

WATER RESOURCES DEVELOPMENT ACTS: STATUS OF PAST PROVISIONS AND FUTURE NEEDS

(118-36)

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 5, 2023

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

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DECEMBER 1, 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 “*Water Resources Development Acts: Status of Past Provisions and Future Needs*”

I. PURPOSE

The Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure will meet on Tuesday, December 5, 2023, at 10:00 a.m. ET in 2167 Rayburn House Office Buildings to receive testimony at a hearing entitled “*Water Resources Development Acts: Status of Past Provisions and Future Needs*.” The hearing will provide Members with an opportunity to review implementation of United States Army Corps of Engineers (Corps) projects and policies that were included in previous Water Resources Development Acts (WRDAs), including WRDA 2022, and hear Administration testimony and proposals for WRDA 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 district offices, the Corps manages 14,000 miles of levees, 740 dams, 12,000 miles of

¹ CORPS, *Mission and Vision*, (last accessed Oct. 10, 2023), available at <https://www.usace.army.mil/About/Mission-and-Vision/>.

² CORPS, *About Corps Water Resources Planning*, (last accessed Oct. 10, 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.*

⁴ See generally ANNA NORMAN & 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].

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 Oct. 10, 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 Oct. 10, 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. WRDA 2022

WRDA 2022 was signed into law as Division H of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (P.L. 117–263) and authorized 25 new projects, six modifications to existing projects, 94 new studies, 12 project modi-

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ See e.g., CORPS, *Planner's Library*, (last accessed Oct. 10, 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 NORMAN, 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. 426i § 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 Oct. 10, 2023), available at <https://www.nap.usace.army.mil/Missions/Civil-Works/Environmental-Infrastructure/>.

fication studies, and 155 EI projects.³⁴ This legislation was principally focused on local priorities and projects, but also included some broader policy and programmatic changes.

Specifically, WRDA 2022 authorized additional resources to increase coastal resiliency, improve flood mitigation, and respond to flooding events. For example, it increased the CAP Federal project cost limit for streambank and shoreline erosion projects from \$5 million to \$15 million.³⁵ It also expanded the scope of eligible work when repairing non-Federal flood control projects (levees, dunes, beaches, dams) to include work that increases resilience and addresses deficiencies of the assets, in addition to repairing damage.³⁶

This legislation also focused on improving the delivery of water resource projects and meeting water resource needs in communities across the United States. For example, it contained provisions designed to analyze how long water infrastructure permitting takes.³⁷ It also directed the Corps to expedite the completion of 25 authorized feasibility reports, two Post-Authorization Change Reports (PACRs), two authorized watershed and river basin assessments, one determination related to the maintenance of a Corps navigation project, and modifications to the scope of five authorized feasibility studies.³⁸ In addition, WRDA 2022 established two separate committees: one for state and local partners to provide guidance to the Corps on how to more efficiently and effectively complete projects, and another to provide advice and recommendations to the Corps on water resource assistance to Indian Tribes and other economically disadvantaged communities in rural and urban areas.³⁹

In preparation for issuing guidance for implementing WRDA 2022, the Corps opened a 60-day public comment period on January 20, 2023, to receive feedback from stakeholders.⁴⁰

IV. 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).

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. As of November 30, 2023, the Committee has not officially received the 2023 Section 7001 Report. The non-Federal proposal submission period for the 2024 Section 7001 Report was open from January 20, 2023, through March 21, 2023.⁴¹

V. WITNESSES

- Hon. Michael L. Connor, Assistant Secretary, United States Army (Civil Works)
- Lt. Gen. Scott Spellmon, Chief of Engineers and Commanding General, United States Army Corps of Engineers

³⁴ WRDA of 2022, Pub. L. No. 117–263, 136 Stat. 2395, 33 U.S.C. 2201 note.

³⁵ *Id.* at § 8103.

³⁶ *Id.* at § 8102.

³⁷ *Id.* at § 8134.

³⁸ *Id.* at §§ 8202 and 8203.

³⁹ *Id.* at §§ 8150 and 8115.

⁴⁰ Water Resources Development Act Comment Period and Stakeholder Sessions, 88 Fed. Reg. 3729 (Jan. 20, 2023).

⁴¹ Proposals 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).

**WATER RESOURCES DEVELOPMENT ACTS:
STATUS OF PAST PROVISIONS AND FUTURE
NEEDS**

TUESDAY, DECEMBER 5, 2023

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

The subcommittee met, pursuant to call, at 10:01 a.m. in room 2167 Rayburn House Office Building, 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 in order to 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 RE-
SOURCE AND ENVIRONMENT**

Mr. ROUZER. First, I want to thank our witnesses for being here today. And I want to apologize for the quick adjournment of the subcommittee a few weeks ago when we had a few things going on outside of all of our control. But in any event, I'm very grateful to have you with us today as we begin work on the 2024 Water Resources Development Act.

It is helpful for the committee to hear directly from the Army Corps at the beginning of the WRDA process because these bills are the primary way Congress guides the Corps' projects and priorities.

And as we all know, the Corps is the Federal Government's lead water resources development and management agency. Next year will mark the bicentennial anniversary of its first Civil Works mission, which was to improve the safety and navigability of the Ohio

and Mississippi Rivers. Over the past 200 years, the Corps has expanded its primary missions to include flood mitigation, coastal protection, emergency response, and ecosystem restoration.

Whether urban or rural, inland or coastal, meeting the water resources needs in communities across the country is vital to our security, safety, and economic stability. Well-functioning and reliable navigation systems allow for the movement of more than 2 billion tons of cargo each year, levees and dams help protect communities and critical industries from flooding, and coastal restoration projects address erosion and minimize the impacts of storm damage on seaside communities, which is particularly important for my constituents in North Carolina's Seventh Congressional District.

For example, in Brunswick County, the Corps is undertaking a study to address beach nourishment needs for the next 50 years in Oak Island and Holden Beach. In Wrightsville Beach, the re-nourishment project is set to finally move forward this month thanks to the Corps' emergency exception allowing them to use the historic Masonboro Inlet borrow site for sand. Additionally, the town of Surf City anticipates receiving its overdue beach nourishment upon the Corps' approval of funding.

By authorizing projects and studies and providing direction on programmatic changes, WRDA has better enabled the Corps to achieve its key Civil Works missions. Since 2014, Congress has enacted a WRDA bill every 2 years with strong bipartisan support, and we are going to continue that. This consistency during the past decade has allowed Congress to respond to local water resources needs more effectively. It also imparts confidence that we can address water infrastructure needs that may arise in the future, regardless of partisan discord that we may find here in Washington.

