

PROPOSALS FOR A WATER RESOURCES DEVELOPMENT ACT OF 2024: STAKEHOLDER PRIORITIES

(118-40)

HEARING

BEFORE THE

SUBCOMMITTEE ON
WATER RESOURCES AND ENVIRONMENT
OF THE

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

DECEMBER 13, 2023

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U.S. House of Representatives
Washington, DC 20515

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DECEMBER 8, 2023

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 2024: Stakeholder Priorities”

I. PURPOSE

The Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure will meet on Wednesday, December 13, 2023, at 2:00 p.m. ET in 2167 Rayburn House Office Building to receive testimony at a hearing entitled, “Proposals for a Water Resources Development Act of 2024: Stakeholder Priorities.” The hearing will allow Members to receive testimony from water resources stakeholders, such as local officials, levee district managers, and others to discuss priorities related to the civil works responsibilities of the United States Army Corps of Engineers (Corps) for a Water Resources Development Act (WRDA) of 2024.

II. BACKGROUND

THE UNITED STATES ARMY CORPS OF ENGINEERS—CIVIL WORKS

The mission of the Corps is to “deliver vital engineering solutions, in collaboration with [their] partners, to secure our Nation, energize our economy, and reduce disaster risk.”¹ The Corps is the Federal Government’s lead water resource development and management agency.² Its water resource program dates back to 1824 when it was established for the purpose of improving river navigation.³ The role of the Corps has evolved and expanded since then to include other main water resource responsibilities.

Today, the Corps’ primary civil works responsibilities are to support coastal and river navigation, address flood risk management and storm damage, and protect and restore aquatic ecosystems.⁴ Specifically, through its eight divisions and 38 dis-

¹CORPS, *Mission and Vision*, (last accessed Nov. 28, 2023), available at <https://www.usace.army.mil/About/Mission-and-Vision/>.

²CORPS, *About Corps Water Resources Planning*, (last accessed Nov. 28, 2023), available at <https://planning.erdc.dren.mil/toolbox/guidance.cfm?Id=0&Option=Planning%20Fundamentals&Type>About#--:text=The%20U.%20S.%20Army%20Corps%20of,money%20for%20improving%20river%20navigation.>

³*Id.*

⁴See generally ANNA NORMAND & NICOLE CARTER, CONG. RSCH. SERV. (IF113322), WATER RESOURCES DEVELOPMENT ACTS: PRIMER, (updated July 20, 2023), available at <https://www.crs.gov/reports/pdf/IF11322/IF11322.pdf> [hereinafter CRS REPORT IF113322].

tract offices, the Corps manages 14,000 miles of levees, 740 dams, 12,000 miles of inland intracoastal waterways, 218 lock chambers, and 13,000 miles of navigation channels.⁵

The Corps also provides outdoor recreation opportunities, offers water supply storage to state and local partners, assists in emergency response, and is a leading producer of hydropower in the United States.⁶ In fact, the Corps is the largest owner-operator of hydroelectric power plants in the United States, which produce approximately 25 percent of the Nation's total hydropower output.⁷

The Corps' infrastructure portfolio is currently valued at \$206 billion.⁸ This valuation is referred to as its "capital stock" and includes all water resources infrastructure built by the Corps since 1928.⁹ The estimated capital stock value increased \$6.6 billion on average each year until 1982, when it peaked at \$357 billion.¹⁰ The Corps has reported that deterioration, general wear and tear of infrastructure assets, and asset retirements have contributed to a decline in the value of the capital stock.¹¹ Furthermore, the Corps has a construction backlog exceeding \$100 billion, in addition to various authorized but unfunded studies and operation and maintenance activities.¹²

To achieve its civil works mission, the Corps plans, designs, and constructs water resources development projects, typically in partnership with, and utilizing the financial support of, non-Federal interests, commonly referred to as project sponsors. The Corps' planning process seeks to balance economic development and environmental considerations as it addresses National, regional, and local water resources issues.

WATER RESOURCES DEVELOPMENT ACTS

Congress generally authorizes Corps' studies, projects, and programs and makes changes to agency policies through legislation referred to as Water Resources Development Acts (WRDAs). Congress has developed and enacted WRDAs intermittently since the 1980s and has biennially enacted a WRDA since 2014.¹³

Authorizing provisions in WRDAs can be project-specific, programmatic, or general directives for the Corps. Project-specific authorizations most often fall into one of three broad categories: project studies, construction projects, or modifications to existing projects. Furthermore, water resource projects typically require two types of Congressional authorization: (1) authority to study the feasibility of the project and (2) authority to construct (and operate and maintain, as applicable) the project.¹⁴

IDENTIFYING WATER RESOURCE NEEDS

Generally, the first step in developing a project through the Corps is to study the feasibility of the proposed project, which typically requires Congressional authorization. Once authorized, 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—which is subject to appropriations—and the non-Federal project sponsor.¹⁵

Since February 2012, the Corps' feasibility studies have been guided by the "3x3x3 rule," which states that feasibility reports should, generally, be produced within three years; with a Federal cost of no more than \$3 million; and involve all three levels of Corps review—district, division, and headquarters—throughout the study process.¹⁶ This concept, enacted as section 1001 of the Water Resources Reform and Development Act (WRRDA) of 2014, also allows for a waiver of the 3x3x3 process for project studies determined to be complex based on size, scope, or significance.¹⁷

⁵ CORPS, *Value to the Nation*, (last accessed Nov. 28, 2023), available at <https://www.iwr.usace.army.mil/Missions/Value-to-the-Nation/>.

⁶ *Id.*

⁷ *Id.*

⁸ CORPS, *Capital Stock: Summary*, (last accessed Nov. 28, 2023), available at <https://www.iwr.usace.army.mil/Missions/Value-to-the-Nation/Fast-Facts/Capital-Stock/Summary/>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² CRS REPORT IF113322, *supra* note 4.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ CRS REPORT IF113322, *supra* note 4.

¹⁶ CORPS, *Smart Planning Feasibility Studies*, (Sept. 2015), available at https://planning.erdc.dren.mil/toolbox/library/smart/SmartFeasibility_Guide_highres.pdf.

¹⁷ 33 U.S.C. 2282c.

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 alternative being considered, and identifies the engineering features, public acceptability, and the purposes, scope, and scale of each.¹⁸ 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.¹⁹

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 United States Army Corps of Engineers Chief of Engineers* (more commonly referred to as a Chief's Report).²⁰ If the results and recommendations on the proposed project are favorable, then the next step is Congressional authorization for construction of the project, which is typically given in a WRDA.

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.²¹ These projects typically require a cost-share with a non-Federal project sponsor.²²

There are currently nine CAP categories:

- Streambank erosion and shoreline protection;²³
- Beach erosion control;²⁴
- Navigation improvement;²⁵
- Mitigation of shore damage by Federal navigation projects;²⁶
- Regional sediment management/beneficial use of dredged material;²⁷
- Flood control;²⁸
- Aquatic ecosystem restoration;²⁹
- Removal of obstructions and clearing channels for flood control;³⁰ and
- Project modifications for improvement of the environment.³¹

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.³² 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.³³

III. OUTLOOK FOR A WRDA 2024

PENDING CHIEF'S REPORTS:

Currently, the Committee is in possession of three Chief's Reports for possible inclusion in WRDA 2024: Gulf Intracoastal Waterway, Texas (navigation and storm risk management); Seagirt Loop, Baltimore, Maryland (navigation); and Rhode Island Coastline, Rhode Island (coastal storm risk management). The Committee

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ See e.g., CORPS, *Planner's Library*, (last accessed Nov. 28, 2023), available at <https://planning.erc.dren.mil/toolbox/library.cfm?Option=Direct&Group=Main&Item=Chief%20Report&Sub=None&Sort=Default>.

²¹ See generally ANNA NORMAND, CONG. RSCH. SERV. (IF11106), ARMY CORPS OF ENGINEERS: CONTINUING AUTHORITIES PROGRAMS, (updated Mar. 15, 2023), available at <https://www.crs.gov/reports/pdf/IF11106/IF11106.pdf> [hereinafter CRS REPORT IF11106].

²² *Id.*

²³ See the Flood Control Act of 1946, 33 U.S.C. 701r § 14.

²⁴ See the Act of August 13, 1946, 33 U.S.C. 426g § 3.

²⁵ See the River and Harbor Act of 1960, 33 U.S.C. 577 §107.

²⁶ See the River and Harbor Act of 1968, 33 U.S.C. 426(i) § 11.

²⁷ See the WRDA 1992, 33 U.S.C. 2326 § 204.

²⁸ See the Flood Control Act of 1948, 33 U.S.C. 701s § 205.

²⁹ See the WRDA 1996, 33 U.S.C. 2330 § 206.

³⁰ See the Act of August 28, 1937, 33 U.S.C. 701g § 2.

³¹ See the WRDA 1986, 33 U.S.C. 2309a § 1135.

³² WRDA of 1992, Pub. L. No. 102-580, 106 Stat. 4835, §219.; WRDA of 1999, Pub. L. No. 106-53, 113 Stat. 352, § 552.; WRDA of 2022, Pub. L. No. 117-263, 136 Stat. 3819, §8376.

³³ CORPS, *Environmental Infrastructure*, (last accessed Nov. 28, 2023), available at <https://www.nap.usace.army.mil/Missions/Civil-Works/Environmental-Infrastructure/>.

maintains a list of all Chief's Reports submitted by the Secretary of the Army for possible WRDA 2024 consideration on its website at <https://transportation.house.gov/wrda-2024/>.

ANNUAL 7001 REPORTS:

Section 7001 of WRRDA 2014 (P.L. 113–121) requires the Corps to transmit an annual report to the authorizing committees that identifies, for potential Congressional authorization, completed feasibility reports, proposed feasibility studies submitted by non-Federal interests through a public comment period, proposed modifications to authorized water resources development projects or feasibility studies, and proposed modifications to environmental infrastructure program authorities. This report is entitled “*Report to Congress on Future Water Resources Development*” and is due by February 1st of each year. The Committee officially received the 2023 Section 7001 Report on December 4, 2023. The non-Federal proposal submission period for the 2024 Section 7001 Report was open from May 5, 2023, through August 28, 2023.³⁴ The Committee maintains a list of all existing Section 7001 Reports on its website at <https://transportation.house.gov/wrda-2024/>.

IV. WITNESSES

- The Honorable Teresa Batts, Mayor, Surf City, North Carolina
- Mr. Jim Weakley, President, Lake Carriers' Association
- The Honorable Paul Anderson, President and Chief Executive Officer, Port Tampa Bay
- Mr. Shane Kinne, Executive Director, Coalition to Protect the Missouri River
- Mr. Dave Mitamura, Executive Director, National Water Supply Alliance

³⁴Proposals by Non-Federal Interests for Feasibility Studies, Proposed Modifications to Authorized Water Resources Development Projects and Feasibility Studies, etc., 88 Fed. Reg. 29109 (May 5, 2023).

PROPOSALS FOR A WATER RESOURCES DEVELOPMENT ACT OF 2024: STAKEHOLDER PRIORITIES

WEDNESDAY, DECEMBER 13, 2023

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

The subcommittee met, pursuant to call, at 2:01 p.m. in room 2167 Rayburn House Office Building, Hon. David Rouzer (Chairman of the subcommittee) presiding.

Mr. ROUZER. The Subcommittee on Water Resources and Environment will come to order.

I ask unanimous consent that the chairman be authorized to declare a recess at any time during today's hearing.

Without objection, so ordered.

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

Without objection, so ordered.

As a reminder, if Members wish to insert a document into the record, please also email it to DocumentsTI@mail.house.gov. Again, that's DocumentsTI@mail.house.gov.

I now recognize myself for the purposes of an opening statement.

OPENING STATEMENT OF HON. DAVID ROUZER OF NORTH CAROLINA, CHAIRMAN, SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT

Mr. ROUZER. Today's hearing marks the second in a series of hearings this subcommittee is holding in preparation for the Water Resources Development Act of 2024. This past week, we heard from Assistant Secretary Connor and General Spellmon regarding the administration's priorities for WRDA 2024. Today, we have the opportunity to hear from stakeholders from across the Nation who will testify to the importance of Army Corps Civil Works programs and maintaining a consistent 2-year WRDA schedule.

WRDA is one of the most important pieces of legislation we work to draft and pass here in the Transportation and Infrastructure Committee, and we are proud to do so regularly. Every 2 years since 2014, Congress has passed a bipartisan, consensus WRDA bill into law, helping communities across the country. I look forward to working once again with my colleagues on both sides of the aisle

to continue the important work and tradition of passing this bill every 2 years.

As I mentioned at last week's hearing, WRDA is a critical legislative vehicle to meet the water resources needs in our communities nationwide. Reliable water navigation systems allow for the safe and efficient shipping of cargo, fueling our economy. Levees protect homes and businesses from flooding. Dams also provide flood control for communities, along with power and opportunities for recreation. Of particular importance to my constituents on the coast in North Carolina's Seventh Congressional District, coastal restoration and nourishment projects mitigate erosion and damage from frequent coastal storms.

WRDA 2020 reauthorized the coastal storm risk management projects in Wrightsville Beach and Carolina Beach, allowing these to continue to receive renourishment. As sand naturally shifts over time, these coastal communities rely on a predictable renourishment cycle to ensure they can withstand storms. WRDA 2022 also provided authorization for investment in other erosion mitigation efforts, such as the shoreline and riverine restoration in Southport, North Carolina, which will bolster the riverbank's resilience against damage from storms and vessel traffic.

To enhance flood mitigation efforts, it is important to have a clear understanding of the need. As such, the 2022 WRDA also authorized the national coastal mapping program in North Carolina, which will map inland and coastal waterways to identify factors that increase flood risk. I was pleased to see funding included in the 2024 Energy and Water Appropriations bill—that is, if we ever have an appropriations package that passes Congress and gets signed into law. Let's hope that we do.

Mrs. NAPOLITANO. We will.

Mr. ROUZER. My ranking member says we will, so, I take her word on it.

I was also pleased to continue support of the Wilmington Harbor deepening project, as authorized in WRDA 2020, to allow the Port of Wilmington to meet increasing demand.

All of these efforts are critical parts of keeping Americans safe and allowing our Nation's economy to thrive, which is exactly what this legislation enables.

An important part of the WRDA process is the partnership between the Federal Government, non-Federal partners, and stakeholders, who come together to solve local resource needs. So, I am glad to see today that we have a panel of witnesses made up of diverse interests and geographic areas. This panel can speak to water resource challenges as well as to solutions that these WRDAs can provide.

We look forward to hearing from each of you here today on the importance of this legislation in assisting with flood control, inland waterway navigation, coastal restoration, beach renourishment, and ensuring the safe movement of goods through maritime transportation.

I would like to extend a very warm welcome to each of you but, in particular, to a friend and constituent of mine, Mayor Teresa Batts of Surf City, North Carolina, with whom my staff and I have

done a tremendous amount of work through the years as it relates to the needs of Surf City and the coastal area there.

[Mr. Rouzer's prepared statement follows:]

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

Today's hearing marks the second in a series of hearings this subcommittee is holding ahead of drafting a Water Resources Development Act (WRDA) for 2024. Last week, we heard from Assistant Secretary Connor and General Spellmon about the Administration's priorities for WRDA 2024. Today, we have the opportunity to hear from stakeholders from across the nation about the importance of Army Corps Civil Works programs and maintaining a consistent two-year WRDA schedule.

WRDA is one of the most important pieces of legislation we work to draft and pass here at the Transportation and Infrastructure Committee, and we are proud to do so regularly. Every two years since 2014, Congress has been able to pass a bipartisan, consensus WRDA bill into law, helping communities across the country. I look forward to working once again with my colleagues on both sides of the aisle to continue the important tradition of passing a WRDA bill every two years.

As I mentioned at last week's hearing, WRDA is a critical vehicle to meet the water resources needs in communities nationwide. Reliable water navigation systems allow for the safe and efficient shipping of cargo, fueling our economy. Levees protect homes and businesses from flooding. Dams also provide flood control for communities, along with power and opportunities for recreation. Finally, of particular importance to my constituents up and down the coast in North Carolina's Seventh District, coastal restoration and nourishment projects mitigate erosion and damage from frequent coastal storms.

WRDA 2020 reauthorized the Coastal Storm Risk Management projects in Wrightsville Beach and Carolina Beach allowing these beaches to continue to receive renourishment. As sand naturally drifts away with the current over time, these coastal communities rely on a predictable renourishment cycle to ensure they are not at unmanageable risk when storms come. WRDA 2022 provided authorization for investment in other erosion mitigation efforts, such as the Shoreline and Riverine Restoration in Southport, North Carolina, which will bolster the river's resilience against damage from storms and vessel traffic.

However, the best way to combat erosion and enhance mitigation efforts is to have a clear understanding of our coasts. To support this effort, the last WRDA also authorized the National Coastal Mapping Program in North Carolina which will map inland and coastal waterways to identify factors which increase flood risk. I was pleased to see this project addressed in the 2024 Energy and Water Appropriations bill. I was also pleased to continue support of the Wilmington Harbor deepening project as authorized in WRDA 2020 to allow the Port of Wilmington to meet increasing demand. All of these efforts are critical parts of keeping Americans safe and allowing our nation's economy to thrive, which is exactly what WRDA does.

An important part of the WRDA process is the partnership between the federal government, non-federal partners, and stakeholders, who come together to solve local water resources needs. I am glad to see today that we have a panel of witnesses made up of diverse interests and geographic areas, but who are brought together not only by water resources issues, but also by solutions that WRDAs can provide.

I look forward to hearing from each of you here today on the importance of WRDA in assisting with flood control, inland waterway navigation, coastal restoration, beach renourishment, and ensuring safe movement of goods through maritime transportation.

Particularly, I would like to extend a warm welcome to a friend and constituent of mine, Mayor Teresa Batts of Surf City, North Carolina, with whom I have been able to work through the WRDA process to secure an important beach nourishment project upon approval from the office of the Assistant Secretary of the Army for Civil Works.

Mr. ROUZER. With that, I yield back and recognize my ranking member, Mrs. Napolitano, for 5 minutes for an opening statement.

OPENING STATEMENT OF HON. GRACE F. NAPOLITANO OF CALIFORNIA, RANKING MEMBER, SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT

Mrs. NAPOLITANO. Thank you, my great friend, Chairman Rouzer, for holding today's meeting.

Through the biennial enactment of the Water Resources Development Act, WRDA, this committee is addressing the water-related needs of our States and local communities. WRDAs are a shining example of how Congress can efficiently and effectively meet the bipartisan needs of our communities when we decide it is best to work together than apart.

Again, I look forward to continuing my relationship and partnership with you, Mr. Chairman, Chairman Graves, and Ranking Member Larsen, to get it done.

Mr. Chairman, each of our communities experience unique water resources challenges. We seek to address these challenges through predictable enactment of WRDA, providing the Corps with the tools and funding necessary to address community needs.

As stressors or local priorities change over time, this committee has stayed vigilant to ensure that the Corps has the authority and resources necessary to address local needs.

The history of the Corps bears this out. The Corps' Civil Works responsibility was initially focused primarily on navigation, developing the coastal and inland harbors necessary for the efficient movement of goods to our then young, great Nation.

That responsibility was later expanded to incorporate large-scale flood control, in part due to widespread flooding along the Mississippi River that devastated communities and livelihoods.

More recently, as more and more communities have come to realize the economic, environmental, and public health benefits from restoring their environment, Congress expanded the Corps' responsibility to include watershed and ecosystem restoration—benefits that can be seen in the Florida Everglades, coastal Louisiana, and the Great Lakes.

Mr. Chairman, we have reached another one of those critical decision points, this time related to the Corps' role in addressing water supply and water conservation needs of the Nation. Communities across the country are now facing similar water supply and water conservation challenges that we have long felt in the West. Cities and towns are coming to recognize the importance of water security for the health of their municipalities, their industry, their agriculture, and their economies.

Over the past decade, I have championed several provisions to enhance the authority and flexibility of the Corps to address local water supply and water conservation needs while balancing these efforts with the other authorized purposes of the Corps.

Yet, despite these legislative efforts, the Corps and the Office of Management and Budget continue to believe that water supply and water conservation are not a primary mission of the Corps, meaning that these objectives do not get the same attention and budgetary priority as the three other mission areas.


Therefore, it is prudent that we rethink the Corps' role in helping communities face water insecurity—not to supplant the State and local efforts, but to support them.

For months, staff and I have been working with stakeholders and Members of Congress to elevate the water supply and water conservation mission of the Corps. My draft proposal, the, quote, "Priority for Water Supply and Conservation Act," close quote, which I ask unanimous consent to include as part of today's hearing record—

Mr. ROUZER [interposing]. Without objection.

Mrs. NAPOLITANO [continuing]. Would direct the Corps to give equal budgetary and policy priority to water supply and water conservation elements of Corps' projects that are authorized by Congress.

[The information follows:]



**Discussion Draft, Priority for Water Supply and Conservation Act of 2023,
Submitted for the Record by Hon. Grace F. Napolitano**

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[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To include water supply and water conservation as a primary mission of the Corps of Engineers in planning, designing, constructing, modifying, operating, and maintaining water resources development projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To include water supply and water conservation as a primary mission of the Corps of Engineers in planning, designing, constructing, modifying, operating, and maintaining water resources development projects, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Priority for Water
5 Supply and Conservation Act of 2023”.

1 SEC. 2. WATER SUPPLY AND WATER CONSERVATION MIS-
2 SION.

3 (a) IN GENERAL.—The Secretary of the Army, acting
4 through the Chief of Engineers, shall include water supply
5 and water conservation as a primary mission of the Corps
6 of Engineers in planning, designing, constructing, modi-
7 fying, operating, and maintaining water resources develop-
8 ment projects.

9 (b) LIMITATION.—Nothing in this section affects—

10 (1) existing Corps of Engineers' authorities, in-
11 cluding its authorities with respect to navigation,
12 flood control, and environmental protection and res-
13 toration;

14 (2) pending Corps of Engineers permit applica-
15 tions or pending lawsuits involving permits or water
16 resources projects;

17 (3) the application of public interest review pro-
18 cedures for Corps of Engineers permits; or

19 (4) any authority of a State to manage, use, or
20 allocate the water resources of that State.

Fact Sheet, Priority for Water Supply and Conservation Act, Submitted for the Record by Hon. Grace F. Napolitano



Congresswoman
GRACE F. NAPOLITANO
 PROUDLY SERVING THE 31ST DISTRICT OF CALIFORNIA

**H.R. _____ the Priority for Water Supply and Conservation Act
 Introduced by Congresswoman Grace F. Napolitano (D-CA)
 Ranking Member, Subcommittee on Water Resources and Environment**

Water is essential for life and critical to the well-being of both humans and ecological systems. Water is an essential input into virtually all economic activity—contributing to the success of industry, manufacturing, agriculture, hydroelectricity, transportation, and recreation. Both our way and quality of life depends, to a great extent, on a reliable and sustainable water supply systems, including efforts to conserve and reuse water whenever possible.

Congress provided the U.S. Army Corps of Engineers (Corps), the nation's largest water resources management agency, with a major role in assuring the nation's water supply.

The Corps assists States and local interests in providing Americans with enough water to meet their needs—primarily by providing storage space for water supply in multi-purpose Corps' reservoirs. The Corps also plays a critical role in providing sustainable sources of water to meet the nation's agricultural needs.

