstanding environmental justice concerns; incorporates natural and nature-based infrastructure solutions into resiliency efforts where appropriate; reduces redundancy; and delegates authority for decision-making to the appropriate level. I am committed to working closely with the Chief of Engineers and his commanding officers to position the Army Civil Works Program for continued success.

With respect to some specifics, we are working with the Office of Management and Budget to finalize a proposed rule to implement the Water Infrastructure Finance and Innovation Act or WIFIA, as provided for in the 2021 Energy and Water Development Appropriations Act. This proposed rule would implement a new federal credit program to support investment in non-federal dam safety projects through credit assistance to safety projects to maintain, upgrade, and repair non-federal dams. The FY2021 Appropriations Act included \$12 million for a credit subsidy, and \$2.2 million for program administration and a loan volume limit of \$950 million. The appropriations limited WIFIA funds to safety projects to maintain, upgrade, and repair dams. This new federal credit program will provide another way for non-federal dam owners and managers to enhance the safety of their dams and to improve the durability of those dams while also addressing water supply, energy, and environmental needs in a changing climate.

The Army has completed 16 WRDA 2020 implementation guidance documents and made substantial progress on the remaining documents. Certain provisions may require rulemaking. You have my commitment that WRDA 2020 implementation will be a priority and that we will complete the remaining implementation guidance documents and any potential rulemaking.

The Army is also making progress on some key Regulatory issues. Together, we are working closely with the Environmental Protection Agency to develop a durable definition of “waters of the United States” (WOTUS) that is informed by science, experience, expertise and that protects public health, the environment, and downstream communities while supporting economic opportunity, agriculture, and other industries that depend on clean water. On December 7, 2021, Army and EPA published the a proposed rule that represents the first in a two-step process to revise the definition of WOTUS. The proposed rule will support a stable implementation of the Clean Water Act’s WOTUS definition while the agencies continue to consult with states, Tribes, local governments, and stakeholders in both the implementation of WOTUS and future regulatory actions. Now, more than ever, we recognize the importance of our Nation’s water resources and the role water plays in sustaining all of our communities across the nation.

The Army also lifted the temporary pause on finalizing Section 404 permit decisions in November 2021, and is working to resolve the vast majority of the outstanding jurisdictional determination decisions. The Army will also coordinate with certifying authorities on water quality certifications that are potentially impacted by the recent vacatur of the 2020 CWA Section 401 rule by the United States District Court for the Northern District of California.

The Office of the Assistant Secretary of the Army for Civil Works and the U.S. Army Corps of Engineers stand ready to help in addressing the water resources challenges of the 21st Century and doing so in an equitable manner that helps all of our communities in the United States. We look forward to working with this Committee on this very important issue.

Thank you, Chairman DeFazio, Chairwoman Napolitano and Committee Members. This concludes my statement. I look forward to answering any questions you or other Members of the Committee may have.

Mrs. NAPOLITANO. Thank you, Mr. Secretary, and now we will proceed to hear from Lieutenant General Spellmon.

You may proceed.

General SPELLMON. Chairman DeFazio, Chairwoman Napolitano, Ranking Member Rouzer, and distinguished members of the committee, good morning to all of you, and I am honored to testify before you today with Mr. Connor. And thank you for the opportunity to discuss our execution of and your oversight of the U.S. Army Corps of Engineers Civil Works program.

I look forward to discussing the status of implementation of recent Water Resources Development Acts, as well as questions the committee may have regarding anticipated legislation for 2022. Most importantly, I look forward to continuing to work with this committee, Congress, and the administration to address the Nation's water resources infrastructure needs.

The infrastructure authorized by the Water Resources Development Acts and implemented by the Corps are critical for this Nation's economic growth and national security, and ultimately, they benefit the well-being of all American citizens.

We greatly appreciate the committee's continuing commitment, as mentioned, to enacting WRDAs on a 2-year cycle. This predictability has enabled critical water resources projects to be authorized for study and construction. This succession has also provided regular updates to our authorities, modernizing our methodologies, and enhancing flexibility into policies we utilize to execute our mission.

We maintain a dedicated commitment to our partners; the value: the engagement we have held with stakeholders to gain their input in shaping guidance for implementation of these authorities.

While the focus of this hearing may be on the proposed legislation being considered by this committee, it is important, I believe, to acknowledge the recent significant growth in the Corps Civil Works program that we have experienced over the past several years.

Madam Chairwoman, the challenge for us in the Corps is that we are structured, we are organized, and we are staffed for what has historically been a \$20 to \$22 billion program for the Corps, and that is just not Civil Works, that is the work we do for the VA, that is the work we do for FEMA, and that is the work we are doing in 110 countries around the world today for our combatant commanders out in the field.

Our current program is \$84 billion, and it is growing. So, our Civil Works program has seen the greatest growth of all these programs these past 5 years, going from a \$7 billion annual program to an annual budget of more than \$48 billion, when you add in supplemental appropriations. This funding provides the Corps with a once-in-a-generation window of opportunity to deliver water resource infrastructure programs and projects that will positively impact the lives of communities across this great Nation. It is an opportunity we are taking advantage of to transform our organization and decisionmaking processes to safely finish quality projects on time and within budget.

We are taking major steps to proactively identify risks to execute our mandates, then developing measures to reduce, resolve, or eliminate these risks, measures such as accelerating recruitment through direct hiring authorities and transforming our workplace to attract and retain the best talent, which will help us in fortifying our technical expertise to effectively develop and implement infrastructure projects.

We are also combining traditional and alternative delivery concepts that allow us to develop additional contracting tools that enhance our partnership efforts. By evolving our programs, planning, and operations, we are able to overcome impacts from important

drivers like global climate change. Considering adaptation and mitigation responses to climate change together, we have improved the resilience of natural and Corps-built water resources infrastructure. Integrating adaptation and resilience into our design processes has enhanced the effectiveness of the Corps Civil Works projects, reducing risk to vulnerable communities.

Additionally, the Corps continues to provide meaningful engagement opportunities for overburdened and underserved communities and Native American Tribes to encourage and enable participation in decisions that impact their communities. The Corps does not accomplish anything by itself. We use our engineering expertise, and rely on a relationship to develop innovative approaches to address some of the most pressing water resource challenges we face as a Nation today.

My top priorities include identifying the highest priority investments and that we safely deliver quality projects on time and within budget. I strongly feel that, to achieve this vision, we must execute our comprehensive research and development strategy to meet the challenges of the 21st century. We will accomplish this strategy with our U.S. and international partners in Government, industry, and academia.

From climate change to war fighting, from overextended infrastructure to cybersecurity, there are no shortages of challenges that we will require bold new research and development to solve.

Madam Chairwoman, I filed my complete written testimony with your staff that identifies the projects proposed in Chief's Reports and Post-Authorization Change Reports to date, since the enactment of WRDA 2020. I also included a brief summary for each project's purpose, total cost, as well as the Federal and non-Federal cost share. And thank you, Chairwoman Napolitano, Ranking Member Rouzer, and members of the committee. I look forward to answering any questions that you may have.

[General Spellmon's prepared statement follows:]

Prepared Statement of Lieutenant General Scott A. Spellmon, Chief of Engineers and Commanding General, U.S. Army Corps of Engineers

Chairman DeFazio, Chairwoman Napolitano, Ranking Member Graves, Ranking Member Rouzer and distinguished members of the committee. I am honored to testify before you today and I thank you for the opportunity to discuss the Army Civil Works program. I look forward to discussing the status of implementation of recent Water Resources Development Acts as well as any questions the committee may have. Most importantly, I look forward to continuing to work with this committee, the Congress, and the Administration to help address the Nation's water resources challenges.

The Army Civil Works Program is the Nation's largest water resources program, and has three main missions, which are: commercial navigation, flood and storm damage reduction, and ecosystem restoration. The Congress has authorized many of our reservoirs for multiple purposes, including ancillary purposes such as hydropower, recreation, and water supply. We implement our main missions consistent with the applicable Congressional authorizations, which include legislative initiatives and reforms, as well as the authorization of the studies and projects that the U.S. Army Corps of Engineers (Corps) undertakes.

The infrastructure authorized by the Water Resources Development Acts and implemented by the U.S. Army benefits the well-being of American citizens by contributing to the Nation's economic growth, restoring aquatic ecosystems, and addressing significant risks to public safety.

While the focus of this hearing may be on the prospective legislation being considered by this committee, it is important to acknowledge the recent, significant increase in funding for the Army Civil Works program over the past several years. Less than four years ago, the Army received a significant infusion of capital from the 2018 Bipartisan Budget Act (\$17.4 billion), which was followed 16 months later by the 2019 Disaster Relief Act (\$3.26 billion). These supplemental appropriations will allow the Army to help reduce flood and coastal storm risks in communities across the Nation, as well as address damages to existing projects. The program has also received several consecutive years of record-high annual appropriations in Fiscal Years 2018–2021 (spanning from \$6.830 billion to \$7.795 billion). Within the past several months, the Congress also passed the Disaster Relief Supplemental Appropriations Act of 2022 (\$5.711 billion) and the Infrastructure Investment & Jobs Act (\$17.089 billion), representing well over \$22 billion for additional Corps investments. This funding provides the Army with a once-in-a-generation window of opportunity to deliver water resource infrastructure programs and projects that will positively impact the lives of our communities across the Nation. Additionally, these funds will be used to maintain our existing Corps infrastructure to ensure that its key features remain operational while continuing to provide benefits to the Nation.

The Corps has been providing engineering solutions to address our Nation's toughest challenges since 1775 and we fully understand the risks with executing our current workload. The Corps is being proactive in its efforts to identify major risks to execution and develop measures to reduce, resolve, or eliminate these issues. Measures to prepare the workforce include efforts toward the acceleration of recruitment actions and the execution of workplace transformation initiatives to attract and retain top talent. The Corps is actively working to fortify our Real Estate expertise across the enterprise to enhance support to our non-federal partners with identifying and acquiring the land needed to construct our projects, as well as evaluating opportunities to identify needed properties earlier and reduce the risks with initiating acquisition efforts. The Corps continues to explore expanding upon the tenets of Integrated Water Resources Management principles in formulating, evaluating, displaying, comparing, and recommending alternative plans in water and related land resources implementation studies. The Corps is also developing additional contracting tools that will allow us to establish and maintain partnerships, and look at combining our traditional delivery methods like Design-Bid-Build with alternative delivery concepts like Design-Build and Early Contractor Involvement strategies. The Corps continues to monitor supply and demand trends for building materials and other products that will be needed for construction to provide more reliable and cost-efficient project delivery.

Under leadership of the current Administration, and in alignment with the authorities provided by this committee, the Corps is moving forward, along with other Federal agencies, to help address the vast water resource challenges posed by global climate change, including water scarcity, sea level rise, and observed increases in severe weather events. The Corps continues to develop, evaluate, and implement changes to programs and projects to incorporate and enhance resilience to climate change and particularly to help disadvantaged communities to reduce their risks, and to adapt, to a changing climate. The Corps continues to provide meaningful engagement opportunities for these disadvantaged communities, including in rural areas, to encourage and enable them to adopt solutions to the impact of climate change in their communities.

Under leadership from the Administration, the Corps continues to seek opportunities to identify and document the full spectrum of economic, environmental, and other benefits to the Nation, including how we address environmental justice concerns. This focus on economically disadvantaged communities that are marginalized, underserved, or overburdened by pollution, including those in rural areas, will provide an opportunity to invest in these areas, which may have been left behind with past infrastructure development and construction. We can leverage these tools to enhance opportunities for these communities where our studies and projects can provide solutions to their water resources challenges.

Our Tribal Nations Program enables the Army to partner with Federally recognized American Indian and Alaskan Native tribal governments to identify solutions to their water resources challenges, which will substantially benefit the people who live in Indian Country or in Alaska Native villages. The Corps reaffirms its commitment to engage in regular, meaningful, and robust consultation with Tribal officials in the development of water resources projects and on regulatory actions that have Tribal implications. The Corps works with Native American Tribes as cost-share partners on Civil Works projects through its Tribal Partnership Program, under its Planning Assistance to States Program, as well as through specifically authorized Civil Works projects. The Corps also can provide technical assistance to Native

American Tribes under its Flood Plain Management Services Program. The Corps can also leverage interagency Silver Jackets teams established in each state to identify water resource challenges affecting Tribes and determine the best suited agency and program to assist Tribes, where possible, in addressing those challenges, including the aforementioned programs.

The Corps uses its engineering expertise and its relationships with project sponsors and stakeholders to develop innovative approaches to address some of the most pressing water resources challenges facing the Nation. My top priorities include identifying the highest priority potential investments for the Army Civil Works Program, starting with the maintenance of our existing infrastructure, and ensuring that we deliver studies and finish quality projects safely, on time, and within budget. I am focused on delivering projects that will contribute to the effort to enhance the Nation's resilience to climate change. These priorities will ensure a better return on taxpayer investment and improve the lives of all Americans. Under my oversight and direction, and with the leadership of Assistant Secretary Connor and his team, the Corps is committed to efficiently and effectively executing the Civil Works program.

I feel strongly that in order to achieve our vision, we will need to continue to invest in our Research and Development (R&D) program. We are working to further inform our R&D initiatives and strengthen our partnerships with academic institutions to benefit from the enormous capacity of our Nation's scientists, so we will know how best to meet the challenges of the 21st Century. Investments in research and development help us find solutions for today's and tomorrow's challenges like those posed by extreme rainfall events and the impacts due to severe floods and coastal storms. We also look to R&D solutions to further inform the development of our sustainability strategies including Engineering With Nature (EWN). The Corps EWN initiative supports sustainable infrastructure systems and embraces the intentional and substantial use of natural systems in providing water resources solutions. Through EWN, the Corps aspires to implement nature-based solutions for civil works projects in partnership with cost-sharing sponsors.

I am committed to ensuring that the Corps continues to identify the best ways to manage, develop, restore, and protect water resources in collaboration with sponsors and partners. Our goal is to achieve a high economic, environmental, and public safety return for the Nation, which will benefit all Americans.

At the request of the Committee, my testimony identifies the projects proposed in Chief's Reports and Post-Authorization Change Reports to date, since the enactment of WRDA 2020. At the committee's request, I am also including an attachment that briefly summarizes each proposed project's purpose, estimated total cost, as well as federal and non-federal cost share.[†]

Since the enactment of WRDA 2020, I have signed 14 Chief's Reports. The proposed projects in these reports fall within the Army civil works main mission areas of flood and storm damage reduction, commercial navigation, and aquatic ecosystem restoration. The 14 Chief's Reports are:

1. Fairfield & New Haven Counties, CT
2. Elim Subsistence Harbor, AK
3. Prado Basin, CA
4. Lower Cache Creek, CA
5. Portland Metro Levee System, OR
6. Coastal Texas Protection & Restoration, TX
7. San Juan Metro Area, PR
8. Monroe County, FL
9. Okaloosa County, FL
10. Selma, AL
11. Port of Long Beach, CA
12. Folly Beach, SC
13. Pinellas County, FL
14. Valley Creek, Bessemer, AL

Since the enactment of WRDA 2020, there has been one Post-Authorization Change Report with a Director of Civil Works (Director's) Report completed.

1. Washington, DC & Vicinity

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

[†]Editor's note: The attachment is retained in committee files and is available online at <https://docs.house.gov/meetings/PW/PW02/20220112/114322/HHRG-117-PW02-Wstate-SpellmonG-20220112-SD001.pdf>.

Mrs. NAPOLITANO. Thank you very much, General Spellmon. That was very nicely put.

We thank both our witnesses, and now we would like to move on to our Member questions. Each Member will be recognized for 5 minutes. If there are additional questions, we may have an additional round, as necessary. Chairman DeFazio will begin the questioning.

You are recognized.

Mr. DEFAZIO. Thank you, Madam Chair.

To both the Secretary and the general, I want to thank you for the work you have done to extend the bids you have on the critical Coos Bay North Bend project to match with the timeline of OMB approving your workplan. Are we on track to get that done this week?

Either one can respond.

General SPELLMON. Sir, I will start. We have successfully extended the bid of both offers to the 1st of April. So, I think that gives us plenty of flexibility in moving forward.

Mr. DEFAZIO. Right. But the question would be your entire workplan approval by OMB. I spoke to the acting head of OMB last week, and there seemed to be some confidence that we could have approval this week. Have you heard anything?

Mr. CONNOR. Oh yes, Mr. Chairman. We have heard a lot, been involved in a lot of discussions. I think we are on track, yes.

Mr. DEFAZIO. OK, that is good to know, because that is very important for the Nation.

And as we rebuild, particularly, I want to look at the Harbor Maintenance Trust Fund. General, you talked about the challenges of your long overdue, but significantly increased, investment in projects and obligations.

In terms of being able to commit the harbor maintenance funds, I guess there are sort of two questions. And one would be, on the west coast, we have had chronic issues with the availability of dredging. And I just am hopeful that we are going to find a way to address that.

And then the second thing would be, as we rebuild these failing jetties and breakwaters, I would assume that we are rebuilding them with an eye toward the future, toward higher levels, higher sea levels, and more violent storms. Is that correct?

General SPELLMON. Sir, that is correct. And you experienced that more than anyone with the storms and the violent water that we have out on the Oregon coast.

Sir, just for example, the Coos Bay jetties that we are talking about here, those will be designed with climate change and adaptation in mind.

Mr. DEFAZIO. That is good. That is good to know. On the Columbia River, Secretary Connor, I wrote in December we have heard from stakeholders—and the Corps has asserted numerous times—that they have the existing legal authorities that relate to future flood damage reduction protection in the Columbia River Basin.

As you know, the treaty has expired. Canada has been dragging its feet. The State Department has been, shall we say, not exactly focused on this, either. And this causes tremendous concern with the expiration of the treaty, when we have potential for assuming

rather large obligations for future flood risk on the Columbia. Can we expect a meaningful response on that soon?

Mr. CONNOR. Mr. Chairman, we are starting those discussions in earnest, based on getting input on the discussions that are ongoing with Canada at this point in time. I think our first instinct is that we do have the necessary authority, but we are doing a deeper dive on those flood management services. That may change in response to how the treaty process negotiation plays out. So, we are taking a deep look at that, and we will keep in constant contact as the discussions evolve.

So, we may have a response in the near term that may be evolving over the next several months. So, we want that to be an active dialogue with you and interested Members on both sides of the aisle.

Mr. DEFAZIO. Great. As you know, this is a tremendous concern to the entire Pacific Northwest, and I look forward to that response.

Just one other quick point. We authorized you to look at helping design and deal with non-Federal dams. I don't think that authority extended to diking, did it? Because there are areas—historically, the Corps was involved in building and diking, particularly throughout the Northwest and areas of flood danger. And then, in time lost to history, they turned those over to local diking districts, which just kind of disappeared ultimately, and people didn't even know, in many cases, they were protected by dikes, as in the case of one river in my district a few years ago.

Does that authority extend to providing some assistance to these districts also, or is that something Congress would need to further authorize?

Mr. CONNOR. I can take a first cut at that. I have got two thoughts on that.

I think the authority that you are referring to is the WIFIA program, which has been limited to our ability to work with non-Federal dam owners—

Mr. DEFAZIO. Right.

Mr. CONNOR [continuing]. And work on safety issues. So, I don't believe—I will doublecheck this—that it extends to dikes.

Mr. DEFAZIO. OK.

Mr. CONNOR. But I need to doublecheck on that. And we are moving forward with the process of initiating a rulemaking to implement that authority.

I do think we have authority elsewhere to work on levees and dikes through maybe the emergency response program or disaster preparedness program, but I will let General Spellmon correct me—

General SPELLMON. No, no, sir, you have it exactly.

Sir, I would have to go back and doublecheck whether or not the water infrastructure program, or WIFIA, applies to dikes. But we do have other authorities, as you know, where we can help out non-Federal entities on the maintenance and repair of those structures.

Mr. DEFAZIO. Oh, good. OK, thank you. I thank you both for your testimony.

Madam Chair, I yield back.

Mrs. NAPOLITANO. Thank you, Mr. DeFazio.

Mr. Rouzer, you are recognized.

Mr. ROUZER. Thank you, Madam Chair, and thank you again to our witnesses for being here. I appreciate your work for the country very much.

I have got a couple of questions with regard to my district, specifically. But before I get to that, with the passage of the bipartisan infrastructure bill this last year, several agencies, including the Corps, obviously, received funding to advance infrastructure projects across the country. However, despite this push for infrastructure, of course, projects still face significant bureaucratic and permitting hurdles that can cause years of delays.

How is the Corps working to implement this legislation and create efficiencies in its processes to expedite critical infrastructure projects?

General SPELLMON. Sure, I will start. So, we recently renewed 57 nationwide permits, following extensive feedback from the public, and that will certainly enable accelerated delivery of projects with all the appropriate safeguards for the environment. We acknowledge we have more work to do on that front, and we are wide open to any additional recommendations that we get from the administration or Members of Congress.

So, I would just highlight that as one example on how we are working hard to get these projects in the ground.

Mr. CONNOR. And I would just add to that there has been a lot of changes in the regulatory world, as we all know, and I am sure will be discussed more today.

So, I think—I appreciate the fact, stepping into this role, that the Corps' primary goal has been regulatory certainty and efficiency in which it carries out its regulatory actions. And I see that with the nationwide permits that General Spellmon referred to, and we will be seeking to do that as we move forward with “waters of the U.S.” and other regulatory changes that we need to deal with, that we need to go through the processes to get to some durable rules and regulatory certainty, so people can do their business.

Mr. ROUZER. I am coming back to that in more detail later.

General Spellmon, the coastal storm risk management project at Wrightsville Beach, which I know you are very familiar with, has existed and received assistance from the Army Corps since 1986. During that time, as you know, that particular beach has used the same bar site for its sand. But due to a recent rule change at the Department of the Interior, the Corps can no longer use that historic bar site, and will have to go offshore for that necessary sand.

Will the Corps have an offshore bar site identified and ready to be permitted before the 2022/2023 project season? What is your analysis of that?

General SPELLMON. Yes, sir. So, in short, the answer is yes, sir. We are going through the permitting action now for that offshore borrow site. We expect to have that permit complete by September of this year, which will allow us, in turn, to do a quick contracting action to get after that work.

Mr. ROUZER. As you are also aware, the Army Corps had previously worked with the towns of North Topsail Beach and Surf City to establish a coastal storm risk management project. The planning for this project went through many phases and had mul-

tiple cost estimates over the years. But the bottom line is that pricetag was high enough to where the town of North Topsail decided to withdraw.

So, the bottom-line question: is the Corps able to move forward with this project, despite the town of North Topsail removing itself?

And if not, what steps are going to be necessary to ensure that Surf City has what it needs?

General SPELLMON. Yes, sir. So, my staff is completing now what we call a validation report. My discretionary authority on this project, a project that Congress authorized, is I can move forward as long as there is not about a 20-percent change in scope. And so, that is what we are validating right now. If it is not 20 percent, sir, we will move out. Congress was generous, and fully funded that project in the Defense Recovery Act of 2019, and I understand North Topsail Beach, for their portion of the bridge, they are moving forward under a FEMA program to seek the funds to implement the project on their beach.

Mr. ROUZER. How soon do you think all that can be done?

General SPELLMON. Yes, sir, so, I should have the validation report complete in March of this year, and then we are ready to move forward. And as I said, this has been fully funded, and it is just a matter of getting it under contract.

Mr. ROUZER. Thank you. Since the enactment of WRDA 2020, the committee has received 14 Chief's Reports for potential projects, and certainly we appreciate the good work done by the Corps to get those completed and submitted.

Do you have an estimate of how many more we can expect, and when we can expect them, especially before completion of the next WRDA?

General SPELLMON. Congressman, we are at 14 now, as you mentioned. I have seven more that I will sign before May of this year that I am—high confidence we will get those into WRDA 2022. And then, on top of that, there are another seven that we are working to pull to the left, so that we can get them in front of you for consideration.

So, sir, it may be upwards of 28.

Mr. ROUZER. What about Post-Authorization Change Reports?

General SPELLMON. Sir, I have that number, and I will follow up with you and get you that.

Mr. ROUZER. Is there anything else that the committee should expect to receive that we don't know about at the moment?

General SPELLMON. Sir, we have completed hundreds of legislative drafting services. Those continue to come in. And, of course, we are always open to discussing any recommendations or tools that the Corps or the Secretary would like to see that would better enable us to deliver on this massive program that you have trusted us with.

Mr. ROUZER. Thank you, Madam Chair. I yield back.

Mrs. NAPOLITANO. Thank you, Mr. Rouzer. I will now recognize myself for 5 minutes.

This will be the first WRDA from the Biden administration, and we have heard that the Corps now has plenty of funding towards the missions.

Mr. Connor and General Spellmon, what are the priorities of the administration and the Army Corps of Engineers for the Water Resources Development Act of 2022?

Mr. CONNOR. I will take a first cut at that, Madam Chair. Obviously, in the set of priorities that we have are those identified in the 7001 Reports. The one that you noted was moved forward and sent to Congress last November, and we are working on one for fiscal year 2022, as you noted in your opening comments. So, we are working expeditiously to get that report up to Congress.

Beyond that, we are looking at opportunities to further the administration's priorities, and those are to enhance our ability to build resilience with respect to our projects, activities, to enhance environmental justice, and our ability to move forward with economically disadvantaged and rural communities, as well as moving forward in our role in helping facilitate the Nation's supply chain, and dealing with those issues.

Now, there are a lot of provisions that we are in the midst of implementing from WRDA 2020 in those areas. I think the bipartisan bill that was put together really moved forward a number of those initiatives.

We have got some specific thoughts on other opportunities, particularly working with Tribal communities, but I will turn it over to General Spellmon, as this is a tag team, as you know.

General SPELLMON. Yes, ma'am, Madam Chairwoman, I would say our priorities in the Corps are those of Mr. Connor and the administration.

I would just say, specifically for execution, my priority for the U.S. Army Corps of Engineers is to employ the tools and authorities that you have given us in this upcoming WRDA and previous WRDAs to the maximum effect, and that we safely deliver quality projects on time and within budget. And, as Mr. Connor said, we think there are a number of tools that the committee could consider that would enable us in this WRDA to do that even better.

Mr. CONNOR. Can I just add to that?

We have talked about it, and I think Chairman DeFazio mentioned this. We need to be innovative in our approach to deal with the challenges that we have in the area of water resources, and all the range of our programs. And a lot of that is driven by a changing climate.

But as General Spellmon noted, the volume of work that is expected of this agency, which we welcome, requires innovation in how we approach that work. And the tools, from contracting to hiring, that help us carry that out, I think, is an area that we are looking at very closely. And Congress is doing its role, not just with the volume of resources, but the innovation with respect to the trust funds, the Inland Waterways Trust Fund and Harbor Maintenance Trust Fund, and we very much appreciate the added flexibility and the incentives to use those funds more.

I think it is a combination of all of these elements where we have to be innovative.

Mrs. NAPOLITANO. Then does that include checking off for supply shortages? Will the Army Corps be able to carry out the projects?

General SPELLMON. Ma'am, are you referring to supply chain?

Mr. CONNOR. Yes, I was—supply chain or water supply?

Mrs. NAPOLITANO. Well, supply chain of equipment and stuff that you are going to need for your projects.

General SPELLMON. So, ma'am, I will just give you a quick vignette. I had to call the Air Force here about 2 weeks ago on a MILCON project that we were delayed on, because I could not get 3-inch screws to hold insulation and metal roofing down on three KC-46 hangars at Tinker Air Force Base. I have a few select shortages across the country like that. But thankfully, I have not experienced that in the Civil Works program so far.

Mrs. NAPOLITANO. Well, then, Mr. Connor, I am glad you are bringing your experience of Western water issues to the Corps. You have been working diligently for many years using reservoirs in the West more effectively for water supply. WRDA 2020 included a provision I authored adding water supply to your primary mission.

What is the status of this review, and when do you anticipate being able to share the results?

Mr. CONNOR. A quick response, and I will turn it over to General Spellmon for more details.

The report that is due on water supply as a primary mission function is due in June of this year, and so, we are on track. I know it is being put together, and we anticipate being able to deliver that report on the timeline that was identified in WRDA 2020.

But I do want to talk to your sense, Madam Chair—and we have worked together a long time on these issues—and knowing the innovative approaches to water supply, I share that view completely. I mentioned in my opening comments, I think, I have been pleasantly surprised in understanding not just the magnitude of the overall Corps mission, but how it contributes to addressing water supply and drought in specific watersheds.

And there is a way to do it with respect to how we operate our reservoirs, how we can better use and move water out, still retain that flood control primary responsibility, but move water in a way that allows—as you know, in southern California we have done this at a couple of facilities, the deviation, where we release water, and you can help manage our aquifer recharge systems. We have done that in New Mexico.

This was a WRDA 2020 provision involving Abiquiu Dam, where we can look at work needing to be done on another Bureau of Reclamation facility, El Vado Dam, but how do we make use of Abiquiu Dam, and space there to help make up that water supply, to help manage that system to help address the environmental needs in the Rio Chama in New Mexico.

I think these opportunities are real. They are necessary in a changing climate. We do have a role in the West.

I will just add one other area. Our environmental infrastructure program, in my view, has just simply taken off, with respect to communities understanding the benefits of working with the Corps to address aquifer recharge, water reuse needs, adding to water supply, building redundancy as drought impacts systems like California Bay Delta, as well as Colorado River. Communities are looking to the Corps to help build facilities that address those needs.

And so, I will stop there.

Mrs. NAPOLITANO. Thank you very much, Mr. Connor. My time has long been up. I now recognize Mr. Babin.

Mr. Babin, you are recognized.

Dr. BABIN. Yes, ma'am. Thank you very much, Madam Chairwoman and Ranking Member Rouzer, and thank you to our witnesses for being here today with us.

Assistant Secretary Connor, welcome to the Office of the Assistant Secretary of the Army for Civil Works. I look forward to working with you, now that your nomination has been confirmed.

I would also like to personally extend an invitation to you to visit the Greater Houston area as soon as possible to view some of the great work our ports and the Corps' Galveston District are doing, working together on projects like the Port of Houston channel improvement project on the Galveston Bay, to Sabine's coastal storm risk management and ecosystem restoration project. And General Spellmon visited last year, and it helps very much to see firsthand the volume and the variety of commerce that our port handles for our Nation's economy.

And General Spellmon, it is great to see you here again. I would like to thank you for your service to our country, and commend you on the attention you paid both to my district, 36 Texas, and the State of Texas during your tenure in the Army Corps of Engineers. And my constituents and I are very happy to see you in front of us again.

I am pleased that we have the opportunity today to be kicking off our discussions on the Water Resources Development Act. In years past, we have had the opportunity to use this legislation for inland waterway cost share adjustments to promote capital investment projects, incorporating flood risk management features in Orange County to mitigate surge flooding, dredging and widening of the Port at Cedar Bayou, enhancing the Sabine-Neches Waterway, and expanding, of course, the Port of Houston Ship Channel. We are very excited to continue and expand upon this work in WRDA 2022.

As you know, I have the privilege of representing southeast Texas, from Houston over to Louisiana, to the border, which, in my district, includes four ports. I am very proud to have helped lead the effort, alongside other Houston delegation Members, to see through the successful authorization and appropriation to dredge and widen the Houston Ship Channel.

And to expound upon that victory, we were able to secure \$19 million and a New Start designation to begin construction of this incredibly important project. And most recently, the port and Corps signed a project partnership agreement. This was a huge win, as the Port of Houston is critical to our Nation's supply chain, and the number-one ranked port in the Nation in waterborne tonnage. It sustains 3 million American jobs, \$802 million in U.S. economic value, and generates \$38 billion in Federal, State, and local tax revenues.

And with the process having begun to dredge and widen the channel in Houston, the port has requested approval for the Corps to maintain the improved channel in Galveston Bay, and has submitted a package showing that it meets the Corps' standards for Federal maintenance requirements.

So, Assistant Secretary Connor and General Spellmon, my question to both of you is this: The port needs a decision from the Corps

and an agreement to maintain the channel before it can start construction of the next part of our project, currently scheduled for April 2022, this year. Will you work with the port to deliver a decision by March, so that it does not impact the current schedule for construction, and delay our project?

I was very proud to work with Assistant Secretary R.D. James on several Texas issues during his tenure, and I look forward to now working with you both, and continuing to improve our port and water infrastructure as we explore priorities for the Water Resources Development Act.

But would you give us, kind of, what your ideas are, and tell us by March if this can happen?

General SPELLMON. Sir, it is General Spellmon. I will start.

I spoke with Colonel Vail and General Beck earlier this week that the section 204 package is with the region. We will expedite. We will get that up to headquarters for our review, and over to Mr. Connor for his consideration. Sir, I don't have any issues in meeting the March timeline.

Dr. BABIN. Excellent. That is great.

And Mr. Secretary?

Mr. CONNOR. Absolutely. My goal is to not let things sit around in my office and on my desk, so, we will work expeditiously on that package, Congressman, and I appreciate the invitation. It is on the radar screen, absolutely, to get down in your neck of the woods. I understand the value and just the infrastructure, in general. So, I will look forward to doing that.

Dr. BABIN. That is great. Thank you, Mr. Secretary. And General, I appreciate you coming, as well. So, thank you.

And I will yield back, Madam Chair.

Mrs. NAPOLITANO. Thank you, Mr. Babin. Thank you very much for your questions. And now we turn to Mr. Huffman.

You are recognized.

Mr. HUFFMAN. Well, thank you very much, Madam Chair, and I want to thank our administration witnesses for sharing their priorities for this year's WRDA.

As many others have said, it is great that WRDA is something that we have been able to do under Democratic and Republican majorities, under Democratic and Republican administrations, on a very consistent and timely basis. And we want to continue that.

So, we have the opportunity in this year's WRDA to build on the successful bipartisan Infrastructure Investment and Jobs Act and the historic \$17 billion that we have invested in the Corps of Engineers. We are finally unlocking the Harbor Maintenance Trust Fund, as Chair DeFazio so eloquently talked about, increasing investments in our overburdened ports and waterways.

And so, WRDA 2022 really offers us a great chance to put those dollars to good use. And in my district we see some examples of what happens when that Harbor Maintenance Trust Fund is unlocked, and those dollars are put to good use.

The Petaluma River was silted in, pretty much unnavigable. The recreation even was difficult. Certainly, commercial navigation had ground to a halt because this channel had not been dredged in 17 years. And last year that dredging was completed, and the river came back to life. There was commercial navigation, there was

recreation all over the place. We even had a lighted boat parade this holiday season on the Petaluma River. So, we have seen the kind of transformative difference it makes when these dollars get to work in our communities.

And I hope for the 2022 WRDA, the Corps in my district will prioritize investment in projects like the feasibility study for raising the dam at Coyote Valley Dam at Lake Mendocino. And then we have got some other shallow draft dredging needs: the San Rafael Canal. We need to move forward with phase 2 of the Hamilton Wetlands restoration project at Bel Marin Keys, and continue to implement the section 1122 beneficial use pilot project on the San Francisco Bay.

But thanks to the 2020 WRDA, these increased investments are really making a difference. And so, I want to focus my question for Secretary Connor on this.

One of the big challenges we have, even when we unlock the funding for the Corps to do these projects, is the lack of dredging capacity on the west coast. We are uniquely dependent on the Corps itself, because the private fleet just hasn't provided the kind of assets that you see in other places like the east coast. The [inaudible] is in drydock getting repairs. If one of the other few assets that the Corps has is in some other part of the country, and we have a critical need, we are just out of luck. If you don't have the equipment, obviously, these projects just can't happen.

So, Secretary Connor, congratulations on your confirmation. We are glad you are there, and thanks for being with us today. But I want to ask you if you have thoughts, now that we have unlocked the money from the trust fund, what can we do to address this critical vulnerability that we face on the west coast?

Mr. CONNOR. Thank you, Congressman Huffman. I will just give you my view. In my short tenure, dredging is a new issue that I have dealt with. I do understand the east coast versus west coast distinction, the need to maintain our dredging fleet. Absolutely.

As far as the details, I am going to turn it over to General Spellmon.

General SPELLMON. Sir, if I could just add a few details, I have the opportunity to meet with the six major CEOs and presidents of the dredge industry each year. I just met with them a few weeks ago, right before the holidays.

The investment that Congress is making in our ports and waterways, it is forcing us to take our coordination, our scheduling with industry, to a new level. And we are working hard on that.

Industry is also bringing on new vessels into their fleet this year. And over the next 5 years they all have capital investment strategies that they are executing.

But I think, if they were in the room today, they would also tell you, each of them, that they currently have vessels tied up to docks around the country. And I think, once we get the President's budget on the street, once we see the project approvals for the Infrastructure Investment and Jobs Act and the [inaudible] supplemental, all those [inaudible] will be back out in the water, working again.

Mr. HUFFMAN. Would you support specific funding for new Corps dredge assets on the west coast?

General SPELLMON. Sir, we replace our dredge assets with—we don't come to Congress for that. We have a revolving fund, our FRP fund, and we are working replacement for each of those vessels as we speak.

Mr. HUFFMAN. All right. Thank you very much.

I yield back.

Mrs. NAPOLITANO. Well, thank you, Mr. Huffman, thank you very much.

Ms. Johnson of Texas, you are recognized.

Ms. JOHNSON OF TEXAS. Thank you very much, and let me express my appreciation for you holding this meeting today.

It has been most encouraging to have worked closely over the years with the Corps of Engineers in the north Texas district office. Texas is a massive State, and I have a residence in a very dry area, although we are coastal several hundred miles away, and so, we have to worry about flooding. And so, it has been encouraging, actually, to have worked closely over the years with the Corps of Engineers as we have addressed various areas at times, and areas for flooding that includes such projects as the Dallas Floodway, to stem the flooding in Lewisville Lake, and stop flooding and mudslides in Joe Pool Lake. So, I just wanted to express my appreciation.

We are now also pleased about the Dallas Water Gardens, an outstanding flood mitigation and stormwater runoff project that I am working to try to get help and funding for.

But we also have a unique study going on now, where we have brought all the stakeholders at every level of Government together to look at what we can do together to prevent flooding, which includes our Corps, because our Corps of Engineers are instructed, for the most part, to clean up after floods. But I am very appreciative of the north Texas staff making sure that they are involved, because if we can prevent flooding, we save a lot of money and a lot of loss.

And so, I guess what I want to ask them today is, are they aware of the progress we are making in that study group?

General SPELLMON. Ma'am—

Ms. JOHNSON OF TEXAS. The flood prevention.

General SPELLMON. Ma'am, I will start. As you know, you are referring to the Upper Trinity watershed study.

We know we need a New Start authority and funding to proceed on that formally. But what we are doing to lean ahead, we are using authority under our flood plain management services to build the models now that will allow us to do the analysis when we receive that New Start and funding to do the actual—we are not standing by, waiting. We are using the tools we have, and the authorities we have now to move our very important work, as you have described.

Ms. JOHNSON OF TEXAS. Well, thank you very much.

I have no further questions, Madam Chair. I want to just express my appreciation for them staying in touch and working with us in this unique area. I yield back.

Mrs. NAPOLITANO. Thank you, Ms. Johnson.

Now, I am sorry, but I must have skipped over a couple of folks. Mr. Garret Graves, I am sorry. You are next, and then followed by Mr. Bost.

Mr. GRAVES OF LOUISIANA. Thank you, Madam Chair. I hope that wasn't indicative of our relationship.

I want to thank the witnesses for testimony today. We have a number of issues that I wanted to try and cover. And so, I would just ask you if you could please try and keep answers concise, that would be helpful.

So, first, we have a number of projects that I have had the opportunity to speak with both of you about, and I appreciate you all's efforts. But the Comite project, which is north of Baton Rouge, and the West Shore project in the river parishes in south Louisiana, both of these projects have had schedule slippage issues, some of them related to real estate acquisition. So, I am not saying that this is entirely the Corps of Engineers' fault. In some cases, this is the State of Louisiana's fault for land acquisition. I just want to ask both of you, please keep this on the front burner. These projects—one of them dates back to the early 1970s; the other one, the early 1980s. These are the types of projects that I think give the Corps of Engineers a bad name. They must be prioritized and move forward.

I have a question related to the hurricane supplemental. Again, we have discussed this, but significant funds were provided in that legislation. We believe that a few billion dollars is ultimately going to be invested to address many of the recovery issues, like debris removal and dredging of navigation channels, as well as building some of the resilience projects. Those funds have been in the bank now for, I think, 104 days. We have not had an allocation. I just wanted to push you again on getting an answer there.

Mr. CONNOR. Absolutely. Real quick, Congressman, we have been looking at that, in conjunction with the workplan we are doing with IIJA, trying to manage all this. It is very much on the front burner now. I think you will be hearing very soon on the disaster supplemental and the investments in Louisiana.

Mr. GRAVES OF LOUISIANA. Secretary, thank you. I just want to remind you on this one that those funds have really been limited in scope. And so, it is not like you are out there having the opportunity to do things all over the country. These projects are specifically tied back to Hurricane Ida. And so, I just remind you that there shouldn't be a ton of discretion that is exercised in this case.

Another one I wanted to talk about is section 213 of WRDA 2020. We did a Lower Mississippi River management study, and you all are both very familiar with the challenges we have had with managing water in the Mississippi River system, draining Montana, New York, Canadian provinces, and the challenges that that has caused throughout the entire Mississippi River Basin.

The Lower Mississippi River comprehensive study—again, section 213 of 2020 WRDA, the way that the Corps has interpreted it, you now have seven non-Federal sponsors, seven States, from Kentucky and Missouri down to Louisiana, including my friend, Mr. Westerman from Arkansas.

As you know, having one non-Federal sponsor is complex enough, coming up with an interpretation that requires a non-Federal cost

share. And seven non-Federal sponsors, we know that that, effectively, is going to prevent this from moving forward. It is a critical study that is going to complement the upper basin. And I just wanted to ask if you all could take another look at this, and take ownership over this study.

General SPELLMON. Sir, I will start. This is a cost-shared study, as we interpreted it. And talking to Colonel Murphy and his leadership down here, we did this twice successfully last year. It wasn't seven States, but it was four, on what is often a contentious river basin, on the Lower Missouri River Basin, both on a navigation study that we stepped up on, and a flood risk management study.

But again, we have everyone at the table now, and that study is moving forward, and I think it is equally important on this particular study that we do the same.

Mr. GRAVES OF LOUISIANA. Thank you, General.

Another issue, cross crediting—and I am just going to combine two of them here in my last minute. There are two issues that I probably could go back, rewind films from previous hearings over the past 5 years, and replay them over and over and over again.

One of them, starting back in WRDA 2007 and title 7, we did cross-crediting. We basically said all these projects in this basin, if you overpay on one, underpay on another, you can cross credit, because all of these projects are symbiotic. Language dates back to 2007. There were some perfections that were done to it in 2014, as I recall, and we still have been unable to actually utilize that provision of law dating back to 2007.

Similarly, nonstandard estates, this requirement by the Corps of Engineers that you have to buy land in fee title, when you may have property owners that are willing to donate a project easement, thereby reducing the cost and expediting the ability of the project to move forward.

Both of these provisions have been stalled through interpretive issues. I just want to ask you all to please take a look at these, get these issues resolved. We need to stop talking about them and start turning dirt.

Mr. CONNOR. Absolutely, you have my commitment. These land issues that are coming up, even in my short tenure in a number of different areas, definitely looking into that.

Mr. GRAVES OF LOUISIANA. Mr. Secretary, thank you.

Look, I just want to reiterate these are mostly for ecological restoration projects, and we have people willing to donate the project easement. And so, it reduces cost and expedites timeframes, so, I would really appreciate that.

And I want to thank you both for your efforts.

Madam Chair, thank you, and yield back.

[Pause.]

Mrs. NAPOLITANO. I am sorry, gentlemen, I was muted.

Mr. Graves, thank you very much.

Mr. Bost, you are on, followed by Mr. Garamendi and then Mr. LaMalfa.

Mr. BOST. Thank you, Madam Chair.

Secretary Connor, in your testimony, you mentioned the importance of reliance quite a bit on that much of the water resources that the Corps works on are in need of upgrades and investment.

In my district, the Jerry F. Costello Lock and Dam is part of the Upper Mississippi River 9-foot navigation project, and plays a vital role in the economic competitiveness of the region. The area acts as a main thoroughfare for agriculture and manufactured goods to get to market. The local community estimates that an additional 3 million tons of goods will be shipped on the Kaskaskia River over the next 5 years. The lock and dam will turn 50 years old in 2024.

In anticipation of that, to prepare for the next 50 years, I would like to get a commitment from you that we are going to work to conduct a comprehensive review of the system to look at the potential for economic benefit to increasing the water levels from the 9-foot level to the 11-foot level. Can I get that commitment from you?

Mr. CONNOR. I am happy to work with you on analyzing that. That is not an issue I am familiar with, I will say really quickly. That was my first trip, and getting out on the inland waterways system, spending some time on locks and dams, I absolutely recognize and agree with you the importance of the Nation's supply chain, and particularly reliability of the system, maximizing its use, has many benefits. I am happy to jump in and work with you on that particular issue, but let me do some homework.

Mr. BOST. OK, and I appreciate that.

And the next issue I want to ask you about is also something that needs to be brought to the attention, and that is the Alton Marina, which is in the northern part of my district, along the Mississippi River. We have got a problem there that is just becoming too common.

The area is leased by Alton for the Army Corps purposes to being a marina. But unfortunately, the Army Corps has conveyed to the local community that they will not allow the water levels to rise sufficiently for the area to be used as a marina. It has been used, and all of a sudden they have changed their process by which they are keeping the water levels.

The Corps has stated that there is a concern of a minor flooding of the State IDNR land if the water levels are to rise. I believe that there can be a reasonable solution to allow for navigation and recreation of this area. And I would like to see if you can commit to work with me on that problem, as well.

General SPELLMON. Sir, this is General Spellmon. I am not familiar with this one, but I will follow up right after this hearing to get into the details. Yes, sir, you have our commitment to work with you on a solution.

Mr. BOST. That marina is vitally important for a stop-off midway between people traveling from the gulf on into the Great Lakes area. And this is the importance of that marina.

General SPELLMON. Yes, sir.

Mr. BOST. So, at any rate, commodities transported on the Upper Mississippi River system come from a variety of industries throughout the entire system. Roughly 30 percent of the commodities needed to invest in our Nation's infrastructure travel on the inland waterways system.

Secretary Connor, you are aware of the December letter to your office that was sent and received, signed by more than 50 bipartisan Members of both the House and the Senate, urging imme-

diated construction start of lock 25, not to mention countless other letters to support—the year since then, and since 2007.

General Spellmon, can you please explain to the committee the impact of putting lock 25 in place, and what we can see for the future for moving larger amounts of goods up and down the Mississippi River?

General SPELLMON. Yes, sir. I have been out to this project and several more on the system, and I acknowledge the importance of this particular suite of projects to transportation in your region.

As you know, sir, we are in design. This is part of the navigation-ecosystem program that we are in design for the improvements at lock and dam 25, as well as additional mooring cells, and the accompanying ecosystem restoration that goes along with that particular set of projects.

Sir, I believe you know we are tracking, we need a New Start authority to move forward with this, but we will continue to do everything we can with the design dollars that you have given us, so that we are ready to move forward to construction as quickly as possible.

Mr. BOST. I appreciate that. And the people in our area appreciate that, as well. We know the importance of moving those goods up and down the Mississippi River.

There is another concern that I have got out there, but I have got a short time with that, and that is the fact that we still have the navigational problems that are occurring from a flood that blew out the levee for a system down in the deep southern part of my district. But I will talk to you about that later, because my time has expired.

And with that, Madam Chair, I yield back.

Mrs. NAPOLITANO. Thank you very much, Mr. Bost. Next we have Mr. Garamendi, followed by Mr. LaMalfa, and then Mr. Malinowski.

Mr. Garamendi?

Mr. GARAMENDI. Well, thank you, Madam Chair. This is a question for Secretary Connor.

President Biden's Executive Order 14005, ensuring the future is made in all of America by all of America's workers, directs all Federal agencies to fully implement our Nation's Buy America requirement for federally funded infrastructure projects. For Civil Works projects carried out by the Corps, the Buy American Act clearly applies. However, it seems that projects carried out under the Corps' section 1014 and section 1043—these are the non-Federal implementation authorities for which the non-Federal sponsor acts as the contracting agent on behalf of the Corps—these, apparently and inadvertently, are loopholes to the Buy American Act.

So, this is a question, Secretary Connor. Will the Army Corps commit to fully implementing the President's Executive order to apply the Buy American Act to projects carried out under these non-Federal implementation authorities?

And if you do not have the authorities, please clearly state so, so that we might correct this in the new WRDA.

Secretary Connor?

Mr. CONNOR. Thank you, Congressman Garamendi. Yes, absolutely. We are going to work and move forward, consistent with the

President's Executive order. I am not familiar with these two particular sections. Maybe General Spellmon is. But I will certainly take a look at that, in response to you raising the issue.

General SPELLMON. Sir, my understanding is a non-Federal sponsor, whether under section 1043 or a cost share agreement, has to follow all of the Federal acquisition regulations, but we will go back and doublecheck that there is not a loophole here on these two authorities.

Mr. GARAMENDI. Please do, and thank you very much. We believe that this is not being implemented, and it certainly should be. And if you don't have the authority, well, then that is our job.

Let's see, another question here to Secretary Connor.

Secretary Connor, Congress has provided many Federal agencies, including the Army Corps of Engineers, other transactional authority, OTA, to expand the Government's access to innovative projects taking place in the private sector, overcoming some of the rigidity in the Federal acquisition process. The Army Corps of Engineers has OTA, other transactional authority, for its military missions. And I thank General Spellmon for the implementation of some of those projects in my district.

However, the Corps has concluded it lacks the authority to use the OTA for its Civil Works missions. If that is the case, we must correct it. And so, this goes to Secretary Connor and to Spellmon.

What is the situation, and what is your view?

And if it is not your authority, then we need to correct that.

General SPELLMON. Sir, this is a General Spellmon. I will start.

So, the DoD authority that you are referring to, the other transactional authority, that allows us to carry out certain prototype projects, certain research projects, and certain production projects. And there are cases, as you mentioned, in our MILCON program, where a project fits that category.

I am not exactly sure of the application in the Civil Works program, but I will tell you we are absolutely open to this discussion, and any tool that allows us to deliver more effectively. We would like to do more research and homework on this one, sir.

Mr. GARAMENDI. Then this is really for our committee. This is really an important thing. We use it extensively in the military construction projects for which—responsible in the Armed Services Committee. It really should apply for Civil Works, also.

Within the Sacramento River Basin, Secretary Connor and General Spellmon, Congresswoman Matsui and I secured section 209 of the 2020 WRDA to put in place the comprehensive study for the Yolo Bypass just west of Sacramento. That was designed not just for the bypass, but rather for the entire flood control system, giving the Corps the authority to look at the Sacramento River comprehensively, rather than project-by-project, one-off systems that have been in place for a century. I bring this to your attention, and I want to urge you to fully implement this in a comprehensive view of the Sacramento River flood control system.

General Spellmon, Secretary Connor, if you would care to respond?

General SPELLMON. Sir, I will start. We are absolutely open, with the non-Federal sponsor, to these discussions on some of the policy changes that they are asking for.

And sir, you mentioned it, it is all about comprehensive benefits. We want to do that. They are asking for some upfront exemptions to 3x3. We can absolutely do that. We are going to incorporate climate change. They are asking for that and a couple of others.

Sir, we are ready to step off on this. I think there is a lot of opportunity here and, once we have that New Start authority and funding, we are ready to step out on this.

Mr. CONNOR. And I would just add, as you know, I am very committed—

Mr. GARAMENDI. Very good, my—

Mr. CONNOR. Go ahead, I am sorry.

[Pause.]

Mr. CONNOR. I was just going to add—

Mr. GARAMENDI. Please continue.

Mr. CONNOR [continuing]. Very quickly that, as you know, I am very familiar with the Yolo Bypass. I think a comprehensive look at all the benefits that can be associated with that traditional flood control element is the right way to go. So, I share General Spellmon's view that we should move forward as soon as we get the resources—

Mr. GARAMENDI. A very, very quick comment here. The flood control districts in the Sacramento, from the Yolo upstream through the Sutter, are all looking at a comprehensive program to establish wetlands in those flood plains and in the rice fields for the benefit of the salmon and the waterfowl population. It is a very comprehensive program. Some 300,000 acres would be involved in it, probably the largest wetlands restoration—not probably—definitely the largest wetlands restoration project in the Nation. I draw it to your attention. It is an extraordinary opportunity for the Federal Government and the local agencies to restore the habitat of the Sacramento River, and do it in a way that maintains the economic activity in the area.

With that, Madam Chair, I yield back.

Mrs. NAPOLITANO. Thank you, Mr. Garamendi. We will now have Mr. LaMalfa, followed by Mr. Malinowski, followed by Mr. Mast, and then Ms. Bourdeaux.

Mr. LaMalfa, you are on.

Mr. LAMALFA. Thank you, Madam Chair, I appreciate it. Thank you for this hearing today, and the opportunity to speak with the Corps.

And first I want to commend the work with the Corps in our neighborhood that Mr. Garamendi and I have shared these years, on several projects on the Feather River, as well as on the Sacramento. The Hamilton City levee project has essentially reached its culmination here. There is still some work to be done, but we have got flood protection there, as well as, things are almost all buttoned up on the lower Feather River, where it flows through Butte, Sutter, and Yuba Counties. And so, anyway, we are very pleased to see that pretty much nearing its completion here.

So, with that, Secretary Connor, I want to move over to the WOTUS situation, the "waters of the United States," and the rules over that that have changed time and again over recent years. It has really thrown the rural communities and agricultural commu-

nity into a big kind of a tizzy over which rule it is going to be, as those sectors are affected by that.

So, Secretary Connor, in your confirmation hearings you talked about the need for some type of clear and enduring definition, and I have a quote. "The rule[, Senator,] has changed so many times over the years that I am not sure the challenges are going to be any different. We need to have a clear definition of waters of the U.S., one that is protective, as it should be, under the Clean Water Act, but one that provides clarity, and I think, the goal, from what I understand in embarking upon a new rule is to"—and this is the really important line you said—"work very closely with the affected parties under that rule, and so my goal would be to have a clear rule that has enough level of input that hopefully we can get out of this litigation cycle and that we can move on with a rule that is going to be in place for a number of years. That should be the goal."

"That will do the most, I think, to help the Corps in its permitting ability and its responsibilities for making jurisdictional determinations if we have some clarity, and we have some longevity to the next rule, and that is going to require some collaboration, working with stakeholders, and I believe that is the game plan."

Then the second part of the quote is, "Durability and longevity of a new rule will be a very high priority."

I think those are good things you laid out in your confirmation. And certainly, as we are looking for clarity, and not having the rules change again and again, as I think we move towards a pretty good balance these days in that the affected parties have input, and we are having a situation where not every raindrop or every mud puddle is seemingly under the jurisdiction of the Federal Government.

So, please comment on that, as we have seen the 2020 rule that has been in place not that long, but certainly starting to work for rural areas. But touch on that, please, for me.

Mr. CONNOR. Absolutely. I appreciate you raising this, Congressman LaMalfa. And, if anything, I am even more committed to those words that I spoke during my confirmation hearing. We need a durable rule. We need to calm the waters, not to use a pun, but with respect to this, and provide the regulatory certainty that folks need who are the regulated community, and do so that it is consistent with the protections envisioned by the Clean Water Act.

And I think, going back initially—and this is the game plan, as you know—going back initially to pre-2015 WOTUS, the rules and regulations that were in place then, as modified by agency guidance pursuant to Supreme Court decisions that had come out in the early 2000s/mid-2000s, I think provides some structure and certainty now that people dealt with prior to the 2015 rule, and then the navigable waters protection rule.

So, that is a good start, and then a very methodical, second-step rulemaking that has been proposed by the administration that engages deeply with affected communities, obviously, preserving the agricultural exemptions that are statutory, but also ensuring that we are doing the right protections, and hopefully can withstand any litigation, which I hope doesn't come. That is the goal.

And I have talked to my counterparts at the EPA, Administrator Regan, Assistant Administrator Fox. I think they are absolutely committed to that. That is most encouraging, and that is the reason that I am even more fully committed to those words that you raised.

Mr. LAMALFA. So, how much change do you anticipate from the 2020 rule, or the move in the direction away from pre-2015? How are we going to have clarity as we have it today, where, again, those who are mostly affected are going to see some continuity, instead of a whole new set of rules that might come within a year or so?

Mr. CONNOR. Well, I think—and I need to do more homework on this because, as you know, it is very, very complicated, from a legal standpoint. But we had Supreme Court decisions. We had regulations in place that implemented the responsibilities under the Clean Water Act, and then we had Supreme Court decisions that had some certain clarity, and then we had terms that were incorporated about “relatively permanent” and “significant nexus.” There was agency guidance moving forward with those directives from the Supreme Court that the regulated community and the environmental community seemed to deal with. And that is the starting point, I think.

And so, people understand what that is, and that is what we are going back to now. As we move forward in a second round that has been talked about, as far as the process, that is going to be the result of engagement. And how far we go in getting into further details, I think, and interpreting those terms is something that we are going to have to have an indepth dialogue about, which is what the administration is committed to.

Mr. LAMALFA. Thank you.

Mrs. NAPOLITANO. Thank you, Mr. LaMalfa. We now will proceed to Mr. Malinowski, followed by Mr. Mast, Ms. Bourdeaux, Mr. Westerman, Mr. Carbajal.

Mr. Malinowski, please proceed.

Mr. MALINOWSKI. Thank you, Madam Chair. Thanks to our witnesses.

Lieutenant General Spellmon, it is good to see you again.

Assistant Secretary Connor, congratulations on your confirmation. I look forward to working with you, as well.

Lieutenant General Spellmon, you and I have spoken several times, as you know, over the years about the Rahway River flood risk management study in New Jersey. I represent some of the towns in New Jersey that were hardest hit by Tropical Storm Ida, which claimed the lives of 30 people in my State, and made clear once again the urgent need to protect the people, the homes, the businesses in and around the Rahway River watershed.

You are a Jersey native. We have discussed in previous meetings this issue. I know that you are very familiar with this area. And while I am very proud of the work that we have done with FEMA to deliver hundreds of millions of dollars in assistance to more than 80,000 households in New Jersey that were affected by the storm, I am troubled that so much of our State remains vulnerable to the next inevitable big storm.

Now, turning to WRDA, as you know, the 2020 bill nullified the Corps' termination of the Rahway study, and ordered the Corps to identify and expedite an acceptable way forward. So, the project should now be back on track. It is back with the Corps' New York District, where we think it belongs, and we are very grateful for that move. And in the guidance that the Corps issued back in August related to implementation of the Rahway provision in WRDA 2020, you acknowledged that you had the funds in place to proceed with the resumption of the study.

So, Lieutenant General Spellmon—Assistant Secretary Connor, feel free to weigh in, as well—can you commit once again to work cooperatively with the local affected communities to bring about an acceptable solution, and to do so with the urgency that is required?

As you know, it is not if, but when, another devastating storm will hit this area.

General SPELLMON. Sir, I will start. This is General Spellmon.

We have \$800,000 on hand for the Federal portion, and we are ready to step out and move out on this study. We are working with New Jersey Department of Environmental Protection. They are lining up their dollars, sir, for the non-Federal portion of this. And with that we will sign a Federal cost sharing agreement.

We do get the urgency, sir, given what Ida did to your district and that part of the region, and you have our commitment to work hard with the non-Federal sponsors to get to an acceptable solution.

Mr. MALINOWSKI. Thank you so much. And I know that getting to a solution requires all the stakeholders to be at the table, and to be part of that solution, that our local governments also need to work with you to get to that spot. But I am very grateful for your commitment.

A question on a slightly different issue. Section 128 of WRDA 2020 created the harmful algal bloom demonstration program, and it directs the Corps to detect, prevent, treat, and eliminate harmful algal blooms. New Jersey is designated in the law as one of the focus areas for the program, which is, we think, very, very appropriate, because we have seen water bodies throughout New Jersey, including in the Lake Hopatcong and Budd Lake in my district, really badly affected by this phenomenon.

So, I wanted to ask you both if you can offer any status update on the Corps' implementation of that specific provision.

General SPELLMON. Sir, this is General Spellmon. We received the Secretary's implementation guidance for this provision last night. We are excited.

Again, this is opportunity. We have great work ongoing on this front in Florida, on Lake Okeechobee. We have it in New York, up on Lake Champlain. Ongoing in Ohio, on Lake Erie. I look forward to applying this work on the inland and coastal waters of New Jersey, as well.

Mr. MALINOWSKI. Fantastic, thank you so much.

I yield back, Madam Chair.

Mrs. NAPOLITANO. Thank you, Mr. Malinowski. Thank you very much.

Mr. Mast, followed by Ms. Bourdeaux, Mr. Westerman, and Mr. Carbajal.

Mr. Mast, you may proceed.

Mr. MAST. Thank you, Chairwoman.

Thank you both for your testimony today.

General, we are going to continue on Lake Okeechobee, continue on a debate, a conversation that we were having this summer, and hopefully get to a place that we can work on something in the next WRDA bill that can help both Lake Okeechobee and help the soldiers and civilians that are working for the U.S. Army Corps of Engineers.

I asked you a very pointed question last summer, General. Are the soldiers and civilians working at Port Mayaca directly on top of the toxic water pictured behind me [indicating photo exhibit], which is off-gassing, and is toxic to a level sometimes 100 times greater than the threshold of toxic? Are those civilians and soldiers working directly on top of that, breathing it in 8–10 hours a day in insufferable conditions, are they being poisoned?

You answered to me, emphatically, no. Would you like to recant that statement or change it at all at this time?

General SPELLMON. Hey, Congressman Mast, I think what I told you is, we are going to—I am not a doctor, right? And I have shared that with you. I am a civil engineer. Sir, we are going to follow the best advice that we get from the community, the Florida Department of Health.

I agree with you. I think it is deplorable that my civilians, my great civilians, my military folks have to work in these State conditions. But we are going to work harder, when those conditions materialize at that Port Mayaca, to clean it up much quicker, much like you did in a marina in your district.

Mr. MAST. In Pahokee, that is right. General, let's pause you there. This is important.

You are not a doctor. You are the Chief, the sworn-in Chief of the U.S. Army Corps of Engineers, a lieutenant general, three-star general, whose health and safety of all of those underneath you, that is your responsibility. The question isn't: Are you doing what the Florida Department of Health says? The question is, on the table: Are those soldiers and civilians being poisoned by that situation?

General SPELLMON. Sir, I would have to defer to a doctor to answer that question.

Mr. MAST. Well, you guys actually sent me a letter after last summer, and you said the EPA indicates the highest risk for microcystin exposure is through ingestion. That is kind of like a no-shit statement, right?

Obviously, if you drink something, it is worse than breathing it in, or touching it, right? You could say the same thing about alpha radiation, or asbestos, or something else. So, yes, we can figure that one out.

It also said a direct lie. "The EPA indicates the health risks associated with inhalation are very low." That is not what the EPA said. In fact, I got a letter from the EPA saying that what you sent to me wasn't true. They said you have got to take that in the right context. And here is their quote: "The statement above"—that the health risks associated with inhalation are low—"is true if stated in the proper context": comparing it to ingestion. They are not say-

ing that the health risks are low. They are just saying it is lower than ingesting it, again, like we could say about asbestos, or radiation, or anything else.

I want to ask you a question. You are going off the Florida Department of Health. That is what you said last summer. That is what you just said just now. Why is the Department of Health telling you to have your people wear a mask and gloves if they are not being poisoned?

General SPELLMON. Sir, I—well, let me back up.

First of all, I am not familiar with the letter that you received from the Environmental Protection Agency. And if your staff would like to share that with me, I would like to go back on the record and correct any statement—

Mr. MAST. Done.

General SPELLMON [continuing]. That I may have made.

Mr. MAST. You will get it, done.

General SPELLMON. Again, I am not a doctor.

I am sorry, sir. Can you repeat your other question? Why are my folks wearing masks?

Mr. MAST. No, why—listen. If the Florida Department of Health said—listen, you are following their guidance—“wear a mask and gloves.” You said you were following Florida Department of Health. Why do you have to wear a mask and gloves, if you are not being poisoned?

General SPELLMON. Oh, sir, I am sure it has to do with precautions, given the conditions that we are forced to work in in your State.

Mr. MAST. Precautions for what? Don’t play stupid. That is the definition of bureaucratic B.S. that goes on in this place. Again, you are a three-star general, Chief of the Corps, and your task is to protect your men and women, among many other things.

Be protected from what? From being poisoned. Say it.

General SPELLMON. No, I am not going to say that. Sir, I will look at the letters you have been given. I will confer with the doctors and the experts that you have in the State to protect our workforce.

Mr. MAST. Protect them from what? Why do they need to wear a mask and gloves, if they are not being poisoned?

General SPELLMON. Sir, you have smelled the algae, and you have read the reports. You have just quoted them yourself, from the harmful effects that that has to the people that have to live and work in these conditions.

Mr. MAST. I didn’t tell you the effects of it at all. Why don’t you tell us the effects of it?

General SPELLMON. Sir, I—

Mr. MAST. You are the Chief of the Corps. These are your people. Tell us the effects that it is having on your soldiers and civilians.

General SPELLMON. Yes, sir. So, we work in these conditions. And as I mentioned to you last night, we are going to work harder to clean them up when these—when this work—

Mr. MAST. And what is it doing to your people? What is it doing to your people? Answer that question.

General SPELLMON. Sir, I am not aware of it doing anything—

Mr. MAST. Soldiers in uniform like you, like me, previously—

Mrs. NAPOLITANO. Time is up, Mr. Mast. Your time is up, sir. Please submit those questions in writing to the general, if you would.

Mr. MAST. I ask to submit for the record, Chairwoman.

Mrs. NAPOLITANO. So ordered.

[The information follows:]

Letter of June 2, 2021, from Jaime A. Pinkham, Acting Assistant Secretary of the Army for Civil Works, Department of the Army, Submitted for the Record by Hon. Brian J. Mast

DEPARTMENT OF THE ARMY,
OFFICE OF THE ASSISTANT SECRETARY, CIVIL WORKS,
108 ARMY PENTAGON,
WASHINGTON, DC 20310-0108,
June 2, 2021.

The Honorable BRIAN MAST,
United States House of Representatives,
2182 Rayburn House Office Building, Washington, DC 20515.

DEAR REPRESENTATIVE MAST:

This is in response to your letter dated May 24, 2021, and our conversation on June 1, 2021, regarding the concerns you outlined to the former Acting Secretary of the Army John E. Whitley about algal blooms in Lake Okeechobee, Florida. As discussed during our call, I followed up with Major General William Graham, U.S. Army Corps of Engineers Deputy Commanding General for Civil Works and Emergency Operations.

Both Major General Graham and I share your concern for the health and safety of our civilian personnel working at Lake Okeechobee and the Okeechobee Waterway as it relates to exposure to harmful algal blooms (HABs). The U.S. Army Corps of Engineers (Corps), Jacksonville District, works with the best available information to protect our personnel who at times must work in proximity to these blooms while executing our navigation and flood risk management missions. The U.S. Environmental Protection Agency (EPA) indicates the highest risk from microcystin exposure is through ingestion, which is not likely to occur with our personnel. The EPA also indicates the health risks associated with inhalation are very low.

Pursuant to the Central and Southern Florida project authorized under the 1948 Flood Control Act, the Corps operates Lake Okeechobee to balance multiple project purposes, including for flood risk management. In executing this mission, the Corps does not control the quality of the water, which enters or exits the Lake Okeechobee system. Instead, the Corps works closely with the State of Florida, the lead on water quality, and its agencies, the South Florida Water Management District, Florida Department of Environmental Protection, and Florida Department of Health (FDOH) to monitor algae blooms in Lake Okeechobee and the Okeechobee Waterway. When blooms are observed, State water quality sampling takes place on a weekly basis, at a minimum, but oftentimes sampling is done more frequently. This sampling began in early May 2021.

The Corps South Florida Operations Office (SFOO), which manages facilities and personnel associated with the lake and waterway, instituted a process for continual monitoring of the State of Florida water quality sampling, specifically for toxins exceeding the EPA's recommended levels for safe recreation activities. When state samples show an exceedance of those levels, the SFOO coordinates with the local county's Florida Department of Health offices to share the appropriate alerts with personnel and visitors using our public facilities.

Additionally, the SFOO takes the following personnel health and safety precautions related to working around HABs, based upon the available guidance from the FDOH, EPA, and Centers for Disease Control and Prevention with the support of the Jacksonville District Safety and Occupational Health Office:

- a. Updates our affected employee position hazard analyses to include exposure to HABs. The update includes the following recommended controls, "Wear rubber gloves and respirator/dust mask (N95) when working in or near water that appears covered with scum or blue green algae. Wash hands after bare skin contacts algae. Corps employees experiencing breathing problems, rash, stomach pain, nausea, or fever after coming in contact or working near harmful algal blooms should report symptoms to their supervisor and seek medical treat-

ment.” This analysis is reviewed annually with our Corps employees and their supervisor, and precautions are routinely discussed during project safety meetings. The Personal Protective Equipment (PPE) identified is readily available to Corps employees.

- b. Provides written guidance to all personnel detailing potential health risks associated with HABs, encouraging limit of exposure to mist, remaining inside of an air conditioned building when duties do not require them to be outside, instructing on the use of PPE, and practicing good hygiene (e.g., frequent hand washing).
- c. HABs and the appropriate precautions are routinely discussed during project safety meetings including during the occurrence of the bloom on Lake Okeechobee this year.

The Army is committed to the continued health and safety of its personnel. The Jacksonville District maintains awareness of the current best practices for limiting exposure to microcystin to ensure we meet that goal. We will continue to review and update work practices as FDOH, EPA, and CDC guidance evolves.

Thank you for your support of the Army Civil Works Program.

Sincerely,

JAIME A. PINKHAM,
Acting Assistant Secretary of the Army (Civil Works).

Letter of August 18, 2021, from Radhika Fox, Assistant Administrator, Office of Water, Environmental Protection Agency, Submitted for the Record by Hon. Brian J. Mast

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
OFFICE OF WATER,
WASHINGTON, DC 20460,
August 18, 2021.

The Honorable BRIAN J. MAST,
House of Representatives,
Washington, DC 20515.

DEAR CONGRESSMAN MAST:

Thank you for your July 15, 2021 letter regarding your concerns about the risks from inhalation of aerosolized toxins from algal blooms to people working on Florida's waterways, an issue you raised during my testimony before the Water Resources and Environment Subcommittee on July 14, 2021. Specifically, you requested that the U.S. Environmental Protection Agency (EPA or agency) confirm whether the following statement appropriately characterizes EPA's research on inhalation risk from algal toxins—

“The [EPA] indicates the health risks associated with inhalation are very low.”

The statement above is true if stated in the proper context. The health risks associated with inhalation of cyanotoxins in aerosols during recreational activities are very low when compared to ingestion.

EPA's conclusion is restricted to our understanding of recreational exposure. EPA performed an analysis comparing potential oral and inhalation exposure during recreation (i.e., swimming). EPA previously published *Recommended Recreational Water Quality Criteria and Swimming Advisories for Microcystins and Cylindrospermopsin* which includes an analysis of the relative exposure levels between ingestion and inhalation of microcystins associated only with recreational activities. Based on this recreational exposure comparison, the amount of aerosolized microcystins that people are expected to inhale during recreation is estimated to be much lower than the amount incidentally ingested while swimming. This conclusion is also supported by two other studies that compared the exposure to aerosolized toxins during recreational activities like water skiing, jet skiing¹ and watercraft

¹Backer LC, McNeel SV, Barber T, Kirkpatrick B, Williams C, Irvin M, Zhou Y, Johnson TB, Nierenberg K, Aubel M, LePrell R, Chapman A, Foss A, Corum S, Hill VR, Kieszak SM, and Cheng YS (2010). Recreational exposure to microcystins during algal blooms in two California lakes. *Toxicon*, 55(5), 909–921.

use² with exposure from ingestion of water while swimming. Each of these studies concluded that inhalation exposures are much lower than incidental ingestion resulting from swimming or limited contact recreational activities.

In your letter, you mention the study of Jang et al. (2020)³ that found that toxins, once airborne, can travel up to 10 miles and linger for hours. The Jang study did not investigate human exposure or health effects. The purpose of the Jang study was to evaluate the influence of environmental factors such as sunlight and relative humidity on the degradation of microcystin in the air. The Jang study was conducted under controlled conditions and not in the field. EPA reviewed the Jang study and notes that the spiked concentrations of microcystins nebulized in the air inside the apparatus used in the study are several orders of magnitude higher than the published ambient air concentrations of microcystins in field studies.¹

EPA has identified four available published field studies (Backer et al., 2008, 2010; Wood and Dietrich, 2011; and Cheng et al., 2007) that measured recreators' exposure to aerosols containing microcystins from lakes with dense blooms done to assess human health impacts to cyanotoxins during real-world conditions. For example, Backer et al. (2008 and 2010) measured concentrations of toxins in air and human exposure to cyanotoxins in air droplets using personal air samplers and nasal swabs from individuals recreating in a lake with a cyanobacterial bloom. Although the exposures in these studies were short term (i.e., a few hours during recreational activities), these studies found low concentrations of microcystins in air, plasma, and nasal swabs and no health effects associated with inhalation exposure to microcystins.

EPA shares your concern about the potential for health risks associated with long term inhalation of cyanotoxins in aerosols. EPA recognizes that microcystins can be present as aerosols in surface waters and there is the potential for exposure via inhalation to toxins in contaminated waterbodies. Unfortunately, data on the absorption, metabolism and distribution in the respiratory system, and elimination (excretion) of these toxins from the body are not well-understood. Furthermore, studies of longer duration exposure and health outcomes are lacking. Therefore, these data gaps preclude the determination of health risks associated with long term inhalation of cyanotoxins. EPA is interested in this question and will continue monitoring new research as it becomes available.

Again, thank you for your letter and your interest in this important issue. If you have further questions, please contact me or your staff may contact Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations.

Sincerely,

RADHIKA FOX,
Assistant Administrator.

Mrs. NAPOLITANO. Ms. Bourdeaux, followed by Mr. Westerman, Mr. Carbajal, Mr. Katko, and Mr. Stanton.

Ms. Bourdeaux, you may proceed.

Ms. BOURDEAUX. Thank you, Chairwoman Napolitano and Ranking Member Rouzer, for holding today's hearing.

My district is home to The Water Tower, a nonprofit organization committed to creating an ecosystem of water innovation which brings together the public and private sectors of the water industry, as well as academic and nonprofits to tackle challenges that the water industry faces. The Water Tower focuses on applied research, technology, innovation, workforce development, and community engagement to ensure access to safe, affordable, and resilient water services.

General Spellmon, in your written testimony you talk about the Corps' continued need to invest in research and development, and I was hoping you could elaborate a bit on that.

²Butler N, Carlisle J, Kaley KB, and Linville R (2012). Toxicological Summary and Suggested Action Levels to Reduce Potential Adverse Health Effects of Six Cyanotoxins. California Waterboards.

³Jang, M., Berthold, D., TYu, Z., Silva-Sanchez, C., Laughinghouse, H.D., Denslow, N., and Han, S. 2020. Atmospheric Progression of Microcystins-LR from Cyanobacterial Aerosol. Environmental Science and Technology Letters, 7(10), 740–745.

What are the current R&D investments that the Corps has made, and what are priorities for future investments in water technology?

[Pause.]

Ms. BOURDEAUX. General Spellmon, can you all hear me?

General SPELLMON. I am sorry, I was on mute.

Ma'am, when you look at the investment that the Corps is making in research and development, particularly in the Civil Works program, it is incredibly low. It is about 0.2 of 1 percent of our overall program. And if you compare that with DoD that is investing 13 percent, or the Army investing 17 percent, Apple investing 4 percent, there—and the reason I am putting a priority on this is there are challenges, some of our Nation's toughest challenges right now, that we don't have good construction solutions for. So, it could be whatever, it is harmful algal blooms that we were just referring to, it could be drought, it could be wildfires or the effects of wildfires.

I just think, in order to get to good construction solutions, we need more investment in research and development. And I think we have been talking about some of them here. Forecast-informed reservoir operations is a great example. I think we have got some great opportunities with harmful algal blooms in a variety of corners around the country. That is why I made this an emphasis area, ma'am.

Ms. BOURDEAUX. Thank you. And I think that is wonderful.

Do you currently or do you anticipate partnering with nonprofit organizations and academic institutions as part of this R&D program?

General SPELLMON. Yes, ma'am. So, the budget that we do receive comes to us in specific line items for very specific tasks. And you are right, we work with international partners, we work with academia, and we work with industry on all of those R&D projects and programs that we do have.

Ms. BOURDEAUX. OK. And I am new here, so, I am learning how all this works. Do these partnerships need congressional authorization?

Do you need more flexibility in the types of projects that you all are looking at?

General SPELLMON. Ma'am, we don't need any authorizations for partnerships. Those are natural, and we have all of that.

One of the things that I would like to get to is some more flexibility in our research and development program, where we can follow some early successes. Today I don't have the ability to move from one topic to another to reinforce success. But I would like to at least have conversations with the committee and the administration on some ways that we could go about doing that.

Ms. BOURDEAUX. Thank you. A question for Mr. Connor.

In October of 2021, the Army Corps released its Climate Action Plan as a part of the Biden administration's ongoing effort to tackle the climate crisis. And one of the three topic areas was listed as agency efforts to enhance climate literacy in its management workforce, which talked about the Corps training its people through working groups, interagency partnerships, and so forth.

Could you talk a bit about climate literacy when addressing infrastructure and ecosystem resiliency, and just give us a little bit more detail? What does this actually mean, that you would be implementing in terms of a curriculum for your workforce?

Mr. CONNOR. Thank you for that question. As I mentioned, resiliency is at the top of the order with respect to priorities.

And so, climate literacy, I think, is at every level of the organization we need to have programs in place to identify risks to our different infrastructure, our different programs and activities.

We need to highlight the innovative features that we can integrate with our projects to address resilience to new information, new data that describes the risk from climate change, and take those lessons learned, and disseminate them throughout the organization.

And then we have to incentivize our folks across the divisions and districts to look at climate resilience when they are formulating projects, et cetera. So, we have got to educate ourselves at the top. We have got to assess the information that we can gather from the projects that we are already undertaking. And a lot of this we are doing with our partners at the local level, who are demanding and wanting the Corps' involvement specifically to address those risks. And so, they bring a lot of information to the table.

It is a whole-of-Government—and I just don't mean Federal Government, I mean with States and local entities—to get that information disseminated through the organization. It is going to be an ongoing effort. It is not just a one-and-done training program. We want to sensitize folks to the need to look at it, and then it is going to be a continuing education program. That is the way I see it playing out.

General Spellmon, is—

General SPELLMON. Sir, I concur. Sir, I see it exactly that way, and I think there are—just to pile on, there are plenty of opportunities here.

Ms. BOURDEAUX. OK, I look forward to having more of a conversation on this, but I recognize I am out of time.

So, thank you, Madam Chairwoman, I yield back.

Mrs. NAPOLITANO. Thank you, Ms. Bourdeaux. We now have Mr. Westerman, followed by Mr. Carbajal, Mr. Katko, Mr. Stanton, Miss González-Colón.

Mr. Westerman, you are recognized.

Mr. WESTERMAN. Thank you, Madam Chair. It seems like it wasn't long ago that we were working on what I believe turned out to be a very good WRDA 2020, and I wish you and Ranking Member Rouzer all the best, and the committee, as, hopefully, we work together and come up with another great bipartisan WRDA 2022, and keep the streak going.

Mrs. NAPOLITANO. We miss you.

Mr. WESTERMAN. Pardon me, Madam Chair?

Mrs. NAPOLITANO. We miss you,

Mr. WESTERMAN. I miss you, too. You will have to come back, and maybe we can do this in person some time.

Mr. Connor, General Spellmon, thank you for your testimony today.

And Mr. Connor, in your testimony you mentioned briefly about the Corps and EPA working together on the WOTUS rule. And I know there was a notice put in the Federal Register back in November, and it only gave 60 days of comment time. And we have got all the holidays sandwiched in with that. I think, as of Monday, there were only about 14 comments. And if we look back at the Obama administration WOTUS rule, I believe it started with 90 days, and was actually extended to 7 months.

Is there any talk of extending the comment period, since this is a much larger, more detailed rule, and I am hearing a lot of people would like to have more time to comment on it?

Mr. CONNOR. There has been some discussion. So, it will be taken under consideration, the request for additional time.

I would note, just continuing the discussion I had earlier, it is a two-step process. Step 1 is going back to pre-2015 definition of "waters of the U.S." And so, this step is fairly familiar to folks, as far as what the goal is in defining "waters of the U.S.," and what the activity is here.

Obviously—and I will go back and check the statistic—I think I heard a little bit different, with respect to the number of comments, but you may indeed be right, so, I am interested in informing myself.

And then the second round is the much deeper dive into a potential new rule, new from the standpoint of being promulgated from the ground up.

So, I hear you. I assume your question is actually a request also for us to give strong consideration, so, I appreciate that, and will take it under consideration.

Mr. WESTERMAN. Thank you. It almost looks like the EPA may be driving the timeframe more than the Corps on this one.

General Spellmon, I don't have a lot to ask you, but I do want to thank you for the work that you have done, and especially recognize some of your employees in my area, or other members of the Corps. Colonel Noe has been great to work with. Unfortunately, he has only got about a year left there in the Little Rock District.

And this is an issue that—we talk about it a lot, but what establishes this 3-year term for colonels in the district commands, and has anybody ever looked at taking that out, and allowing longer times, or even shorter times, if needed?

General SPELLMON. Sir, yes, sir, we have allowed for shorter times for our colonels, because in many cases we need to get them out to other assignments so that they can be joint qualified and, of course, competitive for service in more senior positions.

Sir, we haven't looked at extending beyond 3 years. We have a great pipeline of talented officers coming up through the ranks, and this is all part of their professional development. We keep our lieutenant colonels in for two, and our colonels in for three. As you know, they are commanding some of our larger and more complicated districts.

Mr. WESTERMAN. Thank you. I think that is something that needs to be looked at.

One final question, a concern I have had from some land surveyors—and this gets back to the TORN process on, I think, the way you actually award final contracts. And the question is just

has the Corps heard any complaints from contractors about the TORN process? Is there any discussion in the Corps about going back to the pre-March 2020 process?

I know there was a letter in April of 2020, and from what I am hearing, this is being implemented differently across different districts.

General SPELLMON. Sir, I will take back the consistency that you mentioned. We are operating differently. We have worked extensively with industry on this particular matter. But if there are recommendations from other vendors out there, we would like to hear them.

Mr. WESTERMAN. Thank you.

And Madam Chair, I yield back.

Mrs. NAPOLITANO. Thank you, Mr. Westerman, very kind of you. We have Mr. Carbajal next, followed by Mr. Katko, Mr. Stanton, Miss González-Colón, Ms. Norton.

Mr. Carbajal, you may proceed.

Mr. CARBAJAL. Thank you, Chairwoman Napolitano.

Thank you, Assistant Secretary Connor and Lieutenant General Spellmon, for being here today and testifying. I represent the central coast of California, where we have already experienced the effects of climate change, including intense drought, increased flooding, and severe wildfires that have led to a deadly debris flow in my district. We currently have ongoing Corps' projects that can help reduce these risks, better protect the environment, and, of course, increase economic opportunity.

Secretary Connor, the Lower Mission Creek flood control project in my district began as a partnership between the county of Santa Barbara and the Corps in the late 1960s. The county has spent millions of their own dollars, local taxpayer self-assessments, to complete a portion of this project, but they have been unable to receive the Federal funds needed to complete this project, due to a low benefit-cost ratio.

Federal funds have already been authorized to this project to complete a new general reevaluation report. Would the administration be supportive of transferring these funds to update the design cost, estimate, and economics of this project?

Mr. CONNOR. Let me provide a kind of initial response, particularly given the reference to the benefit-cost aspect of this.

I am not familiar with the specifics of the project. I do know that the level of risk that you have experienced in California, from all the factors that you indicated, are incredibly important, and we need to figure out a way to address that from communities, from the most affluent to the least affluent. And from that standpoint, the Corps is already moving forward in its project formulations and looking at comprehensive benefits that aren't just driven by a national economic determination that looks at strict benefit costs. We are looking at all the values and benefits that can be done.

We have got, moving forward from internal guidance to formal rulemaking, we have direction in WRDA 2020 to move forward with agency-specific procedures to implement the principles and requirements and guidelines that will institutionalize the look at those benefits, so that we can select projects based on different factors. So, I am sensitive to the issue raised.

As far as getting to your specific point, moving money and approving that for this particular project, I don't know if General Spellmon has insights on that——

General SPELLMON. Sir, I will just say, yes, Congress was generous in the 2021 workplan. They gave us \$500K to step off on the Post-Authorization Change Report. We are in the President's budget for 2022 for another \$600K that will allow us to advance that work.

And then, sir, we are having some conversations with our non-Federal sponsor. To be frank, the NEPA on this project is about 22 years old, and we are confident we are going to have to go back and look at some of that. And we are having that conversation this week and next with our great partners out there.

Mr. CARBAJAL. Great. Well, thank you very much for that. I really appreciate your attention to this important project in my district, and finally moving it to a full completion. So, thank you.

Moving on to my next question, the Salinas Dam in San Luis Obispo County is currently owned by the Corps. It is my understanding that the Corps of Engineers have continued discussions and negotiations with the county of San Luis Obispo regarding the future of Salinas Dam, the associated reservoir, and other related infrastructure.

It is also my understanding the questions and issues involved in this process are complex, and will require significant additional discussions between the Corps of Engineers and San Luis Obispo County.

Lieutenant General Spellmon, until the county and the Corps have come to an agreement to transfer ownership, can the Corps refrain from taking actions that would adversely jeopardize the county taking ownership?

And what I mean by this is, such as taking administrative steps associated with the General Services Administration stepping into the shoes of the Corps as the Federal agency responsible for disposing of this facility.

General SPELLMON. Sir, this is General Spellmon. So, I will go back and examine my authorities to do a direct transfer to the county from the Corps, outside of the process that is outlined in law where I have to work through the General Services Administration. Let me do some homework on that.

My only goal here is I want to transfer a project with eyes wide open. I mean, the Army put this project up in 6 months, as you mentioned, back in 1942. It came to us a few years later. I just want to make sure we are clear with the county on any seismic concerns, any structural concerns, or dam safety concerns, and we hand off in a complete, transparent manner. But sir, I will do more homework, and we will follow up with your team.

Mr. CARBAJAL. Thank you very much. I am out of time.

I yield back, Madam Chair.

Mrs. NAPOLITANO. Thank you very much, Mr. Carbajal.

Mr. Katko, you are recognized.

Mr. KATKO. Thank you, Madam Chair. It is good to see you again, as always, and I am glad to be here with everybody on the committee.

I would also like to thank Chairwoman Napolitano and Ranking Member Rouzer for holding today's hearing on the upcoming Water Resources Development Act of 2022, and I look forward to working with you both in the coming months as we develop this legislation. The 2020 WRDA bill was a prime example of bipartisan cooperation. And I hope that that will be the case this year, as well.

This legislation is especially important for the community that I represent in central New York, where we understand the importance of reliable investments in water infrastructure all too well.

Specifically, our coastal communities on Lake Ontario have faced a number of challenges with sustained high water levels, historic flooding, and deferred maintenance resulting in significant damage to our aging harbor and shoreline water infrastructure.

Unfortunately, despite the diligent work and sincere partnership of our local representatives from the Army Corps of Engineers Buffalo District, the significant backlog of maintenance in my district has been underfunded in the Corps' workplan in recent years. For communities in Oswego, Fair Haven, and Sodus Bay, the timely completion of Army Corps' projects can have a major impact on the local community and economy.

This is one of the reasons I was proud to support the Infrastructure Investment and Jobs Act, which I think is critically important, and which provided significant supplemental funding for Army Corps. I look forward to working with my colleagues on this committee to ensure those resources are effectively mobilized to our communities in the months ahead.

For Mr. Connor, I have a quick question.

WRDA 2020 included language to advance the Great Lakes coastal resiliency study. This project is not only essential to my district, but to thousands of communities along all of the Great Lakes. And I also appreciate that this project was identified in the President's budget, and I was proud to join my colleagues in supporting this budget request through the appropriations process.

Looking to WRDA 2022, the question I have is, are there any additional Federal authorities that the Corps of Engineers would like to see in order to help advance the Great Lakes coastal resiliency study?

Mr. CONNOR. The short answer is, I am not aware of any new authorities that we need right now, with respect to the coastal resilience study, but I would just say that I think I absolutely agree with you. That is an incredibly important study, given the dynamics going on with respect to the Great Lakes necessary across the entire region.

In my first trip to the inland waterways, I did take some time to spend with our Chicago District and get briefed on the scope of the Great Lakes coastal resilience study. We will keep in touch with you with respect to anything the study yields with respect to needs moving forward, but it is a high priority to move forward, and get that study up and going with all the non-Federal partners.

Mr. KATKO. Thank you. And as you well know, anybody who knows anything about the Great Lakes knows that the high water levels in Superior, Huron, and all those others end up finding their way towards Lake Ontario. They kind of all funnel their way there. So, the water levels are at record highs along those waterways. We

can just anticipate them coming our way, as well. So, working with the International Joint Commission is really important, as well.

But we have a pressing issue that, Lieutenant General Spellmon, I would like to talk to you about, and that is in Fair Haven. And I have spoken to you and others about this in the past, about the lack of prioritization for recreational areas as far as Corps of Engineers' projects. And you know in Fair Haven we have a major problem with one of the walls that is collapsing, and they did something to try and stem the problem a little bit, the Corps did, a couple of years ago. But they also realized they need to rebuild that wall and fix it the right way. And from what I have heard, the locals are saying it has collapsed. I don't know if it has or not, but it sounds like it is in really bad shape.

And I just want to make sure that the Army Corps locally in the Buffalo area understands the importance of that wall not collapsing. If that wall collapses, that bay is in real trouble, and it is going to be hundreds of millions of dollars, at a minimum, of damage. So, I just hope you give it the priority it needs, and tell us what you need if you are not getting everything you need from us.

General SPELLMON. Sir, this is General Spellmon. I will follow up on the wall collapse, and our team will get back with your staff on any needs that we have.

Mr. KATKO. I would appreciate it sooner, rather than later, because this is—with the ice and everything, and the water levels where they are now, it is going to be something I hope we can get addressed this year. We have been trying to get the Corps to do it the last couple of years, and I know you have a tremendous backlog, and that backlog is a concern, and I am worried about some of the bureaucracy that comes along with those backlogs. But I just hope you could push through it, and try and get this thing done.

General SPELLMON. Yes, sir.

Mr. KATKO. All right, thank you.

I yield back, Madam Chair.

Mrs. NAPOLITANO. Thank you, Mr. Katko, very much. Next will be Mr. Stanton, followed by Miss González-Colón, followed by Ms. Norton, then Mr. Guest.

Mr. Stanton, you are on.

Mr. STANTON. Thank you very much, Madam Chair. Thank you for holding this important hearing.

And to Assistant Secretary Connor and General Spellmon, it is good to see both of you again.

General Spellmon, you were last before this committee in June. And at that time I submitted a series of questions on the Rio de Flag project in Flagstaff, Arizona. Unfortunately, nearly 7 months later, we have not yet received a response on our questions. This is an incredibly important flood control project in my State. So, obviously, their frustration with the lack of response to our query.

I expect the Corps to respond to me and all the other members of this committee in a timely manner. I just want to stop right here and give you an opportunity to respond.

General SPELLMON. Sir, I will go track down your letter as soon as we adjourn here, and we will get you a response as soon as possible. I apologize.

Mr. STANTON. I appreciate that greatly. It is important that, when Members of Congress do provide queries, particularly after hearings, that we get immediate or timely responses.

Assistant Secretary Connor, I did appreciate our conversation last month, and one important issue that we discussed was the importance of Federal investment in environmental infrastructure to help small, rural, and Tribal communities address their aging water and wastewater systems. My top priority is to ensure that the authority I secured for Arizona in the 2020 WRDA receives the Federal investment it needs, so that communities can tackle their water infrastructure challenges.

I appreciate the Corps allocating funds in the fiscal year 2021 workplan to advance the first project under the authority, a very important water line project for the Pascua Yaqui Tribe. Great progress is being made on this project that will bring nonpotable water to the reservation, so the Tribe can conserve its precious and limited potable water.

To date, more than a dozen communities and the Yavapai-Apache Nation have expressed interest in this program, outlining more than \$70 million in needed water and wastewater projects. So, I look forward to working closely with you to ensure Federal funds are allocated to advance these critically important projects.

And although Arizona is a desert State, it is no stranger to flooding, and there are several projects that need the Corps' support: the Tres Rios ecosystem restoration to help ensure the Salt and Gila River corridors; feasibility studies for the Cave Buttes Dam and Agua Fria Trilby Wash to address dam safety and strengthen flood protection for more than 1 million residents in Maricopa County; and the Little Colorado at Winslow flood control project, where nearly one-quarter of residents live in poverty, and critical services, including the hospital and assisted-living center, emergency services, and schools, are directly in the 100-year flood plain.

The Bipartisan Infrastructure Law provides the Corps with substantial resources for investigations, construction, and environmental infrastructure, and it is my expectation that Arizona, which hasn't done too well in previous workplans, will finally see some significant movement and support on these long-awaited and important projects.

In the time I have remaining I would just open it up for any comments from you or General Spellmon on these critically important Arizona projects.

Mr. CONNOR. So, I will start very quickly, and leave time for General Spellmon.

As per our conversation—I enjoyed that—obviously, I understand the risk to Arizona from a water supply perspective, given your location in the Colorado River Basin and all that entails.

So, I was impressed at the need and the use that you have identified for the environmental infrastructure activities, and it is great to have Arizona added to the 595 program. I was amazed at, when your staff sent over the list, how much there is pent-up demand for the use of that EI program in Arizona. And it just is a result of the risk that is involved in water supplies.

I would just say I think there is a lot of good work here in Arizona teed up to get multiple benefits. You are prone to floods. We

need to be looking at that with an eye towards water supply to address the wholesale risk. So, I look forward to working with you and your team.

General SPELLMON. Sir, I will just quickly add, on EI, we have 39 projects in the queue, as you said, just over \$70 million. We will make our best technical argument if we are offered a 2022 workplan to advance those projects.

Sir, real quick on Tres Rios, the last time I told you we had some perception problems with this project. We have aligned with both the Gila River Indian Community and the city on a way forward, and we are working to report a capability of \$1.8 million next year, so we can advance that PACR and get back to work out there.

We are making a lot of good progress with the commanders in the field, with the Federal Railroad Administration and some of the challenges we have had there, where our Civil Works projects intersect with railways. I am happy to report progress there.

And then, sir, we received the Secretary's guidance on—you remember section 162—leveraging Federal infrastructure for increased water supply. And I just think, as the Secretary just said, there are many opportunities in the State of Arizona where we can put that authority to work.

Mr. STANTON. General, Assistant Secretary, thank you very much for your good work now, and I look forward to working closely with you to advance these critically important projects in the future.

I yield back.

Mrs. NAPOLITANO. Thank you, Mr. Stanton, very much. Miss González-Colón, followed by Ms. Norton, Mr. Guest, Mr. Lowenthal.

Miss González-Colón, you are recognized.

Miss GONZÁLEZ-COLÓN. Thank you, Madam Chair, and thank you for holding this hearing. I want to thank Assistant Secretary Connor and General Spellmon for their presentation today, and for the work they do for the Corps of Engineers in our Nation.

I will say that the Corps is one of the best resources I have counted on for Puerto Rico. The Jacksonville District, with support of many others, has always given us their utmost support, and I want to congratulate them for that and for all of the hard work in the past few years. In the face of disasters, unprecedented levels of funding were approved, and I am happy to be working to that end. That enabled addressing projects that have been pending for decades, like Rio Puerto Nuevo and Rio de la Plata, and immediate needs like the Ports of Arecibo and Mayaguez, and the coastal communities of Loiza.

But there are still pending major priority projects that have completed feasibility studies and favorable Chief's Reports. This includes three critical projects that I was closely following with your predecessors.

First is the ecosystem restoration of Caño Martín Peña, which is just a matter of ecological balance, but of security, of infrastructure, and justice for communities.

The second one is the San Juan Harbor navigation channels that is strategically essential for supplies of food, fuel, and industrial supplies in Puerto Rico.

And the Guayanilla flood protection project that will enable the protection of an entire town that has been impacted severely by multiple natural disasters.

These and many other projects in towns across the islands, like [speaking the Spanish names of the towns] just to mention a few, require attention, and it is my hope that we can soon hear good news about them, and I look forward to receiving you in Puerto Rico for that purpose.

Now I do have a couple of questions, and I want to just make the first of them.

Secretary Connor, in your testimony you mentioned a proposed rule that will implement a new Federal credit program to support investment in safety projects to maintain, upgrade, and repair non-Federal dams. And this is a matter of great interest, and I will be very willing to support it.

I do understand that you expect this to be approved and put in effect shortly. And what can we do to make it so?

Mr. CONNOR. Yes, thank you for the question.

In regards to the WIFIA program, Water Infrastructure Finance and Innovation Act authority that we have, and it has been proposed. We are authorized for a broader set of activities, but the 2021 appropriations bill specifically—and IIJA, believe—gives resources to move forward with the dam safety aspect for non-Federal dams. So, we need to move forward with a rulemaking.

We are working within the administration through the inter-agency process to come out with a proposed rulemaking here in the near future. And so, that will start a public process to take input, and we will move forward and, hopefully, be able to finalize that some time midway or late fall this year, with respect to getting that program in place, and making use of those resources.

And I will just say I think it is an incredible part of a resilience strategy that we work with non-Federal partners. The vast majority of dams throughout the country are non-Federal dams. This is an important tool as part of an overall resiliency agenda.

Miss GONZÁLEZ-COLÓN. Sir, I earlier mentioned some of my top priorities in Puerto Rico, like the Caño Martín Peña ecosystem restoration project, and I do know that it is waiting for a New Start with a local sponsor ready to go.

In recent years we have repeatedly had an increased ecosystem New Starts included in authorizations and appropriations, but somehow it never makes the cut. With a new emphasis on justice for impacted communities, do you expect there to be more than more than the norm under the infrastructure plans in the new WRDA?

Mr. CONNOR. Absolutely. I mean, as I discussed earlier, and I think it applies to the project that you referenced, Caño Martín Peña, we need to look at the comprehensive benefits to communities that will be benefited by the activity that is being proposed. That is definitely a screen that we are bringing to the process of evaluating projects for funding in these various workplans, whether it be what we are looking at in 2022, IIJA, any flexibility that we have.

So, rest assured that we are not just talking about priorities, we are trying to implement them in the decisions that we are making now, as we move forward.

Miss GONZÁLEZ-COLÓN. Question. In deciding the use of infrastructure funding, will there be any preference to projects that are shovel-ready, and where the non-Federal partners have taken an initiative in moving their part forward?

Mr. CONNOR. Well, we certainly want to look at, as part of a mix, the priorities of resilience, environmental justice, and supply chain issues. But those are laying on top of existing priorities that the Corps has for life safety, completing projects, activity that is already in the works. So, we are kind of looking through all of these historical factors, new priorities, and making our decisions moving forward.

Mrs. NAPOLITANO. Your time is up, Miss González-Colón.

Miss GONZÁLEZ-COLÓN. Thank you, Madam Chair. I yield back.

Mrs. NAPOLITANO. Thank you very much. Next, we have Ms. Norton, followed by Mr. Guest, Mr. Lowenthal, Mr. Weber, Mr. Cohen, and Ms. Wilson.

Ms. Norton, you are recognized.

Ms. NORTON. Thank you, Madam Chair, for this really important hearing. My question is for both of our witnesses, Assistant Secretary Connor and Lieutenant General Spellmon.

I plan to submit to the new WRDA bill three separate requests for projects that affect the District of Columbia, which, of course, is my district. And I would like the administration's views on each of them: one, to tap new funding sources for the Washington aqueduct, which produces drinking water for approximately 1 million people living and working and visiting the District and Virginia, and includes, of course, the Capitol and Federal buildings; secondly, to address the region's vulnerability to water supply loss by identifying alternative water sources for the customers of the aqueduct; and my third ask in the WRDA bill will be to address the flooding on the National Mall, which has suffered severe and costly floods that have forced Government facilities to close down.

So, first, let's take tapping new funding sources for the Washington aqueduct, which produces the drinking water for this entire region. What is the administration's view on that project?

General SPELLMON. Ma'am, this is General Spellmon, I will start.

As you know, the aqueduct and our team there, we do not receive any Federal funding. Our operations are funded by water rates that are paid by local taxpayers. And ma'am, you have been out there, and I think the team does a miraculous job, but you are exactly right, your assessment is exactly right. We could use some additional funding. Other funding sources would be greatly helpful to us to maintain what we have, but also to—

Ms. NORTON. So, you have only payer sources now?

General SPELLMON. Yes, ma'am. That is correct.

Ms. NORTON. Yes. Well, we will have to see if we can get another source, because the necessity is clear.

And secondly, to address the region's vulnerability to water supply loss by identifying alternative water sources for the customers of the aqueduct, what is your view on that?

General SPELLMON. Ma'am, the current aqueduct provides the city and northern Virginia and portions of Maryland only 1 to 2 days of supply of water. That is risky. We have done some high-level work, where we think we have identified other real estate that could supply the region upwards of 20 to 30 days of supply. But that is an extensive feasibility effort that we would have to undertake first, followed by, obviously, by construction to put all of the infrastructure in place.

Ms. NORTON. Is the feasibility effort underway?

General SPELLMON. No, ma'am. We would need an authority, feasibility study authority, to move out on that effort and, of course, funding to bring all the right technical folks.

Ms. NORTON. God, you don't even have the authority to do the feasibility study?

General SPELLMON. That is right. That is correct.

Ms. NORTON. I will make sure you get it.

And staff is with me, so they hear me saying that.

And third, to address the flooding on the National Mall, which, as you may know, has suffered severe and costly floods that have even forced several Government facilities close by, to close down. How do you expect to address that?

General SPELLMON. Ma'am, I know we have provided your staff some legal drafting services on how we might go about this. This is at the confluence of multiple Federal agencies, and there is really no one lead Federal agency, something that we would want to, obviously, designate to move forward on any effort like this.

Our Baltimore District is using some authorities that we have under our flood plain management services to look at previous events that may help inform some mitigation in the interim before we get the authority and actual guidance to move forward. This one is a bit complicated, but it can be done.

Ms. NORTON. You are moving to get the multiple authority from—I mean, do you need any help from the Congress?

General SPELLMON. Ma'am, I think we would look to the Congress to appoint a lead Federal agency to step off on the effort to work with all of the other Federal agencies that are impacted by this.

Ms. NORTON. That is an important recommendation, and I will see to it that that is done, either through legislation or through administration.

Thank you very much, Madam Chair. This has been very helpful to me.

Mrs. NAPOLITANO. Thank you, Ms. Norton. We follow with Mr. Guest.

You are recognized.

Mr. GUEST. Thank you, Madam Chair.

To both of our witnesses, I want to thank you for taking time to be with us today as we discuss WRDA 2022, and we begin to look at what that legislation is going to look like going forward.

I want to talk and direct this question to you, General Spellmon. In your written testimony you make a statement to which I strongly agree. On page 4, you state that, "I feel strongly that in order to achieve our vision, we will need to continue to invest in our research and development program. We are working to further in-

form our R&D initiatives and strengthen our partnerships with academic institutions to benefit from the enormous capacity of our Nation's scientists, so we will know how best to meet the challenges of the 21st century. Investments in research and development help us find solutions for today's and tomorrow's challenges."

And so, as we talk about research and development, I want to talk about the Army Corps of Engineers research and development centers, ERDC. We know that that is an important part of the research and development that occurs there at the Army Corps of Engineers. There are actually four ERDC centers that are spread across the country: one in Alexandria, Virginia; one in Hanover, New Hampshire; one in Champaign, Illinois; and one in my home State of Vicksburg, Mississippi. And I have had a chance to visit the facility there in Vicksburg, and see firsthand some of the amazing things that they are doing.

And so, General, I would ask first if you can kind of give the rest of the committee a brief overview of ERDC and their mission, and talk about the important role that ERDC plays in the Army Corps of Engineers.

General SPELLMON. Yes, sir. I would say ERDC, a group of incredibly talented folks that we have that enable us across all of our mission areas, not only Civil Works, but the work we do in the military construction, the work that we are doing for the combatant commanders out in the field, in deployed locations, as well.

Sir, the comment in my testimony was really geared toward the Civil Works program, in that we are investing—I believe it is 0.2 of 1 percent in research and development. And I shared with others that there are many challenges across the country today where we don't have a construction solution for, and I use examples like drought, and harmful algal blooms, and others where a small investment, I believe, in research and development on some of these really thorny issues will help us immensely inform the way ahead in the future.

Mr. GUEST. And General, I want to talk a little bit about funding, particularly of Civil Works. We know that the Civil Works does not have an individual research, development, test, and evaluation account, an RDT&E account, but instead relies on funding through various Civil Works accounts to sustain its research.

And so, my question is, is it Congress—as we are continuing to emphasize improving and repairing our aging infrastructure, as we look to the new challenges, some of the challenges that you have referred to, what are some of the advantages of consolidating research funding into a dedicated RDT&E account?

General SPELLMON. Sir, I think it would give our senior research scientists flexibility to pursue success.

So, today, for example, if we have a success in a harmful algal bloom demonstration, say down in Florida, we can follow that success until that line item runs out, right?

If I had a more centralized account, it would enable the team to pursue that even further, without having to wait for another budget cycle.

Mr. GUEST. And so, if you had a dedicated account, could we create that consistency of funding? Is that what you are saying, General?

General SPELLMON. Yes, sir. And, of course, it would have to come with some ground rules on my ability to reprogram, but—certainly under the oversight of the Secretary and the administration.

But I just think having that tool would help us move faster on some of these really thorny issues that the Nation is wrestling with.

Mr. GUEST. And General, as it relates to increased transparency, if this funding again was in a dedicated RDT&E account, what effect would that have on transparency?

General SPELLMON. Sir, I would be open to any reporting requirement to the Secretary, to Congress. We would—obviously, our books would be wide open. But I would be completely transparent in our management of this particular account, were it to come through to fruition.

Mr. GUEST. And General, wouldn't you agree that, if all this money were to flow through a single account, that it would make tracking the spending of these dollars much easier than now, where this money is flowing through various Civil Works accounts?