Through these bipartisan bills, Congress has authorized new projects and studies across the country. We have also streamlined processes at the Corps, improved project delivery, expanded opportunities for non-Federal project sponsors to develop and execute water resource projects, and enhanced the Corps' ability to respond to emergencies and disasters, to name a few.

For my district, in WRDA 2022, we were able to authorize the North Carolina National Coastal Mapping Study to map inland and coastal waterways and identify potential hazards, such as debris and sedimentation, that can lead and most often does lead to increased flood risk. This study will lead the way in a larger nationwide effort to invest in flood resilience, and I am pleased funding for such was included in the House Energy and Water Appropriations bill.

Additionally, it is important to emphasize that the success of previous WRDAs is due in large part to the strong participation from all Members, not just of this committee, but throughout the House. Coordination with the Corps and constructive feedback from non-Federal partners, as well as other stakeholders, has been critically important as well. I look forward to continuing this bipartisan tradition with WRDA 2024.

So, it is in that spirit that we are very, very pleased to have Assistant Secretary Connor and Lieutenant General Spellmon here before the subcommittee today to discuss their efforts to implement

WRDA 2022, as well as other priorities, as we move towards WRDA 2024.

[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

I'd like to first thank our witnesses, Assistant Secretary Connor and Lieutenant General Spellmon, for joining us today as we begin work on the 2024 Water Resources Development Act (WRDA). It's helpful for the Committee to hear directly from the Army Corps at the beginning of the WRDA process because these bills are the primary way Congress guides the Corps' projects and priorities.

As we all know, the Corps is the federal government's lead water resource development and management agency. Next year will mark the bicentennial anniversary of its first civil works mission, which was to improve the safety and navigability of the Ohio and Mississippi Rivers. Over the last 200 years, the Corps has expanded its primary missions to include flood mitigation, coastal protection, emergency response, and ecosystem restoration.

Whether urban or rural, inland or coastal, meeting the water resource needs in communities across the country is vital to our security, safety, and economic stability. Well-functioning and reliable navigation systems allow for the movement of more than two billion tons of cargo each year, levees and dams help protect communities and critical industries from flooding, and coastal restoration projects address erosion and minimize the impacts of storm damage on seaside communities, which is particularly important for my constituents in North Carolina's Seventh Congressional District.

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By authorizing projects and studies, and providing direction on programmatic changes, WRDAs better enable the Corps to continue working to achieve its key civil works missions. Since 2014, Congress has enacted a WRDA bill every two years with strong bipartisan support. This consistency over the last decade has allowed Congress to respond to local water resource needs more effectively. It also imparts confidence that we can address water infrastructure needs that may arise in the future, regardless of partisan discord in Washington.

Through these bipartisan bills, Congress has authorized new projects and studies across the country. We've also streamlined processes at the Corps, improved project delivery, expanded opportunities for non-federal project sponsors to develop and execute water resource projects, and enhanced the Corps' ability to respond to emergencies and disasters, to name a few.

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Additionally, it's important to emphasize that the success of previous WRDAs is due in large part to the strong participation from Democrat and Republican member offices, coordination with the Corps, and constructive feedback from non-federal partners and other stakeholders. I am proud to have played a role in many of those bills and look forward to continuing this bipartisan tradition with WRDA 2024.

In that spirit, we are very pleased to have Assistant Secretary Connor and Lieutenant General Spellmon here before the Subcommittee today to discuss their efforts to implement WRDA 2022 and other priorities as we move towards WRDA 2024.

Mr. ROUZER. I now recognize my great friend and colleague, Ranking Member Napolitano, for 5 minutes for her opening statement.

Mrs. Napolitano.

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

Mrs. NAPOLITANO. Thank you very much, Mr. Chairman. Thank you for your kind words and for holding today's hearing.

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

I look forward to continuing my relationship with you, Mr. Chairman, with Chairman Graves, and Ranking Member Larsen to get it done. I also want to thank Assistant Secretary Connor and General Spellmon for their testimony, and I also want to give a welcome to Mr. Connor's daughter, Gabriela.

The Corps plays a critical role in addressing the water resources challenges of the Nation, protecting our communities from flooding, restoring our environment and ecosystems, and maintaining our Nation's economy by supporting ports and harbors.

Timely implementation of past WRDA provisions can help make communities more resilient to stronger storms and higher seas and, of course, longer droughts. And this is especially true related to the water supply and water conservation needs of this country.

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

For too long, we have seen the Corps revert back to the position 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.

The Corps restates that arbitrary stance in its report on water supply and conservation that I requested in WRDA 2020 and was submitted to Congress in September. I ask unanimous consent that this report be included as part of today's hearing record.

Mr. ROUZER. Without objection.

[The information follows:]

Report, "Water Resources Development Act of 2020, Section 221—Study on Water Supply and Water Conservation at Water Resources Development Projects," by U.S. Army Corps of Engineers, August 2023, Submitted for the Record by Hon. Grace F. Napolitano

The 22-page report is retained in committee files and is available online at <https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll5/id/37142>.

Mrs. NAPOLITANO. Mr. Chairman, much of the country is now facing similar water supply challenges that we have long felt in the West. In my view, that necessitates rethinking the role the Corps can play to help communities facing water insecurity—not to supplant State and local water efforts, but to support them.

If the Corps or the Office of Management and Budget is using arbitrary, policy-level factors to shut down the consideration of congressionally authorized water supply and water conservation elements in water resources projects, we should all be concerned. If the Corps or OMB is using artificial barriers to exclude from consideration worthy projects with substantial State and local support, then Congress needs to revisit how authorized water supply and water conservation elements are ranked among the historic priorities and missions of the Corps. This is an issue that I have followed for a long time and something I want to continue to discuss with stakeholders and partners in Congress as we develop a new WRDA bill for 2024.

We will all see on the news the challenges of dividing up the Colorado River water and efforts made by the States and the Federal Government to find solutions for the future. With water supply as a mission area, the Corps should be part of the solution as well.

In WRDA 2022, Congress also authorized provisions to ensure the Corps was forward-thinking in addressing the challenges of climate change. For example, I coauthored the Managed Aquifer Recharge Study—that is a word—to direct the Corps to conduct a national assessment of managed aquifer recharge projects.

WRDA 2022 also directed the Corps to prioritize the update of water control manuals—my favorite subject—for the Corps' projects that include water supply or water conservation as authorized purposes. These are commonsense measures that help States like California prepare for the world of climate change and severe drought.