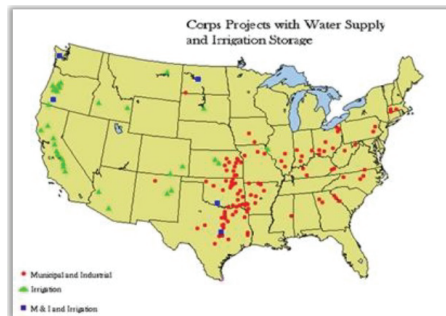


Figure 1: Source [USACE Institute for Water Resources](#)

As recent history has shown, the water needs of society are increasing and becoming more diverse. Today, communities are challenged in balancing competing water supply uses along with the pressures of growing populations, aging infrastructure, ecosystem protection, and climate change, including persistent drought conditions. Water security is becoming increasingly important to the water resources needs of the Nation, requiring a rethinking of the historic priorities and missions of the Corps.

For decades, water supply has been given less prominence than other infrastructure responsibilities of the Corps, such as its current primary missions for navigation, flood control, and ecosystem/environmental restoration. *Water supply, including water conservation, are increasingly important national priorities that should be elevated in federal public policy discussions and must be given equal priority in the national discussion on the role, purpose, and value of Corps' water resources development infrastructure.*

**What H.R. _____ the Priority for Water Supply and Conservation Act
WOULD do:**

H.R. _____ would elevate water supply and water conservation to primary mission areas of the Corps to further encourage a heightened public focus on the challenges in meeting the competing water resources needs of the nation.

H.R. _____ would authorize the Corps to give equal priority to water resources development measures for increased and sustainable sources of water supply, including:

- efforts to revise antiquated water control manuals at existing Corps' water resources development projects to maximize the opportunities water supply and water conservation when not inconsistent with other authorized project purposes;
- measures to remove sediment at existing Corps' reservoir projects to maximize water supply storage capacity of existing facilities;
- measures to ensure sustainable clean water for the protection and restoration of the environment and natural habitat;
- the investigation of opportunities to increase or add water supply storage at existing Corps' water resources development projects;
- measures to promote the use of innovative technologies and practices, such as forecast informed reservoir operations (FIRO) and managed aquifer recovery (MAR), to maximize the availability of water supply opportunities;
- the development of drought contingency plans for communities served by Corps' water supply projects to help address sustainable local water needs; and
- measures to promote water conservation and water reuse practices at existing water resources development projects to maximize the utilization of existing water supplies.

**What H.R. _____ the Priority for Water Supply and Conservation Act
WOULD NOT do:**

H.R. _____ does not affect existing national policy that recognizes that States and local interests have primary responsibilities in developing water supplies for domestic, municipal, industrial, and other purposes.

H.R. _____ does not contemplate the construction of new, major surface infrastructure by the Corps for water storage.

H.R. _____ does not affect the Corps' existing legal requirements to enter into agreements with States, municipalities, or other supply users, such as the Water Supply Act of 1958.

Mrs. NAPOLITANO. To be clear, my proposal does not automatically add water supply or water conservation to the existing projects, nor would it put a finger on the scale to prioritize water supply or water conservation over other existing, authorized project purposes. Nor would it affect existing national policy that recognizes that the State and local interests have primary responsibilities in developing local water supplies.

My proposal simply eliminates any artificial barriers being used by the Corps or OMB to exclude from consideration worthy water supply and conservation projects authorized by Congress that also have substantial State and local support.

Mr. Chairman, as we develop a new WRDA bill for 2024, that legislation should recognize the increased role the Corps is playing and will continue playing in addressing the municipal, industrial, and agricultural water needs of our communities and constituents.

I look forward to working with you on this proposal and on our continued partnership to develop another successful WRDA this Congress. So, let's get to work, and I yield back.

[Mrs. Napolitano's prepared statement follows:]



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

Thank you, Mr. Chairman, for holding today's hearing.

Through biennial enactment of Water Resources Development Acts, this committee is addressing the water related needs of our states and local communities. WRDAs are a shining example of how Congress can efficiently and effectively meet the bipartisan needs of our communities when we decide it is better to work together than apart.

Again, I look forward to continuing my partnership with you, with Chairman Graves, and with Ranking Member Larsen to get this done.

Mr. Chairman, each of our communities' experience unique water resources challenges. We seek to address these challenges through predictable enactment of WRDAs—providing the Corps with the tools necessary to address community needs.

As stressors or local priorities change over time, this Committee has stayed vigilant to ensure that the Corps has the authority and resources necessary to address local needs.

The history of the Corps bears this out. The Corps' civil works responsibility was initially focused primarily on navigation—developing the coastal and inland harbors necessary for the efficient movement of goods to our young nation.

That responsibility was later expanded to incorporate large-scale flood control, in part, due to widespread flooding along the Mississippi River that devastated communities and livelihoods.

More recently, as more and more communities have come to realize the economic, environmental, and public health benefits from restoring their environment, Congress expanded the Corps' responsibility to include watershed and ecosystem restoration—the benefits that can be seen in the Florida Everglades, Coastal Louisiana, and the Great Lakes.

Mr. Chairman, we have reached another one of those critical decision points—this time related to the Corps' role in addressing water supply and water conservation needs of the nation.

Communities across the country are now facing similar water supply and water conservation challenges as we have long felt in the West. Cities and towns are coming to recognize the importance of water security for the health of their municipalities, their industry, their agriculture, and their economies.

Over the past decade, I have championed several provisions to enhance the authority and flexibility of the Corps to address local water supply and water conservation needs, while balancing these efforts with the other authorized purposes of Corps' projects.

Yet, despite these legislative efforts, the Corps (and the Office of Management and Budget) continue to believe that water supply and water conservation are not "primary missions of the Corps"—meaning that these objectives do not get the same attention and budgetary priority as other mission areas.

Therefore, it is prudent that we rethink the Corps' role in helping communities facing water insecurity—not to supplant state and local efforts, but to support them.

For months, I have been working with stakeholders and other Members of Congress to elevate the water supply and water conservation mission of the Corps.

My draft proposal, the "Priority for Water Supply and Conservation Act,"⁵—which I ask unanimous consent to include as part of today's hearing record—would direct the Corps to give equal budgetary and policy priority to water supply and water conservation elements of Corps projects that are authorized by Congress.

To be clear, my proposal would not automatically add water supply or water conservation to existing projects, nor would it put a "finger-on-the-scale" to prioritize water supply or water conservation over other existing authorized purposes.

Nor would it affect existing national policy that recognizes that states and local interests have primary responsibilities in developing local water supplies.

My proposal simply eliminates any artificial barriers being used by the Corps or OMB to exclude from consideration worthy water supply and conservation projects authorized by Congress that also have substantial state and local support.

Mr. Chairman, as we develop a new WRDA bill for 2024, that legislation should recognize the increased role that the Corps is playing (and will continue to play) in addressing the municipal, industrial, and agricultural water needs of our communities and constituents.

I look forward to working with you on this proposal, and on our continued partnership to develop another successful WRDA this Congress.

Let's get to work, and I yield back.

Mr. ROUZER. I thank the gentlelady.

I have a couple documents to enter into the record myself.

I ask unanimous consent to enter into the record a letter from Associated Builders and Contractors dated December 13, 2023, outlining WRDA priorities.

I also ask unanimous consent to enter into the record a letter from a maritime coalition dated December 13, 2023, also outlining WRDA priorities.

Without objection, so ordered.

[The information follows:]

Letter of December 13, 2023, to Hon. David Rouzer, Chairman, and Hon. Grace F. Napolitano, Ranking Member, Subcommittee on Water Resources and Environment, from Kristen Swearingen, Vice President, Legislative and Political Affairs, Associated Builders and Contractors, Submitted for the Record by Hon. David Rouzer

DECEMBER 13, 2023.

The Honorable DAVID ROUZER,
Chairman,

U.S. House Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, 2165 Rayburn House Office Building, Washington, DC 20515.

The Honorable GRACE NAPOLITANO,
Ranking Member,

U.S. House Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, 2165 Rayburn House Office Building, Washington, DC 20515.

CHAIRMAN ROUZER, RANKING MEMBER NAPOLITANO AND MEMBERS OF THE U.S. HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 68 chapters representing more than 23,000 member companies, we thank you for holding the hearing, "Proposals for a Water Resources Development Act of 2024: Stakeholder Priorities."

ABC believes that the WRDA 2024 bill represents an opportunity to deliver a bipartisan infrastructure bill with constructive feedback from nonfederal partners and other stakeholders. ABC urges the committee to continue the tradition of keeping anti-competitive procurement provisions out of the final WRDA product's legislative language.

ABC appreciates the opportunity to comment on the committee's important work to improve our nation's water infrastructure and share our priorities, as ABC and our members are committed to building taxpayer-funded projects with the highest standards of safety and quality.

ABC urges the committee to ensure that all contracts awarded from funds of the legislation are granted through a fair and competitive bidding process that allows all qualified contractors to compete on a level playing field based on merit, experience, quality and safety.

The committee should be aware that WRDA projects could be effected by President Biden's Feb. 4, 2022, Executive Order 14063 [<https://www.federalregister.gov/documents/2022/02/09/2022-02869/use-of-project-labor-agreements-for-federal-construction-projects>], which requires PLAs on federal contracts of \$35 million or more. Once final, the Biden proposal will replace President Obama's Feb. 2, 2009, Executive Order 13502, which encourages federal agencies to mandate PLAs on large-scale federal construction projects exceeding \$25 million in total value on a case-by-case basis, and permits states and localities to mandate PLAs on federally assisted projects. ABC estimates the final Biden proposal will affect as many as 120 federal contracts valued at \$10 billion, which is approximately 40% of the value of federal construction put in place on an annual basis.

To deliver the highest quality projects at the best cost to taxpayers, a critical part of any federal investment in infrastructure should include the entire construction industry. The most cost-effective way to rebuild infrastructure is to promote open

competition. ABC urges the committee to ensure that WRDA 2024 is free from any government mandated PLAs.

Further, while ABC supports increased financing of water infrastructure projects, we are concerned that these funds would apply the recently rewritten [<https://www.abc.org/DavisBacon>] federal Davis-Bacon Act requirements to federal and non-federally funded projects, decreasing the value to taxpayers. The committee should consider opposing the more than 50 significant changes and urge the U.S. Department of Labor's Wage and Hour Division to withdraw the final rule. Additionally, the committee should study the flawed and inflationary wage determination process' effects on WRDA projects, including the impact on competition, increase in the cost of construction, and the effect on the number projects funded.

ABC members stand ready for the opportunity to build and maintain America's water infrastructure to the benefit of the communities that it will serve.

Thank you for your consideration of ABC's concerns.

Sincerely,

KRISTEN SWEARINGEN,
Vice President, Legislative and Political Affairs,
Associated Builders and Contractors.

Letter of December 13, 2023, to Hon. Thomas R. Carper, Chairman, and Hon. Shelley Moore Capito, Ranking Member, Senate Committee on Environment and Public Works, and Hon. Sam Graves, Chairman, and Hon. Rick Larsen, Ranking Member, House Committee on Transportation and Infrastructure, from the American Chemistry Council et al., Submitted for the Record by Hon. David Rouzer

DECEMBER 13, 2023.

The Honorable THOMAS R. CARPER,
Chairman,
Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510.

The Honorable SHELLEY MOORE CAPITO,
Ranking Member,
Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510.

The Honorable SAM GRAVES,
Chairman,
Committee on Transportation and Infrastructure, U.S. House of Representatives,
Washington, DC 20515.

The Honorable RICK LARSEN,
Ranking Member,
Committee on Transportation and Infrastructure, U.S. House of Representatives,
Washington, DC 20515.

DEAR CHAIRMEN CARPER AND GRAVES AND RANKING MEMBERS MOORE CAPITO AND LARSEN:

The undersigned organizations applaud the provisions in the bipartisan Water Resources Development Act (WRDA) that focus on the health of our nation's ports and waterways and request that this legislation ensures that needed modifications are made to keep U.S. waterways operating safely, efficiently, and competitively in the global marketplace.

The U.S. maritime infrastructure system acts as a critical link in the American economy. In 2022, the U.S. maritime transportation system—consisting of harbors, ports, channels, locks, dams, and waterways—delivered over \$2.3 trillion worth of imports and exports.¹ The U.S. coastal port and inland waterway system together support over 2.5 million jobs associated with the shipping industry.^{2,3} Many commodity markets rely on waterborne commerce including farm and livestock products, raw materials and minerals, coal, iron ore, chemicals, petroleum and petroleum products, and consumer goods. The coastal port and inland waterway system support an additional 28 million jobs in these and related industries. With many U.S. jobs and markets dependent upon U.S. waterways and infrastructure, a healthy and

¹2022 USDOT, Bureau of Transportation Statistics, U.S.-International Freight Trade by Transportation Mode

²PwC, Economic Contribution of the US Tugboat, Towboat, and Barge Industry. May 10, 2017

³Martin Associates. 2018 National Economic Impact of the U.S. Coastal Port System. March 2019

reliable maritime system is more important than ever in keeping domestically produced goods and markets competitive.

The U.S. maritime infrastructure system is in critical condition, and geopolitical and national security events have created increased demand for U.S. commodities and energy exports, resulting in pressures on the system not seen in decades. U.S. international and domestic trade is expected to continue increasing while global trade volume, shipping distances, and vessels expand to maximize cost efficiency. While the reliance on the maritime system grows, the existing infrastructure is aging with the average age of locks in the United States now exceeding 50 years. As a result of aging infrastructure, traffic delays, frequent congestion and added costs are common events for waterway users.

To address these challenges, the Water Resources Development Act of 2024 must include provisions to facilitate maintaining the future efficient and effective construction and maintenance of important maritime projects. In addition, provisions must ensure waterway usage is safe, secure, and affordable. WRDA 2024 must take into consideration the following:

- *Inland waterways construction and major rehabilitation projects funded by the Infrastructure Investment and Jobs Act (IIJA) remain at federal cost.* The 11,000 miles of fuel-taxed navigable waterways are a crucial component of our nation's agriculture, energy, and manufacturing supply chains. Despite facilitating the transport of one-third of the nation's Gross Domestic Product, the system relies on a network of lock and dam infrastructure that was constructed in the early 20th century, far exceeding its original 50-year design life. Deterioration has made these projects more susceptible to failures that result in unscheduled closures or stoppages. These delays increase congestion and the cost of transporting waterborne commodities, compounding the recent effects of inflation on consumers. Necessary capital improvements to the inland waterways transportation system are cost-shared through a 29-cent-per-gallon fuel tax imposed on commercial users of the system, and these taxes are deposited into the Inland Waterways Trust Fund (IWTF) to help with recapitalization of the system. The current cost-share requirement is 35% from the IWTF, with the remaining 65% from General Treasury funds, both appropriated to the U.S. Army Corps of Engineers (The Corps) in an Energy and Water Development appropriations bill. In providing Infrastructure Investment and Jobs Act (IIJA) funds to The Corps, Congress waived the cost-share requirement for inland waterways construction and major rehabilitation projects, recognizing the importance of accelerating the pace to complete projects in order to strengthen America's supply chain and stay competitive in global markets. The IIJA funded seven inland waterways construction projects, but due to significant cost overruns, IIJA funds will be unable to complete any of these projects that were originally considered funded to completion. Unless modified in WRDA 2024, this will jeopardize and needlessly delay critical ongoing and planned capital improvements across the antiquated inland waterways transportation system, further delaying the economic and environmental benefits to the Nation.
 - Consistent with Congressional intent, the undersigned organizations request that all inland waterways construction and major rehabilitation projects funded by the Infrastructure Investment and Jobs Act (IIJA) remain at federal cost. This is consistent with the intent that IIJA-funded inland waterways construction projects are completed at 100% federal cost to achieve an accelerated return on investment. Ensuring the cost of these projects remains 100% federally funded will allow the nation to realize economic return more quickly, reduce the supply chain's environmental footprint, address uncertainty in global agriculture and energy markets, and is consistent with Congressional intent.
- *Reauthorization of the National Dam Safety Program and needed reforms to the High Hazard Potential Dam Rehabilitation Program.* These two programs serve as the backbone of federal efforts to ensure the safety and resilience of the nation's dams. Congress has demonstrated its willingness to support these programs through needed investments in the Infrastructure Investment and Jobs Act (IIJA), and must continue to build on these investments to improve dam safety and protect downstream communities. We ask that WRDA 2024 include:
 - a. A five-year reauthorization of the National Dam Safety Program, ensuring that program can continue to support state-level programs through 2028.
 - b. The removal of unnecessary limitations in the existing law prohibiting states from receiving State Assistance Grant funding totaling more than 50% of the cost of implementing state dam safety programs. States are already required to make reasonable effort to fund their own programs, and removing this

limitation will allow for annual appropriations and IIJA funds to flow more freely to states.

- c. A new definition of “small underserved community” for the High Hazard Potential Dam Rehabilitation Program, and waiving the 35% non-federal cost share requirements for grant eligible communities that fall under this definition.
- d. Ensure that operation and maintenance responsibility or high hazard potential dam projects falls on dam owners and not smaller grant subrecipients.
- e. Language requiring an update from The Corps on efforts to implement the National Low Head Dam Inventory, which was authorized in WRDA 2022.
- f. Creation of a program dedicated to financing stormwater infrastructure projects.
- *Necessary adjustments to Harbor Maintenance Trust Fund.* We ask that WRDA 2024 include dedicated funding of the Harbor Maintenance Trust Fund (HMTF) to make certain that ports and channels are maintained at their full depth and width to accommodate a variety of commerce and waterway traffic. We also request that the bill include language to maintain a new program, without affecting existing HMTF funding allocations, for a five-year Inland Waterways Dredge Pilot Program to increase the reliability, availability, and efficiency of federally owned and operated inland waterways projects, provide cost savings, and enhance the availability of container cargo on inland waterways.
- *Energy Port Funding Allocation.* The Corps has twice failed to recommend a single dollar of HMTF towards the energy port target in the fiscal year 2023 work plan to meet the funding allocations outlined in WRDA 2020. Energy ports are critical to our national supply chain and stable HMTF funding for expanded uses is fundamental to maintaining international competitiveness. This funding can assist with capital improvements at these critical ports, which already pay a significant share of the collected tax. The Corps must meet the donor and energy target in the FY24 work plan and include the funding in future budget submissions.
- *National Environmental Policy Act (NEPA) permitting processes transparency.* Requiring The Corps to provide a report to the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure on National Environmental Policy Act (NEPA) permitting processes, including the length of time the Corps took to complete environmental assessments and the number of outstanding assessments to be completed.

As a significant component of local, state, and national economies, the health of our maritime system is essential to our way of life. Dependable, modernized maritime infrastructure is critical in maintaining and enhancing U.S. competitiveness in the global marketplace. The undersigned organizations strongly support your bipartisan leadership to improve our nation’s infrastructure, and we look forward to working with you to swiftly enact this legislation.

Sincerely,

AMERICAN CHEMISTRY COUNCIL.
 AMERICAN FUEL AND PETROCHEMICAL
 MANUFACTURERS.
 AMERICAN PETROLEUM INSTITUTE.
 AMERICAN SOCIETY OF CIVIL ENGINEERS.
 CHAMBER OF SHIPPING OF AMERICA.

GREAT LAKES DREDGE & DOCK COMPANY,
 LLC.
 ILLINOIS SOYBEAN ASSOCIATION.
 NATIONAL MINING ASSOCIATION.
 THE AMERICAN WATERWAYS OPERATORS.
 U.S. CHAMBER OF COMMERCE.
 WATERWAYS COUNCIL, INC.

Mr. ROUZER. It is my great pleasure to recognize the chairman of the full committee, Mr. Graves, for 5 minutes for an opening statement.

**OPENING STATEMENT OF HON. SAM GRAVES OF MISSOURI,
CHAIRMAN, COMMITTEE ON TRANSPORTATION AND INFRA-
STRUCTURE**

Mr. GRAVES OF MISSOURI. Thank you, Chairman Rouzer.

And I want to thank all of our witnesses for being here today.

This is our second hearing in preparation for the committee writing and passing our sixth consecutive bipartisan Water Resources Development Act since 2014, at least.

Ensuring effective and reliable water infrastructure is vital to American families, to our businesses, to farms, and the economic development of our country.

My district is bordered by two of the largest rivers in the United States—on one side, the Missouri River, and on the other side, the Mississippi River. And that is why a major priority of mine is ensuring that our river navigation infrastructure on the Mississippi and Missouri—and the rest of the Nation’s waterways, for that matter—gets the investment that they desperately need.

In addition, we have to 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. And we learned that lesson the hard way in 1993, in 2011, and again in 2019, when flooding along the Missouri and Mississippi Rivers devastated communities all across my district.

I have long been concerned that the current river management incorrectly prioritizes fish and wildlife over the protection of people and property. And that has 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 is going to be a top priority of mine throughout the development of WRDA 2024.

And, with that, Mr. Chairman, I yield back.

[Mr. Graves of Missouri’s prepared statement follows:]

**Prepared Statement of Hon. Sam Graves, a Representative in Congress
from the State of Missouri, and Chairman, Committee on Transportation
and Infrastructure**

Thank you, Chairman Rouzer, and thank you to our witnesses for being here today.

This is our second hearing in preparation for the Committee writing and passing our sixth consecutive bipartisan Water Resources Development Act since 2014. 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 the hard way in 1993, 2011, and again in 2019 when flooding along the Missouri and Mississippi Rivers devastated communities across my district.

I have long been concerned that current river management incorrectly prioritizes 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 2024.

Mr. ROUZER. The gentleman yields back.

I now recognize the ranking member of the full committee, Mr. Larsen, for 5 minutes.

OPENING STATEMENT OF HON. RICK LARSEN OF WASHINGTON, RANKING MEMBER, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. LARSEN OF WASHINGTON. Thank you, Mr. Chair, for holding this second hearing on the development of the Water Resources Development Act.

In the Pacific Northwest and across the entire country, businesses and communities understand the critical importance of ports, harbors, and inland waterways to keeping goods that we rely on moving, protecting homes from flood damage, and preserving our ecosystems.

Since 2014, this committee has honored its commitment to meet local water resource needs around the country carried out by the Army Corps through regular enactment of bipartisan WRDAs. WRDAs support projects that address local water resource challenges to create jobs in construction, and support industries and businesses that benefit directly from port projects.

Regular, predictable enactment of WRDA also allows for the implementation of critical and timely policy reforms that improve the function and flexibility of the Corps to respond to local water resource challenges.

WRDA 2022 is a blueprint for future WRDAs. It successfully authorized the construction of 25 new projects covering each facet of the Corps' missions, as well as almost 100 new feasibility studies for future water resource development projects.

WRDA 2022 also authorized a historic total of more than \$6.5 billion in environmental infrastructure assistance for community-driven projects, including \$200 million for locally supported water and wastewater infrastructure projects in my home State of Washington.

These Federal, State, and local partnerships are critical to help address the growing water and the wastewater infrastructure needs throughout the country.

WRDA 2024 is our opportunity to build on the bipartisan successes of the last few bills. We can continue to advance efforts to expand America's navigational capacity and strengthen its supply chains through port, harbor, and inland waterways development. We can continue to authorize job-creating investments that simultaneously address the water resource challenges facing our communities and support national, regional, and local economies.

And we can continue to prepare our communities for the challenges that the climate crisis poses as well as what extreme weather events impose upon us. And we can continue to promote equity for all communities by ensuring access to the Corps' technical and planning expertise, as well as by increasing the coordination between the Corps and Tribal, minority, and disadvantaged communities.