General SPELLMON. Yes, sir, that is correct.

Mr. GUEST. Well, General, thank you. And I am out of time. So, at this time I will yield back to the chair.

Mrs. NAPOLITANO. Thank you, Mr. Guest, very much. Mr. Lowenthal, followed by Mr. Weber, Mr. Cohen, Ms. Wilson.

Mr. Lowenthal, you are recognized.

Mr. LOWENTHAL. Thank you, Madam Chair, and thank you, General Spellmon and Secretary Connor, for this very, very important hearing this morning.

Yesterday I had the good fortune of spending the day at the Ports of L.A. and Long Beach with Secretary of Transportation Buttigieg, Secretary Pete, and State officials, Federal officials, local elected officials, labor, trucking interests, rail, everyone who is involved in the supply chain and the congestion at the ports.

And you know, what has happened the last couple of months is the entire Nation has watched every night on the news the concerns about congestion at the Ports of Long Beach and Los Angeles and other ports also, and whether they were going to be able to get goods for the holiday season, and to be able to have access to goods this year.

So, we all met with the Secretary to kind of assess where we are, and how the ports can act more efficiently, and what they can do. And it was a very productive meeting, because in many ways, although we have huge congestion problems, we dodged a bullet this year. Everybody working together, Federal resources, State, and labor coming together, expanding hours of operation, the ports were able to operate in a more efficient way, which is very positive. But there is much more to go, and we were all thankful.

But the question is, how are we going to ensure that the ports work in an efficient way? And the Army Corps of Engineers has a critical role in this.

General Spellmon, my first question is, as you know, in October of this year you signed a critical report which recommended significant navigation improvements at the Port of Long Beach, which is the port that I represent. Currently, large container vessels are unable to access the port's west basin, or Pier J Basin, unless they

travel only at high tide, or do not have top cargo capacity. Easing this bottleneck is one of the solutions to faster operations, less idling, and lower emissions.

Can you provide some additional background for the committee on this critical project and its benefits?

General SPELLMON. Sir, I had the opportunity to visit the Port of Long Beach in 2019, and the port authority and our team out there took me through this extensively, and it is exactly as you have described.

Sir, I think next steps here, you mentioned the Chief's Report. That is up for Congress' consideration here in WRDA 2022, and we are hopeful for that authorization.

If we are offered a 2022 workplan, sir, I am going to seek about \$1½ million, because we want to get moving on preliminary engineering and design, and we have got to do some sediment sampling so we can get ready to move to construction.

Mr. LOWENTHAL. Thank you, General.

I am going to follow up, Secretary Connor, on an issue that had been raised originally by Chairman DeFazio, and that is about the Harbor Maintenance Trust Fund resources. WRDA 2020 allowed donor ports, like the Ports of Long Beach and Los Angeles, to use their Harbor Maintenance Trust Funds for expanded use, such as dredging of channels in water infrastructure improvements, berth maintenance, and building seismic resiliency. You too have seen this, what has taken place at the ports, and the impact upon our supply chain in the last few months. And if we don't invest in these critical hubs, the entire Nation feels the consequences.

Can you touch on what you are doing to make sure that the Harbor Maintenance Trust Fund resources are invested as effectively as possible?

Mr. CONNOR. I am going to have to get General Spellmon's help on this, somewhat.

But as I mentioned in my response to the chairman, obviously, this new approach, with respect to incentivizing the use and taking it off budget, a certain portion of the trust fund is a critical element. So, our job is to be ready to expend those funds. What I have learned in my tenure here so far, \$17.1 billion, there is a lot of need out there, more need than even those resources. And I will talk about the IJA resources.

So, the trust fund is an absolute critical part. I have no doubt that we can make use of those funds. It is an important part of the tools that we have.

As far as the details for making sure we are implementing it as quickly as possible, I will turn to General Spellmon.

General SPELLMON. Yes, sir. I would just add that the work that you have done in Congress is forcing that end of your surplus to come down. We expect it to be \$8½ billion at the end of this year. That is a lot, but it is much lower than what it has been, previously. And that just means we are putting more money to work out in these ports and in these Federal navigation channels.

And as I mentioned, industry is ready to go with the new vessels coming online. And certainly, the fleet that we have out there, even our own Corps fleet, they are ready, excited to get after this work, and for the opportunities that you have given us—

Mr. LOWENTHAL. I have to yield back, as my time is up. I just want to remind you that I am also talking about the fact that the changes in the Harbor Maintenance Trust Fund was also—besides increasing revenues in the fund that the Army Corps can access, it also really looked at the different relationship between donor ports and all the receiving ports. And my ports are donor ports. We like being donor ports, but we wanted additional flexibility, and that is really what I was asking for.

Thank you, and I yield back.

Mrs. NAPOLITANO. Thank you, Mr. Lowenthal, for your testimony. We have Mr. Weber, Mr. Cohen, and Ms. Wilson.

Mr. Weber, you are recognized.

[Pause.]

Mrs. NAPOLITANO. Mr. Weber?

[Pause.]

Mrs. NAPOLITANO. We will go on to Mr. Cohen.

Mr. Cohen, you are recognized.

[Pause.]

Mrs. NAPOLITANO. You have got to unmute, sir.

Mr. COHEN. Unmute. All right, we have got to unmute, so, we are doing pretty good. Thank you, how are you?

Mrs. NAPOLITANO. Fine, thank you.

Mr. COHEN. I appreciate the opportunity for this committee and hearing, and I just wanted to make some remarks concerning our hopes for the bill.

Firstly, in Shelby County and Memphis, the Wolf River is an important river downtown. In years past, it has been predominantly industrial. It is our hope that it will become, and has become, more recreational. There will be an effort—and we hope that you will work with us on this, of course—to dam up the Wolf River downtown to create a lake that will be for boating, and for fishing, and for swimming. And on the east side, it will be developed some, and it will give Memphis another attraction for people downtown, where we have large recreational and tourist priorities.

So, that is one of the issues that will come up, and we know we have had input from the Army Corps Memphis office. I feel, as I recall, confident they want to work with us on that, and I look forward to working with the chairwoman and my fellow committee members to pursue this, which would require a deauthorization of part of the river to make the proposed lake a reality. This will be something that is really forward-thinking, and the kind of thinking that is making Memphis a great tourist town and amenity for people who live downtown, where they didn't in the past, but they have for the last couple of decades, and becoming more and more residential. So, that is one thing I wanted to raise, was this Wolf River situation.

Now I would like to ask Lieutenant General Scott Spellmon a question, if you don't mind.

The last WRDA cycle was a productive one for inland waterways in many ways. The committee successfully made changes to the cost share for new construction projects, increasing the Corps' ability to reduce the backlog capital investment projects. The benefits of the change in cost share for new construction projects were real-

ized in 2018, when the Olmsted lock was completed 4 years ahead of schedule, and more than \$330 million under budget.

General Spellmon, do you believe this level of efficiency can be achieved with the funds provided in the Infrastructure Investment and Jobs Act and full funding from receipts deposited into the Inland Waterways Trust Fund for all the projects contained in that 2020 Capital Investment Strategy?

General SPELLMON. Sir, I do. I think it is going to allow us to put more Federal dollars to work sooner, and to get after some of this much-needed maintenance in your district and, frankly, across the country.

Mr. COHEN. Thank you, sir. What are the most efficient cost and construction timelines identified?

General SPELLMON. I am sorry, sir, could you repeat the question?

Mr. COHEN. What are the most efficient cost and construction timelines that have been identified?

General SPELLMON. The most efficient?

Mr. COHEN. Yes, sir, cost and construction timelines.

General SPELLMON. Sir, are you referring to a specific project?

Mr. COHEN. Yes, I guess.

General SPELLMON. Sir, I could follow up with your team on the project that you have in mind.

Mr. COHEN. All right, I will have somebody contact you about that. We have talked to some folks about it, and it is a particular lock that we think will be important to the program.

Assistant Secretary Connor, I was proud to join with Chairman DeFazio in urging the administration to reopen and reexamine the nationwide permits, and take into consideration their climate change and environmental justice impacts. While the Trump administration significantly broadened several of the nationwide permit applications, the proposed Byhalia pipeline, which has been withdrawn, fortunately, that was in my district, and a little bit in Mississippi in Trent Kelly's district, displayed what can happen if they aren't nearly used as Congress intended.

Assistant Secretary Connor, my question is, my understanding is the Army Corps of Engineers recently reissued 40 nationwide permits and 1 new nationwide permit. Can you describe what kind of stakeholder input and public engagement the Corps considered before reissuing these permits, and to what extent environmental justice and climate change impacts were considered?

Mr. CONNOR. Yes, thank you, Congressman Cohen. The process that is involved with respect to the nationwide permits is one that involves an environmental review under NEPA. That is part of the overall—so, there is engagement there, but it is a broad swath of activities that are moved forward with those 40 plus 1, as you identified, nationwide permits. They are good for 5 years. So, we have to undergo that process, and that public engagement, and our environmental review processes every 5 years.

But to your point, I think there are issues. There is a lot of good with respect to these nationwide permits. They incentivize the protection of "waters of the U.S.," and—by providing clear parameters of how you can be within the nationwide permits. So, folks who are in—needing permits can undertake protective measures to try and

follow within those categories, and reduce the impact. So, that is the good thing.

Having said that, there are concerns about the situation you particularly mentioned, Byhalia, of how do we engage the public on activities within those nationwide permits. We are going to take a look at that, even as I tout nationwide permits because of the certainty that they provide and the protections that they provide. We do need to take a look at some of these activities, even though it does go through the public review process every 5 years.

So, I am sensitive to the concern that I think you have, given your experience with the situation, and we will be taking a look at that.

Mr. COHEN. Thank you.

Mrs. NAPOLITANO. Mr.——

Mr. COHEN. Thank you, Secretary Connor. The nationwide permit process, in my opinion——

Mrs. NAPOLITANO. Your time is up, Mr. Cohen.

Mr. COHEN [continuing]. Was never meant to be applied to large projects that have far-reaching, cumulative impacts. And so, I appreciate working with you in the future, and I think my time is expired, and I thank the chairwoman for her graciousness in permitting me to go beyond my time and in my attire.

Mrs. NAPOLITANO. Thank you, Mr. Cohen. You are very welcome.

Mr. COHEN. Go, Dodgers.

Mrs. NAPOLITANO. Ms. Wilson, you are next.

Ms. WILSON OF FLORIDA. Well, thank you, Madam Chair, I appreciate it.

And Mr. Connor, I thank you so much for your testimony. As the administration prepares to release its funding priorities for the infrastructure bill later this week, I am hopeful for robust Everglades restoration funding, given its alignment with the administration's goals. This is a turnkey program that is historically—and still is today—a strong bipartisan issue among the Florida delegation.

And I am chair of the Florida Ports Caucus. As a vocal champion for the Everglades, it is an imperative, it is very imperative for me, that these projects are completed for the benefit of Florida and the Nation.

Mr. Connor, please share whether you expect the necessary administrative steps to be completed for this committee to consider action on project components for the Western Everglades restoration project, the Lake Okeechobee watershed restoration project, and the Indian River Lagoon-South for WRDA 2022.

Mr. CONNOR. Thank you, Congresswoman.

I would just say really quickly I was in Florida this past weekend. I spoke at the Everglades Coalition conference. I am familiar, from my previous tenure at the Department of the Interior with the restoration program, but the enormity of it, and the Corps' involvement, and the integration with the local communities and the local sponsors was very impressive to me. So, it reenergized the interest and the need to move forward.

With respect to your specific question, the Western Everglades, I think we are on track to reengage with the partners, to move forward with the study. I don't know that there are going to be results in time for WRDA 2022, because of the temporary delay, and work-

ing with the project sponsors, and moving forward, including the Miccosukee Tribe and Seminole Tribe. I know there is strong interest. We are going to move that process forward. I just am not certain that it is going to have results that will be ready for WRDA 2022.

On the other two studies, Indian Lagoon and Lake Okeechobee, I would defer to General Spellmon.

General SPELLMON. Yes, ma'am. Just very quick, on Indian River Lagoon, I think you know that we are in the President's budget for \$17 million. And what that is going to allow us to do is to continue the operational testing and monitoring of the C-44 Reservoir, which we are filling right now, and looking forward to continuing construction of both the stormwater treatment area, C-23, and C-24.

And, ma'am, if you could, remind me of your other project that you mentioned.

Ms. WILSON OF FLORIDA. The Indian River Lagoon-South?

General SPELLMON. Yes, ma'am. That is the one I just mentioned that we are in the budget—

Ms. WILSON OF FLORIDA. Oh, the Okeechobee watershed.

General SPELLMON. The watershed restoration program. Yes, ma'am. So, we are working through a number of Tribal concerns, a number of concerns with South Florida Water Management District. And I personally have a number of technical concerns on these aquifer storage recharge wells.

I want to make sure that we have incorporated an appropriate amount of adaptive monitoring and research and development before we go out and just execute 55 wells in this program. But I am fairly confident we will have this ready in time for WRDA 2022.

Ms. WILSON OF FLORIDA. OK, thank you. That is reassuring.

Currently, Miami-Dade County is awaiting a decision on its locally preferred plan for the Miami-Dade Back Bay coastal storm risk management feasibility study. As you are aware, this study began in October 2018, in response to Hurricane Irma, to identify ways to reduce damage from future storms. Approval of the waivers will allow the development of a locally preferred plan to ensure that local concerns on the environment, economy, and distressed neighborhoods are included in any final plan.

What is the status of this decision and anticipated timing?

Also, please share any information you have on the agency's position on the county's request.

General SPELLMON. Yes, ma'am. This is General Spellmon, I will start.

So, our non-Federal sponsor came back to us, to be frank, and was looking for much more investment in natural, nature-based features in this plan. And we are completely supportive of that effort. And the non-Federal sponsor is going back now, and is going to come back to us with the technical piece of that, and we look forward to seeing the results of that good work.

I think natural, nature-based features can be an important part of the eventual solution here for Miami. However, I don't think we are going to see the level of protection that we would like to give the city, given climate change, given sea level rise, and the severity of storms that you experience down in south Florida.

I believe, in addition to natural, nature-based features, there is going to be a concrete, steel, and compacted dirt component to this project, as well, to provide adequate protection.

Ms. WILSON OF FLORIDA. OK, thank you. This is for both Mr. Connor and Mr. Spellmon.

Just north of Miami is Port Everglades, and the port has—

Mrs. NAPOLITANO. Ms. Wilson?

Ms. WILSON OF FLORIDA. Yes?

Mrs. NAPOLITANO. Your time is up. If you would, submit those questions to the gentlemen, please.

Ms. WILSON OF FLORIDA. Thank you, Madam Chair. I will submit this question about Port Everglades, and I hope to get your commitment to increase this project's authorization in the upcoming WRDA project.

General SPELLMON. We are—

Mrs. NAPOLITANO. Thank you very much, Ms. Wilson.

Ms. WILSON OF FLORIDA. I yield back.

Mrs. NAPOLITANO. Mr. Weber, you are recognized.

Mr. WEBER OF TEXAS. Thank you, Madam Chair, I appreciate that, and I am glad to be here, and I want to say congratulations to Secretary Connor and General Spellmon. We are glad to see you again. Thank you both for being here.

I actually have kind of a comment to start with, a note of thanks to both of you all for mentioning in the Chief's Report for the coastal protection and restoration along the Texas gulf coast. You all may or may not know my district is the four coastal counties—now that we have Orange County coming up, with redistricting—Orange County, Jefferson County, Galveston County, and the southern half of Missouri County. And so, for us, the coastal spine, the Ike Dike [inaudible] is extremely important.

And I would also argue it is extremely important to the energy industry, because if we get a major hurricane direct hit up the Houston Ship Channel—and not just the Houston Ship Channel, anywhere along the area—we would severely hamper Texas' energy output and, therefore, the Nation's. And it could even be a very big, large environmental disaster, should we rupture an oil tank and dump that into the bay. So, thank you for that.

Gentlemen, you all might be aware of a high priority for me in the 14th Congressional District of Texas, which is long overdue: completion of the Galveston Harbor Channel. For arcane, unknown reasons, whatever, too lengthy to explain here, this project has been referred to as "an extension," which I think is an unfortunate misnomer, because we are actually talking about, quite literally, the last one-half mile—that is 2,600 feet, if you will—needing to deepen the channel to accommodate that part of the channel where economic activity is actually taking place. Dredgers are there now. If we could get the thing funded, we could save probably half of the cost of the project. So, I am cautiously optimistic that the OMB, the administration, will see that as an easy win, if you will, for all parties by simply funding this completion at an extremely low dollar rate, relatively speaking.

And let me just add that moving ships out of the Houston Ship Channel, which comes up through Galveston Bay, our district, mov-

ing them over quicker into the Galveston Ship Channel helps produce a lot better traffic flow in the Houston Ship Channel.

So, a question for the two of you: Have you all communicated to the OMB the time sensitivity and the environmental mitigation that would occur from releasing funds now, immediately, so that this project, the last half mile of Galveston Channel, can be completed for half of the cost, while they are working, dredges are there, rather than considering this a new project or routine maintenance?

If we get it done now, lots of money to be saved, lots of benefits. Gentlemen, your thoughts?

I would go to you first, Mr. Secretary. Are you aware of it?

Mr. CONNOR. I am aware of the project, in general. I haven't had any specific communications, but there has been a lot of communications back and forth as we look at these workplans that are coming up between the examiner's staff, et cetera. So, I appreciate you raising it. I just haven't had specific—

Mr. WEBER OF TEXAS. How about you, General Spellmon?

General SPELLMON. Sir, what I do know is that we are 95 percent complete with the design for this final half mile.

I will be honest, I don't know the history of why this final half mile was separate from the original authorization.

Mr. WEBER OF TEXAS. Right.

General SPELLMON. My team thinks we need a New Start, but let me go back and do some homework on that to confirm.

Mr. WEBER OF TEXAS. Do that, please. I think you will find that you can't—there is so much bang for the buck, we have got—we have a very bipartisan letter coming to you all, if you hadn't already seen it, and Henry Cuellar and some others from the Texas team, group that have signed on. So, I will get that to you.

Let me change gears. I have got 1 minute left. You all should be in receipt of a bipartisan joint delegation letter that I led with my Texas colleagues regarding the Brazos and the Colorado lock replacement project on the Gulf Intracoastal Waterway, which is important to me, my district, and, of course, the State of Texas.

The existing structure creates navigational challenges that impact the safety of our mariners on the waterways. And in fact, these are the most hit locks on the inland waterways transportation system. Let that sink in. Barges, tugs, whatever, these locks get hit frequently. And so, to move that product—and we all hear about problems with supply chains, and everything that is going on with the economy right now—this is a time when we can ill afford something like that.

I think this project should compete for the \$2½ billion that have already been made available in the infrastructure bill. And furthermore, the 2020 Capital Investment Strategy recognizes the fact that this project is ready for a New Start, pending congressional authorization, which it received in WRDA 2020.

So, question: General, how will the Corps update the spend plan to incorporate projects that have recently received an authorization, including this one?

General SPELLMON. Yes, sir. So, I have been to this lock, sir, and I have seen some of the abrasions, and the contacts there on the structure. And you are exactly right. This is a great project to move

forward, and we certainly want to continue to make our best technical recommendations to the administration to fund this work.

Mr. WEBER OF TEXAS. Well, thank you for that, and I appreciate that. But congratulations again, both of you all, glad to see you.

And I yield back, Madam Chair, thank you.

Mrs. NAPOLITANO. Thank you very much, Mr. Weber.

I now ask unanimous consent that the record of today's hearing remain open until such time as our witnesses have provided answers to any questions that have been submitted to them in writing.

And I also ask unanimous consent that the record remain open for 15 days for any additional comments and information submitted by the Members or witnesses to be included in the record of today's hearing.

And without objection, so ordered.

I would like to thank our witnesses, our two witnesses, for their insightful testimony, and thank our joint staff for their hard work.

It was a pleasure seeing you, General and Mr. Connor. I hope to see you again.

If no other Members have—

Mr. ROUZER. Madam Chairman? Madam Chair?

Mrs. NAPOLITANO. Yes?

Mr. ROUZER. Hey, it is David Rouzer here. I ask unanimous consent to submit for the record a statement by our colleague, Mr. Van Drew.

Mrs. NAPOLITANO. So ordered.

[Dr. Van Drew's prepared statement follows:]

Prepared Statement of Hon. Jefferson Van Drew, a Representative in Congress from the State of New Jersey, Submitted for the Record by Hon. David Rouzer

Good morning, Assistant Secretary Connor and Lieutenant General Spellmon.

Thank you for appearing before the House Committee on Transportation and Infrastructure to discuss this year's Water Resources Development Act.

I represent South Jersey, which includes the Jersey Shore and the Delaware Bayshore. My district has over 175 miles of coastline. It is one of the most coastal congressional districts in the entire country.

The coast defines my people's way of life. We depend on the shore for livelihood, for sustenance, for recreation, and we relish its natural beauty.

My community has great interest in the projects and policies in the WRDA legislation.

I work closely with the Army Corps of Engineers Philadelphia District. The Corps is one of the most remarkable and functional parts of the U.S. Government. It is a model of efficiency and effectiveness. It is only recently that the Congress has provided the Corps with the financial resources it needs to realize its full capabilities. I want Congress to make sure that our policies are also enabling the Army Corps to be the best in the world.

I have many priorities for this year's Water Resources legislation, both projects and policies.

All Army Corps projects are first studied and evaluated. There are many areas of the New Jersey coastal ecosystem that must be studied to lay the groundwork for future action. I intend to initiate many studies through this year's WRDA bill, including:

- A study on the deepening of the Maurice River's authorized depth from 7 feet to 12 to 14 feet. This would open incredible opportunities for the U.S. military and national economy.
- A study on restructuring the beach in Cape May, where there are chronic issues of head and neck injuries.

- A study on the creation of a retention basin in Cape May Harbor, which is home to major fishing businesses and the U.S. Coast Guard training center.
- A study on the construction of environmental features on the Great Egg Harbor River, which is designated as part of the National Wild and Scenic Rivers System.
- A study on the construction of a placement facility on Bader Field in Atlantic City. Opening this site would create beneficial use applications and greatly decrease the cost of navigation projects.
- Modifying the Delaware Bay DMU study to include features that improve environmental restoration and wildlife protection as well as flood risk management, such as breakwaters.
- Modifying the New Jersey Back Bay Study to include the creation of natural engineering features with consideration of environmental benefits as a coastal resilience technique.
- A study on the intense impact of erosion on the Jersey Shore and evaluating measures that can be used to mitigate that erosion, which will save millions of dollars in the long-term.

These studies will set the stage for informed action in the coming years.

This Water Resources Legislation must also include policies that broaden the toolset of the Army Corps to execute its core missions. Such policies include:

- Modification of the way we identify extraordinary storms, so that the Army Corps can quickly and flexibly restore communities following natural disasters. Many severe nor'easters do not meet the rigid criteria of the U.S. code extraordinary storm definition. We must fix this.
- We also should expand the application of beneficial use techniques. We must clear the way for open water placement techniques, which will exponentially expand beneficial use opportunities. We must also structure federal policies to clear the way for states and localities to implement their own beneficial use practices. Widespread beneficial use at the Federal, State, and local level will save billions of dollars and create tremendous environmental, commercial, and coastal resilience benefits.

To conclude my remarks, I direct a question to both witnesses. I request a written response to this question:

- How aggressive should the Army Corps be in transitioning to beneficial use models, what federal policies stand in the way of that transition, and what can we do to remove those barriers?

Mr. ROUZER. Thank you.

Mrs. NAPOLITANO. You are welcome. If no other Members have anything to add, the committee stands adjourned.

[Whereupon, at 12:43 p.m., the subcommittee was adjourned.]

SUBMISSIONS FOR THE RECORD

Prepared Statement of Hon. Sam Graves, a Representative in Congress from the State of Missouri, and Ranking Member, Committee on Transportation and Infrastructure

Thank you, Chair Napolitano, and thank you to our witnesses, Assistant Secretary Connor and Lieutenant General Spellmon, for being here today.

Two years ago, this Committee successfully passed a bipartisan, comprehensive WRDA bill into law.

I look forward to continuing to build upon this important work in a 2022 WRDA bill.

Ensuring effective and reliable water infrastructure is vital to American families, businesses, farms, and to the economic development of our country.

As you know, much of my district is bordered by two of the longest rivers in the United States—the Missouri and the Mississippi.

These waterways are an incredible blessing to my district and our country.

These Rivers provide millions of Americans with water, provide thousands of farmers with irrigation for their farmland, and provide an extremely efficient and reliable way to move goods in and out of America's heartland.

That's why a major priority of mine is ensuring our river navigation infrastructure on the Mississippi, Missouri, and the rest of our nation's waterways gets the investment it desperately needs.

We've seen what happens when we fail to do that.

Today, five locks on the Upper Mississippi between Canton and St. Louis are only 600 feet long and have only one functioning lock chamber.

These locks, built in the 1930s, have long outlived their original design life and are creating serious bottlenecks that slow traffic on the Upper Mississippi.

On the Missouri, we've had different, but equally frustrating problems.

Mismanagement of the river has made flooding more frequent, damaged the navigation channel, and made it almost impossible for barges to reliably get up and down the Missouri.

While we are lucky for the gifts these rivers can provide, we've also seen how these blessings can turn into a curse overnight.

A little too much rainfall and too little of a focus on flood control can lead to disastrous results for people who live and work along our nation's waterways.

We learned that lesson again the hard way in 2019 when flooding along the Missouri River devastated communities from Nebraska clear down through to St. Louis.

To this day, many of my constituents are still struggling to repair damages to their homes, businesses, farms, and livelihoods.

I have long been concerned that current river management practices prioritize fish and wildlife over the protection of people and property.

And that's led to many of our tax dollars being wasted on supersized science experiments, such as interception-rearing complexes on the Missouri River, instead of being responsibly invested in restoring levees and increasing flood resilience.

Fixing that will be a top priority of mine throughout the development of a WRDA 2022 bill.

Thank you, Chair Napolitano. I yield back.

Prepared Statement of the National Association of Flood and Stormwater Management Agencies, Submitted for the Record by Hon. Sam Graves of Missouri

The National Association of Flood and Stormwater Management Agencies (NAFSMA) is an organization of public agencies whose function is the protection of lives, property, the environment and economic activity from the adverse impacts of storm and flood waters. Since its formation in 1978, NAFSMA's mission has been to advocate public policy, encourage technologies and conduct education and mentoring programs that facilitate and enhance the public service functions of its members.

Many NAFSMA members partner with the U.S. Army Corps of Engineers on flood damage reduction and ecosystem restoration projects and also participate in FEMA's National Flood Insurance Program while working closely with the agency on flood risk and hazard mitigation efforts. Many NAFSMA member agencies are also responsible for their region's National Pollutant Discharge Elimination System (NPDES) stormwater management permits. Due to these critical responsibilities of NAFSMA's members, the association has been closely engaged with WRDA legislation since cost-sharing was first initiated in 1986.

NAFSMA appreciates the efforts of the House Water Resources and Environment Subcommittee to keep WRDA on its two-year reauthorization track and especially appreciates your work in recent years to assist nonfederal partners with issues to improve the relationship and process for carrying out much-needed flood risk management and ecosystem projects.

NAFSMA also appreciates your efforts that resulted in enactment of infrastructure legislation this year that will help flood risk and water quality management agencies throughout the country address critical issues related to aging infrastructure and the need to mitigate for weather-related hazards such as flooding, wildfires and more.

NAFSMA RECOMMENDATIONS FOR WRDA 2022

As you move forward to draft new water resources legislation, NAFSMA recommends the following policy issues be included as part of this year's WRDA bill.

AUTHORIZE SUBSTANTIAL FUNDING INCREASE FOR USACE CONTINUING AUTHORITIES PROGRAM (CAP) AND PROJECTS

In an effort to move much-needed infrastructure funding that has already been provided to the Corps under the recently enacted Infrastructure Investment and Jobs Act in a timely manner to address critical needs throughout the nation, NAFSMA urges that Congress authorize substantial increases to the Corps CAP program. Local sponsors have found this program to be extremely beneficial, however, increases in both the overall program limits as well as the Individual per project federal limits are needed.

NAFSMA also urges Congress to ensure that USACE moves out with a Federal Register notice soliciting the 10 pilot CAP projects for economically disadvantaged communities as authorized in WRDA 2020.

CREATE NEW CAP AUTHORITY FOR WATERSHED (MULTI-PURPOSE) PROJECTS

Local sponsors, like Congress and the federal agencies, need to demonstrate to their constituents that they are receiving the most for their hard-earned tax dollars. Maximizing public benefits through a new category for watershed projects that serve multi-purposes under the USACE CAP program would be a relatively low-cost, low-risk and high reward way of delivering such projects.

The CAP authorities are generally structured to support either navigation, flood control or ecosystem restoration. Watershed projects that could cross these individual authorities have not been possible under a strict interpretation of the individual CAP sections.

For example, a flood control project that uses natural channel and green infrastructure, and includes recreation trails, or a navigation project that can reduce flooding would not be eligible for funding under the current CAP authorities. This new watershed category could greatly improve the benefits of the CAP program by allowing sponsors to incorporate ecosystem restoration in flood control projects which will amplify resilience to climate change and provide societal benefits like head island reduction and access to nature in areas that have been underserved.

AUTHORIZE A USACE-LED INTERAGENCY STUDY ON SHELTER, FLOOD, WATER QUALITY AND PUBLIC SAFETY RISKS FOR FEDERALLY PARTNERED FLOOD RISK AND WATER RESOURCE MANAGEMENT PROJECTS

An overwhelming challenge and growing need for the water resources community has been the increasing use of property associated with critical flood risk management and water quality infrastructure as encampments of people experiencing homelessness (PEH). In many cases, these levee, channel, detention basin and lake projects have been constructed in partnership with the federal government and are now being operated and maintained at the local level. The growing national challenge of providing affordable housing and health care for those without permanent homes creates serious risks not only for those who are living in these encampments, but also for those living and working near or served behind these flood risk reduction projects due to the potential damage to the project or to the land around the project and associated spillways.

Although local flood districts and public works agencies are working with their local and state housing, mental health, non-profit agencies and police, this critical issue which is growing nationally is well beyond what sponsors anticipated when assuming operation and maintenance responsibility for these federally partnered projects.

As part of WRDA 2022, NAFSMA urges Congress to call for a national study (to be provided to Congress within a year of enactment) of flooding, water quality and public safety risks due to homeless encampments and potential management practices and tools to address these serious issues on or around these critical projects.

We urge that the study be led by USACE, in cooperation with their federal (Federal Emergency Management Agency and U.S. Environmental Protection Agency), and non-federal partners, including NAFSMA. This growing national issue threatens resiliency efforts at local, regional and the federal levels.

For example, owners and operators of flood risk management systems can be cited for damage caused by these encampments through the levee safety program during inspections. This issue needs to be acknowledged, and USACE needs to be directed not to penalize non-federal sponsors for these damages due to PEH encampments which are out of their control.

In addition, both financial and technical resources need to be made available at the federal level for repairs to flood risk reduction systems and floodplains as a result of this issue.

CLARIFY SECTION 404(F) APPLICATION FOR ROUTINE MAINTENANCE OF FLOOD CONTROL SYSTEM MAINTENANCE

NAFSMA urges Congress to clarify the existing maintenance exemption for flood damage reduction systems to affirm its application to routine maintenance for flood risk reduction systems including flood control channels and detention basins. This clarification is critical and could be achieved in WRDA 2022 Report language.

Clean Water Act §404(f)(1)(B) identifies certain maintenance activities as non-prohibited discharges of dredged or fill material. However, some federal agency field offices have inconsistently interpreted this provision of the Clean Water Act. NAFSMA requests that Congress affirm its intent for §404(f)(1)(B) to include routine maintenance of channels, including removal of debris and trash, and vegetation management. NAFSMA urges that the following underlined clarifications be added to existing law.

Clean Water Act §404(f)(1)(B): “for the purpose of maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, *flood control channels, detention basins* and bridge abutments or approaches, and transportation structures *identified as critical features of the flood control system.*”

If this issue is not clarified by Congress in WRDA 2022, NAFSMA urges that the length of the permit terms for operations and maintenance general permits be increased from five years to at least 10 years.

DIRECT USACE TO DEVELOP SECTION 408 NATIONAL CATEGORICAL PERMISSIONS

The use of categorical permissions throughout the nation for Section 408 permissions has had limited and mixed results to date. Although USACE headquarters has directed Districts not to require Section 408 permissions for normal maintenance activities of flood risk reduction projects, we are hearing from our members that this approach seems to differ throughout the Corps Districts. Also, some Districts have moved out on development regional categorical permissions, but others are behind.

NAFSMA urges Congress to require the Corps to work in coordination with non-federal sponsors to develop these categorical permissions within 180 days of enactment of WRDA 2022.

DIRECT USACE, FEMA AND THE U.S. DEPARTMENT OF AGRICULTURE TO GO THROUGH JOINT RULEMAKING TO IDENTIFY HOW LEVEL OF PROTECTION AND RESIDUAL RISK BEHIND LEVEES ARE DETERMINED

Due to the unclear nature of when and how USACE's risk assessments are applied and the potential impacts from use of these assessments in different manners than their original intent, a formal joint rulemaking is needed to provide an opportunity for communities and local sponsors to adequately articulate the potential consequences of using these assessments inappropriately and identify better assessment methodology for USACE, FEMA and the Department of Agriculture's programs and policies.

DIRECT USACE TO PROVIDE TRAINING AND INCREASE ACCESSIBILITY TO THE AGENCY'S CLIMATE ADAPTATION TOOLS

Flood control districts and public works agencies are struggling to adapt to recent climate change impacts such as increased storm intensities, wildfires and drought, because of a lack of tools and resources that could help in sustainable planning for capital investments. For small public works agencies with limited staff and financial resources to bring in consultants, this assistance would be invaluable.

FEMA is also looking at accounting for climate changes in flood risk maps.

NAFSMA urges that Congress direct USACE and FEMA to coordinate on this effort so that local, State and regional agencies that work with both federal agencies on flood risk reduction systems and floodplains are using consistent data and terminology.

INDEMNIFICATION REQUIREMENT NEEDS TO BE REMOVED FROM USACE PROJECT PARTNERSHIP AGREEMENTS

Currently, the Corps requires that the non-federal cost share sponsor fully indemnify the federal government, based on Section 103(j)(1) and Section 101(j) of the 1986 Water Resources Development Act. Indemnifying the federal government is in direct conflict with states' constitution and laws. The Corps requires the non-federal sponsor to promise financial resources for an indeterminate liability that might occur at an unknown time, at an unknown cost, and for an unknown reason. This liability is beyond the extent permitted by the tort law of many states. Recognizing this, the Corps already has allowed the removal of this provision from partnering agreements on a case-by-case basis, when requested by the non-federal sponsor.

We urge this provision be removed from all future PPA's so as to treat the non-federal sponsors across the nation fairly and equitably with respect to this unknown liability. Non-federal sponsors are required to execute the PPAs, with the liability clause, early in the planning stage and before the designs are complete. The Corps then takes full control of the land, design of the project, and agreements with the construction contractors. The Corps is also the only point-of-contact to the construction contractors. This results in a completely one-sided approach to project design, implementation, and assumption of risk that favors the federal government.

This one-sidedness needs to be rectified in WRDA 2022.

REHABILITATION OF FLOOD CONTROL WORKS UNDER PUBLIC LAW 84-99 TO ALLOW FOR NON-FEDERAL SPONSOR IMPLEMENTATION

Enrollment in the Rehabilitation and Inspection Program under Public Law 84-99 (PL 84-99) provides federal repair to control works damaged by floods. The program is an 80-year-old partnered solution to flood damage that intends to quickly restore the damage reduction benefits provided the protected communities from their flood control projects.

Active P.L. 84-99 enrollees have been made to wait several years after their infrastructure is damaged for the Corps to start construction of repairs. During those years, non-federal sponsors are forced to either operate damaged facilities, or bear the cost of repairs on their own, without any hope of reimbursement, either of which is detrimental to flood protection and is inconsistent with P.L. 84-99 and its purposes. The following provision, which aligns with authority already granted by Congress for non-federal sponsor implementation under Section 1043 of the 2014 Act, 1, would allow non-federal sponsors to ensure that damaged flood control projects are repaired in a timely manner.

Draft provision:

SEC. ____ . REHABILITATION OF FLOOD CONTROL WORKS.

(a) IN GENERAL.—Section 5 of the Flood Control Act of 1941 (Public Law 77–228), as amended, commonly referred to as Public Law 84–99 (33 U.S.C. 701n), is further amended by inserting after the sentence that begins with “The appropriation of such moneys . . .”, the following: “Provided further, That moneys in the emergency fund shall be made available to the non-federal sponsor to carry out the repair or restoration of any flood control work threatened or destroyed by flood if requested by the non-Federal sponsor.”

WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 2014

NAFSMA also encourages Congress to emphasize and clarify the broad scope of projects allowed to be financed by this program since the FY 2021 appropriations language limited the use of the Corps WIFIA program to only the current upgrade or repair of existing dams in the National Inventory of Dams.

NAFSMA very much appreciates all you do to address the nation’s water resources priorities and looks forward to discussing these issues in further detail with you and your staff in the coming weeks.

In the meantime, please feel free to contact Susan Gilson, NAFSMA’s Executive Director, with any questions.

APPENDIX

QUESTIONS FROM HON. DAVID ROUZER TO BOTH HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY, AND LIEUTENANT GENERAL SCOTT A. SPELLMON, CHIEF OF ENGINEERS AND COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

Question 1. How will the U.S. Army Corps of Engineer (Corps) prioritize ecosystem restoration projects against competing budget priorities? Will the Corps prioritize projects that protect life and property in addition to providing economic benefits?

ANSWER. The Corps has three primary missions: commercial navigation, flood and storm damage reduction, and aquatic ecosystem restoration. For the aquatic ecosystem restoration mission, the Corps establishes priorities using performance metrics that are appropriate to that program. A nationwide perspective must be maintained to assure that available funding provides the most cost-effective restoration of nationally and regionally significant resources. The ranking criteria used to develop the aquatic ecosystem restoration budget are designed to assure that the available funding provides the greatest public benefit for the investment while continuing to investigate restoration opportunities and completing high performing projects in a timely manner so that benefits may be achieved as soon as possible.

Where a project will address a significant risk to public safety, the Corps will take that into consideration in deciding whether to fund the project.

Question 2. Do you think the local community also has a voice in determining what level of flood protection is appropriate? If not, does the Administration believe that the community should have a voice? What if a community does not want to pay the local cost share for project components unrelated to flood protection, but the Administration policy requires these components and/or the cost-share?

ANSWER. In its flood and storm damage reduction studies, the Corps generally seeks to maximize the net economic benefits to the Nation. Where a local community seeks a higher or lower level of risk reduction, the Corps generally will develop a locally preferred plan to achieve that objective.

At the request of the non-Federal sponsor of the project, the Corps sometimes will include recreation or aquatic ecosystem restoration features to a project whose primary purpose is flood risk management. In these cases, the non-Federal sponsor would be responsible for the applicable non-Federal share of the cost under current law for the added features.

In other cases, a project may have more than one purpose. In these cases, the project cost share would be determined based upon the project's congressional authorization.

Question 3. Please provide an update on the use of the Water Infrastructure Finance and Innovation Act (WIFIA) program.

ANSWER. The Army has been working with the Administration to develop a draft program rule for the Corps Water Infrastructure Financing Program (CWIFP) in accordance with WIFIA. The draft program rule is under interagency review per Executive Order 12866 and, upon its conclusion, the Corps will issue a proposed rule for public review and comment.

Question 4. The Water Resources Reform and Development Act of 2014 (WRRDA) Section 7001 Annual Report to Congress must be submitted each year on February 1st. However, for 2021, Congress did not receive the Report until over eight months later in November 2021.

a. What caused the delay?

ANSWER. The report was provided to Congress once the review of the report was complete.

b. Do you expect this type of delay this year for the report due on February 1, 2022?

ANSWER. No.

Question 5. Please evaluate the use of the 7001 process. Specifically indicate if you believe the public has an adequate understanding of the process and that if the process is being fully utilized by the public.

ANSWER. Since the inception of the Section 7001 process in 2014, the Army has sought to educate the public about the effort. In 2021, the Army offered public information sessions to explain the 7001 process and answer questions. Additionally, on the Corp's 7001 webpage, the Army publicizes general information and a comprehensive list of frequently asked questions about the effort.

Question 6. We understand that the Corps and Environmental Protection Agency (the Agencies) are planning to issue two regulations in order to revise the definition of "waters of the United States" (WOTUS). The first proposed rule was published in the Federal Register on December 7, 2021, with a comment period that closes on February 7, 2022. Despite a proposed release date of next month in the fall Unified Agenda, EPA officials are now saying the second of the two proposed rules is anticipated to be released "... later this year." When do the Agencies plans to issue this second proposed definition? Will this proposed rule be issued in February of 2022?

ANSWER. The agencies are weighing many considerations regarding a possible second rulemaking action, including timing, and are primarily focused at this time on crafting a durable definition of the term.

QUESTIONS FROM HON. BRIAN BABIN TO BOTH HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY, AND LIEUTENANT GENERAL SCOTT A. SPELLMON, CHIEF OF ENGINEERS AND COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

Question 1. It is our understanding that the Calhoun Port Authority was expected to receive the Advanced Funding Agreement for the Matagorda Ship Channel Improvement Project last year. What has been the reason for the delay in finalizing the Advanced Funding Agreement?

ANSWER. The request and Committee notification are under review.

Question 2. Can you provide an estimated date for when the Matagorda Ship Channel Improvement Project's Advanced Funding Agreement is to be finalized?

ANSWER. No.

QUESTIONS FROM HON. JENNIFFER GONZÁLEZ-COLÓN TO BOTH HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY, AND LIEUTENANT GENERAL SCOTT A. SPELLMON, CHIEF OF ENGINEERS AND COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

Question 1. How will the agency seek to allocate the additional funding under IIJA (the Infrastructure Act)? Will there be specific missions either nationwide or by district that would be subject to priority focus?

ANSWER. The Army will seek to develop its plan for the additional IIJA funding based on its assessment of the projects and studies that would qualify under the categories of funding established in that law.

No. The priority focus will be opportunities to build innovative, climate resilient infrastructure to reduce risks to communities and ecosystems, modernize the Civil Works program to better serve the needs of disadvantaged communities, and upgrade the waterways and ports to strengthen supply chains and promote economic growth for the Nation.

Question 2. The Spend Plans for IIJA for FY 2022 are required within 60 days of enactment—that is this week. Was this delivered?

ANSWER. The Spend Plan for the IIJA FY 2022 funding was transmitted on January 19, 2022.

Question 3. One thing we find when trying to use new funding to catch up on pending projects, is that the effect of time includes that when you do an updated price estimate it exceeds what had been originally authorized; this also happens to work that could have been carried out under the Continuing Authorities Program, or Section 205, where it grows to exceed the cost thresholds. Do you have suggestions on how to address such situations and for the Congress to incorporate such into WRDA?

ANSWER. For projects that the Congress has specifically authorized, Section 902 of WRDA 1986 establishes a limit on the total project cost based on the last author-

ized total project cost, plus an additional cost of up to 20 percent in real terms (after accounting for inflation).

The projects that the Corps studies, designs, and constructs under its Continuing Authorities Program (CAP) are small projects, which generally take less time to complete. Therefore, the Corps usually is able to determine before starting construction whether the project will exceed the applicable cost limits under the CAP program.

Question 4. How will we address the situation of jurisdictions where non-federal partners who are units of local government may not have the resources in hand to acquire the lands and rights of way that they are expected to do as part of their share? Are ways to do this already available in current legislation, or do you have suggestions of alternatives that could be included?

ANSWER. If a non-Federal sponsor has the funding to provide the real estate, but there are staffing constraints, the non-Federal sponsor may request that the Corps perform a portion or all of the required acquisition work on their behalf. Current law requires that the non-Federal sponsor (NFS) provide the required real estate interests for a project. If the non-Federal sponsor does not have funding to acquire the necessary real estate for the project, there are no options to proceed under current law.

If a non-Federal sponsor doesn't have in-house resources to perform the major activities involved in the provision of real estate, the NFS may contract to obtain these products and services from the private sector or hire USACE to perform all or some of the work on their behalf, with appropriate justification and NFS funding.

If a non-Federal sponsor has the funding to provide the real estate but there are staffing constraints, they may request that the Corps perform a portion or all of the required acquisition work on their behalf. Current law requires that the non-Federal sponsor provide the required real estate interests for a project. If the non-Federal sponsor does not have funding to acquire the necessary real estate for the project, there are no options to proceed under current law.

Engineer Regulation 405-1-12 already allows for the assistance described above. Additionally, in some instances, a particular authorization may afford the NFS greater financial flexibility to fund the provision of real estate. For example, in the instance of projects authorized by the Supplemental Appropriations in the Bipartisan Budget Act of 2018, the Corps may reimburse on a rolling basis reasonable and allowable NFS administrative real property expenses incidental to provision of title.

Question 5. Not all communities need a monumental multibillion dollar or decades long project, but in many cases even relatively small projects languish for years. Is there any measure that Congress could move forward to help the Corps address small community needs under the Continuing Authorities?

ANSWER. The Corps is working to streamline its internal processes to ensure that the CAP program best serves all communities, including small communities.

Question 6. Do you consider the current wait times for approvals of studies and "New Starts" to be satisfactory? Could it be made more efficient or timely? Is that something that could be addressed legislatively?

ANSWER. The Army must provide a list of specific new starts that meet the criteria specified by Congress in the Appropriation Act. Simply approving more new starts without appropriations to complete the project will not resolve the issue of projects being constructed in a timelier manner.

Question 7. Under the current ongoing budget, when could the states and territories count on the next upcoming project approvals and so-called new starts being published?

ANSWER. The FY 2022 Budget included proposals for new studies and new construction projects. In recent years, appropriations acts have allowed or required the designation of additional new studies and new construction projects. If the FY 2022 appropriations bill follows suit, project lists including new starts would be submitted to the Congress through the annual work plan.

QUESTIONS FROM HON. FREDERICA S. WILSON TO BOTH HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY, AND LIEUTENANT GENERAL SCOTT A. SPELLMON, CHIEF OF ENGINEERS AND COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

Question 1. Just north of my district is Port Everglades. The port has worked with the Corps on its deepening and widening project since 1996. Recently, the port has learned that the project is expected to cost significantly more due to environmental

monitoring and mitigation, thereby necessitating that this committee increase its authorization limit via the WRDA bill. I appreciate the Corps' work on the Port Everglades project.

Mr. Connor and Mr. Spellmon: Do I have your commitment to work with me and this committee to increase this project's authorization in the upcoming WRDA bill?
 ANSWER. Yes.

Question 2. Mr. Connor and Mr. Spellmon, I know you have a very extensive background in water resources issues. I want to bring up this very serious issue of plastic pellet pollution. There are no regulations on preventing spills of plastic pellets into our waterways and ocean. How can the Army Corp of Engineers play a role in addressing this growing threat to our waterways and communities?

ANSWER. The Corps provides technical and scientific support to the London Convention (LC) through the Scientific Group. The LC consultative body is considering the environmental impacts of microplastics in ocean waters.

QUESTIONS FROM HON. GARRET GRAVES OF LOUISIANA TO BOTH HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY, AND LIEUTENANT GENERAL SCOTT A. SPELLMON, CHIEF OF ENGINEERS AND COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

Question 1. Section 213 of WRDA 2020, The Lower Mississippi River Study, received wide support with states, and stakeholders in both the environmental and business communities. Even officials in the Corps have stated that they're excited about how the study could serve as a catalyst to modernize the operation of multiple (and sometimes, conflicting) mission areas in the largest river in North America.

Unfortunately, the WRDA Section 213 Guidance [<https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll5/id/35898>] appears to limit the practicalities of this study getting off the ground: requiring a non-Federal cost share of 50%. *This guidance disregards congressional intent.* This could result in limitation of the timeliness of this study, and potentially put the SEVEN states (IL, MO, KY, TN, AR, MS, and LA) in the study area at odds with one another: Should one nonfederal sponsor come forward to fund the study on their own, the resulting report could lack the confidence and trust of the non-participating states.

The Corps has an opportunity with the Disaster Supplemental to move forward with the study and ensure the study is completed as quickly as possible.

a. CONNOR: Will you commit to taking ownership of this study and ensuring that it is initiated, completed, and applied according to congressional intent?

ANSWER. My office will review your concerns and will recommend how best to move this study forward.

b. SPELLMON: Will you commit to ensuring that science dictates how we operate the river, not other pressures?

ANSWER. Yes.

c. BOTH: Could you provide any guidance to the committee and to me to optimize the authorization for this study to ensure it has the greatest chance of being funded and executed at the soonest opportunity?

ANSWER. I am committed to expeditiously completing the study and will continue to work with LTG Spellmon to identify opportunities that allow the study to be completed expeditiously. We have the necessary authorization and are considering this study for funding along with other projects and studies across the Nation.

Question 2. Since 2007, this Committee has mandated that all water resources projects should be evaluated against economic, environmental, and social costs and benefits¹ during the all-important "Benefit-Cost Analysis" (or BCA). As you know, the BCA process determines which water resource projects move from our WRDA bills to appropriations and implementation and, since the 1980s, economics alone has carried the day. In 2013, the updated *Principles, Requirements, and Guidelines* (PR&G) were finally published by the White House which, if implemented by Corps, would have met our 2007 mandate to you. But the Corps argued all the way through 2019 that appropriation riders prohibited it from implementing the PR&G². So, in WRDA 2020, we fixed that by specifically directing the Corps to implement the PR&G within six months and to update the policy every five years³.

¹ Section 2031, WRDA 2007.

² GAO Report No. GAO-19-319, (p. 29).

³ Section 110, WRDA 2020.

Could you please tell us how that's coming along and what more needs to be done so that we have a science-based method for valuing economic, environmental, and social benefits?

ANSWER. In evaluating a proposed water resources investment, the Corps considers a range of alternatives. In this analysis, the Corps considers both the cost and all of the benefits to the Nation. The Principles, Requirements and Guidelines (PR&G) reflects the overall policy guidance for Federal investments in water resources. The Corps is planning a rulemaking action to determine how specifically it will implement the Principles, Requirements, and Guidelines with a proposed rule expected by the end of CY 2022. The end result will be the Corps considering the total benefits of project alternatives, including equal consideration of the environmental, social, and economic benefits.

Question 3. When Hurricane Ida made landfall in Port Fourchon, Louisiana at the peak of its strength on August 29, 2021, it hammered communities across Louisiana's coastline with sustained Category 4-strength winds and some gusts exceeding 190 miles per hour. Although Hurricane Ida was the most destructive storm to strike Louisiana since 2005 and resulted in an estimated \$65 billion in damage, key post-Katrina investments in flood prevention ensured that the losses were not higher. The Hurricane Storm Damage Risk Reduction System (HSDRSS) held Ida's storm surges at bay, protecting both life and property for many Louisianians. However, not all Louisianians are protected by such a comprehensive system of pumps, levees, floodwalls, and flood gates—and unfortunately, we know that there are some levees in the Corps inventory that may have quality or safety concerns. That's why Section 131 of the bipartisan Water Resources Development Act (WRDA) of 2020 directed the Corps to do three things with individual levee sponsors for systems in the federal portfolio:

- i. Identify project-specific engineering and maintenance deficiencies, if any;
- ii. Describe recommended remedies and the associated costs of those remedies; and
- iii. Consult closely with the non-federal sponsor throughout this process.

- a. What is the status of the Corps implementation of Sec. 131?

ANSWER. Where requested and subject to the availability of funding, the Corps is prepared to consult with non-Federal sponsors to evaluate their levees and identify potential remedies.

- b. How much is the Corps spending annually under all appropriations accounts, including O/M, on levee safety?

ANSWER. It is difficult to estimate the amount of funding that the Corps provides annually that contribute to the concept of "levee safety." Across all of the Corps appropriations accounts, the Corps invests hundreds of millions of dollars each year in work related to levee systems. For example, the Lower Mississippi River Main Stem project is the largest levee system in the Nation. The Corps is both constructing this project and involved in its operation and maintenance. Some of the work that the Corps is constructing on this project addresses an identified levee safety risk. The Corps also supports levee safety through its PL 84-99 Rehabilitation Program for post-flood activities. The Corps O&M program includes Levee Safety Program oversight, related technology and policy development, assessments under 33 U.S.C. 408, and other engagement with local sponsors on the roughly 1,600 federally authorized levees. Additionally, the Corps inspects non-federal flood-risk management projects to verify continued eligibility for the PL 84-99 Rehabilitation Program.

- c. How many Corps FTEs are being committed to the levee safety mission? By contrast, how many Corps FTEs are committed to planning?

ANSWER. The approximate number of FTEs committed to planning is 1,100. At this time, it is difficult to estimate the number of FTEs associated with the levee safety mission as workload is spread across many FTEs, none of which are solely dedicated to the levee safety mission.

Question 4. Resilience was a huge focus of Congress in the Infrastructure Investment and Jobs Act. Congress placed the Army Corps in a leadership role to achieve that goal, particularly for coastal communities through protection and ecosystem restoration.

How will you prioritize projects to achieve resilience while ensuring that each dollar is used responsibly for our taxpayers?

ANSWER. The President has directed each federal agency to work within its own authorities to tackle the climate crisis at home. As part of this whole of government effort, the Corps is working to help communities to decrease their climate risk based on the best available science. The Corps is working on ways to integrate individual

Coastal Storm Risk Management, Flood Risk Management, and Ecosystem Restoration projects at a system-scale to support the resilience of coastal communities. This is one of the opportunities afforded by multi-purpose authorizations, as prioritized by IIJA and other relevant legislation. In addition, the USACE Engineering With Nature Program is developing technical capabilities to inform the planning, design, construction, operation and maintenance of nature-based solutions (consistent with the President's priorities as set forth in EO 14072). The life-cycle costs and benefits of conventional flood risk management projects, nature-based solutions, and combinations of these, must consider the initial construction, ongoing operation, and long-term maintenance of these systems. Such life-cycle evaluations will enable planners and engineers to identify cost-effective projects that sustain project benefits into the future in order to support the resilience of coastal communities.

Question 5. The Federal Emergency Management Agency has unveiled a new system of rating risk for homeowners in Special Flood Hazard Areas, called Risk Rating 2.0. However, due largely to the presence of levee-impacted areas in Louisiana, FEMA departed from the catastrophe models they applied to other states and had to create an entirely new formulation for future loss potential in Louisiana. These catastrophe models, which integrate information from existing NFIP maps, NFIP policies and claims data, United States Geological Survey 3-D elevation models, National Oceanographic and Atmospheric Administration storm surge data, and U.S. Army Corps of Engineers data sets, are designed to be more dynamic than projecting future losses based solely on historical data. However, this change represented a shift away from relying on levee accreditation to determine the amount of protection provided by a levee.

- a. From the Corps perspective, can the probability of levee failure (not levee overtopping) be estimated with sufficient accuracy to integrate into the new FEMA Risk Rating 2.0?

ANSWER. The Corps supports FEMA's efforts to improve levee data and to refine its risk assessment methodologies.

- b. Does the Corps implementation of Sec. 131, including assessments of possible levee deficiencies, include providing FEMA with access to this data for the purposes of setting flood risk rates?

ANSWER. The National Levee Database and the Levee Screening Tool provide FEMA access to such information.

QUESTIONS FROM HON. DAVID ROUZER ON BEHALF OF HON. MICHELLE STEEL TO BOTH HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY, AND LIEUTENANT GENERAL SCOTT A. SPELLMON, CHIEF OF ENGINEERS AND COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

On behalf of Rep. Michelle Steel, I'd like to inquire about the following:

Question 1. The Citizens of Southern California have a strong interest in finishing the federally authorized Westminster-East Garden Grove Flood Risk Management Project. Over the decades, urbanization of the Westminster watershed has increased the potential for flood related damages and impacts associated with the overtopping of channel systems during short duration, high intensity rainfall events.

Urbanization has also increased the total amount of impermeable area, resulting in higher volumes of stormwater being directed to flood control channels due to limited infiltration opportunities.

Spanning 11 highly urbanized cities, the project area encompasses approximately 40,000 at risk structures, with a potential of up to \$4 billion in damages from a 100-year event, 1 million residents and business owners, U.S. military operations, critical transportation infrastructure, including Interstate 405 connecting Los Angeles and San Diego, and sensitive coastal ecosystems impacted by run-off contaminants. It is imperative that funds for the Project be included in the President's Budget for FY 2023.

Current project needs are approximately \$500k to start the Preconstruction, Engineering and Design Phase per the Los Angeles District. Is this a priority for the Administration in the upcoming year?

ANSWER. The Army will consider funding for the Westminster-East Garden Grove project, along with other programs, projects, and activities across the Nation that are competing for the available Federal resources.

Question 2. The U.S. Army Corps of Engineers (Army Corps) needs \$15.5 million to complete the current stage of the Surfside-Sunset & Newport Beach Replenishment Project. Funding for this critical infrastructure project was included when the

House of Representatives passed a package of fiscal year 2022 appropriations on July 29, 2021.

The Army Corps has been unable to finish this authorized and overdue sand mitigation project along coastal Orange County. As you finalize plans and reports for projects for the Infrastructure Investment and Jobs Act (IIJA), it is imperative you include \$15.5 million for this vital and overdue project.

For many years, major floods have hit the shore causing lots of damage and threats to human life. Shore erosion will continue to risk the lives, property, economy, and infrastructure of Orange County residents. This project has a significant local cost-share with funds already provided.

As you finalize plans and reports for projects for the Infrastructure Investment and Jobs Act, it is imperative you include \$15.5 million for this vital and overdue sand mitigation project.

Coastal Orange County had another summer of king tides, local beaches were closed, and many residents worried about their safety. With the recent tsunami warning, it proves that this project is will provide a key protection to Seal Beach, Huntington Beach and Newport Beach.

Is the Administration committed to addressing the heightened risk of safety and proprieties issues including loss of life and cost to municipalities if this project is not immediately finished?

ANSWER. The Army continues to consider project benefits and costs, including any associated risks, in its evaluation of future funding. The project will continue to be considered with other programs, projects, and activities across the Nation that are competing for the available Federal resources.

QUESTIONS FROM HON. DAVID ROUZER TO HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY

Question 1. In your written testimony you mentioned the White House's "Justice40" initiative, which is "a goal that 40 percent of the overall benefits of Federal investments flow to disadvantaged communities." How does the U.S. Army intend to implement this at the Corps? Do you have a plan for this implementation? How do you plan to adhere to this goal in cases where the law may direct funding in ways that do not comport with this Administration initiative?

ANSWER. My office is working to establish policy guidance to implement the Justice40 Initiative as it relates to the Corps' Civil Works mission.

Question 2. In August 2021 several Members of this Committee sent a letter to the Corps detailing concerns with some of the objectives outlined in the Corps' budget, including "not funding work that directly subsidizes fossil fuels including work that lowers the cost of production, lowers the cost of consumption, or raises the revenues retained by producers of fossil fuels."¹ I also sent questions for the record concerning this same issue in June 2021 following the Committee's hearing on the Corps' budget priorities. Considering recent issues with the supply chain and high energy prices, these policy statements are even more alarming now than they were last summer. To my knowledge, we have not received a response to this letter, nor to those submitted questions, so perhaps you can clear some things up for us.

a. When can we expect a formal response to our letter?

ANSWER. We are working on the formal response.

b. Could you please explain how the Corps will carry out these objectives?

ANSWER. The Army is working to determine whether and, if so how, the Corps program might be able to advance these objectives.

Are there certain types of energy infrastructure projects the Corps will no longer be prioritizing?

ANSWER. No.

Does this goal apply to vessels that transport fossil fuels and/or their products?

ANSWER. No.

c. Can the Corps assure the public that it will not be actively working to prevent a decrease in energy prices for American consumers?

ANSWER. Yes.

Question 3. In November 2021, the Ranking Members of the Subcommittee and Full Committee sent a letter to the Corps asking for clarification on the unofficial

¹Office of Management and Budget, *Appendix Budget of the United States Fiscal Year 2022, Corps of Engineers-Civil Works*, available at https://www.whitehouse.gov/wp-content/uploads/2021/05/coe_fy22.pdf.

pause for Section 404 permitting. The pause was extremely concerning as it was set to create immense delays for critical infrastructure projects at a time when billions of dollars in infrastructure funding had just been approved and our country faces a supply chain crisis. We have not received a formal response to this letter; however, your written testimony indicates that the pause was lifted.

a. Please explain the rationale for the permitting pause and why there seemed to be no official or nationwide announcement.

ANSWER. The permitting pause was a result of the October 21, 2021, decision by the U.S. District Court for the Northern District of California to issue an order vacating and remanding the Environmental Protection Agency's (EPA) 2020 regulations implementing Section 401 of the Clean Water Act. On October 25, 2021, the Corps instituted a temporary pause on regulatory actions that relied on water quality certifications issued under the EPA's vacated 2020 rule to ensure consistency with the court ruling. The Corps communicated with individual applicants that were potentially affected by the pause. On November 5, 2021, the EPA determined that the vacatur applied nationwide and that its 1971 rule would apply until the revisions to the 401 regulations are finalized. Thereafter, the Corps lifted the temporary pause on November 18, 2021, and published a statement on its website on December 2, 2021. The referenced announcement is available at: <https://www.usace.army.mil/Media/Announcements/Article/2875721/2-december-2021-water-quality-certifications-and-corps-permitting/>.

b. What are the Corps' plans for these permits moving forward now that the pause has been lifted?

ANSWER. Corps districts resumed making decisions on all permit applications and requests for nationwide permit verifications on November 18, 2021.

c. When can we expect a formal response to our letter from the Corps?

ANSWER. A formal response was signed January 11, 2022.

Question 4. The Corps' South Atlantic Coastal Study (SACS) draft report identified compound flooding as a significant driver of coastal flood risk throughout the study area that stretches from North Carolina to Mississippi, including Puerto Rico and the U.S. Virgin Islands.² In particular, storm surge, sea level rise and heavy precipitation, either through direct runoff or increased river discharge, occurs concurrently or in close succession. These factors compound the flood impacts on communities and cause some communities to suffer multiple flooding events from one storm.

Recent examples from the SACS region include Hurricane Florence (NC/SC, 2018), Hurricane Matthew (FL/GA/NC/SC, 2016), and Hurricane Sally (FL/AL, 2020). Southeastern North Carolina saw then-record storm tides with Hurricane Matthew and again with Hurricane Florence, which also dumped record-breaking rainfall amounts of as much as 30 inches on coastal and inland towns. The draft report also notes that under the coastal storm risk management (CSRM) study authority from 1955, the Corps does not have the authority to consider compound flooding impacts in CSRM studies. If the Corps is going to design projects to protect coastal communities, it needs to examine the full range of coastal flood threats.

a. What is the Corps doing to consider the full range of coastal flood threats in its studies?

ANSWER. In its studies, the Corps is able to consider all hydrologic factors that contribute to the coastal flood risk in the study area. The analysis includes estimates of potential sea level rise and its effects on alternative plans.

b. Do you believe the Corps is constrained in its ability to consider compound flooding in CSRM studies?

ANSWER. There are no constraints, by law or policy, on the Corps' ability to consider compound flooding. Analysis of compound flooding is consistent with current policy and could occur without specific guidance as part of sound engineering practices.

c. Does Congress need to update the 1955 authority to conduct CSRM studies to explicitly allow for consideration of compound flooding effects and management of risk?

ANSWER. No, after an additional policy review of the draft report, we have determined that the authority is sufficient to consider compound flooding. The recommendation will be removed and will not be included in the final report.

²UNITED STATES ARMY CORPS OF ENGINEERS, SACS MAIN REPORT (2021), available at https://www.sad.usace.army.mil/Portals/60/siteimages/SACS/FinalDraft_SACS_MainReport_print.pdf?ver=z1Eom7eS96i27hDfvzVVgw%3d%3d.

d. How would including compound flooding in CSRM studies enable the Corps to better manage flood risk?

ANSWER. Where compound flooding is a significant factor, the Corps analysis will include these effects to provide a more complete picture of the coastal flood risk in the study area.

QUESTIONS FROM HON. DAVID ROUZER ON BEHALF OF HON. JEFFERSON VAN DREW TO HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY

On behalf of Rep. Jefferson Van Drew, I'd like to inquire about the following:

Question 1.a. How aggressive should the Corps be in transitioning to beneficial use models?

ANSWER. Section 125, WRDA 2020, provided new opportunities for investigating the beneficial use of dredged material. The Army is evaluating changes to its processes that could result in increased beneficial use. These include guidance on dredge material management plans, improving partnerships and public outreach to identify a full range of beneficial use placement opportunities.

Question 1.a.i. What federal policies stand in the way of that transition?

ANSWER. The Corps has not identified any federal policies that prevent consideration of beneficial use.

Question 1.a.ii. What can we do to remove those barriers?

ANSWER. The Corps is working to identify any potential barriers to beneficial use.

QUESTIONS FROM HON. JOHN GARAMENDI TO HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY

Question 1. President Biden's Executive Order 14005 (Ensuring the Future is Made in All of America by All of America's Workers) directs all federal agencies to fully implement our nation's "Buy American" requirement for federally funded infrastructure projects. For civil works projects carried out by the Corps, the Buy America Act clearly applies. However, it seems that projects carried out under the Corps' Section 1014 and Section 1043 non-Federal implementation authorities—for which the non-federal sponsor acts as the contracting agent on behalf of the Corps—are inadvertent loopholes to the Buy American Act. Assistant Secretary Connor, will the Army Corps commit to fully implement the President's executive order by applying the Buy American Act to projects carried out under these non-federal implementation authorities? I will be submitting this question for the record so that the Corps please confirm for the record that "Buy American" requirements do indeed not currently apply to the construction/rehabilitation contracts carried out by the non-federal sponsor. I aim to close this loophole in WRDA 2022.

ANSWER. Both Section 204 of WRDA 1986, which has been amended multiple times including by Section 1014 of WRRDA 2014, and Section 1043(b) of WRRDA 2014, as amended, provide that a non-Federal interest carrying out a project under either authority is required to comply with the same legal requirements that would apply if the Corps was carrying out the project. The Corps will commit to fully implementing the President's Executive Order by applying the Buy American Act to projects carried out by non-Federal interests under Section 204 of WRDA 1986, as amended, and Section 1043(b), as amended.

Question 2. Congress has provided many federal agencies, including the Army Corps of Engineers, "Other Transactional Authority" (OTA) to expand the government's access to the innovation taking place in the private sector, thereby helping overcome the rigidity of the Federal acquisition process. The Army Corps has "Other Transactional Authority" for its military mission (10 U.S.C. 2371) but has concluded it lacks authority to use it for its civil works mission. I'm out to correct that in WRDA 2022. Assistant Secretary Connor, can I count on you to work with me to help facilitate that result in the coming Water Resources Development Act? Given the Corps' new funding resources under the bipartisan Infrastructure Investment and Jobs Act (Public Law 117-58) and extensive disaster-relief challenges, it seems to me the Corps should have every tool available.

ANSWER. Yes.

QUESTIONS FROM HON. GARRET GRAVES OF LOUISIANA TO HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY

Question 1. On Supplemental Appropriations—There are authorized projects in my district which would have mitigated a large portion of the damages caused by

Hurricane Ida. The greatest example of this is the Morganza to the Gulf project which would have protected Lafourche and Terrebonne Parishes, the site of the hurricane's landfall and its greatest destruction. Morganza is within the disaster declaration, is the only project in the MR&T account that is eligible to receive construction dollars, it's not a new start, has a strong BCR calculation, and it's received funding as recently as last year.

- a. Could you explain why Morganza did not receive funding in the Disaster Relief Supplemental Appropriation Work Plan?

ANSWER. The project received \$378.5M in funding within the IIJA FY22 Work Plan issued on January 19, 2022.

- i. Could you explain how funding the project from the Infrastructure Investment and Jobs Act will impact the cost share of the non-Federal sponsor, which is already fronting significant funds to recovery from the 5th costliest hurricane on record?

ANSWER. Funding provided under IIJA does not alter the cost share requirement under the executed Project Partnership Agreement (PPA).

Question 2. Regarding Cross Crediting—Sometimes, states can move more quickly than the Army Corps, and contribute more resources to complete a project than the required cost share. This benefits our communities and our ecosystems because benefits are realized earlier. In Louisiana, as we face a land loss crisis, there are numerous examples of restoration projects that the state has gone ahead and completed. In WRDA 2014, Congress provided a mechanism for states to receive credit for when they go above the cost share and apply that extra credit to a cost share on another authorized project.

- a. Do you support policies that allow states to obtain credit and apply that to other projects?

ANSWER. Generally, we support that objective where the projects are related or part of a single integrated effort.

- b. Will you work with Louisiana, to see that this authority is used to save our coast?

ANSWER. The Corps will work with Louisiana in accordance with all applicable laws, regulations, and policies.

Question 3. Landowners in Louisiana support restoration projects and are willing and eager to allow their property to support conservation and restoration projects, however, they are reluctant to give up full ownership, or “fee title,” in the property. Though official Corps guidance provides flexibility on requirements for acquisition of real property, in practice, the state continues to be required to obtain “fee title” for restoration projects. Not only does this delay projects and makes efforts to save at-risk lands more difficult, it undermines community support for restoration and costs more money! Congress addressed this in Section 1115 of WRDA 2018, which encouraged the Corps to use the minimum land rights necessary to allow for ecosystem restoration. However, we have yet to see updated guidance or a change in posture.

- a. Shouldn't the Corps obtain only that level of property rights that protects the public values created by Corps projects, rather than full fee title to all private property covered by ecosystem restoration and beneficial use projects in coastal Louisiana?

ANSWER. For ecosystem restoration and beneficial use of dredged material projects, full fee title is the approved standard estate because it is the minimum interest in land that allows construction and operation and maintenance project and protect the Federal investment. The Corps can approve a lesser or nonstandard estate, after conducting a fact specific analysis in order to identify what minimum rights in the real property are required to construct, operate and maintain the federal project, as well as to ensure that the estate instrument is legally enforceable under Federal and state law and defines any affirmative rights required, like public use.

- b. Are you willing to work with the Committee, as well as non-federal sponsors, to address this issue and speed our efforts to restore our lands?

ANSWER. Yes.

Question 4. It is crucial for the Army Corps to recognize that ecosystem restoration and coastal protection can work hand in hand. We have a great example in Louisiana of how that can work in practice, as the state is making great progress with the Army Corps on having the Maurepas restoration project used as mitigation for the West Shore Lake Pontchartrain protection project. Louisiana's coastal mas-

ter plan has widespread support thanks to extensive public input and strong foundation of science.

Would it not make sense for the Army Corps to look to the restoration projects in the state's master plan to serve as mitigation for other Army Corps projects?

ANSWER. The Corps considers all legally permissible mitigation alternatives.

QUESTIONS FROM HON. MICHAEL GUEST TO HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY

Question 1. Congress and this committee have extensively discussed the importance of cybersecurity for our nation's critical infrastructure. The dams and locks that connect our commercial waterways are crucial to maintaining supply lines and delivering goods to market. The Army Corps has continued to work towards immigrating our nation's lock and dams into a computer operated remote control system.

a. Is the Army Corps addressing the cybersecurity risks associated with a remote-controlled system?

ANSWER. Yes.

b. Is the Army Corps looking to utilize funds in the recently passed Infrastructure Investment and Jobs Act to implement a migration to remote-controlled systems?

ANSWER. Yes. The Corps plans to continue exploring the costs, benefits, risks, and implementation procedures that may allow the Corps to leverage remote lock operations to maintain continuity of operations or improve the efficiency of our commercial navigation infrastructure.

c. Does the Army Corps still see manned locks and dams as the preferred system of operation until we can ensure a secure system?

ANSWER. Yes, to the extent possible.

d. Does the Army Corps plan to continue manning locks and dams following any integration into a remote-controlled system to prevent any attacks against this critical infrastructure?

ANSWER. The Corps intends to continue to explore and expand implementation of remote operations where there exists a strong business case to do so. Furthermore, not all sites are capable of remote operations at this time so those sites will continue to be manually operated. Where the Corps implements remote operations, it will maintain personnel at the lock to ensure operations under all conditions.

QUESTIONS FROM HON. JOHN GARAMENDI TO LIEUTENANT GENERAL SCOTT A. SPELLMON, CHIEF OF ENGINEERS AND COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

Question 1. Congresswoman Matsui and I secured Section 209 of WRDA 2020 (Division AA of Public Law 116-260) directing the Army Corps to complete a new, comprehensive study of the Yolo Bypass in California's Sacramento Valley. Congress granted the Army Corps a general authority to study flood control in the Sacramento River Basin under Section 209 of the Flood Control Act of 1962 (Public Law 87-874). So, the purpose of our WRDA 2020 provision is not for yet another traditional Corps feasibility study for a one-off project, but instead to prompt the Corps to take a comprehensive approach for flood protection infrastructure in the Yolo Bypass. General Spellmon, how does the Corps' Sacramento District plan to implement this WRDA 2020 provision?

ANSWER. The Corps develops an implementation plan for its studies early in the study process, once the study is underway.

Question 2. In the third paragraph of page 65 of House Report #116-460 (H.R.7575), the House T&I Committee directed the Corps to compile, and transmit to the Committee within 90 days, a report identifying, by dollar value for each mission area of the Corps' Civil Works responsibility, the total number of awards or contracts to small business concerns (as such term is defined in section 3(a) of the Small Business Act) for each Division of the Corps over the past five fiscal years. General Spellmon, when does the Corps intend to make this report to the Committee, which should be public information?

ANSWER. The Corps could provide Civil Works small business actions, as a whole, and dollars awarded for the previous five years. The Corps is not currently funded to provide a report of small business actions and dollars awarded for the previous 5 years detailed into work categories of Civil Works. When contracts are awarded and reported through the official contract repository, the data fields do not include these work categories. Therefore, to provide the report, each individual contract

would have to be reviewed and assigned a work category. A detailed report could be provided in 9 months with \$559,000 funding required.

Question 3. General Spellmon, when does the Corps expect to promulgate the rulemaking necessary to begin implementing the Corps Water Infrastructure Financing Program (CWIP) authorized under the Water Infrastructure Financing and Innovation Act (33 U.S.C. 3901 et seq.)?

ANSWER. The Corps has been working with the Administration to develop a draft program rule for the CWIP in accordance with WIFIA. The draft program rule is currently under interagency review per Executive Order 12866 and, upon its conclusion, the Corps will publish a proposed rule for public review and comment.

QUESTIONS FROM HON. JARED HUFFMAN TO LIEUTENANT GENERAL SCOTT A. SPELLMON, CHIEF OF ENGINEERS AND COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

Question 1. Lake Sonoma at Warm Springs Dam, and Lake Mendocino at Coyote Valley Dam, are federal facilities on federal property. They are critical for flood control, water supply, and through facilities on the properties, the preservation of endangered species that were jeopardized by the construction and operation of the facilities. They are important, as well, for their recreation and hydropower facilities.

Both Sonoma and Mendocino Counties have been the scene of increasingly numerous wildfires. And, in fact, the hilly, wooded nature of their locations makes them particularly vulnerable. At Lake Sonoma in 2020, wildfires burned on the grounds that were brought under control with the use of a variety of commonly-used fire suppressant chemicals. Some commonly used chemicals can pose a hazard to drinking water. With 50 miles of shoreline, the waters of Lake Sonoma could have been impacted, with a serious deleterious impact on the system that provides water for 600,000 residents in Sonoma, Marin, and Mendocino Counties.

Currently, 1% of the Corps O&M budget is reserved for emergency purposes at Corps facilities. We understand that none was utilized at Lake Sonoma because the fires struck during the summer months toward the end of the fiscal year. We have been informally advised that the Corps is always reluctant to request O&M funding for vegetation control at its facilities that could help prevent future devastation, because it feels the likelihood of such a conflagration in any given year is slim, and so a higher budget priority is always given to work that it knows it needs.

- a. Are you aware of the wildfires that have devastated so much of my Congressional district the past few years, and the importance of the Corps' Warm Springs and Coyote Valley Dams? These facilities are critical for water supply, flood control, and the millions of dollars that have been invested in hatcheries and associated facilities needed to restore endangered species that are jeopardized because of the construction and operation of the dams.

ANSWER. Yes.

- b. In the summer of 2020, wildfires did strike on the grounds of your Warm Springs Dam. I'm told that some typically-used fire suppression chemicals could pose a threat to the water quality of Lake Sonoma, which is critical to the region's water supply. What can the Corps be doing to assure that we don't have wildfires on these properties?

ANSWER. The Corps maintains both facilities and thins fire fuels in high-use areas such as campgrounds and trailheads. We are working with local partners who have helped to reestablish fire breaks on our lands. The Corps also is exploring the potential and scope of prescribed burns with its partners at CalFire.

- c. How much money was in the Corps' FY '22 budget request for vegetation control at its various properties around the country?

ANSWER. The FY 2022 Budget for the Corps for forestry management was \$5,386,000.

- d. I'd like to hear from you, very soon, on your suggestions for how you can better protect these vulnerable facilities from the serious threat of wildfire, and also how you can better protect other Corps properties around the country.

ANSWER. The Corps welcomes the opportunity to discuss how to better protect these facilities from wildfire, and the measures that we are taking to meet these goals.

Question 2. Quagga mussels are being increasingly found in western and California watersheds. As in locations elsewhere in the country receiving federal assistance (ok, they're much larger watersheds and more nationally significant waterways) occurrences of these invasive species, among the most devastating to infiltrate North American fresh waters, are cause of great concern. The mussels create severe

ecological and economic impacts because once established they can lead to: Infestation of Lake Mendocino and Sonoma's hydropower infrastructure; Clogged water intake and delivery pipes that supply drinking water to more than 600,000 residents in portions of Sonoma, Marin, and Mendocino Counties; clogged water intake pipes to hatchery operations in which the Corps has invested millions; millions of dollars in costs to repair infrastructure and remove the infestation.

You may be aware of a provision I worked to include in WRDA '20, Section 505, adding the Russian River Basin to a list of the very few watersheds eligible for funding in the Corps' program for Watercraft Inspections and Decontamination. I understand that, unlike the few other authorized basins, funding for the Russian River was not requested for inclusion in the FY '22 budget. Now, I can understand that that budget was well on its way to being finalized when WRDA '20 was enacted very late in the 2020 calendar year.

But if Quagga Mussels that are so increasingly prevalent in western and California watersheds find their way into Lake Sonoma or Lake Mendocino, once established they could lead to: infestation of Lake Mendocino and Sonoma's hydropower infrastructure; clogged water intake and delivery pipes that supply drinking water to more than 600,000 residents in portions of Sonoma, Marin, and Mendocino Counties; clogged water intake pipes to hatchery operations in which the Corps has invested millions; and many millions of dollars in costs to repair infrastructure and remove the infestation.

I would ask that, as you continue your preparation of your FY 22 work plan the funding for which is provided in both the House and Senate Appropriations bills, and also your FY '23 budget, that monies be included for watercraft inspection and decontamination stations in the Russian River Basin at Lakes Sonoma and Mendocino.

ANSWER. Development of the Quagga Mussel Inspection Management Plan in the Russian River watershed began in fiscal year 2021 and will directly address the expansion of inspection stations, new decontamination stations, and rapid response coordination. The plan is undergoing review, with comments from stakeholders and resource agencies being addressed.

QUESTIONS FROM HON. MICHAEL GUEST TO LIEUTENANT GENERAL SCOTT A. SPELLMON, CHIEF OF ENGINEERS AND COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

Question 1. In Southwest Mississippi, continual flooding of the batture land has yielded farmland unplantable and denied access to logging tracks, school revenue lands, and oil extraction sites. Increase in frequency and severity of river flooding when pressure on the system builds has resulted in lost revenue to rural, underserved communities in the area and has put a significant economic burden on its citizens. Studies of the area have shown that siltation buildup along the Old River Control Structure and Dead Man's Bend have resulted in a higher riverbed and contributed heavily to the increased flooding. Similar projects have been conducted to mitigate siltation buildup along the MR&T, specifically the Delta Headwaters Project.

a. Do you see an expanded project similar to Delta Headwaters addressed at tributaries of the Mississippi River near the Southwest Mississippi batture land as an effective remedy to the siltation problems affecting the River?

ANSWER. No, the Mississippi River Valley as a whole has seen increased flooding due to an unprecedented amount of rainfall in recent years, which has resulted in river stages that affect batture lands.

b. Do you see a completed Study of the Lower Mississippi River, authorized in WRDA 2020—Sec. 213, as necessary to addressing the issues present in this part of the MR&T project and what is the estimated cost needed to be appropriated to complete this study?

ANSWER. Section 213 of WRDA 2020 authorizes a \$25 million study of the Lower Mississippi River basin, from Cape Girardeau, Missouri, to the Gulf of Mexico, which could include this and other issues of concern in the basin.

QUESTIONS FROM HON. GARRET GRAVES OF LOUISIANA TO LIEUTENANT GENERAL SCOTT A. SPELLMON, CHIEF OF ENGINEERS AND COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

Question 1. The Army Corps has designed the Grand Isle project to withstand a Category 3 hurricane. Yet the project has experienced significant damage from run-of-the-mill tropical storms, leaving the community at greater risk to more serious hurricanes, which we saw firsthand last summer.

- a. How can the Army Corps ensure that Grand Isle's protection system can rise to the level of its design?

ANSWER. The Grand Isle project consists of a sacrificial vegetated sand dune and associated features that are designed to provide flood risk reduction for up to 50-year tropical events. While the project was significantly damaged during Hurricane Ida, it performed as designed and intended. To address the damage and needed repair from Hurricane Ida, a Project Information Report is being developed to determine post storm damage repair eligibility under P.L. 84-99. Funds from the Bipartisan Budget Act of 2018 will be used to construct a 600 lineal foot gulf side offshore rock breakwater between the existing West Jetty and the recently constructed western most breakwater. The Corps anticipates awarding this breakwater construction contract in March 2022. Additionally, a new start feasibility study with funding provided under the Disaster Relief Supplemental Appropriations Act (DRSAA) will be conducted to consider additional features to improve flood risk reduction on Grand Isle.

- b. Given the opportunity to repair Grand Isle from last year's disaster supplemental, are there adjustments and improvements that can be made?

ANSWER. The Corps will use funding provided under DRSAA to conduct a new start Feasibility Study to evaluate potential additional risk reduction improvements for Grand Isle that could make the project more effective.

Question 2. LG Spellmon, I want to applaud you on finalizing the Corps' first Research & Development Strategy [<https://usace.contentdm.oclc.org/digital/collection/p16021coll11/id/5457>] last year. For many years, I have encouraged the Corps to "stop solving yesterday's problems tomorrow."

Can you please share with the Committee how the Corps will operationalize, fund, and execute your R&D Strategy?

ANSWER. The Corps is working to identify priority investments for the Strategic Research and Development Program.

QUESTIONS FROM HON. DAVID ROUZER ON BEHALF OF HON. TIM BURCHETT TO LIEUTENANT GENERAL SCOTT A. SPELLMON, CHIEF OF ENGINEERS AND COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

On behalf of Rep. Tim Burchett (TN), I'd like to inquire about the following:

Question 1. Many partners including USACE, USFWS and TVA, as well as other non-federal groups in Tennessee, are working to tackle the persistent Asian carp problem.

- a. What is the status of the MOA authorized by section 509 of WRDA 2020?

ANSWER. The Corps is collaborating with the Tennessee Valley Authority and U.S. Fish and Wildlife Service regarding invasive carp concerns in the basin.

- b. Is USACE able to accomplish any of the objectives of that section under current funding levels?

ANSWER. We are evaluating the authorities. The Corps has initiated the development of a Program Management Plan and conducted stakeholder engagement. Per direction in the FY2022 appropriations act Joint Explanatory Statement, the Corps will brief appropriation committee staff on how it intends to implement this program.

- c. Is the authorized amount of \$25 million appropriate for the scope of the project?

ANSWER. It is unknown at this time.

- d. Does USACE intend to request the full funding for the project?

ANSWER. We are still evaluating the authorities.

- e. How can non-federal entities best contribute to this effort?

ANSWER. We are still evaluating the authorities.

- f. Can USACE utilize TVA's recently-issued final programmatic environmental assessment to expedite USACE's own planning process?

ANSWER. Yes, the information in the environmental assessment will be used during the development of barrier placement alternatives on the Tennessee River.

- g. Do you envision any challenges related to the long-term operations and maintenance of the barrier projects under the pilot program authorized in section 509 of WRDA 2020?

ANSWER. At this time, the Corps has not identified any specific long-term challenges.

PROPOSALS FOR A WATER RESOURCES DEVELOPMENT ACT OF 2022: STAKEHOLDER PRIORITIES

TUESDAY, FEBRUARY 8, 2022

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

The subcommittee met, pursuant to call, at 11:01 a.m., in room 2167 Rayburn House Office Building and via Zoom, Hon. Grace F. Napolitano (Chair of the subcommittee) presiding.

Members present in person: Mr. Rouzer, Mr. Webster of Florida, Mr. Katko, Dr. Babin, Mr. Graves of Louisiana, Mr. Bost, and Mr. Westerman.

Members present remotely: Mrs. Napolitano, Mr. DeFazio, Mr. Huffman, Ms. Johnson of Texas, Mr. Garamendi, Mr. Lowenthal, Mr. Malinowski, Mr. Delgado, Ms. Bourdeaux, Ms. Wilson of Florida, Mr. Carbajal, Mr. Stanton, Ms. Norton, Mr. Cohen, Mr. Weber of Texas, Mr. LaMalfa, Mr. Mast, Miss González-Colón, and Mr. Johnson of South Dakota.



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Peter A. DeFazio
Chairman

Katherine W. Dedrick, Staff Director

Sam Graves
Ranking Member

Paul J. Sans, Republican Staff Director

FEBRUARY 4, 2022

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Water Resources and Environment
FROM: Staff, Subcommittee on Water Resources and Environment
RE: Subcommittee Hearing on “Proposals for a Water Resources Development Act of 2022: Stakeholder Priorities”

PURPOSE

The Subcommittee on Water Resources and Environment will meet on Tuesday, February 8, 2022, at 11:00 a.m. in 2167 Rayburn House Office Building and by video conferencing via Zoom to receive testimony from state and local officials, Tribal groups, and other stakeholders who engage with the U.S. Army Corps of Engineers (Corps) to discuss priorities for a new water resources development act (or WRDA) for 2022. This hearing is the second in a series of three planned hearings to inform the committee in its development of a new WRDA, which the committee expects to develop and approve in 2022.¹

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 environmental restoration and protection.²

Along with these missions, the Corps provides water supply and storage opportunities to cities, agriculture and industry, aids in the production of hydropower, assists in national emergencies, and manages a recreation program. Today, the Corps is comprised of 38 district offices within eight divisions; operates more than 700 dams; has constructed 14,600 miles of levees; and maintains more than 1,000 coastal, Great Lakes, and inland harbors, as well as 12,000 miles of inland waterways.³ To achieve its civil works mission, the Corps plans, designs, and constructs water resources development projects, typically in partnership with, and using the financial support of, non-federal interests (project sponsors). The Corps planning process seeks to balance economic development and environmental considerations as it addresses national, regional, and local water resources challenges.⁴

INITIATING A WATER RESOURCES DEVELOPMENT PROJECT

The first step in a Corps 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 of either

¹ See Subcommittee on Water Resources and Environment, Hearing on “Proposals for a Water Resources Development Act of 2022—Administration Priorities” (January 12, 2022) (<https://transportation.house.gov/committee-activity/hearings/proposals-for-a-water-resources-development-act-of-2022-administration-priorities>); the final Subcommittee hearing to receive testimony from Members of Congress on their WRDA 2022 priorities is expected in March 2022.

² <https://www.swl.usace.army.mil/Missions/Planning/>

³ Congressional Research Service (CRS), *U.S. Army Corps of Engineers Civil Works: Primer and Resources*. (2021). <https://crsreports.congress.gov/product/pdf/IN/IN11810>.

⁴ Congressional Research Service (CRS), *Army Corps of Engineers: Water Resource Authorization and Project Delivery Processes* (2019). <https://crsreports.congress.gov/product/pdf/R/R45185>.

the House Committee on Transportation and Infrastructure or the Senate Committee on Environment and Public Works (pursuant to 33 U.S.C. 542). Two, if the area has not been previously studied by the Corps, then an act of Congress is necessary to authorize the study—usually through a WRDA bill.

Typically, the Corps enters into a cost-sharing agreement with a non-federal project sponsor to initiate the feasibility study process. The cost of a feasibility study is usually split evenly between the federal government (subject to appropriations) and the non-federal project sponsor.⁵

Since February 2012, the Corps' feasibility studies have been guided by the "3x3x3 rule," which states that feasibility reports should, generally, be produced in no more than three years; with a cost not more than \$3 million; and involve all three levels of Corps review—district, division, and headquarters—throughout the study process.^{6,7}

During the feasibility study phase, the 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. The feasibility study typically describes with reasonable certainty the economic, social, and environmental benefits and detriments of each project alternatives being considered, and identifies the engineering features, public acceptability, and the purposes, scope, and scale of each. The feasibility study also includes an analysis of any associated environmental effects of the project and a proposed mitigation plan. It also contains the views of other federal and non-federal agencies on 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. In addition, pursuant to section 116(b) of the *Water Resources Development Act of 2020* (WRDA 2020; 33 U.S.C. 2282 note), each feasibility study for a flood risk management or hurricane and storm damage reduction project is required to include a summary of any natural or nature-based feature alternative evaluated for the project that describes the long-term costs and benefits of the alternative and whether such alternative was utilized in the final recommended project.⁸

After a full feasibility study is completed, the results and recommendations of the study are submitted to Congress in the form of a *Report of the U. S. Army Corps of Engineers Chief of Engineers* (more commonly referred to as a Chief's Report).⁹ If the results and recommendations on the proposed project are favorable, then the subsequent step is congressional authorization for construction of the project, which is typically performed in a WRDA bill.

UTILIZING THE SECTION 7001 ANNUAL REPORT

The *Water Resources Reform and Development Act of 2014* established an additional mechanism for Corps projects and studies to be communicated to Congress for potential authorization.¹⁰ Section 7001 of this legislation requires the Secretary of the Army to annually publish a notice in the *Federal Register* soliciting proposals from non-federal project sponsors 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* (7001 Report) of those activities that are related to the missions of the Corps and require specific authorization by law. The 7001 Report includes information about each proposal, such as benefits, the non-federal project sponsors, and cost share information.

GUIDING THE CORPS

The Corps is subject to all relevant federal statutes, including the *National Environmental Policy Act* (NEPA), the *Clean Water Act*, the *Endangered Species Act*, the *Fish and Wildlife Coordination Act*, and prior authorization bills for the Corps (e.g., 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.

⁵Section 118 of WRDA 2020 authorized a pilot program for the formulation of certain flood risk management and coastal storm risk management project studies in rural and economically disadvantaged communities at Federal expense. Funding to carry out this authority was included in the *Infrastructure Investment and Jobs Act* (Pub. L. 117–58).

⁶https://planning.erdc.dren.mil/toolbox/library/MemosandLetters/USACE_CW_FeasibilityStudyProgramExecutionDelivery.pdf.

⁷The 3x3x3 process was codified in section 1001 of the *Water Resources Reform and Development Act of 2014*.

⁸Division AA of the *Consolidated Appropriations Act of 2021* (P.L. 116–260).

⁹See <https://planning.erdc.dren.mil/toolbox/library/cfm>.

¹⁰*Water Resources Reform and Development Act of 2014* (P.L. 113–121).

For instance, when carrying out a feasibility study, *NEPA* requires the Corps to include: an identification of significant environmental resources likely to be impacted by the proposed project; an assessment of the project impacts; a full disclosure of the likely impacts; and a consideration of the full range of alternatives, including a “No Action Alternative.”¹¹ Importantly, *NEPA* also requires a 30-to-45 day public review of any final document produced by the Corps.¹² Additionally, when carrying out a feasibility study, section 401 the *Clean Water Act* requires an evaluation of the potential impacts of the proposed project or action and requires a letter from a state agency certifying the proposed project or action complies with state water quality standards.

When formulating and evaluating water resources development project alternatives, the Corps utilizes the *Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies*, developed in 1983, more commonly known as the *Principles and Guidelines* (or *P&G*). However, in response to stakeholder concern about the Corps’ over-reliance on national economic benefits as a required decision metric, in *WRDA 2007*, Congress established a new, national policy “that all water resources projects should reflect national priorities, encourage economic development, and protect the environment by—(1) seeking to maximize sustainable economic development; (2) seeking to avoid the unwise use of floodplains and flood-prone areas and minimizing adverse impacts and vulnerabilities in any case in which a floodplain or flood-prone area must be used; and (3) protecting and restoring the functions of natural systems and mitigating any unavoidable damage to natural systems.”¹³ Section 2031 of *WRDA 2007* directed the Corps to update the *P&G* in accordance with this policy.

In 2013, the Obama administration established a framework to revise the *P&G* in accordance with the requirements of *WRDA 2007*.¹⁴ This revised framework, now called the updated *Principles, Requirements and Guidelines for Water and Land Related Resources Implementation Studies* (or *PR&G*), is intended to ensure proper and consistent planning by all federal agencies engaged in water resources development projects and related activities, and ensure such projects maximize sustainable development, protect and restore the functions of natural systems, and affordably address the needs of economically disadvantaged communities.¹⁵

The Corps has yet to formally adopt implementation guidance for the *PR&G*, as required by *WRDA 2007*. Accordingly, section 110 of *WRDA 2020* directed the Corps to issue final agency procedures for implementation of the *PR&G* and required the Corps to review and, as necessary, update the *PR&G* every five years.

In addition, the Corps has issued two memorandums (January 5, 2021 and March 6, 2021) that direct the Corps to examine potential benefits beyond the national economic development benefits for future Corps projects, including regional and societal benefits.¹⁶ These policy memorandums direct the Corps to include in the final array of alternatives an option that maximizes all project benefits, an option for flood risk reduction projects that utilizes a non-structural approach, and a locally-preferred plan, if requested by the non-federal project sponsor.¹⁷ However, any additional costs for implementing a locally-preferred plan are traditionally picked up by the non-federal project sponsor.¹⁸

OUTLOOK FOR A WRDA 2022

Annual 7001 Reports:

In recent years, the committee has utilized the *7001 Report* as a guide to describe studies, projects, and modifications supported by non-federal project sponsors for inclusion in the development of a new *WRDA* bill. The *7001 Report* for calendar year 2021 was submitted to Congress in November 2021, and the *7001 Report* for calendar year 2022 is expected in February 2022. A list of all existing *7001 Reports* is available at <https://transportation.house.gov/water-resources-development-act-of-2022/reports>.

¹¹ See <https://www.ecfr.gov/current/title-40/chapter-V>.

¹² See id.

¹³ Pub. L. 110–114, Section 2031; see also Policy Directive—Comprehensive Documentation of Benefits in Decision Document, dated January 5, 2021.

¹⁴ <https://obamawhitehouse.archives.gov/administration/eop/ceq/initiatives/PandG>.

¹⁵ <https://planning.erdc.dren.mil/toolbox/guidance.cfm?Id=269&Option=Principles%20and%20Guidelines>.

¹⁶ See Policy Directive—Comprehensive Documentation of Benefits in Decision Document, dated January 5, 2021; and Director of Civil Works Memorandum—Comprehensive Documentation of Benefits in Decision Documents, dated March 6, 2021.

¹⁷ See id.

¹⁸ See e.g., section 1036 of *WRRDA 2014*; 33 U.S.C. 701b–15.

Pending Chief's Reports:

Since enactment of *WRDA 2020*, the committee has received 14 additional Chief's Reports for potential projects in: Fairfield/New Haven, Connecticut (coastal storm risk management); Elim, Alaska (navigation); Prado Basin, San Bernardino, Riverside and Orange Counties, California (ecosystem restoration); Lower Cache Creek, Yolo County, California (flood risk management); Portland, Oregon (flood risk management); Coastal Texas (coastal storm risk management); San Juan, Puerto Rico (coastal storm risk management); Monroe County, Florida (coastal storm risk management); Okaloosa County, Florida (coastal storm risk management); Selma, Alabama (flood risk management); Port of Long Beach, Los Angeles County, California (navigation); Folly Beach, South Carolina (coastal storm risk management); Pinellas County, Florida (coastal storm risk management); Valley Creek, Bessemer and Birmingham, Alabama (flood risk management); and Papillion Creek and Tributaries, Nebraska (flood risk management).¹⁹

Pending Director's Reports:

Director's Reports, also known as Post-Authorization Change Reports (PACR), document necessary changes to previously authorized water resources development projects, such as a change in project purpose or a significant change in the total cost of the project. Since enactment of *WRDA 2020*, the committee has received three PACR's for projects in: Washington, D.C. (flood risk management); Lake Pontchartrain and Vicinity, Louisiana (coastal storm risk management); and West Bank and Vicinity, Louisiana (coastal storm risk management).²⁰

Additional Corps Authorities:

Congress has granted the Corps programmatic authorities—Continuing Authorities Programs (CAPs)—that enable the Corps to undertake small-scale projects with limited scope and cost without requiring project-specific congressional authorization. These projects are usually still cost-shared with a non-federal project sponsor. There are currently 9 CAP categories: streambank erosion and shoreline protection (section 14 of the *Flood Control Act of 1946* (33 U.S.C. 701r)); beach erosion control (section 3 of the *Act of August 13, 1946*; (33 U.S.C. 426g)); navigation improvement (section 107 of the *River and Harbor Act of 1960*; (33 U.S.C. 577)); mitigation of shore damage by federal navigation projects (section 111 of the *River and Harbor Act of 1968*; 33 U.S.C. 426i)); regional sediment management/beneficial use of dredged material (section 204 of *WRDA 1992*; (33 U.S.C. 2326)); flood control (section 205 of the *Flood Control Act of 1948*; (33 U.S.C. 701s)); aquatic ecosystem restoration (section 206 of *WRDA 1996*; (33 U.S.C. 2330)); removal of obstructions and clearing channels for flood control (section 2 of the *Act of August 28, 1937*; (33 U.S.C. 701g)); and project modifications for improvement of the environment (section 1135 of the *WRDA 1986*; (33 U.S.C. 2309a)).

Congress has also provided authority for the Corps to assist with the planning, design, and construction of drinking water and wastewater projects in specified areas, known broadly as Environmental Infrastructure (EI) assistance. EI authorities are typically developed either on a project-by-project basis (see section 219 of *WRDA 1992*) or on a programmatic basis for specified geographic regions. The EI programs support publicly owned and operated facilities, such as distribution and collection works, stormwater collection and recycled water distribution, and surface water protection and development projects.

The Corps is also authorized to engage in technical assistance for certain activities, such as flood risk mitigation and watershed studies. Corps district offices partner with state, Tribal, and local governments to provide or coordinate technical assistance or expertise through many of its programs. The primary Corps technical assistance programs include: Flood Plain Management Services (section 206 of the *Flood Control Act of 1960*; also referred to as Silver Jackets) and Planning Assistance to States (Section 22 of *WRDA 1974*). Section 111 of *WRDA 2020* directed the Secretary of the Army to prioritize the provision of technical assistance to support flood risk resiliency planning efforts of economically disadvantaged communities or communities subject to repetitive flooding.

¹⁹ See *id.*

²⁰ See *id.*

WITNESS LIST

- The Honorable Wade Crowfoot, Secretary, California Natural Resources Agency, Sacramento, California
- The Honorable Peter Yucupicio, Chairman, Pascua Yaqui Tribe, Tucson, Arizona
- The Honorable Darrell G. Seki, Sr., Chairman, Red Lake Band of Chippewa Indians, Red Lake, Minnesota
- The Honorable Michel Bechtel, President, Gulf Coast Protection District, Mayor, City of Morgan's Point, Morgan's Point, Texas
- Mr. Mario Cordero, Executive Director, Port of Long Beach, California
- Mr. Jim Middaugh, Executive Director, Multnomah County Drainage District, Portland, Oregon
- Ms. Julie Hill-Gabriel, Vice President, Water Conservation, National Audubon Society, Washington, D.C.

Mrs. NAPOLITANO. We are here today on the Transportation and Infrastructure Committee hearing to discuss the formulation of a Water Resources Development Act, or WRDA, for 2022. Last month, the committee received testimony from the Biden administration on its priorities for the Army Corps of Engineers.

Today, we will hear from State, local, and Tribal officials, and other interested stakeholders. Next month, we will hold a Member Day hearing to listen to our congressional colleagues on their priorities for this critical and bipartisan legislation.

Let me begin by asking unanimous consent that the chair be authorized to declare a recess at any time during today's hearing.

Without objection, so ordered.

I also ask unanimous consent that Members of the full committee who are not on the subcommittee be permitted to sit with the subcommittee at today's hearing and ask questions.

And without objection, so ordered.

As a reminder, please keep your microphones muted unless speaking. And should I hear any inadvertent background noise, I will request that particular Member please mute their microphone.

And, finally, to insert documents into the record, please have your staff email it to DocumentsT&I@mail.house.gov.

Today, the subcommittee will receive testimony from an array of State, local, and Tribal leaders as well as other stakeholders on their priorities for the upcoming WRDA legislation. Most of our witnesses here today have years of experience in working with the Corps to address the unique local water resources needs of their States, their communities, their Tribal lands, and your input is invaluable to Congress as we develop a new WRDA bill.

We will also hear about potential improvements to how the Corps formulates and constructs critical water resources development projects, especially as they relate to partnerships with Tribal nations. This committee, on a very healthy bipartisan basis, has completed work on four consecutive WRDAs since 2014. I am hopeful and confident that this tradition will continue in partnership with my good friend, the subcommittee ranking member, Mr. Rouzer.

This committee is successful because all of our Members trust and recognize how critical the Corps' work is to meet the unique water resources needs in our communities, and how important regular, predictable authorization of WRDA is to meet these needs. However, as I noted at our last WRDA hearing in January, all of the projects and studies authorized in WRDAs need appropriated funds for communities to realize the full navigation, flood control, water supply, and environmental benefits that these projects provide.

Fortunately, under the leadership of President Biden, Congress responded by enacting the bipartisan Infrastructure Investment and Jobs Act, which provides \$17.1 billion to the Corps to carry out critical construction, operation, and maintenance activities in every corner of the United States. How critical is this historic funding? Well, the Chief of Engineers testified that it provides "a once-in-a-generation window of opportunity to deliver water resource infrastructure programs and projects that will positively impact the lives of our communities across the Nation." Let me repeat: a

“once-in-a-generation” opportunity to fund the projects and studies that we authorize through our regular WRDA bills.

For example, the Bipartisan Infrastructure Law, known as BIL, funds the initial elements of the Los Angeles River ecosystem restoration project, a critical project to the future of my constituents and the whole Los Angeles region. The BIL also provides close to \$1.1 billion to restore Florida’s Everglades ecosystem—historic funding levels that will greatly advance these efforts—as well as funding for the Brandon Road aquatic nuisance species barrier protecting the Great Lakes.

The BIL also makes critical investments in coastal and inland navigation projects, ranging from the Soo locks in Michigan to the T.J. O’Brien lock and dam project in Illinois, to the Kentucky lock and dam in Kentucky, to the Norfolk Harbor project in Virginia. It as well provides essential investments to local flood protection projects ranging from Seward, Alaska, to Winslow, Arizona, to southwest coastal Louisiana, to the city of Norfolk, Virginia.

And what is the common thread between all these projects? All received their authorizations through recent WRDA legislation, but can now, finally, proceed to construction because of the enactment of the Bipartisan Infrastructure Law.

Last month, the Biden administration presented its priorities for inclusion in a new WRDA. And today, we give our stakeholders a chance to give their perspectives on the project and policies that should be included.

I am particularly honored that we will also hear from two respected Tribal chairmen and learn of their experiences in working with the Corps over the generations.

We have all heard lingering concerns about how the Federal Government has failed its treaty obligations with Native Americans and their Tribal heritage lands. In this regard, the Corps has had what some Tribal leaders call a spotty relationship with the Tribes. To address these concerns, Congress included language in WRDA 2020 to require the Corps to promote meaningful involvement and consultation with Native Tribes as well as other environmental justice communities. In addition, with the confirmation of Assistant Secretary of the Army for Civil Works, Mike Connor, an old friend, and the appointment of his Principal Deputy, Jaime Pinkham, the Biden administration has chosen to incorporate Tribal voices directly into the decisionmaking of the Corps.

Between these two actions, it is my hope to formally engrain a new culture of cooperation between the Corps and Native Americans in the formulation of water resources projects and other Corps regulatory actions.

I want to welcome all our witnesses here this morning, and I am very grateful for your willingness to share your views and perspectives on what we should consider as we aim to complete the enactment of five bipartisan WRDAs in a row.

In a bipartisan manner, I yield to my great partner in the formulation of a new WRDA, Mr. Rouzer, for any comments or thoughts he might have on this matter. And Mr. Rouzer, I understand “happy birthday” is in order. So, congratulations, happy birthday to you.

[Mrs. Napolitano’s prepared statement follows:]

Prepared Statement of Hon. Grace F. Napolitano, a Representative in Congress from the State of California, and Chair, Subcommittee on Water Resources and Environment

Today, the subcommittee will receive testimony from an array of state, local, and Tribal leaders, as well as other stakeholders on their priorities for the forthcoming WRDA legislation.

Many of our witnesses here today have years of experience in working with the Corps to address the unique, local water resources needs of their states, their communities, and their tribal lands, and your input is invaluable to Congress as it develops a new WRDA bill.

We will also hear about potential improvements to how the Corps formulates and constructs critical water resources development projects, especially as they relate to partnerships with Tribal nations.

This committee, on a bipartisan basis, has now completed work on four consecutive WRDAs since 2014, and I am confident that this tradition will continue in partnership with my good friend and the subcommittee Ranking Member, Mr. Rouzer.

This committee is successful because all of our members trust and recognize how critical the Corps' work is to meet the unique water resource needs in our communities—and how important regular, predictable authorization of WRDA is to meet these needs.

However, as I noted at our last WRDA hearing in January, all of the projects and studies authorized in WRDAs need appropriated funds for communities to realize the full navigation, flood control, water supply and environmental benefits that these projects provide.

Fortunately, under the leadership of President Biden, Congress responded by enacting the bipartisan Infrastructure Investment and Jobs Act, which provides \$17.1 billion to the Corps to carry out critical construction, operation, and maintenance activities in every corner of the United States.