I am also particularly thankful that in WRDA 2022, we were able to make a commitment to address the needs of Tribal and disadvantaged communities, building on similar provisions from 2020. Full implementation of these provisions is critical to address legacy challenges faced by Tribal and disadvantaged communities in seeking assistance or partnering with the Corps to address local water resource challenges.

The Corps has great resources and technical expertise, and we must ensure that all communities are able to access their assistance.

Mr. Chairman, this is a WRDA which will be the sixth biennial bill since the committee returned to regular passage of WRDA bills in 2014. I look forward to continuing to work with you and all of our bipartisan colleagues on another successful WRDA this Congress.

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.

I look forward to continuing my partnership with you, with Chairman Graves, and with Ranking Member Larsen to get this done. I also want to thank Assistant Secretary Connor and General Spellmon for their attendance and testimony.

The Corps plays a critical role in addressing the water resources challenges of this nation, protecting our communities from flooding, restoring our environment and ecosystems, and maintaining our nation's economy by supporting our ports and harbors.

Timely implementation of past WRDA provisions can help make communities more resilient to stronger storms, higher seas, and longer droughts—and this is especially true related to the water supply and water conservation needs of the nation.

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.

For too long, we've seen the Corps revert to the position 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. The Corps restates that arbitrary stance in its report on water supply and water conservation that I requested in WRDA 2020 and was submitted to Congress in September of this year.

I ask unanimous consent that this report be included as part of today's hearing record.

Mr. Chairman, much of the country is now facing similar water supply challenges as we have long felt in the West. 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.

If the Corps or the Office of Management and Budget is using arbitrary, policy-level factors to shut down the consideration of Congressionally-authorized water supply and water conservation elements in water resources projects, we should all be concerned.

If the Corps or OMB is using artificial barriers to exclude from consideration worthy projects with substantial state and local support, then Congress should revisit how authorized water supply and water conservation elements are evaluated within the other historic priorities and missions of the Corps.

This is an issue that I have followed for a very long time, and something I continue to discuss with stakeholders and partners in Congress as we develop a new WRDA bill for 2024.

Mr. Chairman, the last few WRDAs included significant policy wins for how the Corps develops and implements projects.

For example, in WRDA 2022, Congress directed the Corps to be more forward-thinking in addressing the challenge of climate change.

For example, I co-authored the Managed Aquifer Recharge Study to direct the Corps to conduct a national assessment of managed aquifer recharge projects.

WRDA 2022 also directed the Corps to prioritize the update of water control manuals for Corps' projects that include water supply or water conservation as authorized purposes. These are common sense measures to help states like California prepare for the world of climate change and severe drought.

I am also particularly thankful that in WRDA 2022 we were able to make a commitment to address the needs of tribal and disadvantaged communities, building on similar provisions from WRDA 2020. Fully incorporating these changes into the Corps' culture is critical to address the historic challenges faced by Tribal and disadvantaged communities in working with the Corps.

The Corps has great resources and technical expertise, and we must ensure that all communities are able to access their assistance.

Mr. Chairman, the next WRDA would be the sixth biennial bill since the Committee returned to regular passage of WRDA bills in 2014. Last Congress, we worked together with friendship and collegiality through hearings and meetings for a bipartisan accomplishment.

I look forward to working with you on another successful WRDA this Congress. Let's get to work, and I yield back.

Mr. ROUZER. I thank the gentlelady.

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

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

Mr. LARSEN OF WASHINGTON. Thank you, Chair, thank you, Ranking Member Napolitano, for holding this hearing. I want to welcome back the panel as well, and thanks for your flexibility in coming back.

Since 2014, this committee has honored its commitment to meet local water resource needs around the country, carried out by the Army Corps through the bipartisan and biennial enactment of the Water Resources Development Acts. Predictable WRDA enactment supports projects that address local water resource challenges, creating jobs in construction and supporting industries and the businesses that benefit directly from Corps' projects.

Regular 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, including section 214, of which I will have a question for you on its implementation.

WRDA 2022 provides a good blueprint for future WRDAs. This legislation successfully authorized the construction of 25 new projects covering every 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 water and wastewater infrastructure requested by local officials in western Washington State. These Federal, State, and local partnerships are critical to help address the growing water and wastewater infrastructure needs throughout the country.

Lastly, WRDA 2022 continued to expand America's navigational capacity, strengthen its supply chains, ensure our communities are resilient to the challenges posed by climate change, and increase the coordination between the Corps and Tribal, minority, and economically disadvantaged communities.

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

The Bipartisan Infrastructure Law is a great example of how this should work. The BIL provided a massive downpayment, a total of about \$17 billion, for critical WRDA projects. The Corps has shown exactly how and where they spent that money. Nearly all of it has been allocated. These BIL dollars are hard at work, making a positive im—American jobs—and the U.S. economy.

Now the Congress must ensure the seamless implementation of critical water resource development projects while providing the Corps with sufficient funds to carry out its missions.

So, I look forward to the continued partnership with Chair Graves, Chair Rouzer, and Ranking Member Napolitano as well, in developing a new bipartisan WRDA 2024. And I welcome the leadership of the Corps here today as part of that discussion.

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, Chairman Rouzer and Ranking Member Napolitano, for holding this hearing.

I want to welcome back the panel as well, and thanks for your flexibility in coming back.

Since 2014, this Committee has honored its commitment to meet local water resources needs across the country, carried out by the Army Corps of Engineers (Corps), through the bipartisan and biennial enactment of Water Resources Development Acts (WRDAs).

Predictable WRDA enactment supports projects that address local water resources challenges creating jobs in construction and supporting industries and the businesses that benefit directly from Corps' projects.

Regular 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, including section 214 on which I will have a question for you regarding its implementation.

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

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The Corps has shown exactly how and where they spent that money—nearly all of it has already been allocated.

These BIL dollars are hard at work, making a positive impact on communities, and creating and supporting good-paying American jobs and the U.S. economy.

Now, Congress must ensure the seamless implementation of critical water resources development projects, while providing the Corps with sufficient funds to carry out its mission.

I look forward to a continued partnership with Chairman Graves, Chairman Rouzer, and Ranking Member Napolitano, in developing a new, bipartisan WRDA 2024, and welcome the leadership of the Corps here today as part of that discussion.

Mr. ROUZER. I thank the gentleman.

I would now like to again welcome our witnesses. I really appreciate you coming back today. Your testimony is critically important to us as we move forward.