Beyond regular enactment of WRDAs, Congress also needs to provide sufficient funding to the Corps for project planning, construction, and operation and maintenance so communities can quickly realize the benefits of water resource improvements. The \$17 billion downpayment made through the Bipartisan Infrastructure Law is a great start, but Congress needs to continue to sustain robust investment in our water infrastructure into the future.

So, I look forward to the continued partnership with Chair Graves, Chair Rouzer, and Ranking Member Napolitano as we develop the new bipartisan WRDA 2024.

And, with that, I yield back.

[Mr. Larsen of Washington's prepared statement follows:]

Prepared Statement of Hon. Rick Larsen, a Representative in Congress from the State of Washington, and Ranking Member, Committee on Transportation and Infrastructure

Thank you, Chair Rouzer, for holding a second hearing on the development of the Water Resources Development Act, or WRDA.

In the Pacific Northwest and across the country, businesses and communities understand the critical importance of ports, harbors and inland waterways to keeping the goods we rely on moving, protecting homes from flood damage, and preserving our ecosystems.

Since 2014, this Committee has honored its commitment to meet local water resource needs around the country carried out by the Army Corps through regular enactment of bipartisan WRDAs.

WRDAs support projects that address local water resource challenges to create jobs in construction, and support industries and the businesses that benefit directly from Corps projects.

Regular, predictable enactment of WRDAs also allows for the implementation of critical and timely policy reforms that improve the function and flexibility of the Corps to respond to local water resources challenges.

WRDA 2022 is a blueprint for future WRDAs.

It successfully authorized the construction of 25 new projects covering each facet of the Corps' missions, as well as almost 100 new feasibility studies for future water resource development projects.

WRDA 2022 also authorized a historic total of more than \$6.5 billion in environmental infrastructure assistance for community driven projects, including \$200 million for locally supported water and wastewater infrastructure projects in my home state of Washington.

These federal, state, and local partnerships are critical to help address the growing water and wastewater infrastructure needs throughout the country.

WRDA 2024 is our opportunity to build on the bipartisan successes of the last few bills.

We can continue to advance efforts to expand America's navigational capacity and strengthen its supply chains through port, harbor, and inland waterways development.

We can continue to authorize job-creating investments that simultaneously address the water resources challenges facing our communities and support national, regional, and local economies.

We can continue to prepare our communities for the challenges the climate crisis poses as well as extreme weather events.

We can continue to promote equity for all communities by ensuring access to the Corps' technical and planning expertise, as well as by increasing the coordination between the Corps and Tribal, minority, and disadvantaged communities.

Beyond the regular enactment of WRDAs, Congress also needs to provide sufficient funding to the Corps for project planning, construction, and operation and maintenance so communities can quickly realize the benefits of water resources improvements.

The \$17 billion downpayment made by the Bipartisan Infrastructure Law is a great start, but Congress needs to continue to sustain robust investment in our water infrastructure into the future.

I look forward to the continued partnership with Chairman Graves, Chairman Rouzer, and Ranking Member Napolitano in developing a new bipartisan WRDA 2024.

With that, I yield back.

Mr. ROUZER. The gentleman yields back.

I would now like to welcome our witnesses and thank them for being here today.

I will identify each: Mr. Shane Kinne, executive director of the Coalition to Protect the Missouri River; Mayor Teresa Batts of Surf City, North Carolina; Mr. Jim Weakley, president of the Lake Carriers' Association; Mr. Paul Anderson, president and CEO of Port Tampa Bay; and Mr. Dave Mitamura, executive director of the National Water Supply Alliance.

I want to briefly take a moment to explain the lighting system, which is fairly self-explanatory. Green means go, yellow means you have a little time left, and red means wrap it up as quickly as possible.

I ask unanimous consent that the witnesses' full statements be included in the record.

Without objection, so ordered.

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.

Without objection, so ordered.

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

Without objection, so ordered.

As your written testimony has been made part of the record, the subcommittee asks that you limit your oral remarks to 5 minutes.

I would now like to recognize the chairman of the full committee, Mr. Graves, to introduce Mr. Kinne.

Mr. GRAVES OF MISSOURI. So, thanks, Mr. Chairman, and I do want to take just a moment to go in a little bit more depth on Shane Kinne. He is the executive director, as was pointed out, of the Missouri Coalition to Protect the Missouri River, and I want to thank him for being here today.

The Coalition to Protect the Missouri River has been at the forefront of the fight to ensure that the river is responsibly managed and that we get back to the original intent of this system—and that's navigation and flood control—and, at the same time, balancing the other needs, which do include water supplies and include science-based recovery of some endangered species.

I have been proud to work with Shane on these efforts, both in his current role with the coalition and also through his work with the Missouri Corn Growers Association helping farmers navigate the aftermath of the 2011 flood.

And I want to thank Shane again for your work and for making the trip out here to testify today.

And I look forward to the testimonies.

And, with that, thanks, Mr. Chairman. I yield back.

Mr. ROUZER. Mr. Kinne, you are now recognized for 5 minutes.

TESTIMONY OF SHANE KINNE, EXECUTIVE DIRECTOR, COALITION TO PROTECT THE MISSOURI RIVER; HON. TERESA B. BATTS, MAYOR, SURF CITY, NORTH CAROLINA; JAMES WEAKLEY, PRESIDENT, LAKE CARRIERS' ASSOCIATION; HON. PAUL ANDERSON, PRESIDENT AND CHIEF EXECUTIVE OFFICER, PORT TAMPA BAY, AND CHAIRMAN OF BOTH THE AMERICAN ASSOCIATION OF PORT AUTHORITIES AND THE COALITION FOR AMERICA'S GATEWAYS AND TRADE CORRIDORS; AND DAVE MITAMURA, EXECUTIVE DIRECTOR, NATIONAL WATER SUPPLY ALLIANCE

TESTIMONY OF SHANE KINNE, EXECUTIVE DIRECTOR, COALITION TO PROTECT THE MISSOURI RIVER

Mr. KINNE. Chairman, members of the committee, and ranking members, thank you for the opportunity to testify today regarding WRDA 2024 and its importance for the Missouri River and our stakeholders.

As mentioned, my name is Shane Kinne. I am the executive director of the Coalition to Protect the Missouri River.

CPMR was established in 2001 and is made up of more than 30 members across 6 States in the Midwest region, and we support, as the chairman indicated, responsible management of the Missouri River resources as well as the maintenance and enhancement of the congressionally authorized purposes of the river, including flood control, navigation, and water supply.

We also support, as was indicated, science-based habitat restoration for endangered or threatened species, provided those management actions keep human interests and our members' interests in mind and properly balanced.

We are here at a very important time when it comes to the Missouri River and Missouri River management. While there are challenges that I will discuss, we have much momentum on the Missouri River, as well, in regards to flood control and to navigation.

Much of this is due to recently passed WRDA bills and generational authorizations of projects and studies that were included in those WRDA bills. And if those studies and projects are properly executed, it will have a long-term impact on the Missouri River and our region.

In order for us, though, to continue to capitalize on that momentum and the excitement we have going on in the Missouri River, it is critical that Congress continues to pass WRDA bills on time and every 2 years, as that is what we need to capture that momentum and take action.

The historic flood of 2019 caused billions of dollars in flood damages throughout Iowa, Kansas, Nebraska, and Missouri, with much of those damages in Missouri's Sixth Congressional District, as the chairman indicated.

WRDA 2020 authorized the Lower Missouri River Flood Resiliency Study, which is allowing our region to take a new look at flood control along the Missouri River. This study is going to focus on local solutions and increased resiliency of flood control on the Missouri River.

As part of this study, it is critical that stakeholders begin to see progress as soon as possible, which is why passing a WRDA bill in

2024 is absolutely critical, so we can take action on solutions that we already have agreement on moving forward.

In addition, between disaster funding from 2019 and the 2022 Bipartisan Infrastructure Law, over \$469 million is being invested in the Missouri River navigation channel. We are only halfway through this investment in this project, and it is already having a staggering impact on the resiliency of the channel. Several navigators have shared with me recently that they were able to move boats during the past 2 years of low water when they wouldn't have been able to in previous years without this work and rock placement.

Along with this success, WRDA 2020 also authorized the Missouri River Navigation Resiliency Study that is allowing us to take a fresh look at a broad range of factors that could improve resiliency of navigation on the river. The timing of this study, along with the Federal investment that I just mentioned, is absolutely critical to gain momentum for shipping on the river.

Commercial traffic is increasing on the river to levels we haven't seen in decades, with the Port of Blencoe at Blencoe, Iowa, opening in 2021 with NEW Cooperative of Iowa. They have had three successful navigation seasons north of Omaha, Nebraska.

Prior to opening this port, NEW Co-Op transported fertilizer up the Mississippi River and across the State of Iowa via truck, and now they are able to move fertilizer all the way up the Missouri River to their northwest Iowa locations. This has saved them roughly 250,000 truck-miles every year the last 3 years off the road, which shows the significance of the impact of being able to move product on barge.

In addition to moving fertilizer up, they were able to move corn, soybean meal, distillers grain, and scrap iron back south, being able to use both directions of the river.

Passing a WRDA bill in 2024 is critical to leveraging this success that we are experiencing now into long-term resiliency—not just resiliency of the Missouri River, but also of the Mississippi River, as well.

Flows from the Missouri River are critical to shipping on the middle Mississippi River between St. Louis, Missouri, and Cairo, Illinois. And this just highlights the national importance of movement on the Missouri River and flows on the Missouri River, especially right now as we see those low flows.

We, as CPMR, have shaped our priorities to promote continued progress in all these areas. And they include shifting the previously mentioned Navigation Resiliency Study from a 50/50 cost-share to a 75/25 cost-share due to its national impact, its regional impact, and to ensure that this study is completed on time and gives local stakeholders the confidence of that long-term resiliency while maintaining important stakeholder buy-in. Shipping reliability and cost-share shift will maintain that input.

Bank erosion continues to be an issue as well, and those are also included in our priorities.

These are just a few of our priorities. We will submit our full list to the committee.

Again, we appreciate the opportunity to talk about the Missouri River today and its impact regionally and nationally and look forward to this committee's work on WRDA 2024.

[Mr. Kinne's prepared statement follows:]

Prepared Statement of Shane Kinne, Executive Director, Coalition to Protect the Missouri River

Mr. Chairman and members of the committee, thank you for the opportunity to testify today regarding WRDA 2024 and its importance to Missouri River stakeholders. I'm Shane Kinne, Executive Director of the Coalition to Protect the Missouri River.

CPMR was established in 2001, and is made up of more than 30 members in six states and supports the responsible management of Missouri River resources, as well as the maintenance and enhancement of congressionally authorized purposes of the river, including flood control, navigation and water supply. We also support science-based habitat restoration for endangered or threatened species, provided that management actions are responsibly conducted and properly balanced with our members' interests.

We are in a very important time period for the Missouri River. While there are challenges, there is much momentum, both for flood control as well as navigation on the Missouri River. Much of this is due to recently passed WRDA bills that authorized important, generational projects and studies that, if properly executed, will improve the lives of those that live and work in the lower Missouri River basin. In order for us to continue to capture and capitalize on that momentum, it is critical that Congress continues to pass WRDA bills consistently and on-time.

The historic flood of 2019 caused billions of dollars in damages in the states of Iowa, Kansas, Nebraska and Missouri with much of that in Missouri's 6th District.

WRDA 2020 authorized the Lower Missouri River Flood Resiliency Study, allowing our region to take a new look at flood control along the Missouri River. This study will focus on local solutions and increased resiliency. As part of this study, it is critical that stakeholders begin to see progress as soon as possible. Passing a WRDA bill in 2024 will allow us to take a step forward now on agreed-upon solutions, while the full study progresses.

In addition, between disaster funding from the 2019 flood and 2022 Bipartisan Infrastructure Law funding, over \$469 million is being invested in the Missouri River navigation channel. We are only halfway through this project and it is already having a staggering impact on the resiliency of the channel. Several navigators have shared that they have been able to move boats during the past two years of low water, when they previously wouldn't have been able to.

Along with this success, WRDA 2020 also authorized a Missouri River navigation resiliency study that is allowing us to take a fresh look at a broad range of factors that could improve resiliency of navigation on the river. The timing of this study with the federal investment into the river is critical.

Commercial traffic is increasing on the Missouri River to levels we haven't seen in decades. The Port of Blencoe, located at MOR 680.5, Blencoe Iowa was opened by farmer-owned NEW Cooperative in 2021. Having three successful navigation seasons north of Omaha, Nebraska has allowed NEW Cooperative to reduce their truck miles on Iowa highways by approximately 249,491 miles annually. Prior to opening this port, NEW Cooperative transported fertilizer from the Mississippi River, all the way across the state of Iowa in the spring. The operation of this facility allows the efficient movement of fertilizer and additional commodities up the Missouri River, and also allows barges to be reloaded with products such as soybean meal, dried distillers grain, soybeans, corn, and scrap iron to ship back south. This is just one example of success stories we are seeing.

Passing a WRDA bill in 2024 is critical to leveraging this success into long-term resiliency. Not just resiliency of the Missouri River, but also the Mississippi River. Flows from the Missouri River are critical to shipping on the middle Mississippi River between St. Louis, Missouri and Cairo, Illinois, highlighting their national importance.

CPMR has shaped our WRDA 2024 priorities to promote continued progress in these areas.

Our priorities include:

- Shifting the previously mentioned Missouri River Navigation Resiliency Study from 50/50 cost share study to a 75/25 cost share. This study will have national

impact to shipping reliability and this cost share shift will provide certainty to it's completion while maintaining stakeholder input.

- Bank erosion and land loss continue to be a challenge for landowners and also threaten the viability of levee systems. WRDA 2022 included a pilot program to address this issue. In WRDA 2024 we are advocating to expand this to a permanent authority for the U.S. Army Corps of Engineers to address critical bank erosion.
- In WRDA 2022 the USACE was required to inventory non-USACE federal lands that would physically qualify for Bank Stabilization and Navigation Project mitigation acres. CPMR supports movement toward ensuring those lands are counted in the 166,000 acres as well as looking at what state lands should qualify.

These are just a few of our WRDA priorities. We will submit our full list as part of the record. They include additional items to promote navigation and flood risk resiliency while also protecting private property and businesses that operate on the Missouri River.

Failing to pass a WRDA bill in 2024 will mean missed opportunities at a critical time to support resiliency of flood control, navigation and water supply uses in the region. Thank you for your efforts to pass this legislation and thank you again for the opportunity to testify today.

Mr. ROUZER. Ms. Batts, you are recognized for 5 minutes.

**TESTIMONY OF HON. TERESA B. BATTS, MAYOR, SURF CITY,
NORTH CAROLINA**

Ms. BATTS. Chairman Rouzer, Ranking Member Napolitano, Chairman Graves, and Ranking Member Larsen, it is an honor and a privilege to testify before this distinguished subcommittee today to discuss the town of Surf City's Federal coastal storm risk project.

My name is Teresa Batts, and I am the mayor of Surf City, North Carolina.

Passing the Water Resources Development Act, or WRDA, on a biennial basis has provided the Nation's coastal engineering community with the reliability and certainty that it needs to advance critical resilience projects like the one at Surf City.

The town supports the development of WRDA 2024. We acknowledge the tremendous bipartisan track record of this important infrastructure bill. Thank you for your leadership and commitment to the authorizing process.

I would also like to acknowledge Chairman Rouzer, an ardent champion for U.S. coastal resilience and for the North Carolina beach communities. Thank you for your support in highlighting our WRDA needs.

Chairman Rouzer, you have visited Surf City numerous times. I am certain you remember meeting myself and members of the council following Hurricane Florence and recall the damage it caused in our communities.

These photos give you a sense of the extreme vulnerability that Surf City faces. They were taken post-Florence and illustrate the consequences of not having adequate beach and dune infrastructure in place. As Chairman Rouzer mentioned last week, our Federal nourishment project is long overdue.

The town of Surf City is located in the heart of Topsail Island, North Carolina, and it serves as the economic engine for the surrounding island and inland communities. Our residents and property owners have strong ties to the coastal environment, rep-

representing commercial and recreational fishermen, a thriving agriculture industry, as well as retail, restaurants, and other businesses. A majority of households make between \$50,000 to \$150,000 per year. These are people that work in our schools, support the tourism sector, and work in construction.

Please consider an open invitation to visit Surf City.

[Slides shown.]

Beaches and dunes are a proven form of natural infrastructure. They protect coastal communities like Surf City from flooding, ensuring local businesses are still running after a storm and that coastal residents can return to their homes quickly with few repairs. Proactively investing in wide beaches and high vegetative dunes save the Federal Government money by reducing post-disaster recovery payments.

Storm risk management is not the only reason to invest in coastal infrastructure projects. Beaches are economic engines, dominating 66 percent of the U.S. tourism market. Surf City, for example, offers an affordable, working-class vacation to the American people. Tourists will stop coming to the beaches if they go away.

Beaches create jobs, too. Nationally, the ocean-based tourism sector employs more Americans than the entire real estate industry, as well as more people than telecommunications and building construction combined. Surf City's economy is entirely dependent on the beach.

The town of Surf City requires authorization of our coastal storm risk management project in WRDA 2024. As Chairman Rouzer explained in last week's hearing, despite initial authorization in WRRDA 2014, the town has yet to see construction of the Federal beach project.

As the photos show, 13 years without a project has led to increased vulnerability and reduced protection. Delays in the project have led to the loss of millions of Federal, State, and local tax dollars due to price escalation in dredging costs.

The town has also invested significant dollars in erosion mitigation, including \$14 million in a sand truck haul project to shore up the disappearing beach.

When the town learned of the construction funding for this project through the Disaster Recovery Act in 2019, we immediately engaged with the Wilmington District and the South Atlantic Division, who have been wonderful partners throughout this long process.

Because North Topsail Beach withdrew their project in 2021, we need authorization for a Surf City-only project in the DRA 2019 funds. Currently, investigation funds that will lead to the construction are awaiting approval.

Surf City has been prepared to sign a project partnership agreement to see this project to construction since day one. The town faithfully procured land to increase our public parking and access to the beach. We have secured over 86 percent of our necessary easements and are dedicated to obtaining 100 percent.

In closing, Surf City is grateful to the subcommittee and Congress for ensuring the critical missions of the Army Corps of Engineers. The Federal project will provide not only our first large-scale nourishment project but will also serve as a longer term solution

to maintaining our beaches that our residents and visitors both cherish and respect greatly.

As shown today, we are in desperate need of new authorization for a Surf City-only project, which can only happen through the WRDA process. The town of Surf City supports timely passage of WRDA 2024 and respectfully requests the subcommittee's support to include this project.

Thank you for the opportunity to testify today.

[Ms. Batts' prepared statement follows:]

Prepared Statement of Hon. Teresa B. Batts, Mayor, Surf City, North Carolina, Prepared With Assistance From Nicole Elko, Ph.D., Executive Director, American Shore & Beach Preservation Association

Chairman Rouzer and Ranking Member Napolitano, it is an honor and a privilege to testify before this distinguished subcommittee today to discuss the Town of Surf City's federal coastal storm damage reduction project. My name is Teresa Batts and I am the mayor of Surf City, North Carolina.

Passing the Water Resources Development Act, or WRDA as it is commonly referred to, on a biannual basis has provided the nation's coastal engineering community with the reliability and certainty that it needs to advance critical resilience projects like the one at Surf City. The Town of Surf City supports the development of WRDA 2024 and we would like to acknowledge the tremendous bipartisan track record of this important infrastructure bill. Thank you for your leadership and commitment to this authorizing process.

I would also like to acknowledge Chairman Rouzer, an ardent champion for U.S. coastal resilience and for North Carolina beach communities. Congressman Rouzer, thank you for your support of the Town of Surf City and for highlighting our WRDA needs.

Chairman Rouzer, you have visited Surf City numerous times and I'm quite certain you remember meeting with myself and members of our Council following Hurricane Florence and recall the damage it caused in our community. These photos give the other subcommittee members a sense of the extreme vulnerability that Surf City faces. They were taken post Florence and illustrate the consequences of not having an adequate dune structure in place. You can see the exposed infrastructure and the devastation this creates. As Chairman Rouzer mentioned last week, our federal nourishment project is long overdue.

The Town of Surf City was founded in 1949. We are located in the heart of Topsail Island, North Carolina, and serve as the economic engine for the surrounding island and inland communities. Our residents and property owners have strong ties to the coastal environment, representing commercial and recreational fisherman, a thriving aquaculture industry, as well as retail, restaurants, and other businesses, all within a vibrant, family friendly, small town environment.

I hope the committee will consider my open invitation to visit Surf City. In the meantime, I appreciate the opportunity today to highlight the desperate need for authorization of our federal project as well as the value that the coastal mission of the US Army Corps of Engineers' (Corps) provides to the nation.

Beaches and dunes are a proven form of natural infrastructure. They protect coastal communities like Surf City from flooding, ensuring that local businesses are still running after a storm, and that coastal residents can return to their homes quickly with few repairs. Economic benefits of storm protection for our roads, infrastructure, and private property are of utmost importance. Proactively investing in wide beaches and high, vegetated dunes saves the federal government money by reducing post-disaster recovery payments.

Beaches, dunes and wetlands are, simply put, wise fiscal investments. Proactively investing in coastal infrastructure will save the federal government money by reducing post-disaster recovery payments.

Storm risk management is not the only reason to invest in coastal infrastructure projects. The beach is the reason tourists visit Surf City, as well as every other beach town in the U.S. A 2022 study found that beach vacations were the most popular destinations, accounting for 66% of family trips. Remember, most U.S. beach towns are not the land of the rich and famous. We offer an affordable, working-class vacation to the American public. Tourists spend money in my town, in the hotels,

restaurants, and shops because they are on a beach vacation. They will stop coming if the beach goes away.

Beaches create *jobs* too. Nationally, the ocean-based *tourism* and recreation sector employs more Americans than the entire real estate industry, as well as more people than building construction and telecommunications combined. People don't come to my town for health care or to work in a textile plant. A majority of households make between \$50,000 and \$150,000 per year, demonstrating a strong presence of middle-income residents. These are people that work in our schools, support the tourism sector, and work in construction.

For every dollar the federal government spends on beach restoration, you collect at least \$250 in beach tourist tax revenues. When this revenue is combined with the cost savings from coastal disasters and the recreational and workforce benefits that beaches provide, it is crystal clear that these projects are *excellent national investments* that increase coastal resilience.

The Town of Surf City requires authorization of our Coastal Storm Risk Management project in WRDA 2024. The initial Chief's Report that combined Surf City with North Topsail Beach was completed in 2010 and authorized in WRDA 2014. Thirteen years later, our town has yet to see construction of a federal beach project. This time span has led to increased vulnerability due to reduced protection. The Town has been, and remains, committed to this project as we feel that a Corps' beach provides us the best protection for the taxpayers dollar. Delays in the project have led to a loss of millions of federal, state, and local tax dollars due to price escalation in the dredging industry over this time frame. The Town has also invested significantly in erosion mitigation efforts during this time including a \$14 million sand truck haul project to shore up the disappearing beach.

When the Town was notified of construction funding for this project through the Disaster Recovery Act of 2019, we were immediately engaged with the Wilmington District to complete the necessary local items to advance the project. The Wilmington District and South Atlantic Division have been wonderful partners throughout this very long process. North Topsail Beach, on the other hand, withdrew from the project in 2021. This requires a new authorization for a Surf City only project in order to use the DRA 2019 funds. Currently, investigation funds that will ultimately lead to construction are awaiting approval.