How critical is this historic funding?

Well, the Chief of Engineers testified that it provides “a once-in-a-generation window of opportunity to deliver water resources infrastructure programs and projects that will positively impact the lives of communities across this great nation.”

Let me repeat that—a “once-in-a-generation” opportunity to fund the projects and studies that we authorize through our regular WRDA bills.

For example, the Bipartisan Infrastructure Law (BIL) funds the initial elements of the Los Angeles River Ecosystem Restoration project—a critical project to the future of my constituents and the Los Angeles region.

The BIL also provides close to \$1.1 billion to restore Florida's Everglades ecosystem—historic funding levels that will greatly advance efforts these efforts—as well as funding for the Brandon Road Aquatic Nuisance Species barrier protecting the Great Lakes.

The BIL also makes critical investments in coastal and inland navigation projects, ranging from the Soo Locks in Michigan, to the T.J. O'Brien Lock and Dam project in Illinois, to the Kentucky Lock and Dam in Kentucky, to the Norfolk Harbor project in Virginia.

And it as well provides essential investments to local flood protection projects ranging from Seward, Alaska, to Winslow, Arizona, to Southwest Coastal Louisiana, to the City of Norfolk, Virginia.

And what is the common thread between ALL these projects? All received their authorizations through recent WRDA legislation but can now—finally—proceed to construction because of enactment of the bipartisan infrastructure law.

Last month, the Biden administration presented its priorities for inclusion in a new WRDA. Today, we give our stakeholders a chance to give their perspectives on the projects and policies that should be included.

I am particularly honored that we will hear from two respected Tribal Chairmen, and learn of their experiences in working with the Corps over the generations.

We have all heard lingering concerns about how the federal government has failed its treaty obligations with Native Americans and their Tribal heritage lands. In this regard, the Corps has had, what some Tribal leaders have called, a “spotty” relationship with the tribes.

To address this concern, Congress included language in WRDA 2020 to require the Corps to “promote meaningful involvement” and consultation with Native Tribes, as well as other environmental justice communities.

In addition, with the confirmation of Assistant Secretary of the Army for Civil Works, Mike Connor, and the appointment of his Principal Deputy, Jaime Pinkham,

the Biden administration has chosen to incorporate Tribal voices directly into the decision making of the Corps.

Between these two actions, it is my hope to formally engrain a new culture of cooperation between the Corps and Native Americans in the formulation of water resources projects and other Corps regulatory actions.

I want to welcome all our witnesses here this morning, and I am grateful for your willingness to share your views and perspectives on what we should consider as we aim to complete enactment of five bipartisan WRDAs in a row.

I now yield to my great partner in the formulation of a new WRDA bill, Mr. Rouzer, for any comments and thoughts he might have on this matter.

Mr. ROUZER. Well, thank you. It has been about a week, but we are going to stretch it out for a while. How about that? Again, thank you, Madam Chair. I appreciate you holding this hearing. And I would also like to thank our witnesses for testifying today.

This hearing marks the second hearing, as the chairman said, of the House of Representatives portion of the drafting of the Water Resources Development Act for 2022. And as I mentioned at our first WRDA hearing, this is one of the most important pieces of legislation that we do here on the committee. The more people hear about what is happening in Washington or not happening in Washington, the more they think it is broken and simply doesn't work. But this has been a real exception and a real bright spot for Congress. Every 2 years since 2014, we passed a WRDA bill. In addition to being on a consistent schedule, these bills have been bipartisan, and we are going to make sure that that continues. Exemplifying this, in 2020, the House was able to pass a WRDA by voice vote.

I look forward to working with my colleagues on both sides of the aisle here on the committee and in the full House to pass another WRDA in this 2-year cycle and for it to be a strong bipartisan bill as well.

Throughout this process, we will hear from people from all over the country representing a wide range of interests, and we are seeing a sample of those here at this hearing today. You will hear from folks partnering with the Army Corps of Engineers on a variety of programs, ranging from storm surge protection to navigation at ports to environmental infrastructure. I also look forward to hearing about these projects and how they can help their communities and our country.

Again, I would like to thank our witnesses for being here today. And, Madam Chair, I have a little housekeeping matter to take care of here, if you don't mind. I ask unanimous consent to enter into the record a November 29, 2021, stakeholder letter regarding the Columbia-Snake River system.

Mrs. NAPOLITANO. Without objection, so ordered.

[The information follows:]

**Letter of November 29, 2021, from Farmers and Agricultural Businesses
Supporting the Preservation of the Integrity of the Columbia-Snake
River System, Submitted for the Record by Hon. David Rouzer**

NOVEMBER 29, 2021.

President JOSEPH R. BIDEN,
1600 Pennsylvania Avenue NW,
Washington, DC 20500.

DEAR PRESIDENT BIDEN:

On behalf of the undersigned organizations representing farmers and businesses across the agricultural value chain, we write to express our strong support for preserving the integrity of the Columbia-Snake River System, which provides tremendous value in the current operation of the river, including locks and dams, clean power generation, barging navigation, water storage, and irrigation—all of which are crucial to long-term viability of the agriculture sector in the Pacific Northwest. While we support collaborative efforts to address salmon recovery in the region, we write today to voice our serious concerns with recent calls on the Biden Administration and U.S. Congress to consider avenues for breaching the lower Snake River dams, which would devastate farmers in the region, decrease the competitiveness of home-grown agricultural products, and irreversibly eliminate a critical river system for the U.S. agriculture industry.

America's farmers and ranchers are among the most productive in the world, and they depend on exports. Roughly 20 percent of U.S. farm income comes from agricultural exports, which help support rural communities across the country. Our nation's inland waterways system is vital to moving American goods from farms to ports for export, saving anywhere from \$7 to \$9 billion in annual shipping costs over other forms of transport. The Columbia-Snake River System is the third-largest grain export corridor in the world, transporting nearly 30 percent of U.S. grain and oilseed exports through a sophisticated navigation system, which includes seven grain export terminals, 26 up-country grain barge loading terminals, and eight dams that lift vessels a combined 735 feet to deliver high value farm products safely and efficiently to West Coast ports and consumers worldwide.

In addition to the transportation benefits, the Columbia-Snake River System is crucial to keeping carbon emissions as low as possible as commodities travel from farm to market. Barges move more product, using less fuel than trucks or rail cars. Without barge access, 39,000 rail cars or 152,000 semi-trucks would have been needed to replace the cargo volume shipped on the Snake River in 2019. Barging is 40 percent more fuel-efficient than rail and 270 percent more fuel-efficient than semi-trucks. In fact, moving commodity flows from barge to rail and truck would result in over 1.25 million additional tons of carbon and other harmful emissions per year.

We appreciate the efforts of your Administration and Congress to champion new investments in our nation's infrastructure, including \$17 billion for ports and inland waterways in the Infrastructure Investment and Jobs Act. We also support continued efforts to address major disruptions in the supply chain as a result of the COVID-19 pandemic. As the Biden-Harris Administration looks to implement these important priorities, we strongly caution against taking any federal action that would lead to further disruptions in the food and agriculture supply chain, such as the elimination of this important navigation system. Further rail and trucking congestion that would occur as a result of removing barge access would impact farmers as far as the upper Midwest, as well as the major cargo ports of Seattle and Tacoma. The existence of barging as a transport mode helps to discipline rail and trucking rates, ensuring that the price of moving goods in the Pacific Northwest remains competitive.

For decades, the benefits of the Columbia-Snake River System have contributed to thriving communities in the Pacific Northwest. We recognize the need for further dialogue to discuss collaborative approaches to aid in West Coast salmon recovery, and we strongly support science-based efforts to reassess mitigation strategies and deploy the newest technological advancements to recover endangered salmon populations in the Columbia-Snake River System, while ensuring U.S. farmers maintain access to this vital navigation system.

As the Biden-Harris Administration considers important issues facing the communities, economy and resources of the Pacific Northwest, including the operations of the Columbia-Snake River System, we urge you to take into account the incredibly important role the river system plays for farmers and the broader agricultural community. We look forward to engaging in the dialogue in the months ahead.

Sincerely,

National Organizations:

AGRICULTURE TRANSPORTATION
COALITION.
AGRICULTURAL RETAILERS ASSOCIATION.
AMERICAN FARM BUREAU FEDERATION.
FARM CREDIT COUNCIL.
NATIONAL ASSOCIATION OF WHEAT
GROWERS.
NATIONAL COUNCIL OF FARMER
COOPERATIVES.

NATIONAL GRAIN AND FEED
ASSOCIATION.
NATIONAL OILSEED PROCESSORS
ASSOCIATION.
NORTH AMERICAN MILLERS'
ASSOCIATION.
PET FOOD INSTITUTE.
U.S. WHEAT ASSOCIATES.

Regional/State Organizations:

ASSOCIATION OF WASHINGTON BUSINESS.
CALIFORNIA ASSOCIATION OF WHEAT
GROWERS.
COLORADO ASSOCIATION OF WHEAT
GROWERS.
COLORADO WHEAT ADMINISTRATIVE
COMMITTEE.
COLUMBIA BASIN DEVELOPMENT LEAGUE.
COLUMBIA RIVER CUSTOMS BROKERS &
FORWARDERS ASSOCIATION.
COLUMBIA RIVER PILOTS.
FAR WEST AGRIBUSINESS ASSOCIATION.
IDAHO CONSUMER OWNED UTILITIES
ASSOCIATION.
IDAHO FARM BUREAU FEDERATION.
IDAHO GRAIN PRODUCERS ASSOCIATION.
IDAHO WATER USERS ASSOCIATION.
IDAHO WHEAT COMMISSION.
ILLINOIS CORN GROWERS ASSOCIATION.
KANSAS ASSOCIATION OF WHEAT
GROWERS.
MINNESOTA ASSOCIATION OF WHEAT
GROWERS.
MINNESOTA WHEAT RESEARCH AND
PROMOTIONAL COUNCIL.
MONTANA AGRICULTURAL BUSINESS
ASSOCIATION.
MONTANA FARM BUREAU FEDERATION.
MONTANA GRAIN GROWERS ASSOCIATION.
NEBRASKA CORN GROWERS ASSOCIATION.
NEBRASKA DRY PEA & LENTIL
COMMISSION.
NEBRASKA WHEAT BOARD.
NEBRASKA WHEAT GROWERS
ASSOCIATION.
NORTH CAROLINA SMALL GRAIN
GROWERS ASSOCIATION.

NORTH DAKOTA WHEAT COMMISSION.
NORTHWEST AGRICULTURAL
COOPERATIVE COUNCIL.
NORTHWEST RIVERPARTNERS.
OREGONIANS FOR FOOD AND SHELTER.
OREGON SEED ASSOCIATION.
OREGON WHEAT GROWERS LEAGUE.
PACIFIC COAST COUNCIL.
PACIFIC NORTHWEST GRAIN & FEED
ASSOCIATION.
PACIFIC NORTHWEST WATERWAYS
ASSOCIATION.
SNAKE RIVER MULTIUSE ADVOCATES.
TEXAS WHEAT PRODUCERS ASSOCIATION.
WASHINGTON ASSOCIATION OF WHEAT
GROWERS.
WASHINGTON CATTLEMEN'S ASSOCIATION.
WASHINGTON FARM BUREAU.
WASHINGTON FRIENDS OF FARMS &
FORESTS.
WASHINGTON GRAIN COMMISSION.
WASHINGTON MINT GROWERS
ASSOCIATION.
WASHINGTON POLICY CENTER.
WASHINGTON POTATO & ONION
ASSOCIATION.
WASHINGTON STATE DAIRY FEDERATION.
WASHINGTON STATE POTATO
COMMISSION.
WASHINGTON STATE TREE FRUIT
ASSOCIATION.
WASHINGTON STATE WATER RESOURCES
ASSOCIATION.
WYOMING WHEAT MARKETING COMMISSION.

Companies:

AG ASSOCIATION MANAGEMENT.
AG SPRAY EQUIPMENT.
AGRI NORTHWEST.
ALMOTA ELEVATOR COMPANY.
AMERICAN PLANT FOOD, INC.
BIOWEST AG SOLUTIONS.
BRENT HARTLEY FARMS.
CHS INC.
CHS PRIMELAND.
COLUMBIA GRAIN INTERNATIONAL.
COLUMBIA RIVER STEAMSHIP OPERATORS'
ASSOCIATION, INC.
DUANE MUNN AND SONS FARMS.
FOOD NORTHWEST.
GRAIN HANDLING INC.
GREAT NORTHWEST TRANSPORT.
GRIGG FARMS LLC.

HELENA AGRI-ENTERPRISES.
HIGHLINE GRAIN GROWERS, INC.
HYAK MARITIME LLC.
INLAND POWER & LIGHT.
INTERNATIONAL RAW MATERIALS LTD.
LAUGHLIN CARTRELL INC.
LEWIS-CLARK TERMINAL, INC.
MCGREGOR LAND AND LIVESTOCK.
MCGREGOR RISK MANAGEMENT.
MID COLUMBIA PRODUCERS, INC.
M&L CARSTENSEN FARMS.
NORTHWEST GRAIN GROWERS, INC.
PACIFICOR LLC.
PACIFIC NORTHWEST FARMERS
COOPERATIVE.
PACIFIC NORTHWEST GENERATING
COOPERATIVE (PNGC).

PLEASANT VALLEY CIDER APPLES.	TLR—TOTAL LOGISTICS RESOURCE, INC.
POMEROY GRAIN GROWERS, INC.	TWO RIVERS TERMINAL, LLC.
POTATO GROWERS OF WASHINGTON, INC.	UNIONTOWN COOPERATIVE ASSOCIATION.
R MUNN FARMS, LLC.	UNITED GRAIN CORPORATION.
SHAVER TRANSPORTATION COMPANY.	U.S. BORAX, INC.
SUN HEAVEN FARMS LLC.	VALLEY AGRONOMICS.
SUNSET PRODUCE.	VERDESIA LIFE SCIENCE.
TEMCO, LLC.	VOLM COMPANIES, INC.
THE MCGREGOR COMPANY.	WESTLINK AG COOPERATIVE
TIDEWATER TRANSPORTATION AND	CORPORATION.
TERMINALS.	WILBUR-ELLIS COMPANY.
TIGER-SUL PRODUCTS.	

Port Authorities:

PORT OF BENTON.	PORT OF PASCO.
PORT OF CLARKSTON.	PORT OF SKAMANIA COUNTY.
PORT OF KALAMA.	PORT OF WALLA WALLA.
PORT OF LONGVIEW.	PORT OF WHITMAN COUNTY.

cc: Brenda Mallory, Chair, Council on Environmental Quality
 Secretary Tom Vilsack, U.S. Department of Agriculture
 Secretary Deb Haaland, U.S. Department of the Interior
 Secretary Jennifer Granholm, U.S. Department of Energy
 Secretary Gina Raimondo, U.S. Department of Commerce
 Secretary Lloyd Austin, U.S. Department of Defense

Mr. ROUZER. Thank you, Madam Chair, and I yield back.
 [Mr. Rouzer's prepared statement follows:]

Prepared Statement of Hon. David Rouzer, a Representative in Congress from the State of North Carolina, and Ranking Member, Subcommittee on Water Resources and Environment

Thank you, Chair Napolitano. I appreciate you holding this hearing, and I would also like to thank our witnesses for testifying today.

Today's hearing marks the second hearing of the House of Representatives' portion of the drafting of a Water Resources Development Act (WRDA) for 2022.

As I mentioned at our first WRDA hearing, this is one of the most important pieces of legislation that we do here at the Transportation and Infrastructure Committee.

The more people hear about what is happening in Washington, the more they think it is broken and doesn't work. However, WRDA has been an exception to this. Every two years since 2014, Congress has passed a WRDA bill. In addition to being on a consistent schedule, these have been bipartisan. Exemplifying this, in 2020, the House was able to pass WRDA by voice vote.

I look forward to working with my colleagues on both sides of the aisle here on the Committee and the full House to pass another WRDA in this two-year cycle and for it to be bipartisan.

Throughout this process, we will hear from people all over the country representing a wide assortment of interests, and we are hearing from some of them in this hearing. Today, we'll hear from those partnering with the Army Corps of Engineers on a variety of programs, ranging from storm surge protection to navigation at ports to environmental infrastructure. I look forward to hearing about these projects and how they can help their communities and our country.

Mrs. NAPOLITANO. Thank you very much, Mr. Rouzer. It is a pleasure having you as my cochair. I now recognize the chair of the full committee, Mr. DeFazio, for any thoughts he may have.

[Pause.]

Mr. DEFazio. There we go, finally. Thank you Grace—Madam Chair, excuse me.

Mrs. NAPOLITANO. That is all right.

Mr. DEFazio. Thanks, again. Happy week after your birthday, Mr. Rouzer. This is, as has been stated, an area of common ground, something which is becoming more and more difficult to find these days. But I am pleased that we are fully engaged in this endeavor, which is the biennial reauthorization of the Water Resources Development Act. As was noted in earlier testimony, we actually passed it out of the House by a voice vote. We had a good negotiation with the Senate. But then, unfortunately, the Senate could not bring it to the floor, even though it was noncontroversial.

So, it finally ended up being part of the year-end budget omnibus appropriations. So, hopefully, we can move through more regular order this time with maybe even a real conference. I would really like to try and reestablish that tradition. I was hoping to do that on surface transportation, and get yet another bill done on a timely basis.

In 2020, we authorized 46 Chief's Reports. That's projects ready for construction. We all know, and we have already had quite a few submissions from Members, about how important the Corps is to many Members, all across the country, for various aspects of the work that the Corps does.

One of the most difficult problems has been the backlog that the Corps has. They have been chronically massively underfunded. And there are two things that are helping with that this year. Last year, we finally—after about a 25-year effort, which I began with Chairman Bud Shuster, not Bill—created a Harbor Maintenance Trust Fund to spend down the \$10 million balance from the Treasury for needed work. That takes some pressure off the Corps and also is going to help harbors around the country with dredging, jet-ties, and other essential work.

And also, the Corps is getting a record allocation in the Infrastructure Investment and Jobs Act of \$17 billion, which will help them begin to move forward on many critical projects across the country. And I fully expect that we will be adding to that list this year, and then the Corps will have to work through prioritization of the many meritorious projects that are still awaiting construction.

So, with that, I look forward to discussion from our witnesses, and moving forward with this bill in the not too distant future.

Thank you, Madam Chair.

[Mr. DeFazio's prepared statement follows:]

Prepared Statement of Hon. Peter A. DeFazio, a Representative in Congress from the State of Oregon, and Chair, Committee on Transportation and Infrastructure

Today, this committee continues its bipartisan work on the next biennial Water Resources Development Act, the fifth since the successful 2014 Act passed under former Chairman Bill Shuster.

Every two years, this committee brings together the Corps, non-federal project sponsors, other state and local stakeholders, Tribal governments, and members from both sides of the aisle to enact a new water resources bill. Last month, we started the process for the 117th Congress by holding a hearing with the Corps. Today, we hear from a number of stakeholders about their priorities and their experiences working with the Corps. In the weeks ahead, we will have a third hearing to hear from members of the House about their goals for WRDA 2022.

Enacting WRDAs through this bipartisan, predictable timeline is Congress at its best. It not only provides oversight of the Corps as it implements authorized projects, but also ensures Congress provides timely consideration of new Chief's Reports.

In WRDA 2020, we authorized 46 Chief's Reports. That's 46 projects ready for construction. That's more projects than were authorized in 2016 and 2018 combined, proving that if this committee can do our part as authorizers, the Corps can do their job in studying, planning, and designing projects to address the country's urgent needs in water infrastructure.

Every member understands the important work that the Corps does in their district. We see firsthand the projects that provide enumerable benefits through flood risk management, hurricane and storm damage reduction, ecosystem restoration, water supply, and improved navigation. And today we will hear from a diverse range of witnesses highlighting these types of projects in their local communities.

We are starting the WRDA 2022 process at a critical time. The global pandemic and the surge in consumer demand have shown the vulnerability of our overburdened ports. We must be investing more in our nation's ports and harbors in order to keep America competitive in the global economy. As with the America COMPETES Act considered by the House last week, WRDA 2022 will ensure we maintain a competitive edge in the global economy.

As we authorize new projects, the other side of that coin, as always, is ensuring that the Corps has the funding necessary to complete the work. We all know of the \$100 billion backlog of projects due to underfunding of the Corps for decades. Fortunately, in another step towards ensuring we maintain America's competitive edge, the Bipartisan Infrastructure Law provided over \$17 billion to the Corps to Build Back Better ports, harbors, and inland waterways across the country, while creating jobs, economic opportunity, and strengthening our water infrastructure.

In WRDA 2020, after decades of effort, we were able to permanently unlock federal investment for our nation's ports and harbors through changes to the Harbor Maintenance Trust Fund. We face a critical need for continued investment in our water infrastructure, but we have laid the foundation for success through laws like WRDA 2020 and the Bipartisan Infrastructure Law. Now is the time for building on that success with a fifth-consecutive WRDA.

For over 20 years, I have worked with members on both sides of the aisle for the good of our nation's water infrastructure, and this WRDA will be no different. I thank you, Madam Chair, for your leadership on this subcommittee and this important legislation. And I look forward to continue working with Ranking Member Graves and Ranking Member Rouzer in sustaining our bipartisan tradition of enacting a Water Resources Development Act every two years.

I want to thank our witnesses for joining us today. Your testimony will remind my colleagues of the critical work the Corps is doing in communities across the nation. All of us represent communities like yours that have needs that can be met by the Corps through WRDA. As we work on WRDA 2022, it is particularly important that we ensure that our rural, Tribal, and disadvantaged communities cannot be left behind. To that end, the committee will hear from two Tribal witnesses on their work with the Corps.

I look forward to an engaging dialogue with our witnesses on how we can best partner with our local communities during the formulation of WRDA 2022.

Mrs. NAPOLITANO. Well, thank you, Mr. DeFazio. Thank you so much for your thoughtful comments.

I would now ask unanimous consent that the following documents be part of today's hearing record: a letter dated February 7, 2022, from the National Parks Conservation Association; a statement from the American Society of Civil Engineers; and, lastly, a statement from American Rivers.

And without objection, so ordered.

[The information follows:]



Letter of February 7, 2022, from Chad Lord, Senior Director, Environment and Climate Policy, National Parks Conservation Association, Submitted for the Record by Hon. Grace F. Napolitano

FEBRUARY 7, 2022.

The Honorable GRACE NAPOLITANO,
*Chair, Subcommittee on Water Resources and Environment,
House Committee on Transportation and Infrastructure, Washington, DC 20515.*

The Honorable DAVID ROUZER,
*Ranking Member, Subcommittee on Water Resources and Environment,
House Committee on Transportation and Infrastructure, Washington, DC 20515.*

DEAR CHAIRWOMAN NAPOLITANO AND RANKING MEMBER ROUZER:

Since 1919, the National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our 1.6 million members and supporters nationwide, I write to share with you some of NPCA's priorities for the next Water Resources Development Act (WRDA), which are important for improving the health of our national parks. We also appreciate that the committee continues to prioritize WRDA on a two-year cycle, recognizing that construction-ready projects should be authorized so that ecosystem benefits can be realized.

The U.S. Army Corps of Engineers (Army Corps) is an important partner in many places where NPCA works to protect and restore national park waterways and landscapes, the communities that surround them and the millions of people who visit them each year. From Gateway to the Grand Canyon, Everglades to Olympic, water is central to the features, wildlife, recreation and aesthetic of these esteemed places. However, national parks, once viewed as isolated and remote, are increasingly affected by activities occurring in their watersheds. These beyond park boundary activities often enhance or detract from the visitor experience.

To protect, restore and enhance our national parks, NPCA requests you consider the following priorities as you prepare WRDA 2022.

NPCA continues to ask Congress to require federal agencies to prioritize natural and nature-based features (NNBFs) in projects, including the Army Corps of Engineers. The Committee on Environment and Public Works has already accomplished a lot over the last few years in enacting much-needed changes to how the Army Corps includes these features as elements of its projects. Quickly implementing these changes is essential.

When properly managed and maintained, NNBFs can offer billions of dollars in storm and flood protection and other services. Coastal wetlands, alone, have been estimated to provide over \$23 billion in protections every year.¹ As you know, these NNBF projects often come with countless co-benefits that are not seen in structural projects, such as improved water quality, carbon sequestration and habitat protection. A key component in the success of NNBF projects is ensuring they are well maintained. For example, healthy and intact mangrove systems in Florida averted an estimated \$1.5 billion in storm surge related flood damages during Hurricane Irma.² Across the country, many of these flood mitigating ecosystems already exist while others need restoration. In the Gulf Coast region, one the most vulnerable regions to coastal flooding, conserving and restoring coastal habitats and natural infrastructure could "avert more than 45 percent of the climate risk over a 20-year period, saving the region \$50 billion in flood damages."³

Aside from standalone NNBF projects, there are examples where natural infrastructure can be integrated with structural projects to reduce operation and maintenance costs. In the Army Corps' New York East Rockaway Inlet to Rockaway Inlet and Jamaica Bay Reformulation Study, the recommended plan includes "vegetative planning to attenuate wave energy action and reduce erosion," which would result in reduced maintenance costs over the course of life of the project.⁴ Additional con-

¹The Center for Clean Air Policy: The Value of Green Infrastructure for Urban Climate Adaptation 2011. https://www.cakex.org/sites/default/files/documents/The-Value-of-Green-Infrastructure-for-Urban-Climate-Adaptation_CCAP-Feb-2011.pdf

²The Nature Conservancy, UC Santa Cruz, Risk Management Incorporated: Valuing the Flood Risk Reduction Benefits of Florida's Mangroves. https://www.nature.org/content/dam/tnc/nature/en/documents/Mangrove_Report_digital_FINAL.pdf

³Reguero, B. G., Beck, M. W., Bresch, D. N., Calil, J., & Meliane, I. (2018). Comparing the cost effectiveness of nature-based and coastal adaptation: A case study from the Gulf Coast of the United States. *PloS one*, 13(4).

⁴Congressional Research Service: Flood Risk Reduction from Natural and Nature-Based Features: Army Corps of Engineers Authorities 2020. <https://fas.org/spp/crs/homesecc/R46328.pdf>

sideration of NNBF integration in structural projects can be cost effective while simultaneously providing co-benefits of natural infrastructure developments.

As already noted, the Committee has enacted a series of important changes over the last few years. For example, last year NPCA supported the Committee's work in adjusting the cost share requirements for NNBFs, updating planning guidance related to sea level rise and Army Corps accountability for how it considers the use of NNBFs as part of flood or storm damage reduction project studies.

Even with these reforms, the Army Corps' organizational structure continues to limit and undermine resiliency planning. It siloes resiliency planning into its different directorates, programs, business lines, divisions, and districts. By not integrating this work, the Army Corps continues to promote piecemeal planning that ultimately increases flood risks, flood recovery costs and habitat and other resource destruction.

NPCA supports WRDA reforms that break down and build bridges across these siloes. One option would be to create a new *Resiliency Directorate* in the Office of the Chief of Engineers. Creating a new position ensures that the Army Corps takes full advantage of its existing programs, authorities and operations to leverage natural systems alone or with structural solutions. A new position focused on resiliency can coordinate and leverage multiple planning processes and infuse resilient solutions into every aspect the Army Corps' work. Critically, any new position must have the resources and budgetary authority to do its job coordinating across business lines.

We also continue to support additional reforms for how the Army Corps accounts for project costs and benefits. We were pleased that Congress included a provision in WRDA 2020 that directed the Army Corps to issue final agency procedures for its Principles, Requirements and Guidelines. However, we continue to urge further refinement because current benefit-cost analyses do not always capture critical benefits from NNBFs, do not equitably evaluate flood damage benefits provided to economically disadvantaged communities and communities of color, do not account for the costs of lost ecosystem services, do not account for the cost of shifting flood risks and do not account for life-cycle construction costs among other problems.

Congress should ensure that the Army Corps' benefit-cost analyses account for appropriate categories of *project costs and benefits*, including the benefits provided by natural systems. Congressional action is required to ensure that the Corps accounts for costs and benefits to disadvantaged and low-income communities, count lost ecosystem services as project costs and increases in ecosystem services as project benefits and include costs associated with addressing site-specific conditions, full life cycle needs and sub-optimal funding streams. Accounting for appropriate categories of costs and benefits will help protect taxpayers, non-federal sponsors and the services provided by natural systems, including flood control, water quality and wildlife habitat.

Reforming how the Army Corps integrates NNBFs into its projects and decision making is only one set of reforms that NPCA would like to see in WRDA 2022. We also endorse additional changes that support how the Army Corps works with other federal agencies, non-federal sponsors and other partners. In particular, we support improving the Army Corps' ability to *redress environmental injustices*. We recommend that WRDA 2022 ensures the Army Corps has the tools and capacity it needs to carry out this critical task by increasing planning assistance to Tribes, economically disadvantaged communities and communities of color. We also support establishing a position of Senior Advisor for environmental justice and a federal advisory committee on environmental justice within the Army Corps itself. We want to see more emphasis and support for women- and minority-owned businesses in Army Corps contracting. We also support expansion of the WRDA 2020 Section 118 Pilot Program for Economically Disadvantaged Communities.

NPCA also supports funding for restoration and resilience projects with a *reduced or no match requirement* to help rural and underserved communities address longstanding issues. We recommend that WRDA 2022 consider reducing or removing the match requirement under the Continuing Authorities Program for restoration and resilience projects that are essential in the face of a change climate.

We also support changes to how the Army Corps budgets and carries out projects on other federal lands. The Army Corps works in and near many units of the National Park System. Allowing the Army Corps to be able to budget for projects on other federal lands at full Army Corps expense would assist in moving projects that benefit parks and surrounding landscapes to completion more quickly and create budget efficiencies between federal agencies. Granting this sort of change is incumbent on respecting the purpose for each park and the management policies under which they operate.

In addition to these policy priorities, NPCA is also tracking several projects across the country that could impact parks. This includes possible projects in the Everglades, four projects in and around Gateway National Recreation Area in the New York-New Jersey Harbor from the Hudson-Raritan Estuary Ecosystem Restoration Feasibility Study, additional needed changes to the project at St. Anthony Falls within the boundaries of the Mississippi National River and Recreation Area in Minnesota and additional cost-share adjustment for the construction of the Brandon Road invasive carp project in Illinois.

Thank you for considering our priorities. We look forward to the committee's work and offering any additional views next year. Please do not hesitate to contact me with questions.

Sincerely,

CHAD LORD,
*Senior Director, Environment and Climate Policy,
 National Parks Conservation Association.*

**Statement of the American Society of Civil Engineers, Submitted for the
 Record by Hon. Grace F. Napolitano**

INTRODUCTION

The American Society of Civil Engineers (ASCE)¹ appreciates the opportunity to submit our position on the importance of long-term, strategic investment in our nation's water resources infrastructure systems. We also want to thank the House Committee on Transportation & Infrastructure for your efforts to keep the Water Resources and Development Act on a biennial authorization cycle. ASCE is eager to work with the committee in 2022 to find ways to further improve our nation's vital water resources infrastructure systems.

While the passage of the Infrastructure Investment and Jobs Act provides a much needed down payment to revitalize the nation's water resources infrastructure, that legislation does not negate the need for passing a WRDA bill in 2022. Our water resources infrastructure systems are critical to our nation's economy, public safety, and the preservation and enhancement of our environmental resources. Our levees, dams, and other water infrastructure systems protect hundreds of communities, provide valuable services, support millions of American jobs, and generate trillions of dollars of economic activity. However, many of these infrastructure assets have reached the end of their design life, and coupled with a generations-long underinvestment, a large and growing investment gap has emerged; this gap must be closed if we hope to both repair and modernize our water resources infrastructure systems to be competitive in the 21st century.

ASCE'S 2021 INFRASTRUCTURE REPORT CARD

Infrastructure is the foundation that connects the nation's businesses, communities, and people, serves as the backbone to the U.S. economy, and is vital to the nation's public health, safety, and welfare. Every four years, ASCE publishes the *Infrastructure Report Card*, which grades 17 major infrastructure categories using a simple A to F school report card format. Last March, ASCE released its *2021 Infrastructure Report Card*², giving the nation's overall infrastructure a grade of "C-," and identified an investment gap of \$2.2 trillion. While the overall GPA increased into the "C" range for the first time since ASCE began grading the nation's infrastructure in 1998, much of critical water resources infrastructure remains in the "D" range. In the 2021 Report Card, dams and levees each received a "D," while inland waterways received a "D+." The nation's ports remain a bright spot in the Report Card, with a grade of "B-" in 2021.

To further raise these grades, ASCE urges Congress to prioritize the repair, replacement, and modernization of our existing infrastructure, with a focus on resilience. ASCE also urges Congress to ensure long-term, consistent investment in our infrastructure systems by passing authorization legislation like WRDA every other year.

¹ ASCE was founded in 1852 and is the country's oldest national civil engineering organization. It represents more than 150,000 civil engineers individually in private practice, government, industry, and academia who are dedicated to the advancement of the science and profession of civil engineering. ASCE is a non-profit educational and professional society organized under Part 1.501(c) (3) of the Internal Revenue Code. www.asce.org.

² <https://www.infrastructurereportcard.org/>

Dam Safety

The nation's more than 91,000 dams provide a wide range services and functions including water storage, flood control, power generation, and irrigation. Most dams are designed for a life span of 50 to 100 years and the average age of the nation's dams is roughly 57 years old. By 2030, 7 out of 10 dams in the United States will exceed 50 years of age. Additionally, many of the dams in the United States were not designed to account for the severe changes in weather and increased precipitation levels brought on by climate change.

ASCE's 2021 Report Card gave the nation's dams a "D" grade. Furthermore, the Association of State Dam Safety Officials (ASDSO) estimates that the total cost of rehabilitating just the nation's non-federal dams is more than \$66 billion. Investment in dam safety is critical to rehabilitate existing dams that pose significant threats to communities throughout the country, support the missions and activities of state dam safety programs, and protect against the loss of life and destruction of property that would result from dam failure. These efforts are greatly supported by programs such as the National Dam Safety Program and the High Hazard Potential Dam Rehabilitation (HHPDR) Grant Program. ASCE applauds Congress for making technical improvements to the HHPDR program in WRDA 2020. These technical changes better clarified technical terms and eligibility requirements, allowing the program to operate more effectively in the future. *It is now critical that WRDA 2022 further support needed resources for federal dam safety programs, as well as needed reforms to expand the number of dams eligible for federal funds and protect communities.*

Levee Safety

In the United States, nearly 17 million people live or work behind a levee. The National Levee Database contains nearly 30,000 miles of levees around the country, and current estimates identify up to another 10,000 additional miles of levees outside of the jurisdiction of the U.S. Army Corps of Engineers (Corps).

Every state relies on levees to protect communities from flooding. However, the average age of the nation's levees is over 50 years old, with many built using less rigorous standards than those used today. Much like the nation's dams, the risk to the nation's levees is further exacerbated by increasingly severe weather patterns and heavier rainfall brought on by climate change. For moderate to high-risk levees in the Corps' portfolio, ASCE estimates that approximately \$21 billion is required to make necessary improvements. This is of great concern given the fact that even well-maintained levees can be breached by water seeping underneath them. To address these concerns, the National Levee Safety Program, authorized in 2014, is tasked with establishing national levee safety guidelines, and establishing a levee rehabilitation program to support needed repairs for the nation's levees. Unfortunately, since the establishment of the National Levee Safety Program, Congress has appropriated far less than the \$79 million authorized, with FY 2021 appropriations totaling just \$15 million.

Ports

The country's more than 300 coastal and inland ports serve as significant economic drivers and places of employment. The past two years have demonstrated the critical role these facilities play in a functioning supply chain. Ports and port tenants plan to spend \$163 billion between 2021 and 2025, concentrating on investments related to capacity and efficiency.³ However, there is a funding gap of over \$12 billion for waterside infrastructure such as dredging over the next 10 years, with additional billions needed for landside infrastructure.

Ports earned a "B-" on ASCE's 2021 Report Card for America's Infrastructure, which recognized the positive measures included for ports in the 2020 WRDA legislation. Specifically, WRDA 2020 included full utilization of the \$10 billion balance in the Harbor Maintenance Trust Fund (HMTF) by allowing \$500 million to be appropriated in FY 2021, with an increase of \$100 million annually until it is fully expended by 2030. The full expenditure of the HMTF was a long-time ASCE priority and ASCE was pleased to see Congress finally address this issue in the last bill.

Inland Waterways

As the nation's "water highway", the country's inland waterway network spans 12,000 miles and serves an important purpose in the movement of a variety of goods, such as agricultural products. This infrastructure, which includes locks, dams, and navigation channels, has benefited from recent boosts in federal investment and an increase in user fees. However, the system still reports a \$6.8 billion

³ <https://infrastructurereportcard.org/wp-content/uploads/2017/01/Ports-2021.pdf>

backlog in construction projects and ongoing lock closures⁴, which harm the industries that rely on waterways to transport goods.

Inland waterways, on which about 830 million tons of cargo are moved annually, earned a “D+” on the Report Card. As with ports, WRDA 2020 included measures that ASCE considered positive for inland waterways. ASCE appreciated the adjustment of the Inland Waterways Trust Fund’s (IWTF) cost share from 50% general revenue-50% IWTF to 65%-35% for construction and rehabilitation projects. The IWTF, which finances construction and rehabilitation efforts, is supported by a 29-cents per gallon tax on barge fuel.

U.S. Army Corps Project Financing

The Water Infrastructure Financing and Innovation Act (WIFIA) was authorized under the 2014 WRDA bill to support the development of water infrastructure projects and encourage increased private investment. Through the Corps Water Infrastructure Finance Program (CWIFP), the Corps is authorized to provide direct loans, which allows it to support non-federal projects for flood damage reduction, hurricane and storm damage reduction, environmental restoration, coastal or inland harbor navigation improvement, or inland and intercoastal waterways navigation improvement.

Many of these types of projects involve both a federal and non-federal component or cost share. Because CWIFP projects are intended for non-federal projects, many would not be eligible for financing by the Corps. This exclusion limits the number of worthwhile projects that are critical to states and communities. *Extending eligibility would support the development of many more vital water infrastructure projects.*

PROPOSED SOLUTIONS

WRDA provides a unique opportunity to take necessary action to strengthen the nation’s infrastructure. A biennial WRDA cycle provides federal agencies and communities throughout the country with the predictability to plan and make progress on infrastructure projects. To ensure the safety and extend the life of critical infrastructure such as dams and levees, and support more water infrastructure projects, we urge Congress to support the following priorities:

- Maintain a bipartisan two-year cycle and pass a Water Resources Development Act for 2022. This is critical in order to provide predictability to federal agencies for planning and review of projects and priorities and to be better able to respond to increasingly unpredictable threats such as climate change. This is also essential for the civil engineering community which relies on support from Congress, the Corps, and other agencies to ensure design, development, and construction of critical infrastructure moves forward in a timely and efficient manner. This helps to ensure infrastructure remains resilient in the face of increasingly evolving challenges, and that communities have access to needed services and protection from potential hazards.
- Support inclusion of the Twenty-First Century Dams Act, which provides increased funding authorizations and needed reforms for critical dam safety programs. ASCE has worked with legislators and a diverse coalition of industry stakeholders in support of this critical legislation which focuses on needed investments for retrofitting, rehabilitation, and removal activities for the nation’s dams. ASCE worked closely with these stakeholders to secure a needed down payment for dam safety in IIJA through provisions originally written into the Twenty-First Century Dams Act. It is critical for Congress to build on this down payment by supporting the inclusion of the following in this year’s WRDA:
 - Reauthorizing the National Dam Safety Program for an additional five years at a funding level of \$43,000,000 per year, and remove requirements that states may not receive funds in excess of 50 percent of the cost of implementing state dam safety programs, which will support states with smaller state programs;
 - Increasing the authorized annual funding level for the HHPDR Program by \$40,000,000 for a total of \$100,000,000 per year;
 - Expanding eligibility criteria for the HHPDR program by removing the “unacceptable risk to the public” threshold to ensure hundreds more dams worthy of these funds are not excluded; and
 - Establishing a new definition for “small underserved communities” and ensure that these communities are exempt from the program’s non-federal cost share requirements. This definition reflects communities that own a dam or

⁴ <https://infrastructurereportcard.org/wp-content/uploads/2020/12/Inland-Waterways-2021.pdf>

could be significantly impacted by dam failure and do not have sufficient resources to meet the law's cost sharing requirement. Many of these communities fall in downstream failure inundation areas, and this provision will help ensure that they are not placed at a greater risk of disaster caused by a dam failure.

- Fully and more equitably fund the National Levee Safety Program at the FY 2023 authorized level of \$79 million and reauthorize the program beyond its FY 2024 expiration. The National Levee Safety Program is comprised of several key components:
 - Committee on Levee Safety which is a voting body comprised of experts and officials from state, local, regional and tribal governments, as well as the private sector to provide advice and recommendation on implementation of the overall program;⁵
 - National Levee Safety Guidelines which provide a national resource of best practices to ensure more consistent improvements to the reliability, resiliency, and overall safety of levees nationwide;⁶
 - National Levee Database which provides an authoritative online inventory of the nation's levee systems, as well as a valuable tool for decision making regarding levees;⁷
 - Implementation Support which identifies different types of assistance, including financial and technical, to encourage greater participation in the National Levee Safety Program⁸
 - Levee Safety Action Classification which provides stakeholders with a tool to better identify and prioritize levee systems based on risks and potential hazard such levee systems pose to communities in the event of levee failure.⁹
 - Public Education and Awareness projects which are designed to enhance the public's understanding of, and support for levee safety programs.¹⁰

In recent years, much of the federal funding for the National Levee Safety Program has focused on the National Levee Database. While this is a critical component, it is essential that funding be provided in a manner which ensures all components of the program receive the resources that are needed to better implement the National Levee Safety Program overall.

- Amend WIFIA to include the following definition of non-federal programs in order to expand eligibility for CWIFP project financing:
 - Non-Federal Project—the term Non-federal project means any project for flood damage reduction, hurricane and storm damage reduction, environmental restoration, coastal or inland harbor navigation improvement, or inland and intercoastal waterways navigation improvement that is undertaken by a non-federal entity as a separable project or a part of the non-federal share of a federally authorized project for flood damage reduction, hurricane storm damage reduction, environmental restoration, coastal or inland harbor navigation improvement, or inland and intercoastal waterways navigation.
- Continue to allow for the use of the unspent balance of the HMTF and spend down this balance on port projects.
- Ensure the full use of the IWTF continues to be appropriated.

In conclusion, ASCE believes our nation must prioritize the investment needs of our water resources infrastructure systems to ensure public safety, a strong economy, and the protection of our environmental resources. The Infrastructure Investment and Jobs Act provided a critical funding boost for dam safety, ports, and other infrastructure assets. However, long-term, reliable federal funding is key if we hope to close the growing funding gap and restore America's world-class infrastructure. We thank you for holding this hearing and look forward to working with the Committee to find solutions to our nation's water resources infrastructure systems investment needs.

⁵ <https://damsafety.org/levee-safety>

⁶ https://usace-cwbi-prod-il2-nld2-docs.s3-us-gov-west-1.amazonaws.com/8327284c-f748-4aa4-998b-506450b6cd09/NLSPfactsheet_Guideline_FINAL122021.pdf

⁷ <https://levees.sec.usace.army.mil/#/help/getting-started>

⁸ https://usace-cwbi-prod-il2-nld2-docs.s3-us-gov-west-1.amazonaws.com/36a12d72-2c9d-4838-b3a3-7b76f2577a3e/NLSPfactsheet_Implementation_FINAL122021.pdf

⁹ <https://www.mvn.usace.army.mil/LSAC/>

¹⁰ <https://uscode.house.gov/view.xhtml?path=/prelim@title33/chapter46&edition=prelim>

**Statement of Eileen Shader, Director, River Restoration, American Rivers,
Submitted for the Record by Hon. Grace F. Napolitano**

On behalf of American Rivers' 355,000 members, supporters and volunteers across the nation, I write today to provide recommendations for your consideration as you assemble the Water Resources Development Act (WRDA). We encourage you to include provisions that promote the healthy rivers and waters essential to the health and prosperity of our nation, and we look forward to working with you and the U.S. Army Corps of Engineers (USACE) to protect and restore rivers across the nation.

American Rivers works to protect wild rivers, restore damaged rivers, and conserve clean water for people and nature. Since our founding in 1973, we have led efforts to conserve more than 150,000 miles of rivers across the country, making us one of the most trusted and influential river conservation organizations in the United States.

Today, our waters face new and substantial challenges due to our changing climate. Increased temperatures, frequent and intense precipitation events, longer hurricane seasons and more natural disasters can all be attributed to climate change. The impacts of climate change are exacerbating existing vulnerabilities in communities across the country. Many of these inequities fall disproportionately on Black, Indigenous, Latino and other people of color. We face a global biodiversity crisis that will have disastrous impacts on aquatic life stemming from loss of habitats and natural systems necessary to sustain life on our planet. To address these challenges our nation must evolve our strategies to create resilient communities suited to face these threats and protect vulnerable water resources.

USACE plays a critical role in managing the nation's rivers, streams, and wetlands and perhaps more than any other federal agency, holds the tools and authorities to ensure that these vital resources are managed in a way that will improve the health and prosperity of our communities. It is imperative for Congress to direct the USACE to utilize its resources and staff to address the unprecedented challenges of climate change, inequity and loss of biodiversity.

In the coming years, the USACE will be responsible for distributing tens of billions of dollars thanks to the unprecedented infrastructure investments of the Infrastructure Investment and Jobs Act (IIJA).

American Rivers works extensively with USACE across the nation and engages with USACE staff on many projects and programs. WRDA 2022 provides the opportunity to steer USACE in the right direction as it charts a new course for river management across the nation.

1. OVERHAUL PROJECT PLANNING AND DECISION-MAKING

Since 1983, USACE project planning has followed the *Principles and Guidelines*, which relies on Net Economic Development to make decisions regarding water resources projects design and selection. This approach is fundamentally flawed, resulting in directives from Congress in 2007 to update the *Principles and Guidelines* to ensure that every water resource project protects and restores the environment. However, despite direction in Section 110 of the Water Resources Development Act (WRDA) of 2020¹, the USACE still has not integrated these reforms into project planning.

It is imperative that the USACE develop agency-specific procedures including major revisions to the *Planning Guidance Notebook* in a manner that fully implements the new water resources policy consistent with WRDA 2007, Section 2031². This process should include:

- Opportunity for stakeholder and public engagement during development of the agency-specific procedures and revisions to the *Planning Guidance Notebook*;
- Improving consideration of benefits and costs to equitably account for costs and benefits to disadvantaged and low-income communities;
- Accurately account for the true costs of a project by considering lost ecosystem services as project costs, increases in ecosystem services as project benefits, full-life cycle costs in cost assessments including rehabilitation and removal at end of life, and include costs associated with addressing site-specific conditions;
- Full consideration of natural and nature-based alternatives.

¹H.R. 7575 § 110. 116th Congress: Water Resources Development Act of 2020.

²H.R. 1495 § 2031. 110th Congress: Water Resources Development Act of 2007.

2. ESTABLISH A RESILIENCE DIRECTORATE TO IMPROVE THE USE OF NATURAL AND NATURE-BASED FEATURES

Natural and nature-based features (NNBF) protect, restore or mimic natural water systems and provide services including improved water quality and quantity, snowpack/storm flow attenuation, aquifer recharge, and flood control. In the WRDAs passed in 2016, 2018, and 2020, Congress expressed that NNBF must be integrated into the Civil Works program—particularly into flood risk management. WRDA 2020 also provided USACE with a selection of different authorizations that can incorporate NNBF.

To meet the agency’s statutory requirements to consider NNBF alternatives during project planning, USACE must build staff commitment to understanding the rapidly evolving body of scientific and technical knowledge on NNBF. As the nation’s leading water resources management agency, it is critical that USACE staff have the knowledge and training to lead in this area. While the *Engineering With Nature* initiative has made fantastic progress in recent years, a companion effort to improve use of NNBF is necessary within USACE leadership. American Rivers recommends Congress instruct USACE to:

- Establish a resilience directorate tasked with ensuring existing Corps programs, authorities, and operations take full advantage of natural infrastructure and adopt modern, comprehensive planning approaches, and promote coordinated and consistent implementation of NNBF across districts, business lines, and programs within the USACE.

3. ADDRESS INEQUITIES WITHIN ARMY CORPS PROGRAMS AND PROJECTS

Climate change and water-related environmental harms disproportionately affect communities of color, low-income and Indigenous communities who have been historically underserved. In 2021, President Biden signed *Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*³ which requires federal agencies to assess whether underserved communities and their members face systemic barriers in accessing benefits and opportunities available to them, and promote equitable delivery of government benefits and equitable opportunities. American Rivers’ staff regularly work with the USACE in watersheds across the nation. American Rivers recommends Congress instruct USACE to:

- Seek culture change from that of a transactional engineering firm that benefits individual sponsors to a public agency that serves the public good.
- Establish a Federal Advisory Committee on Environmental Justice to advise senior USACE leadership.
- Reform benefit-cost analysis and cost-share structures to ensure equitable decision-making and distribution of resources.
- Encourage all project teams to work to repair and build lasting relationships and partnerships with historically marginalized, vulnerable, or disadvantaged communities in their areas.
- Target existing technical assistance programs to facilitate resilience planning for low income, minority, and historically marginalized communities and increased funding should be directed to these programs (i.e., Planning Assistance to States, Silver Jackets, Floodplain Management Services).
- Reform policies and procedures across the agency to promote more inclusive, diverse, and equitable outcomes from the USACE.

4. DISPOSAL OF OUTDATED INFRASTRUCTURE

The USACE operates more than 700 dams⁴, and partners with levee sponsors to manage more than 1,600 levees⁵, and maintains 12,000 miles of inland waterways⁶. The USACE’s assets are valued at over \$238 billion⁷ and the majority of that infra-

³*Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. The White House. January 21, 2021.

⁴*Dam Safety Program*. 2021. HQ USACE. <https://www.usace.army.mil/Missions/Civil-Works/Dam-Safety-Program/>

⁵*Levee Safety Program*. HQ USACE. <https://www.usace.army.mil/Missions/Civil-Works/Levee-Safety-Program/>

⁶*Projects by Category: Maritime Channel and Harbor Improvements*. San Francisco District USACE. <https://www.spn.usace.army.mil/Missions/Projects-and-Programs/Projects-by-Category/>

⁷Sanchez, J.E. *USACE Asset Management Program*. http://www.all-llc.com/SAME-Newsletters/SAME-09-Conf/Jose%20Sanchez%20-%20SAME%20Conference_3SEP09.pdf

structure is over 50 years old⁸. Even with the significant infrastructure investments expected in coming years, the USACE will not be able to undertake repairs and rehabilitation of all the assets in need. Furthermore, in many cases these structures no longer perform their intended purpose, or circumstances have changed since authorization that warrant a reevaluation of how the structure is managed, or whether it is necessary at all.

The USACE's asset management strategy takes a risk-based approach that attempts to extend the useful life of the USACE's infrastructure. American Rivers urges the USACE to make a fundamental shift in its asset management strategy that incorporates consideration of the impact of the asset on the natural resource—the rivers, streams, and wetlands that are impacted by the existence of outdated infrastructure. WRDA 2020 directed USACE to develop a comprehensive strategy to address the extensive fleet of aging projects and infrastructure that is no longer fulfilling its intended purpose. American Rivers recommends Congress instruct USACE to:

- Develop a program that is focused on restoring and repairing the impacts of USACE projects on rivers, streams, wetlands and coasts, by adapting or removing outdated and unnecessary projects.

5. INVENTORY OF LOW-HEAD DAMS

Low-head dams are smaller barriers, on average less than 25 feet in height, with water typically flowing continuously over the crest. Contrary to larger dams used for flood mitigation or impoundment, low-head dams are used for producing hydropower, diverting irrigation water or sustaining municipal water supplies. Some low-head dams no longer provide any benefit and remain only as hazards to life and public safety because of strong, circulating water conditions under the water's surface that can trap and drown recreationalist or unaware persons. Low-head dams have caused more than 1,400 deaths over the past 50 years, with most of those deaths occurring in the past 20 years⁹. According to American Whitewater's Accident Database, 10 percent of whitewater fatalities nationwide are a result of individuals getting caught in a low-head dam hydraulic¹⁰.

The Association of State Dam Safety Officials estimates there may be as many as 5,000 low-head dams, but there is no reliable inventory of low-head dams in the United States. There are other inventories of engineered structures, such as the National Inventory of Dams (NID), but low-head dams are typically not captured in the NID database because they do not impound a significant amount of water and would not cause life or property loss upon failure. Furthermore, it's estimated that only 20 percent of states have adequate data regarding the location of potentially harmful low-head dams, while over half of the United States has little or no data¹¹.

Knowing where low-head dams are located, and their condition is the first step in mitigating the associated fatal risk. This information can be provided to states and the public to spread awareness and minimize the chance of loss of life. A low-head dam inventory could also provide failing and degraded dams the opportunity for rehabilitation by retrofitting the structures with modifications such as rock ramps, stepped spillways, and other physical modifications to enhance public safety and recreational benefits, while maintaining the structure's current use. American Rivers recommends Congress instruct USACE to:

- Establish a Nationwide Low-Head Dam Inventory and a State Low-Head Dam Inventory and Rehabilitation Program, to be administered by USACE in coordination with FEMA and the Bureau of Reclamation.
- Use the proposed inventories to provide public information resources regarding low-head dam hazards, generate data that could be used to inform state mapping of low-head dams, and provide information on available funding and technical resources to remove and rehabilitate these structures.
- Assist state natural resources agencies develop and implement low-head dam inventories and public education campaigns and provide financial and technical assistance to state and local governments and non-profit organizations to reha-

⁸ *Capital Stock: Infrastructure Age*. <https://www.iwr.usace.army.mil/Missions/Value-to-the-Nation/Fast-Facts/Capital-Stock/Infrastructure-Age/>

⁹ Hotchkiss, R. *Faculty Outreach Campaign to Promote Low Head Dam Safety*. 2021. <https://www.asce.org/communities/institutes-and-technical-groups/environmental-and-water-resources-institute/news/faculty-outreach-campaign-to-promote-low-head-dam-safety>

¹⁰ *Whitewater Accident & Fatality*. 2020. <https://www.americanwhitewater.org/content/Accident/view/>

¹¹ Cech, T., Shipman, N., Bartlett, H., Zimmer, S., Akens, J., Wright, K. *Low Head Dams—The Attractive Nuisance*. 2021. <https://storymaps.arcgis.com/stories/0406e1d232354860a55b4fc7a3b22b28>

bilitate or remove dangerous low-head dam structures that no longer serve a functional purpose.

- Implement other non-structural risk management tools such as “control exposure” techniques such as the use of signage, buoys, and other safety measures upstream of dams.

6. FEDERAL LEVEE ASSESSMENT AND FLOODPLAIN RECONNECTION

Levees have served as a main component of flood risk management for decades, shown by the over 8,000 levee systems located across the country, covering over 25,000 miles; however, the average age of these levees is 58 years¹². As the climate warms, floods are becoming more frequent and intense, and it has become evident that many of our levee systems were not designed to handle these more extreme floods and we have seen levees overtop or breach. In spring of 2019, the Midwest alone saw over 80 levee systems breached in severe flooding, resulting in over \$20 billion in damages¹³. In order to safely convey larger floods, some flood risk management systems should be altered using setbacks, removals, spillways, or other alterations that will allow flood waters to access floodplains.

With climate and age beginning to impact levees, USACE must reevaluate existing levees to determine if they are still the optimal solution or are there newer and more effective means of flood risk reduction. In our experience working in river conservation and restoration, along many of our nation’s most flood-prone rivers such as the Mississippi, Missouri, and in the Central Valley of California, we have encountered levees that are protecting federal land that was previously acquired because it experienced flood damages. As such, it is logical that the USACE should assess opportunities to alter levees that are located on federal public land such as National Wildlife Refuges, National Parks, National Forests, etc. using setbacks, removals, spillways, or other alterations that will allow flood waters to access floodplains.

In many instances altering levees to reconnect floodplains provides environmental, ecological, and societal benefits. Floodplains offer natural flood and erosion control at a cost equal or less than the construction, operation and maintenance cost of levees. The added benefits of floodplains, such as water quality improvement and groundwater recharge provide intrinsic value not found in levees. Floodplains also restore and protect fish and wildlife habitats, many of whom are endangered species, by providing necessary breeding and feeding areas. Communities also benefit from floodplains that restore agricultural or forest lands, protection of drinking water resources, and safeguarding of significant cultural and historic lands, especially for Indigenous Tribes. American Rivers recommends Congress instruct USACE to:

- Identify levees that are located on federally owned land, or owned and operated by federal agencies.
- Determine whether the levee should be modified to reconnect the river to the floodplain due to significant changes to physical or economic conditions since the project was constructed.
- Authorize the Corps to undertake feasibility studies for any levees identified.

7. IMPROVE THE DISPOSITION STUDY PROCESS

Dams significantly impair river ecosystems by impeding fish, sediment, and nutrient movement. Dams also alter water temperatures, disrupt the environmental flow regimes, and change the oxygen levels in both the reservoir and downstream flows. Dams can pose a safety hazard as well, especially low-head dams that form retaining waves which have resulted in several drownings throughout the U.S.

Not all the structures USACE operates and maintains are serving their federally designated purpose; they serve only as environmental detriments and human safety hazards and should be reviewed. WRDA 2020 authorized the review of USACE assets and the inventory of those projects, “that are not needed for the mission of the Corps of Engineers.” For a dam to be removed, explicit authorization for a project must be approved by Congress WRDA or ownership of the structure must be transferred to another party who will then take on the cost and logistics of the dam removal. USACE should use this authorization to conduct disposition studies and subsequent removal of unnecessary dams in their fleet.

WRDA 2022 provides an opportunity to authorize both disposition studies and the subsequent removal of USACE dams. WRDA 2018 Section 1168 gives USACE au-

¹² *National Levee Database*. <https://levees.sec.usace.army.mil/#/>

¹³ *Overview of Levees*. <https://infrastructurereportcard.org/cat-item/levees/>

thority to consider removal of a project under a disposition study, but the overall trigger for, and breadth of, the disposition study needs to be improved¹⁴. To remedy this problem, Congress should:

- Authorize disposition studies for all dams not meeting the mission of USACE and allow for the deauthorization and removal of these structures for ecological, economic, and social benefit.

We thank you for consulting with stakeholders whose work and livelihood will be impacted by WRDA 2022, as well as scientists and experts who are devoted to protecting water resources. If there are any questions your committee may have, please do not hesitate to contact us.

Mrs. NAPOLITANO. Well, thank you, gentlemen, for your input. And we will now proceed to hear from our witnesses who will testify. I will ask the witnesses to please turn their cameras on and keep them on for the duration of the panel.

Thank you very much for being here. And we welcome the Honorable Wade Crowfoot, secretary of the California Natural Resources Agency; the Honorable Peter Yucupicio, chairman, Pascua Yaqui Tribe, Arizona; the Honorable Darrell G. Seki, chairman, Red Lake Band of Chippewa Indians, Minnesota; the Honorable Michel Bechtel, mayor of Morgan's Point, Texas, and president of the Gulf Coast Protection District; Mr. Mario Cordero, executive director of the Port of Long Beach, California; Mr. Jim Middaugh, executive director of Multnomah—did I say that right, sir—County Drainage District, Portland, Oregon; and Ms. Julie Hill-Gabriel, vice president for water conservation, National Audubon Society, Washington, DC.

And without objection, your prepared statements will be entered into the record. And all witnesses are asked to limit their remarks to 5 minutes. And I will start with Mr. Crowfoot, you may proceed, sir.

TESTIMONY OF HON. WADE CROWFOOT, SECRETARY, CALIFORNIA NATURAL RESOURCES AGENCY; HON. PETER YUCUPICIO, CHAIRMAN, PASCUA YAQUI TRIBE OF ARIZONA; HON. MICHEL BECHTEL, MAYOR, MORGAN'S POINT, TEXAS, AND BOARD PRESIDENT, GULF COAST PROTECTION DISTRICT; HON. DARRELL G. SEKI, SR., CHAIRMAN, RED LAKE BAND OF CHIPPEWA INDIANS, MINNESOTA; MARIO CORDERO, EXECUTIVE DIRECTOR, PORT OF LONG BEACH, CALIFORNIA, AND CHAIRMAN, BOARD OF DIRECTORS, AMERICAN ASSOCIATION OF PORT AUTHORITIES; JIM MIDDAGH, EXECUTIVE DIRECTOR, MULTNOMAH COUNTY DRAINAGE DISTRICT, PORTLAND, OREGON; AND JULIE HILL-GABRIEL, VICE PRESIDENT FOR WATER CONSERVATION AND ACTING VICE PRESIDENT FOR COASTAL CONSERVATION, NATIONAL AUDUBON SOCIETY

Mr. CROWFOOT. Well, thank you so much. Greetings from California, Chairwoman Napolitano, Ranking Member Rouzer, and distinguished members of the subcommittee. Thank you for the invitation to join you today, and thank you for your stewardship of the critical investments we will talk about.

As the California Natural Resources secretary in the administration of Governor Gavin Newsom, I help to oversee efforts to prepare

¹⁴S. 3021 § 1168. 115th Congress: Water Resources Development Act of 2018

and respond to water challenges, which increasingly means what we call weather whiplash of drought and flood. We believe that California's water challenges, worsening droughts, dangerous wildfires that impact our watershed, and intense winter flooding are a microcosm of challenges across the American West.

The water infrastructure is obviously central to prosperity in California and the West, and the U.S. Army Corps of Engineers plays a key role. We are aligned with the Corps to help communities improve their resilience to this weather whiplash, to build capacity and partnerships with local communities, to enable environmental justice in underserved and rural communities, and to align both natural and engineering processes to deliver multiple benefits. We are very grateful of the 2020 WRDA and how it helped put Californians to work with big investments in the Ports of Los Angeles and Long Beach, which you will be hearing more about.

We also appreciate WRDA 2020 funding to improve long-term water reliability across our region. That is our focus too in State government. Our State's policy blueprint on water, which we call the water resilience portfolio, supports local coalitions doing the work it takes to address locally specific threats of more intense droughts and flood.

In recent years, our State government has made historic water investments, including committing over \$5 billion in last year's budget. But we know this is just a downpayment. The need is truly vast. On the flood front, we hope the WRDA that you develop this year continues the Corps commitment to protecting our Central Valley in California from flood risk. California made early investments in flood risk reduction projects in the Central Valley and generated excess credit in the process.

Our investments were made in good faith on congressionally authorized projects in a transparent and cooperative way with the Corps. If the WIIN Act language in WRDA 2022 is not updated to eliminate the 2024 deadline and clarify how and when non-Federal sponsor credits are transferred, California risks stranding over \$200 million of investment.

Specifically, our State is depending on these excess credits to provide a portion of non-Federal cost share on key flood safety projects that we have underway now. Updates to the WIIN Act will ensure that the Federal Government and the Corps can continue to meet their commitments to reduce flood risk in the Central Valley.

Now in WRDA 2022, we are also asking Congress to support and prioritize what we call nature-based solutions through the Corps' Engineering with Nature initiative. We have worked with the Corps on this approach to integrate nature into infrastructure, including to expand seasonal flood plains in many of our watersheds, which both improves flood protection while also sustaining agriculture and restoring habitat, improving water quality, and increasing opportunities for recreation. We feel strongly that the next WRDA should advance this multibenefit work.

As you know, dredging waterways to project navigation is a major Corps responsibility. And we are making the case that it needs to fund beneficial use of dredged, uncontaminated sediment. Historically, the vast majority of dredge material gets dumped, really, in our case, in the ocean. And at a time when sea level rise

is threatening beaches, wetlands, ports, we need the Corps to fund beneficial use of that sediment.

That use of sediment and projects to increase coastal resilience to restore wetlands needs to be accelerated. And we are excited to do what we call cut the greentape, deliver projects more quickly and cost effectively through shared permit processes, utilizing joint consultation, and shortening permit review timeline.

Now, new forecasting technologies in what we call FIRO, forecast-informed reservoir operations, have great potential to improve utilization of reservoirs across the West and country. And we are excited that the Corps is advancing this work and want to continue to partner with the Corps and advocate for funding to update the Army Corps' flood rules for reservoirs like Oroville and New Bullards Bar.

Finally, we hope that 2022 WRDA continues to fund and support the Corps at the Salton Sea in the southern part of our State in the Imperial Valley. We have committed in State government major funding to the Salton Sea, and the Corps, which is the lead Federal agency to restore and stabilize the sea, requires the funding and priorities to continue to do that work in partnership with us.

I look forward to working with this committee and its Members on the priorities. And, once again, Chairwoman Napolitano, Chairman DeFazio, and Ranking Member Rouzer, thank you for the opportunity to testify.

[Mr. Crowfoot's prepared statement follows:]

Prepared Statement of Hon. Wade Crowfoot, Secretary, California Natural Resources Agency

Chairwoman Napolitano, Ranking Member Rouzer and distinguished members of the Subcommittee, thank you for your stewardship of critical water and environmental investments across the country. I appreciate the opportunity to testify before you today to discuss California priorities for water infrastructure needs in the proposed Water Resources Development Act (WRDA) of 2022.

As the California Secretary for Natural Resources in the Administration of Governor Gavin Newsom, I oversee efforts to advance our mission to restore, protect and manage the state's natural, historical and cultural resources for current and future generations.

Water is life everywhere, with a profound importance in California—the state with

- the biggest population;
- the largest number of plant and animal species;
- the most robust agricultural economy;
- the most variable precipitation; and
- biggest asymmetry between where our rain and snow fall and where most of that water is used.

Water infrastructure is central to California's prosperity, and the U.S. Army Corps of Engineers plays a key role.

I am grateful that our Governor's Administration and the Corps are aligned in our efforts to help communities improve their resilience to extreme weather events; build partnerships with local communities; promote environmental justice in disadvantaged, underserved, and rural communities, and align natural and engineering processes to deliver environmental, economic, and social benefits.

The 2020 WRDA will help put Californians to work, with its big investments in the Ports of Los Angeles and Long Beach. We appreciate the WRDA 2020 resources that allow the Corps to focus on long-term water reliability and local water supply. That's our focus, too. A theme of the Newsom Administration's Water Resilience Portfolio, our policy blueprint, is that every region of California faces different water

challenges, and the state and federal governments must support local coalitions doing the work it takes to endure more intense droughts and floods.

In recent years, the state of California has made historic investments in water resources to support local resilience. The budget enacted by the Governor and Legislature last year included \$5.2 billion in drought response and long-term water resilience investments. Last month, the Governor proposed additional investments of \$750 million. These investments will go a long way toward helping the varied regions of California prepare for distinct challenges as global temperatures rise. But those billions of dollars are still just a down payment. The need is vast. For example, in the 400-mile-long Central Valley, where the rivers running out of the Sierra Nevada mountains drain, we estimate that it will cost more than \$8 billion to achieve a 200-year level of flood protection for urban areas that include Sacramento, Stockton, and Merced. The Corps, with a potential 65 percent cost share through its Civil Works Program, is a crucial partner to helping us protect lives and property.

In all, the state last year expended \$117.5 million for Central Valley flood risk reduction projects in fiscal year, and the Corps has spent approximately \$175 million in the same period. The 2022 Civil Works President's Budget includes \$190 million for Corps' Central Valley flood projects, while California's budget includes an additional \$142 million to continue strengthening flood protection. We hope the WRDA you develop this year continues the Corps' commitment to protecting the urban areas of California's Central Valley.

There is another important but more technical request I hope you will consider. At stake is \$200 million of investment California already has made to reduce flood risk in the Central Valley. California amassed excess credits through early investment in flood risk reduction projects in the Central Valley. These investments were made in good faith on congressionally-authorized projects in a fully transparent and cooperative manner with the Corps. If the WIIN Act language in WRDA 2022 is not modified to eliminate the 2024 deadline and clarify how and when non-federal sponsor credits are transferred between authorized federal projects, California risks stranding of over \$200 million of investments.

Revisions to the WIIN Act will ensure that the federal government can meet its financial commitment to reduce flood risk for 634,000 people and over \$84.3 billion of assets in the Central Valley alone. The state is depending on these excess credits to provide a portion of the non-federal cost share on the American River Common Features 2016 project and the Lower San Joaquin River Project. The excess credits are a result of the state's previous investments that accelerated projects, reduced risk sooner, and reduced the overall cost of the Corps projects, saving millions of dollars of federal funding. Staff at the California Department of Water Resources would be happy to work with you on that issue.

In the 2022 WRDA, we also would like to see Congress encourage the Corps for further support for "nature-based solutions," such as through the Corps' "Engineering with Nature" initiative. The California Department of Water Resources entered in an MOU in 2021 with the Corps to further collaborate on nature-based solutions. We appreciate the working relationship with the Corps.

We are working together, for example, to expand the floodplains of the Sacramento, San Joaquin, and Pajaro rivers in order to improve flood protection while also improving and restoring habitat; sustaining agriculture; improving water quality, and increasing opportunities for recreation, outdoor education, and access. It is important that the next WRDA would advance this multi-benefit work, especially in communities like south Stockton and Watsonville, where many residents are low income.

Governor Newsom and California have made climate resilience, biodiversity conservation and equitable outdoor access for all top policy and funding priorities. Enhanced partnerships and collaboration with the Army Corps are critical for these efforts.

Dredging waterways to protect navigation is a major Corps responsibility. As part of the Corps funding process, they fund maintenance dredging, but do not routinely fund beneficial use of dredged, uncontaminated sediment. As a result, the vast majority of dredged material goes to the lowest-cost disposal option, frequently ocean dumping. At a time where sea level rise is increasingly jeopardizing beaches, wetlands, ports and communities, the Corps' consideration to make beneficial use of sediment a top-funded priority is critical. In California, this would mean increased coastal resilience and increased wetland acreage. For example, enlarging and restoring thousands of acres of wetlands along San Francisco Bay by beneficially using dredge sediments will protect local communities and numerous ports from the growing threat of sea level rise while enhancing carbon sequestration and the Bay's extraordinary biodiversity as the largest estuary on the West Coast.

Additionally, any opportunities that support projects to increase coastal resilience, wetland acreage, and other habitat restoration should be accelerated. California wants to work closely with the Corps to increase the pace of project implementation by “Cutting Green Tape” through simplified joint permit processes, joint consultations, and agreed-upon short permit review timelines. We urge the Corps to make expediting these types of projects a top priority.

We also would appreciate continued Congressional investment in the Corps’ crucial work to update water control manuals that guide operators at keystone reservoirs including Oroville and New Bullards Bar.

Many Corps water control manuals have not been updated in more than a generation. Meanwhile climate change and new forecasting technology create a need and opportunity for more flexibility in reservoir operations. In California, we especially appreciate the way the Corps is aligning its updates of water control manuals with use of forecast-informed reservoir operations, or FIRO. FIRO is a strategy that integrates flexibility in reservoir rules of operations and enhanced forecast skill, to potentially improve operations for flood control and water supply. DWR and the Corps continue to seek state and federal funding to support FIRO; the 2021–22 state budget included \$10 million for FIRO. The research arm of the Corps has continued funding to engage in FIRO projects (about \$5 million this year) which includes the Yuba, Feather, Russian, and Santa Ana rivers in California and the Howard Hansen dam in Washington state.

Together, updated water control manuals and FIRO can give California reservoir operators the information and flexibility they need to adjust to warmer, flashier storms and reduced snowpack. This will help save lives in wet years and conserve water for dry years. It is, in other words, a great tool for climate adaptation.

Finally, I hope that the 2022 WRDA continues funding and support for the Corps at the Salton Sea. California just committed another \$220 million over the next three years in habitat restoration and dust suppression at the Sea. It will take a strong partnership with the Corps—the lead federal agency on this work—for us to succeed in protecting public health and maintaining a crucial food supply for millions of migratory birds.

In the coming year, I look forward to working with this committee and its members on priorities like these as you chart federal investments in water resources. Thank you, Chair DeFazio and Chairwoman Napolitano. This concludes my testimony, and I am happy to answer any questions you or other members may have.

Mrs. NAPOLITANO. Thank you, Mr. Crowfoot. That was well put. And I agree with you both on Salton Sea and on the dredging material.

Next, I would like to recognize Representative Stanton to introduce the next witness. Mr. Stanton, you are recognized.

Mr. STANTON. Thank you very much, Madam Chair. I am pleased to welcome to our subcommittee Peter Yucupicio, chairman of the Pascua Yaqui Tribe in Arizona. For more than 20 years, Chairman Yucupicio has served the Pascua Yaqui Tribe at first as treasurer, vice chairman, and now four terms as chairman. He also serves on the Pima Association of Governments Regional Transportation Authority and is the 2022 chair of the RTA Board.

Chairman Yucupicio understands the importance of managing and protecting the Tribe’s very limited water resources. Thanks to his vision and leadership, the Tribe was the first recipient of Federal funds under Arizona’s environmental infrastructure authority. In addition, he has been very active in pushing back against efforts to weaken protections under the Clean Water Act.

Chairman Yucupicio is also an accomplished musician and was recently inducted into the Tejano Roots Hall of Fame. Thank you for joining us, Chairman. We look forward to your testimony.

Mrs. NAPOLITANO. Mr. Yucupicio, you are recognized; you may proceed.

Mr. YUCUPICIO. Thank you, Madam Chair. Buenos dias. Good morning. Lios enchim aniavu. On behalf of all our Tribal members,

on behalf of all the members who are up in the [speaking Native language], which is in heaven, a blessing from all our people on our reservation and throughout southern Arizona and the United States.

Chair Napolitano, Ranking Member Rouzer, and the members of the subcommittee, my name is Peter Yucupicio, and I am the chairman of the Pascua Yaqui Tribe. I am here today to testify on the Water Resources Development Act of 2022, and to urge the committee to increase the authorization levels for the environmental infrastructure authorities to help address the critical need for water infrastructure projects in Arizona and across Indian Country. I would like to acknowledge and express my appreciation for the opportunity to testify today.

The Pascua Yaqui Tribe is a federally recognized Tribe with a reservation southwest of Tucson, Arizona. We are a historic Tribe with a small reservation established for the use of the Tribe's 22,000 members. Since our Tribal Federal recognition in 1978, our government has focused on providing housing, public services, and economic opportunities for our Tribal members. Like many Tribes, our Tribe has limited access to potable water. In fact, our reservation doesn't have access to surface water, and our access to groundwater is extremely limited. Instead, we get water service from our neighbor, the city of Tucson.

But the total amount we can receive is capped to less than 1,000 acre-feet of water per year. And we are on a pace to exceed our water delivery limits with the city of Tucson in only a few years. That is why the EI program is so critical since it provides another resource for communities, including Tribal communities, to meet our water needs.

With the support of Congressman Greg Stanton, the Pascua Tribe was the first Tribe in Arizona to tap into Arizona's EI authority.

With funding awarded to the Tribe through the Army Corps, we are finally able to construct a water distribution line that will bring nonpotable water to our Tribal Wellness Center, to irrigate our ballfields, and a public park that we maintain to encourage the healthy lifestyle for our Tribal members.

By building out the distribution line, we will save about 16 million gallons of potable water, which we can use to supply water for 375 homes on our reservation. That means a lot to our small Tribe.

As I work with Tribal leaders here in the West, I see firsthand a need for additional Federal investment of water infrastructure on Tribal lands. Unfortunately, many Tribes lack the financial resources needed to address their water infrastructure needs. And while our Tribe is grateful to have been able to tap into resources made available through the Arizona EI authority, we also are aware that only a small handful of Tribes across the country have applied for or received assistance under this program.

The Army Corps has been an excellent partner to the Pascua Yaqui Tribe as we work to develop our nonpotable water line for the Wellness Center and our reservation, but the Tribe was lucky to hear about the availability of funds for the EI program in the first place. Since the program is not formally noticed to Indian Tribes, more should be done to assist Tribes under the EI program.

For example, the Army Corps could develop a Tribal engagement plan to help bridge the gap for Tribes to participate in this benefit of EI resources. A Tribal engagement plan could ensure Tribes receive notice of funding about the program well in advance of any deadlines. The Corps could also offer individual Tribal consultations for Tribes interested in learning more about the EI program.

We also recommend that the committee consider allowing Tribes to use available Federal funding sources to meet the 25-percent cost share requirements of the EI program or eliminate this cost share requirement for Tribes entirely.

Finally, we hope the committee will consider the opportunity the WRDA presents to expand the mission of the Army Corps to allow it to provide much greater assistance in water supply projects moving forward.

Chair Napolitano, Ranking Member Rouzer, and members of the subcommittee, thank you for the opportunity to testify today. I would be honored to answer any questions you have, and I also have here members of our council, which is Secretary Valencia, Councilwoman Buenamea, and then members of our staff, the attorneys general. And we are happy to answer any questions. But living here on the reservation, we actually live on bedrock, all the surface water, the sheet flooding that runs off this reservation, so, we can't hold it. And there are laws that protect that. And the Black Wash that limits us from even capturing any rainfall or any water. So, that is our status here.

Thank you.

[Mr. Yucupicio's prepared statement follows:]

**Prepared Statement of Hon. Peter Yucupicio, Chairman, Pascua Yaqui
Tribe of Arizona**

Lios enchim aniavu, Chair Napolitano, Ranking Member Rouzer, and members of the Subcommittee. My name is Peter Yucupicio, and I am the Chairman of the Pascua Yaqui Tribe of Arizona (Tribe). I am here today to testify regarding the Water Resources Development Act of 2022 (WRDA) and to urge the Committee to increase the authorization levels for the environmental infrastructure (EI) authorities under Section 595 of the Water Resources Development Act of 1999, Public Law 106-53, as amended, to help address the critical need for water infrastructure projects in the eligible states, including in our state of Arizona. As discussed in greater detail below, we also recommend the Committee consider several other measures in WRDA, including enhancements to EI that could improve the ability of Indian tribes to access this important program.

I would like to acknowledge and express our appreciation for the opportunity to testify today and thank the Committee for your continued support for EI in the biennial WRDA.

ENVIRONMENTAL INFRASTRUCTURE AND THE PASCUA YAQUI TRIBE

The Pascua Yaqui Tribe is a federally recognized tribe with a reservation southwest of Tucson, Arizona. Our Tribe was recognized by Congress pursuant to the Act of September 18, 1978, P.L. 95-375 (92 Stat. 712), as amended, and the Indian Reorganization Act of 1934 (48 Stat. 984) (IRA). We are an historic tribe with a small, 2,216-acre Reservation established for the use and benefit of the Tribe's 22,000 members. Since our Tribe's federal recognition in 1978, our Tribal government has focused on providing housing, public services, and economic opportunities for our Tribal members on our Reservation and in our Tribally recognized communities in Arizona.

Like many of our sister tribes here in the west, the Pascua Yaqui Tribe has limited access to potable water supplies. In the case of our Tribe, we do not have a surface water supply of our own on the Reservation and our access to groundwater

is extremely limited. Pursuant to a *2011 Intergovernmental Agreement between the City of Tucson and Pascua Yaqui Tribe for Potable Water Service* (Tucson IGA), the Tribe receives potable water service from our neighbor, the City of Tucson, but Tucson caps the amount of water it will deliver to the Tribe at 600 acre-feet + 300 acre-feet for public facilities. With the development of much-needed housing for Tribal members and associated Tribal facilities, we are on course to exceed our water delivery limits with Tucson in only a few years. This is why the EI authority for Arizona is so critical, since it provides another resource for communities, including Tribal communities, to meet our water infrastructure needs—here with the participation of the U.S. Army Corps of Engineers (USACE).

With the support of Congressman Greg Stanton, the Pascua Yaqui Tribe was the first Tribe in Arizona to tap into Arizona's EI authority. With funding awarded to the Tribe through the USACE, we are finally able to construct a water distribution line that will bring non-potable water to our Tribal Wellness Center on the Reservation to irrigate recreational facilities, including ballfields and a public park, that we maintain to encourage a healthy lifestyle for our Tribal members.

Importantly, this project will also result in the conservation of at least 50 acre-feet (16,292,550 gallons) of *potable* water each year on the Reservation, contributing to the protection of the Tribe's limited water resources and making it possible for the Tribe to provide a future potable water supply to 375 homes on our Reservation. While we have many more water challenges to overcome, projects like those supported by the EI authority and the USACE will help our Tribe achieve a reliable water supply for our growing Tribal population. We are therefore grateful for this program and urge the Committee to *increase* the authorization for the Arizona authority and *expand* the number of states (and thus tribes) that are eligible to participate.

On the funding side of things, Indian tribes are only now learning about the EI program and as discussed below, tribes face barriers to participation in federal infrastructure programs, like the Arizona EI authority, that often preclude our participation in these programs. Without additional authorization and more resources for EI, it is likely that tribes will be frozen out of the benefits of EI once again, since this funding will be quickly secured by municipalities and other non-tribal beneficiaries that are more familiar with the EI program, despite the urgent need for water supply and water resource projects and technical assistance on tribal lands.

RECOMMENDED IMPROVEMENTS IN THE ENVIRONMENTAL INFRASTRUCTURE PROGRAM

As the Chairman of the Pascua Yaqui Tribe, I frequently interact with tribal leaders from federally recognized Indian tribes located throughout the West and see first-hand the glaring need for additional federal investments in the development, repair, and replacement of water and wastewater infrastructure on Tribal lands, among other environmental infrastructure projects. Indeed, as tribes struggle with years of drought and the reality of a much hotter and drier future, Indian tribes, just like many of our neighboring communities, need increased access to financial resources and technical assistance—like those provided by the EI—to enhance, and in many instances *retool*, our existing water supply and wastewater systems to conserve water, offset potable uses, and recycle water to support the health of our environment and provide a more flexible water supply for our future.

Unfortunately, many tribes simply lack the financial resources needed to address these infrastructure needs. Compounding these challenges, tribes often find that federal programs established to address water infrastructure needs in the United States are hard to access, require an insurmountable cost share, or have screening criteria that do not fit the circumstances of tribal communities. And while our Tribe is grateful to have been able to tap into resources made available through the Arizona EI authority, we are also aware that only a small handful of tribes in EI eligible states have applied for or received funding or technical assistance under this important program. Accordingly, on behalf of the Pascua Yaqui Tribe and our sister tribes here in the West, in addition to increasing the authorizations for these EI authorities, we respectfully urge the Committee to consider the following actions that would expand tribal access to the EI program and support important water resiliency projects on tribal lands.

1. The USACE should develop a plan for tribal engagement on the EI

The USACE has been an excellent partner to the Pascua Yaqui Tribe as we work to develop our non-potable water line for the Wellness Center on our Reservation. But our Tribe was lucky to hear about the availability of funds for the EI program in the first place, as the program is not formally noticed to Indian tribes in eligible states. In fact, it was only through the tribal outreach efforts of Congressman Stan-

ton and his office that the Tribe became aware of its eligibility for EI and the potential fit between our Wellness Center project and EI criteria.

Indian tribes, especially smaller and rural tribes, often lack the in-house resources and capacity to independently identify programs like the EI program as a source of technical assistance and support for critical water supply projects on their reservations. The development of a written plan for tribal engagement on EI by the USACE could help bridge this gap for tribes and provide a much greater opportunity for Indian tribes to participate in the benefit of EI resources. The tribal engagement plan could, among other things, require that a notice of funding availability be shared with eligible tribes well in advance of any applicable deadlines. To be effective, the notice could also outline, in a clear and concise way, what projects are eligible for EI assistance, the timelines for applying for such assistance, and the contact information for local USACE staff who are able to provide guidance on the application process. The USACE could also offer individual government-to-government consultation with tribes interested in learning more about the EI program.

2. Cost Share and Reimbursement Requirement

While there are several federal grant programs available to help tribes build critical water and wastewater infrastructure on tribal lands, in many instances, these programs require a *non-federal* cost-share match by the tribe, often from 50% to 75% of the total project cost. While the EI program is an improvement, since the non-federal cost share is only 25%, even this can be a significant barrier for participation in the program for tribes.

As this Committee knows well, constructing and repairing water and wastewater facilities and other environmental infrastructure projects requires a substantial capital expenditure for any community. In non-native communities, these types of capital improvements are typically funded through tax-payer dollars and bonds, as well as impact fees assessed to private developers. However, tribal communities do not have the same mechanisms to generate or receive tax benefits or otherwise use bonding capacity. Moreover, because tribes develop and maintain these large water resource projects to facilitate their *own* economic development projects or to support tribal services and tribal housing, tribes do not have the benefit of assessing impact fees on developers to help fund these projects.

Tribes' inability to tap into sources of revenue like certain taxes, bonds, or impact fees on par with their neighboring communities magnifies the difficulty presented by the EI's non-federal 25% cost share. First, without sufficient water and wastewater infrastructure, tribes are unable to engage in robust economic development projects that could provide a source of revenue to meet the 25% cost share requirement, even though the very lack of water related infrastructure is what makes the tribe eligible for the EI program in the first place. This presents a difficult chicken and egg situation for tribes. Second, because the 25% cost share must be non-federal, tribes are unable to use *other sources* of available *federal* dollars that they may have access to in order to fund the non-federal 25% cost share, even if cost share is allowable under other federal programs.

In recognition of the unique circumstances faced by Indian tribes, including tribes' limits on access to revenue sources that are available to non-native communities and the dire need for water and wastewater infrastructure on tribal lands, the Tribe recommends the Committee consider allowing Indian tribes to use available federal funding sources to meet the 25% cost share requirement of the EI program or eliminate this cost share requirement for tribes entirely.

In addition, the reimbursable nature of the EI program also presents barriers to tribal participation. Specifically, the EI program requires participating tribes to fund 75% of the construction costs of EI approved projects *up front*, with the USACE providing a subsequent *reimbursement* of costs to the tribe after the fact. In many instances, however, tribes lack the financial tools or tribal funding sources (as discussed above) to participate in programs like EI that only reimburse the tribe for construction costs after the fact. To ensure greater participation of tribes in the EI program, the Committee should consider changes to these requirements for tribal participants.

While small, the changes to the EI program discussed in our testimony today would be a big step in assisting tribes to fully participate in this program on par with non-native communities, providing a federal investment on tribal lands that will assist tribes in meeting critical water needs now and in the future.

EXPAND THE MISSION OF THE ARMY CORPS OF ENGINEERS

While it is our understanding that the WRDA has typically focused the USACE's mission on traditional civil works purposes, including improving navigation, reducing flood risk, and restoring aquatic ecosystems, there is a very strong need for the USACE to expand its core mission to include water supply projects generally. The need for assistance from the USACE in the development of these types of projects could not be greater for communities in the West, as we see the impacts of drought and ongoing aridification drastically depleting the availability of water resources at both a local and regional scale. The USACE stands in a unique and important position to assist communities, including our tribal communities, as we adapt to these rapidly developing water supply challenges in real time. We hope the Committee will consider the opportunity that WRDA presents to expand the mission of the USACE to provide much greater assistance in water supply projects moving forward.

CONCLUSION

Chair Napolitano, Ranking Member Rouzer, and members of the Subcommittee, thank you for the opportunity to testify today. On behalf of the Pascua Yaqui Tribe, we urge the Committee to consider the recommendations set forth in our testimony that have the potential to magnify the impact of the WRDA in Indian Country. We are also grateful for the inclusion of Arizona in the EI program and for the benefit it is bringing to help meet the water needs of our Tribe. I would be honored to answer any questions you may have.

Mrs. NAPOLITANO. Thank you, Mr. Yucupicio, for your comments. And your points are well taken.

I now recognize Representative Babin to introduce our next witness. Mr. Babin, you are recognized.

Dr. BABIN. Yes, ma'am. Thank you, Madam Chair, I really appreciate it. And I am elated to welcome my very close friend, the Honorable Michel Bechtel, to today's Committee on Transportation and Infrastructure's Water Resources and Environment Subcommittee hearing. I have known Mayor Bechtel for just shy of a decade, and in that time, I have met few others as dedicated or as knowledgeable as he is when it comes to the protection and the promotion of southeast Texas and our many essential ports and the valuable energy infrastructure that we have along our Texas coast.

As president of the Gulf Coast Protection District, Mayor Bechtel provides a unique and informative perspective for ongoing projects in the gulf region. I am very pleased to be able to publicly thank him for the work and the study that he has put in to benefit my constituents in the 36th Congressional District of southeast Texas in the Greater Houston area, and the local relations with the Army Corps of Engineers. I really appreciate Mayor Bechtel.

In addition to his work with the Gulf Coast Protection District, Michel serves as the mayor of Morgan's Point in my district as well. He has been one of the most positively influential community servants in Texas, and I can think of no one more qualified and knowledgeable to be sitting here today. I can also vouch for his marksmanship and his ability to take a duck down at any blind.

Welcome, and we look forward to your testimony, Mayor. And with that, Madam Chairwoman, I yield back.

Mrs. NAPOLITANO. Mayor Bechtel, you may proceed. You are being recognized, sir.

Mr. BECHTEL. Thank you for your kind words, Congressman. And Chairman Napolitano, Ranking Member Rouzer, Chairman DeFazio, members of the subcommittee, thank you for the opportunity to testify before you today to discuss stakeholder priorities for the

proposed Water Resources Development Act. My name is Michel Bechtel. I am the mayor of the city of Morgan's Point, Texas, and president of the Gulf Coast Protection District.

In 2021, the Texas Legislature created the Gulf Coast Protection District to serve as a non-Federal sponsor of the storm surge protection system described in U.S. Army Corps of Engineers Coastal Texas Protection and Restoration Chief's Report. The Chief's Report was signed on September 16, 2021.

The district's 5-county territory, Chambers, Galveston, Harris, Jefferson, and Orange, is home to over 5½ million residents, 8 ports, and 9 congressional districts. The district will also be the non-Federal sponsor of the Sabine to Galveston projects located in the territory.

Sabine to Galveston was fully funded in the Bipartisan Budget Act of 2018 and has already begun construction in some locations. The Coastal Texas Study presents a plan that will protect the upper Texas coast against hurricane storm surge from the Gulf of Mexico.

The proposed components include a gate system, a nature-based beach and dune system, ring barriers, and gates and pump station systems on the mainland coast. The multiple lines of defense provide a delicately balanced approach to protecting essential human and economic infrastructure that contributes significantly to the Nation's economy while preserving the beaches and unique ecosystems on the Texas gulf coast.

This project is not only important to the safety of the upper Texas coast residents, but provides vital protection for the economy of the States you represent and the whole Nation. During 2021, we witnessed a fragility of supply chains that resulted in monumental economic disruptions. Understanding supply chain perspectives when major hurricane disasters hit the upper Texas coast is important for recognizing the considerable national benefits of the Texas coastal storm surge protection plan.

Following major weather events, supply chains are affected by storm damage to structural and human infrastructure. Reduced worker capacity impedes recovery work at facilities, exaggerating supply chain disruptions. Truckdriver shortages, a key component to this human infrastructure, intensified following storms. Trucks move the supply chain for the top 10 commodities, including electronics, grocery and convenience store goods, hardware, gravel, grains, and gasoline. Agriculture is impacted by supply chains supporting fertilizer, seed, crop protection products, and machinery parts.

In 2020, the U.S. exported over \$1.2 trillion in manufactured goods. The Houston Port region is home to the largest petrochemical complex and export port in the United States, providing \$802 billion in national economic value.

If back-to-back hurricanes hit the Houston Ship Channel similar to Louisiana in 2020, critical economic activity in the port could be shut down for an extended period. This means no port activity, no cargo, no commerce, no jobs.

Staggeringly, 96 percent of all manufactured goods are directly touched by the business of chemistry. Texas is the largest chemistry producing State in the Nation. The business of converting

these basic chemicals into textiles, food packaging, automotive parts and safety glass, home furnishings, construction and roofing materials, paints and coatings, pharmaceuticals, and fertilizers occurs in other States, many of which are represented on this subcommittee.

If left unprotected, major storms impacting petrochemical and port infrastructure would significantly disrupt manufacturing, retailers, and business operation supply chains in States across the Nation.

If the region's chemical producers can't produce ingredients, manufacturers can't generate products, truckers and air freight can't move inventories, retailers can't stock shelves, and exports are halted. In addition, 80 percent of the Nation's military grade fuel is supplied by this region, a national security issue for you to consider. The deep and significant impact of protecting this region from catastrophic storm surge is evident. The security of State and national economies will be hugely improved with the implementation of the coastal Texas projects.

In closing, I leave you with how the coastal Texas project could affect your jurisdictions. Import and export commodities moving through the Houston Port region are connected to manufacturing and retail supply chains in each of your home States. Each of your States have commodities that import through Port Houston.

Thank you, again, for this opportunity. As you deliberate the stakeholder priorities presented to you, I urge you to consider authorization of the Coastal Texas Study. The projects represented in coastal Texas offer not only a comprehensive storm surge reduction plan, but a plan of undeniable return on investment. The Gulf Coast Protection District is ready to begin a long-term partnership with the U.S. Army Corps of Engineers to carry out this once in a lifetime and landscape-changing project. Again, thank you.

[Mr. Bechtel's prepared statement follows:]

**Prepared Statement of Hon. Michel Bechtel, Mayor, Morgan's Point, Texas,
and Board President, Gulf Coast Protection District**

Chairman DeFazio, Chairwoman Napolitano, Ranking Member Graves, Ranking Member Rouzer, and distinguished members of the Subcommittee, thank you for the opportunity to testify before you today to discuss stakeholder priorities for the proposed Water Resources Development Act (WRDA) of 2022.

My name is Michel Bechtel. I am Mayor of the City of Morgan's Point, Texas and the President of the Gulf Coast Protection District. In 2021, the Texas Legislature created the Gulf Coast Protection District (the District) to serve as the non-federal sponsor for the storm surge protection system described in the Coastal Texas Resiliency Improvement Plan identified in the US Army Corps of Engineers (USACE) Coastal Texas Protection and Restoration Chief's Report (Coastal Texas Chief's Report), signed on September 16, 2021. The District's five county territory: Chambers, Galveston, Harris, Jefferson, and Orange, is home to over 5.5 million residents, eight ports, and nine congressional districts. The District will also be the non-federal sponsor of the Sabine Pass to Galveston Bay Texas Coastal Risk Management (S2G) projects located in this territory and was fully funded in the Bipartisan Budget Act of 2018.

The Coastal Texas Chief's Report presents a plan that will safeguard the upper Texas coast against hurricane storm surge arising from the Gulf of Mexico and Galveston Bay. Gulf defenses include a gate system and a nature-based beach and dune system coupled with Bay defense systems involving a Galveston Island ring barrier system and gates and pump station systems on the mainland coast. These multiple lines of defense provide a delicately balanced approach to protecting essential

human and economic infrastructure that contributes significantly to the nation's economy while preserving the beaches and unique ecosystems on the Texas coast.

This project is not only important to the safety of upper Texas Coast residents but provides vital protections for the economies of the states you represent, and the nation. During 2021, we witnessed the fragility of supply chains that resulted in monumental and catastrophic economic disruptions. Understanding supply chain perspectives when major hurricane disasters hit the upper Texas coast is important for recognizing the considerable national benefits of a Texas coastal storm surge protection system.

Following major weather events, supply chains are affected by storm damage to structural and human infrastructure. Reduced worker capacity impedes recovery work at facilities thus exacerbating supply chain disruptions. Truck driver shortages, a key component of this human infrastructure, intensify following storms. Trucks move the supply chain for the top 10 commodities including electronics, grocery and convenient store goods, hardware, gravel, grains, and gasoline. Agriculture is impacted by supply chains supporting fertilizer, seed, crop protection products, and machinery parts.

In 2020, the U.S. exported over \$1.171 trillion in manufactured goods, with small businesses comprising ninety-six (96) percent of all exporters in the U.S. The Houston Port Houston region is home to the largest petrochemical complex and export port in the United States, providing \$801.9 billion in national economic value. With sequential major hurricanes hitting the Houston Ship Channel and direct hits 12 miles apart (similar to Louisiana in 2020), critical economic activity in the Port Houston Ship Channel could be shut down for an extended period. This means no port activity, no cargo, no commerce, and no jobs.

Staggeringly, approximately ninety-six (96) percent of all manufactured goods are directly touched by the business of chemistry. Roughly, eighty (80) percent of all primary petrochemicals are produced in Texas and Louisiana, with Texas being the largest chemistry producing state in the nation. Approximately, forty-two (42) percent of the nation's specialty chemical stock is required in a wide range of everyday products used by consumers and industry. The business of converting these basic chemicals into textiles, food packaging, automotive parts and safety glass, home furnishings, construction and roofing materials, paints and coatings, pharmaceuticals, and fertilizers occurs in other states, many of which are represented on this subcommittee.

With over seventy (70) percent of the nation's freight by weight moved by trucking and (60) percent of the aviation fuel produced in the upper Texas Gulf Coast affecting air freight, major storms impacting petrochemical and port infrastructure would significantly disrupt manufacturing, retailers, and business operation supply chains in states across the nation. If the region's chemical producers can't produce ingredients, manufacturers can't generate products, truckers and air freight can't move inventories, retailers can't stock shelves, and exports are thwarted. In addition, eighty (80) percent of the nation's military grade fuel is supplied by this region. The deep and significant impact of protecting this region from catastrophic storm surge is evident. The security of state and national economies will be hugely improved with the implementation of the Coastal Texas projects.

In closing, I will leave you with how this could affect your jurisdictions. Import and export commodities moving through the Houston Port region are connected to manufacturing and retail supply chains in each of your states. The following are top commodities based on tonnage that import through Port Houston to states represented on the Subcommittee:

- *Machinery, Appliances and Electronics* are received by California, North Carolina, Arkansas, Georgia, Illinois, New Hampshire, New Jersey, South Carolina, Tennessee, Oregon, and Missouri.
- *Hardware and Construction Materials* received in California, Oregon, Arkansas, Arizona, North Carolina, Georgia, Louisiana, New Hampshire, New Jersey, New York, South Carolina, and Missouri.
- *Automotive* are the top commodities received in South Carolina, Tennessee, North Carolina, and Louisiana.
- *Chemicals, Minerals, Resins and Plastics* received in Arkansas, Arizona, California, Florida, Georgia, Illinois, Louisiana, Missouri, North Carolina, New Hampshire, New Jersey, South Carolina, Tennessee, and New York.
- *Retail Consumer Goods* received in Arkansas, New York, Oregon, Arizona, and Puerto Rico.
- *Steel and Metals* received in Arizona, New Jersey, New York, Tennessee, Oregon, and Missouri.
- *Food and Drink* received in California, Arkansas, Arizona, Florida, District of Columbia, Illinois, New York, New Jersey, and Louisiana.

- *Furniture* received in Florida and North Carolina.

Thank you again for this opportunity. As you deliberate the stakeholder priorities presented to you, I urge you to consider authorization of the Coastal Texas Study. The projects represented in Coastal Texas offer not only a comprehensive storm surge reduction plan but a plan of undeniable return on investment. The Gulf Coast Protection District is ready to begin a long-term partnership with the USACE to carry out this once in a lifetime and landscape-changing project.

ATTACHMENT

[Editor's note: Mr. Bechtel submitted an attachment to his prepared statement which is retained in committee files and available online at <https://docs.house.gov/meetings/PW/PW02/20220208/114380/HHRG-117-PW02-Wstate-BechtelM-20220208-SD001.pdf>]

Mrs. NAPOLITANO. Thank you very much for your comments, sir. Chairman Seki, you may proceed.

Mr. SEKI. Aaniin, distinguished members of the subcommittee.

[Speaking Native language.]

My name is Darrell G. Seki, Sr. I am the chairman of the Red Lake Band of Chippewa Indians, and I speak on behalf of the Tribal Council and our membership.

Chi miigwetch to you and the other distinguished subcommittee members for the opportunity to testify on the experiences of Red Lake Band of Chippewa Indians working with the Army Corps of Engineers.

The Red Lake Band Indian Reservation is composed of more than 840,000 acres in northern Minnesota. Nearly 29 percent of the Red Lake Reservation is covered by water. That is 240,000 acres. The Army Corps projects have drastically changed our environment, preventing fish passes and damaging 25,000 acres of the Zah-Gheeng Marsh, which was one of the last remaining extensive tracts of pristine marsh in the North Central States.

Beginning with the passage of the Flood Control Act of 1944, the Corps replaced the stop log structure at the outlet of Lower Red Lake with a new lift-gate dam, constructed a low-head rock dam several miles downstream from the outlet, as well as dredged and channelized significant portions of the Red Lake and Clearwater Rivers.

After these projects were complete, significant drying of the marsh was observed, along with the disappearance of water fowl and furbearing populations that the band had relied upon for generations for food, culture, and economic purposes. Fish passage restrictions also became a huge problem.

In 1957, the U.S. Fish and Wildlife Service issued a report on environmental damages resulting from the flood control project. But some secret efforts by the Army Corps to restore our environment failed. The Red Lake knows that our experience with the Army Corps is not unique. It is apparent throughout Indian Country.

The band supports the other Tribes' efforts to win redress concerning the Dakota Access pipeline, the Enbridge Line 5 pipeline, and the Enbridge Line 3 pipeline. Last year, the band was party to a lawsuit against the Army Corps to request a preliminary injunction to stop construction of Enbridge Line 3.

While Red Lake cannot say our relationship with the Army Corps has been cordial at all times, there are three particular moments in Red Lake's history where the band's relationship with the

Army Corps has made headway. One, the restoration of the walleye population. Two, the construction of the fish passage in 2011. Three, current efforts to rehabilitate marsh lands surrounding the dam.

I have discussed these all thoroughly in my written testimony. But today, I want to focus on our joint efforts to address the fish passage and the rehabilitation of Zah-Gheeng Marsh. We are currently conducting a feasibility study funded by the Corps before we begin a two-phased restoration.

Phase 1 will address the fish migration barrier constructed by the Army Corps in 1958. Phase 2 will focus on restoring the marsh. This will allow for necessary seasonal flooding of this wetland and help with downstream flooding issues, because wetlands are very effective at holding water during high-water periods.

As the subcommittee prepares for the Water Resources Development Act of 2022, we urge you to include three critical provisions. First, appropriate \$950,000 in construction funds to support phase 1 of Red Lake's fish migration and Zah-Gheeng Marsh rehabilitation project.

Second, appropriate \$100,000 for the Army Corps to enter into agreement with Red Lake to conduct biological surveys before and after phase 1 is complete to show the impact and effectiveness of the Corps' investment. Currently, Red Lake is home to the one of the largest concentrations of native freshwater mussels in the State of Minnesota. It is an area of special concern.

Three, Congress should direct the Army Corps to hire a Tribal Liaison for each district to increase Government-to-Government consultation and to ensure that Tribal concerns are addressed in a timely manner.

I want to say *chi miigwetch* for allowing me the opportunity to testify today. We look forward to working with your subcommittee to guide the Corps into a new direction. Again, *chi miigwetch*.

[Mr. Seki's prepared statement follows:]

Prepared Statement of Hon. Darrell G. Seki, Sr., Chairman, Red Lake Band of Chippewa Indians, Minnesota

Aaniin (Hello/Dear) Chairman DeFazio, Chairwoman Napolitano, and Ranking Member David Rouzer,

Chi miigwetch (many thanks) to you and the other distinguished Subcommittee members for this opportunity to testify on behalf of the Red Lake Band of Chippewa Indians (Red Lake or the Band). We are particularly appreciative of your efforts to hold this hearing, which includes a voice often left out of critical conversations surrounding the work of the Army Corps of Engineers (Army Corps)—Indian Country.

While there have been many attempts by the federal government to reduce our homelands, Red Lake is proud to say our 840,000-acre Reservation in Northern Minnesota is held in trust by the United States and has never been broken apart or allotted. For those who are not familiar with the geography of the State of Minnesota, there is a reason people call it the land of 10,000 lakes—nearly 29 percent of Red Lake's Reservation (240,000 acres) is covered by water.

Referred to in early treaties as the Band's "food store," Red Lake Band members have relied on its vast bodies of water and associated wetlands for subsistence fishing and harvesting of animals and plants for food and medicine since time immemorial. As such, each Band Member is charged with the responsibility of sustaining and protecting our pristine environment and natural resources, and carrying on the legacy of our inheritance, our sovereignty, customs, and traditions.

Despite the importance of maintaining the bodies of water within its boundaries for Red Lake Band members, it has taken the Army Corps decades to share and

meet Red Lake in its goal of rehabilitating our environment that has been drastically changed due to past Army Corp projects.

HISTORY OF RED LAKE ENGAGEMENT WITH THE ARMY CORPS OF ENGINEERS

The Flood Control Act of 1944 authorized the Army Corps to conduct several activities within the Red Lake reservation for the primary purposes of flood control, pollution abatement, and drinking water supply to downstream communities off the reservation. Project activities included the replacement of a stop log structure at the outlet of Lower Red Lake with a new lift-gate dam, construction of a low-head rock dam several miles downstream from the outlet, as well as the dredging and channelization of significant portions of the Red Lake and Clearwater Rivers.

The Band and the Department of the Interior gave permission to conduct the Red Lake and Clearwater Rivers Project through a series of General Council Resolutions dated Oct 22, 1947, October 28, 1948, and April 17, 1949. Authority was also vested in the U.S. Department of the Army to maintain and operate the dam they were to construct. This permission was granted provisionally, which means that violation of the provisions in the resolutions is a violation of the agreement made between the United States and the Band to conduct the project. Provisions included the right of the Band to claim damages against the United States arising from the project, and that the Red Lake Marsh (Zah-Gheeng Marsh) was to remain in its natural state.

The project began in 1950 and was largely completed in 1951. Just a few years later, significant desiccation of the marsh was observed, along with the disappearance of waterfowl and furbearer populations that the Band had relied upon for generations for food, cultural, and economic purposes. Fish passage restrictions were also a problem. Prior to channelization of the Red Lake River by the Army Corps, the Zah-Gheeng Marsh, consisting of about 25,000 acres, was considered to be one of the last remaining extensive tracts of pristine marsh in the North Central States. Early reports by visitors to this area spoke on the beauty of the marsh and that it was teeming with wildlife of all kinds. That all changed with the activities of the Army Corps, which resulted in the loss of 25,000 acres of pristine marsh.

In 1957, the U.S. Fish and Wildlife Service issued a report on environmental damages resulting from the flood control project. The report identified, and attempted to quantify, biological and monetary damages that the new dam and channelization of the Red Lake River caused in terms of loss of wildlife, fish passage losses, increased wild fires, and economic losses to the Band. One method suggested in the report was to partially restore the marsh by digging intake channels on either side of the river at the outlet, in an effort to reflood the marsh via gravity flow. This project was subsequently constructed, but never worked. Other activities and works were proposed throughout the decades, with some being implemented, including a fish passageway just below the dam in 2011, but the Zah-Gheeng Marsh remains in the same poor condition today.