So, we have the Honorable Michael L. Connor, Assistant Secretary of the Army for Civil Works, and then, of course, Lieutenant General Scott Spellmon, Chief of Engineers and Commanding General of the United States Army Corps of Engineers.

So, we all are familiar with the lighting system. I won't belabor that. Obviously, green means go, yellow means running out of time, and red means try to conclude your remarks.

And a little advisory to the Members. I anticipate we are going to have a number of Members come today representing both sides of the aisle, and to make sure we can accommodate everybody in a timely manner, try to keep your questions to 5 minutes. And if you ask a final question with no time left, I am going to gavel you down, so, just know that upfront. So, think about how many questions you have and how long it takes to get them answered, and use your time to your best advantage.

I ask unanimous consent 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 any 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, the witnesses, limit your oral remarks to 5 minutes.

With that, Assistant Secretary Connor, you are recognized for 5 minutes.

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

TESTIMONY OF HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY

Mr. CONNOR. Thank you.

Chairman Rouzer, Ranking Member Napolitano, distinguished committee members, thank you for the opportunity to discuss the implementation of WRDA 2022 and the administration's priorities for WRDA 2024.

The Army Corps of Engineers Civil Works program is the Nation's largest water resources program. It serves three primary missions: flood and storm damage risk reduction, commercial navigation, and aquatic ecosystem restoration. The program also addresses a host of other missions authorized and funded by Congress, including regulatory permitting, recreation, hydropower production, water supply, disaster response, and radiological cleanup, the FUSRAP program.

This is a massive set of responsibilities, and the Civil Works program contributes significantly towards the Nation's well-being, supporting the economy, and protecting and improving the lives of Americans. We appreciate the substantial resources now in hand through the Bipartisan Infrastructure Law disaster supplementals

and annual appropriations to advance the President's Investing in America agenda.

The water resources challenges of today and tomorrow are not like those of yesterday. Climate change-driven weather extremes are increasingly the norm, creating risk to communities, the economy, and natural systems. As a result, the Army's Civil Works program needs to continue to evolve, modernize, and partner with sponsors and communities in different ways to effectively meet its mission responsibilities and new challenges.

We look forward to working closely with Congress in developing the next WRDA to ensure we have the tools, processes, and resources in place to, one, better assess risks and innovate our approach to effectively address those risks; two, improve our processes to appropriately and equitably serve a broader set of communities; and three, develop projects for consideration by Congress that provide multiple benefits, have community acceptance, and include well-developed cost estimates.

Before elaborating on evolving needs, we know the community is focused on implementation of recent WRDAs. Following the passage of WRDA 2022, the Army and Corps of Engineers gathered public input on implementation of its provisions. Army Civil Works and the Corps are developing implementation guidance for 12 of those provisions. In the past week, I finalized and signed three of those guidance documents.

There are also several provisions in WRDA 2022 to address droughts. I will continue to work with the Corps to develop meaningful near-term activities to address drought-related issues while advancing long-term drought resilience. We are in the water availability business even while others provide direct supply.

I should note that drought is not just an issue impacting the arid West. This is the second year in a row the Mississippi River has experienced extreme low water due to severe drought across parts of the central United States. The Corps has been continually dredging to keep the channel open in the Mississippi River for safe navigation to support the Nation's supply chains. We have also been working closely with the State of Louisiana to provide emergency drinking water systems for the State's southern residents impacted by saltwater intrusion as a result of those low flows.

Now, as we look to a WRDA 2024, the Corps is committed to help communities improve their resilience to the evolving set of challenges we see in water resources management. Key tools include our technical assistance programs and water resources projects, and it goes without saying that much of the Army's work can only be accomplished through a foundation of partnerships between the Corps and local communities, as well as the States.

As highlighted earlier, the Army is committed to advancing the President's Investing in America agenda, including advancing environmental justice and delivering on the Justice40 initiative to ensure Federal investment funds are provided to marginalized communities impacted by years of underinvestment. The Corps has increased partner engagement through its Planning Assistance to States, Flood Plain Management Services, and Tribal Partnership Program, as well as studies for flood and coastal storm risk management and aquatic ecosystem restoration.

My office is also working to improve our nation-to-nation consultations to ensure Tribal nations have meaningful involvement on Federal actions which affect their interests. We welcome the tools provided in recent WRDAs to make better use of these programs and will continue to be engaged with Congress as new needs emerge.

I will also continue to implement innovative and modernized authorities to carry out measures to address sea level rise, beneficial use of dredge material, natural and nature-based solutions, and deliver on the growing demand for environmental infrastructure and multipurpose projects.

Thank you for the opportunity. I look forward to addressing your questions.

[Mr. Connor's prepared statement follows:]

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

Chairman Rouzer, Ranking Member Napolitano, and distinguished members of the committee, thank you for the opportunity to be here today to discuss the implementation of the Water Resources Development Act (WRDA) of 2022 and the Army's priorities for WRDA 2024.

The U.S. Army Corps of Engineers Civil Works Program is the Nation's largest water resources program. It serves three main missions: flood and storm damage reduction, commercial navigation, and aquatic ecosystem restoration. The Civil Works Program also addresses a host of other water resource and infrastructure needs as authorized and funded by Congress. Our civil works projects have contributed significantly toward the Nation's well-being, supporting the economy and protecting and improving the lives of Americans with innovative water management processes to facilitate commercial navigation and address flood risk and drought.

The Army works with our Nation's coastal ports to maintain their channels; operates and maintains the inland waterways of commerce; supports Tribal, state, and local flood and coastal storm damage risk management reduction activities; restores significant aquatic ecosystems; and operates and maintains multipurpose dams, as well as the reservoirs behind them. There are about 250 million day-visits a year for recreation at Corps' lands and reservoirs, making the Corps one of the top Federal recreation providers.

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

It's important to note that the water resources challenges of today and tomorrow are not like those of yesterday. Weather extremes are increasingly the norm, creating risk to communities, the economy, and natural systems. As a result, understanding vulnerabilities and increasing our preparedness is of paramount importance.

Following the passage of WRDA 2022, and as required by WRDA 2014, the Army and the Corps held a 60-day public comment period as well as four listening sessions, one which was focused on Tribal Leaders, to gather input on implementation of all provisions. Army Civil Works and the Corps are developing implementation guidance for 12 provisions and working with appropriate Corps teams to guide implementation of project specific provisions, such as Section 8155 (Continuation of Construction) and Section 8106 (Scope of Feasibility Studies) of WRDA 2022. The implementation guidance is in the final stages of review, and I anticipate issuing the guidance soon.