Surf City has been prepared to sign a Project Partnership Agreement and see this project to construction since Day 1. The Town faithfully procured land to increase our public parking and access to the beach, we have secured over 86% of easements necessary to authorize the Corps' and its contractors to complete the work and are dedicated to obtaining 100%. Simply stated, the Town has been a great partner to the Corps' and will continue throughout the lifespan of this critical project for the Town of Surf City.

Surf City is grateful to your subcommittees and Congress for ensuring that the critical missions of the U.S. Army Corps of Engineers are authorized and implemented. On behalf of my fellow community leaders, thank you for WRDA22 with its many coastal provisions. We recognize the need for implementation. Improving the resilience of coastal communities will take coordination across multiple federal agencies working together with state and local authorities. Most importantly for our town, the Surf City Coastal Storm Risk Management project will provide not only the first large-scale nourishment project for our coastline, but also serve as the longer term solution to maintaining the beach that our residents and visitors both cherish and respect greatly.

In closing, we are in desperate need of *new authorization for a "Surf City only" project* to be eligible for construction, which can only happen through the WRDA process. The Town of Surf City supports timely passage of WRDA 2024 and respectfully requests the subcommittee's support to include this project. Thank you for the opportunity to testify today.

PHOTOS ILLUSTRATING THE VULNERABILITY OF THE TOWN OF SURF CITY, NC,
FOLLOWING HURRICANE FLORENCE

September 2018





Mr. ROUZER. Mr. Weakley.

TESTIMONY OF JAMES WEAKLEY, PRESIDENT, LAKE CARRIERS' ASSOCIATION

Mr. WEAKLEY. Thank you.

Since 1880, the Lake Carriers' Association has represented U.S. flagships moving 90 million tons of cargo annually. They are the building blocks of America: iron ore, construction stone, coal, cement, grain, salt, and sand. Our economy and our national security need a resilient Great Lakes Navigation System, or GLNS.

It is the most efficient and environmentally sustainable mode. Our Jones Act qualified vessels can move a ton of cargo 600 miles on 1 gallon of fuel. One of our 1,000-foot-long ships carries 70,000 tons, the equivalent of 40 river barges, 700 railcars, or 2,800 trucks. With our efficiency, trucks could use lawnmower engines.

The Corps estimates our transportation rate savings at \$3.9 billion. The industry drives \$36 billion in economic activity, generates \$6 billion in tax revenue and 147,350 U.S. jobs, with more than \$17.8 billion in wages annually.

WRDA is the most important piece of legislation Americans have never heard of. It authorizes maritime infrastructure. Providing for the national defense and facilitating commerce are two basic functions of the Federal Government. WRDA accomplishes both.

When I started at LCA, the GLNS was unsustainable. The Corps was not funded to remove the 3.3 million cubic yards of annual sedimentation clogging our navigational arteries in America's heartland. The backlog peaked at 18 million cubic yards. For every inch of navigational depth lost, our largest vessels lose 270 tons of cargo. U.S. lakers light-loaded three of every four voyages, and vessels grounded in the navigation channel.

The Corps was on a 400-year pace to recapitalize infrastructure. The locks in Michigan were poorly funded and less reliable. The new Soo lock was authorized in 1986 and languished on congressional life support. Multiple Congresses would not pass WRDA, and the system was in a death spiral.

A Department of Homeland Security study estimated an unplanned closure of a single Soo lock would result in a recession and 11 million Americans unemployed. Twice, WRDA reauthorized the construction of a new Soo lock.

It took multiple WRDAs to right the ship. Bills provided greater access to the industry-funded Harbor Maintenance Trust Fund and

its \$10 billion surplus. WRDAs resuscitated the GLNS and placed it on a healthier diet of regular authorizations and more funding.

I am a strong proponent of the 2-year WRDA cycle. It provides new opportunities, policy corrections, increased funding authorizations, and congressional guidance. It is simply good governance.

I know the Great Lakes Navigation System may need further authorizations to address material management and to provide beneficial use opportunities. The 2-year WRDA cycle provides the needed flexibility for better stewardship of infrastructure, environmental resources, and precious tax dollars.

I have two specific requests for WRDA 2024.

The five Great Lakes connecting channels should be 100 percent federally funded, as are the Soo locks. These are system resources and should not require a non-Federal sponsor.

We need to fix Middle Neebish Channel in the St. Marys River. It should only have one authorized depth, not two. It is unusual. It is a safety hazard. Nothing separates the shallow and the deep sides. It is a problem navigating in the ice, particularly when the Coast Guard closes the downbound channel, forcing transits in the opposite direction. This channel's design creates a safety hazard. We don't need a study; we need action. First, deepen the turns.

I support the 2-year WRDA cycle. It is good governance. WRDAs resurrected the Great Lakes Navigation System. We are asking for two small fixes: full Federal funding of the connecting channels and fixing the Middle Neebish Channel. We will be back, given the appropriate legislative pace, for additional requests.

Please pass WRDA 2024.

Thank you.

[Mr. Weakley's prepared statement follows:]

Prepared Statement of James Weakley, President, Lake Carriers' Association

The below testimony provides support for a predictable two-year Water Resources Development Act (WRDA) cycle, discusses the importance of WRDA to the Great Lakes Navigation System (GLNS), and presents two specific requests for WRDA 2024: full federal funding for the maintenance of the five Great Lakes connecting channels and a single authorized depth for a portion of one of those connecting channels.

Since 1880, the Lake Carriers' Association (LCA) has represented the U.S.-flag Great Lakes fleet, which today can move 90 million tons of cargos annually. They are the building blocks of American manufacturing, infrastructure, and energy: iron ore, construction stone, coal, cement, and other dry bulk materials such as grain, salt, and sand.

Now more than ever, the national economy and our national security need a reliable and resilient Great Lakes maritime transportation system that stretches over 1,600 miles from Duluth, MN, to the Saint Lawrence Seaway. It is the most efficient, environmentally friendly, and socially responsible mode of transportation. Our Jones Act qualified vessels can move a ton of cargo more than 600 miles using a single gallon of fuel. One of our 1,000-foot long ships can carry as much as 70,000 net tons of cargo. That is the equivalent of 40 river barges, 700 rail cars, or 2,800 25-ton trucks. For trucks to match our horsepower-to-ton efficiency, they would need to be moved with a 5-horsepower lawnmower engine.

The U.S. Army Corps of Engineers (Corps) estimates that the GLNS results in an annual transportation rate savings of \$3.9 billion annually. A recent report, *Economic Impacts of Maritime Shipping in the Great Lakes* [<https://lcaships.com/programs/economy/economic-impacts-jobs/>], highlights Great Lakes shipping's contribution to the success of our nation. The industry drives \$36 billion in annual economic activity, which generates more than \$6 billion in tax revenue annually. 147,350 U.S.

jobs are tied to our fourth seacoast and more than \$17.8 billion in family sustaining wages are paid every year.

WRDA is the most important piece of legislation that most Americans have never heard of. It authorizes funds for our nation's maritime infrastructure. We are and always have been a maritime nation. WRDA sets policy; authorizes studies, projects, and project modifications; and provides Congressional direction to the Corps. Providing for national defense and facilitating commerce are two of the basic functions of the Federal Government. WRDA accomplishes both of these.

When I started at the LCA over 20 years ago, the Great Lakes maritime infrastructure was on an unsustainable and downward trajectory. The Corps was not funded to remove the 3.3 million cubic yards of annual sedimentation clogging the navigational arteries in the GLNS, America's heartland. The situation would only worsen, peaking at 18 million cubic yards as measured from the "functional dimensions" in 2007 and again in 2103. The "functional dimension" only exists in the Great Lakes. It is the minimum opening that will allow vessels to operate in the channel. In some cases, it means allowing only one-way traffic, even though the waterway is authorized for two-way traffic. The rest of the nation, if not the world, measures its dredging backlog from "authorized dimensions." That is an example of how bad things were in the GLNS.

For every inch of navigational depth lost by our largest vessels, 270 tons of cargo are not carried. From 2007 to 2012, U.S.-flag operators light loaded their vessels on 3 of every 4 voyages. In 2012 alone, there were 9 vessel groundings in GLNS navigation channels.

The Corps was on a 400-year pace to recapitalize the region's breakwalls and jetties. Using the period of the last 8 years, the Corps is now recapitalizing those structures on a 25-year pace. The Corps' navigation locks in Sault Ste. Marie, MI (Soo Locks), connecting Lake Superior with Lake Huron, were poorly funded and becoming less reliable. The new Soo Lock authorized in 1986 had languished on Congressional life support with little progress. Multiple Congresses would come and go without passing a WRDA and one could argue that the system was in a slow death spiral.

It took multiple WRDAs to provide the necessary course corrections to right the ship. In 2011, I testified before this subcommittee in support of H.R. 104, Realizing America's Maritime Promise (RAMP) Act, a variation of which was later incorporated into WRDA and improved by subsequent laws. The bill allowed greater access to the Harbor Maintenance Trust Fund (HMTF), which is funded by the ad valorem cargo tax assessed on maritime cargo to fund harbor maintenance. Eventually, WRDA also authorized the drawdown of the \$10 billion surplus that had accumulated in the HMTF since its inception. This increased funding both reduced the GLNS dredging backlog and increased the pace of breakwall and jetty repairs nationwide. WRDA 2014 authorized the GLNS for the first time as a system and recognized the interconnectivity and interdependence of our Great Lakes ports. A 2015 Department of Homeland Security Study, *The Perils of Efficiency* [<https://www.remi.com/wp-content/uploads/2021/08/DHS-OCIA-The-Perils-of-Efficiency-An-Analysis-of-an-Unexpected-Closure-of-the-Poe-Lock-and-Its-Impact.pdf>], pointed out that an unplanned 6-month closure of a single navigation lock, the Poe, at the Soo Locks would result in a North American resource-driven recession and 11 million unemployed Americans. Armed with that knowledge, this Subcommittee twice used WRDA to reauthorize the construction of the new Soo Lock project to provide system resiliency. That project is well underway and on schedule for completion in 2030.

It took multiple WRDAs to revive the GLNS and place it on a healthier diet of regular authorizations and more appropriate funding levels. I am a strong proponent of the 2-year WRDA cycle. It provides new opportunities, policy course corrections, increased funding authorizations, and Congressional guidance. It is simply good governance. Even though I have only two WRDA requests for this bill, I know at some point, the GLNS may need additional authorization language to address the emerging problem of dredged material management and provide other beneficial use opportunities for unconfined placement, particularly for Lake Erie ports. We may need future WRDA language to increase dredging capacity or to make the current capability more efficient. I know we will need future WRDA language to deal with problems that we can't even anticipate. The 2-year WRDA cycle provides the needed flexibility and process to address needs in a timely manner. The Corps needs and deserves Congressional authorization and direction to be better stewards of our nation's maritime navigation infrastructure, environmental resources, and precious tax dollars.

On behalf of my members and the GLNS, I have two specific requests for WRDA 2024:

Any study, design, or construction of improvements to Great Lakes “connecting channels” should be 100% federally funded, as are the Soo Locks. They should not require a nonfederal sponsor. There are five connecting channels on the Great Lakes: the St. Marys River (connecting Lake Superior with Lake Huron), the Detroit River, the St. Clair River, the Channels in Lake St. Clair (connecting Lake Huron to Lake Erie) and the Straits of Mackinac (connecting Lake Michigan to Lake Huron). These are “system” resources and should not require a nonfederal sponsor. The Straits of Mackinac are naturally deep and require little maintenance. The St. Marys River, which requires dredging and may soon require a nonfederal sponsor in order for the Corps to address dredged material management needs, unless this request is enacted. The Detroit/St. Clair River does not immediately need a nonfederal sponsor to address dredged material management but will in the future. Once the Corps implements the new Great Lakes water level datum, this problem could become even bigger and more urgent.

The upbound channel of the St. Marys River in the vicinity of Neebish Island, the Middle Neebish Channel, should be authorized at the deeper depth (27 or 28 feet depending on the location). Currently it is split down its length and the channel has both a 21 foot and 27/28 foot project depth for the same stretch of the river. This is very unusual. It is a relic from the 1960s when the downbound West Neebish Channel was being constructed and vessels had to go in both directions via the Middle Neebish Channel and upbound vessels were expected to be empty. It also limits the ability of vessels to load more cargo when taking cargo to Lake Superior because today’s vessels are larger. *This is a safety hazard.* There is nothing separating the shallower and deeper sides of the channel. They are simply marked with different range markers, which can be a bit confusing. It is also a problem while navigating when the channel is covered by ice. We have experienced several instances of vessels going aground on the shallow side of the channel. Sometimes it is a result of navigational error, but it can be a result of ship handling problems caused by ice or wind. It is particularly a problem when the Coast Guard closes the downbound channel and forces vessels to transit the upbound channel in the opposite direction. Once the historical anomaly is corrected, our first priority would be to deepen the turns to facilitate navigation, particularly during the winter icebreaking operations. I want to emphasize that this is an existing authorized channel; *its design creates a safety hazard. We don’t need a study, we need action.* The appropriations process can prioritize the turns over the straightaways and allow this project to compete with other projects.

CONCLUSION

I applaud your commitment to the two-year WRDA cycle. It provides the needed flexibility, progress, and good governance. This Committee and WRDA are directly responsible for the resurrection of the GLNS. Thank you for that! This year, we are asking for two small changes: full federal funding of connecting channels and fixing Middle Neebish Channel. You have accomplished much and there is more to be done. We will be back, given the appropriate legislative pace, when the time is right for additional requests. I urge passage of WRDA 2024.

Mr. ROUZER. Mr. Anderson.

TESTIMONY OF HON. PAUL ANDERSON, PRESIDENT AND CHIEF EXECUTIVE OFFICER, PORT TAMPA BAY, AND CHAIRMAN OF BOTH THE AMERICAN ASSOCIATION OF PORT AUTHORITIES AND THE COALITION FOR AMERICA’S GATEWAYS AND TRADE CORRIDORS

Mr. ANDERSON. Chairman Rouzer, Ranking Member Napolitano, and members of the subcommittee, it is a pleasure to be here today not only as the president and CEO of Port Tampa Bay but also as a representative of America’s vast network of ports and trade corridors. Thank you for your invitation.

I am speaking today in my dual role as chairman of the American Association of Port Authorities and the Coalition for America's Gateways and Trade Corridors.

The Water Resources Development Act is a lifeline for our Nation's economic and infrastructural progress. The biennial rhythm of WRDA is vital for the sustenance and growth of trade and commerce across our great Nation. This consistent cycle allows us at Port Tampa Bay and others like us to plan, develop, and execute projects critical to our Nation's economic security and growth.

Port Tampa Bay, as Florida's largest port, is a cornerstone in the State's supply chain, yet our influence extends far beyond State lines. The proposed deepening of our 47-mile-long shipping channel, a project awaiting the August Chief's Report from the Army Corps of Engineers, will upgrade the national supply chain infrastructure—a strategic move that will reduce congestion in out-of-State ports and a commitment to enhancing the efficiency of national logistics.

We understand the August timetable does not quite align with the House and Senate consideration of WRDA, but we hope Congress will include the authority to construct this project in any final legislation.

The deepening of Tampa Harbor will generate average annual transportation benefits of \$88.5 million for our Nation, according to the Army Corps' feasibility study. This project, however, hinges on the timely progression of the WRDA cycle.

Nearly 70 percent of the 20 million cubic yards of the material dredged as part of our deepening will be reused at a number of sites, including restoration of Egmont Key, a national and historic treasure.

Now let me speak to the significance of this legislation to the American Association of Port Authorities.

AAPA is the unified voice of the seaport industry in the Americas. And my testimony is given on behalf of State and local public agencies located in the Atlantic, Pacific, and gulf coasts; the Great Lakes; and in Alaska, Hawaii, Puerto Rico, Guam, and the U.S. Virgin Islands.

For more than a century, AAPA membership has empowered port authorities to serve global customers and create economic and social value for their communities. Our Nation's seaports deliver vital goods to consumers, facilitate the export of American-made goods, create jobs, and support local and national economic growth.

Ports also play a crucial role in our national defense—a point acknowledged through the designation of 18 of our Nation's commercial ports as "strategic seaports," as designated by the Department of Defense.

The total economic value generated in terms of revenue to businesses, personal income, and the economic output at U.S. coastal ports accounted for \$5.4 trillion, roughly 26 percent of our Nation's GDP. This research also showed over 30.8 million Americans are employed in jobs generated as a result.

The Water Resources Development Act is a key piece of legislation that provides essential authority for water infrastructure projects across our Nation. WRDA provides authority for the Army

Corps of Engineers to carry out projects related to flood control, navigation, and environmental restoration.

WRDA plays a critical role in protecting our environment and our natural resources. It provides authority for projects to restore wetlands, protect endangered species, and improve water quality.

Congress must continue to support this legislation and provide the necessary funding and authority to carry out these important projects. It is critical to U.S. ports and U.S. exporter competitiveness that Congress continue enacting WRDA legislation every 2 years.

It is my request that a bipartisan effort be made to ensure timely passage of WRDA, not just for the benefit of our port at Port Tampa Bay, but for every port, every State, and every citizen who relies on the seamless flow of goods and services that our ports facilitate.

Thank you for your time today, your consideration, and your pivotal role in the shaping of the future of our Nation's trade and infrastructure.

Thank you.

[Mr. Anderson's prepared statement follows:]

Prepared Statement of Hon. Paul Anderson, President and Chief Executive Officer, Port Tampa Bay, and Chairman of both the American Association of Port Authorities and the Coalition for America's Gateways and Trade Corridors

Mr. Chairman, thank you for your invitation to testify this afternoon about the importance of the Committee's commitment to enact into law every two years a comprehensive and bipartisan Water Resources Development Act, or WRDA as it is commonly known.

I am speaking today not only as the President and CEO of Port Tampa Bay, but also as the Chairman of both the American Association of Port Authorities (AAPA) and the Coalition for America's Gateways and Trade Corridors (CAGTC). It is my goal to talk discuss how the WRDA process not only impacts Port Tampa Bay, but all of America's ports and trade gateways.

I would like to thank the Water Resources and Environment Subcommittee and the Transportation and Infrastructure Committee for working to ensure that our nation's maritime transportation system remains functional. As maritime trade continues to rebalance from the recent COVID-19 pandemic-driven supply chain disruptions, your recognition of the important role played by our nation's ports and Army Corps of Engineers' maritime navigation infrastructure has been critical. I appreciate the opportunity to be here today and discuss how we can continue to maintain this nationally critical infrastructure for generations to come.

WRDA is a lifeline for our nation's economic and infrastructure progress. The biennial rhythm of WRDA is vital for the sustenance and growth of trade and commerce across our great nation. WRDA's consistent schedule allows Port Tampa Bay, and others like us, to plan, develop, and execute projects critical to our nation's economic security and growth. This is a key piece of legislation that provides essential authority for water infrastructure projects across the country. It helps to ensure that our nation's ports, harbors, and other waterways are maintained and improved, and that they can continue to support economic growth and development. WRDA provides authority for the Army Corps of Engineers to carry out projects related to flood control, navigation, and environmental restoration. These projects are vital to protecting our communities from the devastating impacts of floods and other natural disasters, and they help to ensure that our waterways remain open and accessible to shipping and commerce. In addition, WRDA plays a critical role in protecting our environment and our natural resources. It provides authority for projects that restore wetlands, protect endangered species, and improve water quality. These projects are essential to preserving our natural heritage and ensuring the health and well-being of our communities.

WRDA supports economic growth, protects our environment, and ensures the safety and well-being of our communities. Congress must continue to support this legislation and provide the necessary authority to carry out these important projects. It is critical to U.S. port and exporter competitiveness that Congress continue enacting WRDA legislation every two years to minimize delays in updating this infrastructure to keep up with the demands of maritime commerce.

Port Tampa Bay, Florida's largest port, is a cornerstone in the state's supply chain, but our influence also extends far beyond state lines. The proposed deepening of our 47-mile-long shipping channel, a project awaiting the August Chief's Report from the Army Corps of Engineers, is more than a local enhancement. It will upgrade national supply chain infrastructure which is a strategic move to reduce congestion in out-of-state ports and will also support the efficiency of national logistics. The deepening of the Tampa harbor will generate an average annual transportation benefit of \$88.5 million for the nation, according to the Army Corps' feasibility study. This project, however, hinges on the timely progression of the WRDA cycle. A delay in WRDA is not just a postponement of a project; it's a setback for our national economic interests, a ripple effect that slows our ability to advance towards a more prosperous and resilient future.

Our approach to development at Port Tampa Bay is not just about expansion but also about resiliency and responsible growth. We believe that our projects have shown a proven track record to this commitment. Port Tampa Bay supports an MSA with over 3.2 million people, the 17th largest in the country, in the nation's third most populous state. Nearly 70 percent of the 20 million cubic yards of the material dredged as a part of our deepened channel will be reused at a number of sites locally. For example, dredged material from the channel deepening will be repurposed for the restoration of Egmont Key, a national and historic treasure, and for the creation of new industrial land. A balanced approach ensures that while we grow, we also protect and enrich our environment.

As the Chairman of the AAPA, my testimony is given on behalf of state and local public agencies located along the Atlantic, Pacific, and Gulf coasts, the Great Lakes, and in Alaska, Hawaii, Puerto Rico, Guam, and the U.S. Virgin Islands. For more than a century, AAPA membership has empowered port authorities to serve global customers and create economic and social value for their communities. Today in our nation's Capital, AAPA is representing ports on urgent and pressing issues facing our industry, promoting the common interests of the port community, and providing critical industry leadership on security, trade, transportation, infrastructure, environmental, and other issues related to port development and operations.

Port authorities are governmental entities that own facilities at one or more ports. While the roles of port authorities in port operations vary, most ports can be categorized as Operating Ports or Landlord Ports. Operating Ports own and construct port facilities, own cargo handling equipment, and hire labor to move cargo through port premises. At these operating ports, stevedores hire dockworkers to move cargo between ships and the dock. Landlord Ports, on the other hand, own the land and wharves of a port and lease these premises to our partners in the Marine Terminal Operator industry.

Our nation's seaports deliver vital goods to consumers, facilitate the export of American made goods, create jobs, and support local and national economic growth. Ports also play a crucial role in our national defense—a point acknowledged through the designation of 18 of our nation's ports as "strategic seaports" by the Department of Defense.

According to Martin Associates¹, an internationally recognized economic and transportation consulting firm, the total economic value generated in terms of revenue to businesses, personal income and economic output at U.S. coastal ports accounted for \$5.4 trillion, roughly 26 percent of GDP. This research also showed over 30.8 million Americans are employed in jobs generated because of port activity. Ports also generate significant tax revenue, with \$47.1 billion of direct, induced, and indirect federal, state and local tax revenue created through the economic activity taking place at ports across the nation. AAPA is currently conducting an updated Economic Impact Study and will share the results of the Study with the House Committee on Transportation & Infrastructure when it is completed in the spring of 2024.

Congress must unite in a bipartisan effort to reaffirm its commitment to this promise. Let us work together to ensure the timely passage of WRDA, not just for

¹ 2018 National Economic Impact of the U.S. Coastal Port System. (2019, March). http://aapa.files.cms-plus.com/Martin%20study_executive%20summary%202018%20US%20coastal%20port%20impacts%20final.docx

the benefit of Port Tampa Bay, but for every port, every state, and every citizen who relies on the seamless flow of goods and services that our ports facilitate.