Red Lake knows too well that our experience with the Army Corps is not unique to Indian Country. The Band has been supportive of other tribes' efforts for redress concerning the Dakota Access pipeline, the Enbridge Line 5 pipeline, and the Enbridge Line 3 pipeline. Last year the Band was party to a lawsuit against the Army Corps, which permitted construction of the Enbridge Line 3 pipeline in Minnesota. The Band requested a preliminary injunction to stop construction, for alleged inadequacies in the Army Corps' climate change-related analyses. The Court denied the motion without addressing the Plaintiffs' argument concerning inadequacies in the Army Corps' climate change-related analyses. Despite this, Red Lake continues to stand with other Tribes in overcoming Army Corps' lack of regard for our homelands and natural resources.

RED LAKE'S CURRENT EFFORTS TO PARTNER WITH THE ARMY CORPS OF ENGINEERS FOR HABITAT REHABILITATION

While Red Lake cannot say our relationship with the Army Corps has been cordial at all times, there are three particular moments in Red Lake's history where the Band's relationship with the Army Corps has made headway—(1) restoration of the walleye population; (2) construction of the fish passage in 2011; and (3) current efforts to rehabilitate marsh lands surrounding the dam.

1. Restoration of the Walleye Population

In 1917, the Band began operation of the Red Lake Fishery to combat a regional food shortage during World War I. Subsequently, the Secretary of the Department of Interior established regulations at 25 CFR Part 242 authorizing the Band to engage in commercial fishing.

Today, the tribally owned and operated Fishery continues to play an important role in the life of the Band by maintaining local food sources and contributing to the local economy. During the peak fishing season, the Band supports 75 full time employees and over 700 fishermen-and-women, distributing \$60,000 to \$120,000 weekly to its fishermen-and-women. In 2021, the Fishery caught nearly half a million pounds of walleye for commercial distribution. This was the 15th year of fishing after the walleye population was restored and the Band remains committed to being a good steward of their lands. In 2006 and 2013, the Band was recognized by the Harvard Project on American Indian Economic Development for its multi-pronged plan to monitor, restore, and maintain the walleye population in which its livelihood depends.

2. Construction of the Fish Bypass in 2011

In 2011, the Band and Army Corps worked successfully on constructing a fish bypass around the Red Lake Dam, after 60 years of expressed concerns over the fish outmigration problem at the dam. There has always been distrust between the Band and the Army Corps. Red Lake Band members strongly believe the dam was only constructed for downstream agricultural and flood control interest off the reservation. Not for the interest of the Red Lake people. The construction of the fish bypass was thus an important first step in rebuilding trust between the Band and the Army Corps.

3. Current Efforts to Rehabilitate Marsh Lands Surrounding the Dam

In 2020, the Red Lake Band started the process of gathering support for a multi-agency effort to address the fish passage and Zah-Gheeng marsh degradation on the Red Lake Reservation as a result of past Army Corps channelization of the Red Lake River. Over the past year we have been able to build momentum for this project and have had meetings, and gained support and expertise from the Army Corps, U.S. Fish and Wildlife Service, and the Minnesota Department of Natural Resources. As such, the Army Corps has secured funds to conduct a current feasibility study to address fish passage and Zah-Gheeng marsh degradation, which is expected to be completed by September of 2022.

The Band will then begin pursuing construction dollars to implement a two phased restoration approach. Phase one will address the fish migration barrier constructed by the Army Corps in 1958. This 80-foot concrete structure will be altered to allow native fish species to ascend past this structure and continue their migration toward Red Lake. The Band has been cooperatively working to restore the lake sturgeon population of the Red Lakes for the past 15 years. The Lake Sturgeon is an historically important species to the Band, but they were extirpated from Red Lake by 1950. This was likely a direct result of Army Corps' project activities, with sturgeon not being able to return to the Red Lakes on their spawning migrations. Sturgeon use rivers, as we use highways, for seasonal movements. The construction of dams in the Red River of the North Watershed was a major factor causing this species to become extinct in the watershed. If funding can be secured, alterations to this structure should be completed by the end of 2024.

The second phase of this project will focus on restoring the marsh that remains in a degraded, unproductive state, since the channelization of this section of the river in 1951 by the Army Corps. The marsh restoration is being studied as part of the same feasibility study with a draft to be completed by September of 2022. This phase will be much larger and more complex than phase one and will require additional time to implement. To restore a functional marsh, the levees will have to be breached and the original river channel will have to be reestablished. This will allow for seasonal flooding of this wetland, which will make it more productive for fish, waterfowl, and furbearers which are important to the way of life of the Red Lake people. The restoration of the marsh will also help with downstream flooding issues, because wetlands are very effective at holding water during high water periods. Funding for this phase will likely be asked for in the 2024 Water Resources Development Act.

To document the impact and effectiveness of these restoration efforts, pre- and post-biological surveys should be conducted as part of this effort. This will include fish and mussel surveys in the river above and below the dam, before and after our restoration efforts in phase one. Furbearer and waterfowl monitoring should also be conducted in the marsh area pre- and post-restoration during phase two. These surveys will document the success of our efforts and can be used as a model for future restoration effort in the United States.

RECOMMENDATIONS

As the House Subcommittee on Water Resources and Environment begins to prepare its Water Resources Development Act (WRDA) of 2022, we encourage the Subcommittee to include funding for innovative projects that the Army Corps is undertaking with tribal governments, like Red Lake's—one of partnership, collaboration, and focused on rehabilitating, sustaining, and protecting our natural resources. More specifically, we encourage the Subcommittee to:

1. *Provide the Army Corps with \$950,000 in Construction Funds to Support Phase One of Red Lake's Fish Migration/Zah-Gheeng Marsh Rehabilitation Project.* These funds will be used to alter the current concrete low head dam to facilitate fish movement over this structure. We will be using a pool riffle design, which has been shown to be very effective in accomplishing this objective with very little environmental impact. This project will help the Band in its lake sturgeon restoration efforts and repair the negative impacts on the fish and mussel communities associated with the current structure. This phase of the project should be completed in 2024.
2. *Provide the Army Corps with \$100,000 for a reimbursable agreement with the Band to Perform Biological Surveys Before and After Phase One of Red Lake's Fish Migration/Zah-Gheeng Marsh Rehabilitation Project to Show the Impact and Effectiveness of the Army Corps' Investment.* Comprehensive fishery and mussel surveys will be conducted before and after the alteration of the dam to show the impacts and effectiveness of this project. A comprehensive fisheries survey will be conducted on the 12 miles of the Red Lake River within the boundaries of the Red Lake Reservation. This survey will be repeated once the modification of the dam is complete to show the positive results of this project. A comprehensive mussel survey will be conducted below and above the dam before and after the dam is modified. Fish are the main way that larval fresh water mussels are transported upstream, and this project should have positive effects on this community. The project site contains one of the densest concentrations of native freshwater mussels in the state of Minnesota, and so it is an area of special concern.
3. *In order to fulfill its Trust Responsibility, the Army Corp should staff a dedicated Tribal Liaison for each District to increase government to government consultation and to ensure that tribal concerns are addressed in a timely manner. This liaison should, at a minimum, contact designated tribal staff monthly to address any ongoing concerns and to keep communications open and regular.* Communications with Army Corps staff vary widely from very straight forward and cordial to nearly non-existent. The Army Corps, as a large bureaucracy, can be extremely challenging to navigate with respect to appropriate contacts on various issues. Examples of challenges for the Red Lake Band include the 404 permit process and dam operations planning. Clean Water Act (CWA) Section 404 permitting is a necessary and important part of many projects as it ensures the protection of valuable natural resources and prevent projects from violating the complicated requirements of the CWA. However, the time between application and approval can be extremely detrimental to tribal goals and objectives. In some cases, permits are taking in excess of 18 months. When projects are funded through grants with deadlines for expenditures this is unacceptable and can result in project cancellation. There is no clear line of communication to deal with these issues. A tribal liaison would provide this direct line of communication ensuring that both the proper tribal staff and Army Corps staff are in close contact resulting in accountability and timely responses from both parties. A liaison would also benefit both entities when cooperative projects occur, such as the restoration the Band is currently working on with the Army Corps or a new dam operations plan which will need to be discussed in the near future. The cost of a liaison would be minimal, requiring primarily monthly telephone check-ins and in person meetings only in the case of actual projects. This would be more than made up for by the potential improvement in Army Corps-Indian Country relationship.

CONCLUSION

Throughout the years, the relationship between the Band and the Army Corps may be described as one of misunderstanding and conflict. It has not helped matters that the Army Corps has a policy of rotating out its District Engineer Colonel every few years. Since the beginning of the Red Lake project in 1950, Red Lake Band leadership has changed five times and the Army Corps St. Paul District leadership has changed nearly two dozen times. The result of this frequent turnover is frustrating and results in the Band repeatedly meeting with and restarting our edu-

cation process on the damage the Army Corp did to our land, effectively thwarting the government to government consultation process. So here we are today, with the current Army Corps feasibility study to examine yet again, ways that the Zah-Gheeng Marsh might be restored, and fish passage improvements be made.

We are excited about the current national leadership of the Army Corps. Assistant Secretary Michael Connor, and Deputy Assistant Secretary Jaime Pinkham, both tribal citizens, have extensive experience in working with Indian Country. We anticipate they will make improvements to help ensure the Army Corps honors its trust responsibility to tribes and works to improve the government to government relationship. We also acknowledge and appreciate the efforts of your Subcommittee to do the same, as partially evidenced by your invitation for me to testify today.

Miigwetch (thank you) for allowing me the opportunity to inform the Subcommittee about Indian Country's engagement with the Army Corps of Engineers and to identify opportunities to support improved collaboration between the Army Corps of Engineers and Indian Country. We look forward to working with your Subcommittee to guide the Army Corps into a new direction.

Mrs. NAPOLITANO. Thank you, Chairman Seki. Your comments are well taken. And I would now like to recognize Representative Lowenthal to introduce our next witness. Mr. Lowenthal, you are recognized.

Mr. LOWENTHAL. Thank you, Chairwoman Napolitano. I am honored to introduce Mr. Mario Cordero. Mario is the executive director of the Port of Long Beach which is located in my district and has held this position since 2017. I have been privileged to call Mario a friend and a partner for almost—or maybe even more than 40 years, we have been working together.

Mario, during his illustrious career, has served as the distinguished Chair of the Federal Maritime Commission under President Obama, and he now serves as chair of the American Association of Port Authorities. He has worked tirelessly to make the Port of Long Beach a clean, efficient, and dynamic fixture in our community.

Recently the Nation has seen the supply chain vulnerabilities, and the stacking of ships we watched every night on TV outside of the Ports of Long Beach and Los Angeles. I am proud to say that under Mario's leadership, the Port of Long Beach introduced policies that not only reduced this congestion, but also put into effect long-term policies that will in the future increase the efficiencies of the port, so this will not happen again.

There are few people who are qualified to speak on port issues, and I look forward to his full testimony. Welcome to the committee, Mr. Cordero.

Mrs. NAPOLITANO. Thank you, Mr. Lowenthal. Mr. Cordero, you may proceed.

[Pause.]

Mrs. NAPOLITANO. You are muted, sir. You are muted.

Mr. CORDERO. Chairman DeFazio and Chairwoman Napolitano, Ranking Member Graves and Ranking Member Rouzer, it is an honor and privilege to testify before the distinguished subcommittee today to discuss the Port of Long Beach deep draft navigation project. My name is Mario Cordero. I am the executive director of the Port of Long Beach.

Before I discuss this project, I would first like to commend the subcommittee for holding this hearing. Passing the Water Resources Development Act, or WRDA, as it is commonly referred to, on a biennial basis has provided the country's navigation commu-

nity with a reliability and certainty that it needs to advance critical navigation projects like the one at the Port of Long Beach.

The Port of Long Beach stands in strong support of developing the Water Resources Development Act of 2022 and would like to acknowledge the tremendous bicameral and bipartisan track record of this important infrastructure bill. Thank you for your leadership and commitment to this authorizing process.

I would like to take a moment to acknowledge Congressman Lowenthal, a long-time member of this committee and ardent champion of the Port of Long Beach. Congressman Lowenthal, I cannot recall a time that this committee has held a WRDA hearing, and you haven't mentioned the Port of Long Beach. Thank you for keeping our WRDA needs front and center.

Chairwoman Napolitano, it was around this time in 2020 that you led a congressional delegation to visit southern California that culminated in a visit to the Port of Long Beach. You and many of your colleagues present today had the opportunity to see firsthand the sheer magnitude of the operations of the Port of Long Beach.

The Port of Long Beach is one of the few U.S. ports that can welcome today's largest vessels, serving 175 shipping lines with connections to 217 seaports around the world. And together with the Port of Los Angeles, we move more than 40 percent of the Nation's waterborne goods. We are quite literally the epicenter of where the box meets the docks.

I appreciate the opportunity today to highlight the significance of the port's deep draft navigation project and the value that the navigation mission of the U.S. Army Corps of Engineers provides to the Nation.

I take a moment upfront and say that, but for the shared goal and collaboration provided by the Corps Los Angeles District Office and the South Pacific Division, we would not have signed the Chief's Report ready for construction authorization in WRDA 2022. This project has been years in the making and is a central component of the port's master plan.

Given the pandemic-induced supply chain challenges that this country faces, which the port is working in lock step with the administration's White House Supply Chain Disruption Task Force to address, not a day goes by where supply chain issues are not a story in the nightly news. And while this deepening project will improve the efficiency of waterborne cargo, it was actually envisioned well before the COVID-19 pandemic exposed the vulnerabilities of the national supply chain.

The Port of Long Beach has long focused on making every aspect of operations more resilient. Deepening the port is a key component of the big picture. As the world's shipping fleet has produced larger ships, the existing channel depths and widths do not meet the draft requirements of these fleet vessels that call on the port.

The deepening project will improve conditions for current and future container and liquid bulk vessel operations in regard to safety, reliability, and waterborne transportation efficiencies. This project will result in immediate and quantifiable national and local benefits, including reducing air emissions and improving vessel maneuvering. The Chief's Report shows that this investment has a highly favorable benefit to cost ratio of 3.5 to 1.

Improving navigational efficiencies reduces emissions of air pollutants and greenhouse gases. Reductions in harmful air emissions will benefit disadvantaged and diverse communities surrounding the Port of Long Beach and reduce the climate impacts of port operations.

When our project with the U.S. Army Corps of Engineers is conducted, these ships will call at maximum capacity under most all-weather and tide conditions without waiting offshore.

In my role as chairman of the board of directors of the American Association of Port Authorities, I recognize the importance of the Corps in maintaining and improving our Nation's navigation assets.

The Port of Long Beach, much like ports in our great country, rely on the expertise and experience of the Corps to ensure that our ports remain open and our economy remains strong.

I want to thank this committee for prioritizing the needs of the Harbor Maintenance Trust Fund in WRDA 2020. Having a schedule to distribute the estimated \$9.3 billion in unspent HMT tax collections will go a long way towards restoring the "trust" in the trust fund.

I look forward to working with the committee through your oversight role to ensure that the intent of Congress is reflected in the Corps' development of a master plan to distribute the HMT funds.

In closing, we are thrilled to have reached the Chief's Report milestone to be eligible for construction authorization. The Port of Long Beach respectfully requests this committee's support for including this project in WRDA 2022. Thank you for this opportunity to testify today, and I, of course, look forward to your questions.

[Mr. Cordero's prepared statement follows:]

Prepared Statement of Mario Cordero, Executive Director, Port of Long Beach, California, and Chairman, Board of Directors, American Association of Port Authorities

Chairman DeFazio, Chairwoman Napolitano, Ranking Member Graves and Ranking Member Rouzer, it is an honor and a privilege to testify before this distinguished subcommittee today to discuss the Port of Long Beach's (Port) Deep Draft Navigation Project. My name is Mario Cordero and I am the Executive Director of the Port of Long Beach. Before I discuss this project I would first like to commend the subcommittee for holding this hearing. Passing the Water Resources Development Act, or WRDA as it is commonly referred to, on a biannual basis has provided the country's navigation community with the reliability and certainty that it needs to advance critical navigation projects like the one at the Port of Long Beach. The Port of Long Beach stands in strong support of the development of the Water Resources Development Act of 2022 and we would like to acknowledge the tremendous bicameral and bipartisan track record of this important infrastructure bill. Thank you for your leadership and commitment to this authorizing process.

I would also like to take a moment to acknowledge Congressman Lowenthal, a long-time member of this committee and ardent champion for the Port of Long Beach. Congressman Lowenthal, I cannot recall a time that this committee had held a WRDA hearing and you haven't mentioned the Port of Long Beach. Thank you for keeping our WRDA needs front and center.

Chair Napolitano, it was around this time in 2020 that you led a congressional delegation visit to southern California that culminated in a visit to the Port of Long Beach. You and many of your colleagues present today had the opportunity to see first-hand the sheer magnitude of the operations at the Port of Long Beach. As the second busiest seaport in the country, the Port of Long Beach is the premier U.S. gateway for trans-Pacific trade and a trailblazer in innovative goods movement, safety, environmental stewardship and sustainability. The Port of Long Beach han-

dles trade valued at more than \$200 billion annually and supports 2.6 million jobs across the nation. The Port of Long Beach is one of the few U.S. ports that can welcome today's largest vessels, serving 175 shipping lines with connections to 217 seaports around the world. And, together with the Port of Los Angeles, the San Pedro Bay Ports Complex moves more than 40% of our Nation's waterborne goods. We are quite literally the epicenter of where the box meets the docks. Please consider this an open opportunity to visit the Port when public health conditions permit. In the meantime I appreciate the opportunity today to highlight the significance of the Port's deep draft navigation project and the value that the navigation mission of the US Army Corps of Engineers' (Corps) provides to the nation. I'll get more into our partnership with the Corps later on in my testimony, but I just want to take a moment up front to say that but for the shared goal and collaboration provided by the Corps Los Angeles District Office and the South Pacific Division, we would not have a signed Chief's Report ready for construction authorization in WRDA 2022.

This project has been years in the making and it is a central component of the Port's masterplan. Given the pandemic induced supply chain challenges that this country faces, which the Port is working in lock step with the Administration's White House Supply Chain Disruption Task Force to address, not a day goes by where supply chain issues are not a story on the nightly news. And while this deepening project will help to improve the efficiency of waterborne cargo, it was actually envisioned well before the COVID-19 pandemic exposed the vulnerabilities of the national supply chain. The Port of Long Beach has long been focused on making every aspect of our operations more resilient. From increasing our rail capacity to reducing dwell times for shippers and improving air quality, we have always been focused on the bigger picture. And deepening the Port is a key component of that bigger picture.

As the world's shipping fleet has produced larger ships, the existing channel depths and widths do not all meet the draft requirements of the fleet of vessels that call on the Port. Tide restrictions, light loading, lightering, and other operational inefficiencies result in increased transportation costs. The deepening project will improve conditions for current and future container and liquid bulk vessel operations in regards to safety, reliability, and waterborne transportation efficiencies. Features of the project include:

- Deepening the Approach Channel from -76 feet to -80 feet
- Bend easing within portions of the Main Channel to -76 feet
- Constructing an approach channel and turning basin to Pier J South to a depth of -55 feet
- Deepening portions of the West Basin from -50 feet to a depth of -55 feet
- Deepening Pier J South and perform berth dredging within the Pier J South Slip to -55 feet
- Performing structural improvements to Pier J breakwaters to allow deepening to -55 feet
- Constructing a new electric dredge substation

In turn, the deepening project will result in immediate and quantifiable national and local benefits including reducing air emissions and improving vessel maneuvering. The Chief's Report shows that this investment has a highly favorable benefit to cost ratio of 3.5 to 1.

Benefits that will be realized by the project include reduced lightering of liquid bulk vessels, and reduced light-loading of container vessels; reduced transportation costs; and the potential for beneficial reuse of dredge material.

Improving navigational efficiencies reduces emissions of air pollutants and greenhouse gasses. Reductions in harmful air emissions will benefit disadvantaged and diverse communities surrounding the Port of Long Beach and reduce the climate impacts of Port operations.

Furthermore, the project will dredge out surface sediments exposing the cleanest native sediments at depth, providing an enhanced habitat for marine organisms.

The largest liquid bulk ships that call at the Port, call at Berth T121 at Pier T Echo. They are VLCCs (very large crude carriers). The large vessel calling at Berth T121 was I believe the Taqah (1/31/2018). Berth T121 is the only VLCC berth on the west coast of the U.S. VLCCs are approximately 300,000–325,000 metric tons dead weight and have a capacity of over 2 million barrels of product. Fully loaded, these vessels draft 70 feet. Because of their size and the manner in which they behave during maneuvering, if they are fully loaded and drafting 70 feet, the approach to Queens Gate needs to be at -80' Mean Lower Low Water (elevation of sea floor) to ensure the ships do not touch bottom during nearly all weather and tide conditions. Once inside Queens Gate and moving through our -76' MLLW Main Channel, these ships require the "bend easing" (smoothing out the sharp corners) of our Main Channel to transit from Queens Gate to Berth T121 under nearly all weather and

tide conditions. The reason these ships don't need -80' MLLW inside Queens Gate is that the wind and wave conditions are mitigated by our federal breakwater.

Today, VLCCs calling Berth T121 are limited to a maximum draft of 69 feet under optimal conditions and use of a sophisticated system called PROTIDE that analyzes wave, weather, and vessel data to predict whether the vessel has sufficient under-keel clearance to reach the berth safely. Much of the time, these vessels are limited to drafts less than 69 feet due to less than optimal weather and tide conditions. The Taqah called the Port drafting the maximum allowable 69 feet. Each additional foot of draft can mean an additional 35,000–40,000 barrels of product.

When our project with the USACE is conducted, these ships will call at maximum capacity under most all weather and tide conditions without waiting offshore.

Like any major infrastructure investment, the path to getting to a signed Chief's Report was neither straight nor narrow. But in the end, the process produced a project that, when built, will serve generations to come. There is an area of the deepening project feasibility process that I would like to call out as an example of collaboration and innovation. It could have been showstoppers for the process. However, through our long standing relationship with the Corps we were able to work through the issue as it presented itself and find common ground through constant communication and a trusted partnership.

The issue we faced during the feasibility study was a misalignment between the timeline presented under the Corps SMART Planning process and the Port's own masterplan process. About two-years into the feasibility study process it became apparent that the Corps study was accelerating at a faster pace than the Port's master plan. We fully acknowledge that asking the Corps to go slower is an unusual request for this committee to hear, but that is exactly what needed to happen. Through a concerted effort, we secured the support of our congressional delegation to ask the Corps to deviate from the three-year parameters of SMART Planning. We remain grateful for the coordination of the Corps' chain of command starting at the district level all of the way up to the Office of the Assistant Secretary of the Army for Civil Works for taking into account the unique situation in Long Beach and adjusting the federal feasibility study timeline accordingly.

Overall, I am also very pleased to see changes that the Corps is making to ensure that combating climate change and advancing equity are incorporated into the feasibility study process. A more comprehensive look at project benefits is long overdue and I applaud efforts undertaken by this committee in previous WRDA bills to give the Corps the tools and resources to modernize their policies and procedures.

In my role as Chairman of the Board of Directors of the American Association of Port Authorities, I recognize the importance of the Corps in maintaining and improving the country's navigation assets. The Port of Long Beach, much like the ports around this great nation, rely on the expertise and experience of the Corps to ensure that our ports remain open and our economy remains strong.

I thank the Committee for prioritizing the needs of the Harbor Maintenance Trust Fund in WRDA 2020. Having a schedule to distribute the estimated \$9.3 billion in unspent HMT tax collections will go a long way towards restoring the 'trust' in Trust Funds. I look forward to working with the Committee, through your oversight role, to ensure that the intent of Congress is reflected in the Corps' development of a master plan to distribute HMT funds to federally authorized navigation projects.

In closing, we are thrilled to have reached the Chief's Report milestone to be eligible for a construction authorization. The Port of Long Beach respectfully requests the Committee's support for including this project in WRDA 2022. Thank you for the opportunity to testify today. I look forward to your questions.

Mrs. NAPOLITANO. Thank you, Mr. Cordero, very much for your comments. I would like to recognize now Chairman DeFazio to introduce our next witness. Mr. Chairman, you are recognized.

Mr. DEFAZIO. Thank you, Madam Chair. It is my pleasure to introduce the next witness. Jim Middaugh has an extraordinary resume of work both at the city level, State level, and regional level on environmental issues and other major issues of concern.

In this case, he is bringing together a comprehensive approach for the metropolitan region of Portland with the Multnomah County Drainage District and Urban Flood Safety and Water Quality District. It is an extraordinarily important organization. The threats are extraordinary, Portland Airport among the many, in

terms of the levees. And we will hear more in his testimony. He also is very distinguished in having worked as my first press secretary many years ago. Thank you, Madam Chair.

Mrs. NAPOLITANO. Thank you, Mr. DeFazio, for the very fine comments. Mr. Middaugh, you may proceed.

Mr. MIDDAGH. Thank you, Chair DeFazio, best job I ever had, I have to say. Except for maybe this one. This one is really good, too. But, Chairman DeFazio, Chairwoman Napolitano, Ranking Members Graves and Rouzer, members of the committee, thank you so much for the opportunity to testify today and for your efforts to keep our infrastructure in good shape.

As the chair said, my name is Jim Middaugh, and I am the executive director of four special districts that serve as the non-Federal sponsor of the 27-mile federally authorized Portland Metro Levee System.

Well, there are four districts responsible for Portland area levees. We do operate as a single system with a unified staff. We are currently, as the chair had mentioned, consolidating into a single new district to ensure we efficiently and effectively meet our local obligations.

But before I get to our project, I really want to take a moment to highlight the Corps' important role in our region. From flood protection, to energy generation, to recreation, to dredging, to navigation, the Corps connects the Pacific Northwest to the world's markets and is an important part of our community. And Oregon and the Northwest would certainly be less safe and less vibrant without the Corps.

Which brings me to our project. Our system in Portland was built in the 1930s to protect the region from the Columbia River, which is, if you don't know, the fourth largest in the Nation by volume. The Columbia drains parts of Canada, Montana, Idaho, Washington, and Oregon. It is an area roughly the size of Texas. And the Portland region sits near the bottom of that basin.

Simply put, the Portland region is the largest urban area in the Columbia River watershed. And our levees were built over eight decades ago to protect what was then farmland that has long since transformed into a dense urban landscape of businesses, homes, and critical infrastructure.

We are part of the Corps rehabilitation and inspection program, and we work really hard to fulfill our local maintenance obligations. But like Lieutenant General Spellmon, who testified before you recently, said, due to changing conditions and increased risks, to keep people safe, the Corps needs partners. And so do we.

Fortunately, following a series of major hurricanes, Congress wisely passed a storm-related supplemental appropriations bill during 2018. And the Portland Metro Levee System was among 39 projects that received Federal funds designed to help prevent future disasters.

Because we have done a lot of work locally before the Corps study was authorized, the recommended plan was completed ahead of schedule and under budget. The plan provides a roadmap for critically needed investments to protect underserved communities and improve the resilience of our system in the face of increased

river flows and extreme rain events that are happening across the globe.

In short, with your partnership and support, our project will fulfill congressional direction to help prevent major disasters. The project is important because there is an at-risk community of 42,000 people behind our levees, and the protective flood plain sustains more than 59,000 jobs and \$16 billion in annual economic activity.

Many of these jobs are in manufacturing and other industries that provide on-the-job training, living wages, benefits, and a chance for advancement for people without college degrees.

The levees also protect two airports, including the award-winning Portland International, three interstate highways, multiple transit and rail lines, regional electricity transmission facilities, backup drinking water wells for a significant part of Oregon's population, a new U.S. Postal Service processing center, and a U.S. Air National Guard base. There are also more than 2,000 acres of parks and natural areas that provide habitat for multiple species and close-in access to nature for underserved people.

But just as important, the Corps did a great job planning actions that avoid critical habitat, which is why Federal natural resource agencies found the project would have no significant environmental impacts.

One of the most complex and important actions in the plan is replacing an old railroad embankment that is currently used as a key part of our system. It is the same embankment that breached in May 1948 and led to the destruction of the city of Vanport and displacement of more than 18,000 people.

Our own work in the Corps study document the ongoing risk of increasingly frequent rain-on-snow events in the Northwest, and unprecedented rainfall events, and the severe impacts they will create without more investment in our system.

Fortunately, our recommended plan will improve life safety behind the levees by 70 percent and significantly reduce the chance of flooding for decades.

And while I have a chance to talk with you today, I also want to express our support for ongoing improvements in how the Corps projects are evaluated. We stand with our colleagues at the National Association of Flood and Stormwater Management Agencies in believing the BCR process should reflect the significant benefits of avoiding development and maintaining habitat and recreation in areas that are of significant risk of flooding.

Congress and the Corps made significant investments in Greater Portland's flood safety infrastructure 80 years ago. Those investments helped our region become the great place it is today. Now, the livelihoods of people throughout the Northwest rely on the levee system's continued protection. As local sponsors, we are ready to pay our share and do our part to move this project forward.

Therefore, it is my honor on behalf of everyone in Oregon, and, in fact, the entire Northwest, to ask you to authorize the Portland Metro Levee System project in the 2022 Water Resources Development Act. Thank you, again, for your time and consideration. I am happy to answer any questions you may have.

[Mr. Middaugh's prepared statement follows:]

**Prepared Statement of Jim Middaugh, Executive Director, Multnomah
County Drainage District, Portland, Oregon**

Chairman DeFazio, Chairwoman Napolitano, Ranking Member Graves, and Ranking Member Rouzer, thank you for the opportunity to testify about the efforts to reduce flood risks for the greater Portland region.

My name is Jim Middaugh, I am the executive director of Multnomah County Drainage District (MCDD) and its companion districts that serve as the non-federal sponsors of the 27-mile federally authorized and constructed Portland Metro Levee System located along the lower Columbia River in the Portland, Oregon metropolitan area.

MCDD appreciates this Committee's commitment to the biannual Water Resources Development Act and Chairman DeFazio's steadfast support of the US Army Corps of Engineers (Corps) civil works mission, without which our region would be faced with a significant challenge and limited tangible solutions. MCDD received a signed Chief's Report for the Portland Metro Levee System project last summer. Passage of the WRDA 2022 bill is a critical step in securing greater water infrastructure resiliency for this important international trade corridor.

For those of you who have flown into the Portland International Airport, you've seen, but may not have noticed the levee system I'm talking about. These levees, originally constructed in the late 1930s, are the first line of defense in holding back the Columbia River, the fourth largest in the nation by average discharge volume.

Although the levees largely have performed well, as we experience more frequent and severe storms, the levees are showing signs of their age and their structural integrity is threatened along with the lives and livelihoods of everyone who lives and works in this vibrant region. We are proud partners with the Corps on a feasibility study which will help to ensure greater Portland will address the challenges of our changing climate.

The community located behind the Portland Metro Levee System is a cornerstone of the regional, statewide, and national economy. It creates more than \$16 billion in annual economic activity and \$7.2 billion in assessed property values. The levees also reduce the risk of flooding for:

- An at-risk population of approximately 42,000 people during the day and 8,000 people at night.
- 59,000 jobs provided by nearly 2,500 businesses, including more than half of our county's manufacturing and warehouse jobs, which provide living wages and opportunities for advancement to Americans without four-year degrees.
- The Portland International Airport, which serves nearly 20 million passengers annually and moves millions of tons of goods each year, and the Troutdale Airport, which houses one of the largest combined helicopter and airline flight schools in the country.
- Three interstate highways.
- A light rail transit line that provides service to thousands of riders.
- A Class 1 freight rail line.
- Critical regional electricity transmission facilities owned by the Bonneville Power Administration, Pacific Power, and Portland General Electric.
- Back up drinking water supply for more than one million people.
- An US Air National Guard Base that is home to the 142nd Fighter Wing, which provides critical 24/7 air defense for the greater Pacific Northwest, and to the 304th Air Force Reserve Rescue Squadron, a rapid response search and rescue unit.
- A new \$93 million US Postal Service processing center.
- More than 2,000 acres of parks and natural spaces that provide habitat to multiple endangered and protected species and provide access to nature for underserved communities.

I am here today on behalf of the non-federal sponsors of the PMLS and Levee Ready Columbia, a coalition of public, private, and nonprofit organizations that have come together to modernize our flood safety infrastructure and the way it is managed. Our goal is to ensure our system meets federal safety standards and the needs of the region, state, and nation for the next generation and beyond.

Levee Ready Columbia completed the first comprehensive geotechnical assessment of the levees to determine their condition, finding several significant vulnerabilities that would need to be improved to meet FEMA's standards, as well as the safety needs of the region and the increasing flood safety demands created by climate change.

Thanks to our ongoing partnership with the Corps Portland District, Northwestern Division and Headquarters—and the steadfast support of Oregon’s Congressional Delegation—the PMLS was designated for a Corps’ Feasibility Study through the Balanced Budget Act of 2018. The study leveraged our previous work and conducted an even more thorough investigation of the infrastructure. And, it created a Recommended Plan to increase the resilience and operability of the system.

The study was completed early and under budget and a Chief’s Report was signed in August 2021. I’ll note that when we started this process, Lt. General Scott Spellmon was serving as the Commander of the Corps Northwestern Division. The commitment and support he provided for this study in its early days were reflected by his recent signing of the project’s Chiefs Report in his current role as the Corps’ Chief of Engineers.

During Lieutenant General Spellmon’s appearance before this Committee just a few weeks ago, he remarked that the Corps doesn’t do anything alone. Just as the Corps needs its partners to tackle complex infrastructure challenges, the Portland region needed the expertise and guiding hand of the Corps during the feasibility process. We are grateful to have received the support of the federal government.

The designation of a “new start study” and the completion of the Corps’ SMART planning process was an important opportunity for our region, providing us with a much deeper knowledge of the limits and vulnerabilities of our current levee system; the economic benefits the system provides the region, state, and nation; the risks we face annually, and the risks posed by evolving river conditions and climate change.

The Recommended Plan includes approximately \$130 million in investments and has a benefit cost ratio of 3.7 to 1. This plan addresses major vulnerabilities in the system including constructing a real levee alongside an old railroad embankment that has served as the western edge of the system for more than 80 years—even though it was never intended or designed to be a levee. This is the same railroad embankment that breached on May 31, 1948, leading to the inundation and destruction of the city of Vanport, the death of at least 15 people, and the displacement of nearly 20,000 people. Even though the destruction of Vanport was part of the impetus for the international Columbia River Treaty among Canada and the United States, which is currently under renegotiation dozens of years later, the vulnerable infrastructure that failed requires our attention and our investment.

While the benefit-to-cost ratio of our project is favorable, we appreciate the direction Congress provided in previous WRDA bills to improve how Corps projects are evaluated. A more comprehensive approach that incorporates climate, equity and natural areas would certainly yield an even more favorable BCR for this project. For example, the western end of our project area is largely open space.

Following the devastation of the Vanport flood, the region made the conscious decision to maintain the area for recreation and habit instead of rebuilding neighborhoods in a vulnerable area. That decision has served the region well. However, we were surprised to learn that recreational areas carry little to no economic value when it comes to the Corps’ benefit to cost formula.

When it comes to reducing flood risks and wise use of floodplains, we think the current BCR process could better reflect the significant benefits of maintaining habitat and recreation in areas at significant risk of flooding. We hope current efforts to develop a more comprehensive approach to BCR calculations will be developed to help worthy communities nationwide meet the appropriately high bar of the federal system.

While we have been working to find ways to improve the infrastructure at the local level, we’ve also been working to make changes to ensure we are the best possible local sponsors of the system. We are transforming four individual century-old drainage districts to one more modern and sustainable agency ready to support the ongoing operations, maintenance, and capital investments needed to meet the flood safety needs of the region.

Thanks to the support of the Oregon legislature and the Levee Ready Columbia coalition, we are making great strides to complete this transition and we are ready to meet the local cost share requirements to move into the design phase with the Corps right away. Should Congress provide appropriations, we are also on track to advance the construction phase of the project by federal fiscal year 2025.

Finally, I would like to associate MCDD with testimony submitted by the National Association of Flood and Stormwater Management Agencies. NAFSMA’s WRDA 2022 priorities include creating a more responsive and flexible federal system to address the nation’s diverse flood risk reduction challenges. While not every NAFSMA WRDA 2022 priority is directly applicable to the Portland region, we stand in support of our fellow NAFSMA members who are working to address the unique characteristics of their watersheds and changing climates.

Congress and the Corps made significant investments in this infrastructure 80 years ago. Those investments helped our region become the economic powerhouse it is today. Now, the economic livelihoods of people throughout Oregon and the Pacific Northwest, and the health and safety of the river, are reliant on continued protection provided by this infrastructure. On behalf of the local sponsors and the many people and species that rely on it, please renew your investment by authorizing the Portland Metro Levee System project in the 2022 Water Resources Development Act.

Thank for the opportunity to share this information with you today.

Mrs. NAPOLITANO. Thank you, Mr. Middaugh, for your comments. And we now turn to Ms. Hill-Gabriel, you may proceed.

Ms. HILL-GABRIEL. Chair Napolitano, Ranking Member Rouzer, Chairman DeFazio, and members of the subcommittee, thank you so much for the opportunity to join you here today. I am Julie Hill-Gabriel, the vice president for water conservation and serving as the interim vice president for coastal conservation at the National Audubon Society.

Audubon's mission is to protect birds in the places they need for today and tomorrow. But for birds, just like people, water is life. And that is why water conservation is the key focus of Audubon's work. And because advancing principles of equity, diversity, inclusion, and belonging is a strategic imperative for Audubon, we are focused on ensuring that the conservation programs we support complement the needs of underserved communities and support the need for additional Tribal partnerships like those highlighted by my fellow panelists today.

We also recognize that climate change presents the single biggest challenge and threat to birds. Accelerating efforts to increase climate resilience must take center stage in the next Water Resources Development Act through things like increasing the use of natural infrastructure and nature-based solutions, while prioritizing investments in the Army Corps aquatic ecosystem restoration mission.

This committee's leadership around the Infrastructure Investment and Jobs Act will help advance critical climate resilience through an unparalleled investment for ecosystem restoration like those in the Great Lakes and the Everglades.

Now, the Everglades have garnered some of the most long-standing nonpartisan support among all conservation issues, especially in the State of Florida, where restoration efforts are essential for addressing recurrent toxic algae blooms, sea grass die-offs, and red tide that have plagued the State's coast for far too long.

The IJJA, alongside increases in annual Federal appropriations, can serve as a catalyst for constructing many restoration projects that the subcommittee has authorized, going as far back as 2007.

But while more Everglades projects come across the finish line, we must concurrently focus on the work that lies ahead like construction of the Everglades Agricultural Area Reservoir, the single most important project to provide benefits throughout that ecosystem.

But big bold projects like the EAA Reservoir require budget flexibility. And budgeting tools like the use of incremental funding or continuing contracts clause can efficiently advance projects through annual appropriations rather than awarding piecemeal year-by-year contracts based on the partial funding that is available.

Another place where bold action is needed is along the Nation's largest watershed in the Mississippi River. Restoration of the river at its delta along coastal Louisiana is top priority for Audubon where we have owned and managed over 26,000 acres for almost a century.

Audubon supports efforts in WRDA to help address the ecological crisis in this region, including the confirmation that the lower Mississippi River comprehensive study was intended to be fully funded by the Federal Government. And Army Corps efforts can benefit from complementary initiatives like the Mississippi River Restoration and Resilience Initiative Act that is also before the Transportation and Infrastructure Committee.

In addition to advancing critical ecosystem restoration projects, provisions in past WRDAs present important opportunities to incorporate the use of more resilient natural infrastructure to reduce the impacts of storms, flooding, or coastal erosion, and promote reliable water supply. These can include nature-based options like restoring wetlands, oyster reefs in coastal forests, and they can be used in place of or alongside traditional infrastructure, like seawalls, jetties, or levees.

But despite clear statutory language in recent WRDA bills directing the Corps to advance the use of natural infrastructure, many measures are not yet being implemented. Some efforts, like an update to the principles, requirements, and guidelines have been delayed. And nature-based solutions are not being implemented uniformly across mission areas or districts. So, one option to support these approaches is to create a resilience directorate who can provide specific focus on facilitating the use of natural infrastructure across all areas in the Corps.

Finally, it was heartening to hear Assistant Secretary Connor's comments in January about the potential for the Army Corps to play a greater role in addressing the unprecedented drought, wild-fire, and water scarcity challenges in the West. Whether it is through a whole-of-Government approach or better understanding the part the Corps can play in advancing natural infrastructure options that address water scarcity, the Corps can and should be more engaged on those issues, like those around the Salton Sea that was also referenced by Secretary Crowfoot.

Audubon stands ready to work with the Army Corps, this subcommittee, and other partners to find innovative and efficient ways to advance water infrastructure and help protect birds in the places they need. And at Audubon, we truly believe that where birds thrive, people prosper. Thank you again so much.

[Ms. Hill-Gabriel's prepared statement follows:]

Prepared Statement of Julie Hill-Gabriel, Vice President for Water Conservation and Acting Vice President for Coastal Conservation, National Audubon Society

Chair Napolitano, Ranking Member Rouzer, and Members of the Subcommittee, thank you for the opportunity to represent the National Audubon Society (Audubon), to discuss the Water Resources Development Act (WRDA) of 2022. Audubon's mission is to protect birds and the places they need, today and tomorrow. Audubon represents 1.8 million members and has over 460 affiliated chapters, 23 state offices, and 41 nature centers across the country.

My name is Julie Hill-Gabriel, and I am Audubon's Vice President for Water Conservation, based in Washington, DC. I coordinate Audubon's water strategy across the U.S. Before beginning this role in 2018, I worked in Florida for 11 years as Audubon Florida's Deputy Director for policy, leading our Everglades restoration efforts and working closely with the U.S. Army Corps of Engineers (Army Corps) which is the federal sponsor for these restoration efforts. I am also currently serving as the Acting Vice President for our Coastal Conservation Program, which focuses on coastal stewardship, coastal resilience, marine conservation, and Gulf of Mexico restoration.

Birds are telling us that urgent action is needed to increase climate resilience. Extreme weather events, lack of abundant and clean water, degraded coastal resources, and declining bird habitat are all threatening birds and communities across the country. Audubon's *Survival by Degrees* report shows that over 300 species of birds are at risk of extinction due to climate change.¹ But, climate change is not just an ecological threat; last year, the country experienced 20 weather and climate disaster events with losses exceeding \$1 billion each. Tragically, these events resulted in the deaths of 688 Americans and continue to economically and ecologically impact the affected communities.² We must act now—and quickly—to enact climate solutions for birds and people.

WRDA 2022 provides an opportunity to drive ecosystem restoration and climate resilience by ensuring that Army Corps policies and projects provide the maximum conservation and community benefits. The Army Corps can play a pivotal role in increasing and normalizing the use of natural infrastructure and nature-based solutions to address the challenges brought on by climate change. The Army Corps' ecosystem restoration efforts provide important lessons that demonstrate the value of replicating natural ecosystem functions. There is also an opportunity, and a need, to rethink flood mitigation and navigation projects to increase the focus on climate resilience and natural infrastructure in other Army Corps mission areas. While a number of new authorities in WRDA 2018 and WRDA 2020 enabled and encouraged the broader use of natural infrastructure in Army Corps projects, there is a need to accelerate the pace of project execution and policy interpretation that incorporate natural infrastructure.

Ecosystem restoration projects can also address historic injustices. Chair DeFazio recently stated that "[o]ur rural, Tribal, and disadvantaged communities cannot be left behind as we work to build and upgrade our water resources to meet the demands of the 21st century."³ Here at Audubon, we fully support infrastructure investments and restoration projects that not only protect birds and provide wildlife habitat, but prioritize those communities at the most risk from climate change and who are facing economic disadvantages due to historic injustice.

While my testimony today focuses on WRDA and related policies and projects, I want to thank this Committee for its work supporting the Infrastructure Investment and Jobs Act (IIJA). The IIJA, which provides additional authorizations and appropriations for a range of conservation and community programs, included historic amounts of funding for transportation networks, climate resilience and clean energy programs, and numerous conservation and clean water programs across the country. As agencies begin to release their spending plans, the conservation community recognizes the ongoing need to ensure these dollars are implemented swiftly and in line with Congressional intent. I note several areas below where additional IIJA dollars, supplementing regular appropriations, are poised to significantly accelerate the pace and breadth of conservation projects, benefitting local communities throughout the country.

The IIJA provides historic levels of funding for a number of critical programs, but these programs remain dependent on receiving necessary baseline amounts of annual appropriations dollars. FY23 budget requests should maintain funding levels compared to FY22 and, in many cases, include increases in the regular, annual appropriations requests to make up for previous years of funding deficits.

Finally, I urge flexibility in budgeting tools that can enable the Army Corps to efficiently complete projects where relevant. By incrementally funding contracts with annual appropriations, rather than awarding year-by-year contracts based on

¹Wilsey, C, B Bateman, L Taylor, JX Wu, G LeBaron, R Shepherd, C Koseff, S Friedman, R Stone. *Survival by Degrees: 389 Bird Species on the Brink*. National Audubon Society: New York.

²NOAA National Centers for Environmental Information (NCEI) U.S. Billion-Dollar Weather and Climate Disasters (2022). www.ncdc.noaa.gov/billions.

³Representative Peter DeFazio, Chair, House Transportation and Environment Committee. Opening Remarks for Proposals for a Water Resources Development Act of 2022: Administration Priorities. January 12, 2022.

partial funding amounts, the Army Corps can advance projects with the greatest impact, rather than breaking down projects in smaller pieces. For example, the use of a continuing contracts clause helped save between \$50–100 million and 2–3 years of project work on the C-44 reservoir in Florida. Without the ability to utilize incremental funding, the Army Corps has to execute smaller annual contracts, which create additional costs and delays due to administrative, contractual, oversight, design, and mobilization/demobilizations costs. These smaller annual contracts expose the Army Corps to additional liability.

AQUATIC ECOSYSTEM RESTORATION MISSION OF THE U.S. ARMY CORPS OF ENGINEERS

The Army Corps aquatic ecosystem restoration activities seek to restore significant ecosystem function, structure, and dynamic processes. The Army Corps' ecosystem restoration efforts are positioned to provide significant climate resilience benefits for communities and wildlife and should be prioritized alongside flood control, navigation, and other Army Corps missions. Audubon supports ongoing ecosystem restoration activities across the U.S., including at the Everglades, along Coastal Louisiana, throughout the Mississippi River corridor, at the Great Lakes, in other vulnerable coastal areas, and throughout other iconic ecosystems that are globally significant for birds and people.

Restoring America's Everglades

The Everglades is a unique ecological treasure that provides drinking water for one in three Floridians. Clean and sufficient freshwater forms a critical component of Florida's tourism economy and is necessary to support birds like Roseate Spoonbill, Snail Kite, and Snowy Egret. As projected population growth and impacts from climate change put more pressure on South Florida's environment, Everglades restoration is increasingly urgent.

WRDA 2000 authorized the Comprehensive Everglades Restoration Plan (CERP), which represents the Corps' largest aquatic ecosystem restoration initiative. After over 20 years of progress and bi-partisan support, we are seeing returns on the initial investments in CERP as projects are completed and come online. Just this past November, we celebrated the ribbon cutting of the C-44 Reservoir and Stormwater Treatment Area, which provides, in total, 60,500 acre-feet of new water storage and 3,600 acres of new wetlands. This project is a component of the Indian River Lagoon system, which is the most biologically diverse estuarine system in the continental United States and is home to more than 3,000 species of plants and animals.

The new investment of \$1.1 billion identified in the Army Corps' IJA spend plan for Everglades restoration will be a catalyst for accelerating a number of restoration projects, benefitting this economic driver for the State of Florida. While more projects cross the finish line and provide important lessons for ecosystem restoration efforts around the world, we must concurrently focus on the additional work that lies ahead.

WRDA 2020 included positive additions to the ongoing work in South Florida, including the authorization of the Loxahatchee River Watershed Restoration Project and a recommitment to the Everglades Agricultural Area Reservoir (EAA Reservoir) as part of the Central Everglades Planning Project (CEPP). The CEPP provides a clear model for more efficient Army Corps planning. A number of smaller, but inter-related project components were pulled into one larger planning effort, providing a more comprehensive view of the projects' impacts and benefits. At the same time, more robust stakeholder engagement allowed new ideas to be incorporated during the process and helped build a sense of trust. Finally, the plan was developed in just 18 months.

The EAA Reservoir is the single most important project for benefitting multiple parts of the Everglades. When high rainfall levels cause wetlands, lakes, and other water storage areas to fill to capacity, billions of gallons of freshwater are discharged from Lake Okeechobee to the St. Lucie and Caloosahatchee estuaries. When too much freshwater reaches the estuaries, excess nutrients and changes in the balance of fresh and saltwater can cause massive algae blooms, which harm submerged vegetation, fish, and water birds. Harmful bacteria from the algae blooms can make the water in some places dangerous for human contact, impacting the local economies and quality of life.

At the same time that the estuaries in the northern part of the Everglades are often impacted by too much freshwater, massive seagrass die-offs have occurred in the Southern Everglades and Florida Bay because of *insufficient* freshwater. Without a source of freshwater from the upstream Everglades, the Southern Everglades is unable to recover from dry conditions that alter the delicate balance of fresh and saltwater, which puts drinking water supplies at risk.

Storing water south of Lake Okeechobee in the EAA Reservoir will provide an outlet for water being discharged to fragile coastal estuaries east and west of the Lake Okeechobee while concurrently holding water that can be cleaned and sent south to the Southern Everglades and Florida Bay, while recharging the Biscayne aquifer.

In WRDA 2022, there is the potential to continue the momentum for America's Everglades with the following items:

- The Lake Okeechobee Watershed Project is aimed at storing water north of Lake Okeechobee to attenuate water flows into the Lake. This project includes an important element of natural infrastructure, where 3,600 acres of wetlands will be restored in an area called Paradise Run and an additional 1,200 acres of an area called Kissimmee Run. As this project moves forward, Audubon encourages a continued focus on additional options for water storage throughout the full extent of the Lake Okeechobee Watershed.
- A number of Post-Authorization Change Reports will help to continue progress, including for the C-44 Reservoir and Adaptive Assessment and Management.
- Audubon also urges that a mechanism for incremental funding like the continuing contracts clause or similar approach be utilized for the EAA Reservoir. The largest and most important contract for that project is estimated to cost \$2.1 billion, which is likely to rely on federal funding over a number of years. In order to allow the Army Corps to complete this kind of high-impact project, the flexibility to accommodate this kind of funding mechanisms is critical. It is the most efficient and safest approach to build the reservoir, and will save significant taxpayer dollars in the long run compared with other approaches.

Coastal Louisiana Restoration

Louisiana's coastal wetlands represent 40% of all wetlands in the continental U.S. and provide an essential buffer to communities and industries from storms. The Mississippi River Delta supports \$9.3 billion in annual ecotourism activity, along with \$1.8 billion in recreational fishing spending. Moreover, this threatened landscape accounts for 30% of all commercial fishing landings in the continental U.S. and hosts five of the nation's 15 largest shipping ports by cargo volume. Additionally, coastal restoration in southeast Louisiana has provided 32,000 jobs with an average annual wage of \$69,277 per year. Healthy coastal areas provide habitat for birds like Brown Pelican, Tricolored Heron, and Golden-crowned Kinglet.

Unfortunately, Louisiana is facing a longstanding, existential land-loss crisis: the equivalent of a football field of the state's coastal wetlands vanishes into open water, on average, every 100 minutes. Since the 1930s, Louisiana has lost over 2,000 square miles of land, an area roughly the size of Delaware. Reversing land loss in Louisiana is a coordinated and major priority at the federal, state, and local level, in support of endangered coastal communities, economic activity, vital natural systems, and wildlife populations.

Audubon joined with our Restore the Mississippi River Delta Coalition colleagues earlier this year to highlight three important WRDA 2022 items related to coastal Louisiana. We urge the Committee to include these recommendations in the bill:

- Clarify that the Lower Mississippi River Comprehensive Study (Sec. 213 of WRDA 2020) be funded at full federal expense;
- Clarify that Mississippi River Gulf Outlet (MRGO) ecosystem restoration (Sec. 7013 of WRDA 2007) be funded at full federal expense; and
- Authorize the federal plan for the Southwest Coastal Louisiana Project.

Mississippi River Restoration

The Mississippi River is one of the nation's most important natural assets, providing drinking water to over 20 million Americans. The river's watershed encompasses 40% of the contiguous United States and spans 31 states.

The diverse habitats along the river support over 325 species of birds, including rare and threatened species like King Rail, Prothonotary Warbler, and Brown-headed Nuthatch. Critical wetlands and flooded forests created by the river and its tributaries are not only vital to birds, but to people, from the headwaters of Lake Itasca where Manoomin (wild rice), the most important cultural and sacred food of the Anishinaabe, is harvested, to iconic cultural centers like St. Louis and New Orleans. The river is a national treasure and boasts tremendous ecological as well as economic importance for the nation.

Unfortunately, the river is in dire need of restoration and recovery for the birds, wildlife, people, and communities who depend on it. From the headwaters to the delta, the Mississippi River suffers from excess pollution, invasive species, wetlands loss and destruction, ongoing disruption to its natural hydrology, and extreme storm events exacerbated by climate change.

Water level management can produce highly effective habitat restoration on the Upper Mississippi River at a fraction of the cost of other types of restoration actions. The Corps has documented that modest modifications to lock and dam operations, known as growing season drawdowns, can produce significant and long-lasting benefits without any adverse impact to navigation. Reducing water levels behind a lock and dam by just one to two feet during the growing season can expose thousands of acres of mudflats, creating optimal conditions for aquatic plants, fish, and wildlife to flourish. The enhanced ecosystem can then process nutrients, trap sediment, and stabilize the shoreline all while maintaining the navigation channel. However, despite the demonstrated benefits of water level management and broad-based support for it, the Corps has resisted efforts to implement it more broadly in the Upper Mississippi River-Illinois Waterway Navigation System. To address this problem, Congress should provide the Corps with clear authority and direction to implement a routine and systemic water level management program while avoiding adverse impacts to navigation.

The Army Corps' Upper Mississippi River Restoration (UMRR) program provides numerous opportunities to restore the waterway. The UMRR program includes projects that improve fish and wildlife habitat, providing protection, nesting, and feeding areas for a highly diverse set of fish, birds, mussels, reptiles, amphibians, and mammals, including a number of rare and endangered species. We urge the Army Corps to include forested floodplains ecosystems for habitat restoration under the UMRR program moving forward.

In addition to UMRR, Congress now has an opportunity to support additional Mississippi River restoration through the Mississippi River Restoration and Resilience Initiative (MRRRI) (H.R. 4204). This bill, introduced by Rep. McCollum and falling under the jurisdiction of the Transportation and Infrastructure Committee, would create a voluntary program through the EPA to improve water quality and community resilience by leveraging existing programs along the river. Similar to the successful Great Lakes Restoration Initiative, MRRRI would protect and restore habitat throughout the Mississippi River corridor and prioritize efforts to address disproportionate impacts to communities of color, rural communities, and economically disadvantaged communities. I urge this committee to swiftly consider and pass the MRRRI bill.

Addressing Asian Carp in the Great Lakes

The Great Lakes represent 20% of the surface freshwater resources on Earth and are the source of drinking water for 30 million Americans. Threatened and declining bird species, such as Black Tern, Wood Thrush, and Black-crowned Night Heron depend on the Lakes and their coastal habitats. One of the greatest ecological threats to the health of the Great Lakes is the spread of invasive exotic Asian carp. This species poses a serious threat to the ecological health of the Great Lakes, and the people and economies these waters support. Right now, Asian carp have already wreaked havoc on the Mississippi and Illinois Rivers, outcompeting native fish for food and habitat, and creating a safety threat for people who recreate on these waterways.

Asian carp are a real threat to the Great Lakes that demand quick action. The Great Lakes Mississippi River Interbasin Study-Brandon Road Report evaluated options to prevent the upstream transfer of Asian carp. We are encouraged to see that the Army Corps work plan for the IJA includes \$225 million for the Brandon Road project. We urge swift implementation of this project to stop this invasive threat and urge the Corps to increase the federal cost share to 100%.

Furthermore, we were pleased to see the authorization of a Great Lakes coastal resiliency study in WRDA 2020 and we look forward to seeing this study fully funded to identify ways to safeguard coastal communities from erosion, flooding, and other impacts from changing lake levels.

Western Water and the Salton Sea

As the historic drought conditions, exacerbated by climate change, continue in the West, increasingly stark impacts are felt by communities, birds, fish, and other natural resources. The combination of drought and heatwaves can push birds to their physiological limits, leading to lethal dehydration. In drought times, birds may also congregate at the remaining dwindling water spots, causing conditions ripe for the spread of disease.

As part of a Whole-of-Government approach, there are opportunities for the Army Corps to become more engaged in addressing drought in the West, especially in a changing climate. Audubon encourages the Army Corps to look into opportunities to address aquifer recharge, strategic water reuse, and other drought response activities, while coordinating with other federal agencies.

One place where the impacts for birds and people are felt severely is in California's largest body of water: the Salton Sea. The Sea serves as a lifeline to millions of migratory birds along the Pacific flyway and is a critical piece of any effort to conserve Colorado River water. The communities surrounding the Sea were historically excluded from economic opportunities and suffer from multiple environmental injustices. As the Sea shrinks, the dust clouds are expanding, threatening public health. Audubon and our members are invested in on-the-ground efforts at the Sea, dedicating time and resources to science, education, policy, and community engagement. We are regularly the "boots on the ground" at the Sea through our conservation efforts and, over the years, we have been involved with the State of California's various pieces of legislation and plans related to the Salton Sea, most recently the Salton Sea Management Program (SSMP).

Audubon supports efforts for the federal government, including the Army Corps, to expand its investments at the Sea and support California's efforts by expediting federal permit reviews and approvals for ongoing and future projects. The Army Corps can provide leadership and foster the prioritization of climate resilient strategies and multi-benefit infrastructure projects in priority places across the country, including at the Salton Sea, to provide water, habitat, and community benefits. At the Salton Sea, we see the need to:

- Provide stable and significant funding to allow for planning and implementation of climate resilience strategies with community involvement;
- Enhance coordination across key federal agencies (e.g., the Corps, the Bureau of Reclamation, the Fish and Wildlife Service, the U.S. Geological Survey, the Bureau of Land Management, and the U.S. Department of Agriculture) to ensure durable and effective mitigation and restoration project implementation; and
- Enhance coordination among federal, state and local agencies on planning and funding with public engagement.

FACILITATING THE USE OF NATURAL INFRASTRUCTURE

Natural infrastructure provides storm-buffering benefits that can be as or more effective than grey infrastructure. In addition, there are benefits provided by natural infrastructure that are often absent in grey infrastructure, making natural infrastructure an even more appealing approach to floodplain management. Natural infrastructure can:

- Provide habitat that supports the economically vital recreational and commercial seafood industries;
- Improve water quality;
- Be responsive to changing conditions, including sea level rise;
- Provide important habitat for birds and other wildlife; and
- Avoid negative impacts associated with grey infrastructure, like increased erosion.

Provisions in WRDA 2018 and 2020 present important opportunities to incorporate the use of more resilient nature-based and natural infrastructure options to address extreme weather events including flood risk management projects and hurricane and storm risk reduction projects.

Audubon's 2018 *Natural Infrastructure Report* demonstrated how federal investment in natural infrastructure will help increase preparedness of coastal communities and economies, while benefitting fish and wildlife, which also often provide a critical foundation for coastal economies.⁴

Natural infrastructure alternatives can include nature-based systems such as restoring sand dunes, wetlands, oyster reefs and coastal forests in place of traditional human-built projects such as seawalls, jetties, levees, groins, bulkheads and riprap. This kind of "grey" infrastructure was traditionally promoted as the best long-term approach to flood management. But, natural infrastructure has been shown to provide significant, long-term and cost-competitive benefits for challenges such as flood reduction. For example, research published in the journal *Ocean & Coastal Management* reported that the average construction costs between natural and grey infra-

⁴Natural Infrastructure Report: How natural infrastructure can shape a more resilient coast for birds and for people. January 2018. https://nas-national-prod.s3.amazonaws.com/audubon_infrastructure_jan192018.pdf.

structure are similar, but there are lower replacement costs with living shorelines, a form of natural infrastructure.⁵

NOAA and the National Fish and Wildlife Foundation (NFWF) have also identified several flood-reduction and resiliency benefits from a wide array of natural infrastructure systems. Natural features such as coastal marshes and wetlands, dune and beach systems, oyster and coral reefs, mangroves, forests, coastal rivers, as well as barrier islands, help minimize the impacts of storms, rising sea levels and other extreme events on nearby communities and infrastructure.⁶

WRDA 2020 included language changes to:

- Ensure that the Corps considers nature-based approaches for enhancing flood and storm resilience in feasibility studies and if a nature-based alternative is not selected, include an explanation of why natural infrastructure approaches are not recommended;
- Ensure consistent cost-sharing for natural infrastructure projects;
- Allow for development of natural infrastructure projects as part of the Corps continuing authorities program;
- Update planning guidance and require consideration of the best available science on effects of sea-level rise and inland flooding in the development of Corps projects and in the accounting of the long-term costs and benefits of a project;
- Waive cost share and provide important support to produce feasibility studies to assess measures to reduce flood risks in economically disadvantaged and rural communities;
- Require an update to the Principles, Requirements and Guidelines (PR&G) to ensure that the Corps is fully accounting for the regional economic development, environmental quality, and other social benefits that can be delivered by a project; and
- Provide much-needed direction to the Corps requiring consultation with communities of color, economically disadvantaged communities, and Tribal communities and requiring updates to Corps policies, guidance, and regulations to ensure that the Corps is considering the environmental justice and disproportionate impacts to communities from Corps projects and identifying appropriate alternatives to reduce or avoid impacts.

The Committee should ensure the Corps is implementing these policy changes as swiftly as possible to expedite the use of natural infrastructure.

BENEFICIAL USE OF DREDGED MATERIAL

WRDA 2020 authorized 35 beneficial use of dredged materials (BUDM) pilot projects. Audubon has worked with the Army Corps and state partners to use dredged material to restore habitat that is important to birds and outdoor recreation economies. This work has created islands that provide excellent nesting habitat for birds such as Black Skimmer, Snowy Plover, and Least Tern, and is leading innovations in thin-layer dispersal of dredged sediment to protect tidal marsh habitat in the face of sea-level rise.

Audubon looks forward to building upon our collaborative efforts in Connecticut, North Carolina, Maine, Maryland, Florida, Texas, and South Carolina. Audubon continues working to implement the Crab Bank project that was selected as a BUDM pilot project in 2019.

In addition, Audubon supports on-going efforts within the Corps to develop best management practices that benefit shoreline-dependent species that can be incorporated into beneficial use of dredged material projects. More information can be found in a recent U.S. Army Engineer Research and Development Center Technical Note.⁷

⁵Bilkovic, Donna M., Molly Mitchell, Pam Mason, and Karen Duhring. 2016. The Role of Living Shorelines as Estuarine Habitat Conservation Strategies. *Coastal Management* 44(3): 161–174. <https://www.tandfonline.com/doi/full/10.1080/08920753.2016.1160201>.

⁶National Oceanic and Atmospheric Administration, “Statement from NOAA Administrator Rick Spinrad on the signing of the Bipartisan Infrastructure Investment and Jobs Act.” Nov. 15, 2021. <https://www.noaa.gov/news-release/statement-from-noaa-administrator-rick-spinrad-on-signing-of-bipartisan-infrastructure-investment>

⁷Michael P. Guilfoyle, Jacob F. Jung, Richard A. Fischer and Dena D. Dickerson. *Developing Best Management Practices for Coastal Engineering Projects that Benefit Atlantic Coast Shoreline-dependent Species*. Technical Note developed by the U.S. Army Engineer Research and Development Center—Environmental Laboratory, April 2019.

CONSERVATION COMMUNITY LETTER

Finally, on January 24, Audubon joined with our conservation partners in sending a letter to this Committee, outlining additional recommendations to build additional progress to advance natural infrastructure in WRDA 2022 (*attached*). We thank the Committee for considering these suggestions, which include:

- Increasing Army Corps coordination on climate resilience and the use of natural infrastructure through a Resilience Directorate who can have a focus on growing this work across Army Corps mission areas;
- Properly Accounting for Project Costs and Benefits;
- Ensuring Compliance with Long-Standing Mitigation Requirements;
- Prioritizing Levee Setbacks to Advance Floodplain Resilience;
- Improving the Corps' Ability to Redress Environmental Injustice;
- Better Utilizing Federal and State Fish and Wildlife Expertise;
- Supporting Funding for Restoration and Resilience Projects with a Reduced or No Match Requirement;
- Supporting the Silver Jackets Program;
- Supporting Broad Expansion of Corps Technical Assistance Programs; and
- Enhancing Western Water-Related Infrastructure Resiliency through Natural Infrastructure.

AUDUBON OPPOSES THE ONE LAKE PRECONSTRUCTION ENGINEERING DESIGN DEMONSTRATION PROGRAM

Audubon has expressed opposition to any projects or activities on the Pearl River that involve destroying wetlands and wildlife habitat that will imperil birds, fish and wildlife, alter local and downstream river hydrology, impair water quality, or threaten public and environmental health. In WRDA 2018, Section 1176 sought to establish a demonstration program to advance a 2018 Integrated Draft Feasibility and Environmental Impact Statement for the Pearl River Basin, Mississippi, Federal Flood Risk Management Project, Hinds and Rankin Counties, Mississippi. The preferred alternative is known locally as the "One Lake" project.

Audubon remains opposed to the One Lake/Pearl River project and urges the Army Corps to cancel this detrimental project.

Thank you again for the opportunity to testify on these important issues. Audubon is ready to work with the Subcommittee and others to advance important water and coastal conservation issues looking ahead to the next WRDA in ways that will help protect birds and the places they need. We know that where birds thrive, people prosper.

ATTACHMENT

[Editor's note: Ms. Hill-Gabriel submitted a letter as an attachment to her prepared statement which is retained in committee files and available online at <https://docs.house.gov/meetings/PW/PW02/20220208/114380/HHRG-117-PW02-Wstate-Hill-GabrielJ-20220208-SD001.pdf>]

Mrs. NAPOLITANO. Thank you, Ms. Hill.

Now we will move to our Members' questions.

Thank you to all our witnesses very much.

And we will start Member questions. Each Member will be recognized for 5 minutes. The votes are scheduled to start in about 1½ hours. We need to move the committee to be finished by then, we hope.

Mr. DeFazio, you will begin. You are recognized.

Mr. DEFazio. Thank you, Madam Chair. And thanks again to all the witnesses.

To Mr. Middaugh, you talked about the way the Corps is doing BCRs now and the fact that they are in the process of modernizing and updating that process with the principles, requirements, and guidelines. How would that benefit projects like the one you are working on?

Mr. MIDDAGH. Thank you, Chair DeFazio. Well, just briefly, after the Vanport flood, the Portland region decided to set aside the

area that had flooded for recreation and habitat purposes. And we were surprised in the process of working with the Corps that that provided almost no value in the BCR. And for us, that creates a really great opportunity to prevent future harm and to store floodwater. So, we would love to see projects like ours that recognize the value of protecting areas that frequently flood instead of only valuing those areas that are built out and at risk of flooding. So, we think it would make for safer projects across the Nation and help projects like ours advance in the process.

Mr. DEFAZIO. That is an excellent point, and it is also an excellent point in terms of Federal flood insurance and having—you know, we are struggling with looking at chronically flooded areas and how we are going to deal with them and looking at ways to incentivize people to be bought out. In this case, that whole area was reserved, and that certainly is tremendously beneficial in terms of flood protection, storage, and also avoiding costs to the Federal Government.

To Director Cordero, you have about seven specific things for your port that are going to increase efficiency as we all—anyone who has ever landed at L.A. has seen the line of ships out to sea. I have seen it a number of times. What is your timeline on those projects? And, how much will that mitigate the chokage we have?

Mr. CORDERO. Well, thanks for your question, Mr. Chairman. As you reference, our priority here at the Port of Long Beach is to increase transportation efficiencies. And, of course, in the era of COVID and the supply chain disruption that we are witnessing in every major container gateway, there are, needless to say, challenges.

Now, with regard to the specificity here, currently, we have a number of vessels off the coast waiting to get into the port complex, which consists of Los Angeles and Long Beach. So, I think our timeline right now is we are working very hard with our stakeholders, under the leadership of the White House Port Envoy John Porcari. We meet two to three times a week to address the various issues that we need to address to mitigate capacity constraint at the terminals.

So, the good news is we are making a lot of progress with regard to long-dwelled imported containers at the complex. And as to the vessels in terms of what we believe the timeline will be that we will get to some sense of normalcy, I think there are opinions that anywhere from 6 months to the end of the year. But on the other hand, again, I think it is fair to say that all this, we have to keep in mind, is COVID-based. It is a global supply chain issue.

But the good news for the Nation's largest container port complex is we have made some headway with regard to how we are addressing the complaints and making sure that, again, the cargo moves. And on this note, I want to also emphasize our thanks to the men and women who work on the docks. There has not been a day that this port has closed. And so, these essential workers really have worked around the clock, so to speak, to make sure the Nation's commerce moves through this very important gateway.

Mr. DEFAZIO. Now, we appreciate the efforts of all those at the port, going to 24/7 to help try and mitigate. And, of course, you are not the only chokepoint on the supply chain. We have tremendous

inefficiencies at the distribution centers to which a lot of these goods are trucked. And that has only gotten worse over time ever since we abolished their obligation to pay for detention time. Because to them it is like, well, I don't care if you sit there for 6 hours. We don't want to put on another shift at night.

So, we have to take a comprehensive approach. But I am pleased you are making progress, and that is good news.

So, thank you, Madam Chair. I appreciate the opportunity.

Mrs. NAPOLITANO. Thank you, Mr. Chairman.

Mr. Rouzer, you are recognized.

Mr. ROUZER. Thank you, Madam Chair.

Mr. Bechtel, several questions, actually, I have for you. As we all know, communities across the country are facing serious supply chain challenges. And, of course, this underscores the importance of transportation and port infrastructure to the economy. What is the economic impact of the Houston Port region? And what threats does the region face from coastal storms? Then followup to that, how would the coastal Texas resiliency improvement plan help mitigate those risks?

Mr. BECHTEL. OK. I can speak—the imports through the Port of Houston directly impact on machinery, appliances, electronics: 11 States. Hardware construction materials: 12 States. Automotive: 4 States. Chemicals, minerals, resins, plastics: 14 States. Retail consumer goods: 5 States. Steel and metals: 6. Food and drink: 9. Furniture: primarily 2 States, Florida and North Carolina.

We also—the district is home to Port Beaumont, which is the number one military port in the United States. Obviously, a big part of the country is impacted by products that go through the Port of Houston. We need to protect the Port of Houston and the Houston Ship Channel area. There is no question about that.

Did that answer your question?

Mr. ROUZER. So, talk a little bit about how the coastal Texas resiliency improvement plan helps to mitigate some of those risks.

Mr. BECHTEL. Well, what we want to do is we want to build across the Houston Ship Channel at the Bolivar Roads, which is between the city of Galveston, Galveston Island and Bolivar Peninsula, ship gates across the Houston Ship Channel. The key component here is to prevent the presurge from coming into Galveston Bay. If we can do that, and we feel the gate system alone could supply about 65 percent of the protection that we need, that will go a long way to preventing the impact up the Houston Ship Channel, which is home to 140-plus plants, petrochemical plants and refineries along the Houston Ship Channel.

In addition to that, the dunes and the beach improvements along the coast itself would do a lot to protect the residential areas along the upper Texas coast.

Mr. ROUZER. So, the benefit would be pretty wide ranging, basically, is what you are saying?

Mr. BECHTEL. Yes, sir. Yes, sir.

Mr. ROUZER. Talk a little bit about some of the key features of the coastal Texas plan as it relates to the bay defense systems.

Mr. BECHTEL. Well, what we are looking at, in addition to the gates across the Bolivar Roads, which is about 2½ miles across, the in-bay, say, the mainland projects would include gates at Clear

Lake and Dickinson Bayou, ring levee around the city of Galveston to protect it from the floods from the backside. Galveston has had protection from the Galveston seawall for over 100 years now, since the 1900 storm. And the only flooding that impacts the city of Galveston from hurricanes is primarily from the north side, from the bay side. And we need to limit the water from going into Galveston Bay, for as the storm moves inland, the winds change and the water comes into the backside of the city of Galveston. So, the ring levee project is going to be very important in the long range for the city of Galveston itself.

Mr. ROUZER. Thank you very much. I appreciate that.

Mr. Cordero, can you talk just very briefly about the Port of Long Beach deep draft navigation project and how that will help alleviate supply chain issues? I have got about 15 seconds left.

Mr. CORDERO. Yes. Absolutely. So, essentially, we are a containerized gateway, but we also are a gateway that receives one of the largest liquid bulk vessels. So, basically, what that deep draft navigation study will do, it will improve transportation efficiencies and will improve safety and operations with regard to these large vessels that are coming into this port gateway. So, we look forward, again, to continuing to move forward to work with the Army Corps and create these transportation efficiencies that also will reduce costs.

Mr. ROUZER. Thank you, Madam Chair. My time has expired.

Mrs. NAPOLITANO. Thank you, Mr. Rouzer.

I recognize myself for 5 minutes.

Secretary Crowfoot, thanks to your agency and other local water agencies in California, Congress has been working with the Army Corps in recent years to more effectively operate Corps dams for local water supplies without causing flood control risk.

Climate change has exacerbated extremes in our State. Like right now we are going to 80; we have been in the 60s before. Extreme periods of storm and extreme drought. During December, Folsom Dam was forced to release 100,000 acre-feet even when there was no forecast of additional storms.

How has your agency adapted to the new reality of drought and better managing our dams to retain water during storms, and what can the Corps do to improve operations of dams by working with you and local agencies?

Mr. CROWFOOT. Thanks for the question. Yeah, it is pretty remarkable. Here in Sacramento, our State capital, we had the longest period of time without any measurable rain, almost a year. And the storm that broke that record provided the most rain we ever received in 24 hours, over 5 inches, demonstrating this weather whiplash.

The short of it is, we need to make better utilization of our dams and reservoirs to better control or protect for flood safety and for water supply. The good news is, thanks to the Army Corps' leadership and partnership with States, that dam and reservoir operations are being upgraded, like at Lake Mendocino, which is a Federal dam that now uses forecast-informed reservoir operations to more flexibly manage water supply, again, both for flood safety and water supply. We need to do more of that across our State and Federal dams and we need to do it more quickly.

From our perspective, climate change is accelerating. We know this, and we are experiencing it in real time. So, we really do appreciate the Corps' leadership in this effort. And WRDA 2022 can provide critical funding to make this happen.

Mrs. NAPOLITANO. Thank you very much, sir.

Mr. Cordero, it is great that you thanked us for being with you before WRDA 2020, the subcommittee. You said you had a problem with ships waiting off the coast for berth space. Was it due to the COVID labor shortage or a truck shortage? We know—in southern California, we have seen that for years, but how would this deepening project alleviate the problem of ships waiting offshore? Why is it beneficial from a supply chain and environmental perspective?

Mr. CORDERO. Well, first of all, thank you for your question, Madam Chair. As you have referenced, there has been a disruption in the global supply chain. And, again, there is not a port, a major port that has been immune from this disruption.

So, as I referenced, this is all COVID-based. And by that I mean, in the spring of 2020, when the world really came to a stop in terms of the negative impacts of the virus, it provided some questions for us to really think about. And by that I mean, I think the disruption here in the supply chain really accelerated or elevated the conversation about how fragile the supply chain is here in the United States.

One reason—there are a number of factors, but one reason, I guess the Secretary of Transportation, Secretary Buttigieg, who visited our port here last month, put it best: Disinvestment, the history of disinvestment in our ports and the move now to invest in our ports.

So, I think it is fair to say that the more we—as ports across America invest in our ports—and as chairman of the AAPA, I will tell you that ports across the country are investing about \$33 million a year.

Mrs. NAPOLITANO. Thank you, Mr. Cordero.

I think I have not enough time. But I want to recognize Chairmen Yucupicio and Seki, and honor them because they are part of the conversation to improve the partnership between the Corps and the Tribes in addressing historic needs. Both of you make valuable suggestions on improving the partnership with the Corps, including the potential appointment of a Tribal liaison for Corps districts, as well as addressing the inability of many Tribes to financially partner with the Corps. Can you summarize key changes you would recommend?

Mr. SEKI. Congresswoman, that is a great question. I don't have—

Mrs. NAPOLITANO. You have 34 seconds, sir.

Mr. SEKI. I don't have those exact details at this moment, but I would be more than happy to circle back with your office following the hearing.

Mrs. NAPOLITANO. Great, Chairman Seki.

And Mr. Yucupicio.

Mr. YUCUPICIO. Thank you. Yes, a true partnership, and we look forward to working with the Army Corps. You know, we have always been at a disadvantage here in the desert from bringing water in 55-gallon drums to the reservation way back in the sixties

to now. We still struggle with our infrastructure and water needs, and it will continue. But we truly, truly want a great partnership with the Army Corps to figure these things out. And we ask the committee to do that.

Thank you.

Mrs. NAPOLITANO. You are very welcome. Thank you. Your point is well taken, sir.

Now we will call on Mr. DeFazio for 5 minutes for questions.

VOICE. Mr. Webster.

Mrs. NAPOLITANO. Mr. Webster.

Mr. WEBSTER OF FLORIDA. Thank you, Chair, for putting on this hearing. Thank you and the ranking member. The second hearing about WRDA. It is good to be here.

I have a question for Ms. Julie Hill-Gabriel about the CERP in the Everglades. And the plan that it is, it has been there for over 20 years. And then the EAA and what—we got the money from—getting the money from the bipartisan infrastructure plan, which is over \$1 billion. How do you see that money utilized in those two areas?

Ms. HILL-GABRIEL. Thank you, Congressman Webster. So great to you see you again and having wonderful memories of presenting you with Audubon's Champion of the Everglades Award in relation to some of the great progress you helped us accomplish in former WRDA—

Mr. WEBSTER OF FLORIDA. Same here.

Ms. HILL-GABRIEL [continuing]. Including authorizations of the central Everglades project, which is part of what the Everglades Agricultural Area is a component of.

So, I think overall, when we talk about the fact that the Comprehensive Everglades Restoration Plan was authorized in 2000, we are more than 20 years down the line now. Sometimes we have to remember all the different phases that it took us to get to where we are today. There was a lot of time spent in the planning effort, of planning the different projects, and then getting them authorized through this committee, getting them funded, then actually getting them under construction. And I think where we are today is actually seeing a number of projects cross the finish line. And when fully constructed, they are actually the point of making sure that we are operating them to achieve the return on investment that was promised.

And I think one of the most important things that we have learned through that whole process is that you have to be moving forward in all of these fronts concurrently. If we do one project at a time, wait until it is finalized, this is going to take decades and decades more. And the urgency is simply too clear to let things continue to take that long to progress.

So, the infrastructure funding will help advance a number of projects that either already were underway or other components, again, some of which were authorized back in 2007, to get those finished and across the finish line. But we absolutely have to maintain that focus in some of the projects that impact multiple parts of the ecosystem, like the central Everglades project and the Everglades Agricultural Area Reservoir that is a part of that.

We hear a lot about the impacts to the coastal estuaries east and west on Florida's coast and all the devastating impacts that they have seen. But the reservoir doesn't just benefit those areas. It really also sends that freshwater south, which is how the system naturally works to make sure that all parts of the ecosystem, including the southern Everglades, Florida Bay, that they are also seeing restoration. So, it is important to make progress on projects that are already underway but equally important to continue moving forward, especially with things like the central Everglades and the reservoir project that will help so many parts of the system.

Mr. WEBSTER OF FLORIDA. Well, thank you so much. And good to see you again.

I yield back.

Ms. HILL-GABRIEL. Thank you, Congressman.

Mrs. NAPOLITANO. Thank you, Mr. Webster.

Ms. Johnson is next, followed by Mr. Babin, and then Mr. Garamendi.

Ms. Johnson, proceed, please.

Ms. JOHNSON OF TEXAS. Thank you very much, Madam Chair. And let me thank the full committee chair and the ranking member, Mr. Rouzer, for holding this hearing.

It has been most encouraging to work closely over the years with the Army Corps of Engineers in the Dallas-Fort Worth area. My congressional district in the north Texas area has been affected by periodic flooding and related matters, problems which have been and will continue to be exacerbated by climate change and erratic temperatures, which we have just experienced. The Army Corps has been a tremendous partner in those efforts to address these issues. And I am pleased too, also, that the Joe Pool Lake project received money in our latest bill, which will go a long way in helping to avoid some of the sliding.

I want to ask the first question to Mayor Bechtel. Mayor, as you have made evident in your testimony, the Gulf Coast Protection District is of critical importance, not only to Texas coastal communities, but to the entire Nation. And the International Inland Port of Dallas is a crucial connecting point for goods transported from the gulf coast ports as they pass northbound and westbound by freight and truck. So, in fact, the Union Pacific Dallas Intermodal Terminal in my district provides a tremendous amount of intermodal access to the Ports of Los Angeles and Long Beach as well.

Can you describe how the businesses at the Dallas Inland Port are adversely affected by the gulf coast storms you have mentioned in your testimony?

Mr. BECHTEL. Certainly, Congresswoman. Thank you for the question.

The Port of Houston, and we have seven other ports in the district also, but primarily the Port of Houston is the largest on the gulf coast. The products coming through the Port of Houston go all over both the Southwest and Southeast of the United States and right up the core of the central. And the logistics part of it onshore is, to me, the biggest bottleneck in current terms.

If we have a shutdown of the port down here on the coast, certainly the supply chain all the way up to Dallas and then from the distribution centers at Dallas throughout the rest of the United

States are going to be severely hampered just on the goods coming through the port.

Ms. JOHNSON OF TEXAS. OK. Now, Mr. Cordero, I am wondering what is the relationship between the Port of Long Beach and the Dallas Inland Port. And, roughly, how much business does your port do with the Dallas Inland Port?

Mr. CORDERO. Great question, Congresswoman. Basically, if I understand your question of relationship there with the Dallas folks. Number one, I think, clearly, moving containers by rail is of utmost important right now and, in fact, a priority for the Port of Long Beach. So, to our partnership with the Class I railroads, the UP and the BNSF, that corridor that leads from California to Texas is vital. And so, I think it is fair to say that we have a very good collaborative relationship with the railroads and the stakeholders in terms of moving the cargo here that comes from Asia inland. And as you may know, there is not a container that comes here at the Port of Long Beach that doesn't end up at every congressional district in the mainland.

So, needless to say that, for us, this is a very significant gateway and particularly our partnerships with the other ports and other important regions. Texas particularly is very vital for us and important.

Ms. JOHNSON OF TEXAS. Thank you very much.

Just a little bit more time. In my congressional district, I am proud to report that the Audubon Dallas is quite active, founded in 1973, and primarily responsible for managing and maintaining the 600-acre Cedar Ridge Preserve in southwest Dallas County.

In your testimony, you mentioned the excellent work the Audubon Society is doing on restoration projects in the Everglades, the Mississippi River, and in coastal Louisiana. In Texas, we have serious issues related to coastal flooding along the gulf coast near Houston in south Texas along the Rio Grande Valley. We also have serious inland flooding issues in the Dallas-Fort Worth area.

Can you speak to some of the work you are engaging in to address these issues in Texas and your work to restore—

Mrs. NAPOLITANO. Ms. Johnson, would it be possible for her to address them in writing? Your time is up and we have got a lot more questions.

Ms. JOHNSON OF TEXAS. Thank you very much. I will.

Mrs. NAPOLITANO. Thank you, ma'am.

Mr. Babin, you are recognized.

Dr. BABIN. Yes, ma'am. Thank you very much, Madam Chair and Ranking Member Rouzer, for convening this hearing. I want to thank all you witnesses for being with us today.

And a special welcome again to Mayor Bechtel. I am looking forward to working on WRDA this year, and I am optimistic about our ability to work together to improve upon our Nation's infrastructure.

In WRDA 2020, we were successful in passing numerous provisions, such as an inland waterway cost share adjustment; a flood risk management modification in Orange County, kicking off a significant aspect of the coastal barrier project; and authorizing the expansion of the Port of Houston Ship Channel. As a matter of fact, we were not only successful in passing the authorization to dredge

and widen the Houston Ship Channel, but we also got a project appropriated and secured as a new start designation all in 1 year's time. But we are still not done.

In WRDA 2022, I will advocate for the Army Corps of Engineers to assume operation and maintenance of the entire Houston Ship Channel. In light of the Port of Houston Authority's recent economic reviews showing that locally preferred plan cost has decreased dramatically, I am confident that the Army Corps' assumption of maintenance is economically justifiable.

I represent four ports. In addition to the Port of Houston, my district is also home to the Sabine-Naches Waterway Channel, which hosts two Department of Defense contracted commercial military strategic seaports and serves more than 55 percent of America's strategic petroleum reserves.

We are in the midst of a channel improvement project which will improve and optimize the waterway, but in order to continue moving this project along expeditiously, we need to get the Army Corps' favorable decision document recommendation back so that we can authorize construction of additional navigational features.

Finally, I will be working alongside several of my colleagues here today to support the project authorization of the Coastal Texas Study. Thank you to Mayor Bechtel for all the work you have done on this project and for your leadership in southeast Texas.

As you have highlighted here this morning, the breadth and the extent of this project's implications are extraordinary. This will be one the Army Corps' largest infrastructure endeavors, but will support and bolster millions of jobs and have an incredible economic impact on our country.

Madam Chairwoman, I would like to enter in the record a letter of support from several different industry leaders and stakeholders expressing their support for this project, if you will.

Mrs. NAPOLITANO. So ordered.

[The information follows:]

**Letter of February 8, 2022, from the American Chemistry Council et al.,
Submitted for the Record by Hon. Brian Babin**

FEBRUARY 8, 2022.

The Honorable PETER A. DEFAZIO,
Chairman,
Transportation and Infrastructure Committee.

The Honorable SAM GRAVES,
Ranking Member,
Transportation and Infrastructure Committee.

The Honorable GRACE NAPOLITANO,
Chairwoman,
Subcommittee on Water Resources and Environment.

The Honorable DAVID ROUZER,
Ranking Member,
Subcommittee on Water Resources and Environment.

RE: Support for Coastal Texas Resiliency Improvement Plan identified in the U.S. Army Corps of Engineers (USACE) Coastal Texas Protection and Restoration Chief's Report (Coastal Texas Chief's Report) also called the Coastal Spine

DEAR CHAIRMAN DEFAZIO, RANKING MEMBER GRAVES, SUBCOMMITTEE CHAIRWOMAN NAPOLITANO AND SUBCOMMITTEE RANKING MEMBER ROUZER:

The undersigned trade associations who represent thousands of good paying American manufacturing jobs across the country urge your support for storm surge protection infrastructure along the upper Texas coast, also referred to as the Coastal Spine. This important issue will be addressed at the Transportation & Infrastructure Water Resources and Environment Subcommittee Hearing titled "Proposals for a Water Resources Development Act of 2022: Stakeholder Priorities."

This much-needed infrastructure will reduce risks to vital resources that hold significant implications for the nation's supply chains and economic security. The region that would be protected by this project has a high concentration of petrochemical manufacturing facilities, with Texas being the largest chemistry producing state. The Coastal Spine is also home to a majority of the refineries in Texas, representing almost 25 percent of all U.S. refining capacity.

Although natural disasters vary, the impacts are all too similar. In 2021, the Texas gulf coast experienced unprecedented weather due to Winter Storm Uri, a storm that significantly impacted our continued operations and created a ripple effect across numerous supply chains. According to data from the Independent Commodity Intelligence Services, nearly a quarter of U.S.-based chemical and synthetic materials capacity was estimated to be offline. A hurricane or storm surge could present similar or worse impacts.

With over 96 percent of all manufactured goods touched by the business of chemistry, our industries are important to every state and congressional district in the country. For example, our products are inputs for dairy bottles in California, packaging in Oregon, injection molded products in Missouri, and carpet and furniture in North Carolina. Our assets, employees, and communities where we live and work need this much-needed infrastructure investment to stabilize our nation's supply chains.

The importance of our industries was highlighted in March 2020, when as part of the federal government response to COVID-19, the U.S. Department of Homeland Security identified our industries as Essential Critical Infrastructure, industrial sectors critical to public health and safety, economic and national security. From critical inputs for medical masks and personal protective equipment (PPE) to manufacturing hand sanitizer and disinfectants, our industries have played a critical role in the global battle against COVID-19.

This project balances preserving beaches and the unique ecosystems of the coast while also providing multiple lines of defense to protect essential human and economic infrastructure in one of the most diverse cities in the country.

Thank you for your attention to this important matter. We look forward to continuing to work with the Committee on this effort.

Sincerely,

AMERICAN CHEMISTRY COUNCIL.
AMERICAN FUEL AND PETROCHEMICAL MANUFACTURERS.
NATIONAL ASSOCIATION OF CHEMICAL DISTRIBUTORS.
PLASTICS INDUSTRY ASSOCIATION.

Dr. BABIN. Question 1: Mayor Bechtel, can you tell us what money the district has available to meet its financial obligations?

Mr. BECHTEL. Well, initially, the State of Texas provided 50 percent of the funds for the Coastal Texas Study with the Corps of Engineers, which was approximately \$10 million at the time. Since then, the State, in the 86th legislative session in 2019, appropriated \$200 million, primarily for local match funds for the projects in Orange and Jefferson County. And in 2021, with the legislation that set up the Gulf Coast Protection District, the legislature appropriated another \$200 million at that time. So, \$400 million from the State legislature in, say, direct funding.

Dr. BABIN. OK.

Mr. BECHTEL. In addition, the Gulf Coast Protection District was granted taxing authority, with voter approval, in the legislation that set us up. And the board is also exploring alternative funding along the lines of resilience bonds or something else that we can do.

Dr. BABIN. OK. And question 2, still directed to you: Some of the projects that make up the coastal barrier are already underway.

For example, Orange County is expected to sign its PPA with the Corps next month. Can you update us on the Sabine to Galveston projects and what the status is on those projects?

Mr. BECHTEL. OK. The S2G, which was approved in the Bipartisan Budget Act of 2018, impacted Orange and Jefferson County, which is part of our district now. The Gulf Coast Protection District is in negotiations currently with the Corps of Engineers on a PPA covering the Orange County projects. Jefferson County Drainage District No. 7 was the original non-Federal local sponsor in their area, and they signed the PPA with the Corps of Engineers in 2019.

Those projects are—the Orange County project is in the—just really kicking off in the engineering design phase. In Jefferson County, the project, they are actually moving dirt.

Mrs. NAPOLITANO. Mr. —

Mr. BECHTEL. The third project, which was on the other end of our district, the Velasco Drainage District project, they signed a PPA with the Corps in 2021.

Mrs. NAPOLITANO. Mr. Bechtel, would you please give further information in writing, please? Time is up.

Mr. BECHTEL. Thank you.

Dr. BABIN. I will yield back. Thank you very much. Thank you.

Mrs. NAPOLITANO. Thank you.

Mr. Garamendi, you are next, followed by Mr. Graves, then Mr. Lowenthal and Mr. Weber.

Mr. Garamendi, you are recognized.

Mr. GARAMENDI. Thank you, Madam Chairman. And thank you very much to all the witnesses. A very interesting, very useful discussion.

I want to focus on California, so, Mr. Crowfoot, you are going to be up in a moment. I want to focus specifically on dredging and the San Francisco Bay area.

In 2016, the State of California sued the Corps of Engineers to stop hydraulic dredging, that is suction dredging, claiming that it would somehow hurt the longfin smelt, thereby forcing the Corps to use clamshell, which is two to three times more expensive. The result of that was that the Corps of Engineers now has dredging every other year and at two to three times the cost. In 2019, the State sued the Corps for not doing enough dredging. So, we have got a problem here.

And I really want you to focus on the use of hydraulic dredging and the opportunity to do real-time monitoring as to the extent of damage to the smelt. Are they really anywhere nearby? And is the hydraulic dredging more or less contaminating the water than the suction dredging?

Secondly, I want you to consider the beneficial use, which is a high stake, a high priority for the State of California. The doubling and the tripling of cost makes the beneficial use that much more difficult.

So, we have got an inconsistency here, and I would like you to focus on that. There is no doubt that we need to do more dredging in the bay if we are going to maintain the international shipping that is so important to the State of California.

Secondly, in the delta, the State of California set up various restoration projects for the wetlands in the delta mostly using imported material. The State of California is not a sponsor of the dredging for the Port of Stockton and for the Sacramento River from Carquinez into the heart of the delta, the result of which the dredging projects have dropped, and the available material is not available for your restoration projects in the delta.

I would like you to consider this. I would like to have your comments on the inconsistency of the State policies here that are actually preventing the goal that the State has observed. And do keep in mind this new green lining thing that you talked about.

Mr. CROWFOOT. Well, thanks so much. First of all, I am committed to unpacking these issues with you. I think we share a similar North Star, which is to ensure that enough dredging happens so that the ships and the boats can actually be involved in our economic activity that is so important, obviously while protecting the environment and building our resilience to sea level rise and then that inundation of saltwater into our bay delta.

So, I am confident that we can actually balance each of these priorities. We do believe that the use of that beneficial sediment is really important to build our resilience. We recognize it is more expensive, and we will look forward to working with you and also Army Corps leaders in the region to explore just what projects make sense to use that beneficial sediment.

And then to your point around the State's litigation around the Federal Government. I am committed to, again, moving beyond that and getting to a point where we can dredge our rivers in the delta as we need to for our economic activities in a way that is actually not harmful for the environment. So, complicated issues, but you have my commitment from my own personal time and energy on it.

Mr. GARAMENDI. Very good. And do keep in mind the lawsuits that are holding up the water projects also.

I do want to commend your agency for your work on Sites Reservoir. Moving that along, we now have to move the Federal Government on that, specifically the Office of Management and Budget. Hopefully, we will get that one done.

And finally, with regard to the restoration projects in the Sacramento Valley, your commitment and participation in the very extensive 300,000-acre-plus restoration project that includes the rice fields and the bypasses, extremely important project, not only for flood protection, but also for environment and all of the various species.

If you would like to comment on that in the closing moments, either Sites or the restoration projects, please do.

Mr. CROWFOOT. One hundred percent agree. And let me talk about the restoration project. Remarkable partnerships between agricultural leaders and rice growers and groups like Audubon to extend our seasonal flood plain. I am really bullish on our ability to do that, not only to recover the salmon but to support agriculture. So, 100 percent committed to moving forward on that. And thanks for your words on Sites Reservoir as well.

Mr. GARAMENDI. Thank you very much. Thousands more questions. I will be in your office shortly to get all these things resolved. Thank you very much.

I yield back.

Mrs. NAPOLITANO. Thank you, Mr. Garamendi, very much for your on-time delivery.

Mr. Lowenthal—I'm sorry, Mr. Mast is next, followed by Mr. Lowenthal. Mr. Katko is next.

Mr. Mast, you are recognized.

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

Ms. Hill-Gabriel, I have just a little bit of dialogue I would like to have with you. It is good to see you. I want to thank you for your advocacy, the Audubon Society's work, and everything that you all do on behalf of the Everglades. I do very much appreciate it.

This summer, Audubon made—they are making statements constantly. I believe the Audubon made a statement about the threat of harmful algal blooms. Everybody knows I continue to work on this on the WRDA, the Water Resources Development Act, in subcommittee and full committee. It is plaguing my community, as you well know.

So, the statement was made that exposed fish die quickly. And consuming contaminated fish or shellfish, it is dangerous for birds and dolphins and other terrestrial mammals. So, I guess what I am asking in talking about the statement that Audubon has made, are the birds the canaries in the coal mine here?

Ms. HILL-GABRIEL. Thank you, Congressman Mast. And, of course, as always, thank you for your passion for Everglades restoration and especially continuing to hold up the plight of the communities along the St. Lucie Estuary in particular.

I think before getting to that, I just always have to share—I feel like I was able to share with the subcommittee a few years ago my own personal experience. It is hard to articulate and explain the experience of being around one of these toxic algae blooms. In my own experience, I lived in south Florida but I did not live along that estuary. And I was up there visiting and had really never experienced anything like it, that I was across the street from any body of water, like, where I thought was pretty far away, and opened the car door, and having that rush to your senses immediately—I mean, I thought I had parked next to a dumpster was my real experience with the odor, but really a feeling like your eyes are on fire. It is really hard to articulate until you have experienced it.

So, I just want to thank you again for trying to articulate what those experiences are for folks who have never had that firsthand. And for me, it truly only strengthened my resolve for focusing and being an advocate for Everglades restoration.

And we know that absolutely toxic algae blooms have an impact on the species that birds rely on for their food sources. Similarly, we know that when there is excess nutrients in waterways, it changes the vegetation that the birds rely on, and that is part of why we have been such advocates for trying to remove excess nutrients throughout the entire ecosystem. Starting in the northern Everglades, all the way down to being huge supporters over the years of the really monumental work that the State of Florida has

done to clean nutrients out of the water before it reaches some of those places where birds are more prevalent and relying on that clean water source.

And I think that some of the progress that has been made has focused on that, but there is still a long way to go, and that is part of why we keep focusing on getting projects finished that are in the pipeline for Everglades restoration, while also looking to advance the ones that are still ahead, like finalizing that central Everglades project and the Everglades Agricultural Area Reservoir. That we know will help hold some of the water, have it go through those filtration marshes, and then continue its path south into the southern Everglades in Florida Bay, because all of those different areas are important for different species of birds. And so, water quality is absolutely prevalent and an important issue for birds, but it is also things like the balance of freshwater and saltwater that can dramatically increase and the challenges of birds having finding a food source.

And at Audubon, last thing I will say is, we have been lucky enough in a lot of places, like in Florida Bay, to actually study the fish—the forage fish that birds rely on and how the bird populations have changed over the years, for sometimes more than 100 years. So, we are able to see the impact of those changes as they happen and use that. And that really, for us, guides our positions and our advocacy in advancing Everglades restoration.

Mr. MAST. All right. You described that situation of opening up your door. Would you work in the middle of that for 10 hours a day?

Ms. HILL-GABRIEL. I will say that I went home, and as someone who has little children, thought about the impact of that, of course. We have dubbed things the lost summer, but truly thinking about the fact that I was able to go home, right, but others don't have. That is their home. And that has stuck with me for a long time. Would I let my kids play outside? No. It would be just such a hard experience to imagine folks who have to endure those conditions at those times when those blooms are so active.

Mrs. NAPOLITANO. Thank you very much.

Mr. MAST. Thank you, Chairwoman.

Mrs. NAPOLITANO. Thank you, sir.

Mr. Lowenthal, you are recognized.

Mr. LOWENTHAL. Thank you, Madam Chair.

Mr. Cordero, thank you once again for your kind words and for highlighting the importance of Long Beach's deep draft navigation project both for our community and for the Nation's economy. This investment could not come at a more critical time as we work together with the administration and the private sector to strengthen our supply chains.

Incidentally, I was glad to hear Chair DeFazio recognize the importance of your leadership and the Port of Long Beach's leadership in moving towards 24/7 as a way of really dealing with the congestion.

This project, the deep draft navigation project, can also make the port operations faster, more productive, and even cleaner by making navigation more efficient. You have already highlighted the ex-

cellent cost-benefit ratio that the project will enjoy. And I am determined to continue to support this critical investment.

This year's WRDA bill, through projects like this, can make a real difference for the American people and while continuing to advance climate resilience, nature-based solutions, and environmental justice. Critically important is the issue of environmental justice.

Mr. Cordero, can you elaborate more on the national economic benefit of this project and, if you have time, also on the environmental benefits of this project?

Mr. CORDERO. Yes. Absolutely, Congressman. As you may be aware, when the Army Corps first looked into this matter, in collaboration with the Port of Long Beach, the overriding concerns were two. Number one, the national economic development plan, and of course, how that fits in terms of the navigational improvements. So, suffice to say that there are five areas here in terms of draft projects that need to be addressed: the West Basin, the Approach Channel, the Main Channel, and Pier J South Slip, and the Pier J Approach. In essence, creating more draft for the larger vessels in the world to visit here at the Port of Long Beach, be it container and be it liquid bulk.

So, the importance in terms of the national impact on this, let me just end by saying in the proper context in one case of a liquid bulk vessel. The largest tanker to visit a North American port was, in fact, here at the Port of Long Beach. And now we are trying to address that approach here from a 76-foot draft to 80. How much of a difference does that make? Every 1 foot of draft that we could create, in essence, translates to anywhere from 35,000 to 40,000 barrels of product. And so, that is a significant impact with regard to that type of commodity that comes in here. And, of course, the dependency of the Nation with regard to, on the energy front, how important that is.

So, for the Port of Long Beach it is not just a question of container as cargo; there is also a diverse portfolio of liquid bulk cargo.

Mr. LOWENTHAL. Thank you. In the time I have remaining, can you elaborate on the environmental benefits of this project, especially to the community surrounding the port complex?

Mr. CORDERO. Absolutely. So, what occurs in the case of both vessels, we have a process, what is referred to as lightering. And what that basically means is when a tanker vessel comes in and it is too large to come into the harbor, we have a smaller vessel that goes out there and has the economy transfer to the smaller vessel, which goes into the harbor as a second transfer. All this creates further emissions, idling, which again will be unnecessary if we create the proper draft with the bigger vessel, which, incidentally, the larger new bigger vessels are environmentally more friendly, not only in terms of the technology that they use but the fuels that they use. So, I think it is a very positive step of eliminating emission share at this harbor complex.

Mr. LOWENTHAL. Thank you, Mr. Cordero. And thank you for your active support to the Long Beach deep draft navigation project.

And I yield back.

Mr. CORDERO. Thank you.

Mrs. NAPOLITANO. Thank you, Mr. Lowenthal, very much.

Mr. Graves, you are recognized.

Mr. GRAVES OF LOUISIANA. Thank you, Madam Chair. I want to thank the witnesses for joining us today.

Ms. Hill-Gabriel, section 213 of the Water Resources Development Act of 2020 includes a study of the lower Mississippi River system. And so, that is everywhere from Cape Girardeau, Missouri, all the way down to the mouth of the Mississippi River. As you know, the Mississippi River and tributaries project, of which that river is obviously part of, is 100 percent Federal cost for virtually everything. Yet the Corps of Engineers' interpretation has found that this is a study that is going to require a 50/50 cost share and the non-Federal sponsors would be seven different States.

Do you believe, one, that this project is important in reassessing the management of the lower Mississippi River system? And, two, do you believe that that type of interpretation, that does seem inconsistent with MR&T, is the right approach?

Ms. HILL-GABRIEL. Thank you so much, Ranking Member Graves. But first I have to begin with the fact of reiterating just how important the study is in including just work in this area in general. Our own recent study with Audubon and partners have noted, for our purposes and our mission, that there are some birds where 50 percent of the North American population rely on the Mississippi River Delta for their breeding and habitat. So, it is something that's just an absolute top priority for Audubon and, of course, affects the largest watershed in the Nation.

And I think that to have any impact in decisionmaking around the format that a study can take, that has the potential to delay its implementation, is really not addressing the urgency and the need of the issues to move quickly. Clearly, that if a study needs seven non-Federal sponsors to coordinate and come to the table and iron out differences and identify whose responsibility is whose before we advance things, that is going to take longer. And I think it is really imperative that we act with the utmost urgency to understand more about the river and the issues that are facing it so that we can start to get to the next step of undertaking more action to address the challenges that are being faced there.

Mr. GRAVES OF LOUISIANA. Thank you.

Moving on to the next question. Until Texas comes in and totally blows the numbers out of the water with their authorization this year of \$28 billion, coastal Louisiana has, I think, the largest groupings of authorizations for storm damage, risk reduction, hurricane protection type projects, navigation, ecological restoration. And as you know, Ms. Hill-Gabriel, these projects all work as sort of in a system in Louisiana. Unfortunately, the authorization is not weaved together sort of like in the Everglades or Great Lakes initiative that does put everything into one program, but, again, they are all related.

Back in the Water Resources Development Act of 2007, title VII had a cross-crediting provision, and it allowed for you to develop credits on one project, move them over to another. And in order to sort of move this in more of a program type direction, Congress came in and cleaned it up again in 2014, because of flawed Corps interpretations. Cleaned it up again in 2016, as we continue to play whack-a-mole with the Corps of Engineers.

Have you seen, under any of the interpretations or the interpretive guidance coming out of the Corps of Engineers, an actual functional system that would allow for cross-crediting or allow for real functionality in implementing these projects?

Ms. HILL-GABRIEL. Thank you again, Congressman. And I think one thing just to put some emphasis on, of course, we always appreciate your leadership in highlighting these issues as it relates to coastal Louisiana. You may have heard, I believe Secretary Crowfoot mentioned a similar example in the Central Valley where they are having challenges of transferring non-Federal sponsor credits across different projects.

I will say that in the Everglades, while the overall program—the overall comprehensive plan was authorized as one piece, there was a decision made that each individual component, each individual project still needs to be independently authorized. But what has been done there is the development of sort of a non-Federal sponsor and Federal, so, a non-Federal sponsor and Army Corps ledger where they balance out across the programs as a whole. And so, that—

Mr. GRAVES OF LOUISIANA. And the task force that helps with the integration as well.

Ms. HILL-GABRIEL. Exactly. And State and Federal task force to help guide some of that. And I think the lesson there is just, you know, we need to allow efficiency and creativity when there are options on the table. And there are, as you noted, many provisions in WRDA and discussions already ongoing. That is something that should be reinforced and supported.

Mr. GRAVES OF LOUISIANA. Thank you. I yield back.

Mrs. NAPOLITANO. Thank you, Mr. Graves.

Next order will be Mr. Carbajal, Mr. Johnson, Mr. Stanton, Mr. Cohen.

Mr. Carbajal, you are recognized.

Mr. CARBAJAL. Thank you, Madam Chair. And thank you to the witnesses for your time and testimony today.

You all know better than most how these projects affect our communities and the role they play in environmental and human health and economic development. California is home to several ports that see billions in economic productivity annually, including the busy Port of Long Beach. The Water Resources Development Act we are currently working on and funds included in the Bipartisan Infrastructure Law for the Army Corps offer a great opportunity to improve the efficiency and the resiliency of our ports.