Through the 94 feasibility studies and 25 construction projects authorized in WRDA 2022, the Corps can continue to address water resources challenges and critical infrastructure needs within the commercial navigation, flood and storm damage reduction, and aquatic ecosystem restoration mission areas.

WRDA 2022 also calls for the standing up of four federal advisory groups to the Secretary. The groups include:

- Managed Aquifer Recharge Working Group (Section 8108)
- Tribal and Economically Disadvantaged Communities Advisory Committee (Section 8115)
- Non-Federal Interests Advisory Committee (Section 8150)
- Western Water Cooperative Committee (Section 8158)

To date, significant progress has been made in developing the plans to stand-up the committees. Three advisory committees have been identified by the Department of Defense (DoD) as being subject to the Federal Advisory Committee Act and a determination on the fourth committee is under DoD review.

I recognize the opportunities provided through WRDA 2022 to address drought, and I will continue to work with the Corps to develop meaningful near-term activities to address drought-related issues while advancing long-term drought resilience through robust forward-thinking actions. This legislation strengthens the Nation's capabilities and challenges posed by drought. This is the second year the Mississippi River has experienced severe low water after a summer of intense heat and lower-than-average rainfall which has triggered drought across parts of the central U.S. The Corps is working to keep the channel open for safe navigation to support the Nation's economy and maintain a robust supply chain to move goods to market.

Also, Section 8311 (Acequias Irrigation Systems) of WRDA 2022 changes the non-Federal cost share for a Tribal community as well as supports research, development, and training for innovative management solutions, including those for controlling invasive aquatic plants that affect acequias. This will ensure greater resiliency and address threats from changing hydrological and climatic conditions.

As we look to a WRDA for 2024, the U.S. Army Corps of Engineers is committed to the national effort to help communities improve their resilience to extreme weather events, through its technical assistance programs and water resources projects, a mission of increasing importance with our changing climate. Much of the Army's work can only be accomplished through a foundation of partnerships between the Corps and local communities, which allow us to work together to help develop, manage, restore, and protect the Nation's water resources and the environment.

Moving forward, my priorities are:

- to maintain the Nation's inland waterways and coastal ports to support supply chains and economic growth,
- to build innovative, climate-resilient infrastructure to reduce risk to communities and aquatic ecosystems,
- to modernize the civil works' programs to better serve the needs of our Nation, including tribal and disadvantaged communities,
- to invest in research and development to deliver water resource solutions, and
- strengthen communications and relationships to solve water resource challenges.

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

Through the President's Investing in America agenda, the Army Corps of Engineers is advancing environmental justice and delivering on the Justice-40 Initiative, which is focused on ensuring 40 percent of the overall benefits of certain federal investments are reaching disadvantaged communities that have been marginalized by years of underinvestment. The Corps has increased stakeholder engagement through its Planning Assistance to States, Floodplain Management Services, and the Tribal Partnership Program, as well as areas such as studies for flood and coastal storm risk management and aquatic ecosystem restoration. My office is also working to improve our Nation-to-Nation consultations to ensure Tribal Nations have meaningful involvement on federal actions which have Tribal implications. We are also making a concerted effort to strengthen our Tribal relationships through partnerships in programs and projects, especially under the Tribal Partnership Program. I issued a policy clarification memorandum to the Corps to ensure they deliver the Tribal Partnership Program to the fullest extent allowed under the current authority. My office recently hosted webinars with Tribes and engaged in consulta-

tion to discuss our efforts and why we are developing comprehensive guidance on the program.

The Bipartisan Infrastructure Law has advanced actions to promote climate resilience and environmental justice and strengthening the supply chain. These investments are helping Americans in many communities across the Nation.

The Corps Water Infrastructure Financing Program (CWIFP) will enable local investment in non-federal dam safety infrastructure by offering credit assistance in the form of direct loans and loan guarantees for non-federal dam safety projects to maintain, upgrade and repair dams identified in the National Inventory of Dams. Priority will be given to projects serving economically disadvantaged communities through fee waivers and project financing up to 80% of the total project costs. This is a significant milestone for the Corps and represents a new and innovative way for the Army to support the Nation's investment in infrastructure.

I also am working to support local efforts to respond and adapt to sea-level rise, and to increase the beneficial use dredged material and incorporate natural and nature-based solutions where appropriate.

In closing, the Army Civil Works Program is using its significant capabilities in an equitable manner to address longstanding environmental justice concerns; boost the Nation's economy through navigation; and tackle climate change impacts.

Thank you, Chairman Rouzer, Chairwoman Napolitano and Committee Members. I look forward to answering any questions you or other Members of the Committee may have.

Mr. ROUZER. Thank you.
General Spellmon.

**TESTIMONY OF LIEUTENANT GENERAL SCOTT A. SPELLMON,
CHIEF OF ENGINEERS AND COMMANDING GENERAL, U.S.
ARMY CORPS OF ENGINEERS**

General SPELLMON. Chairman Rouzer, Ranking Member Napolitano, Ranking Member Larsen, and distinguished members of the subcommittee, I am honored to testify before you today, and thank you for the opportunity to discuss implementation of past Water Resources Development Acts and future water resources needs.

This past fiscal year, the U.S. Army Corps of Engineers obligated \$40.7 billion, \$18 billion of which went to implementing our Civil Works mission. This is the second highest program year in our 249-year history, and this could not have happened without the tools and authorities given to us by this committee and Congress.

I believe we have good momentum heading into fiscal year 2024 as well. For example, the Everglades program, we anticipate awarding over \$1 billion into restoration work for fiscal year 2024. On the research and development front, we are working to enhance our knowledge in new and powerful technologies, such as crowdsourced bathymetry, and achieving a better understanding of the sources and control for events like harmful algal blooms, and many, many other initiatives.

Specifically, we want to thank this committee for authorization of an R&D account for the Corps. Many other Federal agencies enjoy this benefit, and once this is in place, it will bring greater transparency, cohesion, and much more visibility to our research and development efforts in the Corps and to the Army's overarching modernization efforts.

In our regulatory program, we currently employ 1,300 staff members. In fiscal year 2023, these professionals processed just over 43,000 section 10 and 404 permits. We rendered just under 32,000 of those permit decisions, or 74 percent of them, on time. We know that is not good enough.

We continue to seek ways to improve our metrics with further investments in our regulatory viewer and regulatory request system. These improvements will help applicants better understand permitting requirements and assist our regulators in their field analysis so they can make more timely and efficient decisions.