Thank you for your time, your consideration, and your pivotal role in shaping the future of our nation's trade and infrastructure. It was an honor to have the opportunity to speak to you today.

Mr. ROUZER. Mr. Mitamura.

**TESTIMONY OF DAVE MITAMURA, EXECUTIVE DIRECTOR,
NATIONAL WATER SUPPLY ALLIANCE**

Mr. MITAMURA. Chairman Rouzer, Ranking Member Napolitano, and distinguished members of the subcommittee, thank you for the opportunity to appear before you today to discuss stakeholder priorities for WRDA 2024.

Thank you also for your commitment to maintaining the biennial, bipartisan WRDA process, which is crucial—crucial—to maintaining and improving our Nation's water infrastructure.

My name is Dave Mitamura, and I serve as the executive director of the National Water Supply Alliance. NWSA is a national not-for-profit organization representing water supply providers across the country who work every day to meet the Nation's growing water supply needs.

Our members have a direct and substantial interest in the U.S. Army Corps of Engineers' Water Supply Program or depend upon storage space in Corps reservoirs to meet the needs of the communities they serve.

Our members advocate for the preservation and enhancement of the Nation's water supply, protect traditional State authorities, and ensure that water supply interests share equitably in the benefits of multipurpose reservoir projects.

I, personally, have worked either with or for the Corps for over 20 years. Throughout my career and especially in my role at NWSA, I have seen firsthand the value that comes from open communication and direct engagement with the leadership and staff at the Corps.

Under the leadership of Lieutenant General Scott Spellmon, the Corps has developed a strong working relationship with us. A dedicated Corps water supply team regularly attends NWSA meetings, actively participating in candid debates and collaborative discussions as we work to refine and improve the Corps program.

We appreciate this transparency and collaboration, but more can be done. Our Nation faces significant and evolving water supply challenges. Our infrastructure is aging, our populations are growing, and we are experiencing droughts of increasing severity, frequency, and duration.

Additional priority and resources dedicated to water supply are desperately needed and overdue. NWSA believes that, with a few tweaks, the Corps can be better equipped to bolster its water supply efforts in support of regional, State, and local partners.

This subcommittee is well-informed on the expanse of the Corps water supply portfolio. I won't belabor the statistics. My written testimony includes several data points on the Corps' impact on water supply. They are significant and meaningful.

Under the current and mounting challenges facing water supply in the U.S., the Corps' Water Supply Program can and should play

a more active and significant role in addressing the needs of the Nation. Yet, still, water supply remains a relatively low priority within the Corps. The Corps' Water Supply Program receives only a tiny fraction of the budget and staff as compared to other mission areas.

As a result, water supply studies take many years, even decades, to complete. Some studies never even make the cut due to the lack of priority. I have provided examples of this lack of focus in my written testimony.

NWSA recommends that the subcommittee consider ways to increase the priority given to water supply within the Corps so the emphasis is more commensurate with its importance to the Nation. Put plainly, agencies focus on the missions prescribed to them by Congress.

NWSA also recommends that the subcommittee seek new ways for State and local partners to collaborate with the Corps—for example, allowing studies led by non-Federal partners, optimizing storage for water supply as appropriate, and modernizing operations to adapt, such as water conservation.

Given our Nation's water supply needs, we cannot wait decades to take water supply studies from authorization to completion, and we certainly cannot deny opportunities to start such studies. We must find ways to prioritize water supply and to evaluate needs and implement solutions more quickly if we are to meet the challenges to come.

Thank you, Chairman Rouzer, Ranking Member Napolitano, and members of the subcommittee, for your hard work developing the Nation's water resources infrastructure. NWSA looks forward to working with the subcommittee as it develops WRDA 2024.

[Mr. Mitamura's prepared statement follows:]

Prepared Statement of Dave Mitamura, Executive Director, National Water Supply Alliance

Chairman Rouzer, Ranking Member Napolitano, and distinguished Members of the Subcommittee, thank you for the opportunity to appear before you today to discuss stakeholder priorities for WRDA 2024. Thank you also for your commitment to maintaining the biennial, bipartisan WRDA process, which is crucial to maintaining and improving our Nation's water infrastructure.

My name is Dave Mitamura, and I serve as the Executive Director of the National Water Supply Alliance (NWSA). NWSA is a national not-for-profit organization representing water supply providers who work every day to meet the Nation's growing water supply needs. Our members have a direct and substantial interest in the U.S. Army Corps of Engineers' (USACE) Water Supply Program or depend upon storage space in USACE reservoirs to meet the needs of the communities they serve. Our members represent communities across the Nation, from the East Coast to the West Coast and from North Dakota to Texas. We seek to give water supply providers across the country a unified voice to advocate for the preservation and enhancement of the Nation's water supply, and the protection of traditional State authorities, and to ensure that water supply interests share equitably in the benefits of multipurpose USACE reservoirs.

I have worked either with or for USACE for over 20 years. Throughout my career, and especially in my role as the Executive Director of NWSA, I have seen first-hand the value that comes from open communication and direct engagement with USACE leadership and staff. Under the leadership of LTG Scott Spellmon, USACE has developed a strong working relationship with NWSA. The USACE water supply team regularly attends NWSA meetings, actively participating in collaborative discussions and candid debates with our members as we look for ways to work together more directly and effectively.

This transparency and collaboration are both appreciated and necessary, but more can be done. Our Nation faces significant and evolving water supply challenges. Our infrastructure is aging. Our populations are growing. And we are experiencing droughts of increasing severity, frequency, and duration. We and our federal partners must become more nimble and more adaptable. Additional priority and resources dedicated to water supply are desperately needed and overdue. We must also look for new and creative mechanisms for state and local interests to collaborate with USACE to advance needed water resource projects. Only through a real partnership involving all levels of government, affected communities, as well as the private sector—and through the integration of new and existing water storage projects into our Nation’s water supply systems—will we succeed in meeting the challenges of today and tomorrow.

This afternoon, my remarks will focus on how to strengthen this relationship in service of our Nation’s water supply. NWSA believes that, with a few tweaks, USACE can be better equipped to bolster its water supply efforts in support of regional, state, and local partners.

U.S. ARMY CORPS OF ENGINEERS RESERVOIRS ARE A CRITICAL COMPONENT OF THE NATION’S WATER SUPPLY INFRASTRUCTURE

While water supply is and should remain a State and local responsibility, storage space in federal reservoirs operated by USACE is a critical part of our Nation’s water supply system. According to USACE, there are nearly 140 USACE reservoirs across the country with storage space dedicated to municipal and industrial water supply. Collectively, these reservoirs provide over eight million acre-feet of dedicated water supply storage space and a firm yield to contracting water providers exceeding six billion gallons per day. According to a 2017 report from the USACE Institute for Water Resources, the water supply storage space in USACE projects is sufficient to meet the household needs of approximately 100 million people.

The importance of USACE reservoirs as a source of water supply storage will only grow. As communities and groups work to address property, environmental, and budgetary challenges, maximizing the use of this existing infrastructure, rather than constructing new reservoirs with their attendant costs and environmental impacts, is frequently the most environmentally sensitive and cost-effective means to provide necessary storage space for water supply. While we recognize that multiple purposes must be balanced, there is no better way to maximize value to the Nation of the federal investment in reservoir storage space than to utilize that storage for water supply purposes.

What is more, time after time, USACE studies have shown that enormous water supply benefits can be achieved with little if any effect on other authorized purposes. At Stockton Lake in Missouri, for example, a partial flood-storage reallocation has been proposed that would provide a badly needed regional water supply solution for communities across southwest Missouri. Yet USACE’s study shows this reallocation would have “no additional flood risk management impacts or increased inundation downstream,” while the value of system energy would be reduced by just 0.53 percent.

As recent droughts in the West have shown, it is more important than ever to have enough storage space to capture and store the water we need when and where it is available. This requires us to identify areas where storage space in USACE reservoirs can most effectively be used to meet water supply needs; to provide USACE adequate resources to commence and complete needed reallocation and feasibility studies; and to advance those studies much more quickly than has occurred in the past.

We must also look for ways to include water conservation as a purpose of federal projects, and to more quickly adapt reservoir operating rules to facilitate water conservation. The collaboration between the Orange County Water District and USACE at Prado Dam in California is an example of the water supply benefits that can be achieved through water conservation operations. In simple terms, by adjusting operations to add water conservation, USACE allows for temporary use of the project’s storage capacity for conserving stormwater that would otherwise flow to the ocean. Releases from the dam can be managed to allow water to be recharged into the Orange County Groundwater Basin and provide a significant increase to water supply availability—all in a way that maintains flood protection and does not affect the primary purpose of flood risk management. The Orange County Water District has recharged an average of 55,000 acre-feet per year of stormwater—enough water for 440,000 people annually. The majority of this groundwater recharge is directly tied to water conservation at Prado Dam. These are low-cost, low-risk, and high reward options to expand water supplies, and opportunities exist to implement similar oper-

ational changes to facilities at other projects. Those efforts can only succeed, however, if USACE has sufficient resources to initiate and complete the necessary studies in a reasonable period of time.

Importantly, state and local interests contracting for storage space in USACE projects pay their own way. Under USACE policies implementing the Water Supply Act of 1958, for example, water supply users reimburse the U.S. Treasury for the updated cost of constructing their storage space in today's dollars, or for any benefits that are foregone due to their use, whichever is higher. They also pay their share of annual operations and maintenance (O&M) and repair, replacement, and rehabilitation (RR&R) costs incurred by the government. Even putting aside the national benefits secure water supplies provide, the USACE Water Supply Program yields substantial returns on federal investments. During the 10-year period from 2007 to 2016, for example, USACE reports that district offices spent approximately \$10 million in total to administer water supply storage contracts. In return, water supply users paid \$650 million to the U.S. Treasury for project investment costs, interest payments, and O&M costs.

Challenges remain, however. Despite the significant benefits the USACE Water Supply Program provides and the exceptional efforts of dedicated USACE staff, water supply remains a relatively low priority within USACE. The USACE water supply program receives only a tiny fraction of the budget and staff devoted to other mission areas. As a result, water supply studies take many years—even decades—to complete. Some studies never even make the cut due to the lack of priority. For example:

- To meet growing demand for water in Colorado's Front Range and on northeast Colorado farms, Congress authorized USACE to study a reallocation of water supply storage space in Chatfield Reservoir in the Water Resources Development Act of 1986. Eighteen years later, in 2004, USACE published a notice of intent to prepare an Integrated Feasibility Report/Environmental Impact Statement in the Federal Register. And in 2014—nearly ten years after the notice of intent was published and almost 30 years after the study was authorized—the feasibility report was completed and a record of decision approving the reallocation was signed.
- At J. Percy Priest reservoir near Nashville, Tennessee, water supply providers requested additional storage in 2008 to meet the rapidly growing needs in the City of Murfreesboro and Rutherford County—one of the fastest growing regions in the United States. Yet it took twelve years for the Assistant Secretary to approve an Environmental Assessment and authorize the requested reallocation of storage.
- In the White River Basin in Northwest Arkansas, water supply demands are growing at an extraordinary rate and additional water supply storage space is needed. However, water supply users have been informed that all future water supply reallocation studies will be placed on hold pending completion of a basin-wide watershed study—a study that remains in its early stages and that will take years to complete.
- Section 7001 of WRRDA 2014 required USACE to submit an Annual Report to Congress on feasibility reports and project modifications to be considered for authorization under future Water Resources Development Acts. Yet water supply projects have long been excluded from consideration and relegated to the appendix on grounds that water supply is not considered by USACE to be one of its primary mission areas.

To be sure, study considerations and project timelines have been, and will continue to be, affected by factors specific to each project, and USACE staff have worked diligently using the resources available to complete the studies discussed above. Nevertheless, these timelines are not atypical for water supply studies at projects nationwide. And denying water supply proposals in the Section 7001 report further stymies the ability of water supply evaluations to proceed. Given our Nation's water supply needs, we cannot wait decades to take water supply studies from authorization to completion, and we certainly cannot deny opportunities to start such studies. We must find ways to evaluate needs and implement solutions more quickly if we are to meet the challenges to come.

HOW CAN THE U.S. ARMY CORPS OF ENGINEERS STRENGTHEN ITS WATER SUPPLY EFFORTS?

As this Subcommittee crafts the Water Resources Development Act of 2024, NWSA asks that you consider ways to increase the priority given to water supply within USACE, so the emphasis given to water supply within the agency is more

commensurate with its importance to the Nation. Experience with other USACE program areas, such as ecosystem restoration, has shown that mission priorities can and should evolve to meet the Nation's changing needs. Simply put, all agencies and organizations, USACE included, naturally emphasize and devote resources to programs that fall within their priority mission areas, while less attention and fewer resources are devoted to programs that do not. Given our Nation's rapidly evolving water supply challenges—and the enormous water supply benefits that can be realized through the use of storage in USACE projects—it is time for USACE to recognize the key role it plays in meeting the Nation's water needs and for resources to be allocated accordingly.

Despite these challenges, USACE maintains the status quo when it comes to the USACE water supply program. USACE often points out Congress's recognition in the Water Supply Act that state and local interests have "primary responsibility" for "developing water supplies for domestic, municipal, industrial, and other purposes . . ." We agree with this statement, but there is nothing inconsistent with state and local control and growing the priority of water supply within USACE. Planning to meet water supply needs is a state and local responsibility, and states should always retain their traditional authority to grant water rights and to allocate water among their citizens. But, just as Congress recognized these core principles in the Water Supply Act, it also emphasized "that the Federal Government should participate and cooperate with States and local interests in developing such water supplies in connection with the construction, maintenance, and operation of Federal navigation, flood control, irrigation, or multiple purpose projects." What is needed is greater facilitation and support from USACE.

We also ask that the Committee seek new and creative ways for State and local interests to collaborate with USACE to move studies and projects forward, including by allowing them to assist USACE in completing the studies necessary to evaluate and approve requests for water supply storage space. In other areas, Congress has recognized the benefits that flow from allowing project sponsors to participate in completing necessary environmental studies. For example, the 2023 Fiscal Responsibility Act directs all federal agencies to "prescribe procedures to allow a project sponsor to prepare an environmental assessment or [Environmental Impact Statement]" under the National Environmental Policy Act. This has always been permissible, and some agencies have used this process to expedite the preparation of NEPA study documents, but other agencies have been unwilling to provide this option to project sponsors—forcing Congress to step in and mandate this common-sense option.

In the case of water supply, reallocation studies are the primary means of determining whether storage space at USACE facilities should be allocated to water supply. However, the timeline for USACE to complete reallocation studies is often far too long due to a lack of resources and focus. To address this, NWSA has developed a 2024 WRDA proposal that would let non-federal partners conduct reallocation studies, or parts of reallocation studies, which would be submitted to USACE for review and evaluation. Under our proposal, studies would move forward only after USACE and the non-federal partner have agreed on key study parameters and assumptions. No study requirements would be relaxed, and the studies would be just as rigorous. And, as with NEPA, ultimate review and approval of any study would remain exclusively with USACE. Yet real water supply benefits could be realized because non-federal partners can prioritize and advance needed studies far more quickly than USACE, letting water supply projects move from study to implementation in a reasonable period of time.

Thank you, Chairman Rouzer, Ranking Member Napolitano, and Members of the Subcommittee, for your exceptional work to develop the Nation's water resources infrastructure. I appreciate the opportunity to appear before you to discuss the importance of water supply in the overall USACE portfolio. NWSA looks forward to working with the Subcommittee as it develops WRDA 2024.

Mr. ROUZER. Well, thank you all for your testimony.

I want to take a moment to welcome our newest member of the subcommittee, Ms. Celeste Maloy, representing Utah's Second Congressional District.

Welcome, Celeste. Glad that you are here, and I look forward to having you on this subcommittee.

We will now turn to questions for the panel. I will recognize myself for 5 minutes.

Mayor Batts, you talked a great deal in your testimony about the situation there at Surf City. Can you give a little bit of a history of the challenges that you have faced because you have not gotten the renourishment dollars that you need, for example, other things that need to be tended to that, from a city perspective or a town perspective, that you have not been able to do? Those type of items I think the subcommittee would be interested to learn.

Ms. BATTIS. So, as far as things that we haven't been able to do is moving forward with giving the residents the help, safety, and welfare of having an established dune line protecting our infrastructure, which is our water and our sewer, our roads that are oceanfront, and protect not only our oceanfront homes but all the homes behind it as well.

We have spent \$14 million in tax dollars after Hurricane Florence with a truck haul to temporarily shore up our disappearing beach. We are in desperate need of this new authorization for a Surf City-only project. The town requires authorization of our coastal storm risk management project in WRDA 2024.

Mr. ROUZER. Well, we will obviously continue to work on this. I know how critically important it is. I remember Hurricane Florence very, very well in 2018. I remember Hurricane Matthew quite well from 2016. And it really does a significant amount of damage.

Mitigation efforts are incredibly important in terms of preventing property loss; helps to mitigate costs in the National Flood Insurance Program, et cetera, et cetera. And so, it has a real domino effect.

Mr. Anderson, I am going to switch to you quickly: supply chain infrastructure. Infrastructure is so critically important to the supply chain.

Can you talk about the need for a robust supply chain, especially after the disruptions that took place with COVID-19, and the nexus with WRDA projects?

Mr. ANDERSON. Yes, Mr. Chairman. Critically important to our Nation is supply chain connectivity, freight corridors connecting our gateway ports to the hinterland cargo movement.

It is also vitally important, as I mentioned in my comments, that—and as most of the testimony today—for having a predictable WRDA cycle that allows ports—in our case, ports—but other water-related projects to be able to make the investments and align those with other investments that create freight capacity, freight velocity, and expansion for our Nation's ports.

The most recent supply chain crisis was—most people agree it was COVID. The demand went up; it exceeded our capacity. There were some other issues. It is also up to the beneficial cargo owners to diversify their supply chains and use other ports. And we have seen that happen in the gulf. Gulf ports have seen cargo move from west coast ports as some of the companies are diversifying.

So, aligning the WRDA investments with strategic investments into our freight corridors as well as diversifying the supply chain are critical to preventing supply chain issues that we have seen recently.

Mr. ROUZER. Mr. Weakley, you talked a good little bit about the Great Lakes and their importance to our economy and security.

Specifically, the 100-percent Federal—or, at least, the idea that it ought to be 100 percent federally allocated, can you elaborate a little more on that, that particular point in particular?

Mr. WEAKLEY. Yes, sir. To be clear, I am not talking about all the navigation channels, just those five that we consider systems resources or connecting channels. They connect our different lakes—Lake Superior to Lake Huron, Lake Michigan to Lake Huron, and Lake Huron to Lake Erie.

So, WRRDA 2014, the wisdom of this subcommittee, designated the Great Lakes for the first time in history as a navigational system. Before that, we were just a series of independent ports. So, I think it is consistent with the systemwide approach.

It is also consistent with the way that Soo locks are treated as a system asset. There is not a non-Federal sponsor for that project, sir.

Mr. ROUZER. Very good. Thank you.

My time has expired.

I now recognize Mrs. Napolitano.

Mrs. NAPOLITANO. Thank you, Mr. Chairman.

Mr. Mitamura, how would the elevation of water supply and water conservation added to the three primary mission areas of the Corps be helpful in advancing authorized projects to address local water scarcity issues?

Mr. MITAMURA. First of all, Ranking Member Napolitano, thank you for your focus on water supply. NWSA appreciates your leadership.

As I said in my remarks, the time required to complete and implement water supply studies and projects is a chronic challenge, one made even more important based on the Nation's rapidly evolving water supply needs. These delays often result from a lack of resources and attention allocated to water supply.

We believe the proposed legislation would help to elevate the priority given to water within the Corps, encourage flexibility inside the agency when it comes to water supply projects and studies, and help make additional resources available to Corps staff so they can move water supply projects from the study to implementation more quickly.

Ultimately, we think this becomes a way for the Corps to find a way to say "yes" when working on water supply issues that are so critical to our Nation.

Mrs. NAPOLITANO. Yes, sir.

Would this draft proposal preserve the primary responsibility of States and local interests in managing local water supply concerns?

Mr. MITAMURA. Yes, it would. State and local interests should always retain primary responsibility for meeting water supply needs. The proposed legislation would not affect that.

Instead, it would help produce additional tools and resources available to the Corps so the Corps can cooperate with State and local interests in these important efforts, consistent with long-standing congressional policy as stated in the Water Supply Act of 1958.

The legislation is also very clear that it does not alter or affect traditional State authorities to regulate the use and allocation of

water—something that is extremely important to NWSA’s members.

Mrs. NAPOLITANO. Thank you.

And to the rest of you, thank you for your support of WRDAs. I yield back.

Mr. ROUZER. Mr. Webster, you are recognized.

Mr. WEBSTER OF FLORIDA. Thank you, Mr. Chairman. Thank you for having this important meeting. Everybody loves ports; everybody loves WRDA. So, thank you for doing that.

My question is for Paul Anderson.

As you know, the Army Corps is working on a general reevaluation of the port for deepening Tampa Bay’s shipping channels, and a channel deepening project would allow ports to accommodate larger next-generation ships. That has become sort of the industry standard.

Can you elaborate on how the importance of channel deepening projects in the Port of Tampa as well as the greater area of Florida will benefit from these services?

Mr. ANDERSON. Yes, Congressman, the deepening project at Port Tampa Bay is vitally important to be able to—just like we talked about the cycle of WRDA being 2 years, having predictability for funding, we have to be able to anticipate, which we know is coming, larger ships into the Gulf of Mexico that will be Asian services, in particular, coming to the Panama Canal. We have seen those increase over time. The other gulf ports are deepening, as well, and have deepened.

So, this will allow us to be able to handle the larger vessels that we anticipate and know are coming in the future. It creates a more efficient transportation system. It creates more volume so that we can serve the incredibly growing market in particular of the central Florida and Florida area where we are seeing significant population growth. And it allows us to work with our customers to be more efficient, drive cost down, and create economic value for the citizens of our State and our Nation.

Mr. WEBSTER OF FLORIDA. Can you maybe discuss the importance of timing, these close timing relationships, to the Army Corps and their Chief’s Report and all that can happen from that? Could you give me a little breakdown on that?

Mr. ANDERSON. Yes, sir.

As I mentioned in my testimony, members of the subcommittee, we have a Chief’s Report in August of 2024. It is going to be very close to any timing of a WRDA passage. And it is really critical that we get that included in the next WRDA so that we can continue that predictability for the incredible growth, as I mentioned, and getting that in the next WRDA bill.

So, the timing is going to be a little tricky, and one of my specific asks is that the subcommittee, the committee get that included in next year’s WRDA.

Mr. WEBSTER OF FLORIDA. Thank you very much.

I yield back.

Mr. ROUZER. Ms. Wilson.

Ms. WILSON OF FLORIDA. Thank you, Chair Rouzer and Ranking Member Napolitano, for convening today’s hearing.

In south Florida, water is woven into the fabric of our daily existence. From the essential natural drinking water that residents rely on, the sunny beaches that millions enjoy every year, to the surrounding waters that shape our environment and ecosystem, there is no question about the need to safeguard our water and enhance our water infrastructure.

That is why, in my community, we are working to address the critical needs of the Everglades, identifying the need to replace hundreds of thousands of septic tanks that are polluting communities, protecting our neighbors from storm surges, and improving our ports so that we remain competitive in the global maritime industry.