Mr. Cordero, around this time 2 years ago, I had the opportunity to tour the Port of Long Beach with the congressional delegation led by my colleague, Chairwoman Grace Napolitano. As you mentioned in your testimony, the Port of Long Beach supports 2.6 million jobs across the Nation and is an important part of our supply chain infrastructure.

In my role as chair of the Coast Guard and Maritime Transportation Subcommittee, I have heard a fair deal of stakeholders about supply chain issues. We have done quite a bit of work here in Congress to help alleviate that problem through investments included in the Bipartisan Infrastructure Law, but I know there is always more work to be done.

Can you discuss how a bill like WRDA can help further support port infrastructure?

Mr. CORDERO. Yes. Thank you, Congressman. Well, we mentioned one of the major projects here with regard to the deep draft navigation study and making sure that our channels have enough draft or deep enough to navigate or have the largest vessels navigate. We talk about the large vessels but in terms of the width. So, I think it is fair to say that with regard to some of these projects that we are addressing, it goes a long way in making sure that these larger vessels come in. And with the size of the vessels that we have today, Congressman, 14, 16, 18; in fact, at the Port of Long Beach, we recently had a 20,000 TEU vessel, and last year a 24,000 TEU vessel.

I think, again, the name of the game is how we continue to move containerized cargo here in terms of the throughput. And as Congressman Lowenthal and Chairman DeFazio said, that is why we have the concept of 24/7 vision here in terms of pilot projects that we are operating right now.

But to your question, I think, again, what is important is to move cargo in a more efficient manner and, of course, environmentally more friendly. And on that last point, that is why we are focusing on rail investment here.

But I hope that answers your question in terms of the bigger picture of what we are trying to do here at the Port of Long Beach as the Nation's most significant gateway.

Mr. CARBAJAL. Thank you very much.

Ms. Hill-Gabriel, communities living near ports face unique challenges due to sustained exposure to pollutants and toxins as a result of port operations and ship emissions. As a county supervisor, I worked on the Blue Whales and Blue Skies initiative to reduce ships' emissions. And in Congress, I introduced the Expanding the Maritime Environmental and Technical Assistance Program (META) Act, which was signed into law through the fiscal year 2022 NDAA, to support the reduction of air emissions from vessels by authorizing additional funds for the Maritime Environmental and Technical Assistance Program, to fund research and activities related to zero-emissions technology.

What other recommendations do you have for us to tackle this problem and help reduce harmful emissions from port operations?

Ms. HILL-GABRIEL. Thank you so much, Congressman. And I appreciate all of your leadership on that issue in advancing. I do think the focus on technical assistance is always an important place to start, and I think that the more we understand the new innovative approaches that can take shape when we incorporate especially local knowledge on exactly what is happening. While there are overarching issues to address, every port issue that I have ever looked into is different, right? There are different impacts. There are different ecological factors at play. And as you noted, different proximity of communities to the issues.

So, I think continuing to further find that effort of coordination, and whether it is formulating a different pathway for community engagement in a regional level related to the port and finding out ways to garner some of the great ideas and understanding of the full impacts, and then having the capability to raise that up to the

Army Corps or other Federal agencies that address these issues, I think is critical.

Mr. CARBAJAL. Thank you very much. And I must say that the META Act, I was lucky enough to be able to join my good colleague, Representative Alan Lowenthal, who took great leadership with that legislation.

With that, I yield back, Madam Chair.

Mrs. NAPOLITANO. Thank you, Mr. Carbajal.

Mr. Johnson, you are recognized.

Mr. JOHNSON OF SOUTH DAKOTA. Thank you, Madam Chairman. I appreciate that.

I will talk a little bit to Chairman Seki and Chairman Yucupicio. I just think it is fantastic we have got two Tribal chairmen here. And I think it augers for a very good process, Madam Chairman, as we move forward with WRDA. It is just fantastic.

And so, gentlemen, I will have questions for you. But first I want to talk just a minute about a South Dakota Tribe. Last week, I got a letter, a very detailed letter from the Standing Rock Sioux Tribe in South Dakota as well as North Dakota.

And, Madam Chairman, I would ask unanimous consent to enter that letter into the record. Your staff does have a copy of it.

Mrs. NAPOLITANO. So ordered.

[The information follows:]

**Statement of the Standing Rock Sioux Tribe, Submitted for the Record by
Hon. Dusty Johnson of South Dakota**

COMMENTS ON THE DEPARTMENT OF THE INTERIOR'S IMPLEMENTATION OF THE
BIPARTISAN INFRASTRUCTURE LAW AND FUNDING FOR TRIBES

FEBRUARY 4, 2022

Thank you for the opportunity to comment on the Department of Interior's (DOI) implementation of the Bipartisan Infrastructure Law (BIL) and funding opportunities for tribes. The Standing Rock Sioux Tribe is particularly interested in the funding available through the Bureau of Indian Affairs (BIA) for irrigation projects, water sanitation, and dam safety. We are also interested in funding available through the Bureau of Reclamation for authorized rural water projects. This funding is needed for ongoing and long-standing infrastructure needs on the Standing Rock Indian Reservation.

While these are important infrastructure investments for the health and well-being of our communities, the BIL overlooks and does not provide funding for some of the most critical infrastructure needs on our Reservation and across Indian Country. We have a dire need for healthcare facilities, schools, roads, and justice facilities. These basic infrastructure needs are chronically underfunded and undermine our ability to provide safety, security, and opportunities for our members.

Much of the funding DOI is charged with implementing is dedicated to needs far beyond Indian Country. For example, the Bureau of Reclamation will be implementing billions in funding for water projects and infrastructure outside of Indian Country. This funding will be distributed according to existing laws, through competitive grant programs, or requires a substantial cost-share. These are all barriers to funding projects that will benefit Indian tribes.

In implementing each of these programs it will be up to DOI to prioritize its trust responsibility and direct funding to projects that benefit Indian tribes. We respectfully request that the Secretary use any available authorities under the BIL or other laws to ensure that funding is directed to needs in Indian Country. This includes the possible reallocation of funding for the healthcare facilities, schools, roads, and justice facilities that we need.

INFRASTRUCTURE NEEDS OF LARGE LAND BASE TRIBES

The Standing Rock Sioux Tribe is a large land base tribe. Our infrastructure needs stretch across our 2.3 million acre Standing Rock Indian Reservation. We have over 16,000 enrolled members and about half of our members live on the Reservation. Our Reservation is the size of a small state, yet we lack the basic infrastructure that every government needs to provide for its communities and promote economic opportunities.

The Federal government's chronic underfunding of infrastructure needs on our Reservation real and lasting impacts on the lives of our members. Our current unemployment rate is above 50 percent and over 40 percent of the Indian families on our Reservation live in poverty. This is more than triple the average poverty rate in the United States. The disparity is worse for our youth. On our Reservation, 52 percent of the population under age 18 lives below the poverty line, compared to 16 percent in North Dakota and 19 percent in South Dakota.

We respectfully request that the Biden Administration build on the effort in the BIL and take action to seek and provide the funding we need to meet basic infrastructure needs. The BIL will fulfill important needs, but much more is needed. The Federal government must honor its treaty and trust obligations by adequately funding reliable infrastructure which is the foundation for the safety, health, and welfare of our people.

RURAL WATER PROJECTS

The delivery of safe and clean drinking water to our members is of the highest priority for our Tribe. The vast majority of our members are provided with water through the Standing Rock Rural Water System, but many rural homes are not connected to the Rural Water System due to lack of funding for expansion. Currently, there are more than seven hundred homes which do not have access to running water and 2.3 million acres with agricultural lands requiring water. Our goal is to utilize available funding to connect as many residents of the Reservation currently without service to the existing Rural Water System.

We rely on the Missouri River to supply water to our community. The devastating impacts of the Pick-Sloan Plan and controversial water policies for managing water levels in the Upper Missouri River Basin continue to plague our Reservation and have had severe repercussions to our Rural Water System. In past periods of drought, we experience a lack of water to our intake system leaving us completely without water for our homes, hospital, government, schools, and businesses, which required significant time and resources to address. We want to ensure that our infrastructure needs are addressed to avoid such issues in the future. The mismanagement of water on the Missouri River continually threatens our municipal water supply.

DOI is mandated to construct, operate, and maintain a Municipal Rural and Industrial (MR&I) Rural Water System on our Reservation through the Bureau of Reclamation (BOR). Over the past forty years, BOR has been working on specific rural water projects to deliver potable water. The Standing Rock MR&I Program works directly with BOR to plan, construct, and maintain our Rural Water System.

Our rural water systems obtains raw water directly from Lake Oahe on the Missouri River and distributes it across the Reservation to provide safe drinking water to our users. The Rural Water System Water Treatment Plant is located on the south side of the Reservation. The Rural Water System treatment plant is a surface water plant with flocculators, sedimentation basins, and microfiltration membranes.

The treatment plant injects finished water with chlorine and pumps it to our communities in Wakpala and Kenel in South Dakota and our Grand River Casino. From the southeast side of the Reservation, the distribution system branches west to serve the communities of Bear Soldier, Bullhead, and Little Eagle in South Dakota. Recently, the Rural Water System expanded to the City of McLaughlin, South Dakota.

In October 2017, the Rural Water System was expanded to serve the community of Fort Yates, North Dakota through a 1.5 million gallon composite tank. The Rural Water System then branches west and north to serve the communities of Porcupine, Cannonball, and Solen in North Dakota and our Prairie Knights Casino. The distribution also reaches some rural homes scattered throughout the Reservation, but expansion is needed to provide rural water to all our members and residents.

The anticipated construction costs for the Standing Rock Rural Water System in 2021 were \$8.3 million. These funds were prioritized to complete five projects:

- the Selfridge Transmission Pipeline;
- the Ralph Walker Treatment Plant membrane installation;
- the Fort Yates Watermain Replacement;

- the Fort Yates storage tank; and
- the Solen Pipeline.

All of these projects are ongoing and require additional funding for completion. The Tribe anticipates the Rural Water System construction costs in 2022 to be approximately \$26.1 million. While some of these expenses will be funded through the Indian Health Service, other projects rely on BOR funding. These projects include decommissioning the Fort Yates water treatment plant, lagoons, and wet well pump house. Additional maintenance and operation costs include making improvements to the water treatment plant, repairing or replacing fire hydrants, replacing the Luke White lightning tank to increase capacity, upgrading the Cannon Ball community system with new watermain, new valves and service connections, installing meters, replacing the watermain in Cannonball, and constructing secondary user extensions.

Currently, our annual operations and maintenance budget is \$2,191,000, but the replacement need for the annual budget is \$4,000,000. The Tribe anticipates needing approximately \$80,588,700 to complete ongoing projects and support new priorities for construction and upgrades planned through 2026.

In addition to expansion of the current Rural Water System, we need funding for investments in aged water system infrastructure. Deteriorating water distribution infrastructure poses a risk to the public health on the Reservation. Our current rural water system needs rehabilitation and replacements to distribution mains, transmission lines, tanks, pumps, and meters. Aged service lines have a potential for contaminating our drinking water through corrosion. We have recently experienced numerous line breaks and water pressure loss in our community requiring residents to boil water and conserve water use for limited purposes.

While the Tribe is grateful for the rural water projects funding included in the BIL, consistent and adequate funding for these projects is too low and varies greatly each year making it difficult to plan for construction. Funding levels also barely keep up with the rising costs of inflation and makes the projects significantly more expensive than originally projected.

The continual rise in costs and limited appropriations make it difficult to complete our ongoing Rural Water System projects. We have an urgent and compelling need for substantial rural water funding due to the basic lack of access to potable water plaguing many of our residents. This creates serious public health and safety issues which only got worse during the COVID-19 pandemic. The Tribe requests that BOR give priority to funding and completing our Rural Water System. These investments are required by the Federal government's treaty and trust responsibility to the Tribe.

BIA ROAD MAINTENANCE PROGRAM

We were shocked that BIA's Road Maintenance Program did not get more funding under the BIL. Roads are critical infrastructure on our large Reservation. Without adequate funding for road infrastructure and maintenance our youth cannot get to school, we cannot support economic development, and providing government services is made even more difficult. Safe and secure roads are also vital to protect the life and safety of our Reservation community.

Our Tribe was devastated in 2019 when a long-standing and unfulfilled road maintenance need led to injuries and the loss of life on our Reservation. After years on our priority list for BIA's Roads Maintenance Program, a 30 to 40 foot section of a BIA road on our Reservation collapsed from a washed out culvert. This left a 60 to 70 foot deep drop to a creek below the road.

This heavily traveled road is an important commuting route for workers on our Reservation. In the dark morning hours, the wash out was not visible to commuters traveling to work. We lost a nurse who was on her way to work at our hospital and a United States Postal Worker that served the Reservation. Two Tribal members were also seriously injured when their vehicles plummeted into the creek. The Administration must provide the funding needed to address these critical infrastructure needs.

In FY 2022, the Administration requested just \$37.4 million in funding for the BIA Road Maintenance Program. This is not nearly enough. Many of the roads and bridges within the BIA system are in fair to failing conditions and have safety deficiencies. Only about 16 percent of BIA roads have sufficient maintenance to be classified as acceptable in terms of surface condition. And, only 62 percent of the BIA bridges are classified as acceptable based on the BIA Service Level Index.

Due to the unmet needs in BIA's Road Maintenance Program, the Tribe must divert Tribal Transportation design and construction funds to supplement BIA funding for routine and emergency maintenance. As a result, we have fewer funds to

plan or build new roads and bridges, undertake a safety improvement project, or perform environmental studies.

There are approximately 500 miles of BIA roads on our Reservation that need critical rehabilitation and replacement. We also need funding to address rain, snow, and ice on BIA roads that causes treacherous and impassable conditions. Snow and ice removal can consume up to 65 percent of our annual budget each winter. Road conditions on our Reservation impact almost every aspect of our lives. We even have increased maintenance costs for law enforcement vehicles and school buses due to poor road conditions on our Reservation.

Finally, distribution of the \$270 million provided for BIA's Road Maintenance Program was not discussed during the consultation sessions. This funding should go where it is needed most. Roads are critical infrastructure on our large land base Reservation. We need this funding to get our youth to school, promote economic development, and provide governmental services.

TRIBAL JUSTICE CENTER

Funding for tribal justice centers should have been a top priority in the BIL. We need law enforcement infrastructure funding to provide safety and security on our Reservation. This includes funding for tribal courts, detention centers, and treatment centers. Without investments in this basic infrastructure, we are not able to provide the justice services that our communities and members deserve.

The Bureau of Indian Affairs-Office of Justice Services (BIA-OJS) operates an outdated 48-bed adult detention center for male and female inmates in Fort Yates on our Reservation. The detention center was built in the 1960s and has long outlived its utility. Detainees need facilities that will promote restitution and prepare them for return to our communities.

The population in the BIA-OJS detention center is frequently two to three times above the rated bed capacity. To alleviate jail crowding, BIA-OJS contracts bed space for long-term adult inmates in a facility that is a 772-mile round trip from the Reservation. In addition, our Tribal Court is often forced to release prisoners early to alleviate crowding to make room for more prisoners.

The Tribal Court system receives a small BIA allocation that is heavily subsidized by the Tribe. Our Tribal Courts are crowded, even when spread across three separate buildings. The main courthouse, which is located in the same dilapidated building as the BIA-OJS detention center, outgrew its ability to meet our needs years ago. The lack of space severely limits our ability to adequately handle the Tribal Court caseload of 2,000 to 3,000 cases per year.

Finally, investments in law enforcement infrastructure must be backed up by the human infrastructure needed to keep our communities safe. This includes adequate law enforcement staffing, judges, prosecutors, and law enforcement equipment including the patrol cars needed to patrol our large Reservation. Currently we have 10 police officers for about 10,000 Reservation residents. In contrast, Washington, D.C. has 65 officers for every 10,000 residents. Providing safe tribal communities is an important federal responsibility and has been under funded for far too long.

TRIBAL EDUCATION INFRASTRUCTURE

We are also concerned about the lack of funding to improve and expand Bureau of Indian Education (BIE) infrastructure. Providing our youth with positive places to learn and grow is a top priority of the Tribe. In addition, school transportation is a challenge for large land base tribes. BIE should consider building dormitories to serve our large schools. Dormitories would provide safe environments for at-risk children to ensure an increase in successful graduation rates.

We need a new school for our Rock Creek District. This is our school located in valley of the Hunkpapa which is Sitting Bull's home. The school is the heart of the community, but it is very remote. They have no store or gas station. The nearest grocery store 25 miles away. It is very remote.

Enrollment is down because of the condition of the school. The school is currently in 2 sections. A portion of the school is over 100 years old and the other is 40 years old. Basically nothing works. An assessment was done, but there was never any follow up. Our youth deserve better and DOI should commit infrastructure funding to fulfill the dire needs at our BIE schools.

CONCLUSION

The funding provided in the BIL will fulfill important infrastructure needs on our Reservation. In particular, we hope to complete our Rural Water System and make necessary repairs and upgrade. We ask that DOI take every possible action to en-

sure that funding provided under the BIL for national programs is directed to fulfill tribal projects. The Federal government must use this funding to fulfill its solemn treaty and trust responsibilities.

We also ask that DOI work to make additional funding available to meet basic infrastructure needs on our large land base Reservation. After decades of chronic under funding we lack the healthcare facilities, schools, roads, and law enforcement facilities needed to provide for our members and communities. Funding this critical infrastructure will help us to provide safe and secure communities while also creating economic opportunities for our members.

Mr. JOHNSON OF SOUTH DAKOTA. Very good. Thank you. Now in this letter, they talk about—we have got the bipartisan infrastructure bill that passed. It has got so much money. But despite that fact, they note that they didn't feel like the dollars were particularly well-tailored toward Indian Country. And that might well be because the process that the infrastructure package came together underneath was unusual. Particularly on the House side, maybe not as collaborative or as bipartisan as we would have liked. But I think we still have an opportunity, through the implementation, to make sure that the interests of Indian Country are well taken care of. And I will note in this letter they do specifically mention water priorities as something that will likely not be adequately addressed through that legislation alone.

And to that end, Chairman Yucupicio, you recommended the Army Corps develop a plan for Tribal engagement on environmental infrastructure. And then Chairman Seki, you recommended that the Corps, for each of their districts, have a Tribal liaison. And so, I would want you each to take 1 minute to kind of describe to the committee some of the frustrations you might have had from a communication perspective in dealing with the Federal Government.

Mr. YUCUPICIO. OK. The Pascua Yaqui Tribe, yes, we have had very, very few dialogues and visits here on the reservation. And as you know, with climate change and the drought, the Arizona drought and all of those problems that we are facing now in Arizona, it is critical, it is super critical to have the commitment of the Army Corps and everybody else here to look at the issues here with our reservation here being as dry as it is. And we are depending on the city of Tucson.

And they are having all kinds of problems with trying to provide water to an ever-growing city. But for us, I think it is very critical on all the Tribes that live in the dry desert, like we do, to have that relationship and that communication and an open door, to be able to communicate with each other and they can really, really visit us and come here. And I think that is part of the issue is just initiating that dialogue, and the true, meaningful relationship with the Army Corps.

Mr. JOHNSON OF SOUTH DAKOTA. Sir, I think that is very well said. And, clearly, we will do a better job, as one America at targeting those dollars if we have a fuller, deeper, and more accurate understanding of your needs; right, sir?

Mr. YUCUPICIO. Absolutely. When you start looking at our allotment and our relationship with the city of Tucson, it is climbing and climbing, and the needs keep getting bigger and bigger for the city. And for us it just keeps shrinking and shrinking. So, we must find alternative ways and waterways and resources in how to limit

our usage, use more of the tap water district allotment, and all that stuff.

So, we are working on all kinds of different ways to be able to provide water for now and in the future for us. It wasn't a congressional bill actually when we got recognized to have land and water that was a priority. But to this day, we don't have anything like that yet set up.

So, I really thank you, and I thank the committee for listening to us, because when you start looking at the growth of this Nation, the Pascua Yaqui Tribe, then we are super limited here in this corridor.

Mr. JOHNSON OF SOUTH DAKOTA. Yes, thank you, Mr. Chairman. Let's get Chairman Seki in a little bit. Sir, what are your thoughts?

Mr. SEKI. Thank you, Representative Johnson, for your question. We have great difficulty in navigating the various regulatory and reporting requirements that Federal agencies place upon us in our efforts to improve our resources and infrastructure. It is not just an Army Corps problem. As an underserved community, we don't have the capacity to manage all of Federal hurdles placed on us. The pandemic and the Federal response of burdensome grants and more regulations has only worsened things for us. Red Lake is a leader in Indian Country, but we struggle on a daily basis to keep up to date with new funding opportunities, reporting requirements, and the status of environmental permit applications.

The Army Corps permitting process is burdensome and time-consuming, and the process gets stalled, leading to needless project delays. A Tribal liaison in each region, one who is dedicated solely in working with Tribes, could assist in resolving permitting issues, increase accountability. But there also needs to be change at the national level to reduce regulatory and reporting burdens. And I hope my testimony today can raise awareness of this need. [Speaking Native language.]

Mr. JOHNSON OF SOUTH DAKOTA. Thank you, Mr. Chairman. And thank you, Madam Chairman. I yield back.

Mrs. NAPOLITANO. Thank you sir. Mr. Stanton followed by Mr. Cohen, and then Mr. Huffman. Mr. Stanton, you are recognized.

Mr. STANTON. Thank you very much, Madam Chair. My questions start with Chairman Yucupicio. Thank you again for sharing your Tribe's experience as the first recipient in our State and the first Tribal recipient of funds through Arizona's environmental infrastructure authority. Chairman, how long has the Tribe been working on this important water distribution line?

Mr. YUCUPICIO. It has been about 20, 30 years. But if you realistically look at, you know, once we came to the reservation, these lands here, you know, the first struggle was, how do we provide water? We then provided these big old tanks that look like oil wells in fields like that. Little did we know that there were not caps on top, and there were actually flying birds and stuff that were dead in there. And that was the drinking water provided at that time here. So, there was nothing around here in the desert.

We then tapped into what the city water line was, and even then you start thinking about how much and how are we going to grow some day if this is our reservation? And it is being provided by the city, but it is not enough.

And when I start looking at, you know, once this funding came—and we thank you for it—and we thank everybody that was responsible for it, I truly look forward to minimizing some of the drinking potable water from the city of Tucson and using our allotment to make sure that we can provide good healthy ballfields for our elder, our youth, and everybody else, and our health divisions.

Diabetes and everything else and now COVID being like that, it is a hard thing to deal with right now when you start thinking of the water and getting water to them in their homes and everything else. So, for us, it is a must.

And we thank you very, very much for being a first Tribe and making sure that we can alternate and use our——

Mr. STANTON. Twenty to thirty years, and now we are able to actually start construction on it. It is so important for the people of your community and for the entire State of Arizona. Your testimony highlights two key issues that could pose barriers for other Tribes to participate in the environmental infrastructure authority. Cost share and the requirement that recipients pay for project costs upfront before getting reimbursed by the Corps. My office has heard similar concerns from smaller and more rural communities.

Can you talk a little bit more about the importance of adding that flexibility to the environmental infrastructure program to ensure that small, rural, and Tribal communities with limited resources are not precluded from participating in this authority?

Mr. YUCUPICIO. Yes. And the funding—the issue on—our Tribes—Tribes don't have the funding to be able to cover the 25 percent, and even more. There are hidden costs and everything else once we start doing the budget. And I think the more and more when we look at a bigger part of the alternative funding sources, Federal, and everything else that can be used, that is what Tribes really need. They would have to take away like us things to educate, things for some of our housing needs, and all that stuff to use some of that funding and find Federal funding. I think that is where the key is in there is more funding to get these projects underway so we can conserve and conserve the water that is really, really sacred and needed here in the Southwest for all Tribes.

Mr. STANTON. That is good. And I am an urban Congress Member, but I know that success of our Tribal communities are important for the entire State of Arizona. So, that partnership is incredibly important.

I have a question for Ms. Hill-Gabriel. Given the impacts of drought and wildfire to Western water supplies, including Army Corps facilities, what are the opportunities or barriers to the Corps utilizing natural infrastructure and nature-based solutions to address these water challenges?

Ms. HILL-GABRIEL. Thank you for the question, Congressman Stanton. I think it is excellent, first off, how much discussion is taking place in understanding what the Corps can do more in addressing water scarcity issues in the West. I think we are already seeing progress on what have previously been barriers, which is really just interagency coordination, either at the Federal level, but also incorporating State and local entities.

But as progress on that front becomes more clear, it is going to be important to support efforts to ensure that the Corps has the

necessary authorities to fully analyze the opportunities they have, like restoring wetlands upstream of water storage facilities, and things of that nature, and other natural infrastructure options. And we would love to see the advancement of pilot projects that can demonstrate some of these benefits of natural infrastructure in the West.

Lieutenant General Spellmon had testified back in January that there are additional research needs in this field. So, I think it is something that is going to be really helpful for us all to dig into together.

Mr. STANTON. Thank you so much. My time is up. I yield back.

Mrs. NAPOLITANO. Thank you, Mr. Stanton.

The order has been changed to Miss González-Colón, then Cohen, and Mr. Huffman. Miss González-Colón, you are recognized.

[No answer.]

Mrs. NAPOLITANO. Jenniffer González-Colón?

[No answer.]

Mrs. NAPOLITANO. Gone? OK. Mr. Cohen, you are recognized, sir.

Mr. COHEN. Thank you, Madam Chair. And thank you for calling this hearing. This is an important hearing, as we look forward to our next WRDA bill. In our last WRDA bill 2020, I was proud to sponsor provisions that were included to update the Army Corps' environmental justice priorities to promote meaningful involvement of minority and low-income communities in the formulation of future projects.

We had a pipeline here in Memphis, the Byhalia pipeline that proposed an oil pipeline in predominantly minority communities, and it was a heroic effort that led to their decision to not go forth with the pipeline because it went straight through the minority community's low-income, less powerful communities rather than others where it could have gone.

So, just the impact at several predominantly Black neighborhoods—and that is the concern that I have and continue to have. The 45-mile pipeline would have cut through the historic Boxtown community, which got its name after formerly enslaved people used scraps of material and wood from train boxes to build homes there in the late 19th century. People are still there in Boxtown and proud of Boxtown. It is a poor community.

In addition to the company choosing a location because it was the “point of least resistance”—a pretty audacious, upfront statement—they either overlooked or ignored the fact that the Southwest Memphis community is already burdened by other industrialized facilities and possesses community cancer rates four times the national average. We have got an oil plant down there, and they spew out fumes and TVA did a lot of that, too.

The pipeline was killed due to historic grassroots effort, but that is not always the case. It was alarming to see this happen, and the community get involved to take advantage and to be successful. And we also had help from Vice President Gore, and others.

Because of this incident, I resolved to try to reform the nationwide permit process that gave them that opportunity, but also to work to ensure environmental justice issues are centered properly.

Ms. Hill-Gabriel, in 2020 WRDA, Congress made some progress in directing the Corps to improve the agency's engagement and

consultation with economically disadvantaged minority communities and Tribal communities. However, it didn't go far enough, I think. How can we build upon the progress of WRDA 2020 to improve how the Corps implements work with environmental justice in Tribal communities?

Ms. HILL-GABRIEL. Thank you, Congressman Cohen, especially for your leadership and passion of these issues. I agree that good progress was made in WRDA 2020, but that much more remains to be done to improve the Corps' work with disadvantaged communities and Tribes.

It was great to hear Assistant Secretary Connor focused on the Biden administration's Justice40 initiative and the emphasis on working and supporting and ensuring, you know, or analyzing the impacts of disadvantaged communities and underserved communities when he testified before the committee back in January.

But I think that ensuring that systems and programs are in place to assist the communities with their water resources challenges who may not otherwise have the technical capacity to identify the project needs, is another place that we can move forward in addition to making sure that the past provisions that were in WRDA 2020 are actually being carried out.

So, I thank you, again, for your focus on this issue and hope we can work together to keep making sure that this is a central focus of WRDA 2022.

Mr. COHEN. Well, thank you, and your work at the Audubon Society, and all that you all do. I am pleased to work with you and work on these projects. And I am going to continue to move forward.

In WRDA 2022, I have some additions that I would like to see considered in increasing opportunities for assistance by expanding the 10 community pilot programs for economically disadvantaged communities, to increase capacity and expertise within the Army Corps by establishing a new position of senior adviser for environmental justice within the Office of the Chief of Engineers. They need that. They need somebody that will tell them about environmental justice, because right now they kind of gloss over or don't have a charge.

We need to establish a Federal advisory committee on environmental justice to better advise the Corps on these activities and actions that can be taken to ensure more equitable delivery of services and projects. And we need to incorporate toxic remediation and ecological restoration, navigation, and flood resiliency projects.

And last but not least, we need to support minority-owned businesses by directing the Corps to increase collaboration in contracting and subcontracting of minority-owned businesses, to improve gender-based and race-based outcomes.

The Mississippi River, which provides drinking water to over 20 million Americans, and the watershed covers 40 percent of the continental United States and has suffered from excessive pollution, invasive species, wetlands loss and destruction, and extreme storm events exacerbated by climate change.

While the Army Corps has the upper Mississippi River restoration project, I believe Congress should take bold action and cham-

pion the transformation, sustainability, and resilience of the most important working river in the world.

I think my time has expired, but if anybody wants to just comment on that, the Mississippi River corridor is most important, and we need to have something similar to the Great Lakes restoration to protect it.

Thank you, and I look forward to working with members of the committee and the panelists on these issues.

Mrs. NAPOLITANO. Thank you, Mr. Cohen. Miss González-Colón, you are recognized.

Miss GONZÁLEZ-COLÓN. Thank you, Madam Chair, and all the witnesses, and the ranking member for holding this hearing, and to all the witnesses for sharing their experiences and needs with us. In that sense, as I said, during the last hearing, the Corps of Engineers projects have been critical resources I have counted on for Puerto Rico. And in the past few years in the face of disasters, unprecedented levels of funding were provided that enabled us to address projects that have been pending for decades.

But there are still great needs and not just in Puerto Rico—the rest of the Nation. But just to give you an example of how important those water projects are: Just this weekend, rains of over 15 inches have caused widespread flooding across the island. This emphasized the need for regular programs to address these risks to be kept up to date, to proceed promptly, and not to have to need a disaster supplemental to get started.

Every time WRDA comes around, I support the increase to the project limits of sections 205, 208, and 14 continuous authority program. Because as time passes, increasing costs of labor and materials makes projects that our community needs exceed the maximum funding available. And that is one of the biggest problems, I assume it is not just Puerto Rico, it is the rest of the Nation.

Just recently under the Infrastructure Investment and Jobs Act, the Corps of Engineers has announced the go-ahead of construction in the case of the island of the ecosystem restoration of Caño Martín Peña for environmental balance, security of infrastructure, and justice for communities.

The San Juan Harbor Navigation Channel is strategically essential to keep open the major port of Puerto Rico as well. The flood control [speaking foreign language]. We have also seen recent attention. There is a study starting investigation for the extension by a further 3 years of the Puerto Rico coastal risk study to consider more environmentally friendly protection measures. And the flood control study in [inaudible], a very vulnerable community that is at the historic landfall point for the hurricanes.

But, again, there are still many pending major projects that have finished feasibility studies and Chief's Reports from the Army Corps. And with authorizations and the provisions, such as the Guanajibo flood protection project, to protect that entire town, that has been affected severely by multiple natural disasters.

The San Juan Metro Bay coastal protection project that will combine structural and nonstructural measures to combat erosion and flooding around the area. Also, there is a need for attention and studies for such things as reauthorization projects where condi-

tions, requirements, and costs have changed. And this is something that is happening with inflation, and many other issues.

But in the case of Puerto Rico, there are changes on the cost affected in Guanajibo [Spanish names] and pending section 205 studies like [Spanish names] just to mention a few.

The Federal assumption of maintenance of the Port of [Spanish name], an important fuel terminal that was originally privately owned, and many others across the island. And so, hearing today many of the witnesses is just an example of all the important areas that need to be addressed. This is not the first hearing we've had regarding water resources and water projects.

And I hope we can work together as we did in the infrastructure package to make it happen. Thank you, Madam Chair, and I yield back.

Mrs. NAPOLITANO. Thank you, Miss González-Colón. Thank you for your comments. And now we turn to Mr. Huffman, you are recognized.

Mr. HUFFMAN. Thank you very much, Madam Chair, for this hearing. And I would like to begin with Mr. Crowfoot. Mr. Crowfoot, I want to follow up on the exchange that you had earlier with my colleague from the Sacramento Valley.

Dredging, of course, is a priority for all of us in our districts, but how we do it really matters, especially in sensitive habitats. And too often over the years, I have heard people talk about the ESA and CESA as if they are just a nuisance standing in the way of doing things. Usually the same kind of things that have wrecked the delta ecosystem and driven species like the longfin and delta smelt to the brink of extinction, along with our iconic salmon and steelhead runs.

So, I know that in this case, the Army Corps' own findings show that their hydraulic dredging practices in these areas were having significant adverse impacts on the delta smelt and the longfin smelt. That is why they were sued. And nobody has argued they should not dredge. This is simply a question of how they do it and whether they use the latest technology to reduce fish mortality.

So, I want to just see if you agree with me on that. I want to give you a chance to clarify that that previous exchange with my colleague did not reflect the, unfortunately, all too familiar antipathy we sometimes hear towards the Endangered Species Act and CESA.

Mr. CROWFOOT. Thanks so much, Congressman. Yeah, let me emphasize that we need to manage our rivers and our waterways both for economic activity and environmental quality. And we can and must do both. So, I think we share the same goal which is to enable appropriate dredging in a way that doesn't damage or clearly make extinct fish species.

Mr. HUFFMAN. Thank you for that. Another thing we would probably agree on is that there is plenty of dredge material to use for levees and for wetland restoration all over the bay area and in the delta if we just do a better job on beneficial reuse. I know that the Petaluma River in my district is a great example. It was finally dredged a little over a year ago after not being dredged since 2003. And the dredge spoils were used in a nearby park in wetland restoration. A lot of that could be used in other parts of the Petaluma

Marsh and in all sorts of other opportunities. We have got to raise Highway 37, and there is going to be an enormous need for beneficial reuse so that we can use natural solutions to provide all sorts of priorities.

So, amazingly, in the year 2022, the Army Corps still hauls huge volumes of this valuable material out to sea and just dumps it in the ocean. Would you agree that we could do much better by the environment and by the natural solutions we need for sea level rise and flood protection and other priorities if we could find a way to beneficially reuse all of this material and put it to work for those priorities?

Mr. CROWFOOT. Absolutely. We clearly need to build our climate resilience within the San Francisco Bay and our wetlands and on our rivers. And this dredge material is beneficial and, in fact, very important. So, from my perspective, we need to help the Corps update the approach that they use to actually utilize this material to build the resilience of both our natural systems and protecting our community.

Mr. HUFFMAN. Thank you. In the time I have left, I want to ask a question of Mr. Seki. I was really pleased to hear your testimony about how the Red Lake Band of Chippewa has worked with the Army Corps of Engineers, something that hasn't always happened in years past. That they appear to be engaging in good faith, Government-to-Government consultations with your Tribe.

We have an opportunity to do something like that in the northern part of my district. Redwood Creek is a really valuable estuary where we need to do a levee setback and some other restoration. And, certainly, the local Tribes in that area want to be partners.

Do you have any advice for us as we begin to try to forge the kind of partnership that you seem to have developed in your region?

Mr. SEKI. Thank you for your question. What we're doing, with the activities proposed, up to 25,000 acres of marsh will be restored, and water fowl and furbearers will return. Seasonal migrations of many fish species will be restored, including walleye and lake sturgeon. Our sturgeon were important to us for centuries, but they were lost after the dam was built. We are bringing the sturgeon back, but restoring the connection between the river and the lake is critical. We still practice a subsistence lifestyle at Red Lake, and all of these species are important to us. Our reservation is blessed with natural resources, and not by accident. It is a result of strong leadership, forethought of our ancestors, and strong conservation stewardship. This is what we are doing.

Mr. HUFFMAN. Well, congratulations on your success there, and I hope to learn more about it and maybe replicate some of it in the northern part of my district. Madam Chair, thank you for this hearing, and I yield back.

Mrs. NAPOLITANO. Thank you, Mr. Huffman. And that was the last of our questioners.

In closing, I ask unanimous consent that the record of today's hearing remain open until such time as our witnesses have provided answers to any questions that may be submitted to them in writing.

And I also ask unanimous consent that the record remain open for 15 days for additional comments and for information submitted by Members or witnesses to be included in the record of today's hearing.

Without objection, so ordered.

I would also like to thank all our great witnesses, especially the Tribal chairmen, for the testimony today. And I also thank our Members for their participation. If no other Members have anything to add, the committee stands adjourned.

[Whereupon, at 1:28 p.m., the subcommittee was adjourned.]

SUBMISSIONS FOR THE RECORD

**Prepared Statement of Hon. Sam Graves, a Representative in Congress
from the State of Missouri, and Ranking Member, Committee on Trans-
portation and Infrastructure**

Thank you, Chair Napolitano, and thank you to our witnesses for being here today.

This is our second hearing of the year in preparation for the Committee writing and passing our fifth consecutive bipartisan Water Resources Development Act (or WRDA) since 2014.

I look forward to continuing to build upon the important work our Committee has done in the last four WRDA bills.

Ensuring effective and reliable water infrastructure is vital to American families, businesses, farms, and the economic development of our country.

My district is bordered by two of the longest rivers in the United States—the Missouri and the Mississippi.

These Rivers provide millions of Americans with water, provide thousands of farmers with irrigation for their farmland, and provide an extremely efficient and reliable way to move goods in and out of America's heartland.

That's why a major priority of mine is ensuring our river navigation infrastructure on the Mississippi, Missouri, and the rest of our nation's waterways gets the investment it desperately needs.

In addition, we must prioritize flood control.

A little too much rainfall, and too little focus on flood control, can lead to disastrous results for people who live and work along our nation's waterways.

We learned that lesson again the hard way in 2019 when flooding along the Missouri River devastated communities from Nebraska clear down through to St. Louis.

I have long been concerned that current river management practices prioritize fish and wildlife over the protection of people and property.

And that's led to many of our tax dollars being wasted on supersized science experiments instead of being responsibly invested in restoring levees and increasing flood resilience.

Addressing that will be a top priority of mine throughout the development of WRDA 2022.

Thank you, Chair Napolitano. I yield back.

Post-Hearing Supplement From Witness Hon. Darrell G. Seki, Sr. to His Remarks to Hon. Dusty Johnson, Hon. Jared Huffman, and Hon. Grace F. Napolitano, and to His Prepared Statement, Submitted for the Record by Hon. Grace F. Napolitano

FEBRUARY 22, 2022.

The Honorable PETER DEFazio,
Chairman,
Committee on Transportation and Infrastructure, U.S. House of Representatives,
Washington, DC 20515.

The Honorable GRACE NAPOLITANO,
Chairwoman,
Subcommittee on Water Resources and Environment, U.S. House of Representatives,
Washington, DC 20515.

The Honorable DAVID ROUZER,
Ranking Member,
Subcommittee on Water Resources and Environment, U.S. House of Representatives,
Washington, DC 20515.

DEAR CHAIRMAN DEFazio, CHAIRWOMAN NAPOLITANO, AND RANKING MEMBER ROUZER,

Chi miigwetch (thank you) again for holding the February 8, 2022 hearing entitled, “Proposals for a Water Resources Development Act of 2022: Stakeholder Priorities.” We greatly appreciate your inclusion of tribal governments to express their priorities and ways Congress can force the Army Corps of Engineers (Army Corps) to be a better partner in Indian Country. In response to several questions posed by Subcommittee members in the hearing, Red Lake respectfully submits this letter with additional information for the record.

The Army Corps Routinely Fails to Properly Engage and Communicate with Indian Country. Representative Dusty Johnson (R-SD) said he had heard that some provisions of the Bipartisan Infrastructure Law (BIL) are not tailored toward the needs of Indian Country—more specifically, that certain tribes, like the Standing Rock Sioux Tribe, would not be able to address their water priorities.

During the hearing, Red Lake Chairman Darrell Seki Sr. was asked to discuss how the lack of clear communication and meaningful engagement with tribes has, perhaps, influenced the omission of meaningful tribal priorities in the BIL. Chairman Seki responded: “We have great difficulty in navigating the various regulatory and reporting requirements that federal agencies place upon us in our efforts to improve our resources and infrastructure, it’s not just an Army Corps problem. As an underserved community, we do not have the capacity to manage all of the federal hurdles placed on us. The pandemic, and the federal response of burdensome grants and more regulations, has only worsened things for us. Red Lake is a leader in Indian Country, but we struggle on a daily basis to keep up to date with new funding opportunities, reporting requirements, and the status of environmental permit applications. The Army Corps permitting process is burdensome and time consuming, and the process gets stalled, leading to needless project delays.”

Chairman Seki would like to add the following to his statement: “In regard to frustrations from a communication perspective, the Red Lake Nation would like to provide an example that illustrates this issue further. In 1995, the Army Corps conducted an Environmental Assessment (EA) of proposed changes to its operations manual for the dam at the outlet of Red Lake, the primary water resource of the Red Lake Nation. The Army Corps proposed several changes that the Red Lake government felt was detrimental to the Tribe’s interests. Nonetheless, the Army Corps issued a draft Finding of No Significant Impact (FONSI) for the project, and indicated it would sign the FONSI if no substantive comments were received by the end of the comment period (as required under the National Environmental Policy Act—NEPA). Despite the Red Lake Nation’s very reasonable request to the Army Corps District Engineer for additional time to comment on the EA—requested due to what the Tribe felt was the Corps’ incomplete evaluation of alternatives and failure to adequately address the Tribe’s expressed concerns—our request was only begrudgingly granted. The District Engineer told us that he would ‘reluctantly’ grant the Tribe’s request for additional time to comment, after which he said: ‘I intend to finalize the EA, complete the manual update, and sign the FONSI.’ In essence, we were told that while our request for additional time was granted, our comments would not affect his decision to sign the FONSI regardless of what they were—a direct violation of NEPA and an insult to the Red Lake Nation as a sovereign to which the federal government has a trust responsibility for. On top of this, the FONSI made no mention of coordinating efforts with the Red Lake Nation, even

though the project was on Red Lake land and affected Red Lake Nation resources. However, it did mention that “operation of the project will continue to be coordinated with appropriate State and Federal agencies.” While Red Lake is open to working with federal partners on issues affecting our lands, waters, and resources, as stated in my testimony, the example above illustrates that time and time again, the Army Corps has failed to respectfully communicate with us on matters that affect us.”

Forging a New Path Forward with the Army Corps. Representative Jared Huffman (D-CA) asked Chairman Seki: “I was pleased to hear how Red Lake worked with the Corps, something that hasn’t always happened, and they appear to be negotiating in good faith, government-to-government consultation. We have an opportunity to do something like that in the northern part of my district, Redwood Creek Estuary restoration. Local tribes in the area want to be partners. Do you have any advice for us as we begin to forge the kind of partnership you seem to have developed?” Chairman Seki responded: “What we’re doing, with the activities proposed, up to 25,000 acres of marsh will be restored, and waterfowl and furbearers will return. Seasonal migrations of many fish species will be restored, including walleye and lake sturgeon. Our sturgeon were important to us for centuries, but they were lost after the dam was built. We are bringing the sturgeon back, but restoring the connection between the river and the lake is critical. We still practice a subsistence lifestyle at Red Lake, and all of these species are important to us. Our reservation is blessed with natural resources, and not by accident. It is a result of strong leadership, forethought of our ancestors, and strong conservation stewardship.”

Chairman Seki would like to add, “Because leadership at the Army Corps changes regularly it has been very important that our technical staff have built relationships and continued outreach with the Army Corps technical staff. Without a designated tribal liaison it has been difficult to keep the Army Corps engaged. Regular communication with incoming leadership can keep the ball rolling, but will not be enough without staff on both sides being engaged.

And specifically to your point of engaging with tribes in your district, we might suggest the following, which is based on actual events that we undertook a number of years ago in an effort to improve relations with the Army Corps. You could facilitate a meeting to discuss the strengthening of the estuary restoration effort to include all of the affected tribes, and the other key partners. One of those tribes will be happy to host the meeting in their community. In addition to yourself and other relevant stakeholders, the leader of each tribe would be invited, and from the Corps, you would help secure the attendance of the Army Corps District Commander, Deputy District Commander, and Deputy District Engineer. The different leadership would include their staff as well. The meeting would be held in government to government fashion, where everyone can express what’s important to them and what they can bring to the table, and what the next steps should be. Another reason why it’s important to have the meeting on tribal land, there is likely to be a very good meal provided. The importance of this should not be underestimated. At the similar meeting we hosted, it was the Corps District Commander’s first visit to Indian Country, and he was so impressed with the meal that was served, he honored the actions of the cook with a Challenge Coin. The relations between Red Lake and this Commander remained very good until his departure from the District.”

Red Lake’s Recommended Changes to Improve Partnership with the Army Corps. Chairwoman Grace Napolitano (D-CA) commented: “Pascua Yaqui and Red Lake, you’re part of the conversation to improve the partnership between the Corps and tribes in addressing historic needs, you made valuable suggestions on improving partnerships, including appointing tribal liaisons in Corps districts, as well as addressing the inability of many tribes to be able to financially partner with the Corps. Can you summarize key changes you would recommend to improve partnership with the Army Corps?” As time was short, Chairman Seki responded: “That is a great question. I don’t have those exact details at this moment but I’d be more than happy to circle back with your office following the hearing.”

In his written testimony, Chairman Seki urged the Army Corps to utilize tribal liaisons to improve its communication and overall working relationships with Indian Country as well as reducing regulatory and reporting barriers, “A tribal liaison in each region, one who is dedicated solely to working with tribes, could assist in resolving permitting issues, and increase accountability. But there also needs to be change at the national level to reduce regulatory and reporting burdens, and I hope my testimony today can raise awareness of this need.” Additionally, Chairman Seki would like to add:

“Three key changes to improve partnership with the Army Corps includes:

1. *The Army Corp Should Hire Tribal Liaisons.* Dedicated Tribal liaisons in each District would be critical to helping tribal staff navigate the giant organization that is the Army Corps. This position could also keep Indian Country abreast of any current activities being conducted cooperatively between the Army Corps and tribes to ensure deadlines are met, momentum is maintained, and projects are completed on time. This could apply to permitting, projects, grants, or any other cooperative activity.

Additionally, Tribal liaisons should be hired as full time positions and be required to have expertise in working with Tribes in its given region. Currently, many federal agencies utilize a practice of assigning the role of 'tribal liaison' to an existing federal employee who already has a full slate of job duties. Their role as tribal liaison is usually just an honorary title that serves only to comply with departmental regulations or existing Executive Orders on consultation. However, when someone is able to fully commit to the job, Indian Country sees meaningful results. For example, the U.S. Fish and Wildlife Service (FWS) used to employ a dedicated tribal liaison in our region who maintained regular contact with the Red Lake Nation, including attending onsite meetings and providing direct technical assistance to tribal programs and staff. After his retirement, the FWS underwent a re-organization and a decision was made to transfer the tribal liaison duties to another FWS employee whose actual job was as a Wildlife Refuge Manager. While this new liaison does continue to email tribal contacts with information of interest, direct engagement with the Red Lake Nation has suffered because the employee's primary priority is his duties as refuge manager.

In regard to the Army Corps efforts in working with tribes, there is great confusion about who is tasked with being the designated liaison for our region. On the Army Corp's Tribal Nations Homepage, there is a link to the "Army Corps Tribal Liaisons Directory," but the link is dead. We understand that there is an employee in the Regulatory Division in the St. Paul District that is identified as a tribal liaison for regulatory matters. However, the Army Corps is a much broader agency than just regulatory matters. A dedicated, single point-of-contact liaison serving the greater range of Army Corps functions would better serve the intended role of such a liaison (e.g. maintaining contact, providing technical assistance, informing the tribe of changes, etc.) and would go far in re-building the trust between tribes and the Army Corps that has eroded over the years.

2. *The Army Corps Must Review its Policies as it Relates to Tribal Consultation and Disclosing Impacts on Tribal Communities.* Additionally, Red Lake encourages the Army Corps to revisit its existing policies with respect to consultation on all aspects of Army Corps activities that affect tribal land and resources as well as its failure to sufficiently analyze and failure to disclose the significant potential environmental and human impacts for projects such as the Dakota Access Pipeline, which poses a significant threat to the well-being of Great Plains tribes. The Army Corps must recommit to the tribal consultation and environmental review processes to ensure that it can truly carry out projects in an economically and environmentally responsible manner and Congress must hold them accountable.
3. *The Army Corps Should End its Practice of Rotating Out the District Command Every Few Years.* Red Lake believes this practice is hard on tribes, especially if they have long term projects with the Corps like we do. Every few years tribes must educate the new District Command on the history of project activities and problems associated with them. And then when progress resumes, the District Command rotates out again, and we're back to square one. Imagine the loss of institutional knowledge and progress in Congress, if each member were limited to one term."

Miigwetch (thank you) for taking the time to consider the priorities of Indian Country as you prepare for the 2022 WRDA package. We look forward to working with you to hold the Army Corps accountable for its work on tribal lands and paving a new pathway forward which leads to enhanced communication and partnership between the Army Corps and Indian Country.

Sincerely,

DARRELL G. SEKI, SR.,

Tribal Chairman, Red Lake Band of Chippewa Indians.

cc: Representative Jared Huffman (D-CA)
Representative Dusty Johnson (R-SD)

APPENDIX

QUESTION FROM HON. JOHN KATKO TO HON. WADE CROWFOOT, SECRETARY,
CALIFORNIA NATURAL RESOURCES AGENCY

Question 1. Unfortunately, despite the strong connection between maintaining our nation's water infrastructure and strengthening recreational boating economies, benefit cost ratio (BCR) calculations conducted by USACE and OMB fail to account for the benefits of recreation when prioritizing HMTF projects. In failing to consider the full range of costs and benefits when undertaking maintenance and dredging projects, USACE and OMB significantly disadvantage recreation-based ports, as well as harbors and marinas that host both commercial and recreational activities.

With coastal communities across the United States from New York to California facing significant resiliency and economic challenges, while the recreation sector is experiencing historic demand, can you explain the potential benefits of HMTF funding decisions accounting for recreation economic impacts?

ANSWER. Water infrastructure is central to the prosperity of California and the American West, and the U.S. Army Corps of Engineers plays a key role. We are grateful that the 2020 WRDA helps put Californians to work, with its notable investments for the Ports of Los Angeles and Long Beach. We acknowledge the important role of infrastructure projects across the country, and value the environmental benefits, recreational opportunities, and open space development, in addition to the public safety aspects of flood protection projects.

Dredging waterways to protect navigation is a major Corps responsibility and appropriations from the Harbor Maintenance Trust Fund—often used for maintenance dredging—allows harbors to remain accessible not only to their customers, but also to a host of services and benefits that have ongoing impacts to the community and economy at large. In California particularly, the sediment dredged from a harbor is often placed on the shoreline adjacent to the harbor, which assists in nourishing California's beaches and protecting coastal infrastructure from damaging storm events and sea level rise. We recognize recreational water sites are often important economic drivers for coastal communities, for both immediate and long-term economic and related benefits. For example, recreational boating from harbors and marinas supports the local economy, as harbor aquatic centers foster a future generation of environmental stewards through boating programs for youth and school groups. Accounting for the recreational benefit of sediment placement could provide a more holistic analysis of the economic impact of an infrastructure project.

QUESTIONS FROM HON. EDDIE BERNICE JOHNSON TO HON. MICHEL BECHTEL, MAYOR,
MORGAN'S POINT, TEXAS, AND BOARD PRESIDENT, GULF COAST PROTECTION DISTRICT

Question 1. As you made evident in your testimony, the Gulf Coast Protection District is of critical importance not only to Texas' coastal communities but to the entire nation. And the International Inland Port of Dallas is a crucial connecting point for goods transported from Gulf Coast Ports as they pass northbound or westbound by freight rail or truck. In fact, the Union Pacific Dallas Intermodal Terminal in South Dallas provides a tremendous amount of intermodal access to the Ports of Los Angeles and Long Beach. Can you describe how the businesses at the Dallas Inland Port are adversely affected by the Gulf Coast storms you mention in your testimony?

ANSWER. Though currently there is minimal impact on containerized freight moving by rail from Port Houston to Dallas due to Gulf Coast storms, it is a priority to shift to this mode of transportation in the future and to significantly increase the amount of freight moved to Dallas by rail, particularly in light of the supply chain disruptions that exist in the U.S. today. Little cargo moves by rail from Port Houston to the Dallas Inland Port and hasn't done so for years, as it primarily moves by truck. This is another reason that shift would be beneficial—the trucking indus-

try can be very adversely impacted by storm events from causes ranging from blocked roads and dangerous conditions to no available goods to pack or people to load them.

Trucks move the supply chain for the top 10 commodities including electronics, grocery and convenient store goods, hardware, gravel, grains, and gasoline. With over seventy (70) percent of freight by weight moved by trucking, shipments to critical connection points for distribution such as the International Inland Port of Dallas will experience significant disruption. Truck driver shortages, a key component of the human infrastructure, and capacity affected by storm damage impacting supply chains, will intensify following major hurricanes and extend delays further.

Question 2. How can my colleagues and I on the Transportation and Infrastructure Committee and the Texas congressional delegation best assist the Gulf Coast Protection District?

ANSWER. The Gulf Coast Protection District (the District) is grateful for the steady support Congress has demonstrated in getting the Coastal Texas Study to this point in the process. Supporting authorization of construction of the Coastal Texas Study in the 2022 Water Resources Development Act (WRDA) will ensure that the District is able to continue its mission of being the nonfederal sponsor of these projects. As you may know, the District is also the nonfederal sponsor of the projects identified in the Sabine to Galveston Study that are located in the District's territory, together constituting the coastal barrier system. We have also requested that the 2022 WRDA grant a suspension of interest accrual on those projects through 2025. This pause will allow the district to solidify funding while not adding to the financial burden in the complicated funding process of this new District.

It is important to note that sixty (60) percent of US oil consumption is tied to fuel while forty (40) percent is linked to oil derivatives that are key to the manufacturing of consumer products. Major storms impacting petrochemical and port infrastructure would significantly disrupt manufacturing, retailers, and business operation supply chains in states across the nation. Approximately ninety-six (96) percent of all manufactured goods are directly touched by the business of chemistry. Roughly, forty-two (42) percent of the nation's specialty chemical stock required in a wide range of everyday products used by consumers and industry is produced from facilities along upper Texas coast. The business of converting these basic chemicals into textiles, food and beverage packaging, automotive parts and safety glass, home furnishings, construction and roofing materials, paints and coatings, pharmaceuticals, and fertilizers occurs in other states, many of whom are represented on this committee. Thank you again for yours and the Committee's commitment. We are honored to collaborate with this distinguished body.

Question 3. With respect to the project, do you know if the Army Corps' has specific plans in place to ensure minority participation as it moves forward?

ANSWER. Federal Executive Order 12432 directs federal agencies with substantial procurement or grantmaking authority promote and increase the utilization of Minority-Owned and Women-Owned Business Enterprises (M/WBEs). Following procurement guidelines under 2 CFR 200.321, the District must make efforts to ensure that contractors and subcontractors funded in whole or in part with federal financial assistance encourage participation in contracts and other economic opportunities by small and minority firms and women-owned business enterprises (WBEs) whenever possible. The District takes the responsibility of this obligation very seriously and seeks to work collaboratively with the US Army Corps of Engineers (Corps) in meeting the M/WBE objectives.

The Corps will ensure that all socioeconomic categories will be considered for prime and subcontractor opportunities. The Corps conducts market research for all projects using the System for Award Management (SAM.gov) and will ask that all interested small businesses and minority businesses review the site for upcoming opportunities. Support is in place for businesses needing assistance with registering at SAM.gov, through their local Procurement Technical Assistance Center (PTAC) which is usually found at a local college or university. The Corps Galveston District is also offering free virtual industry days later this month to provide information including overviews on the entire Galveston District program: specific overviews on navigation, operations and maintenance, Infrastructure Investment and Jobs Act (IIJA) and Disaster Relief Supplemental Appropriations Act (DRSAA) overview, native PTAC program overview, projects of interest, acquisition tool updates with the architect and engineering, and the construction multiple-award contract actions.

QUESTIONS FROM HON. EDDIE BERNICE JOHNSON TO MARIO CORDERO, EXECUTIVE DIRECTOR, PORT OF LONG BEACH, CALIFORNIA, AND CHAIRMAN, BOARD OF DIRECTORS, AMERICAN ASSOCIATION OF PORT AUTHORITIES

Question 1. I am wondering, what is the relationship between the Port of Long Beach and the Dallas Inland Port? Roughly, how much business does your port do with the Dallas IIPOD?

ANSWER. Approximately 53,186 twenty-foot equivalent containers (TEUs) of imported goods are delivered to Dallas, Texas via the Port of Long Beach annually. Approximately 19,426 TEUs are exported from Dallas through the Port of Long Beach annually. These figures are Interior Point Intermodal (IPI) intact rail moves tracked during Commercial Year 2021. The Port's data system, PIERS, does not track trans-loaded cargo.

Question 2. In what ways will the dredging project at the Port of Long Beach benefit your relationship and the business the port conducts with the Dallas Inland Port? Secondly, how will the dredging project relieve the supply chain backlog?

ANSWER. A potential outcome of the Port of Long Beach Deep Draft Navigation Improvement project is reduced time for vessels waiting to enter or exit the Port due to weather conditions or waiting for the right tidal conditions. The efficiency of the movement of the vessels into and out of the Port may be increased, and potentially reduce the time interval between a vessel leaving and another vessel berthing at the marine terminal. It will also allow for larger vessels to be served at the Port.

All these improvements will result in greater efficiencies and the faster movement of goods moving in and out of the Port of Long Beach to and from Dallas and other U.S. cargo destinations

QUESTIONS FROM HON. STEVE COHEN TO JULIE HILL-GABRIEL, VICE PRESIDENT FOR WATER CONSERVATION AND ACTING VICE PRESIDENT FOR COASTAL CONSERVATION, NATIONAL AUDUBON SOCIETY

Question 1. How is the Army Corps being engaged in the Mississippi River Restoration and Resilience Initiative (MRRRI)?

ANSWER. The Mississippi River is a vital ecological, economic, and cultural resource that continuously serves the people of the United States, and is designated by Congress as both a nationally significant ecosystem and navigation system. The Mississippi River provides drinking water to over 20 million Americans. The diverse habitats along the river host a globally significant flyway supporting over 325 species of birds. Audubon is a proud supporter of the MRRRI bill (H.R. 4202) which will create a federal program to provide leadership, funding, and guidance to implement a "whole of the river" approach to restore the river.

MRRRI is designed to fund and advance restoration that is complementary to activities carried out by the Army Corps on the Mississippi River. To help ensure that this happens, MRRRI formally designates the Army Corps as a relevant agency to provide input into MRRRI planning. Per the bill text, relevant federal agencies may enter agreements with the MRRRI Director, collaborate with the MRRRI Director to select projects and activities, provide consultation regarding research, monitoring and "other efforts to promote the restoration and resiliency of the Mississippi River Corridor", and engage in a MRRRI science forum to identify knowledge gaps and develop an integrated science plan.

Question 2. I understand that the MRRRI is similar to the Great Lakes Restoration. There are concerns about relying too much on the Great Lakes example because that effort closely involved the states and still took over a decade. On the Mississippi River, our needs are more urgent and the disasters much more severe. How is MRRRI unique to the Mississippi River and what has been done to ensure close state cooperation and continued operation of commerce on the river?

ANSWER. We agree that there is real urgency to restore the ecological health of the Mississippi River and the resilience of Mississippi River communities. MRRRI will establish a Mississippi River National Program Office, which will coordinate MRRRI programs and activities focused on improving water quality, building community resilience, protecting and restoring wildlife habitat, and preventing the spread of invasive aquatic species. This coordination will happen across federal agencies and with State agency and community involvement. MRRRI builds in extensive coordination and consultation requirements at every step of the process (from goal setting, to action plan development, to project selection) to ensure close state cooperation. MRRRI will leverage existing federal and state programs and utilize public input to complement efforts already underway.

MRRRI will provide additional critical resources for achieving these objectives, but it will not be the only mechanism for doing so. For example, the Army Corps will continue to plan and carry out large-scale river restoration efforts and will continue to operate and maintain navigation on the river and construct new navigation projects as appropriate. Other state, federal, local, and NGO restoration efforts will also continue.

Question 3. Mississippi River mayors have been working closely with not just ecological restoration interests throughout the Mississippi River Corridor, but also the eight different economies that operate on the Mississippi River and employ 1.5 million Americans through ten states and generate nearly \$500 billion in annual revenue. To that end, the SMRT Act includes new grants to deploy natural infrastructure. How is MRRRI supporting natural infrastructure deployment?

ANSWER. MRRRI's fundamental focus is on protecting, restoring, and deploying natural infrastructure to improve ecosystem and community resilience. MRRRI provides clear criteria and focus areas to ensure effective deployment of natural infrastructure solutions. These include, but are not limited to: projects that "protect or restore naturally occurring hydrologic, geomorphic, and ecological functions and processes, including the restoration or rehabilitation of wetlands, instream habitats, living shorelines, or upland habitats" or "increase water retention and infiltration through actions that promote a healthy soil ecosystem, including maximizing soil cover, maximizing soil biodiversity, and maximizing the presence of living roots".

We are encouraged to see that natural infrastructure is one of the eligible uses for grant funding in the SMRT Act, in addition to a focus on other economic development and infrastructure investments. MRRRI and the SMRT Act provide complementary solutions for the multitude of challenges facing the Mississippi River. We look forward to working with Representative Cohen's office on Mississippi River restoration and conservation issues moving forward.

QUESTION FROM HON. EDDIE BERNICE JOHNSON TO JULIE HILL-GABRIEL, VICE PRESIDENT FOR WATER CONSERVATION AND ACTING VICE PRESIDENT FOR COASTAL CONSERVATION, NATIONAL AUDUBON SOCIETY

Question 1. In my congressional district, I am proud to report that Audubon Dallas is quite active. Founded in 1973, the Dallas area Audubon is primarily responsible for managing and maintaining the 600-acre Cedar Ridge Preserve in southwest Dallas County, and my staff and I have worked closely with them over the years.

In your testimony you mention the excellent work the Audubon Society is doing on restoration projects in the Everglades, the Mississippi River and in Coastal Louisiana. In Texas, we have serious issues related to coastal flooding along the Gulf Coast area near Houston and in South Texas along the Rio Grande Valley. We also have serious inland flooding issues in the Dallas-Ft. Worth area. Can you speak to some of the work you are engaging in to address these issues in Texas and your work to restore and enhance ecosystems in the state?

ANSWER:

Coastal Resilience

Staff of the National Audubon Society in Texas continue the work of protecting wildlife, conserving habitat, and inspiring environmental stewardship through outreach and education; this body of work began on the Texas Coast in 1923. Today, Audubon Texas works with its coastal wardens and strategic partners to manage 177 islands along the Texas coast with islands stretching from Galveston Bay to the southernmost reaches of the Lower Laguna Madre. Work is currently focused on a subset of islands on the upper, middle, and lower Texas coast. For example, Audubon is working with partners and the Texas General Land Office to beneficially use dredge material obtained from the maintenance of Texas shipping channels to increase bird island habitat in Matagorda Bay along the middle Texas Coast. Audubon staff also participate on the Technical Advisory Committee for the Texas Coastal Resiliency Master Plan, a process managed by the Texas General Land Office.

Audubon works to support expanded populations of endangered Whooping Cranes on the Texas Coast. Audubon Texas is working with partners to develop a strategic conservation framework for Whooping Cranes, one of the rarest North American birds, and also one of the largest and most magnificent. Through this project Audubon and partners will identify priority habitats and conservation practices that can be enacted with private landowners and engage coastal communities around conservation of this iconic species. Through this work, Audubon has the opportunity to connect its coastal restoration and grasslands conservation work.

With the 100th anniversary of Audubon's Texas Coastal Program in 2023, our goal is to create a roadmap for the future that will include working with partners

to make rookery islands and other estuarine habitats more resilient to future stressors such as relative sea level rise and coastal erosion. We are appreciative of the work to make Gulf Restoration funds available through the Deepwater Horizon Oil Spill Natural Resource Damage Assessment program and the Texas Trustee Implementation Group. We fully support the draft plan released in February 2022, and appreciate the opportunity to work with partners to make the proposed avian habitat restoration and resilience projects a reality.

Audubon Texas is actively engaged on key policy issues up and down the Texas coast, focused especially on understanding how emerging and planned infrastructure may impact coastal communities, local water quality, and shoreline integrity. We are engaged on issues such as new petrochemical complex construction, community and utility-scale solar siting, offshore wind, private space exploration, and how we can meet the challenges of providing water for our communities while ensuring we protect the natural systems around them that provide flood attenuation, surge protection, and robust ecosystems that support economic development. According to NOAA, sea level rise projections will hit Texas especially hard, with parts of the coast expecting relative rise of nearly two feet by 2060. Future stressors such as this may disproportionately affect fenceline communities neighboring the historic and future industrial complexes that characterize key swaths of the Texas coast, underscoring the need for incorporating sound science and engagement on these issues.

Urban Conservation Issues

Audubon Texas is active in urban flood issues in Houston. Audubon Texas's Executive Director, Lisa Gonzalez, serves on the Harris County Community Flood Resilience Task Force and was appointed to that position in 2020 by Harris County Precinct 2 Commissioner, Adrian Garcia. Lisa's background as a coastal ecologist brings expertise to Task Force deliberations focused on nature-based infrastructure, and the unique set of issues posed by the development of inland flood mitigation strategies in an expanding coastal urban center.

The National Audubon Society in Texas manages three Audubon Centers and one sanctuary located in Dallas-Fort Worth (Trinity River Audubon Center and Dogwood Canyon Audubon Center), San Antonio (Mitchell Lake Audubon Center), and Brownsville (the Sabal Palm Sanctuary managed in partnership with Gorgas Science Foundation). These properties provide vitally important nature-based infrastructure and are located in urban watersheds that experience historic environmental justice and social equity issues. Dogwood Canyon Audubon Center—located in Cedar Hill, Texas—partners with the neighboring Cedar Ridge Preserve, and Audubon Dallas is valued local Audubon chapter in the greater Dallas-Fort Worth metroplex. Audubon Centers also collaborate with local universities such as UT Dallas. The Trinity River Audubon Center hosts UNIV 3310, a class of UT Dallas students engaged in service learning about the environment.

Audubon's work with local chapters may be best exemplified through Lights Out Texas, a campaign of education, awareness, and action that focuses on turning out lights at night during the spring and fall migrations to help protect the billions of migratory birds that fly over Texas annually. This program currently led by our partner, Texan by Nature, will come under the leadership of Audubon Texas in Fall 2022. Lights Out Texas is a collaborative effort with local Audubon chapters, like Audubon Dallas and Houston Audubon, universities such as Texas A&M University, and other nonprofits such as the Texas Conservation Alliance located in North Texas. The program offers a unique opportunity to connect bird conservation to the issue of energy efficiency and conservation in Texas. Through Lights Out Texas, Audubon and our partners seek to work with building owners and operators across the state of Texas to create bird-friendly communities. Because what is good for birds, is good for people too. We look forward to working with Representative Johnson's office on additional restoration and conservation issues in Texas moving forward.

**PROPOSALS FOR A WATER RESOURCES DE-
VELOPMENT ACT OF 2022: MEMBERS' DAY
HEARING**

WEDNESDAY, MARCH 16, 2022

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

The subcommittee met, pursuant to call, at 10:01 a.m. in room 2167 Rayburn House Office Building and via Zoom, Hon. Grace F. Napolitano (Chair of the subcommittee) presiding.



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Peter A. DeFazio
Chairman

Katherine W. Dedrick, Staff Director

Sam Graves
Ranking Member

Paul J. Sans, Republican Staff Director

MARCH 14, 2022

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Water Resources and Environment
FROM: Staff, Subcommittee on Water Resources and Environment
RE: Subcommittee Hearing on “Proposals for a Water Resources Development Act of 2022: Members’ Day Hearing”

PURPOSE

The Subcommittee on Water Resources and Environment will meet on Wednesday, March 16, 2022, at 10:00 a.m. EDT in 2167 Rayburn House Office Building and by video conferencing via Zoom to receive Member testimony related to the development of a new water resources development act (WRDA). The purpose of this hearing is to provide Members with an opportunity to testify before the Subcommittee on their WRDA priorities related to the U.S. Army Corps of Engineers (Corps). This testimony will help to inform the drafting of a new WRDA for 2022, which the committee expects to approve this year.

BACKGROUND

The Corps is the federal government’s largest water resources development and management agency.¹ The Corps’ primary missions are riverine and coastal navigation, the reduction of flood damage risks along inland and coastal waters, and projects to restore and protect the environment. The Corps also participates in the generation of hydropower, provides water storage opportunities to cities and agricultural and industrial interests, participates in the construction of environmental infrastructure projects, assists in national emergencies, and manages a recreation program. To achieve its mission, the Corps plans, designs, and constructs water resources development projects which are authorized through biennial WRDA legislation, the last of which was enacted in 2020.²

A WRDA is the authorizing vehicle for Corps’ policy, studies, and construction of projects. To date, Congress has received 15 Reports from the Chief of Engineers and three Director’s Reports for projects. The Corps also submitted its 7001 Annual Report to Congress on Future Water Resources Development for 2021 in November 2021. The 7001 Annual Report for 2022, due in February of this year, has not yet been received. Access to these reports can be found on the Committee website.³

¹ See generally, <https://www.usace.army.mil/missions>.

² Division AA of Pub. L. 116–260.

³ <https://transportation.house.gov/committee-activity/issue/water-resources-development-act-of-2022>.

Mrs. NAPOLITANO. Good morning. I call this hearing to order. Today is the third hearing in a row for this subcommittee on various perspectives for a new Water Resources Development Act, WRDA. Importantly, today we will hear directly from Members of Congress on their priorities on water resources issues affecting their districts directly. I look forward to hearing this testimony from all our Members, and working with my colleagues on the subcommittee to address the issues today in our new WRDA 2022.

Let me start by asking unanimous consent that the Chair be authorized to declare recess during today's hearing.

And without objection, so ordered.

The testimony we receive today will help to inform us on what matters most to our colleagues and the Nation as we move forward with drafting legislation. This local perspective is key to helping our communities achieve the desired outcomes, and ensuring the Corps' expertise is accessible to all those who seek it.

We are currently developing our fifth consecutive bipartisan WRDA bill. Thank you very much. This is clear evidence that WRDA has become a product of its own success. Our constituents demand and now expect that we move forward in developing this legislation every Congress. This consistency and predictability is also essential to the Corps itself and stakeholders across the country.

I look forward to working with all of my colleagues on both sides of the aisle in enacting a fifth consecutive WRDA for 2022.

Thank you to all Members who have made the time to come before the committee today. I look forward to your testimony and working with you to write another successful WRDA bill and continue the important work of the Corps for water resources projects nationwide.

[Mrs. Napolitano's prepared statement follows:]

Prepared Statement of Hon. Grace F. Napolitano, a Representative in Congress from the State of California, and Chair, Subcommittee on Water Resources and Environment

This hearing is our third in a series this year to inform our development of a Water Resources Development Act for 2022. The Army Corps of Engineers are our largest water managers in the nation, and our resident experts on everything from flood prevention, to water supply, to aquatic ecosystem restoration.

We have so far heard excellent testimony from Assistant Secretary of the Army for Civil Works, Michael Connor, as well as Lieutenant General Scott Spellmon, Chief of Engineers at the Corps.

We've also heard from highly engaged stakeholders, who shared helpful insight into the impacts and policies of the Corps' work. Truly, every different perspective is helpful to our work here.

Today, we welcome Members of the House to present their priorities for consideration in WRDA 2022. The Corps operates nationwide, with impacts on just about every single district in the country.

With a reach so far and wide, we need to make sure we recognize the district-specific issues facing our communities. These will be totally different on the east coast versus the west, and even different within a particular state.

The testimony we receive today will help to inform us on what matters most to our colleagues as we move forward with drafting legislation. This local perspective is key to helping our communities achieve their desired outcomes and ensuring the Corps' expertise is accessible to all those who seek it.

We are currently developing our fifth consecutive, bipartisan, WRDA bill. This is clear evidence that WRDA has become a product of its own success. Our constitu-

ents demand and now expect that we move forward in developing this legislation every Congress. This consistency and predictability is also essential to the Corps itself, and stakeholders across the country.

I look forward to working with my colleagues on both sides of the aisle in enacting a fifth consecutive WRDA for 2022.

Thank you to all Members who have made time to come before the Committee today. I look forward to your testimony and working with you to write another successful WRDA bill and continue the important work of the Corps for water resources projects nationwide.

Mrs. NAPOLITANO. And at this time I would like to yield, and am pleased to yield to my partner in this endeavor, ranking member Mr. Rouzer, for any comments and thoughts.

Mr. ROUZER. Well, thank you, Madam Chair. And I want to congratulate you on your gold de Fleury medal that you received from the Army Corps of Engineers for your significant contribution to the Army Corps. I thought that was a really nice ceremony that we had the other day, and I was really proud to be a part of that with you. It is well deserved.

I appreciate the opportunity to hear from our witnesses today. Today's hearing marks the third hearing of the House of Representatives' portion of the drafting of WRDA for 2022. And as I mentioned in our last two WRDA hearings, this is one of the most important pieces of legislation that we do here, on the Transportation and Infrastructure Committee. And it is one of the best examples of Congress working the way it should.

Since 2014, Congress has passed a WRDA bill every 2 years. We plan to keep that trend moving.

In addition to being on a dependable schedule, these talks have been bipartisan, and it has made a big difference for all stakeholders, and in particular, improving our water infrastructure.

In fact, the 2020 WRDA passed by voice vote in the House. And hopefully, we will have another such voice vote.

I look forward to working with my colleagues on both sides of the aisle here on the committee and the full House to pass another bipartisan WRDA. And in our previous WRDA hearing, we heard testimony from witnesses representing a cross-section of those partnering with Army Corps of Engineers on a variety of programs, ranging from storm surge protection to navigation at our ports to environmental infrastructure.

Today, we will hear directly from our colleagues here in Congress on the priorities that are important to them and their districts. I look forward to hearing about these Member priorities and how they will be of benefit to their communities and our country. Thank you to our colleagues who are providing testimony before us today.

[Mr. Rouzer's prepared statement follows:]

Prepared Statement of Hon. David Rouzer, a Representative in Congress from the State of North Carolina, and Ranking Member, Subcommittee on Water Resources and Environment

Thank you, Chair Napolitano. I appreciate you holding this hearing.

Today's hearing marks the third hearing of the House of Representatives' portion of the drafting of a Water Resources Development Act (WRDA) for 2022.

As I mentioned in our last two WRDA hearings, this is one of the most important pieces of legislation that we do here on the Transportation and Infrastructure Committee.

WRDA is one of the best examples of Congress working the way it should. Since 2014, Congress has passed a WRDA bill every two years. In addition to being on a dependable schedule, these talks have been bipartisan, and it has made a big difference for all stakeholders and our water infrastructure. In fact, in 2020 WRDA passed by voice vote in the House.

I look forward to working with my colleagues on both sides of the aisle here on the Committee and the full House to pass another bipartisan WRDA this year.

In our previous WRDA hearing, we heard testimony from witnesses representing a cross-section of those partnering with the Army Corps of Engineers on a variety of programs, ranging from storm surge protection to navigation at ports to environmental infrastructure.

Today, we'll hear directly from our colleagues in Congress on the priorities that are important to them and their constituents. I look forward to hearing about these member priorities and how they will be of benefit to their communities and our country.

Mr. ROUZER. And, Madam Chair, I yield back.

Mrs. NAPOLITANO. Thank you, Mr. Rouzer, and from your lips to God's ears on the fifth WRDA.

At this time I am pleased to yield to the chair of the full committee, Mr. DeFazio, for any thoughts he may have.

Mr. DEFAZIO. Madam Chair, thank you. And also, again, congratulations on recognition of your tremendous work.

Grace has focused and been focused on water—obviously, being from California sharpens your focus—since the day I met her. So, she has been a tremendous advocate for WRDA bills, for the Corps, and these necessary projects.

As was stated earlier, this was a tradition reinstated after years of lapse by former Chairman Bill Shuster. And we have continued it, and fully intend to continue it again this year. And as the ranking member pointed out, we passed the bill unanimously in the House not once, not twice, but three times, with some modifications, because the Senate can't legislate. So we passed a bill. I negotiated with then-Chair Wicker. We came to an agreement on some changes. We passed it again. Then I don't remember why we had to pass it the third time.

And finally, we only got it passed by melding it into the giant year-end omnibus, which required a new set of negotiations with Senator Shelby, who wanted further changes, somewhat diluting what we wanted to do, which was spend down the accumulated balance of taxes collected from the American people of \$10 billion that was dedicated to harbor maintenance, starting under the Reagan administration.

And I had twice passed bills out of this committee when the Republicans controlled the House, but Paul Ryan hated the idea personally and had it taken out in the rule each time, even though it had come out of committee unanimously. And then, when we took over, we finally were able to move legislation. But the first bill we couldn't get done, and the second bill we did.

So, we finally freed up the Harbor Maintenance Trust Fund, \$10 billion. Instead of spending it out in 5 years, which I had proposed, it will be 10. But this is money that will be well spent. I mean, the Corps of Engineers, if you look at all of their obligations and duties across the United States of America, has a critical asset backlog of about \$40 billion. So, even with the major amounts of money in the IIJA, and freeing up the Harbor Maintenance Trust Fund, the

Corps is still going to have to choose and set priorities among its projects.

That is why we are here today, to hear from Members for critical needs in their district so we can help the Corps, which is now better funded but not totally adequately funded, to best divine where to put these limited resources to help communities all across the Nation deal with changes, with deteriorating dams, or levees, jet-ties, breakwaters, harbors, or new threats that come with sea level rise, severe weather events, climate change.

It is good to hear from our colleagues. We restored earmarks in the appropriations process, community development, community-oriented projects. We restored them through a very lengthy process in our INVEST Act. Unfortunately, it got blown off by the Senate. Members of Congress often know the needs of their district better than some bureaucrat in Washington, DC, or a bureaucrat in the State capital controlling the money. So, I fully support this process, and I am looking forward to hearing from our colleagues and helping to set priorities in the next WRDA bill.

[Mr. DeFazio's prepared statement follows:]

Prepared Statement of Hon. Peter A. DeFazio, a Representative in Congress from the State of Oregon, and Chair, Committee on Transportation and Infrastructure

Thank you, Chair Napolitano, for holding this hearing and welcome to our colleagues who have joined us today to talk about their priorities for a new Water Resources Development Act for 2022.

WRDAs are an important component of this committee's ongoing efforts to modernize our nation's infrastructure systems—an effort that has been marked with significant and bipartisan success.

In the past 14 months, this committee has helped pass the single-largest investment in our nation's infrastructure in generations. Enactment of the bipartisan Infrastructure Investment and Jobs Act will be remembered as the historic turning point from talk to action on serious investment in our nation's economic future.

Why? Because the bipartisan infrastructure law provided once-in-a-generation investment in transportation—the highways, bridges, transit, rail, aviation, and maritime corridors that are so critical to our national, regional, and local economies—and supports the hard-working Americans who build, maintain, and repair our infrastructure. The benefits of the bipartisan infrastructure law will be felt by everyday Americans for decades—in safer roads and bridges, in greater mobility and less traffic, in clean, safe and reliable water and wastewater services, in reduced costs for goods and services, and in countless other ways.

The bipartisan infrastructure law also built upon prior successes of this committee to combat climate change in ways we've never done before and to ensure that future infrastructure investment is both climate resilient and more affordable to rural, Tribal, and economically disadvantaged communities across the nation.

Many of these themes can also be found in last Congress' bipartisan Water Resources Development Act of 2020, and upon which we continue to build in the development of a new WRDA for 2022. That's why enacting a WRDA bill every two years is important and a priority of this committee.

I am proud to have worked with former-Chairman Shuster to restore this committee's tradition of moving a water resources development act every Congress. These bipartisan efforts have resulted in this committee enacting four consecutive WRDA bills since 2014.

Today, we take another step in continuing that tradition for the 117th Congress, with the goal of enacting a fifth-consecutive WRDA—something this committee has not achieved in decades.

Madam Chair, as we all know, WRDA bills provide the opportunity for communities and local sponsors to partner with the Corps on critical navigation, flood protection, and ecosystem restoration projects.

Earlier this year, we had the opportunity to hear both from the Biden administration and Corps' stakeholders and non-Federal partners, including representatives of Tribal governments, on their priorities for the forthcoming WRDA bill.

Today, we provide our congressional colleagues the opportunity to present to the committee their local priorities and how the Corps may be able to assist their districts, their constituents, and the nation.

One of our greatest successes in WRDA 2020 was one that I had been working on for over two decades—to finally unlock federal investment in our nation's ports and harbors. This provision—which has become even more important as our nation cautiously emerges from the global pandemic—ensures that funds already collected from importers and domestic shippers using coastal and inland ports is used to provide the Corps with sufficient annual revenues to keep our ports in a good state of repair, and to sustain our local, regional, and national economies that rely on the movement of goods and services through our commercial ports.

Similarly, this committee had great success in WRDA 2020 in requiring the Corps to make greater use of natural and nature-based alternatives to address coastal and inland flooding issues; in requiring the Corps to provide additional assistance to local sponsors, especially economically-disadvantaged communities, rural communities, and Tribal communities, in the development of future WRDA projects; and in addressing WRDA project affordability concerns. The committee continues to follow the Biden administration's implementation of all these critical provisions.

Thank you, Chair Napolitano, as well as Ranking Member Sam Graves, and Subcommittee Ranking Member Rouzer, for your continued partnership in developing what I hope is a record-breaking fifth WRDA in a row.

Thank you again for joining us today, and I look forward to working with all of you in passing a new WRDA for 2022.

Mr. DEFAZIO. Thank you, Madam Chair.

Mrs. NAPOLITANO. Thank you, Mr. DeFazio. But you should also be aware that you received the 20th Bertholf Award from the Coast Guard this year. So, congratulations for the work you have done for the Coast Guard, sir. It is very much deserved.

Mr. DEFAZIO. Thank you, Madam Chair. Yes, that was a great honor to receive that award. Yes.

Mrs. NAPOLITANO. Well, congratulations, sir.

I don't know if Mr. Graves is available.

No? We will proceed. Thank you very much.

We will proceed to address our Members that are remote to please turn their cameras on and keep them on until their testimony is complete.

Thank you for being here, and welcome.

And given the number of Members appearing before the subcommittee today, and out of consideration for our colleagues' time, I ask unanimous consent that members of the committee be given 2 minutes each to question our Member witnesses following their statements.

And without objection, so ordered.

Members appearing before the committee today will have 5 minutes to give their oral testimony.

Without objection, our witnesses' full statements will be included in the record.

I would like to recognize our first witness. Mrs. Fletcher, I recognize you, the gentlewoman from Texas, for 5 minutes. You are recognized, ma'am.

TESTIMONY OF HON. LIZZIE FLETCHER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mrs. FLETCHER. Thank you, Chairwoman Napolitano, and thank you, Ranking Member Rouzer.

As a former member of this committee, I am proud and excited of the work we did together in the Water Resources Development Act of 2020, and I appreciate the opportunity to testify before the committee today about our community's priorities for water infrastructure investment in Houston and Harris County, Texas, for the benefit of our entire region in the Water Resources Development Act of 2022.

I have submitted to the committee several priorities, including project-specific authorizations and policy changes that will build on the important work of this committee and on the historic bipartisan Infrastructure Investment and Jobs Act. There are two main drivers for our priorities, and I know they are the priorities of this committee and of this Congress: first, to support economic growth through infrastructure investment, facilitating that investment and partnerships in that effort; and second, to make our communities safer and more resilient through infrastructure investment.

In the first category, I have asked for important policy modifications to the Houston Ship Channel improvement project benefit-cost ratios, and an O&M cost sharing for ports and waterways that operate in depths greater than 50 feet, and mechanisms through which private industry can provide user fees to support projects like the Houston Ship Channel improvement project.

I would be glad to discuss any of these commonsense policy changes with the committee at any time.

In the second category, I—along with, I am certain, my colleagues from across our region—have asked the committee to authorize the project outlined in the U.S. Army Corps of Engineers Coastal Texas Study Chief's Report. I previously shared some of the background on this project with this committee.

Texans have spent more than a decade imagining, designing, and working to address the historic events that we have experienced in our recent past, from Hurricane Ike to Hurricane Harvey, with an eye toward the future, with an understanding of the challenges that face us. And what that means to us is building infrastructure that is resilient to floods, storms, and other threats, and that is not fragile in the face of these increasing risks.

The result of that work is the Coastal Texas Study, and the time to authorize it is now.

The project was developed as a result of a comprehensive study led by the Corps, in partnership with the Texas General Land Office, to identify feasible projects that would reduce risks to public health and the economy, restore critical ecosystems, and advance coastal resiliency. The Coastal Texas Study is a critical project that would stop storm surge at the coast, protecting our region and our Nation from catastrophic damage. It protects the Texas coast, including the Houston region, home to more than 7 million people, and home to the Houston Ship Channel and the Port of Houston, the busiest port in the country by total tonnage, and the home to one of the largest, if not the largest, concentration of refining and petrochemical complexes in the world.

The economic damage to the United States in the event of a catastrophic storm surge up the Houston Ship Channel would have dire consequences, not just for our region, but for our country. Essential

products like gasoline, jet fuel, plastics, fertilizers, and cleaning chemicals are all made at the Port of Houston.

The Texas gulf coast is responsible for 32 percent of the refining capacity for our entire country, including an estimated 40 percent of our country's jet fuel that we rely on for our national security. The consequences of the loss of that capacity cannot be overstated as it relates to our national security. And with recent events around the world, as well as our need for energy independence and growth, as well as the protection of our supply chains, it is more important than ever that we invest in this protection.

Authorizing the Coastal Texas Study and the Port of Houston policy request is in our national security interest and in our national economic interest. It is smart, it is timely, and it is what we need now for Texas and for the entire country.

Thank you for your consideration of these important requests. I look forward to working with the committee on these projects and much more, and I yield back.

[Mrs. Fletcher's prepared statement follows:]

**Prepared Statement of Hon. Lizzie Fletcher, a Representative in Congress
from the State of Texas**

Thank you, Mr. Chairman.

As a former member of this Committee, I am proud of and excited about the work we did together in the Water Resources Development Act of 2020, and I appreciate the opportunity to testify today about my community's priorities for water infrastructure investment in Houston and Harris County for the benefit of our entire region in the Water Resources Development Act of 2022.

I have submitted to the Committee several priorities, including project-specific authorizations and policy changes that will build on the important work of this committee and on the historic, bipartisan Infrastructure Investment and Jobs Act.

There are two main drivers for our priorities, and I know they are the priorities of this Committee and of this Congress: (1) to support economic growth through infrastructure investment, facilitating that investment and partnerships in that effort and (2) to make our communities safer and more resilient through infrastructure investment.

In the first category, I have asked for important policy modifications to the Houston Ship Channel Improvement Project Benefit/Cost Ratios and an O&M cost-sharing for ports and waterways that operate in depths greater than 50 feet, and mechanisms through which private industry can provide user fees to support projects like the Houston Ship Channel Improvement Project. I would be glad to discuss any of these common-sense policy changes with the committee at any time.

In the second category, I have asked the Committee to authorize the project outlined in the U.S. Army Corps of Engineers Coastal Texas Study Chief's Report.

I have previously shared some background on this project with this Committee. Texans have spent more than a decade imagining, designing, and working to address the historic events we have experienced in the recent past—from Hurricane Ike to Hurricane Harvey—with an eye toward the future, which means infrastructure resilient to floods, storms, and other threats—and not fragile in the face of these increasing risks.

The result of that work is the Coastal Texas Study. And the time to authorize it is now.

The project was developed as a result of the Texas Coastal Study—a comprehensive study led by the Corps in partnership with the Texas General Land Office to identify feasible projects that would reduce risks to public health and the economy, restore critical ecosystems, and advance coastal resiliency.

The Coastal Texas Study is a critical project that would stop storm surges at the coast, protecting our region—and our nation—from catastrophic damage.

It protects the Texas coast, including the Houston region, home to more than seven million people, and home to the Houston Ship Channel and the Port of Houston—the busiest port in the country by total tonnage and home to one of the largest,

if not the largest, concentration of refining and petrochemical complexes in the world.

The economic damage to the United States in the event of a catastrophic storm surge up the Houston Ship Channel would have dire economic consequences not just in the Houston region, but across our country.

Essential products like gasoline, jet fuel, plastics, fertilizers, and cleaning chemicals are all made at the Port of Houston.

The Texas Gulf Coast is responsible for 32 percent of the refining capacity for our entire country, including an estimated 40 percent of our country's jet fuel that we rely on for our national security.

The consequences of loss of that capacity cannot be overstated as it relates to our national security.

And with recent events happening around the world, our need for energy growth and independence—as well as protection for our supply chains—is more important than ever.

Authorizing the Coastal Texas Study and the Port of Houston policy requests is in our national security interest and our national economic interest.

It is smart. It is timely. And it is what we need now—for Texas and for the entire country.

Thank you for your consideration of these important requests. I look forward to working with the Committee on these projects and much more.

Mrs. NAPOLITANO. Thank you for your testimony, Mrs. Fletcher. And now we turn to recognize our next Member, the gentleman from Virginia—remotely—Mr. Wittman, for 5 minutes.

TESTIMONY OF HON. ROBERT J. WITTMAN, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF VIRGINIA

Mr. WITTMAN. Well, thank you, Chairman Napolitano and Ranking Member Rouzer, and I want to thank you for allowing me to testify before you today, and I am honored to highlight some of the needs facing Virginia as you consider the upcoming water resources development package.

The Water Resources Development Act is necessary legislation that provides for improvements to the Nation's ports, inland waterways, flood protection, ecosystem restoration, and other water resources infrastructure and policy. Water infrastructure is vital to moving goods throughout the country, from products we all use every day in our lives and to crops and goods we produce domestically and send abroad. And I hope this committee and the House upholds its duty to authorize nationally important water infrastructure improvements that are more locally driven.

Furthermore, I would like to thank the Corps of Engineers as they work hard to manage more than 1,500 water resource development projects, many of them in Virginia. The Army Corps of Engineers is critical to our Commonwealth, from the Norfolk Harbor Channel widening and deepening project to the public waterways restoration projects across Virginia.

As a proud Representative of the Commonwealth of Virginia, home of the Port of Virginia, one of the largest and busiest ports on the eastern seaboard, advancing the work being done by the Port of Virginia to improve and expand its operations is critical. The port manages cargo that is shipped to all 48 contiguous States. The Port of Virginia is a national gateway for commerce, supporting business across the country. Moreover, in Virginia's First Congressional District, 334 businesses utilize the services of the Port of Virginia. As a catalyst for commerce, the port is attracting

growth, fostering development, and creating jobs. On the State level, cargo moving through the port supports more than 530,000 jobs statewide, and generates in excess of \$90 billion in annual economic impact in Virginia.

I would also like to take this time to highlight some WRDA priorities the subcommittee should look at in deliberating this bill.

Anchorage F is currently designed as a 3,000-foot circle for free-swinging bow anchoring. This is in the Norfolk Harbor and channels. The anchorage in its current design is used primarily as an emergency anchorage in inclement wave weather in the harbor, or in situations of unexpected delays. For vessels to effectively utilize the anchorage, it is imperative and common sense for the anchorage and approach depths to match that of the Federal channel. A deeper and wider anchorage will allow further use of the anchorage beyond the primary function, and permit use by larger vessels calling on our port.

Additionally, an improved anchorage and anchorage approach could provide passing vessels safe harbor during storm conditions.

The proposed modification includes widening the Anchorage F beyond its currently authorized diameter of 3,620 feet to a diameter of 3,840 feet, and deepening the anchorage to 55 feet, consistent with the 1986 authorization and the project depth of the Federal channel project. These costs have been developed to a planning stage level of confidence, and remain within the project's section 902 cost limit.

Also, I request for coastal resiliency funding for the Hampton Roads area. I request legislative language to allow the United States Corps of Engineers to include Federal property in their feasibility studies for the Norfolk-Hampton Roads area. By allowing the Corps to include Federal properties for an upcoming coastal storm risk management study of the peninsula and Greater Hampton Roads, it would solve the restriction problem in incorporating those installations and facilities into the Civil Works planning and construction process.

The intent of this language is narrowly focused on the CSRM study on the peninsula. It is intended only to assure that the United States Corps of Engineers studies are comprehensive and holistic. The language is not intended to indicate that the Corps of Engineers has a responsibility for carrying out Civil Works projects on Federal installations. I believe this commonsense language will ultimately produce a better report for action and range of actors in the region, and will make sure that we coordinate across a variety of different uses, including Federal facilities and military facilities.

I want to thank the chairwoman and ranking member and members of the committee for the opportunity to testify before you today, and I look forward to working with the committee and the Corps as we move forward towards finishing WRDA 2022.

[Mr. Wittman's prepared statement follows:]

**Prepared Statement of Hon. Robert J. Wittman, a Representative in
Congress from the Commonwealth of Virginia**

INTRODUCTION

Chairwoman Napolitano and Ranking Member Rouzer,
Thank you for allowing me to testify before you today. I am honored to highlight some of the needs facing Virginia as you consider the upcoming Water Resources Development package.

The Water Resources Development Act is necessary legislation that provides for improvements to the Nation's ports, inland waterways, flood protection, ecosystem restoration, and other water resources infrastructure and policy. Water infrastructure is vital to moving goods throughout the country, from products we all use in our everyday lives, to crops and goods we produce domestically and send abroad. I hope this committee and the House upholds its duty to authorize nationally important water infrastructure improvements that are more locally driven.

Furthermore, I would like to thank the Army Corps of Engineers as they work hard to manage more than 1,500 water resource projects with many of them in Virginia. The Army Corps of Engineers is critical to our commonwealth, from the Norfolk Harbor Channel Widening and Deepening Project to the public waterways restorations projects across Virginia.

PORT OF VIRGINIA

As a proud representative of the Commonwealth of Virginia, home of the Port of Virginia—one of the largest and busiest ports on the eastern seaboard—advancing the work being done by the Port of Virginia to improve and expand its operations is critical. The Port manages cargo that is shipped to all 48 contiguous states.

The Port of Virginia is a national gateway for commerce, supporting businesses across the country. Moreover, in Virginia's 1st District 334 businesses utilize the services of the Port of Virginia.

As a catalyst for commerce, the Port is attracting growth, fostering development, and creating jobs. On the state level, cargo moving through the Port supports more than 530,000 jobs statewide and generates in excess of \$90 billion in annual economic impact for Virginia.

WRDA PROPOSALS SUBMITTED

I would like to take this time to highlight some WRDA priorities the subcommittee should look at while deliberating the bill.

1. Norfolk Harbor and Channels: Anchorage F Expansion

Anchorage F is currently designed as a 3,000-foot diameter circle for free-swinging bow anchoring. The anchorage in its current design is used primarily as an emergency anchorage in inclement wave weather in the harbor or in situations of unexpected delays. For vessels to effectively utilize the anchorage, it is imperative—and common-sense—for the anchorage and approach depths to match that of the Federal Channel.

A deeper and wider anchorage will allow further use of the anchorage beyond the primary function and permit use by larger vessels calling on our port. Additionally, an improved anchorage and anchorage approach could provide passing vessels safe harbor during storm conditions.

The proposed modification includes widening the Anchorage F beyond its currently authorized diameter of 3,620-feet to a diameter of 3,840-feet and deepening the anchorage to 55-feet consistent with the 1986 authorization and the project depth of the Federal Channel. Project costs have been developed to a planning stage level of confidence and remain within the project's Section 902 cost limit.

2. Language Request: Coastal Resilience Feasibility Study, Norfolk-Hampton Roads

Furthermore, I request legislative language to allow the USACE to include Federal property in their feasibility studies for the Norfolk-Hampton Roads, Virginia area.

By allowing the USACE to include Federal properties for an upcoming Coastal Storm Risk Management (CSRM) study of the Peninsula and greater Hampton Roads area, it would solve the restriction problem in incorporating these installations and facilities into the Civil Works planning and construction processes.

The intent of this language is narrowly focused on the CSRM study on the Peninsula. It is intended only to ensure that these USACE studies are comprehensive and holistic.

The language is not intended to indicate that the USACE has a responsibility for carrying out civil works projects on Federal installations. I believe this is common sense language that will ultimately produce a better report for action by a range of actors in the region.

CONCLUSION

I want to thank the Chairwoman, Ranking Member, and the Members of the Committee for the opportunity to testify today. I look forward to working with the Committee and the Corps as we move forward towards finishing WRDA 2022.

Mrs. NAPOLITANO. Thank you, Mr. Wittman.

Are there any questions of the Member?

Hearing none, thank you, sir.

Mr. WITTMAN. Thank you.

Mrs. NAPOLITANO. I would like to recognize the next witness, the gentlewoman from Texas, Ms. Garcia, for 5 minutes.

TESTIMONY OF HON. SYLVIA R. GARCIA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Ms. GARCIA OF TEXAS. Thank you, Madam Chair, and Ranking Member Rouzer and Chairman DeFazio. Good morning, and thank you for allowing me to come by this morning to speak with the Water Resources and Environment Subcommittee of your full committee.

Houston sits at the epicenter of global trade, our Nation's supply chain is insourced by cities like Houston, home to the busiest deep-draft waterway in the Nation, Port Houston. The port has as many ship calls annually as the next three largest U.S. ports combined, and it provides \$801.9 billion in national economic value. But it is imperative that the port, like its counterparts in the world's busiest trade routes, keep up with increased shipping activity, larger barges, and the need for deeper waterways.

I come before you to request that the U.S. Army Corps of Engineers take up our delegation's request for taking on the assumption and maintenance of Project 11, the port's large-scale project to widen, deepen, and dredge the port so that it remains a viable center of commercial trade for our Nation.

We must also ensure that Port Houston is fully supported in project financing through operations and maintenance. This can be done through your support of policy requests that I and several of my Houston colleagues have submitted, which modifies the O&M cost sharing for ports deeper than 50 feet. These project priorities, which were made possible for consideration by this act, garner enormous benefits not only for Texas, but for the entire Nation.

The port is a keystone of American critical infrastructure, whose value is especially critical in times of great national security threat, and threats posed to our Nation's energy supply, as it does today.

Then we also ask for support for our Ike Dike. Additionally, it is imperative that we discuss the need for full-fledged support for the gulf coast seawall barrier, commonly known as the Ike Dike. Prior to this meeting, I have led an effort with my colleagues in the Houston delegation to request support for the U.S. Army Corps of Engineers Coastal Texas Study Chief's Report to authorize the construction of a coastal seawall that would protect millions of families across the Greater Houston and Galveston area.

We must ensure that our area has the resources it needs to protect the Greater Houston and Galveston regions' manufacturing, retail, agriculture, business, energy, and military supply chains in Texas and in the Nation.

More importantly, we must also protect the millions of lives who depend on our full embrace of all forms of disaster prevention and resilience. Studies show similar barrier systems to the one we are requesting have an almost immediate return on investment. Hurricane Ida tested a similar barrier system in New Orleans. The system prevented a Hurricane Katrina-level surge, but it also more than paid for itself in prevented damages.

I personally know far too well the devastating effects that hurricanes and large-scale flooding have on local economies and communities. These project priorities requested by myself, and equally supported across the aisle by my colleagues and the Greater Houston region delegation, benefit Texans in our home State, and deliver major improvements to our Nation.

I thank the subcommittee and the full committee for their work on these critical issues, and I look forward to working with you through this process. I urge my colleagues on the committee to include these priorities in the passage of the Water Resources Development Act of 2022. Thank you for your time and consideration, and have a great day.

[Ms. Garcia's prepared statement follows:]

**Prepared Statement of Hon. Sylvia R. Garcia, a Representative in Congress
from the State of Texas**

Chair Napolitano, Ranking Member Rouzer, and Members of the Water Resources Subcommittee, thank you for having me here on Member Hearing Day.

Houston sits at the epicenter of global trade. Our nation's supply chain is insourced by cities like Houston, home to the busiest deep-draft waterway in the nation, Port Houston. The Port has as many ship calls annually as the next three largest U.S. ports combined, and it provides \$801.9 billion in national economic value. But it is imperative that the Port, like its counterparts in the world's busiest trade routes, keep up with increased shipping activity, larger barges, and the need for deeper waterways.

I come before you to request that the U.S. Army Corps of Engineers take up our delegation's request for taking on the Assumption of Maintenance on Project 11, the port's large-scale project to widen, deepen, and dredge the port, so that it remains a viable center of commercial trade for our nation.

We must also ensure that Port Houston is fully supported in project financing through Operations and Maintenance. This can be done through your support of the policy request that I—and several of my Houston colleagues—submitted, which modifies the O&M cost sharing for ports deeper than 50 feet.

These project priorities, which are made possible for consideration by this Act, garner enormous benefits. Not only for Texas residents, but for the entire nation. The port is a keystone of American critical infrastructure, whose value is especially critical during times of great national security threat and threats posed to our nation's energy supply.

Additionally, it is imperative that we discuss the need for full-fledged support for the Gulf Coast's seawall barrier.

Prior to this hearing, I led an effort with my colleagues in the Houston delegation to request support for the U.S. Army Corps of Engineers' Coastal Texas Study Chief's Report, to authorize the construction of a coastal seawall that would protect millions of families across the greater Houston and Galveston area. We must ensure that our area has the resources it needs to protect the greater Houston and Galveston region's manufacturing, retail, agriculture, business, and military supply chains in Texas and the nation.

More importantly, we must also protect the millions of lives who depend on our full embrace of all forms of disaster prevention and resilience. Studies show similar barrier systems to the one we are requesting have an almost immediate return on investment. Hurricane Ida tested a similar barrier system in New Orleans. The system prevented a Hurricane Katrina-level surge, but it also more than paid for itself in prevented damages. I personally know far too well the devastating effects that hurricanes and large-scale flooding have on local economies and communities.

These project priorities requested by myself, and equally supported across the aisle by my colleagues in the greater Houston Congressional delegation, benefit Texans in our home state and deliver major improvements to our nation. I thank the subcommittee and the full committee for their work on these critical issues.

I urge my colleagues on the committee to include these priorities in the passage of the Water Resources Development Act of 2022.

Thank you for your time and consideration.

Mrs. NAPOLITANO. Thank you, Representative Garcia.

Are there any questions of Ms. Garcia?

Hearing none, thank you very much for your testimony, and—

Ms. GARCIA OF TEXAS. Thank you, Madam Chair.

Mrs. NAPOLITANO [continuing]. We will move on to the next Member of Congress. I would like to recognize our next witness, the gentlewoman from California, Ms. Porter, for 5 minutes.

Ms. Porter, you are on.

**TESTIMONY OF HON. KATIE PORTER, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA**

Ms. PORTER. Thank you very much, Chair Napolitano and Ranking Member Rouzer, for providing us with this opportunity to share our districts' priorities for the Water Resources Development Act of 2022.

I am here today to support the authorization of the Prado Basin ecosystem restoration project, which is part of the dual-purpose Prado Basin feasibility study. This project would benefit Riverside County, San Bernardino County, and my home, Orange County, by reducing reliance on imported water from the Sacramento-San Joaquin River Delta and Colorado Rivers. It would reduce risk of wildfires, restore critical habitats for endangered species, create local jobs, and save money for consumers.

The Prado Basin ecosystem restoration project specifically targets the removal of an invasive plant species known as *arundo donax*, commonly known as giant reed. The giant reed outcompetes native plant species, and is not edible for native wildlife. It consumes a substantial amount of water compared to native flora, which reduces water supplies.

Additionally, the giant reed plays a significant role in the ignition and rapid spread of wildfires during droughts, due to its rapid growth and substantial water requirements.

The Prado Basin ecosystem restoration project will remove the giant reed and replace it with natural flora. This will reduce wildfire risk, increase water supplies, and help native species thrive. If this project were to be authorized, it would restore 606 acres of land along the Santa Ana River, Chino Creek, and Mill Creek, where endangered species such as the southwestern willow flycatcher live. The U.S. Forest Service listed the southwestern willow flycatcher as a federally endangered species in 1995, after years of dwindling population numbers due to the loss of their native riparian habitat.

The Prado River Basin ecosystem restoration project would restore habitats not only for the southwestern willow flycatcher, but for other endangered species, as well.

This restoration project would also create good jobs in my community. A report has estimated that, for every \$1 million spent on watershed restoration and management, we can create anywhere from 6.8 to 31.5 well-paying jobs. Based on the average of these numbers, Orange County Water District has told me that this project could create around 931 direct, indirect, and induced jobs.

In addition to creating jobs, the Prado Basin feasibility project would help our community reduce our carbon emissions. Importing water from the Colorado River and from northern California is an energy-intensive process. Pumping the water over the Tehachapi Mountains requires a substantial amount of energy, which also increases the cost of water when it reaches consumers in southern California.

The restoration of natural flora and the removal of the giant reed will save energy by significantly reducing our reliance on imported water. The average annual energy savings is 15 gigawatt hours, which translates to a reduction of 11,000 metric tons of carbon dioxide.

The Environmental Impact Report was certified in May 2021, and that report concluded that this was the most efficient and most cost effective plan compared to any proposed alternative.

The Prado Dam feasibility study conducted by the U.S. Army Corps of Engineers, in cooperation with the Orange County Water District, has similarly concluded that this project will provide ratepayers with net savings of \$7.5 million.

Now is the time for Congress to do our part and authorize this project. Thank you for your consideration of this matter. I urge my colleagues to support the authorization of the Prado Basin ecosystem restoration project, and I would like to thank the Orange County Water District for their leadership and Senator Padilla for his work introducing companion legislation through the Senate.

I yield back.

[Ms. Porter's prepared statement follows:]

**Prepared Statement of Hon. Katie Porter, a Representative in Congress
from the State of California**

Thank you, Chairwoman Napolitano and Ranking Member Rouzer, for providing us this opportunity to share our district's priorities for the Water Resources Development Act of 2022. I am here today to support the authorization of the Prado Basin Ecosystem Restoration Project, which is part of the dual-purpose Prado Basin Feasibility Study. This project would benefit Riverside County, San Bernardino County, and my home—Orange County—by reducing reliance on imported water from the Sacramento-San Joaquin River Delta and Colorado Rivers. It would reduce risk of wildfires, restore critical habitats for endangered species, create local jobs, and save money for consumers.