I want to thank the subcommittee for your continued support of the Civil Works program. Your commitment to passing biennial WRDAs since 2014 has provided the authorizations and tools necessary to advance our Civil Works mission and enable critical policy transformations to address the Nation's changing water resource infrastructure needs.

In WRDA 2022, Congress authorized 25 new construction projects, 94 new feasibility studies, and 131 new environmental infrastructure projects. When funded, these initiatives will strengthen the supply chain, address the changing climatic conditions we are seeing across our project footprints, advance environmental justice, invest in Tribal nations, and provide much-needed water resource projects to traditionally underserved communities.

WRDA 2022 and prior WRDA authorizations, as well as the 2024 budget and other recent funding, provides the Corps with what the Secretary calls a transformational opportunity to deliver water resource infrastructure projects that will positively impact communities across our great Nation. I am confident WRDA 2024 will build on this progress.

I will conclude by saying that we do not accomplish anything on our own. Delivering successful Civil Works projects is a shared responsibility with our non-Federal sponsors, project stakeholders, and Congress. In other words, it is a team sport. I look forward to continuing our great collaboration as we face the challenges of today and tomorrow.

Thank you again, Chairman Rouzer, Ranking Member Napolitano, Ranking Member Larsen, and members of the subcommittee. I look forward to answering your questions.

[General Spellmon's prepared statement follows:]

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

Chairman Rouzer, Ranking Member Napolitano, and distinguished members of the Subcommittee. I am honored to testify before you today along with the Honorable Michael Connor, Assistant Secretary of the Army for Civil Works, regarding implementation of previous Water Resources Development Acts (WRDA) and future water infrastructure needs. Most importantly, I look forward to continuing to work with this committee, the Congress, and the Administration to help address the Nation's water resources challenges.

Through the Army Civil Works program, the United States Army Corps of Engineers (Corps) works with other Federal agencies, States, Tribes, and local governments, as well as others, to develop, manage, restore, and protect water resources, primarily through the study, construction, and operation and maintenance of water-related infrastructure projects. The Corps also regulates development affecting waters of the United States, including wetlands, and works with other Federal agencies to help communities respond to, and recover from, floods and other natural disasters.

The authorizations and funding provided to us by Congress will allow us to advance our three main missions of commercial navigation, flood and storm damage reduction, and aquatic ecosystem restoration, as well as support related project purposes, such as water supply, hydropower, and recreation. The Civil Works program is performance-based and focuses on high-performing projects and programs within

these three main mission areas. The Corps uses its engineering expertise and relationships with project sponsors and stakeholders to develop innovative approaches to address some of the most pressing water resources challenges facing the Nation. Since 2014, the WRDA has provided the U.S. Army Corps of Engineers with biennial authorizations to advance the Corps Civil Works missions by enabling critical policy transformations to address the changing needs of the Nation's water resources infrastructure.

WRDA 2022 provided the Corps the flexibility to design projects that respond to a wider suite of impacts associated with climate change. WRDA 2022 also provided flexibility to address the water resources needs of urban and rural communities with environmental justice concerns. This is a high priority goal of the Administration. An important next step for Army Civil Works will be the adoption of procedures implementing the Water Resources Principles, Requirements, and Guidelines. In partnership with the Assistant Secretary for Army for Civil Works, we expect to formally initiate a rulemaking process on this issue later this year. This rulemaking will include a focus on securing environmental justice and spurring economic opportunity for disadvantaged communities that have been historically marginalized, underserved, or overburdened by pollution, and may have been left behind in the past in terms of infrastructure development.

The Corps Tribal Nations Program enables the Army to partner with Federally recognized American Indian and Alaskan Native tribal governments to identify solutions to their water resources challenges, which will substantially benefit the people who live in Indian Country or in Alaska Native villages. The Corps works with Native American Tribes as cost-share partners on Civil Works projects through its Tribal Partnership Program, under its Planning Assistance to States Program, as well as through specifically authorized Civil Works projects. WRDA 2022 supports our trust commitment to Tribal Nations by enhancing the breadth and reach of the Tribal Partnership Program, strengthening tools to provide Tribal assistance, as well as establishing a framework for an advisory committee to further facilitate delivery of water resources projects to Tribal Nations. The Corps reaffirms its commitment to engage in regular, meaningful, and robust consultation with Tribal officials in the development of water resources projects and on regulatory actions that have Tribal implications.

WRDA 2022 also included an authorization for the Army Civil Works research and development (R&D) program. Through R&D, we are making investments to tackle future water resources challenges and advance related technological development in support of the three Army Civil Works main missions. This investment demonstrates the Administration's commitment to engineering innovation to deliver enduring water resource solutions for the Nation. This investment will allow the Corps to continue addressing the most pressing knowledge gaps that our practitioners face while doing their jobs in the field, such as operational, data-driven methods to improve navigation channel maintenance, the beneficial use of dredged material, and flood and storm risk management modeling. Investments proposed by the President's Budget for Fiscal Year 2024 include funding to advance longer-term research and development by accelerating the Forecast-Informed Reservoir Operations Assessment, which will further our understanding of atmospheric river impacts on flood risk management, water supply, and other water uses; as well as funding to inform and improve our overall asset management strategy, with a focus on work that has the potential to achieve significant cost savings in the Civil Works program. Knowledge gained by the further development of such water management tools and strategies will inform the Corps' ability to respond to severe climatologic conditions, including adaptation for sea level rise and persistent drought.

In September 2023, we issued our Notice of Funding Availability for the Corps Water Infrastructure Financing Program authorized under the Water Resources Reform and Development Act of 2014. This program allows the Corps to accelerate non-federal investments in water resources infrastructure by providing direct loans and loan guarantees to creditworthy borrowers in order to maintain, upgrade, and repair non-federal dams. It is the Corps' first ever loan program and enables local investment in infrastructure projects that enhance community resilience to flooding, promote economic prosperity, and improve environmental quality.

WRDA 2022 also represents Congress's continued commitment to the communities you serve by authorizing numerous projects and studies, including those within your districts. Congress authorized 25 construction projects, 94 feasibility studies, and 131 New Environmental Infrastructure projects. Through our studies and projects, the Corps evaluates the benefits and costs of options to strengthen the supply chain, address the climate crisis, advance environmental justice, invest in Tribal Nations, and assist traditionally underserved communities.