Through Federal, State, and local collaboration, we strive to improve our water infrastructure and better utilize our water resources. We can accomplish this by passing the Water Resources Development Act of 2024.

While making these financial commitments, it is imperative that we also work with our environmental stakeholders to ensure that our decisions will help heal environmental shortfalls of the past while building our future.

I want to take a moment to also highlight the bipartisan nature of this bill. While our Nation often witnesses a dysfunctional and partisan Congress, I am proud that we are unified in our commitment to safeguard water resources. Because our water is precious, and protecting it must be a priority.

With that, I have a few questions for the witnesses.

Mr. Mitamura, in south Florida, the Western Everglades Restoration Project has been repeatedly delayed. As a result, our local Tribal communities are now facing challenges with excess water and agricultural pollutants.

Can you elaborate on how State and local interests can work on delayed projects like the Western Everglades Restoration Project?

Mr. MITAMURA. I am sorry, Ms. Wilson. Can you restate that question? I am not sure what you are asking as it relates to water supply.

Ms. WILSON OF FLORIDA. In your testimony, you stressed the importance of looking for new and creative mechanisms for State and local interests to collaborate with USACE to advance needed water resource projects.

Mr. MITAMURA. Yes, that is correct.

So, one pushback we have received is that it would take away from the other interests in the Corps program. But what we are trying to do is elevate water supply to have equal footing. And, ultimately, the Congress directs the Corps on how to parse those pieces.

We are not trying to intrude or disrupt the programs that are already in existence and have great needs as well as water supply. So, we don't see a negative impact to the other purposes, including ecosystem restoration.

Ms. WILSON OF FLORIDA. Thank you.

It is great to see another Floridian in the room, especially one who is the chair of the American Association of Port Authorities.

When I first came to Congress, the Water Resources Development Act was not on a 2-year cycle, and my fellow Floridian Con-

gressman, Bill Posey, and I launched the bipartisan Florida Ports Caucus to advocate for the restoration of the 2-year cycle.

Can you elaborate on the significance of the 2-year Water Resources Development Act cycle, or WRDA, as opposed to a 1-year cycle to address the issues?

Mr. ANDERSON. I would be happy to. Thank you for your warm welcome. And I want to, first of all, thank you for your leadership on our Florida Ports Caucus, and I am looking forward to our next meeting this spring.

The WRDA cycles, as we know it, and as this committee has promulgated, successfully every 2 years. There was a period of time, Congresswoman, where we went 7 years at one point. I believe, maybe 20 years ago, a 5-year cycle. And it's just not a way to do business for our Nation's ports.

I have mentioned it several times, but businesspeople will tell you that predictability is very important. Our ports will tell you.

My colleague, Hydi, who is the great leader of the Port of Miami, we are very dependent on this committee and your authorization process for the projects that we are planning to expand our port capacity to stay competitive in the global marketplace. And again, just one of the most important things the committee can do is have that predictability. Thank you.

Ms. WILSON OF FLORIDA. Thank you. I yield back.

Mr. ROUZER. Mr. LaMalfa.

Mr. LAMALFA. Thank you, Mr. Chairman.

We have, in California, obviously great challenges with our water supply and our ability to enhance that supply, whether it is above-ground storage or underground groundwater.

So, Mr. Mitamura, thank you for being here today and for your insight.

An example down in Orange County, with their water district and Army Corps, they are working on a Prado Dam implementation under SGMA. So, they are trying to enhance that situation there to be able to have more storage, either groundwater or above ground.

Of course, I have been a long-time advocate of building more surface water storage in the Western States and, in my own district, we have opportunities with what is called Sites Reservoir in northern California and the raise of the Shasta Dam, 18 feet, which, feasibility was being looked at just a few years ago.

And also, the amount of water we are losing to the Pacific with the opportunity—on any given month, with the rainfall and snowpack melts, we might be losing anywhere between 77 and 95 percent of the water flowing from the watershed might be going through the delta straight into the Pacific. And then somewhere else along the line, they want to try and convert that now salty water back into freshwater. Why don't we just catch it before it leaves?

So, Mr. Mitamura, in addition to Army Corps—and we are working with Mrs. Napolitano on looking at an idea on Army Corps' scope of work, maybe expanding the storage. So, I hope to work with her some more on that.

What are the Federal agencies that would have a role to play so we can accelerate groundwater recharge and storage projects? We

lost some opportunity in this massive amount of rain and snow we had last year with—the State water folks were not ready to allow us to divert water into retention and groundwater recharge ponds. We were waiting on permits in the middle of the massive water flow.

So, what ideas do you have, sir, on—besides Army Corps? Who can we get to be more helpful?

Mr. MITAMURA. Representative LaMalfa, thank you for the question. Your reference to Prado Dam is a good one. That is an example of where the Corps has approved operations to allow what is a flood control dam to capture water for groundwater recharge in certain cases. Mrs. Napolitano's proposed legislation would hopefully allow that to be more widespread.

I should also mention that our organization focuses on Corps of Engineers projects. So, I am not totally familiar with reclamation, but I would assume that those types of actions could be done at other Federal reservoirs.

Mr. LAMALFA. OK. Well, we were going to talk previously in another committee hearing on the 2014 WRRDA where there was a section, 1043 pilot programs. There were two sections of it that allow the non-Federal project sponsor to carry out the feasibility studies for a project with the same standards as the Corps would. It was intended to evaluate the cost-effectiveness and project delivery efficiency. Section 1043(b) allowed the non-Federal project sponsor to carry out the construction of a project—again, with the same standards as the Corps—in order to evaluate alternatives.

So, have you had any experience with these pilot programs, Mr. Mitamura, and are you seeing that they are taking advantage of them? Because we are going back to 2014 WRRDA, which, I have got to say, this committee has been pretty good on getting with the program on WRDA the last 10 years, and getting that back is an important part of our process here.

So, any experience with the section 1043(a) or (b) sections?

Mr. MITAMURA. Absolutely. Allowing non-Federal sponsors to take the lead on some of these studies helps not only produce more efficiency in the process—in other words, time—and cost.

Mr. LAMALFA. Which is what we are after.

Mr. MITAMURA. And I should add, though, that under the Corps' interpretation, reallocation studies are not allowed that same luxury. So, that is why this legislation proposed by Mrs. Napolitano would help with reallocation studies as well.

Mr. LAMALFA. Yes. I hope we can iron that out.

So, would it be good to extend that authority to reallocation and upgrading existing reservoirs? Quickly, please.

Mr. MITAMURA. I am sorry?

Mr. LAMALFA. Upgrading existing reservoirs. Would it be good to extend the authority to that?

Mr. MITAMURA. That is correct.

Mr. LAMALFA. OK.

Thank you, Mr. Chairman. I yield back.

Mr. ROUZER. Ms. Norton.

Ms. NORTON. I thank the chair and ranking member for holding this hearing on stakeholder priorities for the Water Resources Development Act of 2024.

The District of Columbia, which I represent, is wholly reliant on the Potomac River for its drinking water, but natural or man-made events could render the river unusable for drinking water. This poses a grave risk, both to the operations of the Federal Government, and, of course, to DC residents.

The federally owned and operated Washington aqueduct produces drinking water from the Potomac River for DC and parts of Virginia, and maintains only a single day of backup water supply.

To address this risk to the Federal Government and DC residents, I included a provision authorizing the Army Corps to conduct a feasibility study on a secondary drinking water source and additional drinking water storage capability for the District of Columbia in the Water Resources Development Act of 2022.

At our last water resources hearing, the Chief of Engineers and Commanding General of the United States Army Corps of Engineers, Lieutenant General Spellmon, indicated the Army Corps supports funding 100 percent of the cost of the feasibility study on a secondary drinking source and additional drinking water storage capability for the District of Columbia.

Mr. Mitamura, do any other jurisdictions have multiple water sources, and do you consider it a risk to the Federal Government and the District of Columbia residents to have only one drinking water source and only 1 day of backup water supply for the Nation's capital?

Mr. MITAMURA. Absolutely. The best managed water supply sources have a diverse portfolio of sources to meet the needs of their customers.

In this case, I don't know all the ins and outs of the Washington system, but I do understand that, if it goes down, the city would be without water for quite a long time. So, making that a priority to not only find additional water sources, but to prepare for any type of contingency, would be wise, and I think Mrs. Napolitano's legislation would help prioritize that type of issue within the Corps.

Ms. NORTON. Thank you. And I will add that the Water Resources Development Act of 2022 also included my provisions authorizing studies of flood risk management in the Federal Triangle area of the District of Columbia and recreational access to the Potomac and Anacostia Rivers.

Storms in the Federal Triangle in 2018, 2019, and 2020, resulted in closures of Constitution Avenue, power and transportation disruptions, and floodings of buildings. With heavy rain projected to become more frequent due to climate change, this area is increasingly susceptible to flooding.

The project for flood risk management, including construction of improvements to interior drainage in the Federal Triangle, is vital to the Federal Government, given the many key Federal assets located right there. As with the study for a secondary drinking water source, we must consider the Army Corps' funding 100 percent of this study.

DC's clean water project has dramatically reduced combined sewer overflows into the Anacostia and Potomac Rivers. As a result, bacterial levels are at a level that swimming in the rivers may be safe some days now and regularly in the future. The study for recreational access in the Potomac and Anacostia Rivers would as-

sess the safety of swimming in the rivers, which would benefit residents of the DC area and visitors.

I yield back my time. Thank you, Mr. Chairman.

Mr. ROUZER. Mr. Ezell.

Mr. EZELL. Thank you, Mr. Chairman.

Commissioner Anderson, thank you for joining us today.

And all our witnesses on here, it is very much appreciated that you came out here and took this opportunity.

But, Mr. Commissioner, I want to thank you for your prior service as a Federal Maritime Commissioner, and being a freshman Member, I am glad to learn from some of your experiences. It is clear that your past work gives you the qualifications needed to provide effective leadership at one of our Nation's major seaports.

Also, I believe it is obvious from your background in both the public and private sectors, you truly understand the importance of establishing the public-private partnership, or P3, at our Nation's ports. Take, for instance, the one between Ports America in the Port of Gulfport, which is in my district.

Before we get into the water projects, can you expand just a little bit on the importance of the P3s and how it helps meet the demands of maritime commerce?

Mr. ANDERSON. Yes. Thank you, Congressman. Very important to ports is the ability to have effective public-private partnerships. I am sure, again, my colleague at Gulfport, Jon Nass, would agree.

Ports America is also our strategic operating terminal partner, and as such, we do co-investing on much of our port operating equipment. We have other P3s where we have had private investors invest. We will invest in the land. They will invest in the equipment. So, we improve the bulkheads, the public-use facilities. We arrange for the business contract that will allow them to be very profitable, hopefully, and bring new businesses to our port and utilize the public asset and throw off taxes, jobs, job creation.

So, it is critically important. I know in Gulfport, we also have mutual customers in our refrigerated produce and other products that we serve, and those in our port is a public-private partnership. So, I would say they are extremely important to ports around our Nation, your port, and my port as well.

Mr. EZELL. Thank you very much.

I have got a bill which would incentivize some private investment by expanding the use of the Capital Construction Fund, or CCF, to allow port operators to upgrade their cargo handling equipment without appropriating any funds.

Do you think this bill and similar ideas would give our ports an additional resource needed to be more efficient and provide other solutions, like some of the supply chain issues that we have seen over the last couple years?

Mr. ANDERSON. Yes. We believe that would be very helpful for ports. The WRDA bill expands the waterside infrastructure. Your bill would allow ports to get the capital investment for the operating equipment on the landside.

Mr. EZELL. Thank you. Another interesting point I noticed in your testimony is the reference to the Nation's 18 strategic ports. The Port of Gulfport is included in that list.

I am impressed at the work that is being done in south Mississippi to advance technology, particularly in the maritime drone industry. That will ultimately support our national security as well.

These developers utilize the port's convenient access to deep and shallow water in the gulf, and I hear from the research community that deepening the port would provide even more research benefits.

Do you agree that deepening a port, such as the Port of Gulfport, would provide not only some better supply chain benefits, but also benefit our national security, such as increased R&D and training facilities?

Mr. ANDERSON. Well, Jon would be very upset if I said no.

Mr. EZELL. So would I.

Mr. ANDERSON. I absolutely agree. We are at Port Tampa Bay. Although we are not under one of those 18 ports, they are critical seaports to the strategic protection of our Nation. Deepening those ports along with other ports so that we can stay competitive in the global environment is very important.

Mr. EZELL. Do you believe the military research and development, R&D, and training should be a determining factor, as well, when the Corps reviews the benefits of dredging these projects?

Mr. ANDERSON. Beneficial dredge materials—as I mentioned in my testimony—are going to be used, and it is really a win-win when you can use those—we like to say beneficial materials instead of spoils because they are beneficial.

Mr. EZELL. Again, thank you all very much for being here today and providing us with so much information.

And Mr. Chairman, I yield back.

Mr. ROUZER. Ms. Maloy. Again, welcome to the subcommittee.

Ms. MALOY. Thank you, Mr. Chairman.

Thank you all for being here.

I am hearing you talk about how essential it is that we do WRDA on a 2-year cycle, and that the infrastructure is aging, and Mr. Mitamura said in his testimony that agencies focus on the missions given them from Congress.

I hear from my constituents all the time how difficult the Army Corps of Engineers is to work with, because they don't hear back from them. They are not super responsive. And the Corps of Engineers' website for the 2022 WRDA has almost 200 provisions from the bill on there, but only 4 of them have implementing guidance or anything tracking.

I am just wondering, for the whole panel, are you having difficulties with implementation, and if so, what can we, as Congress, do in the 2024 WRDA to make sure that agencies are focusing on the mission Congress has given them?

Mr. MITAMURA. Ms. Maloy, I would say that we have been working very closely with the Corps staff on their water supply team to make sure these delays don't continue. Now, that doesn't mean we are not still seeing delays. We think working directly with the Corps, in a good-faith manner, has helped us to make some improvements, but across the board, I think folks would agree that it is really not a timely process.

If you go back to past WRDAs, some of those provisions still have not been implemented, or even have implementation guidance, and

I think the Corps needs resources to do some of that. But in our case for water supply, making it a higher priority would really help.

Ms. MALOY. Thank you.

Go ahead.

Mr. WEAKLEY. I will go, ma'am.

I literally argued with the Army Corps of Engineers for 10 years, over a decade, on a flawed benefit-to-cost ratio at the Soo locks. That is why that project languished from 1986 until just the past couple of years.

It was critical that we overcame that obstacle. It was critical that WRDA reauthorized it at the higher costs. But I will say, once the Army Corps got their mission orders, once WRDA authorized it, they are executing at this new Soo lock at an incredible rate. I have nothing but tremendous respect and appreciation for the project and the work that they are doing at Sault Ste. Marie, Michigan.

But it took me 10 years to convince them that there was no railroad connection between the mines and the mills, and there was no alternative mode of transportation. But, like a good Service, they salute, and I have tremendous respect for General Spellmon personally and for the people that we work with in the Detroit District and the Buffalo District in Chicago.

So, it is a matter of getting the ships set on the proper course, and WRDA is the best way to do that.

Ms. MALOY. Thank you.

Mr. KINNE. I will just add similar to the other comments.

Historically, we have heard via the Kansas City District and the Omaha District very similar sentiments to what your constituents have shared with you.

I would echo other comments, though. Most recently, communications have significantly increased and improved with both districts as well as implementation. And I mentioned the two big studies happening in our district, and I would say that the Kansas City and Omaha District are doing significant public outreach on those studies, and also have been very openminded to our feedback and suggestions on how to improve—make that outreach more effective.

At the end of the day, we will get to see how constituents are listened to and how those studies come out, but we are encouraged that they are at least taking the time to kind of implement those studies in a way that they talk about the local solutions being their priorities. So, that is positive to hear.

Ms. MALOY. Thank you.

Ms. BATTS. Ms. Maloy, the Corps has been very good and a wonderful partner to work with through our very long process. We started our project over 20 years ago; 2014, we got authorization; 2019, we got funded. The Corps was working on this very diligently and continues to work on it, but we just need the WRDA 2024 to make it a Surf City-only project. Thank you.

Ms. MALOY. Thank you.

Mr. ANDERSON. And I would say that the WRDA process gives the Corps the guidance that they need. That is why, every 2 years, it is so important. You can make tweaks, improvements. Congress can direct what they want to do, and it doesn't let them make their

own interpretations in many cases. They have improved under the 3x3x3 process. There is always room for continuous improvement.

Ms. MALOY. Thank you.

Thank you, Mr. Chairman. I yield back.

Mr. ROUZER. Ms. Scholten.

Ms. SCHOLTEN. Thank you, Mr. Chairman. Thank you so much.

I want to thank you for taking the time today. We are coming to the end of our session, but nonetheless, these WRDA reauthorizations are of critical importance, especially for districts like mine. I represent Michigan's Third Congressional District in Congress, which has miles of Lake Michigan shoreline. It is essential for WRDA projects.

Water is a way of life in west Michigan. The Great Lakes are a major economic engine, both in Michigan and throughout our region, generating over \$3 trillion in GDP and providing jobs for over 25 million people.

Since water knows no physical boundaries, Congress must work together to ensure that we continue maintaining and caring for the vital resources of the Great Lakes for generations to come.

My first question is for Mr. Weakley. As you are aware, the Federal Government taxes maritime cargo, and those taxes are then put into the Harbor Maintenance Trust Fund. In WRDA 2020, we authorized that 13 percent of the Harbor Maintenance Trust Fund should be allocated to the Great Lakes Navigation System, which includes dredging efforts that keep harbor towns, such as Grand Haven and Muskegon, thriving. Those are the two in my district.

Can you please speak to whether those funds have, indeed, been used for the Great Lakes Navigation System and whether the percentage is still enough to keep up with the dredging efforts that the Corps needs to continue?

Mr. WEAKLEY. Yes, ma'am. Thank you for the question.

So, before we had the Great Lakes set-aside, but more importantly, before the Harbor Maintenance Trust Fund was opened up, Congress would only appropriate 50 percent of what was brought in, and that is why we have a \$10 billion surplus.

So, those two changes have been instrumental in resuscitating the Great Lakes Navigation System, particularly when we see those western Michigan ports. They are vulnerable to storm incidents, and we see a lot of littoral movement of sand and sediment. So, it has been a game-changer.

What I worry about is the cost escalation of dredging, particularly on the Great Lakes, with some of the management material. It is what I call doing less with more. Doing less dredging with more dollars. What we need to do is make sure the project is more efficient.

Sometimes we will not dredge even post the 13 percent set-aside to 3.3 million cubic yards of sediment. More often than not, they are hitting that target, but we have seen years where they haven't, and the backlog has gone from 18 million cubic yards, and I believe it is probably down to the 15 million cubic yards, but I would have to check with the Corps to get you an exact figure, ma'am.

Ms. SCHOLTEN. OK. OK. You can get back to me on that.

I want to continue with you just a little bit talking about, when proper dredging doesn't happen—you were referencing it a little

bit—but it prevent vessels from being able to carry the loads that they were intended to carry, and they have to go elsewhere, and it leads to light-loading. This lack of efficiency when transporting goods is also worrisome for the larger Great Lakes economy.

Can you please speak to the impact it would have economically speaking, broadly, if these lakes and river bottoms are not properly dredged?

Mr. WEAKLEY. So, for each inch of lost navigation depth, we lose 270 tons of cargo, and that is just a matter of the size of our vessels. And in some instances, particularly before WRRDA 2014, we were losing feet. So, it was a significant economic loss systemwide.

The worst situation I can recall is Dunkirk, New York, where the channels had gotten to the point where it was no longer economical to move cargo, so, we were light-loading. And the challenge there was we would do a split load, so, it would go to Tonawanda, New York, and Dunkirk. Once Dunkirk disappeared, Tonawanda was closed as a port.

And that is part of my fear, particular for some of the Ohio ports, is that if we don't dredge them, they are not going to be economical.

Ms. SCHOLTEN. Thank you. That was incredibly helpful.

My third question is for Mr. Mitamura. I understand that you helped develop a three-State partnership between Texas, Oklahoma, and Kansas to engage with the Army Corps of Engineers on water planning, management, and policy issues.

Again, given that water knows no physical boundaries, can you please speak to how important it is that we engage across State lines under the WRDA authority?

Mr. MITAMURA. Yes. Thanks for the question.

I was actually one of the members who initiated that process, but it no longer exists. It requires a lot of attention, coordination. But we did find results from the Corps. The districts and divisions both participated on a regular basis.

So, it does make a difference. The volume, the voices are helpful, and Oklahoma, Texas, and Kansas both benefited from that relationship. And it is still ongoing today even though the tri-States doesn't operate anymore.

Ms. SCHOLTEN. All right. Thank you.

I yield back.

Mr. ROUZER. Mr. Westerman.

Mr. WESTERMAN. Thank you, Chairman Rouzer and Ranking Member Napolitano.

And, Chairman Rouzer, I hope you are working as well with Ranking Member Napolitano as she worked with me when I was ranking member and she was chair, and she has got a lot of experience on WRDA. I think this is her last WRDA, so, we need to make it a good one.

Thank you to the witnesses for being here today.

I have got an issue, and you may or may not be able to address this, but it was brought to my attention by a retired colonel from the Little Rock District who made me aware of some archaic laws, and one of them happens to be with the Davis-Bacon Act with a provision that was put in in 1931 that requires contractors and subcontractors performing federally funded or assisting contracting

in excess of \$2,000 to competitively bid the work. So, they don't have any purchasing authority for anything above \$2,000 without going out for bids.

In practicality, that means if they have a backhoe and they need to put a new set of tires on it, they have to competitively bid it. So, it takes a lot of time and ends up costing a lot of money.

And this isn't about changing any kind of prevailing wage. It is just raising that limit to be able to do purchases without competitively bidding. If you just used inflation, that would be over \$30,000, with what \$2,000 was back in 1931. Not even saying we need to raise it that high, but I think we should use some common sense in that.

Also, the McNamara-O'Hara Service Contract Act of 1965 requires service on prime contracts in excess of \$2,500 to pay service employees in various classes no less than the prevailing wage. Again, not to mess with the prevailing wage, but maybe look at some adjustment for inflation on that.

The bottom line is, I asked for a report just in the Little Rock and Tulsa Districts over a 2-year timeframe. These two provisions cost \$18 million.

Are you familiar with this happening in other areas, or do you think it would be a problem to adjust this or a benefit to adjust it?

Mr. WEAKLEY. I am not familiar, sir, but you sold me.

Mr. WESTERMAN. When we are stretched for dollars and we want the dollars to actually go towards projects, it seems to be very common sense.

Mr. ANDERSON. Congressman, you used common sense as part of it. I think we all agree common sense, in any law, makes sense. And you said it was an archaic law, and no inflation adjustment or what have you, but I would say it is very similar to the challenges that we are facing with grants we receive. It is taking several years to receive those dollars, and meanwhile, the projects are getting serious inflation costs added to the cost.

So, if there is common sense in how we deliver dollars or how we do the—how we bid—

Mr. WESTERMAN [interrupting]. Streamlining the permitting would help lower costs as well.

Mr. ANDERSON. Streamlining the permitting would be very helpful as well.

Mr. WESTERMAN. There are a lot of opportunities to be more cost-effective on our projects.