The Prado Basin Ecosystem Restoration Project specifically targets the removal of an invasive plant species known as *arundo donax*, commonly known as giant reed. The giant reed outcompetes native plant species and is inedible to native wildlife. It consumes a substantial amount of water compared to native flora, which reduces water supplies. Additionally, the giant reed plays a significant role in the ignition and rapid spread of wildfires during droughts due to its rapid growth and substantial water requirements. The Prado Basin Ecosystem Restoration Project will

remove the giant reed and replace it with natural flora. This will reduce wildfire risk, increase water supplies, and help native species thrive.

If this project were to be authorized, it would restore 606 acres of land along the Santa Ana River, Chino Creek, and Mill Creek, where endangered species, such as the southwestern willow flycatcher, live. The US Forest Service listed the southwestern willow flycatcher as federally endangered in 1995 after years of dwindling population numbers due to the loss of their native riparian habitat.¹ The Prado River Basin Ecosystem Restoration Project would restore habitats for not only the southwestern willow flycatcher, but other endangered species as well.

This restoration project would also create good jobs in my community. A report estimated that for every one million dollars spent on watershed restoration and management, we can create anywhere from 6.8 to 31.5 well-paying jobs.² Based on the average of these numbers, Orange County Water District estimated that this project could create around 931 direct, indirect, and induced jobs.

In addition to creating jobs, the Prado Basin Feasibility Study Project would help our community reduce our carbon emissions. Importing water from the Colorado River and from Northern California is an energy intensive process. Pumping imported water over the Tehachapi Mountains requires a substantial amount of energy, which also increases the cost of water when it reaches consumers in Southern California. The restoration of natural flora and removal of the giant reed will save energy by significantly reducing our reliance on imported water. The average annual energy savings is 15 Gigawatt-hours, which translates to a reduction of 11,000 metric tons of carbon dioxide.

The Environmental Impact Report for this project was certified in May 2021. That report concluded that this was the most efficient and cost-effective plan compared to proposed alternatives.³ The Prado Dam Feasibility Study, conducted by the U.S. Army Corps of Engineers in cooperation with the Orange County Water District, similarly concluded that the Prado Basin Feasibility Study Project will provide ratepayers with net savings of \$7.5 million. Now it is time for Congress to do our part and authorize this project.

Thank you for your consideration on this matter. I urge my colleagues to support the authorization of the Prado Basin Ecosystem Restoration Project. I'd like to thank the Orange County Water District for their leadership in spearheading this important project. And I'd like to thank Senator Padilla for his work introducing companion language in the Senate. I yield back my remaining time.

Mrs. NAPOLITANO. Thank you, Ms. Porter. As you know, the West is facing serious water supply challenges due to the drought. I have asked the Corps to consider engaging more on water supply issues at Corps projects. Why is this important?

Ms. PORTER. Well, what we are going to—this project is really important to the entire ecosystem of southern California. And one of the things about this project is that projects that we develop in southern California will have the ability to also help preserve species and create water supply further upstream.

So, to the extent that we can remove this invasive species, we can reduce its water reliance on southern California, preserving more of our water for ourselves. We are also going to have an upstream effect on our neighbors in the Colorado River and in northern California.

Mrs. NAPOLITANO. Thank you very much. I find that quite interesting, because I am interested also in Whittier Narrows, which faces almost the same problem. And we are trying to get the Corps to finish the infrastructure damage in Whittier Narrows.

¹Southwestern Willow Flycatcher. National Park Service (October 5, 2016) Retrieved at: <https://www.nps.gov/articles/southwestern-willow-flycatcher.htm>

²BenDor T, Lester TW, Livengood A, Davis A, Yonavjak L (2015) Estimating the Size and Impact of the Ecological Restoration Economy. PLoS ONE 10(6): e0128339. <https://doi.org/10.1371/journal.pone.0128339>

³Prado Basin Ecosystem Restoration and Water Conservation Study. FINAL Environmental Impact Report. Retrieved at: <https://www.ocwd.com/media/9750/prado-basin-ecosystem-restoration-and-water-conservation-project-final-eir.pdf>

Thank you very much, Ms. Porter. Next I would like to recognize our next Member, the gentlewoman from Michigan, Ms. Tlaib, for 5 minutes.

You are on, ma'am.

Ms. TLAIB. Thank you so much, Chairwoman. I really appreciate [inaudible].

Mrs. NAPOLITANO. Microphone.

Ms. TLAIB. Oh, sorry, it has been a while.

[Laughter.]

TESTIMONY OF HON. RASHIDA TLAIB, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Ms. TLAIB. Thank you so much, Chairwoman. I really sincerely appreciate the opportunity to bring my residents, my district into the room and to Congress. This opportunity to try to prioritize some of the important work I think the Water Resources Development Act can do for frontline communities like mine is critical.

The communities I represent, Chairwoman, in southeast Michigan, communities like Detroit, Romulus, Inkster, and Dearborn Heights, they are frontline communities of this climate crisis. Last summer these communities faced unprecedented flooding. We didn't merely experience 100-year rainfalls, we experienced a 1,000-year rainfall.

Our communities didn't even have the projections for these events at all. Some homes flooded repeatedly, some even up to four times within 2 months. Raw sewage flowed through the streets in my communities. The flood maps and projections within our communities that we rely on are inaccurate, and don't account for our rapidly warming climate. And they are simply just simply out of date. And the water infrastructure in these communities is woefully inadequate, as you know.

Now extreme weather events are here, and many, many just don't want to do anything about it. I refuse to accept this as an option, Chairwoman. As the weather events increase with frequency, communities need the tools to be prepared.

This year's WRDA presents an opportunity for our neighbors to better understand the threats that we face due to climate change, and it can equip us with a resilient water infrastructure.

First, I encourage the committee to please offer support for the Detroit Division of the Army Corps of Engineers and their planning and identifying flood resilience for communities like those around Ecorse Creek. Ecorse Creek impacts nine communities in Wayne County, Michigan, which is the largest populated county in the State.

I also encourage the Army Corps to conduct a feasibility study for flood risk management in southeastern Michigan. This is essential, Chairwoman.

Third, I encourage the committee to broaden environmental assistance for Michigan by committing \$35 million for projects like wastewater treatment, water supply, environmental restoration, and surface water resource protection.

I am so incredibly grateful to be joined by my good friend and neighbor, Congresswoman Debbie Dingell, in these three asks. Many of our communities are intertwined and connected.

Finally, while I applaud the committee for their work on the 2020 bill, I encourage the committee to truly incorporate the environmental justice components into drafting of the 2022 bill. The most daunting water infrastructure challenges our Nation faces are borne directly by many of the Nation's most vulnerable communities, neighborhoods like the one I grew up in. I don't want the kids in that community—and again, the same neighborhood—to think that it is not normal to have clean water come through their faucet. That means doing even more, Chairwoman, to ensure that the Army Corps of Engineers has the tools and capacity to advance community-supported solutions as they are, again, experiencing these impacts.

We should also increase capacity and expertise within the Army Corps, and give the public more meaningful opportunities to weigh in on the projects that affect their communities.

We should continue increasing opportunities for assistance by building on and expanding the pilot program for economically disadvantaged communities. Please extend that pilot program, very essential.

Finally, we must maximize toxic remediation in ecological restoration, navigation, and flood resilience projects. We must—must—support minority-owned businesses, and we must continue developing and advancing, again, environmental justice innovation.

I thank Congressman Steve Cohen for joining me in this request, as well, and for just a great ally in fighting for environmental justice.

I appreciate the opportunity, Chairwoman, and all our committee members, to share the priorities before this committee, and respectfully request their inclusion in the 2022 Water Resources Development Act. Thank you so much.

[Ms. Tlaib's prepared statement follows:]

**Prepared Statement of Hon. Rashida Tlaib, a Representative in Congress
from the State of Michigan**

Thank you for giving me the opportunity to speak today, and share four WRDA priorities that are critical to the communities I represent.

The communities I represent in Southeast Michigan—communities like Romulus, Inkster, and Dearborn Heights—are on the front lines of the climate crisis.

Last summer, these communities faced unprecedented flooding.

We didn't merely experience 100-year rainfalls. We experienced a *1,000-year* rainfall—our communities didn't even have projections for an event like this.

Some homes flooded repeatedly over the span of just a few months. In some of these communities, raw sewage flowed through the streets.

The flood maps and projections our communities rely on don't account for our rapidly warming planet and are simply out of date. And the water infrastructure in these communities is woefully inadequate for the extreme weather events we now face.

I refuse to accept this as our new normal.

As these catastrophic weather events increase in ferocity and frequency, our communities need the tools to be prepared. This year's WRDA presents an opportunity for my neighbors to better understand the threats that we face due to climate change, and to be equipped with resilient, modern water infrastructure.

First, I encourage the Committee to offer support to the Detroit Division of the Army Corps of Engineers in planning and identifying flood resilience for communities along Ecorse Creek.

I also encourage the Army Corps to conduct a feasibility study for flood risk management in Southeast Michigan.

Third, I encourage the Committee to broaden environmental assistance for Michigan by committing 35 million dollars for projects like wastewater treatment, water supply, environmental restoration, and surface water resource protection.

I'm very grateful to be joined by my good friend and neighbor Congresswoman Dingell in these three requests.

Finally, while I applaud the Committee for their work on the 2020 WRDA bill, I encourage the Committee to truly incorporate environmental justice into the drafting of the 2022 WRDA bill.

The most daunting water infrastructure challenges our nation's faces are borne directly by so many of the nation's most vulnerable communities—including so many of the ones I represent.

That means doing even more to ensure that the Army Corps of Engineers has the tools and capacity to advance community-supported solutions to these challenges.

We should increase capacity and expertise within Army Corps, and give the public more meaningful opportunities to weigh in on the projects that affect their communities.

We should continue increasing opportunities for assistance by building on and expanding the Pilot Program for Economically Disadvantaged Communities.

Finally, we must maximize toxic remediation in ecological restoration, navigation and flood resilience projects; we must support minority-owned businesses; and we must continue developing and advancing environmental justice innovation.

I thank Congressman Steve Cohen for joining me in this request, and for being a stalwart ally in the fight for environmental justice.

I appreciate the opportunity to share my priorities before this Committee, and respectfully request their inclusion in the 2022 Water Resources Development Act. Thank you.

Mrs. NAPOLITANO. You are very welcome, Ms. Tlaib, it was very well put. Thank you for your testimony.

Ms. TLAIB. Thank you, ma'am.

Mrs. NAPOLITANO. I would like to recognize the next Member, the gentleman from Georgia, Mr. Allen, for 5 minutes.

By the way, are there any questions of Ms. Tlaib?

Hearing none, you are on, Mr. Allen.

Thank you, ma'am.

TESTIMONY OF HON. RICK W. ALLEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Mr. ALLEN. Thank you, Chairwoman, and thanks to the committee for allowing me to provide this testimony and highlight water issues that are critical to the 12th Congressional District of Georgia, namely the issues we have experienced with the Corps of Engineers regarding the New Savannah Bluff Lock and Dam.

This project, which is required for environmental mitigation as part of the Savannah Harbor expansion project, or SHEP, is an issue with which my community has been at odds with the Corps of Engineers for more than 6 years.

The Corps' insistence on removing or replacing the lock and dam with a rock weir that will significantly lower the existing pool would be catastrophic to our community. This historic lock and dam's importance to the Augusta River region cannot be overstated. Two States, both Georgia and South Carolina, are affected, and businesses and municipalities rely on the pool of water maintained by this dam.

If the dam were to be removed, the quality of life for our entire region of the country would be negatively impacted. Flooding, which is normally mitigated using the lock and dam, could affect multiple cities on both sides of the river in times of heavy rain. And when the Corps conducted a simulation of their selected alter-

native, the effect on water level was so drastic that boats were marooned, businesses had issues being able to draw the water necessary to run their businesses, and the banks of the river were unstable to the point where they were falling in, resulting in the simulation being abandoned earlier than planned because of the damage.

As the world gets a glimpse at Augusta in a few weeks as home of the prestigious Masters Golf Tournament, to cause the view from beautiful downtown Augusta to be that of areas of dry mud and silt instead of a flowing river would be unconscionable.

In 2019, an independent peer review was conducted, and the report highlighted that there had been inconsistencies in cost analysis, lack of consideration of other mitigation alternatives that would not lower the pool, and lack of information on whether or not the leading alternatives would successfully pass fish overall. We should not spend taxpayer dollars on a rock weir that this report says may even kill the fish that we are trying to protect.

The Corps and local stakeholders are now in court-ordered mediation after a Federal judge ruled that the Corps was not following the word of the law in the 2016 WIIN Act when it comes to maintaining that pool. The WIIN Act states that, with modifications to accommodate fish passage, “the structure is able to maintain the pool for navigation, water supply, and recreational activities, as in existence on the date of enactment of the Act.” This ruling was a win for our local communities, and I am hopeful for a positive outcome that maintains the pool and the required lock and dam.

I ask the members of this committee to work with me and my colleague, Congressman Joe Wilson, to ensure that the interests of our local communities are protected when it comes to the New Savannah Lock and Dam. I appreciate your attention to this important priority for our home States of Georgia and South Carolina, and look forward to working with you through this process.

[Mr. Allen’s prepared statement follows:]

**Prepared Statement of Hon. Rick W. Allen, a Representative in Congress
from the State of Georgia**

Thank you, Chairwoman, and thank you to the committee for allowing me to provide this testimony and highlight water issues that are critical to the 12th Congressional District of Georgia—namely the issues we have experienced with the Corps of Engineers regarding the New Savannah Bluff Lock and Dam.

This project, which is required for environmental mitigation as part of the Savannah Harbor Expansion Project, or SHEP, is an issue with which my community has been at odds with the Corps of Engineers for more than six years. The Corps’ insistence on removing and replacing the Lock and Dam with a rock weir that will significantly lower the existing pool would be catastrophic for my community.

This historic lock and dam’s importance to the Augusta River Region cannot be overstated. Two states—both Georgia and South Carolina—are affected; and businesses and municipalities rely on the pool of water maintained by the dam. If the dam were to be removed, quality of life for an entire region of the country would be negatively impacted. Flooding, which is normally mitigated using the Lock and Dam, could affect multiple cities on both sides of the river in times of heavy rain. And when the Corps conducted a simulation of their selected alternative, the effect on water level was so drastic that boats were marooned, businesses had issues being able to draw water and banks were unstable to the point where they were falling in, resulting in the simulation being abandoned earlier than planned. As the world gets a glimpse at Augusta in a few weeks as home of the beautiful Masters golf

tournament, to cause the view from beautiful downtown Augusta to be that of areas of dry mud and silt instead of a flowing river would be unconscionable.

In 2019, an Independent Peer Review was conducted, and the report highlighted that there have been inconsistencies in cost analysis, lack of consideration of other mitigation alternatives that would not lower the pool, and lack of information on whether or not the leading alternatives would successfully pass fish overall. We should not spend taxpayer dollars on a rock weir that this report says may even kill the fish we're trying to protect!

The Corps and local stakeholders are now in court-ordered mediation after a federal judge ruled that the Corps was not following the word of the law of the 2016 WIIN Act when it comes to maintaining the pool. The WIIN Act states that with modifications to accommodate fish passage, "the structure is able to maintain the pool for navigation, water supply and recreational activities, as in existence on the date of enactment of this Act." This ruling was a win for our local communities and I am hopeful for a positive outcome that maintains the pool and the lock and dam.

I ask the members of this committee to work with me and my colleague, Congressman Joe Wilson, to ensure that the interests of our local communities are protected when it comes to the New Savannah Bluff Lock and Dam. I appreciate your attention to this important priority for our home states of Georgia and South Carolina and look forward to working with you throughout this process.

Mrs. NAPOLITANO. Thank you very much, Representative Allen. Are there any questions of Mr. Allen?

Seeing and hearing none, thank you, sir.

Mr. ALLEN. Yes, ma'am.

Mrs. NAPOLITANO. Mr. Soto, you are recognized.

I would like to recognize our next Member, the gentleman from Florida, Mr. Soto, for 5 minutes.

You are on, sir.

TESTIMONY OF HON. DARREN SOTO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. SOTO. Thank you, Madam Chair and Members.

Florida's Ninth Congressional District is home to the northern Everglades, starting just north of us, going all the way down through the Kissimmee chain of lakes in our district, through Lake Okeechobee and the Kissimmee River, and out to what we know as the river of grass, the Everglades. It is home to bald eagles, snail kites, championship bass fishing, and boating. And my district also happens to be the fastest growing district in the Nation. We grew 40 percent over these last 10 years, according to the census.

So, there have been huge growth challenges with protecting the Kissimmee chain of lakes, which is why, first and foremost, we have worked on getting the Army Corps of Engineers to address issues with removal of aquatic growth, more specifically hydrilla, an issue that has continued to be a problem for both fishing and quality of life, for quality water, and for boating, as well as to help protect water flowing through the Everglades. And we appreciate the opportunity to be able to discuss that today.

I have the honor of living right on Lake Tohopekaliga in the Kissimmee chain of lakes, and see it firsthand, along with my neighbors.

In addition, we have project requests for the Lake Okeechobee watershed restoration project, which would help with freshwater releases to the Caloosahatchee and Saint Lucie Estuaries, as well as helping with the Kissimmee River channel. Not only is this critical for the Everglades, but also for endangered species like the

manatee, which, because of the flow of nutrients out of Lake O, we have seen it be in jeopardy.

In addition, we have the North Lake Toho restoration and water quality project to help remove legacy sediments. For many years, north of us in Orange County, we saw many sediments flow into the Kissimmee chain of lakes. Thank God that stopped decades ago. But the legacy of that is still there. And so removing certain sediments for flood storage and flow through Mill Slough and East City Ditch are critical. We faced flooding there during Hurricane Irma back in 2017.

Then there is the Lake Runnymede restoration project, which also deals with vegetative growth, protecting ecological functions and fish habitat and wading birds. The nutrient load in—excuse me—in East Lake Toho due to sediment flows from Lake Runnymede is also an issue facing the northern Everglades. But we can stop it. We can fix it with WRDA funding to protect both the quality of life in our district and critical species.

In addition, the Lake Tohopekaliga-Kissimmee Lakefront restoration and water quality improvement project helps with the north shore area of Lake Tohopekaliga to allow ecosystems to flow through, a similar theme throughout with hydrilla, with nutrient and sediment flows in the upper Kissimmee Basin.

And then, of course, the Lancaster Park flood plain improvement project to help Shingle Creek, the headwaters of the Everglades, and also a key water body flowing through Disney.

And finally, we have the Polk County Derby Ditch drainage improvement project to help out another fast-growing area in Auburndale and Winter Haven, Florida—that is citrus country out there—and improve flooding that happened during Hurricane Irma.

And Orange County's aquifer storage reservoir chemical addition project would help improve clean drinking water in the Orange County area—again, part of the fastest growing areas in central Florida.

And with that I want to yield back the remainder of my time, and I am happy to answer questions, Madam Chairwoman.

[Mr. Soto's prepared statement follows:]

**Prepared Statement of Hon. Darren Soto, a Representative in Congress
from the State of Florida**

Chairman DeFazio, Ranking Member Graves, thank you for allowing me to testify before the Committee about my priorities for the Water Resources Development Act of 2022.

Among the requests I made is to allow the Army Corp of Engineers to use cooperative agreements with Florida to execute work under the Removal of Aquatic Growth (RAG) program. The Cooperative Agreement adds flexibility and efficiency both fiscally and technically to project execution.

My project requests include:

- The Lake Okeechobee Watershed Restoration Project, which has a Chief's report on the way and would improve the quantity, timing and distribution of water entering Lake Okeechobee, provide for better management of Lake Okeechobee water levels, reduce large freshwater releases to the Caloosahatchee and St. Lucie estuaries, improve system-wide operational flexibility, and restore portions of the historic Kissimmee River Channel and floodplain.

- The North Lake Toho Restoration and Water Quality Project, which would remove legacy sediments within the north lobe of Lake Tohopekaliga to improve flood storage and reduce sediment within Mill Slough and East City Ditch.
- The Lake Runnymede Restoration Project, which would restore the lake to pre-development status and return appropriate vegetative cover within the lake to support appropriate ecological functions including essential fish habitat, wading bird foraging, and reduction of nutrient loading to East Lake Tohopekaliga due to sediment flows from Lake Runnymede.
- The Lake Tohopekaliga-Kissimmee Lakefront Restoration and Water Quality Improvement Project, which would restore parts of the north shore of Lake Tohopekaliga to allow ecosystem restoration and reduction of nutrient and sediment flow to the Upper Kissimmee Basin of the Lake Okeechobee Watershed. It would improve essential fish habitat and improve foraging and nesting habitat for the Everglades Snail Kite.
- The Lancaster Park Floodplain Improvement Project would restore and expand Shingle Creek to allow for flood storage and reduced floodway stages while retaining the historic character of the creek.

In terms of environmental infrastructure requests, I'd like to advocate for:

- Polk County's Derby Ditch Drainage Improvement Project, which would consist of the design, permitting, right-of-way/easement acquisition and construction of a drainage improvement to pipe an existing 1.36 miles of open drainage channel that conveys stormwater from a watershed that extends from Main Street in Auburndale to Lake Jessie in Winter Haven.
- Orange County's Aquifer Storage Reservoir (ASR) Chemical Addition Project which includes the design and construction of drinking water infrastructure improvements through a chemical feed system to reduce the dissolved oxygen in the potable water prior to injection into the Aquifer Storage Reservoir (ASR). The reduction in dissolved oxygen will eliminate arsenic leaching into the storage reservoir and will allow OCU to optimize the facility. The benefits include flexibility to meet peak and maximum day demands and increased water quality for customers.

Mr. Chairman, Ranking Member Graves, I look forward to working with you to advance my priorities in this bill and I welcome any questions you may have. Thank you and I yield back.

Mrs. NAPOLITANO. Thank you very much, Mr. Soto.

Any questions of Mr. Soto?

Hearing and seeing none, thank you very much for your testimony, and we will recognize our next Member, Mr. Higgins from New York.

You are on for 5 minutes, sir.

TESTIMONY OF HON. BRIAN HIGGINS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. HIGGINS OF NEW YORK. Thank you very much, Madam Chair and Chairs DeFazio and Napolitano, Ranking Members Graves and Rouzer, members of the committee. Thank you for giving me the opportunity to advocate on behalf of my community to make sure that our freshwater sources in the Great Lakes continue to be preserved long into the future.

One way this Congress can protect the health of the Great Lakes and Lake Erie is by proactively addressing the growing threat of harmful algal blooms, and promoting clean drinking water infrastructure in this year's Water Resources Development Act.

Harmful algae blooms are caused by nonpoint source pollution like nutrient runoff. They create dead zones where plants and animal life cannot survive. These toxic blooms emit damaging chemicals into bodies of water, and they are dangerous to humans.

In 2014, an algal bloom in western Lake Erie near Toledo, Ohio, shut down the city's drinking water system for 2 complete days.

Algal blooms have been spotted in eastern Lake Erie, as well, near Presque Isle and Erie, Pennsylvania, 90 miles from Buffalo. The Army Corps has conducted pilot projects to fight algal blooms in Florida, as well as smaller lakes across New York State, but we need to take seriously the threat algal blooms pose to the health of one of our continent's largest sources of freshwater.

This committee and this Congress should take this threat seriously, and put forth resources to proactively address it. I have proposed language to begin this work at Lake Erie, and I respectfully request this committee include that proposal in your bill.

I also urge this committee to fortify the infrastructure that our communities rely on to deliver clean drinking water. As water infrastructure ages, maintenance becomes a larger component of local government budgets.

For example, the Colonel Ward Pumping Station and Filtration Plant is a critical piece of the city of Buffalo's drinking water system. A historic engineering achievement at the time of its construction in the early 20th century, the pumping station's tunnels were the largest of their kind in all of the Great Lakes. Lake Erie's waves and ice have damaged the seawall protecting the pumping station and the adjacent Ralph C. Wilson, Jr. Centennial Park, which is undergoing a renaissance of its own.

The Army Corps has done good work to repair the north section of the seawall. I hope their work can continue at the southern piece to reinforce protection to the pumping station and park.

I urge my colleagues to support these efforts to reinforce the progress we have made on the Great Lakes, and protect our drinking water infrastructure.

Thank you, and I yield back.

[Mr. Higgins' prepared statement follows:]

**Prepared Statement of Hon. Brian Higgins, a Representative in Congress
from the State of New York**

Chairs DeFazio and Napolitano, Ranking Members Graves and Rouzer, Members of the Committee,

Thank you for giving me the opportunity to advocate on behalf of my community to make sure our fresh water sources in the Great Lakes continue to be preserved long into the future.

One way this Congress can protect the health of Lake Erie by proactively addressing the growing threat of harmful algal blooms and promoting clean drinking water infrastructure in this year's Water Resources Development Act.

Harmful algal blooms are caused by non-point source pollution, like nutrient runoff. They create dead zones where plant and animal life cannot survive.

These toxic blooms emit damaging chemicals into bodies of water. And they are dangerous to humans.

In 2014, an algae bloom in western Lake Erie near Toledo, Ohio, shut down the city's drinking water systems for two days.

Algae blooms have been spotted in eastern Lake Erie as well, near Presque Isle and Erie, Pennsylvania—90 miles from Buffalo.

The Army Corps has conducted pilot projects to fight algal blooms in Florida, as well as in smaller lakes across New York State.

But we need to take seriously the threat algal blooms pose to the health of one of our continent's largest sources of fresh water.

This committee, and this Congress, should take this threat seriously and put forth resources to proactively address it.

I have proposed language to begin this work at Lake Erie, and I respectfully request this committee include that proposal in your bill.

I also urge this committee to fortify the infrastructure that our communities rely on to deliver clean drinking water.

As water infrastructure ages, maintenance becomes a larger component of local government budgets.

For example, the Colonel Ward Pumping Station and Filtration Plant is a critical piece of the city of Buffalo's drinking water system.

A historic engineering achievement, at the time of its construction in the early twentieth century, the pumping station's tunnels were the largest of their kind in the Great Lakes.

Lake Erie's waves and ice have damaged the seawall protecting the pumping station and the adjacent Ralph C. Wilson Jr. Centennial Park, which is undergoing a renaissance of its own.

The Army Corps has done good work to repair the north section of the seawall. I hope their work can continue at the southern piece to reinforce protection to the pumping station and park.

I urge my colleagues to support these efforts to reinforce the progress we've made on the Great Lakes and protect our drinking water infrastructure. Thank you and I yield back.

Mrs. NAPOLITANO. Thank you so much, Mr. Higgins, for your testimony.

And are there any questions for Mr. Higgins?

Hearing and seeing none, thank you, sir. You are very welcome to any more comments you may have.

I now would like to recognize our next Member, the gentleman from New Jersey, Mr. Gottheimer, for 5 minutes.

You are on, sir.

**TESTIMONY OF HON. JOSH GOTTHEIMER, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW JERSEY**

Mr. GOTTHEIMER. Thank you, Chairwoman and Ranking Member. I greatly appreciate you hosting this important hearing, and for having us here today. I appreciate you seeking input as you prepare a new Water Resources Development Act, and I am here today to advocate for several water resource and water infrastructure priorities important in North Jersey.

I have submitted five requests to the committee, and I am hopeful they will include them in the final WRDA we enact this year. My requests include the following.

First, to create an authority for the Army Corps of Engineers to be able to perform the design and construction of necessary remediation of hazardous, toxic, and radioactive waste contamination projects as part of the construction of a project. We must take steps to protect our water, air, and our open spaces for our children and grandchildren, and pragmatic, commonsense action in our fight for the future of our communities and our planet.

Second, to create an authority that will allow reimbursement to homeowners for the costs of relocation and required upgrades as part of nonstructural measures. Just look at Hurricane Ida, what it did in my State, from flooding homes and, sadly, taking so many lives. Every time we have another bad storm, it is costing insurers, taxpayers, and families a fortune.

Third, along with Representative Tonko, and as a cosponsor, I have submitted the text of the New York-New Jersey Watershed Protection Act to the committee. This bill would include the adoption of a watershed-wide restoration strategy in consultation with the Corps of Engineers to coordinate, fund, and provide technical assistance for conservation and restoration activities that strength-

en flood controls, restore outdated dams, improve water quality, and increase public access to these vital water resources. The New York-New Jersey watershed is home to more than 20 million people, more than 200 fish species, and some of the most endangered rivers in the United States due to the high levels of PCPs.

Fourth, along with Representative Pascrell's office, I have submitted a request for the Corps of Engineers to partner with several North Jersey municipalities, including Lodi, Maywood, and Rochelle Park to conduct a feasibility study regarding flood controls. According to these local communities, flooding from Hurricane Ida caused significant damage, resulting in evacuations of hundreds of residents and seniors, with many still in temporary housing. We desperately need the Federal Government to step in and help residents, families, and local governments mitigate the problem before more disasters occur.

Finally, I submitted a policy request to the committee granting the Corps of Engineers authority to study and address the impact of sea level rise on projects. Currently, sea level rise is only studied when its impacts are incorporated into coastal storm risk features that are authorized for construction. Sea level rise by itself is not examined if it is not related to a storm risk feature being authorized. This is problematic, because an area where no coastal storm risk features are recommended may, in fact, be impacted by sea level rise in the future. But the Corps does not include that without a specifically recommended project feature.

We are in the middle of a major climate crisis, as we all know. Look at the last few years—the unprecedented wildfires, record high temperatures, shorter winters, and rising water levels off the Jersey shore. For New Jersey and for our whole planet, we must take action that will help us tackle climate change now and not later, so that our country and State will have clean air and water for future generations.

In addition to these priorities, I would be remiss if I didn't highlight the critical water investments made in our historic once-in-a-century bipartisan infrastructure bill last November, now being implemented across the country.

Back home in Jersey, we have 350,000 lead service lines, according to the American Water Works Association. That is a lead pipe that connects a water main to premises like a home or school. We know that lead can have nefarious and terrible impacts on children, on their health, and on families. Overall, nationwide, our bipartisan infrastructure bill will make a \$55 billion investment in clean drinking water and clean water, which represents the largest investment in American history to help our children and families.

New Jersey will expect to claw back \$1 billion over 5 years from the bipartisan infrastructure bill to improve water infrastructure across our State and to ensure that clean, safe water is a right for our kids and families. Investments will go toward the replacement of lead service lines and toward emergencies involving lead in drinking water, assistance for small communities like those in Sussex and Warren Counties and across North Jersey and, of course, help for schools across the Fifth Congressional District.

I have been helping lead the fight to make sure investment from the infrastructure bill goes to projects in North Jersey, including

water infrastructure projects in Fair Lawn, and flood mitigation in Hillsdale, New Milford, and Westwood.

Making the investment we need to deliver clean drinking water to every American is a bipartisan issue that can bring everyone and must bring everyone together.

Thank you so much for holding this important hearing and allowing me to discuss these critically important projects and issues facing our families and small businesses and communities in northern New Jersey. I am confident that, if we work together, we can mitigate flooding, combat climate change, and ensure we have clean drinking water for our communities. Thank you so much.

I look forward to continuing to work with you on these important issues here in the greatest country in the world. I yield back. Thank you.

[Mr. Gottheimer's prepared statement follows:]

**Prepared Statement of Hon. Josh Gottheimer, a Representative in Congress
from the State of New Jersey**

Thank you, Chairman DeFazio, Ranking Member Graves, Subcommittee Chairwoman Napolitano, Subcommittee Ranking Member Rouzer, and to the members of the Committee, I greatly appreciate you hosting this important hearing and for having us here today. I appreciate you seeking input as you prepare a new Water Resources Development Act, and I am here today to advocate for several water resources and water infrastructure priorities important for North Jersey. I have submitted five requests to the Committee, and I'm hopeful they will be included in the final WRDA we enact this year.

My requests include the following.

First, to create an authority for the Army Corps of Engineers to be able to perform the design and construction of necessary remediation of hazardous, toxic, and radioactive waste contamination on projects as part of the construction of a project. The cost will remain a non-federal sponsor's responsibility and the federal government will not bear responsibility for liability in the clean-up of any hazardous, toxic, and radioactive waste necessary for the construction of a project.

We must take steps to protect our water, air, and our open spaces for our children and grandchildren—pragmatic, commonsense action in our fight for the future of our communities and our planet.

Second, to create an authority that will allow reimbursement to homeowners for the costs of relocation and required upgrades as part of non-structural measures. Under current practice, if a project recommends elevation of a home, the homeowner is responsible for any relocation costs. My proposal would allow reimbursement to homeowners for those costs. It could also allow the costs of required upgrades to be reimbursed to homeowners as part of the non-structural measures—such as required sewer upgrades or other required measures.

Just look at Hurricane Ida and what it did in my state—flooding homes and, sadly, taking many, many lives. Every time we have another bad storm, it is costing insurers, taxpayers, and families a fortune.

Third, along with Representative Tonko and as a cosponsor, I have submitted the text of the New York-New Jersey Watershed Protection Act to the Committee. This bill would include the adoption of a watershed-wide restoration strategy in consultation with the Corps of Engineers to coordinate, fund, and provide technical assistance for conservation and restoration activities that strengthen flood controls, restore outdated dams, improve water quality, and increase public access to these vital water resources.

The New York-New Jersey Watershed is home to more than 20 million people, more than 200 fish species, and some of the most endangered rivers in the U.S., due to high levels of polychlorinated biphenyls (PCBs).

Fourth, along with Representative Pascarella, I have submitted a request for the Corps of Engineers to partner with several North Jersey municipalities—including the Borough of Lodi, Township of Saddle Brook, Township of Rochelle Park, the Borough of Maywood, the City of Garfield, the Township of South Hackensack, and the Borough of Wallington—to conduct a feasibility study regarding flood control.

According to these local communities, flooding from Hurricane Ida caused significant damage, resulting in evacuations of hundreds of residents—with many still in temporary housing. We desperately need the federal government to step in and help residents, families, and local governments mitigate the problem before more disasters occur.

Finally, I submitted a policy request to the Committee granting the Corps of Engineers authority to study and address the impact of sea level rise on projects. Currently, sea level rise is only studied when its impacts are incorporated into coastal storm risk features that are authorized for construction. Sea level rise by itself is not examined if it is not related to a storm risk feature being authorized. This is problematic because an area where no coastal storm risk features are recommended may in fact be impacted by sea level rise in the future, but the Corps does not include that without a specifically recommended project feature.

We are in the middle of a major climate crisis. Just look at the last few years—the unprecedented wildfires, record high temperatures, shorter winters, and rising water levels off the Jersey shore.

For New Jersey and for our whole planet, we must take action that will help us tackle climate change now and not later, so that our country and state will have clean air and water for future generations.

In addition to these priorities, I'd be remiss if I didn't highlight the critical water investments made in our historic Bipartisan Infrastructure Bill last November, now being implemented across the country.

Back home in New Jersey, we have 350,000 lead service lines, according to the American Water Works Association. That's a lead pipe that connects a water main to premises like a home or school.

Overall, nationwide, our Bipartisan Infrastructure Bill will make a \$55 billion investment in clean drinking water—which represents the largest investment in American history.

New Jersey will expect to claw back \$1 billion over five years from the Bipartisan Infrastructure Bill—to improve water infrastructure across our state and to ensure that clean, safe drinking water is a right for our kids and families.

Investment will go toward the replacement of lead service lines, and toward emergencies involving lead in drinking water, assistance for small communities, like those in Sussex and Warren Counties and across North Jersey, and of course, help for schools across the Fifth Congressional District.

I've been helping lead the fight to make sure investment from the infrastructure bill goes to projects in North Jersey, including water infrastructure improvements in Fair Lawn, and flood mitigation in Hillsdale, New Milford, and Westwood.

Making the investment we need to deliver clean drinking water to every American is a bipartisan issue that can bring everyone together.

Thank you for holding this important hearing, and allowing me to discuss these critically important projects and issues facing our families, small businesses, and communities. I am confident that if we work together we can mitigate flooding, combat climate change, and ensure we have clean water for our communities. I look forward to continuing to work with you on these important issues.

Mrs. NAPOLITANO. Thank you for your testimony, sir. Mr. Gottheimer, it is very good to hear all of the things that you have mentioned. I think all of us have the same problems.

Mr. GOTTHEIMER. Thank you, Chair.

Mrs. NAPOLITANO. Thank you.

Mr. GOTTHEIMER. Thank you.

Mrs. NAPOLITANO. Next I would like to recognize a gentleman from California, Mr. Costa, for 5 minutes. He is online.

TESTIMONY OF HON. JIM COSTA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. COSTA. Thank you very much, Madam Chairperson, for your leadership and this important hearing that your subcommittee is holding.

And let me also take a moment to congratulate you on the award that you recently received from the Army Corps of Engineers and other water agencies, well deserved, for your countless efforts over

the years on trying to address water needs not only in California, but throughout our country. And congratulations, well deserved. And thank you.

Madam Chairperson, Ranking Member, I want to provide members of the committee what I think are priorities and projects that obviously [inaudible] my constituency that I think have good best management practices for water use not only in California, but throughout the country.

Last year, Democrats and Republicans in Congress came together to pass a very, very important bipartisan infrastructure package. I continue to say and advocate for investments in our infrastructure that we have been living off the—those investments our parents and grandparents have made a generation or two ago. This passage of this important legislation last year signed by the President gives us an opportunity to begin making those investments that are long overdue.

We have that opportunity to leverage this not only with Federal funds, but in many cases with State and local dollars. This infrastructure that we have throughout our Nation is aging. We know that. We absolutely have to continue to invest, I believe, in clean drinking water and watersheds to protect water quality.

At the same time, we need to invest in California, particularly, but elsewhere to improve our water supply, a reliable water supply, to protect communities in terms of the need to produce food. Food is a national security issue. Every day, putting food on America's dinner table is really a national security issue, and we should treat it as such. But we also have flood control issues that we have to deal with, as well.

The reality of climate change, I think, has made supporting more reliable water reserves even more critical. We all know Western States are again experiencing severe, severe drought conditions. According to some experts, this year was merely a continuation of the so-called mega-drought that has been happening for now 20 years. I believe it is the new normal. We average waterfall and rainfall and water supply in California on 10-year averages. And when you look at the 10-year averages, we don't have the infrastructure that tries to provide the balance on years when we have above average rainfall and snow, on years where we have below average. And we are in one of those times.

California in 2021 was the second driest year recorded, spanning more than 100 years since we have been keeping records. Let me repeat that: 2021 was the second driest year in recorded history in California. More frequent and the more intense droughts caused by climate change requires us to plan, to adapt, and to rethink how we manage our infrastructure and utilize our resources for our food, for our cities, and for the environment.

I want, with that in mind, to highlight a couple of proposed resources in my district to reoperate the Redbank and Fancher Creek projects. These are reservoirs, originally designed primarily for flood control purposes, but local water managers are now rethinking, and have a proposal that would reoperate these not only to provide for flood control, but to maximize groundwater recharge in wet years.

I know the chairwoman has done really remarkable things in the southern California basin in her efforts to deal with recharge. This is a similar example. It is critical for improving long-term sustainability of depleted groundwater basins, and for improving water supply rate reliability by having more water on hand in the dry years. And man, we are in those dry years.

With ongoing drought and limited surface water supplies, we must use every tool in our water toolbox, every tool in our water toolbox to get much-needed infrastructure in place.

We also have the opportunity to use the Army Corps programs to enhance critical habitats for listed species, make ecosystem improvements to rivers and watersheds, such as efforts that we have been able to do in California. If done carefully in collaboration with impacted stakeholders, we have the opportunity to not only provide greater water reliability, but also to improve and sustain our agriculture, our food, which is, obviously, impacted by these drought conditions and the lack of investments.

We also have an opportunity to deal with threatened and endangered species. In California, we are on the verge of trying a new approach to adaptive management in our water system known as voluntary agreements. If successful, these voluntary agreements give us an opportunity to create more collaborative management structure to compare current regulatory efforts.

This strategy would also avoid costly and time consuming litigation. Being engaged in battles in courts do not resolve our water supply. The strategy would also avoid costly and time consuming litigation, and it would also kickstart ecosystem restoration efforts that benefit some of the iconic rivers and improve our Bay-Delta restoration.

Mrs. NAPOLITANO. Mr. Costa, your time is up.

Mr. COSTA. Well, thank you very much, Madam Chairman, and I look forward to working with you and the subcommittee as we deal with the importance of all of these issues. Thank you.

[Mr. Costa's prepared statement follows:]

Prepared Statement of Hon. Jim Costa, a Representative in Congress from the State of California

Thank you very much, Mr. Chairman and Ranking Member. I want to thank this committee for providing the opportunity for Members to present on our priorities and projects as you work to write the Water Resources Development Act.

Last year, Democrats and Republicans in Congress came together to pass the Bipartisan Infrastructure Law. By passing this historic legislation, we are investing in a better future for America—one focused on an equitable future, rather than restoring the past.

I have long said that we are living off the investments that our parents (and our grandparents) made a generation (or two) ago. Now, with the funding provided through the Bipartisan Infrastructure Law, we are finally making long-needed investments of our own.

Now, we have the opportunity to leverage the investments in the Bipartisan Infrastructure Law through advancement of the WRDA bill.

Our water infrastructure is aging. We absolutely need to continue investing in clean drinking water and improving watersheds to protect water quality. At the same time, we also need to invest in our overall water supply and to protect communities threatened by flooding. The food on American tables every night depends on a reliable water supply.

The reality of climate change has made supporting more reliable water reserves even more critical. We all know the Western United States is once again experi-

encing severe drought conditions. According to some experts, this year was merely the continuation of a so-called “megadrought” happening over the last 20 years across the west.

In California, 2021 was the second driest year in a record spanning more than 100 years. The more frequent and more intense droughts caused by climate change require us to plan, adapt, and rethink how we manage our infrastructure and utilize our resources.

With that in mind, I want to highlight a proposal in my district to reoperate the Redbank and Fancher Creeks Project. These reservoirs were originally designed primarily for flood control but local water managers are proposing it be reoperated to maximize groundwater recharge in wet years.

This is critical for improving the long-term sustainability of depleted groundwater basins and for improving water supply reliability by having more water on hand in dry years. With ongoing drought and limited surface water supplies, we must use every tool in our water toolbox to maximize our water supply by getting the most out of our water infrastructure.

We also have the opportunity to utilize Army Corps programs to enhance critical habitats for listed species and make ecosystem improvements to rivers and watersheds. Such efforts in California—if done carefully and in collaboration with impacted stakeholders—have the opportunity to not only provide greater water supply reliability for the largest agricultural economy in the United States, but to also improve conditions for threatened and endangered species.

In California, we are on the verge of trying a new approach to adaptively manage our water system, known as Voluntary Agreements. If successful, the Voluntary Agreements give us the opportunity to create a more collaborative management structure compared to current regulatory efforts. This strategy would also avoid costly and time-consuming litigation, make progress on developing a more reliable water system in California, and kickstart ecosystem restoration efforts that would benefit iconic rivers, species, and the Bay-Delta.

Successfully implementing the Voluntary Agreements requires a collaborative partnership between local stakeholders, the State of California, and the federal government to restore the reliability of domestically produced food supply and to restore nationally important ecosystems.

I hope to work with this committee, and the Army Corps, to make federal investment and technical assistance available to successfully implement these game-changing efforts.

Mr. Chairman, I look forward to working with you on this critical legislation to ensure it maximizes the benefits to my constituents in California’s San Joaquin Valley and to our nation.

Mrs. NAPOLITANO. Thank you very much for your testimony, sir. And now I will turn it over to Mr. Rouzer to introduce the next Member.

Mr. ROUZER [presiding]. Well, thank you, Madam Chair. I would like to recognize our next witness, the gentlewoman from Illinois, Mrs. Miller, for 5 minutes.

TESTIMONY OF HON. MARY E. MILLER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mrs. MILLER OF ILLINOIS. Thank you for the opportunity, Chairman Napolitano, to address this committee on behalf of the constituents of the Illinois 15th Congressional District.

On behalf of my constituents, I would like to highlight the need to improve our Nation’s traditional infrastructure, such as revitalizing our bridges and dams and facilitating commerce. This is why I wish the infrastructure bill was passed fully focused on traditional infrastructure.

I especially want to emphasize the need for continued work on lock and dam 25 in my district. Illinois’ economy is diverse, as it is supported by agriculture, energy, and manufacturing. These industries require a robust transportation network to get products to market. Nearly every bushel of soybeans, corn, and other grain

transported along the Mississippi River from Illinois will pass through lock and dam 25.

I appreciated President Trump's support for traditional infrastructure and, specifically, for the upper Mississippi locks 20 through 25. Completing lock and dam 25 is critically important to grain handlers and agricultural exporters in my district, and will increase U.S. agricultural competitiveness as a whole.

I ask that the committee bear these priorities in mind when developing the Water Resources Development Act, and keep radical Green New Deal priorities out of the bill, especially as we face \$5 per gallon gasoline.

Again, I thank you for your consideration and the chance to speak to you today. As a member of the Agriculture Committee, I look forward to working with your committee to address these issues, which are critically important to my fellow farmers. Thank you.

[Mrs. Miller's prepared statement follows:]

Prepared Statement of Hon. Mary E. Miller, a Representative in Congress from the State of Illinois

Chairman DeFazio and Ranking Member Graves: thank you for the opportunity to testify on behalf of Illinois' 15th District.

On behalf of my constituents, I would like to highlight the need to improve our nation's traditional infrastructure—such as revitalizing our bridges and dams and facilitating commerce. This is why I wish the infrastructure bill was passed, fully focused on traditional infrastructure.

I especially want to emphasize the need for continued work on Lock and Dam 25 in my district.

Illinois' economy is diverse, as it is supported by agriculture, energy, and manufacturing. These industries require a robust transportation network to get products to market. Nearly every bushel of soybeans, corn, and other grain transported along the Mississippi River from Illinois will pass through Lock and Dam 25.

I appreciated President Trump's support for traditional infrastructure, and specifically, for the Upper Mississippi Locks 20–25. Completing Lock and Dam 25 is critically important to grain handlers and agricultural exporters in my district and will increase U.S. agricultural competitiveness as a whole.

I ask that the Committee bear these priorities in mind when developing the Water Resources Development Act and keep radical, Green New Deal priorities out of the bill, especially as we face \$5 per gallon for gasoline.

Again, I thank you for your consideration and the chance to speak to you today. As a member of the Agriculture Committee, I look forward to working with your committee to address these issues that are critically important to my fellow farmers.

Mr. ROUZER. Now I would like to recognize our next witness, the gentleman from California, Mr. Issa, for 5 minutes.

TESTIMONY OF HON. DARRELL ISSA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. ISSA. Good morning and thank you, Chair Napolitano and Ranking Member Rouzer, for the leadership that you are supplying here today, and for your giving me this opportunity.

As the Chair knows, as Californians, we have a phenomenon, which is the further north you go in California, the more rain you get; the further south you go, the less rain you get. I am as far south as you can go, and if we get 7 inches in a good year, it is a really good year. That is one of the reasons that, when I have reviewed the dozens of requests for specific programs, I looked at

those that particularly would help us with the limited amount of water we have.

My first request is the Padre Dam Municipal Water District, which is a key partnership for all of San Diego County. So even though it is in the East County Advanced Water Purification Program, it is actually a project uphill from all of the rest of San Diego County, and will bring 15 million gallons per day of what is now discharged wastewater. This project of reinjection and reuse is the kind of program that has zero new water, and yet brings those 15 million gallons a day. I am told that the support for the region will represent 30 percent of the region's drinking water demand. This project is supported by my partner downstream, Sara Jacobs, and myself.

My second project is one that my predecessors have worked on for many years, but we are really at a point where this final funding can make the final difference to complete this program. It is called the Escondido Creek flood control project, and I am doing this jointly. Currently, this is my entire district. But under the presumption of redistricting in California, Mr. Peters and myself will share this flood area.

The project is right in the center, if you will, of Escondido, which is the second largest city in San Diego County. Currently groundwater infiltration creates a flood for 450 single and multifamily homes. By implementing this project, not only will we save the water for other use, but we will eliminate the flood insurance premiums paid for by these individuals. And this would conclude the project with the matching funds coming from other sources.

Third is one that is particularly near and dear. Although I had many applications, only one matured sufficient to ask for it. As you may know, the 50th Congressional District enjoys more federally recognized Tribes than almost all other districts combined, with 18 Tribal communities. In this case, the Rincon Band of Luiseño Indians is seeking approximately 1 mile of water distribution line, which they are providing the additional funds for, for reclaimed water. Currently the Tribe relies entirely on well water, and this discharge recapture will, literally, create new water where it otherwise wouldn't be.

One of the advantages of this Tribe's application is that they have fully funded their portion of it, and it is supported by the surrounding communities. All of these projects are supported by local funding matches and recognized by the Army Corps of Engineers as appropriate for designation as environmental infrastructure under the Water Development Resources Act.

Again, I am in the driest part of the State. Each one of these represents not new sources of water, but new uses of water in our dry area. So, I hope that you will see these as particularly noteworthy.

Again, there were many more applications that we did not forward because we felt that we should focus on the ones that had the most immediate benefit to the area, and ones where you could look and say, you do this, you dramatically improve water quality for the people of San Diego and Riverside County.

I want to thank you for your indulgence and yield back my 6 seconds.

[Mr. Issa's prepared statement follows:]

**Prepared Statement of Hon. Darrell Issa, a Representative in Congress
from the State of California**

Good morning and thank you to Chairman DeFazio and Ranking Member Graves for your leadership on the important issue of water resources development.

My office has submitted funding requests for three projects.

First, the Padre Dam Municipal Water District is a key partner in the East County Advanced Water Purification Program. This collaborative program is helping to drought-proof San Diego County by providing a new source for drinking water and eliminate 15 million gallons per day of treated wastewater discharge. All told, this will support approximately 30 percent of the region's drinking water demand. This project is supported by our colleague Ms. Jacobs and myself.

Second, the Escondido Creek Flood Control Project will help provide design and construction services in a city split between our colleague Mr. Peters and myself. This project will help the City of Escondido manage stormwater, expand groundwater infiltration, improve water quality, and importantly—benefit more than 450 single- and multi-family homes along and around the creek that are currently paying for flood insurance. This project will reduce if not eliminate that need and benefit a diverse and vital part of the city.

Third, as you may know, the 50th Congressional District is home to more federally-recognized tribes than almost all other districts in the country—18 tribal communities in total. The Rincon Band of Luiseno Indians is seeking approximately one mile of water distribution lines, and approximately one mile of reclaimed water pipeline to better facilitate sewer processing and support groundwater recharge. Because the community relies exclusively on groundwater for supplies, this project will help ensure economical and conscientious management of precious water resources and meet conservation objectives.

Each of these projects is supported with robust local funding matches and is recognized by the Army Corps of Engineers as appropriate for designation as Environmental Infrastructure under the Water Development Resources Act.

Thank you for your consideration and the opportunity to present to you today. I yield back.

Mr. ROUZER. We thank our friend from California. Are there any questions for our friend from California?

Seeing none, we will move to our next witness. I would like to recognize the gentlewoman from Florida, Ms. Wasserman Schultz, for 5 minutes.

TESTIMONY OF HON. DEBBIE WASSERMAN SCHULTZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Ms. WASSERMAN SCHULTZ. Thank you so much, Madam Chair and Ranking Member, for the chance to share how vital the Water Resources Development Act is for Florida.

And a special thanks to Chairman DeFazio for his leadership on this committee over the years. His knowledge and expertise will be sorely missed by everyone in Congress. Chairman DeFazio was critical in developing the bipartisan Water Resources Development Act, which authorizes Army Corps of Engineers Civil Works activities.

From restoring the Everglades and investing in our ports, to fighting rising seas by nourishing beaches and managing flood risk, Florida engages with the Army Corps of Engineers on so many urgent fronts. Few are more critical than the deepening and widening of Port Everglades in my congressional district, a project that will dramatically improve supply chain efficiencies and port operations.

And while I could spend an hour on the ups and downs of this project, I am going to bottom line it for you. In an effort to protect vital coral reef and other environmental assets, the cost of the Port

Everglades deepening and widening project rose significantly well above the authorized limit approved by this committee in WRDA 2016.

Typically, the Corps would produce what is known as a Post-Authorization Change Report to substantiate their increased cost. However, my colleagues from Florida and I ask that the increased cost be approved through this WRDA bill, as was done for previous projects as recently as the Water Resources Development Act of 2020, because without the language now, the port will be on the hook for the entire increased cost of the project, or it will stop while we wait for WRDA 2024. As America wrestles with supply chain issues, neither option is acceptable.

One reason for the increased costs is because we learned lessons from other widening and deepening projects. Our port professionals and the Army Corps learned from experiences that we must take time to understand potential impacts this could have on our cherished coral reefs.

Despite the cost increases and setbacks, we have made substantial progress already. The revised supplemental EIS is currently open for public comment, and the reconfiguration of the Coast Guard Station Fort Lauderdale, the first construction portion of this project, is scheduled to break ground next spring. This will be a brandnew, state-of-the-art facility for our Coast Guard, which is badly needed and long overdue—finally.

It is hard to believe that the Port Everglades project, Madam Chair, began in 1996. That is 26 years ago. Under ideal circumstances, including this authorization being included in this WRDA bill, construction won't be complete before 2032, another 10 years from now. We cannot wait any longer for the Port Everglades deepening and widening project to begin.

I look forward to working with you further on this and getting the project authorization increase approved in this WRDA bill.

Another issue I want to bring to your attention is related to the extension of two beach renourishment projects in Broward County, both of which expire soon. The recently introduced SHORRE Act would reauthorize both projects, as well as other projects in Florida and elsewhere for an additional 50 years. I support reauthorizing these projects in this WRDA bill, and appreciate your ongoing attention to the extension of shore protection projects that will expire soon.

And finally, I would be remiss if I didn't mention the importance of the Everglades, which many of us refer to as the river of grass—not the port I just referred to. But thanks to the Biden administration, we secured \$1.1 billion in funding for Everglades restoration through the bipartisan infrastructure bill. To continue this recent historic progress, we must continue to advance projects that remove barriers to sending water south, and restore the historic flow paths of the Everglades. To do this, the Army Corps needs flexibilities to fund large-scale projects.

For example, the Army Corps could fund larger CERP projects by utilizing an incremental funding approach. We can help advance these projects by providing this flexibility in the WRDA bill. And I look forward to working with the committee on this and your leadership.

Thank you for your efforts to develop and pass a new WRDA bill in the 117th Congress. I appreciate the work that you put into this legislation. I look forward to helping you pass this bill this year.

Thank you so much, Madam Chair and Ranking Member.

[Ms. Wasserman Schultz's prepared statement follows:]

Prepared Statement of Hon. Debbie Wasserman Schultz, a Representative in Congress from the State of Florida

Chairman DeFazio and Ranking Member Graves, thank you for this chance to share how vital the Water Resources Development Act is for Florida.

And a special thanks to the Chairman for his leadership on this committee over the years. His knowledge and expertise will be sorely missed by everyone in Congress.

Chairman DeFazio was critical in developing the bipartisan Water Resources Development Act which authorizes Army Corps of Engineers civil works activities.

From restoring the Everglades and investing in our ports, to fighting rising seas by nourishing beaches and managing flood risk, Florida engages with the Army Corps of Engineers on so many urgent fronts.

Few are more critical than the deepening and widening of Port Everglades in my district, a project that will dramatically improve supply chain efficiencies and port operations.

And while I could spend an hour on the ups and downs of this project, here's the bottom line:

In an effort to protect vital coral reef and other environmental assets, the cost of the Port Everglades deepening and widening rose significantly, well above the authorized limit approved by this Committee in WRDA 2016.

Typically, the Corps would produce what's known as a Post Authorization Change Report to substantiate their increased cost.

However, my colleagues and I ask that the increased cost be approved through this WRDA bill—as was done for previous projects, as recently as the Water Resources Development Act of 2020.

Because without the language now, the Port will be on the hook for the entire increased cost of the project, or it will stop while we wait for WRDA 2024.

As America wrestles with supply chain issues, neither option is acceptable.

One reason for the increased costs is because we learned lessons from other widening and deepening projects.

Our port professionals and the Army Corps learned from experiences that we must take the time to understand potential impacts this could have on our cherished coral reefs.

Despite the cost increases and setbacks, we *have* made substantial progress already.

The revised supplemental EIS is currently open for public comment and the reconfiguration of the Coast Guard Station Fort Lauderdale—the first construction portion of the project—is scheduled to break ground next spring.

This will be a brand new, state of the art facility for our Coast Guard. It's badly needed and long overdue.

It's hard to believe that the Port Everglades project began in 1996. That's 26 years ago!

Under ideal circumstances—including this authorization being included in this WRDA bill—construction won't be complete before 2032, another ten years from now.

We cannot wait any longer for the Port Everglades deepening and widening project to begin.

I look forward to working with you further on this and getting the project authorization increase approved in this WRDA bill.

Another issue I want to bring to your attention is related to the extension of two beach renourishment projects in Broward County, both of which expire soon.

The recently introduced SHORRE Act would reauthorize both projects as well as other projects in Florida and elsewhere for an additional 50 years.

I support reauthorizing these projects in this WRDA bill and appreciate your ongoing attention to the extension of shore protection projects that will expire soon.

And finally, I would be remiss if I didn't mention the importance of the Everglades, which many of us refer to as the River of Grass.

Thanks to the Biden Administration—we secured \$1.1 billion in funding for Everglades restoration through the bipartisan infrastructure bill.

To continue this recent historic progress, we must continue to advance projects that remove the barriers to sending water south and restore the historic flow paths.

To do this, the Army Corps needs flexibilities to fund large scale projects.

For example, Army Corps could fund larger CERP projects by utilizing an incremental funding approach.

We can help advance these projects by providing this flexibility in WRDA. I look forward to working with you on this.

Thank you for your efforts to develop and pass a new WRDA bill in the 117th Congress.

I appreciate the work you put into this legislation and look forward to helping you pass the bill this year.

Mr. ROUZER. We thank the gentlelady. Are there any questions for the gentlelady from Florida?

Mrs. NAPOLITANO. Good work.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. ROUZER. Seeing none, now I take the opportunity to introduce our good friend from Washington, Mr. Newhouse, for 5 minutes.

TESTIMONY OF HON. DAN NEWHOUSE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. NEWHOUSE. Well, thank you very much, Chair Napolitano and Ranking Member Rouzer, as well as members of the committee.

First I want to thank you for hosting this Members' Day hearing. It is certainly my honor to be here representing my district in the State of Washington.

For more than 30 years, misinformed interest groups have held central Washington and the Pacific Northwest hostage by threatening to drain the lifeblood of our region. So, I am going to ask you to not include something in this legislation. These groups, in my opinion, are driven by a singular ideological goal: breaching the Snake River dams. They have placed a bull's-eye on our river system and this critical infrastructure, which provides clean, carbon-free energy throughout the region. It provides water for our crops and transportation to move our goods to export markets.

Millions in taxpayer dollars have been spent funding Federal scientists, engineers, and fish experts in the Obama administration to develop a years-long analysis, fine-tuning the operations of the Federal river power system. Putting this plan to work, our region continued to harness the power of our rivers for clean, carbon-free hydroelectric power, while balancing the needs of our native salmon species.

However, for organizations fixated on free-flowing rivers as the only means for achieving environmental success, it has not been enough. They have sued the Obama administration, they sued the Trump administration, and they continue today by suing the Biden administration.

So, members of the committee, Washington Governor Jay Inslee, as well as Senator Patty Murray, are now looking at your bill as a vehicle to waste taxpayer dollars by forcing another duplicative study in order to seek their own desired outcome.

Dam-breaching advocates have blinded themselves to the countless other benefits our dams provide for our region, not to mention

the great strides our salmon populations have made over the last several years, even amidst the rising ocean temperatures and record levels of pollution in Puget Sound. If these interest groups were truly concerned with our river system, they would look at the science. They would acknowledge the millions of tons of carbon these dams prevent from entering our atmosphere. They would acknowledge our dams utilize world-class technology and engineering to support the most efficient production of carbon-free hydroelectricity, while also improving fish passage rates between 93 and 96 percent.

While I could list data point after data point outlining the vast strides that have been made in preserving and restoring our native salmon populations, it can be better summed up by the 4-year Federal environmental study released in 2020 that advised against breaching the lower Snake River dams, which explicitly stated that the dams are not likely to jeopardize the continued existence of the ESA-listed species.

I would be remiss if I did not mention how our dams and the rivers provide a sustainable and efficient way to transport our Nation's crops. Barging in the Columbia and Snake Rivers keep 700,000 semi trucks off the roads and their emissions out of the air every year. The rivers alone barge more than 50 percent of U.S. wheat destined for export.

It is clear that many of these dam-breaching proponents have long since stopped caring about the salmon or the benefits of the river system. The fact that the Department of Justice announced a settlement to stay the most recent legal attack on the river until July of this year—coincidentally, the same date Senator Murray and the Governor announced they would release their plans—demonstrates a predetermined back-door deal is in the works, and they intend to weaponize WRDA in order to achieve their desired outcome.

For those of us who truly care about our region, these actions are deeply disturbing. Breaching our dams is simply not an option, and endless cycles of litigation and continued studies only put our region at risk. In central Washington, we are all actively working toward a clean energy future, strengthening our Nation's supply chain, feeding the world, and protecting our native wildlife. The river dams are at the center of it all, serving as an example for the rest of the world.

As I have said for years, dams and fish can coexist. And I will continue to fight for our dams. And I call on these misguided groups to stop playing politics and pay attention to the science, which clearly states we are making advancements in the right direction.

So, I urge the committee to reject any proposal to insert yet another duplicative study in this bill, which will only lend more uncertainty for our way of life in central Washington and throughout the Pacific Northwest.

I thank you very much for your time. Thank you.

[Mr. Newhouse's prepared statement follows:]

**Prepared Statement of Hon. Dan Newhouse, a Representative in Congress
from the State of Washington**

Chairman DeFazio, Ranking Member Graves, and Members of the Committee,
Thank you for hosting today's Member Day hearing. It is my honor to be here representing my district in Washington state.

For more than 30 years, misinformed interest groups have held Central Washington and the Pacific Northwest hostage by threatening to drain the lifeblood of our region.

These groups are driven by a singular, ideological goal: breaching the Snake River dams. They have placed a bullseye on our river system and this critical infrastructure, which provides clean, carbon-free energy throughout the region, water for our crops, and transportation to move our goods to export markets.

Millions spent in taxpayers' dollars funded federal scientists, engineers, and fish experts in the Obama Administration to develop a years-long analyses fine-tuning the operations of the federal river power system. Putting this plan to work, our region continued to harness the power of our rivers for clean, carbon-free hydroelectric power while balancing the needs of our native salmon species.

However, for organizations fixated on "free-flowing" rivers as the only means for achieving environmental success, it wasn't enough. They sued the Obama Administration, then they sued the Trump Administration, and they continue today by suing the Biden Administration.

Members of the Committee: Washington Governor Jay Inslee and Senator Patty Murray are now looking at *your* bill as a vehicle to waste taxpayers' dollars by forcing another duplicative study in order to seek their own desired outcome.

Dam-breaching advocates have blinded themselves to the countless other benefits our dams provide for our region—not to mention the great strides our salmon populations have made over the last several years, even amidst rising ocean temperatures and record levels of pollution in the Puget Sound.

If these interest groups were truly concerned with the river system, they would look at the science. They would acknowledge the *millions* of tons of carbon these dams prevent from entering our atmosphere. They would acknowledge our dams utilize world-class technology and engineering to support the most efficient production of carbon-free hydroelectricity while also improving fish passage to rates between 93 and 96 percent.

While I could list data point after data point outlining the vast strides that have been made in preserving and restoring our native salmon populations, it can be better summed up by the four-year, federal environmental study released in 2020 that advised against breaching the four Lower Snake River Dams, which explicitly stated that the dams "are not likely to jeopardize the continued existence of the ESA-listed species."

I would be remiss if I did not mention how our dams and the rivers provide a sustainable and efficient way to transport our nation's crop exports. Barging on the Columbia and Snake Rivers keeps 700,000 semi-trucks off the roads—and their emissions out of the air—each year. The Columbia River alone barges more than 50% of U.S. wheat destined for export.

It is clear that many of these dam-breaching proponents have long since stopped caring about the salmon nor the benefits of the river system. The fact that the Department of Justice announced a settlement to stay the most recent legal attack on the river system until July of 2022—coincidentally, the same date Senator Murray and Governor Inslee announced they would release their dam-breaching plans—demonstrates a predetermined backdoor deal is in the works, and they intend to weaponize WRDA in order to achieve their desired outcome.

For those of us who truly care about our region's survival, these actions are deeply disturbing.

Breaching our dams is simply not an option, and endless cycles of litigation and continued studies only put our region at risk.

In Central Washington, we are actively working toward a clean energy future, strengthening our nation's supply chain, feeding the world, and protecting our native wildlife—and the Columbia and Snake River dams are at the center of it all, serving as an example for the rest of the world.

As I have said for years, dams and fish can—and do—coexist.

I will continue to fight for our dams, and I call on these misguided groups to stop playing politics and pay attention to the science, which clearly states that we are making advancements in the right direction.

I urge the Committee to reject any proposal to insert yet another duplicative study in this bill, which will only lend more uncertainty for our way of life in Central Washington and throughout the Pacific Northwest.

Thank you, and I yield back.

Mr. ROUZER. I thank the gentleman from Washington. Are there any questions for the gentleman from Washington?

If not, I believe the gentleman from Washington has a letter that he wanted to submit for the record.

Do you want to ask unanimous consent to enter it into the record, a March 8, 2022, letter to the EPA Administrator and the Assistant Secretary of the Army for Civil Works regarding the “waters of the United States” rulemaking process?

Mr. NEWHOUSE. I appreciate that very much, Mr. Rouzer.

Mr. ROUZER. So ordered.

[The information follows:]

Letter of March 8, 2022, from Hon. Sam Graves, Ranking Member, Committee on Transportation and Infrastructure et al. to Hon. Michael S. Regan, Administrator, U.S. Environmental Protection Agency, and Hon. Michael L. Connor, Assistant Secretary of the Army for Civil Works, U.S. Department of the Army, Submitted for the Record by Hon. Dan Newhouse

MARCH 8, 2022.

The Honorable MICHAEL S. REGAN,
Administrator,
U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington,
DC 20004.

The Honorable MICHAEL L. CONNOR,
Assistant Secretary of the Army for Civil Works,
U.S. Department of the Army, 108 Army Pentagon, Washington, DC 20310-0108.

DEAR ADMINISTRATOR REGAN AND ASSISTANT SECRETARY CONNOR:

We write to you today regarding the United States Supreme Court’s most recent announcement to grant certiorari to *Michael Sackett, et ux., Petitioners v. Environmental Protection Agency, et al.* (*Sackett*).¹ For almost two decades, rural communities, businesses, and industries who rely on clean water have been trapped in political and legal limbo, surrounded by a shroud of legal opinions and faulty federal regulations. On June 9, 2021, the United States Environmental Protection Agency (EPA) and the United States Army Corps of Engineers (Corps) (collectively, the “Agencies”) announced their intent to revise the definition of “waters of the United States,” (WOTUS).² Any decision by the Supreme Court on *Sackett* will have profound impacts on the Agencies’ rulemaking process. Therefore, we urge the EPA and the Corps to halt its current rulemaking.

The United States Court of Appeals for the Ninth Circuit has improperly held that federal jurisdiction for WOTUS should follow the “significant nexus” test laid out in Justice Kennedy’s concurring opinion in *Rapanos v. United States*, 547 U.S. 715 (2006), rather than a more narrow approach based on the areas the Kennedy opinion and the plurality opinion authored by Justice Scalia have in common.³ The Obama Administration’s 2015 WOTUS rule also followed this flawed “significant nexus” approach, resulting in an unprecedented expansion of the definition of WOTUS.⁴ This rule asserted federal jurisdiction over typically dry channels and a

¹ *Sackett v. EPA*, Case No. 21–454.

² Press Release, EPA, *Army Announce Intent to Revise Definition of WOTUS* (June 9, 2021), available at <https://www.epa.gov/newsreleases/epa-army-announce-intent-revise-definition-wotus>.

³ *Sackett v. EPA*, No. 19–35469, 8 F.4th 1075, (9th Cir. 2021), available at https://cdn.ca9.uscourts.gov/datastore/opinions/2021/08/16/19-35469.pdf?utm_medium=email&hsmi=2&hsenc=p2ANqtz-8X1_eQE4an2yYyXY-F5JnWEob7pRRCNyWE_WNPGvKmaVzQkTU4XG3g86yXMmLSbFrQziJU0djVuALPH_zKcqxO7MQ3Q&utm_content=2&utm_source=hs_email.

⁴ Clean Water Rule: Definition of “Waters of the United States”, 80 Fed. Reg. 37053, (Aug. 28, 2015), available at <https://www.federalregister.gov/documents/2015/06/29/2015-13435/clean-water-rule-definition-of-waters-of-the-united-states>.

variety of intrastate non-navigable isolated waters.⁵ It is expected that a decision in *Sackett* would set forth a clearer and more appropriate test to define WOTUS and deliver certainty to the farmers, ranchers, private landowners, and industries who face the burden of this federal overreach.

Any future rulemaking must be based on fully informed legal guidance. The Agencies' goal of developing a lasting rule can only be achieved if appropriate legal standards are met, and it is premature to develop a new rule until the Court's *Sackett* opinion is issued. The Agencies themselves have stated that their rulemaking will take into account "updates to be consistent with relevant Supreme Court decisions."⁶ We hope the Agencies' regulatory activities remain consistent with these statements. If the Agencies move ahead with their current rulemaking, and the Court instructs the use of a more limiting test like Justice Scalia's plurality opinion, the Agencies would be forced to implement a new rulemaking process once again post-*Sackett*. Unfortunately, not only would this be a misuse of agency resources and taxpayer dollars, it would only serve to leave the regulated community with prolonged uncertainty regarding regulations and enforcement.

Confusion, unpredictability, and litigation have surrounded the scope of federal authority of our nation's navigable waterways for decades. Currently, the Administration's plan to revise the definition of WOTUS will be the sixth change in ten years; despite the Administration's statements that the new regulation would only be a return to the regulatory definition used before the 2015 WOTUS rule updated in conformance with judicial decisions.⁷ In reality, the rule takes a new and expansive approach to the definition of WOTUS, creating additional costs and burdens for regulated stakeholders.

Further, the Agencies certified that the new regulation would not have a significant effect on small businesses.⁸ However, the United States Small Business Administration's Office of Advocacy, meant to serve as an independent voice for small business, disagreed with this assessment,⁹ specifically finding that the "Agencies have improperly certified the proposed rule under the Regulatory Flexibility Act (RFA) because it would likely have direct significant impacts on a substantial number of small entities."¹⁰ The Office of Advocacy asked that the Agencies hold the rule in abeyance while it conducts a Small Business Advocacy Review (SBAR) panel, in accordance with the RFA.¹¹

Rural communities across the country are dedicated to clean water, and they do not deserve to be punished by constant regulatory uncertainty. Any further rulemaking prior to the Supreme Court's decision will jeopardize Americans' best interests and fail to ensure our communities will not be subject to further uncertainty and government overreach. A premature rulemaking will also hinder efforts in communities across the country to build out and improve our Nation's infrastructure, as the regulatory definition of WOTUS has a direct impact on agencies' ability to authorize and complete infrastructure projects in a timely and efficient manner. This is especially troubling timing as Congress recently approved billions of dollars in funding for critical infrastructure.¹²

We urge the EPA and the Corps to halt all current rulemaking actions surrounding the WOTUS definition as the United States Supreme Court takes up this landmark case. The Agencies should instead use this time to continue meaningful engagement with stakeholders, including convening an SBAR panel. This would allow the Agencies to fully understand and account for the impacts to small businesses, farmers, rural communities, and countless other stakeholders that will result from any regulatory change to the definition of WOTUS. We look forward to working with you on this important issue. If you have questions, please contact Ryan Hambleton, Republican Staff Director of the Subcommittee on Water Resources and Environment.

⁵ *Id.*

⁶ Press Release, *EPA and Army Announce Next Steps for Crafting Enduring Definition of Waters of the United States* (July 30, 2021), available at <https://www.epa.gov/newsreleases/epa-and-army-announce-next-steps-crafting-enduring-definition-waters-united-states>.

⁷ *Id.*

⁸ Revised Definition of "Waters of the United States," 86 Fed. Reg. 69372 (Dec. 7, 2021), available at <https://www.federalregister.gov/documents/2021/12/07/2021-25601/revised-definition-of-waters-of-the-united-states>.

⁹ Letter from Major L. Clark, III, Dep. Chief Counsel, Off. of Advoc., SBA, to Hon. Michael S. Regan, Admin., EPA, and the Hon. Michael L. Connor, Assistant Sec'y of the Army for Civil Works, Dept of the Army (Feb. 7, 2022), available at <https://cdn.advocacy.sba.gov/wp-content/uploads/2022/02/08152154/Comment-Letter-Proposed-WOTUS-Definition-2022.pdf>.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Infrastructure Investment and Jobs Act*, P.L. 117–58.

Sincerely,
 SAM GRAVES,
*Ranking Member,
 Committee on
 Transportation and
 Infrastructure.*

KEVIN MCCARTHY,
Member of Congress.
 STEVE SCALISE,
Member of Congress.
 ELISE M. STEFANIK,
Member of Congress.
 NANCY MACE,
Member of Congress.
 JEFFERSON VAN DREW,
Member of Congress.
 DAVID B. MCKINLEY, P.E.,
Member of Congress.
 SCOT DESJARLAIS,
Member of Congress.
 DOUG LAMBORN,
Member of Congress.
 TIM WALBERG,
Member of Congress.
 DIANA HARSHBARGER,
Member of Congress.
 TEDD BUDD,
Member of Congress.
 TRACEY MANN,
Member of Congress.
 BOB GIBBS,
Member of Congress.
 MIKE JOHNSON,
Member of Congress.
 BRIAN BABIN, D.D.S.,
Member of Congress.
 CLAY HIGGINS,
Member of Congress.
 RALPH NORMAN,
Member of Congress.
 DON YOUNG,
Member of Congress.
 DAVID G. VALADAO,
Member of Congress.
 EARL L. "BUDDY" CARTER,
Member of Congress.
 LAUREN BOEBERT,
Member of Congress.
 BRUCE WESTERMAN,
Member of Congress.
 MARY E. MILLER,
Member of Congress.
 JASON SMITH,
Member of Congress.
 MICHAEL CLOUD,
Member of Congress.
 YVETTE HERRELL,
Member of Congress.
 RODNEY DAVIS,
Member of Congress.
 ASHLEY HINSON,
Member of Congress.
 BLAKE MOORE,
Member of Congress.
 KEN BUCK,
Member of Congress.

DAN NEWHOUSE,
*Chairman,
 Congressional Western
 Caucus.*

DAVID ROUZER,
*Ranking Member,
 Subcommittee on Water
 Resources and
 Environment.*

MICHAEL SIMPSON,
Member of Congress.
 CHRIS JACOBS,
Member of Congress.
 FRED KELLER,
Member of Congress.
 AUGUST PFLUGER,
Member of Congress.
 ANN WAGNER,
Member of Congress.
 ANDY HARRIS, M.D.,
Member of Congress.
 STEVE WOMACK,
Member of Congress.
 MICHELLE STEEL,
Member of Congress.
 MIKE GALLAGHER,
Member of Congress.
 MICHAEL BURGESS, M.D.,
Member of Congress.
 DAN CRENSHAW,
Member of Congress.
 MARKWAYNE MULLIN,
Member of Congress.
 RON ESTES,
Member of Congress.
 GUY RESCHENTHALER,
Member of Congress.
 DOUG LAMALFA,
Member of Congress.
 DAVID P. JOYCE,
Member of Congress.
 RANDY FEENSTRA,
Member of Congress.
 ERIC A. "RICK" CRAWFORD,
Member of Congress.
 CATHY MCMORRIS RODGERS,
Member of Congress.
 DUSTY JOHNSON,
Member of Congress.
 RICK W. ALLEN,
Member of Congress.
 MICHAEL GUEST,
Member of Congress.
 DAVID KUSTOFF,
Member of Congress.
 KAT CAMMACK,
Member of Congress.
 MARIANNETTE MILLER-MEEKS,
Member of Congress.
 MIKE BOST,
Member of Congress.
 CAROL D. MILLER,
Member of Congress.
 TIM BURCHETT,
Member of Congress.
 JACK BERGMAN,
Member of Congress.
 JAMES COMER,
Member of Congress.

JULIA LETLOW,
Member of Congress.
 DAN MEUSER,
Member of Congress.
 JERRY L. CARL,
Member of Congress.
 BILL HUIZENGA,
Member of Congress.
 BETH VAN DUYN,
Member of Congress.
 KELLY ARMSTRONG,
Member of Congress.
 GREG STEUBE,
Member of Congress.
 SCOTT PERRY,
Member of Congress.
 RICHARD HUDSON,
Member of Congress.
 ADRIAN SMITH,
Member of Congress.
 TOM TIFFANY,
Member of Congress.
 ADAM KINZINGER,
Member of Congress.
 JEFF DUNCAN,
Member of Congress.
 MO BROOKS,
Member of Congress.
 PETE SESSIONS,
Member of Congress.
 MARIA ELVIRA SALAZAR,
Member of Congress.
 MICHELLE FISHBACH,
Member of Congress.
 BLAINE LUETKMEYER,
Member of Congress.
 AUSTIN SCOTT,
Member of Congress.
 BILL POSEY,
Member of Congress.
 DAN BISHOP,
Member of Congress.
 GLENN GROTHMAN,
Member of Congress.
 ROBERT E. LATTA,
Member of Congress.
 FRED UPTON,
Member of Congress.
 VICKY HARTZLER,
Member of Congress.
 LIZ CHENEY,
Member of Congress.
 LOUIE GOHMERT,
Member of Congress.
 BILLY LONG,
Member of Congress.
 JOHN ROSE,
Member of Congress.
 PETE STAUBER,
Member of Congress.
 JIM BANKS,
Member of Congress.
 DEBBIE LESKO,
Member of Congress.
 DAVID SCHWEIKERT,
Member of Congress.

VIRGINIA FOXX,
Member of Congress.
 H. MORGAN GRIFFITH,
Member of Congress.
 GARRET GRAVES,
Member of Congress.
 RONNY L. JACKSON,
Member of Congress.
 BILL JOHNSON,
Member of Congress.
 TRENT KELLY,
Member of Congress.
 GREG PENCE,
Member of Congress.
 PAUL A. GOSAR, D.D.S.,
Member of Congress.
 BRAD WENSTRUP,
Member of Congress.
 WARREN DAVIDSON,
Member of Congress.
 SCOTT FITZGERALD,
Member of Congress.
 LARRY BUCSHON, M.D.,
Member of Congress.
 GREGORY F. MURPHY, M.D.,
Member of Congress.
 THOMAS MASSIE,
Member of Congress.
 ROGER WILLIAMS,
Member of Congress.
 JAKE LATURNER,
Member of Congress.
 JODEY C. ARRINGTON,
Member of Congress.
 TOM EMMER,
Member of Congress.
 MARK AMODEI,
Member of Congress.
 DARRELL ISSA,
Member of Congress.
 LLOYD SMUCKER,
Member of Congress.
 RUSS FULCHER,
Member of Congress.
 JACKIE WALORSKI,
Member of Congress.
 STEPHANIE BICE,
Member of Congress.
 MATTHEW ROSENDALE, SR.,
Member of Congress.
 ALEX X. MOONEY,
Member of Congress.
 JOHN R. MOOLENAAR,
Member of Congress.
 BRETT GUTHRIE,
Member of Congress.
 BEN CLINE,
Member of Congress.
 DANIEL WEBSTER,
Member of Congress.
 TROY E. NEHLS,
Member of Congress.
 JAMES R. BAIRD,
Member of Congress.
 KEN CALVERT,
Member of Congress.

ANDY BIGGS,
Member of Congress.
 CLIFF BENTZ,
Member of Congress.
 ROBERT J. WITTMAN,
Member of Congress.
 FRANK LUCAS,
Member of Congress.
 STEVE CHABOT,
Member of Congress.
 GLENN "GT" THOMPSON,
Member of Congress.
 RANDY WEBER,
Member of Congress.
 MICHAEL T. MCCAUL,
Member of Congress.
 NICOLE MALLIOTAKIS,
Member of Congress.
 BYRON DONALDS,
Member of Congress.
 CLAUDIA TENNEY,
Member of Congress.
 BRYAN STEIL,
Member of Congress.
 CHRIS STEWART,
Member of Congress.
 MARIO DIAZ-BALART,
Member of Congress.
 TROY BALDERSON,
Member of Congress.
 CARLOS GIMENEZ,
Member of Congress.
 STEVEN M. PALAZZO,
Member of Congress.
 TREY HOLLINGSWORTH,
Member of Congress.
 MIKE KELLY,
Member of Congress.
 LANCE GOODEN,
Member of Congress.
 GARY PALMER,
Member of Congress.
 JOHN KATKO,
Member of Congress.
 JENNIFFER GONZÁLEZ-COLÓN,
Member of Congress.
 KEVIN HERN,
Member of Congress.
 TOM MCCLINTOCK,
Member of Congress.
 KAY GRANGER,
Member of Congress.
 ANDY BARR,
Member of Congress.
 DREW FERGUSON,
Member of Congress.
 BARRY LOUDERMILK,
Member of Congress.
 NEAL P. DUNN, M.D.,
Member of Congress.
 JAIME HERRERA BEUTLER,
Member of Congress.
 WILLIAM TIMMONS,
Member of Congress.
 MIKE D. ROGERS,
Member of Congress.
 SCOTT FRANKLIN,
Member of Congress.
 JAY OBERNOLTE,
Member of Congress.
 KEVIN BRADY,
Member of Congress.
 AMATA COLEMAN RADEWAGEN,
Member of Congress.
 TOM RICE,
Member of Congress.
 JOHN CARTER,
Member of Congress.
 LISA MCCLAIN,
Member of Congress.
 ROBERT B. ADERHOLT,
Member of Congress.
 JOHN JOYCE,
Member of Congress.
 CHIP ROY,
Member of Congress.
 BURGESS OWENS,
Member of Congress.
 DARIN LAHOOD,
Member of Congress.
 DON BACON,
Member of Congress.
 YOUNG KIM,
Member of Congress.
 PETER MEIJER,
Member of Congress.
 BOB GOOD,
Member of Congress.
 FRENCH HILL,
Member of Congress.
 VICTORIA SPARTZ,
Member of Congress.
 JIM JORDAN,
Member of Congress.
 MATT GAETZ,
Member of Congress.
 TOM COLE,
Member of Congress.
 JOHN H. RUTHERFORD,
Member of Congress.
 PAT FALLON,
Member of Congress.
 HAL ROGERS,
Member of Congress.
 ANDREW GARBARINO,
Member of Congress.
 LEE ZELDIN,
Member of Congress.
 CHUCK FLEISCHMANN,
Member of Congress.
 JAKE ELLZEY,
Member of Congress.
 ANTHONY GONZALEZ,
Member of Congress.
 ANDREW S. CLYDE,
Member of Congress.
 MICHAEL WALTZ,
Member of Congress.
 MARK GREEN,
Member of Congress.
 JOE WILSON,
Member of Congress.

MIKE CAREY,
Member of Congress.
 BARRY MOORE,
Member of Congress.
 MIKE GARCIA,
Member of Congress.

MICHAEL TURNER,
Member of Congress.
 GUS M. BILIRAKIS,
Member of Congress.
 JODY HICE,
Member of Congress.

Mr. NEWHOUSE. Thank you.

Mr. ROUZER. Next, I would like to recognize our good friend from Oregon, Mr. Schrader, for 5 minutes.

**TESTIMONY OF HON. KURT SCHRADER, A REPRESENTATIVE
 IN CONGRESS FROM THE STATE OF OREGON**

Mr. SCHRADER. Thank you very much, Madam Chairwoman, Ranking Member, and the rest of the Transportation and Infrastructure Committee members, for hosting this event.

The success that WRDA has had during these divided times is a testament to the committee's willingness to work across the aisle. I hope this work will be just as successful for WRDA 2022.

With the passage of the Bipartisan Infrastructure Law, our definition of what constitutes infrastructure has grown. This paradigm shift is most notable in the water project funding we included in the law, which has been allocated for districts across the country. I am actually very hopeful the committee's work here will build on that success, and tackle the many backlogged projects that are sadly still unfunded, even with increased investments.

With IJA passed and having fully funded the Harbor Maintenance Trust Fund, we should have extraordinary opportunity to meet the needs of all our districts. One such project that crosses these jurisdictional boundaries is the Newport Big Creek Dams improvement project. I mentioned this project during WRDA Members' Day in 2020, and would like to highlight it again as a project that has a real, critical impact on my constituents.

With an estimated total cost of \$80 million, this project is far too large for the small city of Newport, Oregon, to tackle on its own. The goal here is to replace the woefully outdated Big Creek Dam, which holds Newport's municipal water supply. The current dams were originally built in 1958—1958. Today, they have deteriorated to the point where they could completely fail in the event of an earthquake registering just a 3.5 or higher. Should these dams fail, the flows would breach Highway 101, the only transportation road on the Oregon coast, and destroy much of downtown Newport without warning.

The city is currently investigating multiple money sources, including State funding and the Federal Emergency Management Agency High Hazard Potential Dams grant program funding, since the full cost is too great to be borne solely by a local bond.

Your staff has been very helpful—thank you—in finding Federal solutions to this problem. And I hope that will continue during this process.

Failure of this dam due to an earthquake would be devastating for a variety of reasons: loss of life, impact on local economy, and loss of critical water supply. Without this dam, 10,000 year-round residents and nearly 2.5 million tourists would be without water

for at least a year, and the economic cost could grow to nearly \$2 billion if left unattended for the next 5 years.

Currently, the city has stepped up and invested \$6 million between Government grants and water revenue. The State of Oregon has stepped up and is investing \$14 million across 2022 and 2023 to complete the design and permitting phases. But the State still needs to raise another \$60 million in construction funds, an amount too great for a small city like Newport.

On a separate note, I have also represented this Oregon coast for the past 10 years, and one of the top issues that I keep hearing about from all my folks back home is dredging, the lifeblood of a lot of small ports on the Oregon coast—I daresay the Gulf of Mexico and east coast, as well.

Unfortunately, our small communities are often left out of the dredging discussion. We need to offer a more consistent way of providing this critical service to all our small ports. Undredged ports and harbors limit economic activity, and force operators to forgo important upgrades to their facilities that could improve the well-being of their community.

So, thank you again for the opportunity to testify about my priorities in Oregon's Fifth Congressional District. I look forward to working with the committee staff in the productive way we have done so far and seeing the committee's final work product. Thank you very, very much.

[Mr. Schrader's prepared statement follows:]

**Prepared Statement of Hon. Kurt Schrader, a Representative in Congress
from the State of Oregon**

Thank you, Chairman DeFazio, Ranking Member Graves, and the rest of the Transportation and Infrastructure committee members for hosting this opportunity. The success that WRDA has had during these divided times is a testament to the committee's willingness to work across the aisle and I hope that work will be just as successful for WRDA 2022.

With the passage of the Infrastructure Investment and Jobs Act, our definition of what constitutes as infrastructure has grown tremendously. This paradigm shift is most notable in the water project funding we included in the law, which has been allocated for districts across the country. I am hopeful that the committee's work here will build on that success to tackle the many backlogged projects that are sadly still unfunded even with increased investments. With IIJA passed and having fully funded the Harbor Maintenance Trust Fund, we should have ample opportunity to meet the needs of all our districts.

One such project that crosses these jurisdictional boundaries is the Newport Big Creek Dams Improvement Project. I mentioned this project during the WRDA Member Day in 2020, and I would like to highlight it again as a project that has a real impact for my constituents. With an estimated total cost of between \$67 and \$83 million dollars, this project is far too large for the City of Newport to tackle on its own. The goal here is to replace the woefully outdated Big Creek Dam, which holds Newport's municipal water supply. The current dams were originally built in 1958. Today, they have deteriorated to the point where they could completely fail in the event of an earthquake registering at 3.5 or higher. Should these dams fail, the flows would breach Highway 101 and destroy roughly 20 homes without warning. The city is currently investigating multiple money sources, including state funding and the Federal Emergency Management Agency (FEMA) High Hazard Potential Dam Grant Program, but the full cost is too great to be borne solely by a local bond. Your staff have been very helpful in finding federal solutions to this problem and I hope that will continue during this process.

Failure of this dam due to an earthquake would be devastating for a variety of reasons: loss of life, impact on the local economy, and loss of critical water supply, just to name a few. Without this dam, 10,000 year-round residents and nearly 2.5

million tourists would be without water for at least a year. And the economic cost could grow to nearly \$2 billion if left unattended for 5 years.

Currently, the city has invested \$3.8 million of their limited dollars towards this project for dam design and environmental permitting. They need an additional \$5.8 to finish that work and stay on schedule for a 2025 completion target.

One final note: I have represented my portion of the Oregon coast for many years. And one of the top things my folks back home tell me is that the feds need to do a better job of staying on schedule when it comes to dredging our facilities. Unfortunately, we are often left out of the conversation when it comes to dredging. That is why I want to bring this up with the committee to use this opportunity to offer a more consistent way of providing this critical service to our ports. Undredged ports and harbors limit economic activity and force operators to forego important upgrades to their facilities.

Thank you again for this opportunity to testify about my priorities for Oregon's fifth district. And thank you again to your committee staff for working with my office on these issues. I look forward to seeing the committee's final product.

Mr. ROUZER. We thank the gentleman from Oregon. Are there any questions for the gentleman from Oregon?

Seeing none, good to have you here with us.

Now I would like to recognize our next witness, the gentleman from New York, Mr. Tonko, for 5 minutes.

**TESTIMONY OF HON. PAUL TONKO, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEW YORK**

Mr. TONKO. Thank you. Thank you, Chair Napolitano, Ranking Member Rouzer, and members of the committee. Thank you for the opportunity to testify on behalf of projects of critical importance in my district in New York's capital region as you consider a reauthorization of the Water Resources Development Act.

My constituents reside at the confluence of the mighty and historic Hudson and Mohawk Rivers that helped shape America centuries ago by powering factories and mills and supporting the Erie Canal that transported goods from the coast to the rest of the Nation, inspiring a westward movement. The region is part of the New York-New Jersey watershed, an economic engine home to 20 million people, 6 major rivers, and more than 200 fish species.

For too long, our watershed has faced extreme pressures from sea level rise and flooding, hundreds of outdated dams, and legacy pollutants. The deaths of dozens of residents from Hurricane Ida and \$100 billion of damage from Superstorm Sandy remain fresh in our minds, and must compel us to take action to prevent such tragic and costly events in the future. If we do not, sea level rise is expected to impact 9,000 acres of riverfront lands this century in the Hudson Valley alone.

It is also estimated that 40 dams in the region will need to be targeted for removal each year, costing some \$20 million annually. I am indeed proud to have worked closely with a coalition of more than 50 community groups and State and local governments to replicate successful Federal programs, such as the Delaware River Basin Conservation Program signed into law in the 2016 WRDA, to fill a critical conservation gap in our region.

The requested bill language will coordinate restoration activities to improve water quality, remove obsolete dams, improve critical flood controls, and promote healthy ecosystems. Like the Delaware River program, our watershed program would be housed in the Fish and Wildlife Service. However, I have ensured that consulta-

tion with the Army Corps will be a central component. This language has bipartisan support, and it advanced successfully through a hearing and markup in the Natural Resources Committee earlier this year. I am continuing conversations with my colleagues across the aisle to expand this bipartisan support even further and address any remaining concerns.

Given the critical role of the Army Corps in these restoration activities, I respectfully urge the committee to consider this request, as well as a targeted study of the Mohawk River Basin to make recommendations for the protection of its water and cultural resources. Our watershed must be considered amongst our Nation's most significant water bodies, and receive the same Federal support so that it can remain a vital water resource and national economic engine for generations to come.

In addition, I am grateful for the work the Army Corps is doing not just to protect our shores and waterways, but also to make use of these treasured resources to produce clean energy, drive down costs, and combat climate change. To strengthen these efforts, I urge the committee to incorporate floating solar energy in this year's WRDA reauthorization. Floating solar offers tremendous opportunity to expand our renewable energy deployment, while benefiting threatened water systems.

Ten percent of America's electricity needs could indeed be met by deploying solar on our country's human-made reservoirs, many of which are owned and operated by the Army Corps. I acknowledge that not every Army Corps facility will be appropriate, but I believe it is important that the Corps begin to consider the possibility of these projects, which can take advantage of existing grid infrastructure and complement existing hydropower resources.

I urge the committee to adopt language I was proud to submit with my colleague, Congressman Huffman, that would identify promising reservoirs and launch a demonstration project.

This technology is already emerging as a promising industry. I am thrilled to report that a community in my district, Cohoes, New York, received funding in the fiscal year 2022 appropriations package to install floating solar panels on a municipal reservoir. This effort should serve as a model for the Army Corps and communities across our Nation as we scale this technology, implement smart, clean energy systems, and drive down those consumer costs.

Thank you again for the opportunity to testify and for your continued work to strengthen and protect our Nation's vital water resources.

With that, I yield back, and thank you again for the opportunity.
[Mr. Tonko's prepared statement follows:]

**Prepared Statement of Hon. Paul Tonko, a Representative in Congress
from the State of New York**

Chair DeFazio, Ranking Member Graves, Chair Napolitano, Ranking Member Rouzer, and members of the Committee, thank you for the opportunity to testify. As the Committee considers a reauthorization of the Water Resources Development Act, I am pleased to appear before you to highlight projects and studies of critical importance to my district in New York's Capital Region.

My constituents reside at the confluence of the mighty and historic Hudson and Mohawk Rivers that helped shape America centuries ago by powering factories and

mills and supporting the Erie Canal that transported goods from the coast to the rest of the nation. The region is part of the New York-New Jersey Watershed, an economic engine home to 20 million people, six major rivers, and more than 200 fish species and several endangered and threatened species.

For too long, our watershed has faced extreme pressures from sea-level rise and flooding, hundreds of outdated and obsolete dams, and legacy pollutants. The deaths of dozens of New York and New Jersey residents from Hurricane Ida and \$100 billion of damage to our coastal areas from Superstorm Sandy remain fresh in our minds and must compel us to take action to prevent such tragic and costly events in the future. If we do not, sea level rise is expected to impact 9,000 acres of river-front lands and more than 19,000 people this century in the Hudson Valley alone. It is also estimated that 40 dams in the region will need to be targeted for removal each year, costing \$20 million annually.

I am proud to have worked closely with a coalition of more than 50 community organizations, state and local governments, and a bipartisan coalition of Members spanning the Watershed to learn from and replicate successful federal programs—such as the Delaware River Basin Conservation program signed into law in the 2016 WRDA—to fill a critical conservation gap here in New York and New Jersey. The requested bill language will coordinate and fund restoration activities to improve water quality, restore or remove obsolete dams, improve critical flood controls, promote healthy ecosystems, and support research.

Our watershed must be considered among our nation's most significant waterbodies and receive the same federal support and critical cooperation between the Army Corps, the Fish and Wildlife Service, and other entities so that it can remain a vital water resource and national economic engine for generations to come. I respectfully urge the Committee to consider this request as well as a targeted study of the Mohawk River Basin to make recommendations for the protection of its water and cultural resources.

In addition, I am grateful for the work the Army Corps is doing not just to protect our shores and waterways, but also to make meaningful use of these treasured resources to produce clean energy and combat climate change. There is so much more we can and must do in this area for the health of our ecosystems and communities, and for that reason, I respectfully urge the Committee to incorporate floating solar energy in this year's WRDA reauthorization.

Floating solar offers tremendous opportunity to expand our renewable energy deployment while benefitting threatened water systems, including preventing harmful algal blooms and reducing evaporation. According to the National Renewable Energy Laboratory, 10 percent of America's electricity needs could be met by deploying floating solar on our country's human-made reservoirs. The Army Corps owns and operates reservoirs across the country. I acknowledge that not every Army Corps facility will be appropriate to host a floating solar array, but I believe it is important that the Corps begin to consider the possibility of these projects, which may be able to take advantage of existing grid infrastructure and complement existing hydro-power resources. I urge the Committee to adopt language that I was pleased to submit alongside my colleague, Congressman Jared Huffman, to identify promising reservoirs and launch a demonstration project.

This technology is already yielding impressive benefits in other countries, and is beginning to emerge as a promising industry at home. I am thrilled that a community in my district, Cohoes, New York, received funding in the Fiscal Year 2022 Omnibus Appropriations package to install floating solar panels on a municipal reservoir. This effort should serve as a model for the Army Corps and communities across the nation as we scale this technology, implement smart, clean energy systems, and drive down consumer costs.

Thank you again for the opportunity to testify and for your continued work to strengthen and protect our nation's vital water resources. I am happy to provide additional information to the Committee about these requests, and I look forward to working with you throughout the WRDA process.

APPENDIX A

[Appendix A (letter of support of H.R. 4677, New York-New Jersey Watershed Protection Act) to Hon. Tonko's prepared statement is retained in committee files and available online at <https://docs.house.gov/meetings/PW/PW02/20220316/114497/HHRG-117-PW02-Wstate-T000469-20220316.pdf>.]

Mr. ROUZER. We thank the gentleman. Are there any questions for the gentleman?

Seeing none, we will move on to our next witness—

Mr. TONKO. Thank you, Mr. Rouzer.

Mr. ROUZER [continuing]. Our good friend—thank you. Our next witness I would like to recognize is the good gentleman from Georgia, Mr. Carter, for 5 minutes.

[Pause.]

Mr. ROUZER. Buddy, you are up. Can you hear us? You are muted. You are muted.

Mr. CARTER OF GEORGIA. I am sorry. They got me in timeout over here.

TESTIMONY OF HON. EARL L. “BUDDY” CARTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Mr. CARTER OF GEORGIA. Thank you, Mr. Chairman, and thank you for the opportunity to testify before the committee today.

I have the honor and privilege of representing the First Congressional District of Georgia. We have over 100 miles of pristine coastline, two major seaports, tourism, seafood, and more. The coastline is integral to our economy and to the quality of life. But like most of the east coast, our area has been hit by many hurricanes in the last few years.

The city of Tybee Island in Chatham County is taking these natural disasters very seriously, and is a model for cities across the country that are trying to prepare for these weather crises. Among other things, the city is working on a major beach renourishment project that uses Federal funds authorized through the Water Resources Development Act.

However, the Corps of Engineers, in its latest cost-benefit analysis study, jeopardizes the project’s future beyond 2023. Because of language in WRDA, the Corps is forced to use an outdated cost-benefit model, which, in Tybee’s case, can only look at damages that might occur within the next 15 years. Tybee, though, won’t see damages until 2060, which is largely due to the hard work and financial investments they have been putting into the island in order to protect itself from weather events.

My staff has discussed this issue with the Army Corps of Engineers, Transportation and Infrastructure Committee staff, and other Member offices, and we believe we have some legislative language that would fix this situation. The language specifically authorizes the Secretary to recommend that Congress authorize up to 50 years of nourishment to begin on the date of construction, and adds general study authority to extend the period of nourishment for up to an additional 50 years after expiration of the original authorized period of nourishment.

I have submitted the necessary language to this committee for your consideration, which also includes a request that the Corps include an area’s tourism impact into its national economic development assessment for a beach renourishment project’s cost-benefit ratio. I would strongly encourage you to include my language in this year’s version of WRDA.

Simply put, we need to ensure that our communities are becoming more resilient in the face of these storms. But with WRDA’s current language and cost-benefit analysis, we are punishing communities who are trying to take those steps.

In addition to the great need of Tybee, I have also offered language in this year's WRDA, along with my friend and colleague, Representative Sanford Bishop. The language requests a study which would determine the feasibility of widening the Savannah Harbor in the First Congressional District. This widening would accommodate a greater throughput of larger vessels that would, in turn, ensure the South's busiest port can keep pace with the ever-growing demand for maritime shipping.

Over the years, large vessels transporting containerized cargo have increased in both length and width since design of the existing project. In fact, there are multiple locations within the Federal channel where vessels experience navigational challenges due to vessel size. Larger container vessels are experiencing transportation cost inefficiencies due to these restrictions at targeted areas within the confined Federal channel. As a result, the current channel conditions limit the available operating times for large vessels, and contribute to ship delays and supply chain restrictions.

If this study were included, it would investigate the possible harbor improvements to the Savannah Harbor expansion project, and I believe would increase transportation efficiency and improve vessel safety and handling in the harbor.

This optimization is important, since the existing Federal channel was designed to accommodate a vessel fleet dominated by those with an 8,500 TEU capacity. Furthermore, the design revision would allow the project to serve a fleet dominated by vessels with nearly twice that capacity, which more accurately represents the vessels currently calling on the Port of Savannah.

I know that modifying the harbor to accommodate these larger vessels will help to expand the channel's capacity, accommodate increasing cargo volume demands, and significantly enhance global connectivity for American businesses and consumers.

As mentioned earlier, our district is blessed to have so much opportunity for economic growth and increased quality of life along the coast. We must make the necessary investments which will not only help many of my constituents, but also so many throughout our country as our seaport continues to grow.

Thank you again, Mr. Chairman and committee members, for the opportunity to speak here today, and I yield back.

[Mr. Carter's prepared statement follows:]

Prepared Statement of Hon. Earl L. "Buddy" Carter, a Representative in Congress from the State of Georgia

Good morning and thank you for the opportunity to testify before the committee today.

I have the honor and privilege of representing the First Congressional District of Georgia, which contains all 110 miles of the State's beautiful coastline.

Between our two Georgia ports, tourism, seafood, and more, the coastline is integral to our economy and quality of life.

But like most of the east coast, our area has been hit by many hurricanes in the last few years.

The City of Tybee Island is taking these natural disasters very seriously and is a model for cities around the country that are trying to prepare for these weather events.

Among other things, the City is working on a major beach re-nourishment project that uses federal funds authorized through the Water Resources Development Act (WRDA).

However, the Corps of Engineers, in its latest cost/benefit analysis study, jeopardizes the project's future beyond 2023.

Because of language in WRDA, the Corps is forced to use an outdated cost/benefit model which, in Tybee's case, can only look at damages that might occur within the next 15 years.

Tybee, though, won't see damages until 2060, which is largely due to the hard work, and financial investments, they have been putting into the island in order to protect itself from weather events.

My staff has discussed this issue with the Army Corps of Engineers, T&I Committee staff, and other Member offices and we believe we have some legislative language that would fix this situation.

The language specifically authorizes the Secretary to recommend that Congress authorize up to 50 years of nourishment to begin on the date of construction and adds general study authority to extend the period of nourishment for up to an additional 50 years after expiration of the original authorized period of nourishment.

I have submitted the necessary language to this committee for your consideration, which also includes a request that the Corps include an area's tourism impact into its NED (national economic development) assessment for a beach nourishment project's Cost Benefit Ratio (CBR). I would strongly encourage you to include my language in this year's version of WRDA.

Simply put, we need to ensure that our communities are becoming more resilient in the face of these storms, but with WRDA's current language on cost/benefit analyses, we are punishing communities who are trying to take those steps.

In addition to the great need on Tybee, I have also offered language to this year's WRDA, along with my friend and colleague, Rep. Sanford Bishop. The language requests a study, which would determine the feasibility of widening the Savannah Harbor in the 1st District. This widening would accommodate a greater throughput of larger vessels that would in turn ensure the South's busiest port can keep pace with the ever-growing demand for maritime shipping.

Over the years, large vessels transporting containerized cargo have increased in both length and width since design of the existing project.

In fact, there are multiple locations within the Federal channel where vessels experience navigational challenges due to vessel size. Larger container vessels are experiencing transportation cost inefficiencies due to these restrictions at targeted areas within the confined Federal channel.

As a result, the current channel conditions limit the available operating times for large vessels and contribute to ship delays and supply chain restrictions.

If this study were included, it would investigate the possible harbor improvements to the Savannah Harbor Expansion Project (SHEP) and, I believe, would increase transportation efficiency and improve vessel safety and handling in the harbor.

This optimization is important since the existing Federal channel was designed to accommodate a vessel fleet dominated by those with an 8,500 TEU capacity.

Furthermore, the design revision would allow the project to serve a fleet dominated by vessels with nearly twice that capacity, which more accurately represents the vessels currently calling on Savannah's Harbor.

I know that modifying the harbor to accommodate these larger vessels will help to expand the channel's capacity, accommodate increasing cargo volume demands and significantly enhance global connectivity for American businesses and consumers.

As mentioned earlier, our District is blessed to have so much opportunity for economic growth and increased quality of life along the coast. We must make the necessary investments, which will not only help many of my constituents, but also so many throughout our country as our seaport continues to grow.

Thank you, again, for the opportunity to speak today.

Mr. ROUZER. We thank the gentleman from Georgia. Are there any questions for the gentleman?

Hearing none, we will move on to our next witness. I would like to recognize the gentlewoman from Washington, Ms. Schrier, for 5 minutes.

**TESTIMONY OF HON. KIM SCHRIER, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF WASHINGTON**

Dr. SCHRIER. Well, thank you very much, Mr. Chairman and Ranking Member. I am delighted to have the opportunity to talk with you today about two issues of real importance to me. One is fish passage at the Howard Hanson Dam, and also language from the Twenty-First Century Dams Act.

Let me tell you the story of Howard Hanson Dam and our Federal obligation to provide downstream fish passage. Howard Hanson Dam is an earthen dam that was constructed in 1961. It sits along the Green River, and provides essential flood control that protects thousands of homes, businesses, and industries, particularly in Auburn and nearby cities in the Green River Valley. It also provides safe drinking water to the city of Tacoma and surrounding communities, including underserved areas. Like many dams, though, it was built at a time when not much consideration was given to fish passage. But this river provides critical habitat for endangered salmon species and, therefore, is also critical to the species that rely on the Chinook, such as the Southern Resident orca.

Now, the Army Corps is required to create fish passage at the dam to improve the recovery of salmon and steelhead listed under the Endangered Species Act, and to uphold the Federal Government's treaty and trust responsibility to Native American Tribes. Work on this project was authorized in 1999, but the Army Corps work stopped 10 years later, when costs exceeded expectations. In the meantime, local governments, including the city of Tacoma, utilities, and Tribes have all fulfilled their part of the deal, putting millions of dollars into upstream fish passage.

I want to emphasize here that there are few projects out there that have such a broad base of support. There is virtually no opposition to finishing the fish passage project at Howard Hanson Dam. In fact, all Members of our Washington delegation, Democrats and Republicans, signed on to my letter calling for completion of the fish passage study and the project itself. State, local, Tribal entities all concur. The public concurs.