My top priorities include identifying the highest priority potential investments for the Army Civil Works Program, starting with the maintenance of our existing infrastructure, and ensuring that we deliver studies and finish quality projects safely, on time, and within budget. I am focused on delivering projects that will contribute to the effort to enhance the Nation's resilience to climate change. These priorities will ensure a better return on taxpayer investment and improve the lives of all Americans.

Thank you, Chairman Rouzer and Members of the Subcommittee. This concludes my statement. I appreciate the opportunity to testify today and look forward to answering any questions you may have. Thank you.

Mr. ROUZER. Well, thank you both for being here again, and thank you very much for your testimony.

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

Mr. Connor, first, before I get into WRDA, I want to touch base quickly on WOTUS. We continue to hear concerns from stakeholders on the lack of clarity from the Corps on implementation of the revised WOTUS definition. I am aware the Corps, along with EPA, recently published some additional guidance. And although the *Sackett* decision emphasizes relatively permanent waters, it remains quite unclear how this new rule will be interpreted regarding ephemeral streams.

Does the Corps plan to provide additional clarification on this? And if so, when would that be?

Mr. CONNOR. Thank you, Mr. Chairman. We are now back in the jurisdictional determination business with the issue, and so, the conforming rule as of September 8. So, the first stage of the implementation aspect of the conforming rule is to move forward and start making those jurisdictional determinations. I believe we have made 631 approved JDs since the issuance of the rule. We have got a backlog of over 4,000.

Those processes are informing what will ultimately be a guidance process, which I think is what you just asked specifically about. Will we have guidance ultimately on implementing continuous surface connection? Yes, we will, but right now, the focus is on working through those jurisdictional determinations.

Most of them that have been done haven't been controversial, haven't resulted in any significant discussion between ourselves and the Environmental Protection Agency. Some of them are. And that is going to inform us as we further define what the Supreme Court meant through the continuous surface connection test.

So, bottom line to all of that is: Jurisdictional determinations first, do our lessons learned, continue to engage with the public, and then look as we get into next year doing guidance documents. That is the game plan as it exists right now.

Mr. ROUZER. Well, wouldn't the jurisdictional determinations be determinant based on your guidance at the national level rather than the other way around?

Mr. CONNOR. It's a chicken or the egg type of situation, Mr. Chairman. I think we will apply the test, go through as it was laid out. It's pretty much a new test that the Supreme Court has provided us in the *Sackett* decision. So, we need to dissect all the elements of that opinion as we go through those jurisdictional determinations and inform ourselves as we seek more long-term guidance.

Mr. ROUZER. Well, it sounds like very muddy water to me, but I have got to move on.

The committee is currently in receipt of three Chief's Reports. The committee has not yet received any Post-Authorization Change Reports from the Corps. How many Chief's Reports and PACRs should we expect for potential inclusion in the 2024 WRDA?

General SPELLMON. Mr. Chairman, we are on track to submit 15 Chief's Reports for Congress' consideration in WRDA 2024 and 1 Post-Authorization Change Report.

Mr. ROUZER. Well, as you know, we really need those in order to do our work and do it properly.

Mr. Connor, Surf City, North Carolina, is currently waiting to begin a critical beach nourishment project that has been long overdue, as you know, and will serve to protect this coastal community for decades to come. The Chief's Report for Surf City and North Topsail Beach project was completed in 2010. It was authorized in WRDA 2014. Project construction was funded through the 2019 Disaster Relief Act. Topsail Beach ended up withdrawing from the project in 2021, triggering the need to authorize a new Surf City-only project in order to use those 2019 funds.

Currently, investigations funds that would ultimately lead to construction are waiting for your approval. When can we expect Surf City to get this funding and move forward?

Mr. CONNOR. Yes, Mr. Chairman. We need to make a decision with respect to Surf City. We are going through that process within the administration. It's time to ensure that we have the resources to do the general reevaluation report.

So, I will go back and make sure that there is clarity that we need to get those funds to move forward. So, hopefully in the very near future, I can provide you the specific answer to your question about specifically when.

Mr. ROUZER. Well, I think, as we all know, every day that these projects are delayed is another day that these communities are at risk, particularly coastal communities. We saw that when Hurricane Ian hit Wrightsville Beach last year. And I know you are both very familiar with Wrightsville Beach, and I greatly appreciate your work to help get that issue straightened out, but that re-nourishment should have been done 2 years ago. And so, we must take seriously the timeliness of these requests and the need to continue protecting the life and property of our coastal areas and our coastal citizens.

With that, I have 2 seconds left. My time has expired.

I will now yield to Mrs. Napolitano.

Mrs. NAPOLITANO. Thank you, Mr. Chairman.

Assistant Secretary Connor, when you last appeared before the subcommittee, I asked you about the implementation of the set-aside for 12 percent of the Harbor Maintenance Trust Fund for donor ports from the WRDA 2020 bill, yet there has been no action on this issue.

The authority for expanded use of donor ports is of critical importance to me and the ports in my region in Los Angeles and Long Beach. The ports of L.A. and Long Beach collect over \$200 million a year in harbor maintenance funds but only receive 5 percent back

for their projects. Incredibly unfair, and that is why we negotiated improvements for donor ports in WRDA 2020.

What is the Corps doing to address the inequity and follow Congress' direction regarding targets set in WRDA 2020 for donor ports?

Mr. CONNOR. Thank you, Ranking Member Napolitano. I don't know that I have had a discussion of any issue more than I have with respect to donor ports, so, I recognize the importance across both the House and the Senate with respect to the interest in that provision and the provisions of WRDA 2020 that were negotiated and enacted into law.

So, the answer to your question is we did not include funding in our 2024 budget for donor ports. That was the one part of the 2020 legislation that was left out. We understand the importance it has to you and a whole host of other Members. So, we have solicited from those donor ports their needs, how they would use funding. We want to be prepared should there be workplan money in 2024 that we can look to, allocate resources towards some of those needs, and we certainly have this under consideration given its priority for Congress as we develop our next 2025 budget.

Mrs. NAPOLITANO. Thank you.

In the water supply and water conservation report submitted to Congress in September, the Corps highlights that, regardless of congressional authorization, "priority would remain primarily with core authority areas for flood risk management, aquatic ecosystem restoration, and navigation, rather than water supply, water conservation and other allied purposes."

With all the potential benefits of enhanced water conservation efforts, can this internal budgetary prioritization result in potentially beneficial water supply actions not being pursued?

Mr. CONNOR. Ranking Member, I think we are pursuing water supply in many different ways, and I think important ways. So, a few examples I will just identify real quickly. As I mentioned to you, looking at our projects for the variety of benefits that they can provide is incredibly important. We can't just do a flood control project without thinking of water supply and environmental restoration.