Shifting gears a little bit—and, again, this may be a topic you may or may not be able to address—but I got the chance to go with Ranking Member Napolitano and visit the ports in California. I visited other ports across the country. And it appears to me there is a demand for more ports on the west coast, more deepwater ports on the west coast, and even some deepwater ports on the west coast of Alaska.

But if anybody has got any knowledge to how beneficial it would be for us to build new ports to be able to move our goods, I would like to hear your thoughts on that.

Mr. ANDERSON. Well, if you saw the west coast ports—and Mrs. Napolitano’s port is a great port in Los Angeles and Long Beach, that port complex.

I would be remiss if I didn’t say we are here to focus on increasing and improving our existing port complexes. I can’t imagine what it would require. Some of the projects—the WRDA projects—some of our ports are facing due to excessive environmental review, lengthening the process of their GRR studies, building a new port would seem almost impossible to me.

But we would strongly advocate for investing in our existing ports.

Mr. WESTERMAN. I yield back.

Mr. ROUZER. Mr. James.

Mr. JAMES. Thank you, Mr. Chairman and Ranking Member Napolitano. I appreciate this opportunity to speak.

I would like to thank the witnesses for being able to make it up to Capitol Hill today to testify in front of the committee regarding the state of clean water infrastructure.

Today, we gather with the shared understanding of the critical importance of preserving and safeguarding our precious water resources. Among the jewels of our national heritage, the Great Lakes system and the interconnected beauty of Lake Saint Clair stand as vital components of our environmental legacy.

As only one of the many stewards of the Great Lakes, it is our collective responsibility to champion the protection of these majestic bodies of water and ensure they thrive for generations to come. These interconnected bodies of water not only form the bedrock of our environmental heritage, but also serve as economic linchpins for countless communities.

The Nation’s aging water infrastructure is in desperate need of modernization. It is going to take significant resources and our collective effort to make this happen.

Mr. Weakley, you mentioned your advocacy for the Soo locks. I want to thank you. My very first bill that passed the House was H.R. 3399, the Soo Locks Security and Economic Reporting Act, this summer.

The DHS came out with a report in 2015, which identified the fact that, due to 90 percent of the world’s iron ore coming through the Soo locks, a shutdown for any reason would result in economic depression in the United States, and within 6 months, we would lose over 11 million jobs. The economic impact to the State of Michigan would be incalculable.

The Soo locks has 7,000 ships and vessels pass through annually, and it is widely referred to as the linchpin of the Great Lakes. I would like to speak with you about not just how the Soo locks—but as a part of the network, I am very concerned about navigation. I do want to put this to listen.

Are there any specific regulations or policies that Great Lakes carriers believe could be revised or improved to better support the Great Lakes growth and sustainability?

Mr. WEAKLEY. That is a very difficult and broad question, sir. And I would say that I—

Mr. JAMES [interrupting]. Intentionally broad because we need you to educate us.

What can we go after to make the Great Lakes more clean and make it easier for economic and environmental sustainability?

Mr. WEAKLEY. So, I do give the Corps a lot of credit for their executing on the Soo lock project, and I thought your bill was well-placed, particularly with the cyber threat. I think that is something that is underanticipated in infrastructure. Infrastructure is key. It is part of what keeps our economy moving, and I always say transportation is the grease that keeps our economy moving.

I think there are opportunities to streamline some of the permitting process. I think another key is focusing on dealing with the dredge material management, particularly in some of our Lake Erie ports. There are challenges of dealing with it and complying with some of the State requirements.

And as I mentioned to an earlier question, I worry about doing less with more. As the Congressman previously talked about, the 1930s act, efficiency is a big deal. We have got a \$10 billion surplus, which sounds like a lot of money, but when you look at, nationwide, how that can be used on—

Mr. JAMES [interrupting]. Mr. Weakley, how can we be more efficient at dredging?

Just in the past few months, there was an incident—I believe in November, there was a stuck ship carrying wheat in the Detroit River. Six months, I think there was another one on May 17. It ran aground just feet from the Belle Isle shoreline. And over—I think the *Mark W. Barker* was carrying salt from Milwaukee coming on this side. And we seem to have these recurring themes of ships running aground. We haven't even gotten to the point of icebreakers in the winter months and navigation.

Can you talk to us about how we can speed up and make the process more efficient on dredging? And then if we have time in the last minute, talk about how ice may be a factor in navigation in the Great Lakes.

Mr. WEAKLEY. So, I think another way to make dredging more efficient is to broaden the dredging windows. There are challenges, particularly with some of the State permits that are based, in my opinion, on some questionable science. So, we need to make it more efficient so that they have a larger window with which they can use their existing capital equipment.

I think what we saw in the State of Michigan is a perfect example. When the State of Michigan was paying for the dredging, the situation was so bad they were dredging recreational harbors with State money, they waived and expanded those dredging windows.

So, the States are more frugal with the State money than they are with Federal money, and I think that is a challenge that could be addressed, sir.

Mr. JAMES. Thank you. I will follow up with you offline. I appreciate your time here, sir.

Mr. WEAKLEY. I was hoping you were going to get to icebreaking. I apologize for talking too long.

Mr. ROUZER. Mr. Babin.

Dr. BABIN. Thank you, Mr. Chairman.

And thank you, witnesses, for being here.

I represent the 36th Congressional District of Texas, basically Houston over to Louisiana, where we have many critical ports and

waterways, really an unmatched number of chemical plants and refineries, and a number of communities that are very, very sensitive to natural disasters. We are no strangers to hurricanes.

I would like to thank you all of you for your commitment to protecting and improving our Nation's water resources and our infrastructure.

Just like many of you in your respective roles, my district relies heavily on the Army Corps of Engineers. One key issue I hear from constituents and community leaders is on the communication with the Army Corps. My constituents pay close attention to how projects might impact their communities and quality of life, so, naturally, when we are trying to help coordinate between the Army Corps and our constituents, we encourage them to leave no stone unturned and listen very closely to their concerns.

And this question is going to be open to all of you, if you feel like you can answer. Do you feel like your engagements and conversations with the Army Corps are well received and heard? And when you have concerns with the way things are being done and flag these concerns with the Corps, do you feel like that your concerns result in some changes? If you would like to take a stab at it.

Mr. Kinne.

Mr. KINNE. Yes, I am happy to start. I think we have a fairly recent example of kind of how to answer that question for you.

Dr. BABIN. Sure.

Mr. KINNE. As I mentioned to the committee, we have two kind of historic generational studies happening on the Missouri River in regard to flood control, as well as navigation, and those studies include a significant amount of stakeholder engagement and outreach and comment.

And the Kansas City and Omaha Districts have done a very good job of setting up those meetings, but as you all know, I am sure as you go talk to constituents, sometimes getting public input at a meeting can be challenging, and getting folks to talk and give real substantive feedback can be challenging as well.

And so, I will say, as we observe these meetings, we have given feedback to the Corps of Engineers on how to better facilitate them, on how to break them up and have smaller meetings so individuals are willing to talk, and items like that. And I will say, they have been responsive to that feedback and have made adjustments in working with us to facilitate those types of discussions.

And so, that would be kind of my feedback and suggestion.

Dr. BABIN. OK.

Mr. KINNE. Just urging them to facilitate those in those ways.

Dr. BABIN. Thank you very much.

And as Representatives in Washington, we are tasked with representing the various constituents, stakeholder, community, and advocacy groups in our home States and our districts, and obviously, we receive a lot of request for assistance.

And I am sure I am speaking for everyone sitting up there where you are, we try our best to do everything we can to improve our water resources, our storm preparedness, flood resilience, et cetera.

Would some of you please share some best practices for working with congressional offices? What sort of tips, suggestions, recommendations, et cetera, do you have for both other stakeholders

and congressional offices working to put together strong WRDA bills?

Who'd like to take a stab at that?

Mr. Anderson.

Mr. ANDERSON. I will take that or attempt to.

I think it is really important, communication. And in our case, we have probably had 20 Members of Congress visit our port in the last year. It is very important for us to—we can show you slides and show you videos, but there is nothing that beats showing somebody in person what the port is.

And to that end, I invite any member of the committee to come down and visit in Tampa in January when it is really nice, and we will show you our port. I think that is really important, though, the communication aspect, and working as a team.

Going back to your previous question, many times, you on this committee and other Members—Mr. Webster was here earlier—there have been many Members—are very helpful in getting the communication to the Corps unstuck. So, thank you for that.

Dr. BABIN. You are welcome. And I thank all of you for your service. I am looking forward to continuing our collaboration on WRDA projects to improve our Nation's water resources.

With that, I will yield back, Mr. Chairman. Thank you.

Mr. ROUZER. Mr. Duarte.

Mr. DUARTE. Thank you, Mr. Chairman.

Thank you to the panel for being here today. I appreciate you being available to advise us a bit.

I represent a district in the San Joaquin Valley of California where we were, just last year and seemingly every couple of decades, threatened with torrential flooding, and there have been a lot of challenges in our district with siltation and channel flow capacities.

I know Mr. Mitamura has worked on water supply issues in the past. Our channel flow actually relates directly to our water supply in that all of our reservoirs need to keep head space in them for flood emergency events.

I will start with Mr. Mitamura, but I will take volunteers.

How can we best use this WRDA bill to get the dredging we need executed in as near term as possible—on Army Corps time, anyway—to increase our flood channel flow and hopefully increase our dam storage carryover capacities?

Mr. MITAMURA. Yes. Very good question.

In the past, the Corps has probably put less focus on dredging those types of channels and making sure our reservoirs are not silting up. The State of Kansas actually took it upon themselves to do the dredging at their reservoirs because they couldn't wait for the Corps.

I think the Corps is starting to pay more attention on that issue. Maybe it needs a little bit more of a nudge. But in your case, the issue is so much more urgent that—going directly to the Corps, to the Chief, to get some attention on that.

I think—I am just assuming here—that, generally, that is not something that is top of mind for the Corps—

Mr. DUARTE [interposing]. Sure.

Mr. MITAMURA [continuing]. Unless it's at a port.

Mr. DUARTE. Thank you.

Other input on that? Because I have got other questions.

Mr. Anderson, I understand in a past life you worked for the Corn Growers Association representing farmers. Is that the case?

Mr. ANDERSON. No.

Mr. DUARTE. It is not? Oh, I am sorry. Glad I doublechecked that.

Mr. KINNE. That was me, sir.

Mr. DUARTE. That was you. OK. Mr. Kinne down there. Sorry. I misplaced that. You did. It is not an accusation.

I live in California, and much of my district has what are called vernal pools. I know in many corn-growing and crops areas in America, we have great prairie potholes. These have been distinctly excluded from the Army Corps of Engineers' jurisdiction under the Clean Water Act.

Do we still see the Army Corps of Engineers being distracted around the country with minor wetlands and things that are not clearly navigable waters of the United States and adjacent as defined by the recent court decisions? And how would you advise that we direct the Army Corps to focus on the many important things they could be doing that are jurisdictional, and away from harassing farmers?

Mr. KINNE. Yes. As I think about this issue, we have, obviously, several members of our organization that are concerned about this topic, and it does continue to be a concern, especially as you think about WOTUS and that regulatory focus.

I will say—and I think it was mentioned previously—as you think about directing the Corps of Engineers to focus on priority projects, passing a WRDA every 2 years is a critical tool. It gives them that direction to focus them accordingly.

I think it was mentioned earlier. The more time that passes between WRDA bills, the more—

Mr. DUARTE [interrupting]. Bring that microphone a little closer to you.

Mr. KINNE. Yes. The more time that passes between WRDA bills, the more gap there is for interpretation of implementation and things like that.

Mr. DUARTE. Thank you very much.

In any of your expertise, are there specific pieces of language we can put in this WRDA bill that direct the Army Corps of Engineers away from isolated wetlands and towards the navigable waters issues that are so important to so many districts around the U.S.?

Mr. KINNE. Yes. One of our priorities in WRDA 2024 is focused on sideboards around habitat projects for the Missouri River. And so, historically, these experiments within the river channel have had a significant impact on industry while not knowing whether there is a positive benefit for the species or not, and so, we are very focused on increasing those sideboards to ensure that, if any type of endangered species acts are happening within the river, that human interests and industry interests are strongly considered in a way that is a part of that process.

Mr. DUARTE. Thank you.

And, Mr. Anderson, any quick advice you can give me on getting private operators to take care of some of the port dredging and siltation issues around the country?

Mr. ANDERSON. In our case, we have private terminals that connect to public waterways, Federal channels, and in those cases, when we do dredging projects, we will include those—can include those with tipping fees, so that the revenue—because as it connects to the Federal channel, up to that point, it has to be paid for by the private companies, and that regularly happens where we do have private terminals off the public waterways.

So, that's clearly a way that you can dredge non-Federal channels and derive revenue from doing it to pay back the cost.

Mr. DUARTE. Thank you.

I yield back.

Mr. ROUZER. The gentleman yields back.

Thank you all very much. I appreciate every single one of our panelists being here today. A very helpful and informative hearing.

I see no other Members that have not already been recognized before us. That being the case, this will conclude our hearing for today.

And again, I thank each of our witnesses for being here with us.

The committee stands adjourned.

[Whereupon, at 3:50 p.m., the subcommittee was adjourned.]

SUBMISSIONS FOR THE RECORD

Statement of Torey Carter-Conneen, Chief Executive Officer, American Society of Landscape Architects, Submitted for the Record by Hon. Grace F. Napolitano

INTRODUCTION

Thank you Chairman Rouzer, Ranking Member Napolitano, and Members of the House Subcommittee on Water Resources and Environment for the opportunity to provide written testimony on the Water Resources Development Act (WRDA) and the valuable work the U.S. Army Corps of Engineers (USACE) performs to improve our nation's navigable channels, reduce flood and storm damage, restore aquatic ecosystems, and more. The American Society of Landscape Architects (ASLA) applauds your leadership in ensuring a biennial WRDA process to plan, design, and implement USACE projects and studies to meet our nation's water resources needs.

ASLA appreciates USACE's collaboration with landscape architects to improve and safeguard our nation's water infrastructure, while also addressing water quality and quantity issues, climate resilience, biodiversity, public health, and equitable economic development.

Founded in 1899, ASLA is the professional association for landscape architects in the United States, representing more than 15,000 members. ASLA members span nationwide, with landscape architects representing all 50 states and U.S. territories among ASLA's 49 chapters. ASLA promotes the profession of landscape architecture and advances the practice through advocacy, education, communication, and fellowship.

Landscape architecture encompasses the analysis, planning, design, management, and stewardship of the natural and built environment through science and design. The profession is broad in scale and scope, with most practitioners focusing on designing water and stormwater management infrastructure projects, multimodal transportation networks, community master plans, and parks and recreation spaces.

Landscape architects often play a lead role in large public and private projects that significantly impact public health, safety, and welfare.¹ The technical complexity of landscape architecture and its impact on public health, safety, and welfare have led all 50 states and the District of Columbia to license landscape architects. In addition to meeting STEM education and experience requirements, candidates for landscape architecture licensure pass a national registration exam—the Landscape Architecture Registration Exam (LARE)—before they can be licensed by the state boards of registration. This rigorous four-part exam includes a section on Grading, Drainage, and Stormwater Management, requiring candidates to demonstrate mastery of grading and earthwork design considerations for small-to-large scale sites and detailed site-specific circulation, including addressing design alternatives, adherence to national codes, and more.

LANDSCAPE ARCHITECTS SUCCESSFULLY COLLABORATE WITH THE U.S. ARMY CORPS OF ENGINEERS

As you are aware, Congress first enacted WRDA in 1974 to provide policy and guidance to help strengthen our nation's water infrastructure. The 1986 WRDA began to identify and authorize funding for specific USACE civil works projects. Since its inception, WRDA has been updated to allow USACE to move beyond constructing water infrastructure projects that only address traditional irrigation, navi-

¹Schatz, Alex P., JD, and Josh Sundloff JD, ASLA. "LANDSCAPE ARCHITECTURE LICENSURE HANDBOOK: Ensuring Safe, Healthy, and Resilient Natural and Built Environments," January 2017.

https://www.asla.org/uploadedFiles/CMS/Government_Affairs/LA_Licensure_Handbook.pdf

gation, and flood control issues. Today, USACE projects also focus on numerous community concerns, including environmental protection, climate change adaptation and mitigation efforts, biodiversity, recreation² economic development, and other community benefits.

Throughout the years, landscape architects have been collaborative partners with USACE. The profession's STEM-focused education and training with an emphasis in hydrology, geology, botany and horticulture, engineering site design, water management, drainage, and climatology³ has positioned landscape architects to be uniquely qualified to collaborate on and lead USACE projects. From coastal resilience to wetlands restoration, flood control, sea-level rise, and more, landscape architects work with USACE to create and manage our nation's critical water infrastructure. During USACE's Engineering With Nature® (EWN®) Podcast, Dr. Jeff King, deputy national lead of the EWN program, discussed how landscape architects have joined forces with USACE to explore innovative solutions to coastal resilience.⁴

Recently, landscape architects, firms, and university programs have contracted and collaborated with USACE on cutting-edge projects and research to help manage our nation's water infrastructure:

- Landscape architecture faculty at the University of Virginia are collaborating with USACE to study several sites in the Chesapeake Bay to find ways of stopping or mitigating the damage from changing environments and ecosystems. The research team will help develop methods of evaluating the performance of nature-based efforts, tracking characteristics such as vegetation growth patterns, indicator species, and plant health.⁵
- USACE contracted with Biohabitats, a landscape architecture and design-build firm in Baltimore, Maryland, to provide ecosystem restoration and environmental services to support the Great Lakes Restoration Initiative (GLRI) within the Buffalo, Detroit, and Chicago Districts. Launched in 2010, the GLRI was designed to accelerate efforts to protect and restore the health of the Great Lakes, the largest system of fresh surface water in the world. The GLRI supported projects to restore habitat and wetlands, clean up toxic pollution, combat invasive species, and prevent runoff from farms and cities.⁶
- CMG Landscape Architecture worked with the Port of San Francisco and USACE to develop the San Francisco Draft Waterfront Adaptation Strategies, which will identify a preferred approach to reduce flood risks from sea level rise and extreme storms and to guide the transformation of the city's shoreline and bayside neighborhoods.⁷
- Landscape architecture faculty at Auburn University implemented a project—funded in part by USACE—to help improve the design, function, and efficacy of coastal infrastructure like levees, jetties, and dams.⁸

These are just a few examples of the myriad projects that highlight the unique role landscape architects play in collaborating with USACE.

ASLA RECOMMENDATIONS FOR THE WATER RESOURCES DEVELOPMENT ACT OF 2024

1. The U.S. Army Corps of Engineers should enhance the use of nature-based solutions in its water resources projects.

Nature-based solutions are infrastructure that uses, restores, or emulates natural ecological processes and can be created by human design, engineering, and construc-

²“Tom Hanafan River's Edge Park,” Sasaki, n.d., <https://www.sasaki.com/projects/tom-hanafan-rivers-edge-park/>.

³American Society of Landscape Architects. “Landscape Architecture Is a STEM Discipline,” 2023. https://www.asla.org/uploadedFiles/2022_ASLA_STEM_White_Paper.pdf.

⁴U.S. Army Corps of Engineers Headquarters, “Expanding the Practice of EWN through Landscape Architecture,” n.d., <https://www.usace.army.mil/Media/News/NewsSearch/Article/2584446/expanding-the-practice-of-ewn-through-landscape-architecture/>.

⁵“UVA Landscape Architects Seek to Fight Flooding the Natural Way,” *UVA Today*, December 6, 2023, <https://news.virginia.edu/content/uva-landscape-architects-seek-fight-flooding-natural-way>.

⁶Younts Design Inc., “Biohabitats: Indefinite Delivery Contract to Provide Ecosystem Restoration and Environmental Services to Support the Great Lakes Restoration Initiative within the Buffalo, Detroit and Chicago Districts,” n.d., <https://www.biohabitats.com/project/indefinite-delivery-contract-to-provide-ecosystem-restoration-and-environmental-services-to-support-the-great-lakes-restoration-initiative-within-the-buffalo-detroit-and-chicago-districts/>.

⁷CMG Landscape Architecture, “San Francisco Draft Waterfront Adaptation Strategies—CMG Landscape Architecture,” February 3, 2023, <https://www.cmgsite.com/places/san-francisco-draft-waterfront-adaptation-strategies/>.

⁸American Society of Landscape Architects. “Landscape Architecture Is a STEM Discipline,” 2023. https://www.asla.org/uploadedFiles/2022_ASLA_STEM_White_Paper.pdf.

tion to act in concert with natural processes.⁹ Examples of nature-based solutions include living shorelines, green roofs, tree canopies, rain gardens, bioswales, retention basins, and permeable and pervious pavements.¹⁰ A USACE-sponsored report highlighted that nature-based solutions¹¹ may incorporate natural landscapes such as beaches, dunes, wetlands, reefs, and islands.¹² Nature-based solutions can provide sustainable, cost-effective, and resilient alternatives or complements to traditional gray infrastructure, which typically includes structures like buried pipes, sewers, and tunnels made of concrete or steel.

Traditionally, USACE and other infrastructure builders have looked solely to gray infrastructure to create our nation's water infrastructure projects. Generally, buried pipes, pump systems, sewers, and tunnels have successfully rerouted waters to manage stormwater, prevent flooding, address sea-level rise, and more. However, water infrastructure projects that incorporate nature-based solutions are known to be highly effective at managing water and simultaneously create multiple community-wide benefits that impact environmental, human, and economic health.¹³

Water infrastructure projects that incorporate vegetation or organic material such as seagrasses, mangrove forests, and floating ecosystems can also help to mitigate climate impacts and poor air quality through carbon storage and sequestration. Additionally, these projects can create or restore habitats and ecosystems that conserve and increase biodiversity while also improving community aesthetics.

Nature-based solutions also improve human physical and mental health. Green spaces provide environments for physical activity, which helps prevent cardiovascular diseases, diabetes, and other chronic diseases. Nature-based solutions also improve air quality, which in turn may help prevent asthma and other lung conditions. These green spaces have also been shown to help reduce stress and address mental health issues.

Communities may also reap economic benefits from recreational and tourist-focused water projects that utilize nature-based solutions, such as parks, managed shorelines, beaches, and more. Overall economic growth can increase through jobs, tourism, and recreation opportunities such as wildlife viewing, sportfishing, fishing, swimming, beach-going, and boating.¹⁴ The use of nature-based solutions in USACE's Missouri River Recover Program—which used levee setbacks to reconnect floodplains—provided co-benefits including ecosystem sustainability, increased recreational opportunities, improved aesthetics, and enhanced cultural and educational opportunities.¹⁵

Acknowledging the benefits of nature-based solutions in water projects, USACE introduced its EWN initiative in 2010 to highlight current and future capabilities for delivering nature-based solutions.¹⁶ EWN is the intentional alignment of natural and engineering processes to efficiently and sustainably deliver economic, environmental, and social benefits through collaboration.¹⁷ Since its inception, EWN has been successfully implemented to guide the planning, design, and construction of

⁹In recognition that the term natural infrastructure is related to nature-based solutions as used or agreed to by the U.S. government as found in Public Law 117-58, Section 11103 (Nov. 15, 2021) (codified at 23 U.S.C. 101(a)(17)); <https://www.govinfo.gov/content/pkg/PLAW-117publ58/pdf/PLAW-117publ58.pdf>.