The reason that restoring upstream and downstream fish passage in this river—well, it is so important—is that it opens up over 100 miles of pristine spawning habitat in areas that are inaccessible to people. And it stands to do more for Chinook salmon recovery and our orca population than any other project to date, even the Elwha Dam removal. It is a very big deal.

Of note, the upstream passage is done. It was completed by local stakeholders. But we can't send salmon upstream to spawn if there is no downstream passage for the smolts. Budget information and funding are really the only thing standing in the way.

Last night my staff received word that the Corps has been able to push up their schedule significantly in order to meet funding deadlines. So the project is in a much better position to make this year's WRDA. I respectfully request that full consideration be given to this project in this year's WRDA. According to the biological opinion, they have only until 2030 to complete the downstream fish passage facility, and we can't afford to wait any longer, and must collectively act as our delegation has, and as local stakeholders have, towards seeing this project through to completion.

In my remaining time, I just want to take a moment to touch on the Twenty-First Century Dams Act. There is a theme here. There are provisions in this act that are critical all over this country, but particularly for the Northwest.

I submitted language which included a suite of infrastructure investments in the Nation's more than 90,000 dams to improve public safety, enhance clean energy output, and restore the health of our Nation's rivers and ecosystems. This request provides needed investment, as well as improvements to critical dam safety programs, easier access to funding for smaller State programs, and it exempts small, underserved communities from cost sharing requirements. So, please give consideration to that, as well.

Thank you very much for your attention to these two very important issues.

[Dr. Schrier did not submit a prepared statement.]

Mr. ROUZER. We thank the gentlelady. Are there any questions?

Seeing none, we will move on to our next witness, the gentlewoman from Massachusetts, Mrs. Trahan, for 5 minutes.

TESTIMONY OF HON. LORI TRAHAN, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF MASSACHUSETTS

Mrs. TRAHAN. Hello, Mr. Chairman, thank you for holding today's hearing, and for the opportunity to testify today.

By including these priorities as we reauthorize the Water Resources Development Act, we will be able to undertake critical water development projects that benefit communities across our country.

In my district in Massachusetts, combined sewage overflows, or CSOs, are an all-too-familiar issue. In fact, many of my colleagues have come to know me as the sewage lady here in Congress, because of how much I talk about the need to stop sewage overflows. So, I don't think it was a surprise for anyone when I used the five environmental infrastructure requests that each Member was allotted to request authorizations of \$20 million each to fix the CSOs in Lowell, Lawrence, Haverhill, Methuen, and Fitchburg.

CSOs are an issue that have plagued my district for as long as I can remember. It was an issue when I toured Lowell's Regional Wastewater Utility's facility as part of my first infrastructure tour after being elected to the Congress just 3 years ago, and it remains an issue to this day. In fact, I was just at that same facility again a few weeks ago.

Each year, hundreds of millions of gallons of waste are dumped into the Merrimack River from Manchester, New Hampshire, to Lowell, and all the way out to the mouth of the river in Newburyport. And honestly, that is probably a conservative estimate, based on some of the heavy rain years that we have had recently.

In addition to polluting the treasure that is our river, the human health effects from CSOs are also cause for alarm: 600,000 people rely on the Merrimack as their main drinking water supply, and our gateway cities are continuing to grow. The same is true with the Nashua River, where Fitchburg's sewage overflows.

So Lowell, Lawrence, Haverhill, Methuen, and Fitchburg have each taken a number of steps to drive down the amount of sewage that must be discharged each year. And I certainly commend their

leadership on that. But each of us knows that this doesn't get fixed without a serious course correction at the Federal level.

Now, the Bipartisan Infrastructure Law is an excellent start. Already the EPA has provided \$188 million this year alone for water infrastructure projects, including CSOs in Massachusetts. But still, fixing CSOs is not cheap. Over the last 15 years, Lowell has invested \$150 million in CSO control projects, resulting in a 60-percent reduction in annual volume of CSO discharges. Even so, an average of 300 to 450 million gallons of raw sewage are released into the river each year.

Overall, the city estimates it will cost roughly \$400 million to eliminate all CSO discharges from its sewer systems. Lawrence, Haverhill, Fitchburg, and Methuen also face the daunting prospect of multimillion-dollar projects to fix their CSOs.

The same is true for Manchester, New Hampshire, which is further upstream along the Merrimack. In fact, Manchester dumps 221 million gallons in CSOs into the Merrimack each year. And that is why my good friend, Mr. Pappas, a member of this committee, also requested a \$20 million authorization to help Manchester fix its sewage system.

I strongly support this request, and I thank him for making it. After all, we are all part of the Merrimack River ecosystem, and sewage in the river in Manchester eventually works its way to Lowell, to Methuen, to Lawrence, and to Haverhill.

So Chairman DeFazio, Ranking Member Graves, my colleagues on the committee, I am not asking for an authorization to fix all of the sewage systems in my district, but I am asking for your help to make a dent: \$20 million authorizations for each of these five cities will go a long way to cleaning up our drinking water and improving the health of hundreds of thousands of people in my district.

So, thank you again for the opportunity to testify today and for considering my requests. I look forward to working with all of you as we craft WRDA and find ways to help the communities we serve.

Thank you, I yield back.

[Mrs. Trahan's prepared statement follows:]

**Prepared Statement of Hon. Lori Trahan, a Representative in Congress
from the Commonwealth of Massachusetts**

Mr. Chairman, thank you for holding today's hearing and for the opportunity to testify today.

By including these priorities as we reauthorize the Water Resources Development Act, or WRDA, we'll be able to undertake critical water development projects that benefit communities across the country.

In my district, combined sewage overflows, or CSOs, are an all too familiar issue. In fact, many of my colleagues have come to know me as the sewage lady because of how much I talk about the need to stop sewage overflows.

So, I don't think it was a surprise for anyone when I used the five environmental infrastructure requests that each Member was allotted to request authorizations of \$20 million each to fix the CSOs in Lowell, Lawrence, Haverhill, Methuen, and Fitchburg.

CSOs are an issue that have plagued my district for as long as I can remember. It was an issue when I toured Lowell's Regional Wastewater Utility's facility as part of my first infrastructure tour after being elected to Congress three years ago.

And it remains an issue to this day. In fact, I was just at that facility again a few weeks ago.

Each year, hundreds of millions of gallons of waste are dumped into the Merrimack—from Manchester to Lowell and all the way out to Newburyport—and honestly, that's probably a conservative estimate based on some of the heavy rain years we've had recently.

In addition to polluting the treasure that is the river, the human health effects from CSOs are also cause for alarm.

600,000 people rely on the Merrimack as their drinking water supply—and our gateway cities are continuing to grow. The same is true with the Nashua River, where Fitchburg's sewage overflows.

Lowell, Lawrence, Haverhill, Methuen, and Fitchburg have each taken a number of steps to drive down the amount of sewage that must be discharged each year—and I commend their leadership on that.

But each of us knows that this doesn't get fixed without a serious course correction at the federal level.

Now, the Bipartisan Infrastructure Law is an excellent start. Already, the EPA has provided \$188 million this year alone for water infrastructure projects, including CSOs, in Massachusetts.

Still, fixing CSOs is not cheap. Over the last 15 years, Lowell has invested \$150 million in CSO control projects, resulting in a 60% reduction in annual volume of CSO discharges.

Even so, an average of 300–450 million gallons of raw sewage are released into the river each year.

Overall, the city estimates it will cost roughly \$400 million to eliminate all CSO discharges from its sewer systems.

Lawrence, Haverhill, Fitchburg, and Methuen also face the daunting prospect of multi-million dollar projects to fix their CSOs.

The same is true for Manchester, New Hampshire, which is further upstream along the Merrimack.

In fact, Manchester dumps 221 million gallons in CSOs into the Merrimack each year.

That is why my good friend, Mr. Pappas, a member of this committee, also requested a \$20 million authorization to help Manchester fix its sewage systems.

I strongly support this request and thank him for making it.

After all, we are all a part of the Merrimack Valley ecosystem—and sewage in the river in Manchester eventually works its way to Lowell, to Methuen, to Lawrence, and to Haverhill.

Chairman DeFazio, Ranking Member Graves, and my colleagues on the Committee, I'm not asking for an authorization to fix all of the sewage systems in my district.

But I am asking for your help to make a dent.

\$20 million authorizations for each of these five cities will go a long way to cleaning up our drinking water and improving the health of hundreds of thousands of people in my district.

Thank you again for the opportunity to testify today and for considering my requests.

I look forward to working with all of you as we craft WRDA and find ways to help the communities we serve.

Mr. ROUZER. Well, thank you very much, very interesting.

Are there any questions?

Seeing none, we will move on to our next witness online. I would like to recognize the gentlewoman from Delaware, Ms. Blunt Rochester, for 5 minutes.

TESTIMONY OF HON. LISA BLUNT ROCHESTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF DELAWARE

Ms. BLUNT ROCHESTER. Chair Napolitano, Ranking Member Rouzer, and members of the Subcommittee on Water Resources and Environment, good morning, and thank you for the opportunity to testify at this Members' Day hearing on the proposals for a Water Resources Development Act of 2022.

I come from the State of Delaware, where we feel the impacts of sea level rise daily. As the State with the lowest mean elevation, our coastal and riverbank communities have for decades fought the effects of climate change. Every day, I hear from my constituents the urgent need to protect and invest in our shorelines and riverbanks. Thousands of Delawareans have felt the impact of shoreline riverbank erosion.

Just last September, Hurricane Ida caused historic flooding in the downtown Wilmington area from the overflowing Brandywine River, causing displacement of families. And last October, following a nor'easter, high tides caused extensive erosion, dune damage, and flooding to our beaches and beach communities in Sussex County.

As Delawareans, we are not only concerned about the damage to our homes, but we are also concerned about how the ongoing impacts of climate change and extreme weather events will impact our State's economy and natural heritage. Not only do Delaware beaches provide an important natural defense between the rising sea water and our homes and roads, they also provide a recreational space for the more than 9 million visitors that come to our beaches every year, and are home to a diverse collection of plants and animals, including the celebrated horseshoe crab.

For over 20 years, the State of Delaware and its local communities have worked in tandem with the U.S. Army Corps of Engineers to address shoreline and riverbank erosion and protect Delaware communities through the construction and maintenance of coastal storm risk management projects. Although the Philadelphia District has been a great partner, the Corps simply doesn't have the funding and the authority they need to protect the communities in Delaware from storms and rising sea levels.

Fortunately, we have the opportunity in WRDA to empower the Corps to do more. We can and must provide them with the additional funding, resources, and authority to protect our shorelines and riverbanks and the communities that surround them. That is why earlier this year I was proud to introduce H.R. 6705, the bicameral and bipartisan Shoreline Health Oversight, Restoration, Resilience, and Enhancement Act, otherwise known as the SHORRE Act, along with my colleague, Representative Garret Graves from Louisiana, and Senators Carper and Cassidy.

The SHORRE Act elevates shoreline and riverbank protection and restoration as a primary mission of the Army Corps, and expands the Corps' existing river flood mitigation and restoration authority. It gives the Corps the tools it needs to safeguard our riverbanks, coastlines, and coastal communities against flooding, promoting resilient and sustainable natural projects that address climate change.

Additionally, the inclusion of this legislation will make it easier for our low-wealth and underresourced communities to partner with the Corps by reducing cost sharing, and it works to ensure that project implementation is more flexible and more efficient.

I support the full inclusion of the SHORRE Act in the Water Resources Development Act of 2022. And while the SHORRE Act is my top priority for WRDA, I would also like to advocate for three additional priorities that are important for my constituents.

First, I would like to advocate for the inclusion of New Castle County to the list of eligible entities under the environmental infrastructure program, which will allow the county to pursue funding for critical wastewater and stormwater system improvements and infrastructure.

Second, I would also like to advocate for funding to rehabilitate, retrofit, and remove dams across the country to help improve public safety. According to the American Society of Civil Engineers infrastructure report card, Delaware has over 63 high-hazard dams. Delaware also has small low-head dams, including dams along the Brandywine River, which are not only safety hazards, but also impact the river's natural ecosystem and biodiversity.

And third, I would like to advocate for the expansion of the existing environmental infrastructure project in southeastern Pennsylvania to include the lower Delaware River Basin, which would expand the reach of the existing project and help abate flooding in the basin.

I want to thank the committee for your tireless commitment and work on this legislation. And on behalf of the First State, thank you for your consideration, and I look forward to working with you all.

[Ms. Blunt Rochester's prepared statement follows:]

**Prepared Statement of Hon. Lisa Blunt Rochester, a Representative in
Congress from the State of Delaware**

Chair Napolitano, Ranking Member Rouzer, and members of the Subcommittee on Water Resources and Environment, good morning and thank you for the opportunity to testify at this Members' Day Hearing on the proposals for a Water Resources Development Act of 2022.

In Delaware, we feel the impacts of sea-level rise daily. As the state with the lowest mean elevation, our coastal and riverbank communities have for decades fought the effects of climate change. Every day I hear from my constituents the urgent need to protect and invest in our shorelines and riverbanks.

Thousands of Delawareans have felt the impact of shoreline and riverbank erosion. Just last September, Hurricane Ida caused historic flooding in downtown Wilmington from the overflowing Brandywine River. And last October, following a nor'easter, high tides caused extensive erosion, dune damage, and flooding to our beaches and beach communities in Sussex County. As Delawareans, we are not only concerned about the damage to our homes—but we are also concerned about how the ongoing impacts of climate change and extreme weather events will impact our state's economy and ecosystem.

Not only do Delaware beaches provide an important natural defense between the rising seawater and our homes and roads—but they also provide a recreational space for the more than 9 million visitors that come to our beaches every year¹ and are home to a diverse collection of plants and animals, including the horseshoe crab.²

For over twenty years, the State of Delaware and its local communities have worked in tandem with the U.S. Army Corps of Engineers to address shoreline and riverbank erosion and protect Delaware communities through the construction and maintenance of coastal storm risk management projects. Although the Philadelphia District has been a great partner, the Corps simply doesn't have the funding and authority they need to protect the communities in Delaware from storms and rising sea levels. Fortunately, we have the opportunity in WRDA 2022 to empower the Corps to do more.

We can provide them with the additional funding, resources, and authority to protect our shorelines and riverbanks and the communities that surround them—which

¹ <https://www.capegazette.com/article/record-9-million-tourists-come-delaware/151944>

² <https://dnrec.alpha.delaware.gov/outdoor-delaware/nourishing-delawares-beaches/>

is why earlier this year, I was proud to introduce H.R. 6705, the bicameral and bipartisan Shoreline, Health, Oversight, Restoration, Resilient and Enhancement Act or SHORRE Act, along with my colleague Representative Garret Graves from Louisiana—and Senators Carper and Cassidy.

The SHORRE Act elevates shoreline and riverbank protection and restoration as a primary mission of the Army Corps—and expands Corps' existing river flood mitigation and restoration authority.

It gives the Corps the tools it needs to safeguard our riverbanks, coastlines, and coastal communities against flooding—promoting resilient and sustainable natural project that addresses climate change. Additionally, the inclusion of this legislation will make it easier for our low-income communities to partner with the Corps by reducing cost-sharing and works to ensure that project implementation is more flexible and more efficient.

I support the full inclusion of the SHORRE Act in the Water Resources Development Act of 2022.

While the SHORRE Act is my top WRDA priority, I'd also like to advocate for three additional priorities that are important for my constituents.

First, I'd like to advocate for the inclusion of New Castle County to the list of eligible entities under the Environmental Infrastructure Program, which would allow the County to pursue funding for critical wastewater and stormwater system improvements and infrastructure.

Second, I'd also like to advocate for funding to rehabilitate, retrofit, and remove dams across the country to help improve public safety. According to the American Society of Civil Engineers Infrastructure Report Card, Delaware has over 63 high-hazard dams.³ Delaware also has smaller low-head dams, including dams along the Brandywine River, which are not only safety hazards, but also impact the river's natural ecosystem and biodiversity.⁴

And third, I'd like to advocate for the expansion of the existing environmental infrastructure project in Southeastern Pennsylvania to include the Lower Delaware River Basin, which would expand the reach of the existing project and help abate flooding in the Lower Delaware River Basin.

I want to thank the Committee for their commitment and work on this legislation. On behalf of the First State, thank you for your consideration and I look forward to working with you all.

Mr. ROUZER. Are there any questions for the gentlewoman?

Seeing none, we thank her for her testimony, and we will now move forward to recognize the next witness, the gentlewoman from New York, Ms. Meng, for 5 minutes.

TESTIMONY OF HON. GRACE MENG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Ms. MENG. Chair Napolitano, Ranking Member Rouzer, and distinguished members of the House Transportation and Infrastructure Subcommittee on Water Resources and Environment, thank you for allowing me to testify today.

I am honored to share with you all my priorities as the committee considers reauthorization of the 2022 Water Resources Development Act that will support the safety and well-being of my constituents in Queens, New York.

Last September, the remnants of Hurricane Ida caused record rainfall in New York City. Indeed, the National Weather Service, for the first time, issued a flash flood emergency for the city. The downpour caused massive flooding, where the streets literally became rivers, and waterfalls poured down into the subway system. Queens was hit particularly hard, and many of my constituents suffered devastating losses. Many were left without a home, a car, or their possessions. Tragically, 16 New Yorkers lost their lives in

³ <https://infrastructurereportcard.org/state-item/delaware/>

⁴ <https://www.americanrivers.org/2022/02/25-dams-to-watch-in-2022/>

the storm, including 13 individuals who succumbed to the catastrophic flooding. Of those 16 deaths, 6 were my constituents. Many of the storm's victims died in their own homes. They lived in basement apartments that flooded too quickly—within seconds—for them to escape.

This catastrophic flooding happened because New York City's sewer and water management systems were not built to handle the volume of rainfall from the storm. According to city officials, the water management system in New York City, which was built over a century ago, can only handle rainfall that is less than 2 inches per hour. At its peak, Ida's rainfall was over 3 inches per hour in parts of the city, far too fast and heavy for the existing infrastructure to handle. New York City was unprepared for Ida, and remains unprepared for another storm of its magnitude.

And Hurricane Ida is not an isolated incident. Just 2 weeks before Ida, Tropical Storm Henri also broke the existing record for rainfall in an hour in New York City. In fact, 4 of the 20 heaviest downpours in New York all happened within the last year. As climate change continues to cause more and more severe weather-related storms and natural disasters, we are going to see more events like Ida.

We need to ensure that our communities are resilient to meet the challenges ahead, and New York City needs help to prevent Hurricane Ida's tragedies from repeating themselves. The four environmental infrastructure projects that I bring before the committee's consideration will bring invaluable help for New York City to make its sewer and water management systems more resilient to heavy rainfall, and will lower the risk of flooding and, by extension, death.

These projects will install new water mains and rehabilitate or replace sewer lines to improve stormwater management. They will improve drinking water distribution, reduce sewer backups, and relieve flooding. Investing in New York City's water and sewer system is crucial to saving the lives and the livelihoods of my constituents as we continue to encounter the threat from climate change and extreme weather.

Thank you again for your time and consideration of these matters. I ask that the chair and ranking member consider my projects for inclusion in this year's WRDA reauthorization to protect the people and families of Queens, and I yield back.

[Ms. Meng's prepared statement follows:]

**Prepared Statement of Hon. Grace Meng, a Representative in Congress
from the State of New York**

Chair Napolitano, Ranking Member Rouzer, and distinguished Members of the House Transportation and Infrastructure Subcommittee on Water Resources and Environment, thank you for allowing me to testify today.

I am honored to share with you all my priorities as the Committee considers reauthorization of the Water Resources Development Act (WRDA) of 2022, that will support the safety and wellbeing of my constituents in Queens, New York.

Last September, the remnants of Hurricane Ida caused record rainfall in New York City; indeed the National Weather Service for the first time issued a flash flood emergency for the City. The downpour caused massive flooding where the streets became rivers, and waterfalls poured down into the subway system. Queens

was hit particularly hard, and many of my constituents suffered devastating losses; many were left without a home, a car, or their possessions.

Tragically, 16 New Yorkers lost their lives in the storm, including 13 individuals who succumbed to the catastrophic flooding; of those 16 deaths, 6 were my constituents. Many of the storm's victims died in their own homes; they lived in basements apartments that flooded too quickly for them to escape. This catastrophic flooding happened because New York City's sewer and water management systems were not built to handle the volume of rainfall from the storm.

According to City officials, the water management system in New York City, which was built over a century ago, can only handle rainfall that is less than 2 inches an hour. At its peak, Ida's rainfall was over 3 inches per hour in parts of the City, far too fast and heavy for the existing infrastructure to handle. New York City was unprepared for Ida, and remains unprepared for another storm of its magnitude. And Hurricane Ida is not an isolated incident. Just two weeks before Ida, Tropical Storm Henri also broke the existing record for rainfall in an hour in New York City. In fact, four of the 20 heaviest downpours in New York happened last year.

As climate change continues to cause more and more severe weather-related storms and natural disasters, we are going to see more often events like Ida. We need to ensure that our communities are resilient to meet the challenges ahead. And New York City needs help to prevent Hurricane Ida's tragedies from repeating themselves. The four Environmental Infrastructure projects that I bring before the Committee's consideration will bring invaluable help for New York City to make its sewer and water management systems more resilient to heavy rainfall, and will lower the risk of flooding and by extension, death.

These projects will install new water mains and rehabilitate or replace sewer lines to improve stormwater management. They will improve drinking water distribution, reduce sewer backups, and relieve flooding. Investing in New York City's water and sewer system is crucial to saving the lives and livelihoods of my constituents as we continue to encounter the threat from climate change and extreme weather.

Thank you again for your time and consideration of these matters. I ask that the Chair and Ranking Member consider my projects for inclusion in this year's WRDA reauthorization to protect the people of Queens.

Mr. ROUZER. Are there any questions for the gentlewoman?

Seeing none, we thank her, and we will move to our next witness, the gentleman from Indiana, Mr. Mrvan, for 5 minutes.

TESTIMONY OF HON. FRANK J. MRVAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

Mr. MRVAN. Chairman DeFazio and Ranking Member Graves, subcommittee Chair Napolitano and Ranking Member Rouzer, I appreciate the opportunity to testify at today's hearing on the Water Resources Development Act of 2022.

On behalf of Indiana's First Congressional District, located in the environs of Chicago and home to 44 miles of Lake Michigan shoreline, I am seeking an increase of \$25 million in the Federal authorization for section 219 Calumet region environmental infrastructure authority, from \$100 million to \$125 million.

The Calumet region environmental infrastructure authority allows the U.S. Army Corps of Engineers to provide technical planning, design, and construction to non-Federal interests, who have environmental infrastructure needs in Indiana's First Congressional District. These needs include development of wastewater treatment and related facilities and water supply, and treatment and distribution facilities.

Over the past decades, this program authority has been integral in the efforts of local communities to improve our quality of place, safeguard the public health, and improve sustainability of water resources. Northwest Indiana is home to major industrial and manufacturing interests, and our communities rely on sewer systems

that are currently operating beyond their expected life cycle. This situation has resulted in frequent sewage backups in environmental justice communities.

During more frequent significant weather events, untreated municipal discharges empty into Lake Michigan, which poses a public health and environmental threat to our region and beyond. A \$25 million increase in section 219 funding authority for the Calumet region environmental infrastructure authority will ensure continued construction assistance that will eliminate or improve combined sewer systems, reduce pollution in our waterways, remove failing septic systems, and provide clean drinking water, as well as additional water-related infrastructure, designed to protect area rivers and streams leading into Lake Michigan.

In conclusion, I am requesting a \$25 million increase in section 219 Calumet region environmental infrastructure authority and believe that this authority remains an indispensable resource for northwest Indiana to grow our economy and improve our quality of life.

Thank you again for hosting this hearing, and for the opportunity to testify.

[Mr. Mrvan's prepared statement follows:]

**Prepared Statement of Hon. Frank J. Mrvan, a Representative in Congress
from the State of Indiana**

Chairman DeFazio and Ranking Member Graves, Subcommittee Chair Napolitano and Ranking Member Rouzer, I appreciate the opportunity to testify at today's hearing on the Water Resources Development Act of 2022.

On behalf of Indiana's First Congressional District, located in the environs of Chicago and home to 44 miles of Lake Michigan Shoreline, I am seeking an increase of \$25 million in the federal authorization for the Section 219—Calumet Region Environmental Infrastructure Authority, from \$100 million to \$125 million.

As you know, the Calumet Region Environmental Infrastructure Authority is currently established under WRDA 1992, Section 219, as amended by WRDA 1996, Section 504 and WRDA 1999, Section 502, and FY04 Appropriation Bill, Section 145.

The Calumet Region Environmental Infrastructure Authority allows the U.S. Army Corps of Engineers to provide technical planning, design, and construction to non-federal interests who have environmental infrastructure needs in Indiana's First Congressional District. These needs include development of wastewater treatment and related facilities and water supply, treatment and distribution facilities. Over the past decades, this program authority has been integral to the efforts of local communities to improve our quality of place, safeguard the public health, and improve sustainability of water resources.

Northwest Indiana is home to major industrial and manufacturing interests, and our communities rely on sewer systems that are currently operating beyond their expected life-cycle. This situation has resulted in frequent sewage backups in environmental justice communities. During more frequent significant weather events, untreated municipal discharges empty into Lake Michigan, which poses a public health and environmental threat to our region and beyond.

A \$25 million increase in Section 219 funding authority for the Calumet Region Environmental Infrastructure Authority will ensure continued construction assistance that will eliminate or improve combined sewer systems, reduce pollution in our waterways, remove failing septic systems, and provide clean drinking water, as well as additional water-related infrastructure, designed to protect area rivers and streams leading into Lake Michigan.

In conclusion, I am requesting a \$25 million increase in the Section 219—Calumet Region Environmental Infrastructure Authority, and believe that this authority remains an indispensable resource for Northwest Indiana to grow our economy and improve our quality of life. Thank you again for hosting this hearing and the opportunity to testify.

Mrs. NAPOLITANO [presiding]. Thank you for your testimony.

Reclaiming my time, I would very much like to recognize our next witness, the gentleman from Illinois, Mr. Foster, for 5 minutes.

TESTIMONY OF HON. BILL FOSTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. FOSTER. Thank you. Good morning, Chairwoman Napolitano and Ranking Member Rouzer, and thank you for holding this Members' Day hearing, and to all the members of the Subcommittee on Water Resources and Environment for allowing me to testify here today.

I am here this morning to urge full Federal funding for the remaining design, construction, operation, maintenance, repair, replacement, and rehabilitation of the Brandon Road Asian carp barrier and lock and dam project in my district, and to request that Will County be included in the United States Army Corps of Engineers' section 219 environmental infrastructure authorization.

The Brandon Road Lock and Dam, located on the Des Plaines River in Joliet, Illinois, serves as the last line of defense to prevent the spread of Asian carp and other aquatic invasive species from reaching Lake Michigan and all the tributaries and lakes in the Great Lakes Basin.

Asian carp were first introduced in Arkansas and have traveled up the Mississippi River. If this species reaches the Great Lakes, it would create an environmental and economic catastrophe throughout the upper Midwest. And that is why supporting the Brandon Road Lock and Dam project has always been one of my greatest priorities.

I commend the Federal Government's recognition of the importance of the Brandon Road Lock and Dam project through past legislative and agency actions. Most recently, the U.S. Army Corps of Engineers announced \$225 million to move forward on this project. Thanks to the Infrastructure Investment and Jobs Act, the Army Corps of Engineers finally has the resources it needs to finish planning and begin construction of this critical project that will help protect Illinois waterways, and the rivers and lakes that define the Great Lakes region.

Illinois and the Great Lakes States did not create this Asian carp problem, and we should not be forced to bear the entire cost of protecting the Great Lakes region. Therefore, we request full Federal funding for the Brandon Road Lock and Dam project in the 2022 Water Resources Reform and Development Act.

I would also like to draw attention to another project that requires funding in my district: the inclusion of Will County in the environmental infrastructure authorization. I strongly support their request, because it will enable them to expand and support water treatment, water supply, sewer, stormwater, storage treatment, and distribution projects in the district.

Will County is one of the fastest growing jurisdictions in Illinois, and home to the largest inland port in North America. The county is rapidly diversifying and growing, but the population and economic growth have strained both local infrastructure and resources.

In recent years, the area has experienced an increase in flooding incidents along both the Kankakee and DuPage Rivers, and a dramatic increase in both rainfall and snowfall, straining current water and sewer infrastructure. Funding these projects will improve the quality of life for residents in some of our most disadvantaged communities in the county, enhance the quality of treatment of water and stormwater drainage, and address public safety concerns.

Working with my colleagues, I urge your strong consideration of our request for Will County. And thank you again, and I yield back the balance of my time.

[Mr. Foster's prepared statement follows:]

**Prepared Statement of Hon. Bill Foster, a Representative in Congress from
the State of Illinois**

Good morning, and thank you, Chairwoman Napolitano and Ranking Member Rouzer for holding this Members' Day Hearing, and to the Members of the Subcommittee on Water Resources and Environment for allowing me to testify here today.

I am here this morning:

- To urge full federal funding for the remaining design, construction, operation, maintenance, repair, replacement, and rehabilitation of the Brandon Road Lock and Dam Project in my district.
- And to request that Will County be included under the United States Army Corps of Engineers Section 219, Environmental Infrastructure authorization.

The Brandon Road Lock and Dam, located along the Des Plaines River in Joliet, Illinois, serves as the last line of defense to prevent the spread of Asian Carp and other aquatic invasive species from reaching Lake Michigan and all the tributaries and lakes in the Great Lakes basin.

Asian Carp was first introduced in Arkansas and has traveled up the Mississippi River. If the species reaches the Great Lakes, it could create an environmental and economic catastrophe.

That's why supporting the Brandon Road Lock and Dam Project has always been one of my most important priorities.

I commend the Federal Government's recognition of the importance of the Brandon Road Lock and Dam Project through past legislative and agency actions.

Most recently, the U.S. Army Corps of Engineers announced that they allocated 225 million dollars to move forward on this project.

Thanks to the Infrastructure Investment and Jobs Act, the Army Corps of Engineers finally has the resources it needs to finish planning and begin construction on this critical project that will help protect Illinois waterways and the rivers and lakes that define the Great Lakes region.

Illinois and the Great Lake states did not create this Asian Carp problem, so we should not be forced to bear the cost of protecting the entire Great Lakes region.

Therefore, we request full federal funding for Brandon Road Lock and Dam Project in the 2022 Water Resources Reform and Development Act.

I would also like to draw your attention to another project that requires funding in my district—the inclusion of Will County in the Environmental Infrastructure Authorization.

I strongly support their request because it will enable them to expand and support water treatment, water supply, sewer, stormwater, storage treatment, and distribution projects in the district.

Will County is one of the fastest-growing jurisdictions in Illinois and home to the largest inland port in North America.

The County is rapidly diversifying and growing, but the population and economic growth have strained both local infrastructure and resources.

In recent years, the area has experienced an increase in flooding incidents along both the Kankakee and DuPage rivers and a dramatic increase in both rain and snowfall, straining current water and sewer infrastructure.

Funding these projects will improve the quality of life for residents in some of the most disadvantaged communities in the County, enhance the quality of treatment of water and stormwater drainage, and address public safety concerns.

Working with my colleagues, I urge your strong consideration of our request for Will County.

Thank you again, and I yield back the balance of my time.

Mrs. NAPOLITANO. Thank you, Mr. Foster. I appreciate your testimony.

And we would like to recognize our next witness, the gentleman from Kansas, Mr. Mann, for 5 minutes, sir.

TESTIMONY OF HON. TRACEY MANN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KANSAS

Mr. MANN. Chairman DeFazio, Ranking Member Graves, Chairwoman Napolitano, Ranking Member Rouzer, and members of the committee, I appreciate the opportunity to testify before you today.

I represent the “Big First” district of Kansas, which is the exact center of America, and the breadbasket of the country. We are the largest beef-producing district in the Nation, and we are home to more than 60,000 farms, ranchers, and agricultural businesses. So, it is easy to see why advocating for Kansas farmers, ranchers, and agricultural producers is one of the greatest privileges of my job in Congress. And when legislation like the Water Resources Development Act comes up, I will always stand up to make sure that the voices of the Big First are heard.

Water is obviously an integral part of agriculture thriving in America. Kansans use it to produce the most affordable and safe food supply in the world. That said, where there is too much water from a flood, or not enough water from drought, agricultural producers walk a fine line as they ensure that America remains the most food secure country in the world.

For agricultural businesses to function well, producers need to be able to transport goods and commodities safely, securely, and promptly. They need smooth, commercial traffic to flow through our ports and inland waterways. They need flood control and abatement in both the planning stage and emergency relief, and they need improved infrastructure on our waterways like locks and dams. Accordingly, I believe that WRDA is good for both agriculture itself and agricultural businesses in this country.

WRDA lets the Army Corps of Engineers work to strengthen the infrastructure in communities facing repeated flooding and reduce the cost of water by adjusting existing water supply contracts. These are great moves for our country that will keep our people safe and keep money in their pockets.

WRDA helps protect not only people’s livelihoods, but also their actual lives. I have seen firsthand the damage and horrors that can result from flooding, like last May, when it happened in Natoma, Kansas, when flash floods from heavy rains damaged more than half of the homes in town. Shockingly, Natoma didn’t qualify for FEMA relief, and only two people had flood insurance.

When we allow WRDA to work, it isn’t just good for farmers, ranchers, and agricultural producers. It is good policy for our whole country. WRDA is an effective way to steward taxpayer dollars by responsibly investing in our country upfront, rather than spending even more on the back end with disaster relief funding.

For America to run smoothly, we need to develop strong water infrastructure and water programs to protect homes and busi-

nesses, and make sure that weather emergencies don't cripple us. WRDA can help us do just that, which is why I am outlining my priorities here today. When I see a policy like WRDA that protects people's lives and livelihoods, provides for quick and effective responses in the event of disasters, and makes sure that people aren't overpaying for their utilities, that is a policy that I can support.

And with that, Madam Chairwoman, I yield back.

[Mr. Mann's prepared statement follows:]

**Prepared Statement of Hon. Tracey Mann, a Representative in Congress
from the State of Kansas**

Chairman DeFazio, Ranking Member Graves, Chairwoman Napolitano, Ranking Member Rouzer, and Members of the Committee, I appreciate the opportunity to testify before you today.

I am Tracey Mann, and I represent the Big First District of Kansas, which is the pilot light of America and the breadbasket of this country. We are the largest beef-producing district in the nation, and we are home to more than 60,000 farms, ranches, and agricultural businesses. So, it's easy to see why advocating for Kansas farmers, ranchers, and agricultural producers is one of the great privileges of my job in Congress, and when legislation like the Water Resources Development Act comes up, I will always stand up to make sure that the voices of the Big First are heard.

Water is obviously an integral part of agriculture thriving in America—Kansans use it to produce the most affordable and safe food supply in the world. That said, whether it's too much water from a flood, or not enough water from drought, agricultural producers walk a fine line as they ensure that America remains the most food secure country in the world. For agricultural businesses to function well, producers need to be able to transport goods and commodities safely, securely, and promptly; they need smooth commercial traffic to flow through our ports and inland waterways, they need flood control and abatement in both the planning stage and emergency relief, and they need improved infrastructure on our waterways like locks and dams. Accordingly, I believe that WRDA is good for both agriculture itself, and agricultural businesses in this country.

A good reauthorization of WRDA would let the Army Corps of Engineers work to strengthen the infrastructure in communities facing repeated flooding and reduce the cost of water by adjusting existing water supply contracts. These are great moves for our country that will keep people safe and keep money in their pockets. A good reauthorization of WRDA would help protect not only people's livelihoods, but also their actual lives. I've seen firsthand the damage and horrors that can result from flooding—last May it happened in Natoma, KS, when flash floods from heavy rains damaged more than half of the homes in town. Shockingly, Natoma didn't qualify for FEMA relief and only two people had flood insurance. When we allow WRDA to work, it isn't just good for farmers, ranchers, and agricultural producers—it's good policy for our whole country. WRDA is an effective way to steward taxpayer dollars by responsibly investing in our country upfront, rather than spending even more on the backend with disaster relief funding.

For America to run smoothly, we need to develop strong water infrastructure and water programs to protect homes and businesses and make sure that weather emergencies don't cripple us. WRDA can help us do just that, which is why I am outlining my priorities here today. When I see a policy like WRDA that protects people's lives and livelihoods, provides for quick and effective responses in the event of disasters, *and* makes sure that people aren't overpaying for their utilities, that's a policy that I can support.

Mrs. NAPOLITANO. Thank you, sir, for your testimony. The committee will stand in recess until 12:20.

We thank you, and we will reconvene in 20 minutes.

[Recess.]

Mrs. NAPOLITANO. I call the committee to order, and thank you for all the testimony prior to this, and we will now recognize our

next Member of Congress, the gentleman from Georgia, Mr. Bishop, for 5 minutes.

TESTIMONY OF HON. SANFORD D. BISHOP, Jr., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Mr. BISHOP OF GEORGIA. Thank you very much, Chairwoman Napolitano and Ranking Member Rouzer. Thank you for giving me the opportunity to speak today to ask that the subcommittee give the fullest consideration to my Water Resources Development Act requests.

But I also want to commend the leadership of Chairman DeFazio and Ranking Member Graves for their important work on this issue, as well.

I have submitted five requests to the committee which will address longstanding environmental and infrastructure concerns that have an impact on Georgia's Second Congressional District and throughout the State.

My first priority is to address the perennial problem of aquatic invasive species, particularly hydrilla, that have plagued Lake Seminole for the past 20 years. Many areas of the lake are inaccessible because of hydrilla, an aggressive weed. It negatively affects water quality, the economy, the biosphere, and local businesses.

I am joined by both Congressman Lawson and Congressman Dunn of Florida in asking that the subcommittee identify hydrilla as an additional aquatic invasive species of concern by amending section 1108 of the Water Resources Development Act of 2018, which directs the Army Corps of Engineers to research their prevention, management, and eradication. Adding hydrilla to the list will emphasize the range of aquatic invasive species that plague U.S. waterways, as well as focus the Corps of Engineers' attention on hydrilla, a particularly pernicious plant.

My next two requests would greatly improve water quality and water infrastructure in Albany, Georgia.

One request would address combined sewer overflow. During hard rains, millions of gallons of sewage mix with hundreds of millions of gallons of rainwater, and this results in an unhealthy discharge into the Flint River. While the city has made progress separating the overflow, they would benefit from Federal support to separate sewage from the rainwater. For this project, I am requesting an authorization of \$105 million in funding for this environmental infrastructure project.

The next project for Albany involves the city's flood plain. July marked the 27th remembrance of the 1994 flood, which was a 500-year flood that, literally, submerged Albany, and separated the city with floodwaters from the Flint River. The Albany State University campus was up to its rooftops and, of course, followed 4 years later by another 500-year flood that had the same results. The people of Albany still remember the tragedies that resulted from that. And so Albany, still being flood-prone, we are asking that the subcommittee support my request for a study on the feasibility of modifying the landscape to reduce the city's flood potential.

My fourth request focuses on Georgia's maritime shipping infrastructure. As the dean of the Georgia congressional delegation, I join my friend and colleague, Buddy Carter, in requesting a study

to determine the feasibility of widening the Savannah Harbor to accommodate a greater throughput of large vessels to ensure that the South's busiest port can keep pace with the ever-growing demand for maritime shipping.

The Port of Savannah is the pride of Georgia, particularly in its role as the biggest, busiest, and most economically productive port in the region. The Savannah Harbor expansion project has completed many of its milestones since construction commenced in 2015. However, the existing Federal channel still cannot adequately support the influx of newer, larger vessels that are calling on the port. Further, improvements to the Savannah Harbor will undoubtedly spur economic activity in Georgia and the broader Southeast region.

Finally, I am requesting that the Corps of Engineers study the feasibility of utilizing a forecast-informed reservoir operations system in the Apalachicola-Chattahoochee-Flint River Basin. The FIRO system is an approved Corps policy and a flexible and adaptive water management tool to help water managers make decisions about holding back or releasing water from reservoirs based on modern meteorological, river flow, and other forecasting methods and metrics. With climate change causing increased rainfalls and intermittent drought, forecast-informed reservoir operations in the ACF River Basin will provide the necessary flexibility to meet future climate conditions.

I am grateful for the opportunity to testify on behalf of my WRDA requests, and I look forward to working with the committee to provide information and to answer any further questions. Thank you, and I yield back the balance of my time, 20 seconds.

[Mr. Bishop's prepared statement follows:]

**Prepared Statement of Hon. Sanford D. Bishop, Jr., a Representative in
Congress from the State of Georgia**

Chairwoman Napolitano and Ranking Member Rouzer,

Thank you for giving me the opportunity to speak today to ask that the Subcommittee give the fullest consideration to my Water Resources Development Act requests. I also want to commend the leadership of Chairman DeFazio and Ranking Member Graves for their important work on this issue as well.

I submitted five requests to the committee, which will address longstanding environmental and infrastructure concerns that have an impact in Georgia's Second Congressional District and throughout the State.

My first priority is to address the perennial problem of aquatic invasive species, particularly hydrilla, that have plagued Lake Seminole for the past twenty years. Many areas of the lake are inaccessible because of hydrilla, an aggressive weed. It negatively affects water quality, the economy, the biosphere, and local businesses.

I am joined by both Congressman Lawson and Congressman Dunn of Florida in asking that the Subcommittee identify hydrilla as an additional aquatic invasive species of concern by amending Section 1108 of the Water Resources Development Act of 2018, which directs the Army Corps of Engineers to research their prevention, management, and eradication. Adding hydrilla to the list will emphasize the range of aquatic invasive species that plague U.S. waterways, as well as focus the Corps of Engineers' attention on Hydrilla, a particularly pernicious plant.

My next two requests would greatly improve the water infrastructure in Albany, Georgia. One request would address combined sewer overflow. During hard rains, millions of gallons of sewage mix with hundreds of millions of gallons of rainwater. This results in unhealthy discharge into the Flint river.

While the city has made progress separating the overflow, they would benefit from federal support to separate the sewage from the rainwater. For this project, I am

requesting authorization of \$105 million in funding for this environmental infrastructure project.

The next project in Albany involves the city's floodplain. July marked the 27th Remembrance of the Flood of 1994, a so-called "500-year flood," that submerged Albany, GA with floodwaters from the Flint River—literally cutting the city in half and having water levels covering the rooftops on the campus of Albany State University. Unfortunately, 4 years later in 1998, there was a repeat with another so-called "500-year flood" with equal devastation. While some mitigation has been undertaken, portions of Albany along the Flint River banks are still very much flood-prone. Local residents remember the flood and describe the tragedy like it was yesterday. I ask that the Subcommittee support my request for a study on the feasibility of modifying the landscape to reduce the city's flood potential.

My fourth request focuses on Georgia's maritime shipping infrastructure. As the dean of the Georgia Congressional Delegation, I join my friend and colleague Buddy Carter in requesting a study to determine the feasibility of widening the Savannah Harbor to accommodate a greater throughput of large vessels to ensure the South's busiest port can keep pace with the ever-growing demand for maritime shipping.

The Port of Savannah is the pride of Georgia, particularly in its role as the biggest, busiest, and most economically productive port in the region. The Savannah Harbor Expansion Project has completed many of its milestones since construction commenced in 2015; however, the existing federal channel still cannot adequately support the influx of newer, larger vessels that are calling on the port.

Further improvements to the Savannah Harbor will undoubtedly spur economic activity in Georgia and the broader southeast region.

Finally, I am requesting that the Corps of Engineers study the feasibility of utilizing a forecast informed reservoir operations (FIRO) system in the Apalachicola Chattahoochee Flint (ACF) River Basin. The FIRO system is an approved Corps policy and a flexible and adaptive water management tool to help water managers make decisions about holding back or releasing water from reservoirs based on modern meteorological, river flow, and other forecasting methods and metrics. With climate change causing increased rainfalls and intermittent drought, forecast-informed reservoir operations in the ACF River Basin will provide the necessary flexibility to safely meet future climate conditions.

I am grateful for the opportunity to testify on behalf of my WRDA requests. I look forward to working with the committee to provide information and answer any further questions.

Mrs. NAPOLITANO. Thank you for your prompt response, and thank you for your testimony.

Are there any questions?

Hearing and seeing none, I thank you very much, Mr. Bishop.

Next we have Mr. Earl Blumenauer. I recognize our next witness from Oregon.

You have 5 minutes, sir.

TESTIMONY OF HON. EARL BLUMENAUER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Mr. BLUMENAUER. Thank you very much, Madam Chair and Ranking Member Rouzer, for providing the opportunity to share my priorities for the upcoming Water Resources Development bill.

WRDA is an opportunity to reauthorize new projects and to continue to modernize the Corps of Engineers, ensuring equity and justice are centered in the Corps' mission.

As the committee is aware, based on our work together in 2018, one of my priorities is to ensure the Corps creates adequate Tribal housing to address the displacement of Columbia River Treaty Tribes by the construction of the Dalles Dam and other dams along the lower Columbia River. The construction of these dams, beginning in the 1930s, inundated and destroyed villages where the Columbia River Tribes lived, fished, and traded for thousands of years. These dams damaged their heritage, livelihoods, and eco-

nomic base, and they have never been fully compensated for these losses.

In 2013, the Corps determined that many Tribal families who lived on the banks of the Columbia River prior to construction of the dams did not receive relocation assistance.

In 2016, the Corps completed a legal analysis of its unmet obligations to build this housing for the four Treaty Tribes. The Corps found that it had an existing authority to construct one village associated with the construction of the Dalles Dam. Following an authorization in the 2018 WRDA, the Corps produced a list of replacement village options associated with the Dalles Dam that were not mutually acceptable to the Columbia River Treaty Tribes.

Last year, the Corps and the four Columbia River Treaty Tribes had a Government-to-Government meeting, where they determined that the authorization needs to be updated and clarified. The Corps and the Tribes are asking for additional authority to produce a comprehensive village development plan that will help us meet the Federal Government's unmet obligations to the Tribes.

I have fought for the construction of this replacement housing with the Corps' existing authority. Now I am asking that we provide them additional authority in order to fully address the Federal Government's unmet, acknowledged obligation to the Tribe.

Another priority of mine is the authorization of the Corps' Portland Metro Levee System improvement project. This project will reduce flood risk and increase the resiliency and reliability of the levee system along the Columbia River in the metropolitan area. It was originally designed and constructed by the Corps of Engineers over 80 years ago. This federally authorized infrastructure has allowed the area along the river to become a cornerstone to the regional, statewide, and, indeed, the national economy.

The levee system reduces flood risk for vital infrastructure, like the Portland International Airport, three interstate highways, an Air National Guard base, a major natural gas pipeline, backup drinking water for nearly 1 million people, and transmission lines for all regional electricity providers.

In addition to safeguarding thousands of residents, the levees also help keep harmful pollutants out of the Columbia River, and protect over 2,000 acres of parks and natural spaces that are home to some endangered and protected species.

These improvements to the Portland Metro Levee System will increase the resilience, reliability, and operability of the system. It will protect our environment and our communities, especially the most vulnerable.

In general, while I applaud the significant progress made by the committee in the 2020 WRDA bill, we must continue to ensure that the Corps has the tools and capacity needed to advance community-supported solutions to water resources challenges for the Nation's most vulnerable communities. I have submitted requests to this end, asking that we in Congress continue to work with the Corps to ensure the agency is taking full advantage of existing programs, authorities, and operations to leverage natural systems and prioritize resilience in the face of increasingly frequent and severe climate disasters.

These issues are critical for my constituents. They are critical for our region and, indeed, for the Nation.

I deeply appreciate the opportunity to share my perceptions and requests with the subcommittee. Thank you very much.

[Mr. Blumenauer's prepared statement follows:]

**Prepared Statement of Hon. Earl Blumenauer, a Representative in
Congress from the State of Oregon**

Chair Napolitano and Ranking Member Rouzer,

Thank you for providing the opportunity to testify on behalf of priorities in the upcoming Water Resources Development bill. Continuing the recent successes of passing WRDA bills, this bill will help many states and localities, including Oregon, move critical projects forward.

WRDA 2022 will not only provide the opportunity to authorize new, eligible projects. It is also an opportunity to continue to modernize the Army Corps of Engineers and ensure equity and justice are centered in the Corps' mission.

TRIBAL HOUSING

As the Committee is aware, based on my initiatives in the 2018 WRDA bill, one of my priorities is to ensure the Corps creates adequate tribal housing to address the displacement of the Columbia River Treaty Tribes by the construction of The Dalles Dam and other dams along the lower Columbia River.

The construction of The Dalles, Bonneville, and other lower Columbia River dams beginning in the 1930s inundated and destroyed villages where Columbia River Tribes lived, fished, traded, and socialized for thousands of years. The dams severely damaged their heritage, livelihoods, and economic base. The Tribes and their citizens have never been fully compensated for these losses.

In 2013, the Corps determined that many Tribal families who lived on the banks of the Columbia River prior to construction of the Bonneville and The Dalles dams did not receive relocation assistance. In 2016, the Corps completed a legal analysis of its unmet obligation to build housing on the Columbia River for the four Treaty Tribes, finding that it had existing authority to construct one village associated with the construction of The Dalles Dam.

On the basis of these studies, I have fought for funding for the Corps to construct housing that they have the authority to replace associated with this particular dam. Where the Corps has not found existing authority to replace villages inundated due to the construction of the other dams, I am working to provide them that authority in order to fully address the federal government's unmet obligations to the Tribes.

Following an authorization in the 2018 WRDA, the Corps produced a list of replacement village options associated with The Dalles Dam that were not mutually acceptable to Columbia River Treaty Tribes. Last year, the Corps and the four Columbia River Treaty Tribes had a government-to-government meeting where it was determined that the authorization needs to be updated and clarified. The Corps and the Tribes are asking for additional authority to produce a comprehensive village development plan that will help us as the federal government finally meet our unmet obligations to the Tribes.

MCDD CHIEF'S REPORT

Another priority is the authorization of the Corps' Portland Metro Levee System improvements project, which will reduce flood risk and increase the resiliency and reliability of the levee system along the Columbia River in the Portland metro area.

The Portland Metro Levee System was originally designed and constructed by the U.S. Army Corps of Engineers over 80 years ago. The federally authorized infrastructure has allowed the area along the river to become a cornerstone to the regional, statewide, and national economy. The livelihood of people throughout Oregon and the Pacific Northwest is reliant on the levee system as it reduces flood risk for vital infrastructure like the Portland International Airport, three interstate highways, a U.S. Air National Guard base, a major natural gas pipeline, back-up drinking water for nearly one million people, and transmission lines for all regional electricity providers. In addition to safeguarding over 7,500 residents and 59,000 jobs, the levees and associated drainage infrastructure also help keep major pollutants out of the Columbia River and protect over 2,000 acres of parks and natural spaces that are home to multiple endangered and protected species.

The Portland Metro Levee System project includes a series of improvements spanning the length of the system. These improvements will increase the resilience, reliability, and operability of the system by improving levee performance and reliability while reducing risk of flooding. These improvements will also address environmental justice concerns and economic risks in the area.

RESILIENCE AND EQUITY

In general, while I applaud the significant progress made by Committee in the 2020 WRDA bill, more can be done to ensure that the Corps has the tools and capacity needed to advance community-supported solutions to water resources challenges for the nation's most vulnerable communities. This includes increasing capacity and expertise within the Corps, ensuring meaningful opportunities for public input, increasing opportunities for assistance, maximizing toxics remediation and ecological restoration, and advancing environmental justice.

We must also work with the Corps to ensure the agency is taking full advantage of existing programs, authorities, and operations to leverage natural systems and prioritize resilience in the face of increasingly frequent and severe climate disasters.

These are critical issues for my constituents. Thank you for the opportunity to speak about the infrastructure needs and opportunities for Oregon's Third Congressional District.

Mrs. NAPOLITANO. Thank you, Mr. Blumenauer, for your testimony. And we now would like to recognize our next witness, the gentlewoman from Virginia, Mrs. Luria, for 5 minutes.

TESTIMONY OF HON. ELAINE G. LURIA, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF VIRGINIA

Mrs. LURIA. Well, thank you, Chairwoman Napolitano, Ranking Member Rouzer, and my colleagues on the subcommittee for this opportunity. I would like to bring some attention to a few critical issues that impact water infrastructure in my district.

Virginia's Second Congressional District is defined by its wetlands, Chesapeake Bay tributaries, and the Norfolk Harbor. My district and the surrounding region require significant water infrastructure and resiliency investments. To understand my district, one must understand that the Port of Virginia is the gateway to transporting goods to so many communities.

Federal facilities and installations make up a significant portion of my district, and the Eastern Shore is also facing severe resiliency threats, particularly from erosion. These three defining factors have impacted my requests for the Water Resources Development Act of fiscal year 2022.

My top request for WRDA 2022 is that the Congress include language to clarify that Federal facilities are, in fact, included in the coastal resiliency feasibility study for coastal Virginia.

The Hampton Roads region is home to 18 military installations, including Naval Station Norfolk, the world's largest naval base, and Langley Air Force Base, the world's oldest and continuously operating Air Force base. Currently, there are limitations under existing authorities that restrict the ability to incorporate these installations and facilities into the Civil Works planning and construction process. Excluding a large portion of the region from these studies would result in an illogical data gap for the Army Corps. Reducing or removing those challenges and limitations potentially generates Federal cost savings and increases regional climate resilience through military and Civil Works partnerships on coastal storm risk management.

Lacking the ability to incorporate military installations and other Federal facilities into the Civil Works project implementation process will force the Corps to perform work solely on a cost reimbursable basis, in accordance with one of the several available reimbursement authorities. It requires each Federal facility to individually carry out their own study, which is an enormous financial and logistical burden. For a coastal storm risk management study of significant size, like coastal Virginia, the coordination process under these authorities would be logistically impracticable.

Secondly, I would like to talk about Norfolk Harbor, Anchorage Foxtrot. The Port of Virginia is one of the Nation's and Commonwealth's most significant economic engines. On an annual basis, the port is responsible for more than 400,000 jobs and \$92 billion in spending across the Commonwealth, and generates more than 7½ percent of Virginia's gross State product.

I am grateful that the Norfolk Harbor is receiving robust funding from the Infrastructure Investment and Jobs Act and from standard appropriations. However, further action is needed.

Anchorage Foxtrot at the Norfolk Harbor is used primarily as an emergency swing anchorage to prepare for inclement wave conditions in the harbor or Chesapeake Bay. For vessels to effectively use the anchorage, it is imperative that the anchorage to approach depths to match that of the current Federal channel. Norfolk Harbor's Anchorage Foxtrot is currently designed as a 3,000-foot diameter circle for free-swinging bow anchorage.

The proposed modification includes the widening of Anchorage Foxtrot beyond its current authorized diameter of 3,620 feet to 3,840 feet, and deepening the anchorage to 55 feet, to be consistent with the 1986 authorization and the project depth of the Federal channel. This modification will provide a deeper and wider anchorage, and will permit use by larger vessels calling at the port.

Lastly, I would like to talk about the Eastern Shore of Virginia, and the Cedar Island feasibility study. The Eastern Shore of Virginia has been fervently fighting erosion and sea level rise, as well as land subsidence, specifically, a barrier island called Cedar Island. Cedar Island is a major Virginia seaside barrier island, and barrier islands enhance back barrier marsh resilience to sea level rise. Both the barrier island and the marsh provide storm and flood protection of the mainland infrastructure from the Atlantic Ocean.

Cedar Island has been ongoing significant coastal erosion for decades, with substantial damage from Superstorm Sandy. The continuing erosion of Cedar Island will eventually open the seaside, marsh, and mainland to full ocean impact. We must take a closer look at Cedar Island and how to preserve the marsh. That is why I requested a specific Army Corps feasibility study for this area.

Again, I would like to thank Chair Napolitano and Ranking Member Rouzer and my colleagues on this committee for giving me the chance to speak today about these important priorities throughout coastal Virginia. By making much-needed investments in our water infrastructure, we can set coastal Virginia communities up for economic success and ensure their resiliency in the future. Thank you.

[Mrs. Luria's prepared statement follows:]

**Prepared Statement of Hon. Elaine G. Luria, a Representative in Congress
from the Commonwealth of Virginia**

Thank you, Subcommittee Chair Napolitano, Ranking Member Rouzer, and my colleagues on the subcommittee for this opportunity. I would like to bring some attention to a few critical issues that impact water infrastructure in my district.

Virginia's second district is defined by its wetlands, Chesapeake Bay tributaries, and the Norfolk Harbor. My district and the surrounding region require significant water infrastructure and resiliency investments. To understand my district, one must understand that the Port of Virginia is the gateway to transporting goods to so many communities.

Federal facilities and installations make up a significant portion of my district, and the Eastern Shore is also facing serious resiliency threats, particularly from erosion. These three defining factors have impacted my requests for the Water Resources Development Act of Fiscal Year 2022.

FEDERAL FACILITIES INCLUSION

My top request for WRDA 2022 is that the Congress include language to clarify that federal facilities are in fact included in the Coastal Resiliency Feasibility Study for Coastal Virginia. Hampton Roads region is home to 18 military installations, including Norfolk Naval Station, the largest navy base in the world, and Langley Air Force base, the longest continuously active air force base in the world. Currently, there are limitations under existing authorities that restrict the ability to incorporate these installations and facilities into the Civil Works planning and construction processes.

Excluding a large portion of the region from these studies would result in an illogical data gap for the Army Corps. Reducing or removing those challenges and limitations, potentially generates federal cost savings and increased regional climate resilience through military and civil works partnerships on Coastal Storm Risk Management (CSRM) projects.

Lacking the ability to incorporate military installations and other Federal facilities into the civil works project implementation process, will force the Corps to perform work solely on a cost-reimbursable basis in accordance with one of several available reimbursement authorities.

It requires each federal facility to individually carry out the study, which is an enormous financial and logistical burden. For a Coastal Storm Risk Management study of significant size like Coastal Virginia, the coordination process under these authorities would be logistically impracticable.

NORFOLK HARBOR ANCHORAGE F

The Port of Virginia is one of the Nation's and Commonwealth's most significant economic engines. On an annual basis, the port is responsible for more than 400,000 jobs and \$92 billion in spending across the Commonwealth and generates more than seven and a half percent of Virginia's Gross State Product.

I am grateful that Norfolk Harbor is receiving robust funding from the Infrastructure Investment and Jobs Act and standard appropriations; however further action is needed. Anchorage F at the Norfolk Harbor is used primarily as an emergency swing anchorage to prepare for inclement wave conditions in the harbor Chesapeake Bay or in situations of unexpected extended vessel wait times prior to calling port.

For vessels to effectively utilize the anchorage, it is imperative for the anchorage to approach depths to match that of the Federal Channel. Norfolk Harbor's Anchorage F is currently designed as a 3,000-foot diameter circle for free-swinging bow anchoring.

The proposed modification includes widening the Anchorage F beyond its currently authorized diameter of 3,620-feet to a diameter of 3,840-feet and deepening the anchorage to 55-feet consistent with the 1986 authorization and the project depth of the Federal Channel.

This modification would provide a deeper and wider anchorage and will permit use by larger vessels calling to the port. I respectfully ask that the Committee authorize the modification in WRDA22.

EASTERN SHORE OF VIRGINIA CEDAR ISLAND FEASIBILITY STUDY

Additionally, the Eastern Shore of Virginia has been fervently fighting erosion, sea-level rise, and land subsidence. Specifically, a barrier island called Cedar Island.

Cedar Island is a major Virginia seaside barrier island. Barrier islands enhance back-barrier marsh resilience to sea-level rise.

Both the barrier island and the back island marsh provide storm surge and flood protection of the mainland infrastructure from the Atlantic Ocean. Cedar Island has been undergoing significant coastal erosion for decades with substantial damage from Superstorm Sandy.

The continuing erosion of Cedar Island will eventually open the seaside marsh and mainland to full ocean impact. We must take a closer look at Cedar Island and how to preserve the marsh. That is why I requested a specific Army Corps feasibility study for this area.

CLOSING

Again, I would like to thank Chair Napolitano, Ranking Member Rouzer, and my colleagues on the Committee for giving me the chance to speak about these priorities throughout Coastal Virginia.

By making much-needed investments in our water infrastructure, we can set our Coastal communities up for economic success and ensure their resiliency for future generations.

Mrs. NAPOLITANO. Thank you very much for your testimony, Mrs. Luria.

I would like to tell it is going to be Mr. Sessions, Ms. Stansbury, Mr. Trone, and Mr. Correa.

Mr. Sessions, you are recognized for 5 minutes.

TESTIMONY OF HON. PETE SESSIONS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. SESSIONS. Madam Chairwoman, thank you very much. What an honor it is to be before both you and the ranking member from North Carolina, Mr. Rouzer. Madam Chairman, I am seeking your assistance to authorize this project, which I will speak of, whose appropriations level—we are seeking the authorization for that—would be for \$30 million to complete the Lake Waco embankment stabilization project.

Madam Chairman, Texas primarily lives off surface water. We have lakes all over the State of Texas, which are designed to help cities not only have enough water for their needs, but also a chain system whereby water moves down rivers to other places. This is all taken care of through the wise management of the Corps of Engineers.

The Corps of Engineers is very important to the State of Texas, as they are to other States, that they provide not only professional and engineering support, but really wise management.

Something beyond their control occurred in 2015, where Texas—and all of Texas—received the highest rainfall amount that they have ever received. Waco, Texas, in particular, received 9.27 inches of rainfall in May alone. This was over several days, not over the month, but that was the monthly total. Between April and June, a total of 20 inches fell over that period of time. And the all-time record was just 4 months later, in October, 15.19 inches.

Madam Chairman, this placed the Corps of Engineers in a very difficult circumstance, whereby they were trying to manage the water flow up and down these rivers that were swollen, that caused communities great harm by flooding and other things. And I think the Corps of Engineers was in trouble, and they tried to deal with this.

But what happened is that Lake Waco is a reservoir that set aside—not one of those primary places that would release water—and they could not release water, even though it was all over the State of Texas, because of downstream flooding. Because of this, this caused extensive damage to a roadway known as Lake Shore Drive that comes near the lake. The excessive level of water caused erosion through wave action over the several weeks. This wave action put in jeopardy and has now, over time, through erosion, this roadway that Waco is responsible for.

In the bill, S. 1811 that was passed in the 116th Congress through the Water Resources Development Act, section 147. As part of this work, we went and made sure that there was legislation which would allow the Corps of Engineers, through the Secretary, to be able to make a determination that, even though they were not maybe directly in charge of this, that they had a part of that damage. They actually controlled the water. The city of Waco did not control the water that would be taken out of the reservoir. And as a result of excessive time that it was there, it has caused this damage. It is very important to Waco, Texas, that they take care of those parts that they believe they are responsible for.

This is damage that was caused solely as a result of that rising water of the lake, and I believe that that fits well within the Corps of Engineers. I respectfully submit myself to you today, and to the gentleman, Mr. Rouzer, to ask for you to please include this in the authorization that would be necessary that would give relief to this. And the reason why is that, if it continues to go on, if there is continued erosion, that it could cause what is estimated to be about \$100 million worth of damage. Extensive evaluation by an engineering company has been done. I believe the Corps of Engineers is aware of this, and I would ask that this project please be included within your authorization mark that you make.

Madam Chairman, Mr. Rouzer, I want to thank you for your time. As always, if you have any questions, please seek me. I will be very pleased to discuss it with you. And thank you very much.

[Mr. Sessions' prepared statement follows:]

**Prepared Statement of Hon. Pete Sessions, a Representative in Congress
from the State of Texas**

The Lake Waco Embankment Stabilization Project has been the top priority for the City of Waco and McLennan County for 5 years. Previous language in WRDA 2020 has proved insufficient to address the concern.

Lake Waco sits as one of the USACE lakes near the top of the Brazos River in Waco, Texas. Since 2015, excessive rainfall has caused the Army Corps of Engineers to maintain higher water levels in Lake Waco for longer periods of time, to prevent flooding in downriver reservoirs. This excess water and retention time has led to significant erosion along a main road, Lake Shore Drive, which now risks collapse.

Lake Waco Lake Shore Drive is a key artery to the City of Waco and its surrounding areas. Failure of the land beneath the roadway along Lake Shore Drive would cost nearly \$100 million in repair and remediation costs, as well as economic harm due to the loss of a key route for commerce in and around Central Texas.

The Lake Waco embankment instability presents a risk of deep landslides and shallow slope failures, including larger catastrophic failures that would represent a disastrous event for the USACE, Waco Lake, Lake Shore Drive and the City of Waco. Aside from the obvious impacts as well as life and safety considerations, a catastrophic landslide would negatively impact the mission of the USACE Civil Works.

As shown in the figures below, specific potential impacts to the Civil Works mission include:

- **Flood Risk Management:** A catastrophic landslide would result in the mobilization of many hundreds of thousands of cubic yards of landslide debris. This would damage slopes within the fee boundary and would also push a large portion of the debris into the flood storage boundary area. The debris would reduce available flood storage and could result in a floodwater rise.
- **Recreation:** A large landslide would disrupt operations and possibly harm park grounds at Koehne Park on the shores of Waco Lake.
- **Infrastructure:** In addition to potential damage at Koehne Park, a catastrophic landslide would destroy Lake Shore Drive and associated underground utilities, severing both local access and services for the community.
- **Environmental Stewardship:** A landslide failure would deposit a wide variety of debris into Waco Lake and could be devastating to the local environment. Significant water quality issues and environmental impacts would likely require mitigation.

A proactive approach of repairs to this looming threat will avoid the need for an emergency response from a catastrophic failure and serves the greater mission of USACE Civil Works. Compared to the cost of repairing and mitigating a catastrophic landslide, the capital costs of a proactive project will undoubtedly result in greater savings and construction efficiencies.

Thank you.

Mrs. NAPOLITANO. Thank you, Mr. Sessions. You submitted a letter. We will include it in the record, as requested.

[The information follows:]

Letter of March 16, 2022, from Hon. Pete Sessions to Hon. Grace F. Napolitano, Chair, and Hon. David Rouzer, Ranking Member, Subcommittee on Water Resources and Environment, Submitted for the Record by Hon. Pete Sessions

MARCH 16, 2022.

Chairwoman GRACE NAPOLITANO,
Subcommittee on Water Resources and Environment,
1610 Longworth HOB, Washington, DC 20515.

Ranking Member DAVID ROUZER,
Subcommittee on Water Resources and Environment,
2333 Rayburn House Office Building, Washington, DC 20515.

DEAR GRACE AND DAVID,

Since 2015 the city of Waco, Texas has been dealing with an issue that has not moved to final resolution in dealing with the United States Army Corps of Engineers ("USACE"). The essence of the issue is damage from the excessive wave action from a swollen lake for weeks which caused the excess erosion that now threatens an adjacent roadway with collapse.

In May of 2015, Texas had its heaviest rainfall month on record. In Waco, Texas, 9.27" of rainfall happened in May alone. Between April and June 2015, a total of 20" of rain fell in Waco, Texas including areas that fell into Lake Waco.

This excess rainfall was followed by an all-time Waco record of 15.19" of rain in October of the same year. These record rainfalls and Lake Waco's location near the top of the Brazos River forced the USACE to retain these record water levels in Lake Waco for longer than usual to prevent overflow further downstream. This caused the excess erosion that threatens the nearby roadway, Lake Shore Drive, with collapse.

I am seeking your assistance to authorize this project whose appropriations level would be \$30 million to complete the Lake Waco Embankment stabilization project. This will reinforce the roadway and prevent a potentially catastrophic failure of the embankment. Such a disaster would cost an estimated \$100 million to repair costs, on top of economic costs due to Lake Shore Dr's position as a key artery for commerce in Waco, Texas.

Please do not hesitate to reach me if I can answer any questions. Thank you for your consideration in this important priority for Waco, Texas.

Sincerely,

PETE SESSIONS,
Member of Congress (TX-17).

Mr. SESSIONS. Yes, ma'am. Thank you very much.

Mrs. NAPOLITANO. Thank you for your testimony, sir. I look forward to looking at your project.

Mr. SESSIONS. Yes, ma'am. Thank you.

Mrs. NAPOLITANO. Next I would like to recognize the gentleman from New Mexico, Ms. Stansbury, online.

TESTIMONY OF HON. MELANIE A. STANSBURY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO

Ms. STANSBURY. Thank you, Madam Chairwoman, and thank you to Ranking Member Rouzer, and thank you to everyone who serves on this important committee, for the work that you do to support our water resources management across the country.

As we consider the 2022 Water Resources Development Act, many of you know, our West and our communities across the Southwest are gripped by the worst drought that we have seen in 1,200 years. And as we all know, this is very much the signature of climate change.

New Mexicans are deeply concerned about ensuring that our water infrastructure is up to the challenge of responding to this drought and the increasing hydrologic change that we are seeing across our communities. To this end, we are humbly requesting the inclusion of several community-driven and science-based proposals in the 2022 WRDA, which would greatly improve water infrastructure and management across our State and across our district.

First, we humbly request that the committee consider authorizing an additional \$50 million for the section 593 program, and include water reuse projects as an environmental infrastructure project eligible for assistance under section 593. Increasing the section 593 authorization would help to fund drinking water, wastewater, water security, and stormwater projects throughout New Mexico's First Congressional District and across our State.

We also humbly request that the committee include language directing the Army Corps and other Federal water management authorities to work together with the National Academy of Sciences and other agencies to study system operations and management in the Rio Grande Basin, and recommend management models, systems, and operational changes. This study will help water managers throughout the Rio Grande Basin improve management flexibility and water security, which is crucial to our long-term water security in our State, especially as we are facing climate change.

I am also currently drafting legislation that would provide authorities to increase operational flexibility on the Rio Grande.

Our office is also working to draft legislation to unleash the power of big data and water data to improve real-time water management across the country. By improving Federal water data availability, interoperability, and tools, along with partnerships with State, Tribal, local, and other entities, we have the capacity to fundamentally transform how we manage our water. I request that this committee consider prioritizing requests and projects that

improve water data and tools, and potentially include authorizing language to support this effort.

Also included in our request is a request for the town of Estancia, New Mexico, which is a rural, underserved community facing imminent threats of water shortages. We respectfully ask that the committee authorize \$100,000 for the Corps to update a hydrologic analysis for the town of Estancia, so that we can address the much-needed infrastructure needs of this community.

Additionally, the Middle Rio Grande flood protection project, which was originally authorized with a 25-percent non-Federal cost share, we request that the cost share be reduced so that the project can move forward without further delays for our community.

The Omnibus Public Land Management Act of 2009 authorized \$4 million to the Bureau of Reclamation to study irrigation infrastructure for 18 federally recognized Pueblos in New Mexico who rely on water from the Rio Grande for cultural, agricultural, municipal, and ceremonial purposes. The study identified \$280 million in irrigation improvements needed on Pueblo lands. While this may not fall within the jurisdiction of the Army Corps, I urge that the committee consider authorizing an additional \$200 million to the Bureau of Reclamation, should projects be included for other agencies or the Pueblo irrigation infrastructure improvement project.

We also ask that the committee consider including funding for our acequia resilience and Tribal acequia program.

Finally, I request that the committee authorize an additional \$5 million for the Tribal Partnership Program. This program is the only Corps authority that specifically directs partnerships with Tribes and supports the administration's commitment to addressing the water needs of our Tribal and rural communities, particularly in underserved communities.

I thank the Madam Chairwoman and Ranking Member for the time and opportunity today, and look forward to working with you to see these proposals come to fruition.

Thank you, Madam Chairwoman.

[Ms. Stansbury's prepared statement follows:]

**Prepared Statement of Hon. Melanie A. Stansbury, a Representative in
Congress from the State of New Mexico**

Thank you for the important work this Committee and your staff do to improve and support water management and infrastructure across the United States. As we consider the 2022 Water Resources Development Act, much of the West is facing its worst drought in over 1,200 years. New Mexicans are deeply concerned about ensuring that our water infrastructure is up to the challenge of responding to this drought and increasing hydrologic change.

To this end, we are humbly requesting the inclusions of several community-driven and science-based proposals for inclusion in the 2022 Water Resources Development Act, which would greatly improve water infrastructure and management in New Mexico's First Congressional District.

**INCREASE FUNDING UNDER THE SECTION 593 AUTHORIZATION AND INCLUDE WATER
REUSE PROJECTS**

Section 593 funds were authorized in the Water Resources Development Act of 1999 to support environmental infrastructure projects in central New Mexico. These funds have been used to build important sections of the South Valley Water Utility Project, but funding has reached its authorization limit since it was last increased in 2005.

We request that the Committee consider authorizing an additional \$50 million for the Section 593 Program and include water reuse projects as an environmental infrastructure project eligible for assistance under Section 593(c).

Increasing the Section 593 authorization would help to fund drinking water, wastewater, water security, and stormwater projects throughout New Mexico's First District and across the state. This additional funding is estimated to cover all anticipated Section 593 project funding needs for the next decade.

The request is strongly supported throughout our district by numerous stakeholders, including the Southern Sandoval County Arroyo Flood Control Authority, the Albuquerque Bernalillo County Water Utility Authority, the Albuquerque Metropolitan Arroyo Flood Control Authority, Bernalillo County, and Valencia County.

NATIONAL ACADEMY OF SCIENCES RESERVOIR OPERATIONS STUDY IN THE RIO GRANDE BASIN

The Upper Rio Grande River includes a complex system of dams, reservoirs, irrigation systems, flood control structures and other projects with individual authorizations for specific projects and purposes. The individual, sometimes conflicting, authorizations mean that the Rio Grande cannot be managed to optimize complementary and competing demands on the system as a whole at the watershed level. Modernizing water management on the Rio Grande will require updating and optimizing the models and systems utilized to manage the watershed.

We request that the Committee include language in WRDA directing the Army Corps and other federal water management authorities operating projects in the Rio Grande to work together with the National Academy of Sciences to study system operations and management in the Rio Grande Basin and recommend management models, systems, and operational changes that can optimize water availability, storage, streamflow, and hazard mitigation, taking into account the impacts of a changing climate. This study will help water managers throughout the Rio Grande Basin improve management flexibility and water security. The National Academy of Sciences has already worked with key stakeholders, including the Corps and the Bureau of Reclamation on developing a memorandum of agreement for the study. The Bureau of Reclamation is expected to receive direction to participate in the study in the FY 2022 Appropriations bill, and the requested language in WRDA would help to further advance this critical study.

Modern, flexible management of the Rio Grande River is critical to New Mexico's long-term water security in the face of climate change and crucial to sustaining our communities' cultures, traditions, and ways of life. I am currently drafting legislation that would provide authorities to increase operational flexibility on the Rio Grande. Having the best available science to guide our management models and systems is critical to ensuring that flexible management authorities can improve water security across the basin.

I am also drafting legislation to unleash the power of water data to improve real-time water management across the country, by improving federal water data availability, interoperability, and tools and partnerships with state, tribal, local and other entities. I request that this Committee consider prioritizing requests and projects that improve water data and tools and potentially include authorizing language to support this effort.

UPDATED HYDROLOGIC ANALYSIS STUDY FOR THE TOWN OF ESTANCIA

The town of Estancia, New Mexico, is a rural, underserved community facing imminent threats of water shortages. Groundwater pumping has caused the Estancia Valley Fill aquifer to drop by as much as five feet annually in some locations. Agricultural production is at risk from drying wells and saline water migration. The town is in critical need of a water detention pond and a new water diversion structure. A hydrologic analysis was completed in 2001 by the Corps, but the town has been unable to request funding for these projects without an updated Hydrologic Analysis.

I urge the Committee to authorize \$100,000 for the Corps to update a hydrologic analysis for the town of Estancia. Updating this hydrologic analysis will help the town of Estancia build much-needed infrastructure to divert and preserve water, protect agricultural production, and reduce flood hazards.

MIDDLE RIO GRANDE FLOOD PROTECTION COST SHARE

The Middle Rio Grande Flood Protection Bernalillo to Belen, New Mexico project was originally authorized in the Water Resources Development Act of 1986. The recommended plan, as outlined in the 2020 Chief's Report, would restore approximately

266 acres of riparian forest habitat and improve hydrologic connectivity between the Rio Grande and its floodplain by constructing high-flow channels, bank destabilization, berm removal, willow swales, and wetlands. It would also restore native habitat diversity through re-creation of historic habitat types that were lost to water management activities, creating new successional stages of existing habitat, exotic species reduction, and re-vegetation of native plant species. With a high cost to benefit ratio of 9.46, the recommended plan is a smart investment for taxpayers and important to the restoration of the watershed.

At the time of original authorization, flood control projects had a 25% non-federal cost share, under which the 3.2 mile Corrales Unit was completed. The Water Resources Development Act of 1996 increased the non-federal cost share to 35% but did not directly adjust the cost share of projects with prior authorization. The 2018 General Reevaluation Report and 2020 Chief's Report cited the Project's original authorization but used the increased non-federal cost share of 35% without any specific Congressional direction to increase the cost share for projects with prior authorization.

I request that the Committee direct the Corps to honor the original cost share authorization of 25% for the Middle Rio Grande Flood Protection Bernalillo to Belen, New Mexico project.

The Middle Rio Grande Conservancy District is the non-federal cost share partner for this project. This project is located in two New Mexico counties where the per capita income is significantly below the national average: Bernalillo (\$29,195; 2019); and Valencia (\$21,740; 2019). The increased cost share moved this project further out of reach for a community that had been working to meet its cost share for a generation.

PUEBLO IRRIGATION INFRASTRUCTURE IMPROVEMENT PROJECT

The Omnibus Public Land Management Act of 2009 authorized \$4 million to the Bureau of Reclamation to study irrigation infrastructure for 18 federally-recognized Pueblos in New Mexico who rely on water from the Rio Grande Basin for cultural, agricultural, municipal, and ceremonial purposes. This study identified nearly \$280 million in irrigation improvements needed on Pueblo lands. *Should programs authorized by agencies other than the Army Corps be considered for inclusion in this WRDA bill, I urge the Committee to authorize an additional \$200 million for Reclamation's Pueblo Irrigation Infrastructure Improvement Project* to address the infrastructure needs of these projects, which are so vital to the economic, cultural, and environmental resilience of our Pueblo Tribal communities in the Rio Grande Basin.

ACEQUIA RESILIENCY AND TRIBAL ACEQUIA PROGRAM

The Water Resources Development Act of 1986 authorized the Acequia Resiliency and Tribal Acequia Program in section 1113 for the restoration and preservation of acequia systems. Acequias are ancient water management systems that include irrigation works that are the backbone of agricultural and community life in New Mexico. Acequias have been communally managed and maintained by generations of communities. Increasingly, however, climate change is threatening New Mexico's proud tradition of acequias through inconsistent and variable water flows.

I request that the Committee authorize an additional \$27 million for the Acequia Resiliency and Tribal Acequia Program. This increase will allow for needed infrastructure improvements of river diversion structures, increased local capacity to manage and prevent invasions of plant species, and support research and development of management solutions for invasive aquatic plants.

INCREASE TRIBAL PARTNERSHIP PROGRAM AUTHORIZATION

The Water Resources Development Act of 2000 authorized the Tribal Partnership Program in Section 203 for increased cooperation between the Corps and Tribal nations to study and carry out projects that will substantially benefit Tribes. This program has supported numerous critically important flood control projects on Tribal lands in New Mexico and demand for the program by Tribes and Pueblos has grown with increasing awareness.

I request that the Committee authorize an additional \$5 million for the Tribal Partnership Program. This program is the only Corps authority that specifically directs partnerships with Tribes, including much-needed projects that may not otherwise receive vital funding. The program supports the Administration's commitment to Tribes and promoting environmental justice and equity, particularly in rural and underserved communities.

Thank you for considering these proposals. I look forward to working with you to ensure these items are included.

Mrs. NAPOLITANO. Thank you, Ms. Stansbury. Are there any questions?

Hearing none and seeing none, I thank you again. And we will have testimony—Mr. Trone, Mr. Correa, and Ms. Plaskett.

Mr. Trone, you are on for 5 minutes.

TESTIMONY OF HON. DAVID J. TRONE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. TRONE. Thank you, Chairwoman Napolitano and Ranking Member Rouzer, for the opportunity to submit testimony to the Committee on Transportation and Infrastructure's Subcommittee on Water Resources and Environment.

As you draft the Water Resources Development Act of 2022, I would like to highlight two priorities that are essential in my district, Maryland's Sixth Congressional District, and the wider community.

As our Nation works to repair our infrastructure, it is critical we discuss the impact these systems have on the health of our communities and the health of our environment. Within my district, the town of Boonsboro and the city of Brunswick need support to address infrastructure needs. Local officials have worked hard to find solutions to the growing issues in order to support Marylanders and protect our environment.

My first request to the committee is for the environmental infrastructure needs of the town of Boonsboro, including replacing the Boonsboro Reservoir. The Boonsboro Reservoir is an aging 1.3 million-gallon drinking water reservoir built way back in 1954. The reservoir serves both Boonsboro and Keedysville, which Boonsboro shares a drinking water system with.

Unfortunately, the reservoir is suffering from leaks, which impair its function and cost the town an estimated 15,000 to 25,000 gallons of treated water per day. Due to the reservoir's age and condition, it is unable to be repaired. If the sidewalls and levees were to fail, the resulting flooding and disruption of water service would be devastating from both a public health and environmental perspective.

I am requesting \$5 million in environmental infrastructure funding to address the needs of the town and replace the broken reservoir, preventing future damage.

My second request to the committee would support the environmental infrastructure needs of the city of Brunswick, including upgrading the Brunswick Wastewater Treatment plant.

The Brunswick Wastewater Treatment Plant was constructed in the 1980s and designed to treat 0.6 million gallons a day of municipal wastewater. In 2007, the plant upgraded the treatment capacity to 1.4 million gallons a day. Today, the plant has equipment that is near failure, and the town is gravely at risk of violating the sewage sludge utilization permit due to inadequate sludge dewatering. As it stands, the plant also lacks treatment capacity for any future expansion. This is an environmental hazard that could affect the Potomac River, along which the plant sits.

I am requesting \$15 million in environmental infrastructure funding to address the needs of the city, including resolving the immediate needs of the plant and increasing treatment capacity.

Chairwoman Napolitano, Ranking Member Rouzer, and members of the subcommittee, thank you. Thank you for the opportunity to submit this testimony. I look forward to working with you to ensure the Water Resources Development Act of 2022 reflects our needs as a Nation. Thanks again very much.

[Mr. Trone's prepared statement follows:]

Prepared Statement of Hon. David J. Trone, a Representative in Congress from the State of Maryland

Thank you Chairwoman Napolitano and Ranking Member Rouzer for the opportunity to submit testimony to the Committee on Transportation and Infrastructure's Subcommittee on Water Resources and Environment. As you draft the Water Resources Development Act of 2022, I would like to highlight two priorities that are essential to my district—Maryland's sixth—and the wider community.

As our nation works to repair our infrastructure, it is critical that we discuss the impact these systems have on the health of our communities and the health of our environment. Within my district, the Town of Boonsboro and the City of Brunswick need support to address infrastructure needs. Local officials have worked hard to find solutions to growing issues in order to support Marylanders and protect our environment.

My first request to the committee is for the environmental infrastructure needs of the Town of Boonsboro, including replacing the Boonsboro Reservoir. The Boonsboro Reservoir is an aging 1.3 million gallon drinking water reservoir built in 1954. The reservoir serves both Boonsboro and Keedysville, which Boonsboro shares a drinking water system with. Unfortunately, the reservoir is suffering from leaks which impair its function and cost the town an estimated 15,000 to 25,000 gallons of treated water per day. Due to the reservoir's age and condition, the reservoir is unable to be repaired. If the sidewalls and levees were to fail, the resulting flooding and disruption in water service would be devastating from both a public health and environmental perspective. *I am requesting \$5 million in environmental infrastructure funding to address the needs of the town, including replacing the broken reservoir and preventing future damage.*

My second request to the committee would support the environmental infrastructure needs of the City of Brunswick, including upgrading the Brunswick Wastewater Treatment Plant. The Brunswick Wastewater Treatment Plant was constructed in the 1980s and designed to treat 0.6 million gallons a day of municipal wastewater. In 2007, the plant upgraded the treatment capacity to 1.4 million gallons a day. Today, the plant has equipment that is near failure, and the town is at risk of violating the Sewage Sludge Utilization Permit due to inadequate sludge dewatering. As it stands, the plant also lacks the treatment capacity for future expansion. *I am requesting \$15 million in environmental infrastructure funding to address the needs of the city, including resolving the immediate needs of the plant and increasing the treatment capacity.*

Chairwoman Napolitano, Ranking Member Rouzer, and members of the Subcommittee—thank you again for the opportunity to submit this testimony. I look forward to working with you to ensure that the Water Resources Development Act of 2022 reflects our priorities and needs as a nation.

Mrs. NAPOLITANO. Thank you, Mr. Trone. It is very nice of you to cut short. It makes our job easier here. Thank you. Have a good day.

I would like to recognize our next witness, the gentleman from California, Mr. Correa, who has done a good job in representing me.

**TESTIMONY OF HON. J. LUIS CORREA, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. CORREA. Thank you, Madam Chair Napolitano and Ranking Member Rouzer for your indulgence, for hosting Members' Day for Members to share their requests for the Water Resources Development Act of 2022.

Before I start with my statement, I want to go through and give you a little bit of history of Orange County, California. Orange County has traditionally been an agricultural county. Back in the 1930s, we had major flooding in this area subject to this request. A lot of damage when it was an agricultural county. Orange County's population has gone from about 100,000 to about 3.4 million people today, home to Disneyland, Anaheim Angels, Anaheim Ducks, a very densely populated area, Orange County, California.

The Santa Ana River mainstem project, the subject of this request, is an almost \$3 billion cooperative flood control project between the U.S. Army Corps of Engineers and the counties of Orange and Riverside in San Bernardino. The project was authorized by Congress in the Water Resources Development Act of 1986, and construction began in 1989. The main features: construction of Seven Oaks Dam, improvements to the Prado Dam Reservoir, and improvements to the lower river in Orange County. The last remaining component in Orange County flood risk management for the Santiago Creek area includes the building, storage, and existing—essentially, working on the existing gravel pits, onlet structures, and down-street channelizations.

Now, let me tell you that the Santa Ana River was once characterized as the worst flood threat west of the Mississippi. Once completed, this project will prevent an estimated \$40 billion in damages, protect over 100,000 acres in Orange County, and benefit over 4 million residents in Orange, Riverside, and San Bernardino Counties. For this reason my request would raise the authorized Federal help for the Santa Ana River mainstem project by an additional \$170 million so that we can complete this project as designed, approved, all of the components, period.

Now, as I mentioned earlier, we are a very densely populated county. Back in the day, when Orange County was essentially an agricultural area, our founding fathers never thought about recreational areas. They never thought about putting land aside to build parks, because we were an ag area: open, wide spaces. That is no longer the case. Today Orange County, my area in Orange County, is probably the second most densely populated area in the State of California, and I am sure one of the top most densely populated areas in the United States.

To that end, I am also requesting—my second request—\$10 million to conduct a study, design, and construction on modification to the project to direct the Army Corps of Engineers to add recreational areas along the Santiago Creek and the confluence of the Santiago Creek and Santa Ana River.

Madam Chair and Ranking Member, what we want to do is secure Orange County, Orange County's economy, make sure we don't have one of those big floods again like we had in the 1930s. We are almost there. Let's finish the job and, at the same time, for another \$10 million, make sure that the Santa Ana River, which

is now lined with cement, becomes a river of life, so it is a win-win situation. Our constituents can recreate in an area that keeps them safe from that 200-year flood.

Madam Chair, thank you.

[Mr. Correa's prepared statement follows:]

**Prepared Statement of Hon. J. Luis Correa, a Representative in Congress
from the State of California**

Thank you, Chair Napolitano and Ranking Member Rouzer, for hosting Members' Day for members to share their requests for the Water Resources Development Act of 2022.

Today, I'd like to highlight a project that is in the heart of my district.

In the 1986 Water Resources Development Act, the Santa Ana River Mainstem Project (Project) was fully authorized as a flood-risk management project that included environmental features, restoration of temporary loss of habitat values, cultural mitigation, and a 32 mile system of recreation trails.

The Project, which includes the Santiago Creek component, also received funding under the Bipartisan Budget Act of 2018 (BB18) so that all components could be completed as designed and approved. The Santiago Creek work represents the last component of the Project. Despite the Congressional mandate to complete the work on the Project, the Santiago Creek component is threatened because the Corps is facing unanticipated cost increases which limit its ability to implement construction for all of the projects funded under BB18.

For that reason, my request would raise the authorized federal help for the Santa Ana River Mainstem Project by an additional \$170 million so that it could be completed as designed and approved, including all components.

Additionally, the only recreation and esthetic treatment for the portion near the Santiago Creek currently authorized for the Creek in the project is a 1.7 mile bike path. My constituents in Santa Ana have limited access to green space, and it's important to the health of our community that we maximize every opportunity to provide additional recreational areas.

To that end, I am also requesting \$10 million to conduct a study, design, and construction on modification to the Project to direct the Army Corps to add recreational areas along the Santiago Creek and at the confluence of the Santiago Creek and the Santa Ana River, as well as directing the Corps to incorporate natural infrastructure, including vegetation along the Santiago Creek and at the confluence of the Santiago Creek and the Santa Ana River consistent with the Army Corps' Engineering with Nature policy, where appropriate.

I thank the Committee again for this opportunity to discuss an important project to provide hardworking Santa Ana residents with recreational space. Access to public recreational space can improve physical and mental health and foster a love of the outdoors and conservation in our youth. Americans support and recognize the benefits that public recreational spaces offer and how they can transform our cities into vibrant and healthy communities. Santa Ana residents deserve to have access to natural resources in our city, and I urge the Committee to support this additional funding and investment.

Thank you for your time and consideration of this matter and I look forward to continuing to work with you on these and other issues and I yield back the balance of my time.

Mrs. NAPOLITANO. Thank you, Mr. Correa, and I agree with you on that. Thank you for your testimony, sir. And thank you again for everything you have done.

Now, next, we have Mrs. Lee, followed by Mr. Valadao.

Mrs. Lee, the gentlewoman from Nevada, you are recognized for 5 minutes.

**TESTIMONY OF HON. SUSIE LEE, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEVADA**

Mrs. LEE OF NEVADA. Thank you. Thank you, Madam Chair and Ranking Member Rouzer, for having this Members' Day hearing on

this critically important bill that addresses the water supply and environmental infrastructure needs of this Nation and our local communities.

As many of you know, southern Nevada, where I represent, and the entire West, is facing an unprecedented drought. In my district, Lake Mead, which supplies water for 25 million people across Nevada, Arizona, and California, is at the lowest level it has been since the Hoover Dam was constructed in the 1930s. Now, more than ever, it is critical that we build the infrastructure we need to make our communities resilient to drought, and to better manage our water resources. And that is precisely why I am advocating for critical investments in section 595, the Army Corps program in rural Nevada and across the Western U.S. To date, funding for this water management program has been almost completely expended since its last authorization.

Section 595 allows the Army Corps to provide design and construction assistance for water-related environmental infrastructure projects. These projects include things like wastewater treatment plants, water supply facilities, environmental restoration, and surface water protection. In my district, section 595 has funded a range of projects to protect water resources and ensure our community has access to clean drinking water.

In Searchlight, Nevada, the Army Corps was critical in the design and construction of the Searchlight Water and Wastewater System improvements. In Boulder City, they renovated three city wastewater pump stations and several miles of force main to protect against accidental discharge of wastewater into the Lake Mead National Recreation Area and Lake Mead. And just outside of Las Vegas, the Army Corps and Las Vegas Valley Water District have worked closely to complete an urgent upgrade to meet fire protection and emergency requirements after the system suffered water leaks, excessive corrosion, and main breaks.

The declining groundwater levels and well deterioration presented a significant water supply risk for the Greater Las Vegas Valley community. Section 595 was critical to updating our facilities and protecting against ongoing drought conditions so that the existing water system has a reliable means to safely provide for the community's water needs.

I cannot stress how important the section 595 program is for southern Nevada and the American West, as the region faces the worst drought we have faced in twelve centuries. Yes, I said that: twelve centuries.

But thank you again, Madam Chair and Ranking Member Rouzer. And again, I urge you to support this important program.

[Mrs. Lee's prepared statement follows:]

Prepared Statement of Hon. Susie Lee, a Representative in Congress from the State of Nevada

Thank you, Chair Napolitano and Ranking Member Rouzer, for hosting a Members' Day Hearing on this critically important bill to address the water supply and environmental infrastructure needs of our nation and our local communities.

As many of you know, southern Nevada—and the entire West—is facing an unprecedented drought. In my district, Lake Mead, which supplies water for 25 million people across Nevada, Arizona, and California, is at its lowest level since the con-

struction of the Hoover Dam in the 1930s. Now more than ever, it's critical that we build the infrastructure we need to make our communities resilient to drought and better manage our water resources.

That is why I'm advocating for critical investments in the Section 595 Army Corps program in rural Nevada and across the Western U.S. To date, funding for this vital water management program has been almost completely expended since its last authorization. Section 595 allows the Army Corps to provide design and construction assistance for water-related environmental infrastructure projects. These projects include things like wastewater treatment plants, water supply facilities, environmental restoration, and surface water protection.

In my district, Section 595 has funded a range of projects to protect our water resources and ensure our community has access to clean drinking water.

In Searchlight, the Army Corps was critical in the design and construction of Searchlight Water and Wastewater System improvements.

In Boulder City, they renovated three city wastewater pump stations and several miles of force main to protect against accidental discharge of wastewater into the watershed of Lake Mead National Recreation Area and Lake Mead.

And just outside of Las Vegas, the Army Corps and Las Vegas Valley Water District have worked closely to complete an urgent upgrade to meet fire protection and emergency requirements after the system suffered from water leaks, excessive corrosion, and main breaks. The declining groundwater levels and well deterioration presented a significant water supply risk for the greater Las Vegas Valley community. Section 595 was critical to updating our facilities and protecting against ongoing drought conditions so that the existing water system has a reliable means to safely provide for the community's water needs.

I cannot stress enough how important the Section 595 program is for southern Nevada—and the American West—as the region faces the worst drought in twelve centuries.

Thank you again, Chair Napolitano and Ranking Member Rouzer for the chance to speak about this important program. I yield my time.

Mrs. NAPOLITANO. Thank you very much for your testimony, Mrs. Lee, and that will be taken into consideration.

I would like to recognize our next Member, the gentlewoman from the U.S. Virgin Islands, Ms. Plaskett.

You are on, Ms. Plaskett, for 5 minutes.

TESTIMONY OF HON. STACEY E. PLASKETT, A DELEGATE IN CONGRESS FROM THE VIRGIN ISLANDS

Ms. PLASKETT. Thank you. It is so wonderful to be here with you, Chairwoman Napolitano, as well as Ranking Member Rouzer, members of the subcommittee, and particularly, of course, the staff, who do so much of the great work. I want to thank you for the opportunity to advocate on behalf of my district, the U.S. Virgin Islands, as well as the noncontiguous portions of this country, as the committee develops the Water Resources Development Act of 2022.

I have a lot of critical priorities that I would like to discuss with you, but I think I would rather use my time to talk specifically about some policy issues and policy changes which I believe will be really helpful to the U.S. Virgin Islands, as well as the noncontiguous U.S., and moving forward with a variety of projects for flood control, storm damage reduction, and ecosystem restoration.

The Virgin Islands is currently having difficulty with moving ahead on projects that have been authorized and funded, due to insufficient funds to pay local cost share requirements. Therefore, I have requested language to allow non-Federal sponsors to use State and local fiscal recovery funds to pay the local cost share on all phases of water resources development projects. This is consistent with the Department of the Treasury's guidance on the use of these funds under the American Rescue Plan Act of 2021.

However, the Corps of Engineers is presently requiring non-Federal sponsors to obtain a signed letter from the U.S. Treasury Secretary to explicitly authorize such use of funds to pay the local cost share on each water resources development project. This is an unnecessary bureaucratic hurdle. It is impractical, unreasonable, and unrealistic for each project, and the inconsistency with standing guidance issued for the use of funding provided for the State and local fiscal recovery funds under the American Rescue Plan Act of 2021.

Allowing the use of the ARPA funding to meet local cost share requirements will greatly benefit the Virgin Islands because sufficient local funds are not available to pay for medium-sized flood control projects that were authorized in the Water Resources Development Act of 2020, and funded to build with resources allocated under the Infrastructure Investment and Jobs Act and the Disaster Relief Act of 2021.

I have also asked that cost share waiver authority that currently exists for U.S. Territories and Indian Tribes under section 1156 of the Water Resources Development Act of 1986 be extended to apply to the preconstruction design and engineering phase of a water resource development project, in addition to studies. This would tremendously help both the Territories and Indian Tribes.

In my district, due to insufficient funds to pay local cost share and the inability to use the ARPA funding to pay such local cost share, the preconstruction design and engineering phase of the largest flood risk management project on St. Thomas that is currently authorized and funded cannot move forward.

These are examples, I believe, of policy issues which I think could work to support the increase in completing these projects, and making sure that they are done.

And lastly, I have requested, with other Members from the non-contiguous U.S., that the committee include language to authorize the Secretary, in conducting a study of flood risk management or hurricane and storm damage risk reduction, to recommend a project in the noncontiguous U.S. without meeting a demonstration that the project can be justified by national economic development benefits. The noncontiguous areas of the U.S. are set apart geographically from the rest of the country, and have special needs related to flood risk management or hurricane and storm damage risk reduction.

I have a written testimony which has much more specificity with regard to priorities and projects, but I appreciate the opportunity to speak with you all today about these issues, and thank you for your time.

I yield back.

[Ms. Plaskett's prepared statement follows:]

**Prepared Statement of Hon. Stacey E. Plaskett, a Delegate in Congress
from the Virgin Islands**

Chairwoman Napolitano, Ranking Member Rouzer, members of the subcommittee. Good day and thank you for this opportunity to advocate on behalf of my district, the U.S. Virgin Islands, as the committee develops the Water Resources Development Act of 2022. The Water Resources Development Act, traditionally renewed every two years, authorizes a variety of water projects for construction, including

projects to improve navigation, flood control, hurricane and storm damage reduction, shoreline protection, and ecosystem restoration, as well as environmental infrastructure projects. It creates good-paying jobs while strengthening and improving the vital water infrastructure that Americans rely on.

There are five critical priorities I want to bring to your attention for inclusion in the Water Resources Development Act for 2022. The first is the environmental infrastructure project that I have requested on behalf of my district, the U.S. Virgin Islands, and the Virgin Islands Waste Management Authority.

The purpose of the project is to remediate the contamination caused by overflowing oil storage at the oil collection points, and to construct proper containment areas for the oil storage for the Do-It-Yourself oil users of the U.S. Virgin Islands. The taxpayers of the Virgin Islands need a proper and clean way to dispose of their used motor and cooking oil. The Virgin Islands Waste Management Authority needs the funds for the remediation of these existing sites which have been overwhelmed with the volume of the oil. The surrounding soil has been contaminated and the extent of the contamination is unknown. This project would fund the investigation of the site media to determine how far the oil contamination has reached. This directly impacts the environment.

The second part of the project is to construct proper oil containment areas to support the proper storage of the territory's residential used oil. With proper storage tanks and containment areas, further pollution to the environment will be prevented. This project will benefit the residents of the Virgin Islands by having less pollution released to the environment and having a safe and clean area to dispose of their used oil.

I am requesting new environmental infrastructure authority for the foregoing purposes, and the requested funding authorization amount is \$1.584 million.

Additionally, I have a number of policy requests that will assist the U.S. Virgin Islands, and the noncontiguous United States, in moving forward with a variety of projects for flood control, storm damage reduction, and ecosystem restoration.

The Virgin Islands is currently having difficulty with moving ahead on projects that have been authorized and funded due to insufficient funds to pay local cost share requirements.

Therefore, I have requested language to allow non-Federal sponsors to use State and Local Fiscal Recovery Funds to pay the local cost share on all phases of water resources development projects. This is consistent with Department of the Treasury guidance on the use of these funds under the American Rescue Plan Act of 2021. However, the Corps of Engineers is now requiring non-Federal sponsors to obtain a signed letter from the U.S. Treasury Secretary to explicitly authorize such use of funds to pay the local share on each water resources development project. Such a bureaucratic hurdle is impractical, unreasonable, unrealistic for each project, and inconsistent with standing guidance issued for the use of funding providing from the State and Local Fiscal Recovery Funds under the American Rescue Plan Act of 2021.

Allowing the use of ARPA funding to meet local cost share requirements will greatly benefit the Virgin Islands because sufficient local funds are not available to pay for the medium-sized flood control projects that were authorized in the Water Resources Development Act of 2020 and funded to be built with resources allocated under the Infrastructure Investment and Jobs Act and the Disaster Relief Act of 2021.

I have also asked that the cost share waiver authority that currently exists for U.S. territories and Indian tribes under section 1156 of the Water Resources Development Act of 1986 be extended to apply to the pre-construction design and engineering phase of a water resources development project, in addition to studies. This would be of tremendous help to both the territories and Indian tribes. In my district, due to insufficient funds to pay local cost share, and the inability to use ARPA funding to pay such local cost share, the pre-construction design and engineering phase of the largest flood risk management project on St. Thomas that is currently authorized, and funded, cannot move forward. This cost share waiver authority would allow us to go ahead with this important project for flood control.

Additionally, I have requested a modest increase to the Continuing Authorities Program per-project limit applicable to projects for flood control, and aquatic ecosystem restoration, to \$15 million, and a similar increase to the per-project limit applicable to projects for shoreline protection, to \$10 million. These limits have not been increased in nearly 10 years, since 2014. This policy would be of great assistance to my district and many others around the country with CAP projects that have expected costs currently reaching the limit. Once the limit is reached, the cost of the project above that amount must be borne entirely from the non-Federal

project sponsor, or the project will have to wait years for authorization and further funding.

Lastly, I have requested, with other Members from the noncontiguous United States, that the committee include language to authorize the Secretary, in conducting a study of flood risk management or hurricane and storm damage risk reduction, to recommend a project in the noncontiguous U.S. without needing a demonstration that the project is justified by national economic development benefits. The noncontiguous areas of the United States are set apart geographically from the rest of the country, and have special needs related to flood risk management or hurricane and storm damage reduction.

This policy would align well with the same federal authority that currently exists for studies of harbor and navigation improvements, and related projects, in the noncontiguous United States. This policy request is designed to help with the authorization of flood control or storm damage reduction projects in U.S. territories, Hawaii, or Alaska, which are less populated and challenged to generate sufficient national economic benefits as compared to that of larger communities in the lower 48 contiguous States. These communities are particularly vulnerable to climate change. Sea level rise is placing stress on reef ecosystems and other natural barriers that protect shorelines, prevent coastal road damages, mitigate inland flooding, stave off salinization of freshwater sources, and more.

I humbly ask that the committee favorably consider all these provisions that I have requested as it drafts the Water Resources Development Act of 2022. Thank you for your work on this legislation and your attention to my requests.

Mrs. NAPOLITANO. Thank you very much, Ms. Plaskett. We understand the issues that the Territories have, and we are trying to work with them to see what we can do to help out. Thank you very much.

Now I would like to recognize our next Member, the gentleman from California.

Mr. Valadao, you are on for 5 minutes, sir.

**TESTIMONY OF HON. DAVID G. VALADAO, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. VALADAO. Thank you. Good afternoon, Chair Napolitano, Ranking Member Rouzer, and members of the subcommittee. Thank you very much for this opportunity to advocate for my requests for the Water Resources Development Act of 2022.

I am glad to see the committee is planning to stay on the 2-year track with WRDA legislation.

Improving projects, processes, and access to water is crucial, especially in districts like mine. Even though many of the Federal assets in my district and across California are managed by the Bureau of Reclamation, there are still opportunities in WRDA bills to help the Central Valley.

I would like to start by discussing my request to include my legislation, the RENEW WIIN Act, in the base bill. This legislation was actually first enacted in the WRDA bill of 2016, which was ultimately signed into law as the WIIN Act.

According to a study from UC Merced, the drought directly cost the agriculture economy in California \$1.1 billion, 8,750 jobs last year. The Central Valley desperately needs water, and this no-cost, clean extension of the operations and storage provision in the WIIN Act is an important step to ensure reliable water supply for our communities.

Specifically, the bill extends through 2031 the authority of the Bureau of Reclamation to provide support for Federal or State-led water storage projects in certain Western States. It also extends provisions specific to California, including drought relief and the

operations of the Central Valley Project, which is a hydropower and water management project in California that is operated by the Bureau of Reclamation.

Further, the bill extends through 2036 consultation requirements concerning biological assessments and the coordinated operations of the Central Valley Project and the State Water Project in California.

My next request is about the U.S. Army Corps of Engineers Big Dry Creek Reservoir and the Fancher Creek Reservoir in Fresno County. The project was originally designed to help the San Joaquin Valley region with flood control. The language submitted to you would provide the Army Corps with authority for temporary storage of water, which is much needed in our region.

Groundwater basins in the San Joaquin Valley have long suffered from critical overdraft. Prolonged drought, like what we are currently facing, has enhanced the need for additional water storage in the region. Reoperation of the Redbank and Fancher Creeks project would greatly help the area by temporarily storing and redistributing the water for recharge to better balance groundwater levels for our communities and economy. This project will provide the necessary evaluation and improvements to reoperate reservoirs within the Redbank and the Fancher Creeks project, primarily the Big Dry Creek Reservoir.

Reoperation will allow for the holding of stormwater into spring and summer for later release in the region's extensive system of groundwater recharge basins. The ability to capture, store, and effectively use these flows is critical to the region's efforts to balance water use and long-term water sustainability. Repetitive and often severe drought experienced by the Fresno/Clovis region calls for this water supply resiliency afforded by maximizing the storage of surface water.

The project will serve as a conservation pool for short-term storage of available surface waters up to 15,000 acre-feet, and will be used for downstream beneficial uses, primarily direct and indirect recharge within the critically overdrafted groundwater basin. This project will help meet the water needs of our communities, which are mainly disadvantaged.

Finally, I would like to highlight my final request that would amend the Army Corps project purpose to include water supply. Given the increasing frequency of periods of excess water and excess drought as a result of extreme weather conditions, this additional authority would help to utilize and maximize storage capacity to serve the beneficial uses in California. This is a cost-effective way to prepare for drought emergencies and increase climate resiliency. The provision provides the Secretary with more flexibility in how they are able to adapt to future climate scenarios.