¹⁰White House. Olander, Lydia, Krystal Laymon, and Heather Tallis. "Opportunities for Accelerating Nature-Based Solutions: A Roadmap for Climate Progress, Thriving Nature, Equity, and Prosperity," November 2022. <https://www.whitehouse.gov/wp-content/uploads/2022/11/Nature-Based-Solutions-Roadmap.pdf>.

¹¹In recognition that the U.S. Army Corps of Engineers utilizes the terms natural and nature-based features to describe nature-based solutions as found in Todd S. Bridges et al., "International Guidelines on Natural and Nature-Based Features for Flood Risk Management," September 15, 2021, <https://doi.org/10.21079/11681/41946>.

¹²Todd S. Bridges et al., "International Guidelines on Natural and Nature-Based Features for Flood Risk Management," September 15, 2021, <https://doi.org/10.21079/11681/41946>.

¹³White House. Olander, Lydia, Krystal Laymon, and Heather Tallis. "Opportunities for Accelerating Nature-Based Solutions: A Roadmap for Climate Progress, Thriving Nature, Equity, and Prosperity," November 2022. <https://www.whitehouse.gov/wp-content/uploads/2022/11/Nature-Based-Solutions-Roadmap.pdf>.

¹⁴Todd S. Bridges et al., "International Guidelines on Natural and Nature-Based Features for Flood Risk Management," September 15, 2021, <https://doi.org/10.21079/11681/41946>.

¹⁵Todd S. Bridges et al., "International Guidelines on Natural and Nature-Based Features for Flood Risk Management," September 15, 2021, <https://doi.org/10.21079/11681/41946>.

¹⁶Todd S. Bridges et al., "Engineering With Nature®: Supporting Mission Resilience and Infrastructure Value at Defense Installations," October 5, 2021, <https://doi.org/10.21079/11681/42207>.

¹⁷Engineering With Nature, "About EWN—Engineering with Nature," July 25, 2023, <https://ewn.erdcdren.mil/about/>.

numerous USACE projects.¹⁸ The Oyster Reef Shoreline Stabilization Project at MacDill Air Force Base is one example of EWN's success and shows the need for increased nature-based solutions. In this project, a living shoreline made of oyster reefs was constructed to restore natural coastal vegetation, reduce wave energy, and encourage sediment accumulation that stabilized the shoreline, protected it from erosion, improved water quality, and enhanced habitat for wildlife.¹⁹

Further, due to mounting evidence demonstrating the effectiveness of nature-based solutions and the numerous co-benefits, the Biden administration introduced its *Nature-Based Solutions Roadmap* in November 2022, calling on federal agencies to prioritize these techniques in confronting our nation's most pressing challenges.²⁰

Given the documented effectiveness of nature-based solutions, the ongoing success of EWN, and the administration's *Roadmap* recommendations, ASLA believes that WRDA 2024 is a unique opportunity to call on USACE to expand its use of nature-based solutions. Specifically, ASLA recommends that all new studies on the feasibility of USACE projects include consideration of nature-based solution alternatives or compliments. Further, Congress and USACE should prioritize the authorization and funding of projects beyond the feasibility phase that have successfully planned and designed for the implementation of nature-based solutions.

2. *The U.S. Army Corps of Engineers should work to include more landscape architects in its water resources projects.*

During a December 5, 2023, hearing before the House Water Resources and Environment Subcommittee, the Honorable Michael L. Connor, Assistant Secretary of the Army for Civil Works at the United States Department of the Army stated, there is a "need to have the next generation of skilled laborers in place" to handle projects concerning flood control and mitigation and coastal resilience.²¹ Because of landscape architects' long-standing expertise in planning and designing resilient water projects, ASLA urges Congress and USACE to take steps to utilize more of the profession for the successful delivery of these projects.

Since at least 1857, landscape architects have been designing with nature.²² Using plant and soil systems, wetlands, tree canopies, green and open spaces, and more, landscape architects harness the power of nature to manage stormwater, mitigate flooding, prevent coastal erosion, clean our waterways, and address other water resource needs. These and other nature-based solutions may be implemented at many scales, from individual residences, to a neighborhood, to a community, and to an entire region.

Landscape architects are particularly astute at addressing water-related issues on a watershed scale, instead of "one off" project-specific solutions. Landscape architects deploy holistic nature-based solutions like upstream wetlands and forest restoration to manage downstream flooding and erosion, as opposed to or in concert with gray infrastructure flood walls, dikes, river channel modifications, and others. Since water is by nature a dynamic force, failure to holistically consider the constant flow and cycle of water between individual project sites leaves communities increasingly susceptible to floods, droughts, and polluted bodies of water.²³

Further, landscape architects are leaders in community engagement processes that help build support for the project and lead to designs that meet the needs of diverse groups of residents and stakeholders. Conventional "check-the-box" models of engagement often fail to reach and build trust with individuals in the community, especially those who are underserved and often overlooked in design or policy con-

¹⁸ Engineering With Nature, "Built Projects—Engineering with Nature," March 29, 2023, <https://ewn.ercd.dren.mil/built-projects/>.

¹⁹ Todd S. Bridges et al., "Engineering With Nature®: Supporting Mission Resilience and Infrastructure Value at Department of Defense Installations," October 5, 2021, <https://doi.org/10.21079/11681/42207>.

²⁰ White House. Olander, Lydia, Krystal Laymon, and Heather Tallis. "Opportunities for Accelerating Nature-Based Solutions: A Roadmap for Climate Progress, Thriving Nature, Equity, and Prosperity," November 2022. <https://www.whitehouse.gov/wp-content/uploads/2022/11/Nature-Based-Solutions-Roadmap.pdf>.

²¹ "Hearing—Water Resources Development Acts: Status of Past Provisions and Future Needs," House Transportation and Infrastructure Committee, December 5, 2023, <https://transportation.house.gov/calendar/eventsingle.aspx?EventID=406974>.

²² "Frederick Law Olmsted," Architect of the Capitol, n.d., <https://www.aoc.gov/explore/capitol-campus/frederick-law-olmsted#:~:text=Olmsted%20retired%20in%201895,scenic%20reservations%20and%20university%20campuses>.

²³ "Jackson, Mississippi Water Crisis," Center for Disaster Philanthropy, February 15, 2023, <https://disasterphilanthropy.org/disasters/jackson-mississippi-water-crisis/>.

siderations.²⁴ In contrast, landscape architects account for the human experience when designing public projects and implement innovative forms of public engagement that are “contextual, open, experiential, substantive, and holistic.”²⁵ Elevating community voices is critical because lives are directly affected by projects.²⁶

The design of WRDA projects must begin to utilize a comprehensive approach that values the interconnectedness of water systems, communities, and infrastructure. As such, landscape architects with their holistic design approach and unique community engagement skills are much needed on USACE projects.

The U.S. Army Corps of Engineers should recruit and hire additional landscape architects to meet the growing demands of designing and constructing water resources projects.

As you know, Section 8116. Workforce Planning of WRDA 2022²⁷ called for the recruitment of individuals for careers at USACE. The section further allows USACE to enter into partnerships with colleges and universities, including historically Black colleges and universities (HBCUs), to help with recruiting efforts.

Given the holistic design skills, community engagement techniques, and expertise in utilizing nature-based solutions for water resources projects, ASLA encourages USACE to take aggressive steps to recruit and hire landscape architects. ASLA has learned from its members that, while some USACE district offices have multiple landscape architects on staff, most district offices have few or no landscape architects, resulting in inconsistent processes, approaches, and efficiencies in project delivery. Congress should provide sufficient appropriations and other resources to allow USACE to increase the number of landscape architects in its workforce, thereby ensuring well-designed projects that manage water resources and meet the concerns of the hosting community.

Further, ASLA strongly encourages USACE to partner with the 102 landscape architecture programs at 76 universities and colleges across the country, including the HBCUs North Carolina Agricultural and Technical State University and Morgan State University, to help develop, recruit, and hire landscape architects to work with the agency. Landscape architecture students are educated in and routinely apply the physical and natural sciences, including site design, land planning, grading, drainage, stormwater management, hydrology, erosion control, and more,²⁸ making them uniquely qualified to immediately contribute to the success of USACE.

The U.S. Army Corps of Engineers should incorporate landscape architecture in calls for Indefinite Delivery, Indefinite Quantity (IDIQ) contracts.

The Federal Acquisition Regulation (FAR) is the primary regulation used by all executive agencies to acquire supplies and services.²⁹ Governed by the FAR, Indefinite Delivery, Indefinite Quantity (IDIQ) contracts—most often used for architect-engineering services—are used when the exact quantities of supplies or services the government will require during the contract period cannot be determined at the time of contract award.³⁰

ASLA has heard from its members that many USACE IDIQ solicitations do not always include a specific call for landscape architects when the requested services fall squarely within the scope of work for the profession. During the solicitation process, USACE should explicitly include landscape architects alongside other qualified professions, when appropriate. Because the federal government must select architectural and engineering services based on competence and qualifications rather

²⁴ Siler, Emily, Major Professor, and Jessica Canfield. 2023. “Engaging Communities: A Primer for Landscape Architecture Practice.” <https://krex.k-state.edu/bitstream/handle/2097/43308/EmilySiler2023.pdf?sequence=1>.

²⁵ “Design as Democracy: Techniques for Collective Creativity: De La Pena, David, Jones Allen, Diane, Hester Jr., Randolph T., Hou, Jeffrey, Lawson, Laura J., McNally, Marcia J.: 9781610918473: Amazon.Com: Books,” n.d., https://www.amazon.com/gp/product/1610918479/ref=as_li_qf_asin_il_tl?ie=UTF8&tag=desifortheftut-20&creative=9325&linkCode=as2&creativeASIN=1610918479&linkId=3c0ccf42772bdcf0a92963b1ecf01a3a&asin=1610918479&revisionId=&format=4&depth=1.

²⁶ “New York Rising Community Planning.” SCAPE, May 16, 2019. <https://www.scapestudio.com/projects/new-york-rising-community-planning/>.

²⁷ Public Law 117–263, Section 8116 (Dec. 23, 2022). <https://www.congress.gov/117/plaws/publ263/PLAW-117publ263.pdf>.

²⁸ American Society of Landscape Architects. “Landscape Architecture Is a STEM Discipline,” 2023. https://www.asla.org/uploadedFiles/2022_ASLA_STEM_White_Paper.pdf.

²⁹ “Federal Acquisition Regulation,” GSA, October 16, 2023, [https://www.gsa.gov/policy-regulations/regulations/federal-acquisition-regulation-far#:~:text=The%20Federal%20Acquisition%20Regulation%20\(FAR,and%20services%20with%20appropriated%20funds.](https://www.gsa.gov/policy-regulations/regulations/federal-acquisition-regulation-far#:~:text=The%20Federal%20Acquisition%20Regulation%20(FAR,and%20services%20with%20appropriated%20funds.)

³⁰ “Indefinite Delivery, Indefinite Quantity Contracts,” GSA, November 9, 2020, <https://www.gsa.gov/small-business/register-your-business/explore-business-models/indefinite-delivery-indefinite-quantity-idiq>.

than on price,³¹ it is imperative that landscape architects be included in IDIQ solicitations that involve the planning, design, and management of land. This will ensure that the most qualified professionals and firms may compete for contracting opportunities to work on USACE water resource projects.

Congress should take action to ensure landscape architects' involvement in USACE projects impacting land management.

To further incorporate more landscape architects in water resource projects, ASLA urges Congress to call on the executive branch to amend the FAR to include landscape architects' involvement in USACE water resource projects. While Congress typically does not take action to amend the FAR, the body can enact or amend legislation to prompt the executive branch to amend the FAR.³²

The Department of Defense (DoD) Unified Facilities Criteria (UFC) provides documentation for the planning, design, construction, sustainment, restoration, and modernization of the Military Departments, Defense Agencies, and DoD Field Activities.³³ The FAR governs DoD UFC 3–201–02, which establishes minimum landscape architectural requirements and best practices to promote consistent landscape architectural quality for all DoD facilities and specifically states: “All DoD military construction (MILCON) projects with site improvement costs over \$250,000, must include a landscape plan with supporting details and specifications prepared by a registered professional (Architect, Engineer, or Landscape Architect) as required by the Federal Acquisition Regulations (FAR) (Subpart 2.1).³⁴

Similar requirements for registered professionals such as landscape architects in USACE civil works projects do not appear to exist. ASLA therefore recommends WRDA 2024 include a request to the administration to incorporate the following language in the FAR: “All USACE projects with site improvements must include a landscape plan with supporting details and specifications prepared by a registered professional (Architect, Engineer, or Landscape Architect).” A FAR amendment can integrate DoD UFC 3–201–02 into the WRDA framework for USACE civil works projects to enhance coordination, efficiency, and more for federal water infrastructure projects.

3. The U.S. Army Corps of Engineers should work to expand opportunities for small businesses to work on its water resources projects.

Throughout the years, landscape architects have successfully collaborated with USACE through employment at USACE, but more often through contracting and subcontracting opportunities with the agency. However, due to their smaller size, many landscape architecture firms often lack the tools, resources, and opportunities of large firms that are needed to compete for and assist with large-scale USACE projects. Historically, federal mentorship programs have proven successful in assisting small businesses to become competitive federal contractors, which, in turn, helps small businesses create and retain jobs.³⁵

The U.S. Small Business Administration's (SBA) Mentor-Protege Program (MPP) helps eligible small businesses (protégés) gain capacity and win government contracts through partnerships with more experienced companies (mentors).³⁶³⁷ Specific program initiatives help protégés receive guidance on manufacturing and strategic planning, financial assistance, and navigation of the federal procurement process—one of the most significant hurdles small landscape architecture firms experience.³⁸ In fiscal year 2022, SBA's MPP had 1,426 active agreements creating suc-

³¹“40 USC Ch. 11: SELECTION OF ARCHITECTS AND ENGINEERS,” n.d., <https://uscode.house.gov/view.xhtml?path=/prelim@title40/subtitle1/chapter11&edition=prelim>.

³²Congressional Research Service. Kate M. Manuel et al., “The Federal Acquisition Regulation (FAR): Answers to Frequently Asked Questions,” November 16, 2012, <https://www.secnav.navy.mil/rda/Documents/FARfaq.pdf>.

³³“Unified Facilities Criteria (UFC)—WBDG—Whole Building Design Guide,” n.d., <https://www.wbdg.org/ffc/dod/unified-facilities-criteria-ufc>.

³⁴“UFC 3–201–02 Landscape Architecture, with Change 1—WBDG—Whole Building Design Guide,” n.d., <https://www.wbdg.org/ffc/dod/unified-facilities-criteria-ufc/ufc-3-201-02>.

³⁵Congressional Research Service. “Small Business Mentor-Protege Programs,” June 10, 2022. <https://crsreports.congress.gov/product/pdf/R/R41722>.

³⁶“SBA Mentor-Protege Program,” U.S. Small Business Administration, n.d., <https://www.sba.gov/federal-contracting/contracting-assistance-programs/sba-mentor-protege-program>.

³⁷Hagedorn, Mark. “Consolidation of Mentor-Protege Programs and Other Government Contracting Amendments.” Federal Register, October 16, 2020. <https://www.federalregister.gov/documents/2020/10/16/2020-19428/consolidation-of-mentor-protg-programs-and-other-government-contracting-amendments>.

³⁸“SBA Mentor-Protege Program,” U.S. Small Business Administration, n.d., <https://www.sba.gov/federal-contracting/contracting-assistance-programs/sba-mentor-protege-program>.

successful partnerships with large companies and small businesses across the procurement spectrum.

Currently, USACE utilizes SBA's MPP Program to pair large companies with smaller firms, including some small landscape architecture firms. These pairings are designed to help streamline and increase the participation of small businesses working with the USACE. This capacity-building initiative helps protégé firms develop the necessary expertise and learn about resources to successfully compete for USACE contracts, which can lead to increased innovation and economic growth.

ASLA urges the U.S. Army Corps of Engineers to enhance its efforts in promoting the U.S. Small Business Administration's Mentor-Protégé Program, particularly with small landscape architecture firms. Small landscape architecture firms have a proven track record of providing critical design, restoration, and public engagement services to USACE projects. Efforts to increase the profession's participation in contracting opportunities benefit all parties and the nation as a whole.

4. *The U.S. Army Corps of Engineers should adopt The Sustainable SITES Initiative® (SITES®) to enhance its workforce and to help guide and certify its water resources projects.*

SITES is a nationally recognized set of comprehensive, voluntary guidelines together with a rating system that assesses the sustainable design, construction, and maintenance of landscapes and other outdoor spaces. It is used by landscape architects, designers, engineers, architects, developers, policymakers, and others to guide land design and development. The SITES Rating System is produced by Green Business Certification Inc., which owns exclusive rights to the SITES Rating System, its publications, and trademarks. The material on which the SITES Rating System is based was developed through a collaborative, interdisciplinary effort of the American Society of Landscape Architects Fund, The Lady Bird Johnson Wildflower Center at The University of Texas at Austin, and the United States Botanic Garden.

SITES projects include government facilities, university campuses, public parks, commercial buildings, hotels, mixed-use developments, military campuses, and more. As of fall 2023, more than 330 projects are participating in the SITES program, covering 1.28 billion square feet of landscapes and outdoor spaces that span 22 countries and 41 U.S. states and the District of Columbia. SITES-certified projects lead to high-performing landscapes that mitigate flooding, drought and heat, reduce stormwater runoff, and improve water quality while also providing other community-wide benefits.

In 2015, the General Services Administration (GSA)—the federal agency responsible for managing and supporting the basic functioning of federal agencies, property, and contract options—adopted SITES. The GSA's adoption of SITES is included in GSA's *Facilities Standards for the Public Buildings Service* (P-100) document, which establishes design standards and criteria for new buildings, site improvements, infrastructural projects, major and minor alterations, and work in historic structures for the Public Buildings Service (PBS) of the General Services Administration.³⁹ "The GSA determined that the incorporation of SITES offers a highly effective and efficient way to compel environmental performance and project efficiencies, including effective cost control, on various capital project types."⁴⁰

Landscape architects led GSA's SITES pilot project at the Peter V. Domenici U.S. Courthouse in Albuquerque, New Mexico. The site's 4.4-acre revitalization addressed irrigation issues affecting parking by switching to native plants that improved water management, decreased energy use, increased urban habitat, and enhanced community culture.⁴¹ GSA also achieved SITES certification for the new Federal Office Building in Miramar, Florida.⁴² The 20-acre project houses a federal building campus, which minimizes impacts and maximizes harmonization with the adjacent conservation areas and nearby Florida Everglades. Recently, landscape architects utilized SITES to help plan and design GSA's Columbus Land Port of Entry—a 28.65-acre expansion project in Columbus, New Mexico's Chihuahuan Desert Grassland. Landscape architects redesigned the original site to accommodate increased vehicle and pedestrian traffic and decrease stormwater runoff from roofs

³⁹"Facilities Standards (P100) Overview," GSA, September 18, 2023, <https://www.gsa.gov/real-estate/design-and-construction/engineering/facilities-standards-for-the-public-buildings-service>.

⁴⁰"SITES Certification," U.S. General Services Administration, April 6, 2022, <https://www.gsa.gov/real-estate/design-and-construction/landscape-architecture/sites-certification>.

⁴¹"SITES—Developing Sustainable Landscapes," n.d. <https://sustainablesites.org/pete-v-domenici-us-courthouse-sustainable-landscape-renovation>.

⁴²"SITES—Developing Sustainable Landscapes," n.d. <https://sustainablesites.org/us-federal-office-building>.

and pavement using native plants.⁴³ A recipient of the 2022 GSA Design Awards for landscape architecture and architecture, the Columbus Land Port of Entry was praised for its sustainability and melding high functionality with regional culture and resource stewardship.⁴⁴

ASLA believes that SITES guidelines are complementary to and align with USACE's EWN program. Moreover, the SITES rating system would allow USACE to showcase its commitment to sustainable infrastructure practices and to systematically document projects' performance, both of which could be beneficial in working with policymakers to demonstrate cost-benefit and rate-of-return analyses.

Further, ASLA urges USACE employees to consider becoming a SITES Accredited Professional (SITES AP). Similar to how a LEED credential denotes proficiency in sustainable design, construction, and operations standards for buildings, SITES AP provides professionals with the opportunity to increase and demonstrate their knowledge, expertise, and commitment to sustainable land development. The SITES AP credential applies to landscape architects, architects, engineers, sustainability consultants, planners, ecologists, urban designers, and others interested in nature-based solutions, optimizing ecosystem services, and ensuring outcomes of a development project are sustainable, resilient, and regenerative.⁴⁵

Given the success of SITES in general and at the U.S. General Services Administration, the U.S. Army Corps of Engineers could easily adopt SITES guidelines and certification for its water resources projects.

CONCLUSION

Thank you again for the opportunity to provide written testimony on the reauthorization of WRDA and the valuable work the USACE. ASLA looks forward to working with Congress to implement these recommendations that enable landscape architects to continue to plan and design our nation's water resources projects.

If you have any questions or would like to follow up on this legislative matter, please contact me or ASLA Director of Federal Government Affairs, Roxanne Blackwell.

Letter of December 12, 2023, to Hon. Sam Graves, Chairman, and Hon. Rick Larsen, Ranking Member, Committee on Transportation and Infrastructure, from John D.S. Allen, President, Water Replenishment District Board of Directors, Submitted for the Record by Hon. Grace F. Napolitano

DECEMBER 12, 2023.

The Honorable SAM GRAVES,
Chairman,
U.S. House Transportation and Infrastructure Committee, 2165 Rayburn House Office Building, Washington, DC 20515.

The Honorable RICK LARSEN,
Ranking Member,
U.S. House Transportation and Infrastructure Committee, 2165 Rayburn House Office Building, Washington, DC 20515.

DEAR CHAIRMAN GRAVES AND RANKING MEMBER LARSEN:

On behalf of the Water Replenishment District's (WRD) Board of Directors, I write to express our support for enhancing the authority and flexibility of the U.S. Army Corps of Engineers to address local water supply needs in the Water Resources Development Act (WRDA) of 2024. As Congress works to create a safer, more innovative and resilient infrastructure for our nation, we hope you will prioritize ensuring an adequate water supply for our communities.

WRD manages groundwater for over four million people in forty-three cities in southern Los Angeles County. This region contains 11% of California's population. The 420-square mile service area uses approximately 72 billion gallons (220,000-acre feet) of groundwater per year. Nearly half of the water consumed within WRD's service area comes from groundwater sources. The other half comes from water im-

⁴³ "SITES—Developing Sustainable Landscapes," n.d. <https://www.sustainablesites.org/columbus-us-land-port-entry-expansion>.

⁴⁴ GSA Design Awards 2022 (pg. 34). https://www.gsa.gov/system/files/2022_GSA_Design_Awards_Book_final_508.pdf.

⁴⁵ "SITES—Developing Sustainable Landscapes," n.d., <https://sustainablesites.org/professionals>.

ported from the Bay Delta and the Colorado River. For over sixty-one years, the District has successfully pioneered sustainable water strategies that reduce the strain on the state's limited supply of imported water.

As California and the nation work to promote drought resilience, water independence is critical to both these efforts for long-term environmental and economic health. As you continue to consider WRDA 2024, we hope that WRD can be a partner and resource.

We appreciate your steadfast leadership on flood control, water supply and environmental restoration issues and look forward to working closely with you and your staff. Please consider this an open invitation to visit WRD's state-of-the-art water treatment facilities. If you have any further questions please contact Angelina Mancillas.

Sincerely,

JOHN D.S. ALLEN,
President, Water Replenishment District Board of Directors.

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