Thank you again for giving me this opportunity to highlight the importance of my WRDA requests. I hope you will seriously consider the inclusion of these requests in the base bill.

Thank you, and I yield back.

[Mr. Valadao's prepared statement follows:]

**Prepared Statement of Hon. David G. Valadao, a Representative in
Congress from the State of California**

Good afternoon Chair Napolitano, Ranking Member Rouzer, and members of the subcommittee. Thank you for this opportunity to advocate for my requests for the Water Resources Development Act of 2022.

I am glad to see the committee is planning to stay on the two-year track with WRDA legislation. Improving projects, processes, and access to water is crucial, especially in districts like mine. Even though many of the federal assets in my district and across California are managed by the Bureau of Reclamation, there are still opportunities in WRDA bills to help the Central Valley.

I would like to start by discussing my request to include my legislation, the RENEW WIIN Act, in the base bill. This legislation was actually first enacted in the WRDA bill of 2016, which was ultimately signed into law as the WIIN Act.

According to a study from UC Merced, the drought directly cost the agriculture economy in California 1.1 billion dollars and 8,750 jobs last year. The Central Valley desperately needs water, and this no-cost, clean extension of the operations and storage provisions in the WIIN Act is an important step to ensure a reliable water supply for our communities.

Specifically, the bill extends through 2031 the authority of the Bureau of Reclamation to provide support for federal or state-led water storage projects in certain western states. It also extends provisions specific to California, including drought relief and the operations of the Central Valley Project, which is a hydropower and water management project in California that is operated by the Bureau of Reclamation.

Further, the bill extends through 2036 consultation requirements concerning biological assessments and the coordinated operations of the Central Valley Project and the State Water Project in California.

My next request is about the U.S. Army Corps of Engineers Big Dry Creek Reservoir and the Fancher Creek Reservoir in Fresno County. The project was originally designed to help the San Joaquin Valley region with flood control. The language submitted to you would provide the Army Corps with authority for the temporary storage of water which is much needed in our region.

Groundwater basins in the San Joaquin Valley have long suffered from critical overdraft. Prolonged drought, like what we are currently facing, has enhanced the need for additional water storage in the region. Reoperation of the Redbank and Fancher Creeks project would greatly help the area by temporarily storing and redistributing the water for recharge to better balance groundwater levels for our communities and economy.

This project will provide the necessary evaluation and improvements to reoperate reservoirs within the Redbank and Fancher Creeks Project, primarily the Big Dry Creek Reservoir. Reoperation will allow for the holding of storm water into spring and summer for later release into the region's extensive system of groundwater recharge basins. The ability to capture, store, and effectively use these flows is critical to the region's efforts to balance water use and long-term water sustainability. Repetitive and often severe drought experienced by the Fresno/Clovis region calls for the water supply resiliency afforded by maximizing the storage of surface water.

The project will serve as a conservation pool for short-term storage of available surface waters up to 15,000 acre-feet, and will be used for downstream beneficial uses, primarily direct and indirect recharge, within the critically over drafted groundwater basin. This project will help meet the water needs of our communities which are mainly disadvantaged.

Finally, I would like to highlight my final request that would amend the Army Corps project purpose to include water supply. Given the increasing frequency of periods of excess water and excess drought as a result of extreme weather conditions, this additional authority would help to utilize and maximize storage capacity to serve the beneficial uses in California.

This is a cost-effective way to prepare for drought emergencies and increase climate resiliencies. The provision provides the Secretary with more flexibility in how they are able to adapt to future climate scenarios.

Thank you again for giving me the opportunity to highlight the importance of my WRDA requests. I hope you will seriously consider the inclusion of these requests in the base bill.

Mrs. NAPOLITANO. Thank you, Mr. Valadao, for your testimony, and it will be considered. Thank you very much.

Mr. VALADAO. Thank you.

Mrs. NAPOLITANO. The next witness, the next Member, and probably the last, is the gentleman from Hawaii, Mr. Case.

You have 5 minutes, sir.

**TESTIMONY OF HON. ED CASE, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF HAWAII**

Mr. CASE. Thank you, Madam Chair and Ranking Member, members of the committee. Aloha and mahalo for the opportunity to support this committee's continued efforts on behalf of critical water resources activities and programs that are important to both our Nation and to my home State of Hawaii.

Hawaii, of course, is an island State, with the ocean on all sides. So, the impacts of our ocean on our lands directly affect our everyday lives. This is especially important where we go to enjoy our oceans and marine environment, and where we host millions of visitors per year seeking the same experience, making travel and tourism by far our largest single economy. So, the impacts of climate change on coastal erosion and flooding, especially along our world-class beaches, are severe, both as to our economy and our way of life.

The State of Hawaii needs the technical assistance only the U.S. Army Corps of Engineers can provide to save our precious beaches and oceans, especially iconic Waikiki Beach and the surrounding Māmala Bay. This is my top WRDA request to this committee for assistance.

Māmala Bay and Waikiki Beach in Honolulu have played a central role in Hawaii's recreational, cultural, and economic story for centuries.

Waikiki Beach and its offshore waters form the hub of our visitor industry, our largest overall economic driver, with direct contributions of around 25 percent of our total GDP. Waikiki Beach is one of the most visited and enjoyed beaches on Earth, with over 10 million visitors per year. These visitors are both local residents for whom Waikiki Beach is the most central ocean recreation area in urban Honolulu, and our tourists.

The majority of tourists who visit Hawaii stay at some point in Waikiki hotels and resorts right on Waikiki Beach, or right next to it, so they can visit the beach. A 2016 report by the University of Hawaii concluded that some 58 percent of tourists to Waikiki would not have visited if there was no beach and easy ocean access at Waikiki.

However, the increasing impacts of climate change and sea level rise, which is especially problematic for island States and Territories such as Hawaii, are taking an alarming toll on Waikiki Beach. Especially over the past decade, there has been an alarming increase in shoreline erosion, with associated impacts on the immediate ocean habitat, ecosystems, and recreational opportunities. These have been exacerbated by completely inadequate shoreline stabilization efforts for decades. and in some places, for over a century.

The threat of further accelerating erosion up to the total loss of the beach is very real. The consequences would be widespread. In the visitor industry alone, the University of Hawaii 2016 study concluded that complete erosion of Waikiki Beach would result in a

loss of some \$2.2 billion annually in spending and revenue for Hawaii's economy.

There have been some small and discrete stabilization projects initiated and implemented along specific portions of the Waikiki coastline, but no comprehensive, integrated project that would address the threat in its entirety. A new comprehensive feasibility study is required to develop a project or series of projects that address the long-term sustainability and utility of Waikiki Beach and its adjacent ocean environment and critical public infrastructure. Such a study will help ensure the associated recreational and economic benefits are preserved and enhanced.

Your committee has within its power the abilities to make a legislative correction to assure this study can move forward. Section 209 of Public Law 87-874 currently authorizes the Corps of Engineers to conduct surveys of flood and tidal events only of Hawaii's rivers and harbors. But it does not cover related shorelines or nearby buildings and infrastructure. There is really no justification for this distinction, especially in the specific case of Waikiki Beach, where the basic challenge extends from the land through the beach to the marine environment. Your support is needed to make sure we take into consideration the outsized issues like this that remote and coastal locations face as our country debates how to approach impacts to infrastructure due to climate change.

Finally, I would like to express my gratitude to the Corps of Engineers for its continued commitment to improving and adjusting to these unique situations in Hawaii and urge further consideration of these topics that are so vital to my home island State.

Mahalo again for your time, and I appreciate your consideration of these concerns from Hawaii as you reauthorize the Water Resources Development Act.

[Mr. Case's prepared statement follows:]

**Prepared Statement of Hon. Ed Case, a Representative in Congress from
the State of Hawaii**

Chair DeFazio, Ranking Member Graves and Members of the Committee:

Aloha, and mahalo for the opportunity to support this Committee's continued efforts on behalf of critical water resources activities and programs that are important to both our nation and my home state of Hawaii.

Hawaii of course, is an island state, with the ocean on all sides, so the impacts of our ocean on our land directly affect our everyday lives. This is especially important where we go to enjoy our oceans and marine environment, and where we host millions of visitors per year seeking the same experience, making travel and tourism by far our largest single industry. So the impacts of climate change on Coastal erosion and flooding, especially along our world-class beaches, are severe both as to our economy and our way of life.

The State of Hawaii needs the technical assistance only the U.S. Army Corps of Engineers can provide to save our precious beaches and oceans, especially iconic Waikiki Beach and the surrounding Māmalā Bay. This is my top request to this Committee for assistance.

Māmalā Bay and Waikiki Beach in Honolulu have played a central role in Hawaii's recreational, cultural and economic story for centuries. Waikiki Beach and its offshore waters form the hub of Hawaii's visitor industry, Hawaii's largest overall economic driver with direct contributions of around 25% of our total GDP. Waikiki Beach is one of the most visited and enjoyed beaches on earth, with over 10 million visitors per year. These visitors are both local residents, for whom Waikiki Beach is the most central ocean recreation in urban Honolulu, and tourists. The majority of tourists who visit Hawaii stay at some point in Waikiki hotels and resorts, right

on Waikiki Beach or right next to it so they can visit the beach. A 2016 report by the University of Hawai'i concluded that some 58% of tourists to Waikiki would not have visited if there was no beach and easy ocean access at Waikiki.

However, the increasing impacts of climate change and sea level rise, which is especially problematic for island states and territories such as Hawai'i, are taking an alarming toll on Waikiki Beach. Especially over the past decade, there has been an alarming increase in shoreline erosion with associated impacts on the immediate ocean habitat, ecosystems and recreational opportunities. These have been exacerbated by completely inadequate shoreline stabilization efforts for decades—and in some places for over a century.

The threat of further accelerating erosion up to the total loss of the beach is real. The consequences would be widespread. In the visitor industry alone, the University of Hawai'i 2016 study concluded that complete erosion of Waikiki Beach would result in a loss of some \$2.2 billion annually in spending and revenue for Hawai'i's economy.

There have been some small and discrete stabilization projects initiated and implemented along specific portions of the Waikiki coastline, but no comprehensive, integrated project that would address the threat in its entirety. A new, comprehensive feasibility study is required to develop a project or series of projects that address the long-term sustainability and utility of Waikiki Beach and its adjacent ocean environment and critical public infrastructure. Such a study will help ensure the associated recreational and economic benefits are preserved and enhanced.

Your Committee has within its power the ability to make a legislative correction to assure this study can move forward. Section 209 of Public Law 87-874 currently authorizes the Corps of Engineers to conduct surveys of flood and tidal events only of Hawai'i's rivers and harbors, but it does not cover related shorelines or nearby buildings and infrastructure. There is no justification for this distinction, especially in the specific case of Waikiki Beach where the basic challenge extends from the land through the beach to the marine environment. Your support is needed to make sure we take into consideration the outsized issues like this that remote and coastal locations face as our country debates how to approach impacts to infrastructure due to climate change.

Finally, I would like to express my gratitude to the Corps of Engineers for its continued commitment to improving and adjusting to these unique situations in Hawai'i and urge further consideration of these topics that are so vital to my home state.

Mahalo you for your time, and I appreciate your consideration of these concerns from Hawai'i as the Committee reauthorizes the Water Resources Development Act.

Mrs. NAPOLITANO. Thank you for your testimony, Mr. Case, and I understand what climate change is doing to all of the United States. Thank you again.

Mr. CASE. Thank you.

Mrs. NAPOLITANO. Thank you to all the Members for their testimony. It was very enlightening and very helpful to the subcommittee.

I ask unanimous consent that the record of today's hearing remain open until such time as our witnesses have provided any answers—there were no questions, so I guess that doesn't apply—to any questions that may be submitted to them in writing.

I ask unanimous consent that the record remain open 15 days for any additional comments and information submitted by Members of Congress to be included in the record of today's hearing.

And without objection, so ordered.

I would like to thank our witnesses again for the testimony.

Do you have any comments?

Mr. ROUZER. No, it was a great subcommittee hearing, Madam Chair, and I look forward to lunch.

Mrs. NAPOLITANO. Thank you for hanging with us. I would like to thank our witnesses again for their testimony.

And if no Members have anything to add, the committee stands adjourned.

[Whereupon, at 1:14 p.m., the subcommittee was adjourned.]

SUBMISSIONS FOR THE RECORD

Prepared Statement of Hon. Sam Graves, a Representative in Congress from the State of Missouri, and Ranking Member, Committee on Transportation and Infrastructure

Thank you, Chair Napolitano.

Keeping the Water Resources Development Act on a two-year cycle is critical to address and advance our Nation's water resources infrastructure needs.

Like the critical flood control projects in my home State and District, other Members have critical priorities too.

As we move forward, an important step is to gather as much input as possible.

Today we will hear from our Congressional colleagues about a number of projects and policies that will help inform a WRDA bill.

Past WRDAs have had strong bipartisan support, so I hope this hearing today will help us reach that same goal this year.

Thank you again to the Subcommittee Chair and thank you to all the Members testifying today. I yield back.

Prepared Statement of Hon. Pete Aguilar, a Representative in Congress from the State of California

I want to thank Chairwoman Napolitano and Ranking Member Rouzer for holding this Member Day hearing on the Water Resources Development Act (WRDA) of 2022, and allowing me to speak about some of the projects I submitted that will benefit my constituents in California's 31st Congressional District.

SEVEN OAKS DAM

First, the Seven Oaks Dam is one of the largest embankment dams in the United States. It was proposed in response to major floods in the mid-twentieth century and constructed between 1993 and 2000 to provide flood protection to San Bernardino, Riverside and Orange Counties. The reservoir has a gross storage capacity of 145,600 acre-feet with a 113,000 acre-feet reserve for flood control. Since its construction, the dam has not been filled to capacity.

Under the dam's original project authorization, the Water Resources Development Act of 1986, the dam was only authorized for a single purpose—flood control. However, the Seven Oaks Dam has the infrastructure and technical design to serve as a multi-use dam. The Water Resources Development Act of 2020 authorized and directed a feasibility study to add water conservation as an authorized purpose for the dam. Since this feasibility study, I urge the Committee to add water conservation as an authorized purpose for the dam. By adding water conservation as an authorized component, the dam and reservoir would be used more efficiently and would provide a greater benefit to the community.

ENVIRONMENTAL INFRASTRUCTURE REQUESTS

Similar to Community Project Funding in the Appropriations process, I am happy to see that the Committee created a pathway to carry out water-related environmental infrastructure projects in WRDA.

The first environmental infrastructure project that I request the Committee consider is the Bohnert Septic to Sewer Conversion Project. This project will connect about 150 septic tanks to a municipal sewer in Rialto, California and address the community's concerns of the septic tanks overflowing into the streets, contaminating the groundwater and causing health issues for the community. A feasibility study and Preliminary Design Report have been completed for the project and the Los An-

geles District of the US Army Corps of Engineers has confirmed that this project is compatible with the purpose of environmental infrastructure projects.

The second environmental infrastructure project that I submitted with Congresswoman Norma Torres is the Rialto Wastewater Plant Microgrid Project in Rialto and Bloomington, California. This project will implement a microgrid powered through a unique combination of biogas cogeneration, solar power and backup battery storage to reliably supply electricity for the City's wastewater treatment plant (WWTP). The Rialto Microgrid is designed to keep residents' wastewater utility rates in check, reduce climate emissions and provide ecosystem restoration and emergency management benefits to the local community. As wildfire season becomes year-long in California, the resilience of the microgrid power source will be important for the Inland Empire to work towards achieving greater energy independence.

Ensuring that future generations have clean air and water is one of the most important responsibilities we have as a country. The projects I requested in WRDA 2022 are essential to mitigating flood risk for residents, reducing climate emissions and improving air quality for the Inland Empire. I will continue fighting for additional resources to help support projects in the Inland Empire that protect our residents' environmental health.

I want to close by once again thanking the Members of this Committee for working on the Water Resources Development Act (WRDA) of 2022. I look forward to continuing my work with each of you as you develop WRDA 2022.

Prepared Statement of Hon. Nanette Diaz Barragán, a Representative in Congress from the State of California

Thank you for the opportunity to address the committee on my priorities. I would like to outline my in-district WRDA priorities, as well as policy changes I am in support of.

IN-DISTRICT PROJECT PRIORITIES

Dominguez Channel Water Quality Infrastructure Project

One project priority is to improve the water quality of the Dominguez Channel in my district, which has been degraded by industrial pollution. Last fall, many residents in Carson were forced to leave their home for weeks as an odor from hydrogen sulfide emissions from the channel made living near it unbearable. This is an environmental justice issue. It's critical the Army Corps support water quality solutions to Dominguez.

My WRDA submission would support a feasibility study to identify potential actions that can be taken to improve water quality, such as water quality treatment facilities, water resources development projects, or the modification of an existing water resources development project. The request also includes federal support of up to 75% of the cost of the study, design, and construction of any proposed solution. The maximum cost covered by the Army Corps would be \$30 million.

WRD PFAS Remediation Program

Another project priority that would benefit my district is the Water Replenishment District's \$100 proposal to treat water wells affected by PFAS. There are approximately 63 drinking water wells with PFAS levels above their respective RLs in WRD's service area, and thus far, 14 water purveyors have applied for grant funding from WRD to install treatment systems for their PFAS-affected wells. Water purveyors with PFAS-affected wells above the RLs must notify the public about these wells or remove their wells from service.

Some water purveyors have shut down their production wells due to PFAS detections. Without WRD's PFAS Remediation Program, these purveyors would be unable to afford installation of treatment systems. The threat of well closure is especially critical in low-income communities, where well closures can significantly increase the cost of tap water.

The benefit of the PFAS Remediation Program is removal of contaminants from the water and reducing public exposure to PFAS. It also ensures an uninterrupted supply of high-quality groundwater at affordable rates.

POLICY CHANGES

Redressing Environmental Justice

While significant progress was made in the 2020 WRDA bill, much more can still be done to ensure that the Army Corps of Engineers has the tools and capacity

needed to advance community-supported solutions to the entrenched water resources challenges that plague far too many of the nation's most vulnerable communities.

This includes increasing capacity and expertise within the Corps, ensuring meaningful opportunities for public input, increasing opportunities for assistance by expanding the Pilot Program for Economically Disadvantaged Communities, maximizing toxics remediation in ecological restoration, navigation and flood resilience projects, advancing environmental justice innovation, and supporting minority-owned businesses.

I have submitted 6 requests for environmental justice policy improvements, based on a letter to the committee I co-led with Representative Cohen.

Resilience Directorate

Another policy ask I have is for Congress to establish a Resilience Directorate. Congress should establish a Resilience Directorate within the Office of the Chief of Engineers to improve the Corps' ability to reduce flood risks, promote coordinated planning across districts and Corps business lines, and better leverage the benefits of natural infrastructure. The Directorate should be tasked with ensuring that existing programs, authorities, and operations take full advantage of natural infrastructure and adopt modern, comprehensive planning approaches.

Critically, the Directorate should have the resources and budgetary authority needed to work and coordinate across Corps business lines to infuse resilience into every aspect of the Corps' work. Congress should also establish "community and natural systems resilience" as co-equal project purpose for each water resources project to eliminate a perceived barrier to comprehensive resilience planning. These reforms will help the Corps take full advantage of its programs and authorities to improve community and water resources resilience and avoid piecemeal planning that can increase flood risks and recovery costs.

Thank you again for this opportunity to provide testimony, and for your consideration. I look forward to working with you to advance these priorities in WRDA.

Prepared Statement of Hon. Kathy Castor, a Representative in Congress from the State of Florida

Chairman DeFazio and Ranking Member Graves,

Thank you for the opportunity to highlight important water resource priorities that will protect and improve the water quality of Tampa Bay and enhance the lives of my neighbors in Tampa, Hillsborough County, Florida. Florida is a biodiverse state with many ecosystem needs, and the U.S. Army Corps of Engineers does important work to address the water quality challenges make communities more resilient to the rising risks and costs of the climate crisis. As the House Committee on Transportation and Infrastructure reviews projects and priorities for the Water Resources Development Act of 2022 (WRDA 2022), I encourage you to strongly consider including several projects in the Tampa Bay area.

TAMPA BAY AREA

The entire Tampa Bay watershed serves as a recreational, economic and natural resource that defines our area with growing stresses of high population densities and aging infrastructure. The area is home to over 145,000 people, 81,000 homes, 66 medical facilities, and more than 900 miles of roads, including critical evacuation routes, below 6 feet Mean Higher High Water (MHHW). An Integrated Climate and Land-Use Scenario (ICLUS) study depicted that future development along the western shores of the south Tampa peninsula, and along the eastern and southeastern shores of the Hillsborough Bay and Tampa Bay, is likely to occur within the 10-percent annual exceedance probability (AEP) for flood risk.

MacDill Air Force Base, a significant base for national security, is in the southern portion of the south Tampa peninsula and is highly vulnerable to coastal hazards. The western shores of the peninsula have significantly higher risk for damages and flooding, due to the tidally influenced man-made canals, which have left dredge holes, several of which have not filled in over time. These holes can affect wave climate in the areas and were identified as a priority for ecosystem restoration efforts in the recent Army Corps of Engineers South Atlantic Coastal Study (SACS.) The study also states that in Hillsborough Bay, the highest Expected Annual Damages (EAD) will occur on Harbor Island, Davis Island and Downtown Tampa, where critical infrastructure like Tampa General Hospital and the Port Tampa Bay are located. The Tampa Bay area also has more than 15,500 historic structures, and over

470 known archaeological sites. Downtown Tampa houses nine National Register of Historic Places (NHRP) and more than 60 NHRP buildings and structures that are in an at-risk zone for flooding from sea level rise (SLR) and increased storm surge activity. Our historic district of Ybor City also is close by.

Finally, Tampa Bay has unique species and ecosystems, with vast marine habitats, seagrass beds, mangrove wetlands, saltmarshes, sandy beaches and dunes, and upland forests that serve many ecological functions, containing some of the most diverse waterbird nesting populations and rookeries in the United States, providing goods and services for Florida and our nation. These areas are identified in SACS at highest risk due to sea level rise and habitat die off or transition. Sea level rise and coastal storm flooding also will impact commercial and recreational fisheries, causing economic impact across the Tampa Bay region. The health of the Tampa Bay has been afflicted by the devastating Piney Point disaster in 2021 and its resulting red tide.

I also encourage the Committee to prioritize other investments for the State of Florida to protect water resources and drinking water. Congress must support efforts that aid in improving the water quality and health of Upper Tampa Bay and its surrounding communities of Dana Shores, Town n' Country, and Safety Harbor, which are often overlooked. This will help local partners and organizations, like the Tampa Bay Estuary Program, protect the natural environment, support the local economy, and create jobs. I would also like to highlight the importance for the Committee to help address the primary drivers of algal blooms and degradation of aquatic ecosystems, which negatively impact the water quality of the region, while taking into consideration bridge replacement projects that prioritize better water circulation and protection of the wetlands in the area.

NEEDED WRDA INVESTMENTS

I urge the Committee to support robust investments in our nation's ports, harbors, and inland waterways, which are vital to the health and economic well-being of communities, including in Tampa Bay. Below I have included some specific priorities for the Committees to consider including in the WRDA 2022

1. As Florida's largest port, Port Tampa Bay serves West and Central Florida and the Southeastern United States. It services both industrial ships and commercial cruise lines, moving roughly 33 million tons of cargo per year and providing over 80,000 jobs to the city and surrounding areas. All fuels for the Central Florida region move through this port, including for the Tampa International Airport and MacDill Air Force Base. It is also a vital gateway for Florida fertilizer to be shipped to domestic and international markets. As the port expands and serves more ships transiting the Panama Canal and Caribbean, I encourage the Committee to direct the Secretary of the Army to survey federal navigation channels to facilitate the needs of larger ocean-going vessels that would otherwise be prohibited from transiting the channel due to draft restrictions.
2. To protect my community from coastal hazards, I urge the Committee to ensure coastal Storm Risk Management measures are used to protect critical infrastructure at the Port Tampa Bay and in McKay Bay. McKay Bay is home to the McKay Bay Waste-To-Energy facility, a power plant fueled by municipal solid waste and many other industrial sites such as the Bay Side Power Plant and CSX Rockport Pier Terminal. This important power plant provides a reliable, environmentally conscious way of managing the City of Tampa's 360,000+ tons of municipal solid waste that citizens generate each year, providing enough electrical power to supply electrical needs for up to 15,000 Tampa homes per month. McKay Bay is surrounded by mangroves and salt marsh wetlands and is located along the Great Florida Birding Trail. Given its proximity to dense populations and businesses in downtown Tampa, it is crucial that the Committee works to ensure that the infrastructure in McKay Bay remains protected against coastal storm threats by adding resilience.
3. Based on the population and infrastructure exposure analysis in SACS, we know that most of the population and infrastructure in the Tampa Bay area are subject to coastal hazards, particularly in the areas surrounding Hillsborough Bay, including downtown Tampa, Bayshore Boulevard, which connects downtown Tampa with MacDill Air Force Base, is the second longest continuous sidewalk in the United States, widely used for recreation and exercise purposes and providing a link to the recreation areas of Ballast Point and Picnic Island, as well as Gandy Bridge. Bayshore is designated "Zone A" for natural disaster evacuation purpose as it is prone to flooding, and is in dire need for implementation of hybrid structural and natural and nature-based feature

(NNBF) initiatives to protect and enhance the natural environment for habitat and recreation. I encourage the Committee to take necessary action to enact the structural restoration needed to preserve Bayshore Boulevard for the next generation of Americans to enjoy.

4. It is imperative for the Committee to consider investments in habitat restoration and protection at the Bay Point dredge hole. The Bay Point dredge sits on Old Tampa Bay north of the Courtney Campbell Causeway. Old Tampa Bay is classified as impaired by the Florida Department of Environmental Protections, mainly due to mercury found in fish tissue and bacteria found on Picnic Island beaches. Additionally, in a study conducted by the Hillsborough County Environmental Protection Commission, Bay Point dredge hole is ranked worst on both bottom dissolved oxygen and the benthic index, third worst on sediment contaminants, and worst overall compared to 11 other Tampa area dredge holes. The hole has not filled in naturally and is an opportunity for beneficial placement of dredged material for ecosystem restoration purposes.
5. Habitat restoration and protection is also needed at the MacDill Docks. MacDill Air Force Base is home to the headquarters of two US military unified combatant commands: United States Central Command and United States Special Operations Command. Approximately 15,000 individuals work at MacDill, and it is a significant contributor of the local economy. MacDill is also home to several federally protected wildlife species including wood storks, red knots, piping plovers, Florida burrowing owls, smalltooth sawfish, giant manta rays, Florida manatees and American alligators. One of the most important protected species found at MacDill is the gopher tortoise, which is a candidate for the federal Endangered Species list and is listed as threatened within the state of Florida. MacDill has also practiced habitat restoration through the Stormwater Improvement and Management project in the southeastern portion of the base, as well as the creation of a saltern habitat in the southern portion of the base, which is important to conserve the Tampa Bay estuary. These habitat restoration efforts have improved the water quality around MacDill and helped maintain the small population of gopher tortoises and Florida burrowing owls. I highly encourage the committee to consider the Habitat restoration and protection at MacDill.

As Chair of the U.S. House Select Committee on the Climate Crisis, I am grateful for the work the Committee has already done to address water resource challenges and urge the Committee to be bold and strategic in crafting a WRDA 2022 bill that helps tackle the climate crisis and protect communities across the nation. I understand that the projects and policy priorities included in these WRDA reauthorization bills are essential to the everyday lives of Americans and our economy and thank you for the opportunity to share my priorities. I look forward to working with you to craft a forward-thinking WRDA 2022 that protects and restores our nation's ports, harbors, inland waterways, ocean, and wetland ecosystems, and improves nature's resilience to climate impacts, including coastal flooding. If you have any questions or comments, please do not hesitate to contact me or my Legislative Assistant Maria Robayo.

**Prepared Statement of Hon. Diana DeGette, a Representative in Congress
from the State of Colorado**

Chairman Napolitano and Ranking Member Rouzer:

Thank you for providing the opportunity to submit written testimony to advocate for priorities in the upcoming Water Resources Development bill. Continuing the recent successes of passing Water Resources Development Act (WRDA) bills in 2014, 2016, 2018, and 2020, this bill will help many states and localities move critical projects forward.

The 2022 WRDA bill gives us an opportunity to authorize new, eligible projects, as well as modify existing projects and regulations that allows us to improve the critical work of the U.S. Army Corps of Engineers (USACE). This year, I am seeking modifications to language for an existing project, increases in program limits for other USACE projects, clarification of statutory language for congressionally mandated steps in implementation of USACE projects, and language to further assist with streamlining permits for local projects. These modifications would benefit projects in my district and others across the country.

Chatfield Downstream Channel Improvement Project: I want to thank the committee for its continued support of the Chatfield Downstream Channel Improvement Project. The work authorized by previous legislation turned neglected portions of the

South Platte River into a vibrant and important resource for recreation and growing communities. However, the project is far from complete, as seven miles of river still require remediation. For the remainder of the project, I ask that the committee consider adding the following language to WRDA 2022,

“Chatfield Downstream Improvement Channel: The Chatfield Downstream Project authorized in the River and Harbors Act of 1950 is henceforth reauthorized for updated hydrology as currently approved by FEMA for the South Platte River.”

The proposed language would clarify the authority of USACE to approve modifications to the channel that are being proposed as part of the corridor plan and allow for continuous uninterrupted work on the whole corridor.

Pre-Construction Engineering and Design: As you well know, the Pre-Construction Engineering and Design (PED) phase of USACE projects is critical for making sure projects continue to move forward during the period between the signing of a Chief of Engineers report and the authorization of a project. I ask that the committee consider language that would allow PED funding to be included in the Investigations portion of the USACE budget with dedicated amounts for PED that allow projects to keep progressing. I would also ask the committee to consider language that removes the PED requirement once a project is authorized for construction. These changes would benefit the South Platte River and Tributaries, Adams and Denver Counties, Colorado Project in my district. The project became eligible for PED funding in July 2019, but the project only recently received a portion of the necessary PED funding to move forward in the Fiscal Year 2022 Omnibus bill. The lack of funding caused delays and drove up costs for USACE and the City and County of Denver. While this example impacts my constituency, it is certainly not unique to my district. The simple proposed modifications will ensure that projects, and the entities responsible for planning and completing projects, can maintain progress while avoiding unnecessary delays.

Continuing Authorities Program: The Continuing Authorities Program (CAP) is incredibly helpful for local sponsors and stakeholders in my district, like the Southern Platte Valley, Denver, CO Ecosystem Restoration Study project. Allowing local sponsors to advance limited projects without the need for project-specific congressional authorization helps stakeholders quickly and efficiently complete critical projects throughout the United States. I request the committee increase the overall program limits, as well as the individual per project federal limits. Increases to the CAP limits would help USACE quickly allocate money from the Infrastructure, Investment, and Jobs Act. Additionally, I ask that the committee require USACE to post to the federal register the 10 pilot CAP projects for economically disadvantaged areas as authorized in WRDA 2020.

Section 408 Permissions: Finally, I urge the committee to require USACE to work with nonfederal sponsors to develop categorical permissions for Section 408 permissions within 180 days of enactment of WRDA 2022. Due to the lack of national categorical permissions for Section 408, the use of categorical permissions has led to limited and mixed results. Creating a set of national categorical permissions that can be used across all USACE Districts will create much needed clarity for local sponsors moving forward.

Thank you for taking the time to consider these requests in the upcoming 2022 Water Resources Development Act. If you have any questions please do not hesitate to reach out to my staffer, Nicholas Anuzis.

Prepared Statement of Hon. Rosa L. DeLauro, a Representative in Congress from the State of Connecticut

Thank you, Chairman DeFazio, Ranking Member Graves, Subcommittee Chair Napolitano, Ranking Member Rouzer and all the members of the Subcommittee on Water Resources and Environment for holding this Members' Day hearing to examine some of our priorities for a new Water Resources Development Act (WRDA) for 2022.

As we all know, WRDA is essential to everyday hardworking Americans and vital to ensuring a robust economy. Nearly 80 percent of traded goods move through our nation's ports, harbors, and inland waterways. Projects for flood damage reduction help protect our rural and urban communities from coastal storms and inland flooding, which benefits millions of Americans. And ecosystem restoration projects restore and maintain our natural resources. This important work, carried out by the

U.S. Army Corps of Engineers (Corps), is made possible through the work enacting WRDA.

Since 2014, the House Committee on Transportation and Infrastructure has crafted and passed WRDA on a bipartisan and biennial basis. WRDA provides the Corps with the authority to address water infrastructure needs to cities, agriculture, and industry—to aid in the production of hydropower, to manage a national recreation program, and to address local environmental infrastructure needs. This is key to preserving our nation's economy, protecting our communities and businesses, and maintaining our quality of life.

So, I am grateful today for the opportunity to highlight a few projects that are of concern—including the reauthorization of the Environmental Protection Agency's Long Island Sound Program—as the committee works toward developing a new WRDA.

Having grown up on the shores of the Long Island Sound—it has always held a special place in my heart. More than 120 species and six states depend on the Sound for so many economic and environmental reasons. It is a beautiful estuary and a national treasure, and to my constituents—has long been considered our very own national park. Every year, millions flock to it for recreational purposes—and it provides a critical transportation corridor for goods and people. In addition, the Sound continues to provide feeding, nesting, and nursery areas for diverse animal and plant life. The ability of the Sound to sustain this is dependent on the quality of its waters, habitats, and living resources. So, I have long been a steadfast advocate for safeguarding and restoring the water quality and the diverse habitats of the Sound. Last authorized in WRDA 2018, the current authorization period is 2019–2023. And since the next WRDA bill will not be until 2024, I want to ensure that the authorization carries over until the next bill goes into effect.

As an additional part of our effort to address investments in America's water infrastructure, I also urge the Subcommittee to consider authorizing project studies for the *Guilford Harbor and Sluice Channel*, the *Branford Harbor and Stony Creek Channel Navigation Project*, and the *Woodbridge Flood Risk Management*.

The Town of Guilford's Marina (*Guilford Harbor and Sluice Channel*) is an essential facility for Guilford's recreational and commercial industries. The Marina in-water facilities consist of 111 floating slips, 7 commercial docks, 14 river mornings, and a boat ramp. The Marina also provides parking and access to a 1000-foot scenic overlook and finishing areas. Maintaining appropriate depths of the access channels to the Marina and East River are vital for its function.

As a result of the tidal flow and the natural silting of the Entrance and Sluice Creek Channels—it is necessary to regularly dredge these channels, the Marina Basin, and the East River Anchorage. This silting process necessitates that we maintain a schedule to dredge every 6 years. And the last dredging project was completed in 2015—making this an urgent project to get done immediately.

The dredging of the *Branford River* and the *Stony Creek Channel* is another vital project that needs attention. Currently, both the river and channel suffer from extensive areas of shoaling, which is directly affecting the public and businesses that rely on these natural resources. The river and channel are important components of the economic makeup of Branford and surrounding towns due to the numerous commercial, public, and recreational interests and opportunities available. There are approximately 2,000 vessels docked and moored on the river and in Stony Creek. Branford Police and Fire Departments have vessels on the river, which provide public safety, rescue, and fire suppression to all boaters, commercial facilities, and several inhabited islands along the coast of Branford.

And I must take this opportunity to mention the *Woodbridge Flood Risk Management Project*. While Woodbridge's designated flood hazard areas cover less than 6% of its area, these designations affect some 296 parcels within the Town. For landowners whose parcels lie within the 100-year flood zone, mitigation measures can help significantly reduce the risk of costly damage from a serious flood.

So, thank you again for the opportunity to speak today and considering my requests to help ensure that these critical projects receive the attention they deserve so that they can continue being valuable resources for generations to come. Thank you.

**Prepared Statement of Hon. Suzan K. DelBene, a Representative in
Congress from the State of Washington**

Dear Chair DeFazio and Ranking Member Graves,

Thank you for the opportunity to share my priorities with you as the committee works on the Water Resources and Development Act (WRDA) of 2022.

As the Biden Administration is working tirelessly to get critical resources from the Infrastructure Investment and Jobs Act out to our communities, I have been meeting with our state, county, local, and Tribal governments to share resources, understand their needs, and promote cross-jurisdictional collaboration. From these conversations, it has become clear that the number one infrastructure need in Washington's 1st Congressional District right now is funding for water infrastructure projects. While the bipartisan infrastructure law includes tremendous resources for our communities, the unmet need is simply too great and additional assistance is needed.

That's why I am requesting the committee include my environmental infrastructure (EI) assistance request in the House's WRDA legislation. Washington state is one of only six states that currently does not have a single EI assistance authorization on the books, leaving our communities at a disadvantage in receiving support from the United States Army Corps of Engineers.

My office has identified nearly 50 projects in my district, spanning across King, Snohomish, Whatcom, and Skagit counties, totaling a need of nearly \$500 million. These projects include the Nooksack River Floodplain Restoration Project, which is a multi-phase, \$200 million project that would help address the historic flooding recently experienced in my district, including by creating over 1100 acres of floodplain habitat by purchasing land and relocating Everson's Wastewater Treatment Plant. Between Whatcom and Skagit counties, there was over \$100M worth of damage to public and private infrastructure and allowing communities in these counties to access EI assistance will be critical to preventing future damage.

The Snohomish County Government has significant water infrastructure needs as well, totaling more than \$83 million, including a \$60 million request for a 335-acre tidal restoration project that would also relocate an aging and flood vulnerable critical water supply pipeline. Furthermore, many of the smaller, more rural cities and towns in these four counties would benefit from the Corps' expertise in carrying out their water infrastructure projects. The Town of Darrington's \$2 million water supply upgrades project to remove asbestos piping and the Town of Skykomish's \$1.9 million Old Cascade Highway Drainage Project that will help alleviate property/home flooding are two such examples of projects that could benefit if this new EI authority was granted.

Our larger cities also require additional assistance to accommodate the growing population in the region. For example, the City of Redmond has a \$6 million project to extend sanitary sewer mains into a neighborhood with aging and failing septic systems as a way to improve water quality in streams that drain to the Sammamish River.

Thank you again for the opportunity to share my priorities for WRDA 2022 with you, and I hope the committee will give strong consideration to my EI assistance authorization request. My staff and I would be more than happy to provide any additional information the Committee requires about the items discussed above.

**Prepared Statement of Hon. Veronica Escobar, a Representative in
Congress from the State of Texas**

Thank you, Chairwoman Napolitano and Ranking Member Rouzer:

As you continue to gather feedback from members while crafting the Water Resources Development Act (WRDA) of 2022, I respectfully ask for your consideration to include a study I have requested that would focus on the environmental impacts of reducing congestion by using light rail at land ports of entry over bodies of water.

The district I represent includes El Paso, Texas, which is a vibrant community in the middle of the Chihuahuan desert, situated in the westernmost part of the state. It not only has beautiful mountain ranges like the Franklin Mountains, a great source of pride for El Pasoans, but it is also a dynamic border community that shares its air, water, and people with the city of Ciudad Juarez, Mexico.

Additionally, El Paso is the largest metropolitan area along the U.S. Mexico Border with several ports of entry that facilitate the daily passage of thousands of vehicles, pedestrians, and millions of dollars in trade for the United States annually.

The infrastructure at these ports is outdated which continues to cause a substantial amount of congestion and alarming levels of air pollution. Most recently, The

Environmental Protection Agency (EPA) designated El Paso as a nonattainment zone due to the high levels of emissions that are partially caused by the wait times at our ports of entry.

El Paso was once the leader in commuter rail that operated in both El Paso and Ciudad Juarez, Mexico. Rail has been one of the major economic drivers in El Paso's economic growth. By 1974, which was the last year the El Paso-Juarez international rail system was running, 11,000 people were riding the rail daily.

Having an international rail system allowed people from both countries to commute back and forth and support each other's local economy. It was also a more environmentally friendly way of commuting from one city to another.

Furthermore, my district is currently facing the challenges of congestion at our ports of entry and extreme levels of greenhouse gas emissions that continue to cause many health risks for a community that is economically disadvantaged and continues to have the highest uninsured rates in Texas.

By conducting a study of the environmental impacts of reducing congestion by using light rail at land ports of entry over bodies of water, we would be able to discover options on how to relocate or minimize congestion in the El Paso region and other communities with this issue.

Addressing this environmental dilemma highlights the importance of having an international transportation option like light rail readily available in communities like mine to ensure economic development, decrease wait times, alleviate much of the congestion we are seeing today, support job creation, and improve the safety and security for all who cross our border.

El Paso has been able to benefit from past WRDA legislation and maintains a close and vital relationship with the Army Corps of Engineers. Reauthorizing WRDA provides communities across the country the opportunity to continue to improve and implement critical projects.

Thank you for the opportunity to testify before you today and for your consideration of this important study request.

**Prepared Statement of Hon. Russ Fulcher, a Representative in Congress
from the State of Idaho**

Dear Chairman DeFazio, Chairwoman Napolitano, Ranking Member Graves, Ranking Member Rouzer,

Thank you for the opportunity to provide testimony regarding the Water Resources Development Act of 2022. As you may know, federal forest management continues to be a challenge for local communities, States, and Tribes, but there are bright spots like the Good Neighbor Authority. Already in law, the Good Neighbor Authority allows States to partner with stakeholders to ensure sound forest management. I am excited that we have the opportunity now to extend this authority, in a pilot program, to the Army Corps of Engineers for the Walla Walla District to partner with the State of Idaho to help manage timber around the Dworshak Project in Orofino, Idaho. This commonsense arrangement will ensure that the Army Corps can stay focused on the Dworshak Project and highlight a partnership with the State of Idaho that benefits the community and our federal partners.

In addition to this new opportunity for the Army Corps, I am committed to ensuring that the Lower Four Snake River Dams (LSRD) continue their vital mission to provide reliable, clean, and renewable energy to the people of the Northwest. As you may know, last summer, there was peak power demand in the Northwest, and without the LSRD, the situation may have been made worse. Your support of the navigation and power requirements of these dams are vital to the future of power generation in the Northwest.

Given the mission of the dams, I also support efforts to maintain proper dredging for turning basins and access channels, a key priority for the Snake River managed by the Army Corps. Maintenance of the Snake River between Lewiston, Idaho, and Clarkston, Washington is critical to support safe and efficient navigation. The Snake River is a vital pass-through for wheat exports, especially as global instability continues to destabilize food networks across the World.

Finally, as our Nation continues to face unprecedented challenges, I am thankful for the bipartisan efforts to ensure that the Water Resources Development Act of 2022 builds on what makes our country strong and recognizes the continued need to maintain the natural resources bestowed upon us.

**Prepared Statement of Hon. Andrew R. Garbarino, a Representative in
Congress from the State of New York**

Dear Chairman DeFazio, Ranking Member Graves, Chairwoman Napolitano & Ranking Member Rouzer:

I want to thank you and all members of the House Transportation and Infrastructure Committee for your work and attention to the needs of individual districts as they relate to the Water Resources Development Act (WRDA) of 2022. I hope that this written testimony provides a better understanding to the study requests I have submitted for the committee's consideration for inclusion in WRDA.

As you are all aware, New York's 2nd Congressional District on Long Island encompasses a large section of the south shore of the Great South Bay. Since joining Congress, I have been in constant contact with U.S. Army Corps of Engineers officials and project managers who are working tirelessly to ensure Long Island's south shore is maintained, protected, and prepared to withstand continuous seashore erosion and the effects of seasonal coastal storms and hurricanes.

Within the submission timeframe my staff and I were able to submit three requests to be considered for the WRDA of 2022. My submissions are as follows, in no particular order:

- 1) *An Army Corps of Engineers study of the replacement and reconstruction of the bulkhead system at John J. Burns Park of Oyster Bay, New York*

The Town of Oyster Bay has experienced significant flooding around Burns Park. To address these flood risks, the town is interested in pursuing the proper process to have the Army Corps of Engineers to consider the replacement and reconstruction of the bulkhead system along the western and southern property boundary of John J. Burns Park. The study and consideration of the project would potentially lead to the replacement of the bulkhead, tieback capping and safety railing system, along with other site restoration. This study request is to determine if such a project would provide significant impact to the shoreline's resilience to future climate change and hurricane and flood risk management.

- 2) *An Army Corps of Engineers study of the replacement and reconstruction of the bulkhead system at the Joseph J. Saladino Memorial Marina of Oyster Bay, New York*

The Town of Oyster Bay, to mitigate any future hurricane and storm damage, seeks the replacement and reconstruction of the bulkhead system of the Joseph J. Saladino Memorial Marina. The study would determine if the replacement of the bulkhead, tieback capping, restoration of utilities to existing floating docks and further site restoration would positively impact shoreline resilience and hurricane and major storm risk reduction.

- 3) *Study by the Army Corps of Engineers to determine the viability and eligibility of designating the Connetquot River and Greene's Creek in the Town of Islip of Suffolk County, New York as federal navigable waterways eligible for dredging project.*

Currently, the Connetquot River is recognized by the State of New York as a Wild, Scenic and Recreational River. I have many constituents who use the river and creek for recreational purposes to access the Great South Bay. Many of those constituents have shared their concerns about the navigability of the waterways. This study request is for the Army Corps of Engineers to determine the best course of action for the health and safety of the river and creek's water environment and to better manage the mineral build up that prevents safe and accessible navigation of the area.

In closing, I thank you for your time and consideration of my priorities for WRDA to improve the economic outlook and shoreline resilience of my district. As always, I look forward to working with the U.S. Army Corps of Engineers in the years to come to ensure Long Island's south shore is ready to face the challenges brought by climate change and unpredictable storms and flooding that so often plagues my shoreline communities.

**Prepared Statement of Hon. Raúl M. Grijalva, a Representative in Congress
from the State of Arizona**

Thank you for your long-standing commitment to improving transportation and infrastructure of our nation, and your work on the reauthorization of WRDA.

INTERNATIONAL OUTFALL INTERCEPTOR

The International Outfall Interceptor (IOI) is the infrastructure that transports wastewater from Sonora, Mexico and Arizona to the Nogales International Wastewater Treatment Plant. The IOI pipeline covers approximately 8.5 miles. Under a 1944 water utilization treaty, Mexico can treat water in the United States. The International Border and Water Commission (IBWC) is tasked with managing international infrastructure negotiations and operates the Nogales International Sanitation Project.

On average, 92% of the water treated daily at the Nogales International Wastewater Treatment Plant is from Mexico and 8% from the surrounding community. Unfortunately, due to damage and aging infrastructure, the IOI needs costly and urgent repairs. Wastewater constantly emerges from the IOI and pollutes surrounding rivers and streams. Rains carry the polluted stormwater into Nogales, Arizona and exposes downstream populations to extraordinary public health risk.

In 2017, the Governor of Arizona declared the Disaster Declaration process for the State of Arizona to secure immediate federal assistance to remedy and prevent raw sewage exposure to Arizona residents. Every year during the monsoon season the health of residents along the Arizona southern border are put at risk, due to this ongoing issue. While Arizona residents are very familiar with this issue, other communities along the United States-Mexico border experience similar health risks due to similar issues. In July 2021, the IBWC awarded an \$13.8 million contract to begin the first three phases of a five-stage repair process. A groundbreaking for the repairs occurred in January 2022.

I appreciate the Chairs past support to address the issues surrounding IOI and ask that you use this vehicle to include provisions to settle the last remaining items of the longstanding IOI pipeline issues. I encourage you to work with my office and the IBWC to include authorization and full funding to continue repairs and clarify that the IBWC is responsible for future maintenance of the IOI to prevent raw sewage from spilling into waterways. It is my understanding that the IBWC is now prepared to accept this role, provided they are authorized and allocated the funding necessary. After years of neglecting much-needed repairs, repairs have begun, and we now have the opportunity to settle the maintenance issue once and for all.

There is clear precedent for this language to be included in WRDA. The project was originally authorized for \$11,100,000 by WRDA 1990, Section 101(a)(4), Public Law 101-640. The project was again authorized for \$25,410,000 by WRDA 2007, Section 3008. Recently, S. 2848, WRDA, included Section 8008 International Outfall Interceptor Repair, Operations and Maintenance.

We should not leave a city in the United States susceptible to the risk of raw sewage spills, especially when preventative rehabilitation improvements have already started. I greatly appreciate you and your staff's past support of inclusion of the IOI and encourage you to once again work to provide a final remedy for this situation.

Thank you for your leadership, and consideration. My staff and I stand ready to work with you to ensure these items are included.

**Prepared Statement of Hon. Josh Harder, a Representative in Congress
from the State of California**

I want to thank the Committee for the opportunity to participate in today's Water Resources Development Act (WRDA) Member Day hearing. I write to respectfully urge the Committee to approve much-needed funding for California's Central Valley in this year's WRDA.

Specifically, I am requesting the Committee to approve an environmental infrastructure authority authorizing \$200M in spending over a lifetime for the region. Let me explain why this funding is desperately needed. My region—composed of Stanislaus and San Joaquin counties—is one of the most agriculturally rich areas of the world, but is also home to some of the poorest communities in our country. It's faced years of reduced federal investment compared to other parts of our state—for example, over the last twelve years, the Bay Area received nearly double the federal funding from competitive Department of Transportation grants as the Central Valley. This environmental infrastructure authority will begin to correct this funding disparity and support our local economy.

This authority would improve water infrastructure for many Black and Latino communities lacking the most basic features of a safe, healthy, sustainable neighborhood—potable drinking water, sewer systems, safe housing, public transportation, parks, sidewalks, and streetlights. To capture the scope of the issue, in Stanislaus County alone, \$50 million in American Rescue Plan funding is being used

to connect some of these unincorporated areas, but there is still an estimated \$400 million needed to install sewer mainlines, potable water systems and storm drainage for just these areas—that doesn't even include the backlog of maintenance and upgrades for the rest of the county.

In addition to this lack of basic water infrastructure, the Central Valley is experiencing the worst megadrought in 1,200 years. This drought has caused water supply to be rationed—with many farmers following farms that have been in their families for generations. The economic impact and ripple effects of this drought in the Valley are estimated at \$1.7 billion in gross revenue losses, almost 15,000 full and part time jobs, and nearly \$1.1 billion in lost value added that could have been expected. By targeting federal investment to the Central Valley, we can mitigate the impact of future droughts on our nation's food supply and ensure that investment flows to the areas that need it most—rather than other areas in California.

I urge the Committee to include this new environmental infrastructure authority for Stanislaus and San Joaquin Counties in this year's WRDA bill, and thank you again for the opportunity to talk about this important issue.

Prepared Statement of Hon. Eddie Bernice Johnson, a Representative in Congress from the State of Texas

Thank you, Chairwoman Napolitano for holding today's hearing to receive testimony from Members on the critical water infrastructure needs of their communities and state.

I want to bring an important water resource project in my district to the committee's attention. The White Rock Lake is a 1,015-acre city lake located just outside of Dallas. The lake is one of the most heavily used parks in the Dallas Park system and is home to the Dallas Arboretum, the White Rock Lake Museum, the Bath House Cultural Center, a large boat ramp and fishing pier, over 9 miles of hiking and biking trails, a dog park, picnic area, and pavilions.

White Rock Lake has experienced an accumulation of sediment since it was last dredged in 1998, reducing the capacity of the lake, with reductions in its water quality and recreational use. As one of the city's most heavily used parks, the health of White Rock Lake is of interest to the entire Dallas community. Lake user groups and individuals have been petitioning the city to perform another dredge over the last few years, with the pandemic increasing the already heavy use of White Rock Lake, adding urgency to the need to dredge the lake.

The goals of the White Rock Lake dredging project is to restore the depth of the lake to enhance watersport recreation, remove sediment from the shoreline to improve maintenance, and improve water quality to minimize negative impacts to aquatic habitat and other environmentally sensitive areas.

Most of the projects we'll hear about today could not be completed without the hard work of the Corp of Engineers, and I want to thank the staff of the North Texas Army Corps office. We've collaborated on projects that have greatly benefited North Texas and the nation, and I encourage my colleagues to continue to support the Army Corps important work.

I want to again thank you, Madam Chair, for holding today's hearing. I am pleased that our subcommittee continues to work to improve the quality of our waterways for all our constituents.

Prepared Statement of Hon. Mondaire Jones, a Representative in Congress from the State of New York

Thank you, Chairman DeFazio, Ranking Member Graves, and members of the Transportation and Infrastructure Committee for the opportunity to express my strong support for U.S. Army Corps of Engineers projects and policy in the Water Resources Development Act of 2022 that will help protect the lives and livelihoods of Rockland and Westchester County residents.

Last summer, communities in my district were devastated by Hurricane Ida. Six Westchester County residents tragically lost their lives and countless homes and businesses were destroyed by flooding. In fact, the flooding was so severe that outdated models considered Hurricane Ida a once-every-300-years event. But anyone paying attention knows that extreme weather events like Hurricane Ida are not happening once every 300 years. These disasters are happening year after year.

Rye Brook residents Ken and Fran Bailie were two of my constituents killed by Hurricane Ida. They were on their way home from Iona College, where they worked

as brilliant and committed computer science professors, when their car was overwhelmed by rushing water that overflowed from the Blind Brook.

The Blind Brook is a consistent source of flooding during heavy rain events—regularly filling basements in the many homes, businesses, community centers, and schools that sit in the floodplain. In 2019, municipalities affected by the flooding requested that the Army Corps conduct a watershed study of the area. The Army Corps has completed all preliminary work, but the feasibility study has not yet begun.

As the committee begins consideration of the Water Resources Development Act of 2022, I request that you include language directing the Army Corps to expedite this project before flooding from the Blind Brook claims any more lives in our community.

Additionally, I am requesting the scope of the study be expanded to address the frequency and severity of weather events caused by climate change. Currently, the Army Corps is authorized to study the Blind Brook's 100-year floodplain. This scope is insufficient to understand the full impact of storms like Hurricane Ida. The scope of the Blind Brook Watershed Study must be expanded to understand the impacts of future storms in the full Hurricane Ida-affected floodplain. Without this change, any analysis conducted by the Army Corps will be incomplete.

I am also calling on the committee to include a policy change in the 2022 Water Resources Development Act that will allow the Army Corps to more comprehensively study the effects of climate change on watersheds. I am requesting the scope of Watershed Studies be expanded to include sea level rise, coastal storm damage reduction, and erosion and shore protection so that the impact of sea level rise and coastal hazards can be adequately considered in relevant Watershed Studies.

The Hudson River is a scenic, ecologically rich centerpiece of economic and recreational life in many Rockland and Westchester County communities. But the effects of climate change also mean that our rivertowns can expect increased flooding, watershed damage, and erosion in the coming years. These communities are in need of significant resources for resiliency and flood mitigation—needs that can be better understood and addressed with the assistance of the U.S. Army Corps.

Expanding the scope of watershed studies to include sea level rise and coastal hazards will help communities along the Hudson River and communities along tidal rivers across the country address the realities of the climate crisis.

I thank the committee for its efforts to understand Member priorities in this process and its consideration of these requests, along with the others I have submitted, for inclusion in the 2022 Water Resources Development Act.

Prepared Statement of Hon. Marcy Kaptur, a Representative in Congress from the State of Ohio

Thank you Chairwoman Napolitano, Ranking Member Rouzer, and your staffs for the hard work you have put in to developing the Water Resources Development Act of 2022 (WRDA). On a bipartisan basis, your Committee has now completed work on four consecutive WRDAs since 2014—advancing significant progress to meet our nation's needs.

The Committee's authorization of new U.S. Army Corps of Engineers projects, studies, and policies supports local, regional, and national priorities that have a lasting impact. As Chair of the Appropriations Subcommittee that oversees the Corps' budget, it is an honor to partner with you in this mission.

I appreciate the opportunity to discuss with you here today the important issues facing the Great Lakes communities that I represent. The bipartisan Infrastructure Investment and Jobs Act that Congress passed last year contains funding for an array of projects that we have worked on together for many years.

Within this legislation was \$17.1 billion for Corps initiatives—including \$516.2 million for the Soo Locks project and \$225.8 million for the Brandon Road Lock and Dam project.

The critical role that Great Lakes waterways play in sustaining and advancing America's economic vitality cannot be overstated. As Chair of the Energy and Water Subcommittee, it has been my top priority to secure the federal resources that ensure the navigability and preservation of the Great Lakes for generations to come. The Soo Locks, located on the St. Marys River in Sault Ste. Marie, Michigan, are a vital system of water locks that facilitate maritime shipping between Lake Superior and the four other Great Lakes and the St. Lawrence Seaway. Approximately 80 million tons of cargo—valued at nearly \$6 billion—pass through the Soo Locks each year.

The Brandon Road Lock and Dam, located on the Des Plaines River near Joliet, Illinois, is a central connection point through which invasive Carp species frequently move between the Illinois Waterway system into Lake Michigan and the four other Great Lakes, severely harming native fish species. The \$225.8 million from the Infrastructure Investment and Jobs Act will fund the construction and deployment of state-of-the-art technologies and innovative programs that interrupt the movement—protecting the Great Lakes' \$7 billion fishing and \$16 billion recreational boating industries.

I would also like to thank the Committee for its continued focus on another ecological problem that we face in the Great Lakes region: harmful algal blooms (HABs). The expertise of Corps scientists and engineers is invaluable in the fight against the devastation wrought by HABs. The Corps provides resource management, water flow design, and engineering solutions for HAB prevention, mitigation, and control. I urge the Committee to continue supporting the ongoing work of the Corps for testing HAB controls and encouraging continued interagency cooperation.

Finally, I ask that the Committee consider my request—which I submitted along with my friend and colleague whose district also stretches along Lake Erie, Congressman David Joyce—to allow for increases to the Corps' Continuing Authorities Program federal expenditure limits to keep up with inflation. It is important that the Corps has the funds and flexibility to implement these necessary programs.

Thank you again for your dedication to pursuing another WRDA on a bipartisan basis.

**Prepared Statement of Hon. Brenda L. Lawrence, a Representative in
Congress from the State of Michigan**

Chairman DeFazio, Ranking Member Graves, and members of the Committee, thank you for the opportunity to testify today regarding critical issues facing my constituents in Michigan's 14th Congressional District.

As you all know too well, across the country, our water infrastructure is failing. Too many communities are dealing with the reality of decades of underinvestment in our infrastructure. My constituents have been paying the price for that failure for too many years.

Last summer, heavy rainfall across Southeast Michigan demonstrated how our deteriorating infrastructure is failing Michiganders.

In my district, residents in the Metro Detroit region faced the brunt of this rainfall, which flooded their basements, overran their cars, and left them without power for weeks.

In this year's Water Resources Development Act, it is critical to my constituents that we address flood control mitigation efforts.

A comprehensive study by the Army Corps of Engineers would help the Great Lakes Water Authority mitigate the risk of basement and surface flooding following similar examples of intense rain.

Forecasted increases in rainfall intensity due to climate change have demonstrated that a long-term flood mitigation plan is necessary for the residents and businesses within Great Lake Water Authority's service area in Southeast Michigan, which includes 2.8 million people—approximately 30 percent of the state's entire population.

In my district, two projects will greatly benefit from the assistance of the Army Corps.

Just north of Detroit, along the shores of Lake St. Clair, an aging sea wall is in desperate need of repairs to prevent flooding of a critical roadway. The impacted communities, Grosse Pointe Shores and Grosse Pointe Farms, have spent years engaging with key stakeholders and seeking assistance from state and federal agencies.

A feasibility study by the Army Corps could help assess the potential for a naturalization of the lakeshore to replace the obsolete concrete barrier. Not only would this naturalization protect the local water supply, sewers, and roadways from flooding, it would also address a serious safety concern due to debris from the concrete wall.

Naturalizing the Lake St. Claire shoreline would also increase biodiversity and improve a valuable fishing resource, supporting findings by the U.S. Fish and Wildlife Service in November 2021.

My requests also include a feasibility study for the City of Detroit, where the Jefferson Chalmers and Jefferson Village neighborhoods on the Lower East Side are also dealing with severe flooding.

During a 2019 flood event, high water levels in the Detroit River flooded more than 300 homes in the Lower East Side, and 7 billion gallons of river water entered sewerage and water treatment systems.

This additional load caused increased discharges of untreated water into the Detroit River, violating water quality requirements, and putting the whole wastewater system for Southeast Michigan at risk of failure.

A feasibility study for the City of Detroit would allow for long-term mitigation measures to address flooding.

Chairman DeFazio and Ranking Member Graves, I would like to thank you and the members of the Committee once more for your tireless work on this legislation, and thank you for the opportunity to address the critical needs of my district.

Prepared Statement of Hon. Doris O. Matsui, a Representative in Congress from the State of California

Thank you, Mr. Chairman, for the opportunity to come before the Committee and lay out my key priorities for the Water Resources Development Act (WRDA) of 2022.

As the Representative of Sacramento, California, WRDA is uniquely meaningful to me and to my constituents, who live in the second most flood-prone city in the country, after New Orleans.

We need to thoughtfully prioritize projects that consider the long-term consequences of climate change ... the catastrophic flooding we have seen across the country in just the last year is telling and I fear that severe flooding will no longer be 100 or even 500-year events, but a new norm for my constituents. I want to thank the Committee for including the Yolo Bypass Study in WRDA 2020 and for supporting many of the flood control projects in the Sacramento region.

In this regard, I want to highlight the phenomenal work of the non-federal sponsor in my district—the Sacramento Area Flood Control Agency. SAFCA is an incredibly sophisticated and proactive partner that has been working hand in hand with the Army Corps of Engineers—getting several projects in my district started ahead of schedule and on budget. In this regard, SAFCA has received approval for nearly \$100 million in cost sharing credits for its excess cost-sharing contributions that WRDA authority allows to be transferred to another SAFCA project. However, the authority to transfer credits is set to expire in 2024.

This year, my most pressing request is to extend the authority provided in Section 1020 of the WRRDA 2014, and I have submitted draft legislation to remove the current legislative sunset in making the authority permanent. We must allow our non-federal sponsors to utilize these credits.

The Corps has approved transferring excess credit generated by implementation of components of the American River Watershed Common Features Natomas Basin (ARCF Natomas) Project for use against non-Federal Sponsor cost-share for American River Watershed Common Features 2016 Project (ARCF 2016). Both projects are scheduled to continue construction well past 2024. Additionally, the Corps continues to ask the non-Federal Sponsors to advance some components of the work in ARCF Natomas, creating additional excess credits and this will extend past the 2024 deadline.

Certainty in this will be critical in flood control planning not only for my constituents but potentially for non-federal project sponsors elsewhere.

For 15 years, I have worked tirelessly with dedicated stakeholders in my district to make the Sacramento region as safe as possible for all residents.

WRDA 2022 represents a tremendous opportunity to move forward and achieve even greater strides ... through responsible and resilient flood control projects and forward-looking ideas for America's water infrastructure.

Thank you for your time and consideration.

Prepared Statement of Hon. James P. McGovern, a Representative in Congress from the Commonwealth of Massachusetts

Chairman DeFazio, Ranking Member Graves, and Members of the Transportation & Infrastructure Committee: thank you for providing this opportunity for input as you craft the 2022 Water Resources Development Act. I want to thank the Committee for the effort that you have all undertaken to make this Congress a historic one for infrastructure investments. This year's WRDA has the potential to build significantly on the Bipartisan Infrastructure Law to ensure that one of our most precious natural resources receives the investments and attention it deserves.

I would like to focus my testimony today on the potential to shape this year's WRDA around our broader interest in ensuring resilience for our rivers and the ecosystems they sustain. When people think of the Army Corps' inland work, they often think of projects along some of our country's largest rivers, and rightly so. But the Army Corps also has an important role to play in the stewardship of smaller watersheds, such as those in the Northeast. Through the work of the Army Corps of Engineers, Congress has an opportunity to better understand, and adapt to, the effects of climate change on watersheds.

With that in mind, I would like to highlight three critical rivers in the Second District of Massachusetts, where the Army Corps could explore opportunities for whole-of-watershed approaches to ecosystem restoration and climate resilience.

The Connecticut River flows through the heart of New England, from its headwaters in New Hampshire, through Vermont, Massachusetts, and Connecticut. The watershed is home to historic communities and some of the most productive farmland in the Northeast. The Army Corps has conducted two studies on the causes, impacts, and types of projects to mitigate widespread and ongoing streambank erosion on the Connecticut River in New Hampshire, Vermont, and Massachusetts, one in 1979 and another in 1991. Erosion continues to be a significant issue, leading to loss of prime farmland; dangerous, steep, and crumbling riverbanks; and habitat loss. Erosion conditions have worsened due to severe storm events caused by climate change and by increased use of the river for hydroelectric generation. An updated study of streambank erosion and the impact of hydroelectric facilities on the Connecticut River would be extremely valuable for preventing further riparian habitat degradation, and the Army Corps could leverage existing data from previous studies.

The Blackstone River played an essential role in our nation's history: it powered the birth of the Industrial Revolution in America. This history of intense use and increased development along the river, however, have led to significant loss of floodplain wetlands, which significantly constrains overall ecological health of the watershed. To identify the location of historic wetlands with restoration potential, the Army Corps studied the main stem of the Blackstone River in 1994, and an updated study could dramatically enhance ecosystem restoration efforts.

The Blackstone River Valley could also benefit from an Army Corps study of water supply and flow. With climate change driving more frequent and extreme drought and altered hydrology, urbanization increasing population, and new hydropower planned for the Blackstone region, ensuring the amount, rate, quality, and timing of water for designated uses is critical. A study could identify current and potential flow-degraded areas under future climate stress, with the goal of developing a watershed-wide management strategy.

In the northwest portion of my district, the Deerfield River is a natural treasure, main tributary of the Connecticut, and prime example of a river at risk of climate-related impacts. The watershed sustained major flood damage and ecosystem impacts from Tropical Storm Irene in 2011. Major roads and primary evacuation routes were blown out. Other roads, culverts and bridges were washed away, leaving residents stranded for days, and wastewater treatment plants were inundated and forced off-line. With climate change increasing the frequency, magnitude, duration and intensity of hurricanes, tropical storms and rain events, this flood and ecosystem damage will only increase, and the costs post-disaster continue to escalate. An Army Corps feasibility study could identify cost-effective and sustainable flood mitigation, infrastructure damage reduction, and ecosystem restoration projects.

Finally, I would like to briefly mention a smaller project that is just one of many examples around my district of opportunities for the Army Corps to have a significant and near-term impact on local ecosystem restoration. In my hometown of Worcester, Salisbury Pond is a 13-acre body of water amid a densely populated urban environment. Located within a public park, the pond has high recreational and ecological value, but upstream development and urban runoff has severely degraded water quality and wildlife habitat. The Army Corps could assist with efforts to remove excess sedimentation through dredging and help design best management practices going forward.

In closing, I wish to again express my appreciation for the opportunity to testify, as well as your commitment to addressing the climate crisis through our legislative efforts. Rivers quite literally sustain our communities, and the need for proper stewardship will only increase in the years ahead. Thank you.

Letter of March 7, 2022, from Hon. Alexandria Ocasio-Cortez, a Representative in Congress from the State of New York, to Colonel Matthew W. Luzzatto, Commander and District Engineer, U.S. Army Corps of Engineers, Submitted for the Record by Hon. Alexandria Ocasio-Cortez

MARCH 7, 2022.

COL MATTHEW W. LUZZATTO,
Commander and District Engineer,
U.S. Army Corps of Engineers.

Re: Submission Requests for the Water Resources Development Act of 2022

DEAR COL MATTHEW W. LUZZATTO,

I write to you regarding the Water Resources Development Act of 2022 (WRDA), wherein Members of the House of Representatives had the opportunity to submit policy, project and environmental infrastructure requests to the House Committee on Transportation and Infrastructure. As the representative for coastal communities such as City Island, Throggs Neck, College Point, and many others, the WRDA 2022 bill has the potential to make strides in our efforts to remove polluting debris in our waterways, treat wastewater, address sewage overflow, mitigate flooding, and restore environmental degradation in my district. Below I outline my project, study and environmental infrastructure requests in hopes that the USACE district office, in collaboration with USACE headquarters and the Transportation and Infrastructure Subcommittee on Water Resources and Environment, will advance them.

My project and study requests include:

- *Removal of derelict barges from the waters of Eastchester Bay and Flushing Bay*
- *Reauthorization of the New York Harbor Collection and Removal of Drift, Section 91 of WRDA 1974, and deauthorized by section 6001 of WRDA 2014*—The reauthorization of this language will reinstate USACE authority to proactively assess our request for the removal and disposal of barges across Eastchester Bay and Flushing Bay.
- *Turtle Cove: Sediment Placement, Waterward Expansion*—In Pelham Bay, along Eastchester Bay at the mouth of the Hutchinson River, Turtle Cove is the location of an important coastal marsh restoration opportunity. Marsh erosion, exacerbated by sea level rise, threatens the health of this vibrant ecosystem. Restoration here could include creation of a living shoreline that builds out recently lost salt marsh and expands nursery habitat for fish, structure for oyster and other shellfish, and substrate for salt marsh grasses that help improve water quality, support foraging water birds, and help absorb coastal wave energy.
- *Expand use of Forecast-informed reservoir operations (FIRO) beyond the west coast*—This concept has been piloted by many, including the U.S. Army Corps of Engineers (USACE) Pacific Division, and should be adopted and expanded across all of USACE. The USACE pilot has enabled its operators to better optimize water resources at Lake Mendocino in Northern California. A multi-agency report issued on February 4, 2021 describes how these forecasting tools helped operators increase the lake's dry season storage for drinking water, improved its ability to alleviate flood risk, and enhanced environmental conditions in the downstream Russian River to support salmonid species.
- *Ecosystem restoration investigations*—Include tidal flooding due to projected sea level rise analyses to demonstrate how tidal flooding could impact ecosystems over time and to inform design that can provide long-term resiliency benefits.
- *Coastal storm risk management studies*—(1) Include tidal flooding due to projected sea level rise analyses to inform the development of alternatives that produce coastal surge benefits while also addressing tidal flooding impacts (2) Require sensitivity analyses using local scientifically peer-reviewed sea level rise projections, where applicable.

Additionally, I would also like to express support for the following shared member project, study, and policy initiatives:

- *Hutchinson River Basin Feasibility Study and Southern Westchester Saw Mill River Stormwater Management Feasibility Study* (Congressman Bowman NY–16)
- *New York-New Jersey Harbor Deepening Channel Improvements* (submitted jointly with Rep. Espaillat, Tonko, Nadler, Jones and Senator Schumer)
- *New York New Jersey Watershed Protection Act* (H.R. 4677)
- *Environmental Justice Provisions* (Congressman Cohen TN–09)
- *Watershed Study Coastal Hazards Amendment 33 U.S.C. §2267a* (Congressman Jones NY–17)

Finally, I would appreciate USACE Regional Office's support for the environmental infrastructure requests outlined below:

- *LaGuardia Airport Wetlands + Oyster Reefs*—this project is aimed at providing habitat restoration and marsh expansion along the airport’s edge, a dramatic increase in marsh area and creation of seagrass beds, along with new upland habitat, provides pollution abatement benefits and storm surge mitigation. Oyster reef reintroduction along LGA’s shoreline and marsh expansion is aimed at restoring oysters to the waterways all around the airport and providing shoreline erosion protection for the entire upper East River. Oysters provide habitat for fish and waterfowl, buffered waterfronts from wind and wave impacts, and clean water—by filtering up to 50 gallons of water a day—the entire Harbor. Oyster reef creation can start to recreate some of these ecosystem services for Flushing Bay, which is already home to one of the largest assemblages of native oysters in the city. Partnering with Riverkeeper and the Billion Oyster Project, and staged at the new Queens Water Exploration Center, LaGuardia’s oyster reefs could fuel an environmental transformation of the entire Upper East River.
- *Queens, New York*—amendment to Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 113 Stat. 1494; 114 Stat. 2763A–219; 119 Stat. 2255). Partnering with New York DEP and Congresswoman Meng, this project will provide stormwater management and improvements to combined sewer overflows can reduce the risk of flood impacts in Queens, New York.
- *Wastewater Treatment Infrastructure and Management Authorities*—amending H.R. 3563 (WRDA 1996) Sec. 552 NEW YORK CITY WATERSHED and the Bronx River watershed—H.R. 3563 (WRDA 1996) Sec. 503. “Watershed Management, Restoration, and Development” subsection (b) SPECIFIC MEASURES. To include the remediation, construction, repair, maintenance or replacement of stormwater and wastewater treatment systems in the authority of the US Army Corps of Engineers.
 - *Specifically, Amend H.R. 3563 (WRDA 1996) Sec. 552 NEW YORK CITY WATERSHED*—by adding the following: “... and the construction, repair, maintenance or replacement of stormwater and wastewater treatment systems. The US Army Corps of Engineers shall, to the greatest extent possible, support infrastructure upgrades, stormwater management, and sewage contamination in waterways for combined sewer systems and stand-alone sewage plants. Where necessary, the Chief of Engineers shall work with the Administrator of the Environmental Protection Agency to assess feasibility of improvements and coordinate wastewater infrastructure upgrades. Any recommendations or authorized work related to wastewater treatment shall, to the greatest extent possible, incorporate site and neighborhood-specific contexts, leverage green infrastructure, and promote environmental resilience for all species and natural systems.”
 - *Related to the Bronx River watershed*—amend H.R. 3563 (WRDA 1996) Sec. 503. “Watershed Management, Restoration, and Development” subsection (b) SPECIFIC MEASURES by adding: “(6) Remediation, construction, maintenance, and repair of stormwater and wastewater treatment systems, in a manner that is to the greatest extent possible, incorporate site and neighborhood-specific contexts, leverage green infrastructure, and promote environmental resilience for all species and natural systems. Where necessary, the Chief of Engineers shall work with the Administrator of the Environmental Protection Agency to assess feasibility of improvements and coordinate wastewater infrastructure upgrades.”
- *Big Rock Beach in College Point*—improvement of 28th Avenue street end—Partnering with project sponsor Waterfront Alliance and local advocates in cleaning up trash and debris and creating an open space beachfront area for the community. Over the last few years the beach has been primarily used as a local dump site for trash and debris and its stairway to the site has deteriorated. A large sandy beach street end with earthen stairs to get down to the water edge will offer full programming potential, quiet waters and access to the Flushing Bay shoreline.
- *Ecosystem Redesign of LaGuardia Breakwall*—to allow for greater tidal flow and habitat formation. Jutting out into Flushing Bay from the eastern end of the LaGuardia Airport runway is a half-mile-long breakwall. Sitting at the waterline, this man-made structure bisects the Bay, limiting not just boat traffic to the piers of World’s Fair Marina, but also limiting sediment flux (leading to built-up mounds of sewage solids) and tidal exchange (causing local water quality impairments). The community envisions an entirely re-thought and redesigned breakwall that takes into account the ecological and structural needs of the entire system. With an inlet punched through the middle of the wall to per-

haps allow more water to ebb and flow through the system, and oyster, mussel, seagrass, and fish habitat structural improvements to the wall itself, this new smart breakwall will change the physical, chemical, and biological baselines of the Bay.

Thank you for your consideration of these important measures which are needed for the protection of communities living in the densest coastal region of our nation. We urge you to support and provide the guidance necessary to ensure these requests can be implemented and meet the needs of constituents in the New York and New Jersey region.

Sincerely,

ALEXANDRIA OCASIO-CORTEZ,
Member of Congress.

**Prepared Statement of Hon. Tom O'Halleran, a Representative in Congress
from the State of Arizona**

I want to thank Chairman DeFazio and Ranking Member Graves for allowing for member testimony regarding the 2022 Water Resources Development Act. Improving water infrastructure is critical in Arizona as the entire Southwest is suffering from extended drought conditions. In August 2021, the federal government declared a water shortage at Lake Mead, one of the Colorado River's main reservoirs for the first time. This has resulted in Tier 1 reductions, resulting in potential reductions for the state of Arizona, counties and localities, and tribal communities. I would like to the importance of three projects to Pinal County, Arizona.

WELTON WASH

During heavy storms, a small community of 55 homes and properties in a Dudleyville residential neighborhood experiences serious flooding, making roadways impassable and cutting off the community from basic and emergency services. A study identified a recommended solution that entails construction of a detention basin north of the community on State Route 77 and a channel to convey flows from that basin to the San Pedro River. The County is currently performing a survey of the area and will soon begin to acquire the easements necessary to implement the flood mitigation solution. Federal funding from Section 205 of approximately \$5.5 million will be necessary to complete the project.

AK-CHIN LEVEE/CHANNEL

The Santa Cruz River, its tributaries and other river systems in the County have a long history of producing catastrophic flows during major storms, resulting in severe damage to farms, housing, communities, businesses, and infrastructure across the region. A 2010 Data Collection Report found that 34 major flood events have occurred on the river since the late 1800s, roughly one every 4 years, with 6 of the 7 largest flood events occurring in the last 50 years. The USACE study found that a levee or channel constructed east of the Ak-Chin reservation would be effective in mitigating future flood damage. Project costs are estimated to be less than \$10 million, and as such, it is a good fit for funding from the USACE's Section 205 Continuing Authorities Program.

PINAL COUNTY—SANTA ROSA CANAL

The 56-mile Santa Rosa Canal delivers Colorado River water through the Central Arizona Project (CAP) to agricultural and tribal lands in Pinal County, Arizona. SRC is federally owned, with the Maricopa-Stanfield Irrigation and Drainage district operating and maintaining the Canal and associated facilities under contract with the Bureau of Reclamation. This proposal would construct alternative conveyance facilities for the Districts' groundwater in lieu of continued use of the Santa Rosa Canal for delivery of that supply. The estimated cost is \$17.8 million (\$10.9 million to \$14.2 million for construction, \$3.6 million for design and administration).

Thank you for the consideration of my requests and please contact Adam Finkel on my staff.

Prepared Statement of Hon. Cathy McMorris Rodgers, a Representative in Congress from the State of Washington

Thank you Chairman DeFazio and Ranking Member Graves for your work on the Water Resources and Development Act (WRDA) of 2022, as well as the time each of your staff members have put into this process. I appreciate the opportunity to highlight my priorities for WRDA 2022.

My top priority is to protect the Federal Columbia River Power System (FCRPS) and the four dams on the Lower Snake River. As you both know, the FCRPS comprises 31 hydroelectric projects in the Columbia River Basin and provides one third of the electricity used in the Pacific Northwest, as well as critical flood risk management, irrigation, and navigation benefits. The U.S. Army Corps of Engineers (USACE) operates the Columbia River's Chief Joseph Dam, the second largest hydropower producing dam in the United States, as well as a series of eight dams on the lower Columbia and Snake Rivers.

There has been much attention paid to the FCRPS over the past few years, particularly due to *National Wildlife Federation et. al. v. National Marine Fisheries Service et. al* [01-640], litigation challenging the 2020 Environmental Impact Statement (EIS) and Record of Decision (ROD) jointly issued by the USACE, Bureau of Reclamation (BoR), and Bonneville Power Administration (BPA) on the Columbia River System Operations. In October of last year, U.S. District Judge Michael Simon issued a stay in this case. Since that time, the four Lower Snake River Dams have continued to be the target of the plaintiffs and national environmental groups, with calls for dam breaching or making significant changes to dam operations that would functionally breach the dams.

I am concerned that emotions continue to overshadow facts when it comes to Columbia Basin salmon recovery and the impact that the Lower Snake River dams have on threatened and endangered salmon populations. These are the facts: the Columbia River Basin is home to 61 different fish species, and thirteen species of Columbia River Basin salmon and steelhead are impacted by the river power system and listed for protection under the Endangered Species Act. Of these 13 species, only four travel the length of the Columbia River and through the Lower Snake River dams to spawn: Snake River Steelhead, Snake River Spring/Summer Chinook, Snake River Fall Chinook, and Snake River Sockeye.¹

Of these four species, according to Washington State's 2020 State of Salmon Report, Snake River Fall Run Chinook are approaching their goal and Snake River Basin Steelhead are making progress, while Snake River Spring/Summer Chinook remain in crisis.² It is also important to note that while Puget Sound Salmon are not impacted by the Columbia River Power System, they are in crisis.³ Further, the National Oceanic and Atmospheric Administration has found Puget Sound Salmon to be the priority fish populations for the Southern Resident Killer Whale.⁴

I share the goal of recovering threatened and endangered fish species in the Columbia River Basin, which is why I have been a proponent for the clean, renewable hydropower that is generated by the river system, and specifically, the Lower Snake River dams. The Lower Snake River dams provide BPA with capacity to meet peak energy demand loads. The four dams generate approximately 1,000 megawatts of power on average annually, with the capacity for generating over 3,000 megawatts of power.⁵ The need for this capacity was demonstrated during severe cold and heat events last year. In 2021, BPA issued assessments indicating the Lower Snake River dams prevented rolling blackouts during the deep freeze and severe heat events in the Pacific Northwest. In January and February of 2021, the four dams each generated more than 400 megawatts of energy, with some providing more than 500 megawatts.⁶ Additionally, during the 5-day heatwave in June, the Lower Snake River dams held 15% of BPA's total required reserves. At their highest, the dams provided 1,118 megawatts of combined energy.⁷

The Lower Snake River dams are not only critical to grid reliability in the Pacific Northwest, through fish passage adaptations, they achieve 96 percent passage survival for juvenile yearling Chinook salmon and steelhead smolts. We also have rea-

¹ https://media.fisheries.noaa.gov/dam-migration/killerwhales__snakeriverdams.pdf

² <https://stateofsalmon.wa.gov/statewide-data/salmon/>

³ <https://stateofsalmon.wa.gov/statewide-data/salmon/>

⁴ <https://media.fisheries.noaa.gov/dam-migration/srkw-salmon-sources-factsheet.pdf>

⁵ <https://www.bpa.gov/-/media/Aep/about/publications/fact-sheets/fs-201603-A-Northwest-energy-solution-Regional-power-benefits-of-the-lower-Snake-River-dams.pdf>

⁶ <https://www.bpa.gov/about/newsroom/news-articles/20210616-lower-snake-river-dams-provided-crucial-energy-and-reserves-in-winter-20>

⁷ <https://www.bpa.gov/-/media/Aep/about/publications/news-releases/20210722-pr-10-21-lower-snake-river-dams-help-region-power-through-recent-heatwave.pdf>

son to be encouraged by recent fish returns on the Lower Snake River. Snake River Spring Chinook returns have increased since 2019, with 2020 returns up 55 percent and 2021 returns up 27 percent. Fisheries managers also predict a 40 percent increase for Spring/Summer Chinook on the Snake River in 2022.⁸

The bottom line is that efforts to breach the Lower Snake River dams are misguided, which is why I have submitted a request to WRDA 2022 that would prevent funding or authorization of the study of removal, study of power, flood control, or navigation replacement, dam removal technical assistance, or removal of powered Federal dams in the USACE Northwestern Division. It's time to stop focusing on distractions and start focusing on solutions that will get results for all salmon in the Columbia River Basin.

One such solution would be fish passage at Howard Hanson Dam on the Green River, which would reopen over 60 miles of prime habitat for Endangered Species Act-listed salmon and steelhead populations. In October 2015, NOAA Fisheries issued a draft jeopardy opinion to the Army Corps for the continued operation of HAHD and full realization of the Howard A. Hanson Dam Additional Water Storage Project (HAHD-AWSP)—a multi-phase habitat restoration and flood mitigation effort authorized by Water Resources Development Act of 1999. NOAA fisheries found the dam puts Chinook salmon, Puget Sound steelhead, and Southern resident orcas at risk. On February 15, 2019, the Army Corps and NOAA Fisheries agreed to the Howard A. Hanson Dam Biological Opinion, which outlines the Army Corps' responsibility to design and construct a downstream fish passage facility to aid the recovery of ESA-listed species. The USACE is in the final stages of completing the updated cost assessment and Director's Report. The updated cost assessment is expected to be completed in March 2021 with the Director's Report to follow. The authorization of the Director's Report is needed to move to the construction phase of the project and completion of Phase I of the HAHD-AWSP. I have submitted a request that directs the USACE Secretary to expedite design for fish passage facilities at Howard Hanson Dam.

Moving to navigation challenges on the Snake River, it is absolutely critical for Congress to help better define the navigation channel at the confluence of the Snake and Clearwater Rivers in Eastern Washington and Western Idaho. Under the River and Harbors Act of 1945, the Federal channel of the Snake River is vaguely defined. The Walla Walla District of the USACE previously exercised broad discretion when conducting dredging actions to maintain the federal channel, turning basins, and access channels. Dredging is not currently needed annually, but it is needed more routinely to ensure the grain terminals and port cruise terminal at the Ports of Lewiston and Clarkston are fully accessible. In any given year, nearly 10 percent of U.S. wheat exports transit the Snake River, and the grain terminals are the starting point on the primary transportation path for the bulk of Idaho's wheat moving to the West Coast for export. This area is also critical to the river cruise industry, which provides over \$15 million in direct economic benefits to the region. We must ensure a properly maintained channel to provide transportation efficiency and increased navigation safety. Clearly defining the Snake River channel, turning basins, and secondary access channels in the Lower Granite pool will assist the Corps in planning routine maintenance and safe and efficient transportation access for the Port of Clarkston, Washington and Lewiston, Idaho in a manner that aligns with current USACE policies and practice nationwide. You will see that I have included a table with detailed coordinates for the navigation channel definition in my submission to the member portal.

Finally, Chairman, I have appreciated our partnership on all things Columbia River Treaty over the past several years. Your contributions to the many discussions we have had with administration officials and our colleagues in the Pacific Northwest about the treaty negotiations will be missed by all next Congress and in the years to come. I appreciate the work that the committee has already done to ensure USACE has the authorization and resources it needs to help support our team within the Department of State during its negotiations with the Canadian government. I support making sure the United States has a plan in place to address Columbia River Treaty-related issues, and if USACE needs additional support to put this plan in place, I would support its inclusion in WRDA 2022. I look forward to our continued work on this matter as the final bill takes shape.

Thank you again for the opportunity to share my priorities for WRDA 2022 with the committee. Please do not hesitate to contact me or my staff should you have questions about any of my requests.

⁸ <https://www.columbian.com/news/2021/dec/15/columbia-river-spring-chinook-projections-are-up-for-2022/#:~:text=This%20year's%20projection%20is%20for,last%20year's%20return%20of%201%2C800>

**Prepared Statement of Hon. Harold Rogers, a Representative in Congress
from the Commonwealth of Kentucky**

Chairman Napolitano, Ranking Member Westerman, and other distinguished Members of the subcommittee, I would like to thank you for your consideration of my priorities for the 2022 Water Resources Development Act (WRDA). I know your Committee works diligently to ensure that all Americans can benefit from our nation's incredible water resources and infrastructure—whether through the transportation of goods on our waterways, locks, and dams, flood control projects that protect our communities from disaster, and also incredible recreational opportunities. Previous WRDA bills have done a great deal to help the people of my district in southern and eastern Kentucky across each of the aforementioned areas. Whether it is the importance of locks and dams on the Kentucky and Ohio Rivers to the Kentucky economy, Wolf Creek Dam on Lake Cumberland, the incredible flood control projects in many of my towns and communities, and our Corps lakes' many recreational uses, we benefit greatly from these resources. As you begin the 2022 WRDA process, I would like to raise four specific priorities that will benefit those in my district in Kentucky. Legislative Language for each of these proposals is attached.

**EXPAND SECTION 202 OF THE ENERGY AND WATER DEVELOPMENT ACT TO INCLUDE
BEATTYVILLE, KENTUCKY ON THE NORTHERN AND SOUTHERN FORK OF THE KENTUCKY RIVER**

First, I request an expansion of Section 202 of the of the Energy and Water Development Act of 1981 to include the North and South Forks of the Kentucky River near Beattyville, KY, which suffered catastrophic flooding in the winter of 2021. Section 202 provides much needed flood management assistance to regions prone to frequent floods. In response to the flooding in 2021, where downtown Beattyville was six feet underwater, I secured a Community Funding Project Request for a flood management study to be conducted through the Louisville District of the Army Corps of Engineers. The purpose of this request is to ensure the necessary authorization is in place so construction can begin as soon as the study is finalized.

Beattyville, KY sits at the nexus of three rivers, and is thus often prone to flooding. This area is still reeling from the economic impacts of having their whole downtown put out of commission. While I am proud to report that most of the businesses are back up and running over a year later, we simply cannot afford to have such flooding occur again.

WOLF CREEK DAM WATER REALLOCATION STUDY PROHIBITION

Second, I request that language be included in this year's WRDA to prohibit a water reallocation study to be conducted at Wolf Creek Dam. This request would maintain historic WRDA and Energy and Water Appropriations language prohibiting a water reallocation study at Wolf Creek Dam on Lake Cumberland. The region surrounding the dam is one of the poorest in the nation, and a reallocation study might lead to increased water supply rates, which would place yet another financial hardship on my constituents.

CONCESSIONAIRE GROSS REVENUE FEES

Third, I am seeking the inclusion of language that caps the amount of fees that the Army Corps of Engineers can charge concessionaires for revenues from the sale of commoditized items like fuel and food items. Currently, the Corps charges concessionaires escalating fees based on how much gross revenue they earn in a given year, and this can reach as high as 4.6 percent of gross revenues. Fuel and food sales are very important amenities that the general public expects at these facilities, but these items are typically sold with a margin of only one or two percent. More importantly, this rate structure provides a disincentive for concessionaires to provide, expand, or enhance food sales locations, which could directly impact the quality of the public's enjoyment of these facilities. To rectify this situation, my proposed language would provide a cap of one percent on the amount of revenue fees charged for the sale of commoditized items, including food and fuel sales, at a concessionaire's operation.

CONCESSIONAIRE AUTHORIZED LEASE LENGTH & APPROVAL AUTHORITY

Finally, I am seeking the inclusion of language that would modernize the lease term length between the Army Corps of Engineers and concessionaires. Under cur-

rent law, the lease terms the Corps provides to concessionaires may be inconsistent and inadequate for the Corps to meet their Congressional mandates of enhancing the public access and enjoyment of federal resources. Private concessionaire investment, which helps the Corps meet these mandates, is dependent upon adequate and affordable financing. The current length of time that the Corps provides to concessionaires is problematic in that the term varies from district to district, and is generally insufficient to allow for traditional financing.

As a result, I request that the term for a lease provided by the Corps to concessionaires be modified to provide for a base 25-year lease and then the option of additional 25-year extensions if agreed upon by both the Corps and the concessionaire. This will allow for a consistent national leasing structure and provide a period of time that allows concessionaires to seek and receive the financing they need to start-up, expand, or improve their facilities.

Further, the Corps currently requires any lease of 50 or more years to be approved by Headquarters, USACE. This level of decision authority dramatically increases the bureaucratic hurdles faced by concessionaires, when it is the local Corps districts and divisions that have the best understanding of what would best serve that region's interests. As such, my proposed language would also direct the Secretary to delegate this authority, when appropriate, to lower levels of Corps leadership.

Thank you again for your consideration of my 2022 WRDA requests. I look forward to working with you as this process unfolds, so we can continue to maximize both Kentucky and our nation's water resources. If you or your staff have any questions, please do not hesitate to contact me or my staff.

**Prepared Statement of Hon. Bobby L. Rush, a Representative in Congress
from the State of Illinois**

Chair Napolitano, Ranking Member Rouzer, Chair DeFazio, and Ranking Member Graves, and other members of the Water Resources and Environment Subcommittee, thank you for the opportunity to submit testimony as you work on developing the 2022 iteration of the Water Resources Development Act.

Water resources are the lifeblood of the city of Chicago and the 1st Congressional District of Illinois. Entire communities and economies in northeast Illinois depend upon the Great Lakes and the other water resources that bless our state. Thus, changes made to the Water Resources Development Act are of particular interest to my constituents, and I urge you to make sure that the bill your Committee develops adequately protects and fosters the resources my community depends upon.

However, the health of Lake Michigan, the Chicago River and Mississippi Rivers, and the broader Great Lakes are absolutely vital not just to the city of Chicago, but to the entire nation. Local governments cannot have the burden of protecting these resources placed solely upon them—they need appropriate federal support to protect these national treasures.

As such, as the Subcommittee considers priorities for WRDA reauthorization, I ask that you keep the following priorities in mind which are important to my district, the city of Chicago, and the State of Illinois, and which will also help the nation as a whole:

- Supporting the use of a Locally Preferred Plan for the City of Chicago's work at Morgan Shoal on the Chicago Shoreline project;
- Finding a way to support the Village of Dixmoor, Illinois with a new environmental infrastructure authorization to help its ailing water system;
- Fully funding the Brandon Road Lock and Dam;
- Authorizing environmental infrastructure to aid Will County, Illinois' water system;
- Introducing a federal cost-share for revetment maintenance;
- Reforming the Army Corps' project partnership agreements;
- Modifying the way that zoning impacts the Army Corps values land transfers;
- Waiving cost-share requirements for small "continuing authorities" projects;
- Allowing the Corps more flexibility in responding to site-specific issues and local context such as using asphalt rather than concrete for Chicago Shoreline projects;
- Adding more flexibility for non-federal sponsors in restrictions on ecosystem restoration projects; and
- Allowing maintenance activities in the first five years of a project's lifespan to count towards the local sponsor's cost-share.

Thank you for allowing me the opportunity to submit testimony on our nation's water infrastructure priorities as a part of this special Member Day hearing. I look forward to continuing to work with you on these important issues.

If you have any questions about any of my priorities, please do not hesitate to contact me or my staff. Thank you for your consideration.

Prepared Statement of Hon. Bradley Scott Schneider, a Representative in Congress from the State of Illinois

Thank you, Madam Chair, for the opportunity to testify and advocate on behalf of my district as the subcommittee begins consideration of the next round of Water Resource Development Act projects.

I first want to discuss the critical role the U.S. Army Corps must play in ensuring the climate resiliency of our communities. My district—like all of ours—has seen first-hand the impact of climate change, having faced several so-called “100-year floods” over the past decade or so. These major precipitation events, increasing both in frequency and severity, will strain our existing water infrastructure. A stark example of how we’re already seeing the impact in our community: the Des Plaines River Trail in my district is a wonderful, multiuse trail running throughout my district. But because of climate-fueled precipitation, over the last 4 years it has been flooded 50% of the time.

We must ensure we build in the necessary capacity and resiliency in our water infrastructure to handle the challenges of the climate crisis. And we know this investment pays for itself: FEMA estimates that for every dollar invested in flood mitigation, there are \$4 of public benefit.

We must also work to better understand how climate change will impact the Great Lakes system, one of our country's greatest natural treasures, a prime economic engine for our region, and the source of drinking water for more than 30 million people. Our stewardship of the Great Lakes is especially important as we see lake levels fluctuate wildly over a few years' time. These fluctuations can have a dramatic effect on coastal erosion as we've seen firsthand in my district. And we must make sure we're doing everything we can to make the Great Lakes system climate resilient. They are a national treasure that we must protect.

Second, I would like to advocate for the inclusion of Lake County within Sec. 219 authority. In Illinois, Cook County is a designated geographic area eligible for Sec. 219 which allows local municipalities to work jointly with the Army Corps on environmental infrastructure. However, despite efforts in years past to add Lake County, no geographic areas have been added to Sec. 219 authority in over a decade. This must change, particularly as we see climate change taking an increasing toll in my community.

I have submitted a request to this year's WRDA, jointly with two of my Illinois colleagues, to add Lake County to Sec. 219. I encourage this committee to consider this request so that we can provide Lake County with more tools to improve its water and environmental infrastructure.

Thank you for the opportunity to testify.

Prepared Statement of Hon. Robert C. “Bobby” Scott, a Representative in Congress from the Commonwealth of Virginia

Chairman DeFazio, Ranking Member Graves, Chairwoman Napolitano, Ranking Member Rouzer and members of the Transportation and Infrastructure Committee, thank you for providing me this opportunity to discuss the priorities of my congressional district in the upcoming Water Resources and Development Act (WRDA).

I represent the 3rd congressional district of Virginia where the Chesapeake Bay meets the James, Nansemond, and Elizabeth Rivers, and where there are both challenges and opportunities. The U.S. Army Corps of Engineers has worked to keep America's waterways and ports open to trade, while working with our communities to ensure that they can continue to live with the water that surrounds our community. My district is home to the Port of Virginia, which is one of the largest and busiest ports on the eastern seaboard. With 95 percent of our nation's trade moving by water, it is essential that the Port is able to maintain operations. The 3rd district is also home to multiple shipyards and neighbors Norfolk Naval Station, the largest naval base in the world. These waterways are essential to the Hampton Roads economy.

I would like to take a moment to thank the Committee for their work with the Port of Virginia in the 2020 WRDA. The Port of Virginia is tied to more than 400,000 jobs and \$100 billion in spending across the Commonwealth. It is critical that we ensure that the Port is able to handle the increased number and size of container ships.

The Port and the Army Corps of Engineers have undertaken the widening and deepening of the Norfolk Harbor to enable safe and efficient two-way passage of the newer and larger container ships. Expanding the Norfolk Harbor to allow for safe two-way traffic will also help prevent backlogs of commercial vessels that could cause costly delays and supply chain disruptions. In order to further improve this project, a modification is required. The proposed modification that I have submitted to the committee adds the widening and deepening of Anchorage F so that it is consistent with the project depth of the Federal Channel. Deepening and widening are a critical part of the Norfolk Harbor project and ensures that there is a safe anchorage for ultra-large container vessels.

My district is also home to the Virginia Peninsula which is working to adapt to the surrounding rising water. Unfortunately, due to climate-driven sea level rise, compounded by historic land subsidence in the region, the waterways surrounding the Peninsula pose a serious risk. Some studies estimate this rise to be as much as 7 feet by the year 2100, making the Hampton Roads region the second largest population center at risk from sea level rise in the nation, behind only New Orleans. High tides, nor'easters, and hurricanes exacerbate the risk of flooding in the region.

State and local elected officials in Virginia already appreciate the significant threat sea level rise poses to Hampton Roads. Unfortunately, the cost to proactively and aggressively address this problem head-on is far too great for any city to bear by itself. Inaction will greatly increase the financial and human costs and is simply not an option. While considerable sums of money to address these issues has been spent, the entire scope of the project is very large. That is why I am appreciative of the Committee's inclusion of resiliency initiatives in your infrastructure proposal.

I am asking that federal properties be included in the Coastal Storm Risk Management (CSRM) study of the Virginia Peninsula and greater Hampton Roads region. The federal government, especially our military, has a significant footprint in our region. Not including these properties and installations in any subsequent report and plan will significantly harm any storm risk management efforts as it would not account for the outsized federal footprint in Hampton Roads. Allowing the Assistant Secretary of the Army for Civil Works to enter into agreements with other Federal agencies that own or operate property in the study area would allow for a truly comprehensive study on the Peninsula so that these installations are incorporated into the planning and construction process, saving money for taxpayers and producing more thorough plans.

Thank you again for allowing me the opportunity to share my priorities for the forthcoming Water Resources and Development Act of 2022. I look forward to working with you and the entire committee to ensure that these projects are included in order for the critical work in Hampton Roads to continue.

Prepared Statement of Hon. Mikie Sherrill, a Representative in Congress from the State of New Jersey

Thank you, Chairwoman Napolitano (and Chairman DeFazio), for the opportunity to testify today and for your strong leadership throughout the WRDA process. I want to also recognize my New Jersey colleagues on the committee, Representatives Payne, Sires, and Malinowski, and Representative Malinowski particularly for his work on this subcommittee to advance New Jersey's priorities.

I'm here today because flooding has plagued my district in North Jersey for generations. Last September, the remnants of Hurricane Ida caused significant damage to the region, including the tragic loss of life around the Peckman River. And while I am deeply grateful to the Committee for authorizing the Army Corps of Engineers Peckman River Basin Project, and the Army Corps for providing the full \$146.2 million in federal funding to complete it, I wish I could tell you that the Peckman is the only source of flooding in my district.

Unfortunately, flooding is an all too frequent reality for my constituents. The banks of the Whippany River have deteriorated badly, and the flooding that results is felt throughout the surrounding communities. The oldest historically Black church in Morris County, Bethel Church in Morristown, which has stood for over 178 years, has faced consistent flooding from the Whippany, leading to significant damage to the building and grounds. In 2001, when Tropical Storm Irene caused

the Whippany River to surge beyond its banks, it filled the basement of the church with four feet of water.

It doesn't stop there. I met recently with Mayors of four other impacted towns in the district—East Hanover, Hanover, Parsippany, and Florham Park. The flooding is such a regular occurrence that the towns now have water rescue units in place after the Mayors were regularly going out in rowboats to rescue residents. Hanover Township had to move the location of a fire house, and major roadways for business access are consistently flooded and closed at great economic cost to the community.

My community needs the Army Corps to help. That's why I am requesting a General Investigation Watershed Study of the Whippany River, to begin the process of a federally-funded mitigation and restoration effort.

I have also toured flood zones and spoken with Mayors and residents of towns including Pequannock, Montville, Lincoln Park, Wayne, Fairfield, Pompton Lakes, Livingston, Florham Park and Chatham about the impact of chronic flooding from the Passaic River. Flooding along the Passaic has caused twelve federal disaster declarations since 1968 and multiple Army Corps reports support the need for mitigation efforts. The Corps estimates that when viewed over time, the average annual flood damage in the basin is over \$160 million. Yet these towns are too often left to manage mitigation efforts on their own, without federal or state support—shouldering a regional issue in a piecemeal fashion that is both expensive and inefficient, not to mention an unfair burden for them to bear. To that end, I am here to request federal help. To begin this process, we need to authorize a feasibility study on desnagging, potential home elevations, and other mitigation opportunities under CAP authority around the Passaic River Basin.

The good work this committee can do extends beyond flood mitigation. To that end, I am grateful for the Committee's decision to restore the authorization of Environmental Infrastructure Projects and I request that you consider the following submissions:

First, several communities in my district, including Boonton Township and Montville have water treatment plants that are in urgent need of repair and updating. The poor condition and outdated technologies of these plants threaten the ability to maintain a safe and reliable supply of potable water. As such, I am requesting Army Corps investment to fund the needed improvements, repairs, and updates.

Second, fourteen municipalities in my district currently have at least one Public Water System with PFAS violations, according to the NJDEP. PFAS, also called "forever chemicals", are linked to negative health consequences including cancer, infertility, liver and kidney disease, hormone disruption, and damage to the immune system, especially in children. These towns, which have populations as small as 2,100 and as large as 50,000 people, do not have the resources to fix these issues on their own. As such, I am requesting Army Corps funding for a regional project in Essex, Morris, Passaic and Sussex Counties to install filters on municipal wells and elsewhere in the water infrastructure system to ensure clean drinking water for our communities.

Third, the impact of Harmful Algae Blooms on Lake Hopatcong has been an ongoing struggle in my district. The closure of the lake during the summer season of 2019, which was caused by a HABs outbreak, was devastating to the community, not just from a recreational perspective, but because the lake and the tourism associated with it are a major economic driver for the region. One of the biggest contributors to this issue is the lack of sewer infrastructure along the lake. That is why I am requesting Army Corps funding for the study and installation of public sanitary sewers in Jefferson Township to help address this chronic issue.

And while I have several other requests that I have submitted to the Committee, I know I am limited in my time here today. I also know that you are all committed to our job in Congress to make the government work for the people we represent. The Water Resources Development Act is a tremendous opportunity to make long-overdue progress, and I urge you to include these requests.

Thank you and I yield back.

**Prepared Statement of Hon. Nydia M. Velázquez, a Representative in
Congress from the State of New York**

Dear Chairwoman Napolitano, Ranking Member Rouser, and members of the subcommittee, I thank you for allowing me to submit testimony for the record about my district's priorities for the Water Resources Development Act (WRDA) of 2022. I also commend all the Committee's staff for all their work and help during the submission process of WRDA projects.

As climate change and rising sea levels continues to present enormous challenges for our communities, it is more important than ever to invest in resilient water resources infrastructure. As such, I would like to discuss two crucial projects that would be beneficial for my district and my constituents.

First, I would like to highlight the Newtown Creek Salt Marsh and Ecology Berm project. This new environmental infrastructure request seeks to restore wetland habitat and build an elevated shoreline for public access and provide protection for adjacent properties and roadways from sea level rise and future storm surges. Once surrounded by 1,200 acres of tidal salt marsh, industrial growth and urban development left the Newtown Creek totally devoid of all marsh environment by the twenty-first century. The native salt marsh grasses help improve water quality, improve dissolved oxygen levels, mitigate storm surges, and provide critical habitat for key-stone marine species, including the native ribbed mussels which are tremendous filter feeders and already exist in small crevices along the Creek's shorelines. The Newton Creek Alliance is ready and able to be the project sponsor if this infrastructure request is accepted by the Committee.

Similarly, I also proudly submitted to this Committee, the Brooklyn Navy Yard Comprehensive Port Resiliency Plan as a new environmental infrastructure request. This Plan seeks to address flooding and sea level rise to keep critical maritime infrastructure functional including three of the last working dry docks on the East Coast which service U.S. Coast Guard and National Oceanic and Atmospheric Administration (NOAA) vessels and can catalyze development of offshore wind farms to generate renewable energy for the State. The Navy Yard's maritime infrastructure includes three of the last working dry docks on the East Coast. In just this current fiscal year, the Brooklyn Navy Yard Development Corporation is managing approximately \$150 million of FEMA funds to invest in improving berths, dry docks, bulkheads, and other waterfront infrastructure. The Navy Yard's working waterfront includes GMD Shipyard, which provides O&M for public and private vessels, including U.S. Coast Guard and NOAA vessels. The Navy Yard was designated a port eligible for NYSERDA port infrastructure investment by the Governor of New York, as part of the Governor's efforts to catalyze development of offshore wind farms that will generate 9.5 GW of renewable energy for the State. The Navy Yard is susceptible to flooding and sea level rise, and there will likely be new improvements required to protect it and this unreplaceable infrastructure. The sponsor for this project is the Brooklyn Navy Yard Development Corporation.

Finally, I would like to testify about the bipartisan request for a language in support for the Community of El Cano Martin Pena (CMP) in Puerto Rico. This year, environmental justice was delivered when the CMP was awarded with \$163 million as one of the projects to receive funding following the enactment of the Infrastructure and Investment Act. I have been a proud advocate of this project throughout the years and through different WRDA requests. I stand in support again to include language to allow the USACE Secretary to credit, toward the non-Federal cost share of the Cano Martin Pena Project authorized by Section 5127 of the Water Resources Development Act of 2007, any costs for provision of real property interests, performance of relocations, and demolition of structures that are determined by the Secretary to be required for the project, including such costs incurred prior to the effective date of the partnership agreement for the project.

Once more, I would like to thank Chairman Napolitano, Ranking Member Rouzer, and the staff for the hard work through the WRDA process and for your consideration of these remarks.

Thank you for allowing me the time to provide testimony.