We recently did that, as an example of what I mentioned to you earlier, which is, we have Prado Dam and Whittier Narrows Dam as flood control projects. Earlier this past year, we had this strange event in August, Hurricane Hilary, that was coming up the west coast. We were prepared to do significant flood control actions.

It ended up being a little bit of a lesser storm, so, we pivoted and we operated under our deviations for Prado and Whittier Narrows, and we turned it into a water supply event, where we metered out the water that did come in so we could provide it to the local providers for their managed aquifer recharge systems, 19,000 acre-feet that they stored underground.

That is an example of how we can think about holistically our projects in a way that we are ensuring we are doing all we can to enhance water availability so that water suppliers can ensure that they have drought resilience in their systems.

We are going to continue to have water supply contracts. We are looking in other places that are drought stricken how we can get

water under contract that is not currently under contract but through environmental restoration, flood control/water supply/managed aquifer recharge, as well as direct contracts. I think we have got an array of tools to address water supply, and that is a priority for the Corps of Engineers.

Mrs. NAPOLITANO. Is the dredging part of it so that there would be more catch, dredging of the dams?

Mr. CONNOR. I am sorry. Can you repeat the question?

Mrs. NAPOLITANO. Well, we have long known that sometimes the dams get sediment, and the dredging is part of keeping them ready for more captured water. My question is: Where are we in the projects with the dam dredging?

Mr. CONNOR. I believe there was an authorization in WRDA 2022 with respect to looking at the prospects of removing sediment. I am not sure exactly where we are, other than I think we are preparing if we have resources to undertake that study.

General Spellmon?

General SPELLMON. Ma'am, real quick. I will tell you, we are about to take to the Secretary—another example, to just highlight what Mr. Connor mentioned, reallocation studies. So, we have got a great one here for Stockton Lake in Missouri we will take to the Secretary in March. We are finalizing our data now. And just some really new R&D initiatives to help us better understand sedimentation in our reservoirs.

Mrs. NAPOLITANO. Thank you very much.

I yield back.

Mr. ROUZER. The gentlelady yields back.

Mr. Webster, you are recognized.

Mr. WEBSTER OF FLORIDA. Thank you, Mr. Chair.

A lot of things have been discussed about the availability of products and so forth because of the supply chain, and I know navigation and freeing channels and so forth is an important part of that, I believe it is, to move the cargo.

What are the highest challenges that you face—I ask this to the lieutenant general—in the mission that you have to improve that navigation? What would be the, I don't know, biggest challenges?

General SPELLMON. Yes, sir. I will start out by saying I am responsible for maintaining 577 Federal navigation channels across the country at 1,208 ports. The funding and authorities that this committee and Congress have given us have been extremely helpful. We greatly appreciate, I will add, the provision that allows increased draws from the Harbor Maintenance Trust Fund to allow us to get after more channels and, specifically, more low-use channels.

This year, at the end of fiscal year 2023, the Harbor Maintenance Trust Fund had an end-of-year balance of \$10.3 billion, and we appreciate Congress' direction to allow us to have increased draws on that account moving forward.

Mr. WEBSTER OF FLORIDA. So, how are you addressing these challenges that exist? Is that just the money? Is that what is needed?

General SPELLMON. No, sir. I wouldn't say it is just the money. We have—given the investments that Congress has made in our navigation program, it has forced us to take scheduling with the

dredge industry to a whole new level. I think you are aware that there are 19 hopper vessels in the United States of America working today. Four of them belong to the Army Corps of Engineers. I mentioned 577 navigation channels. You can imagine the scheduling exercises that we go through.

We have great, great partners in the dredging industry. We have just got to take our scheduling game to the next level.

Mr. WEBSTER OF FLORIDA. So, in your testimony, I think you talked about performance-based and focusing on high-performing projects. What are the markers you look for to make something a high-performing project?

General SPELLMON. Yes, sir. So, in that case, we are looking at the amount of cargo that may come in to a port, the amount of traffic that transits these navigation channels on a monthly, on an annual basis. That is generally what we mean when we say performance-based.

Mr. WEBSTER OF FLORIDA. But in a high-performing project would be, how does it get to that point? How do you move from a performing project to a high-performing project?

General SPELLMON. Yes, sir. And I am happy—I can share with you all of our metrics that we use for high-use ports, medium-use ports, and low-use ports, how we measure that.

Mr. WEBSTER OF FLORIDA. So, there are three rankings?

General SPELLMON. Yes, sir.

Mr. WEBSTER OF FLORIDA. OK. Thank you.

I yield back.

Mr. ROUZER. The gentleman yields back.

Mr. Larsen.

Mr. LARSEN OF WASHINGTON. Thank you. Thank you, Mr. Chair.

Secretary Connor, the BIL provided a downpayment of about \$17 billion for backlog of construction, and you said that these historic Civil Works funds strengthen the supply chains and so on.

Earlier this year, the Corps announced the obligation of most of these funds for ongoing projects. Do you have preliminary estimates of the number of jobs created or benefited by BIL?

Mr. CONNOR. Lots. I wish I had better metrics as far as the specific jobs that are anticipated based on the level of investments. We can do a little deeper dive on the—

Mr. LARSEN OF WASHINGTON [interrupting]. That would be really helpful for us.

Mr. CONNOR. Absolutely.

Mr. LARSEN OF WASHINGTON. It helps us to continue to make the case that we are just not doing investments for their own sake, but in addition to flood control or mitigation or coastal resilience, we are putting women and men to work as well.

Mr. CONNOR. Absolutely. It deserves a deeper dive. Obviously, we are keeping all of the contractors, major construction entities, skilled laborers busy. But the reality is, is these are significantly time-consuming projects that are going to go out in a decade, and we need to have the next generation of those skilled laborers in place.

Mr. LARSEN OF WASHINGTON. That's right. And these investments from the BIL address the growing backlog of authorized con-

struction projects. But how have they helped you deal with lingering operation and maintenance obligations as well?

Mr. CONNOR. I will take a threshold cut at that. I know the O&M on aging infrastructure is just tremendously significant. The ongoing need for moving dredge material—for dredging and then moving dredge material, we got in quite a deficit situation. So, between the Bipartisan Infrastructure Law, disaster supplementals where we get a little bit ahead of that, it has been game changing.

And then you combine that with what General Spellmon mentioned where we coordinate outages with industry partners because we have resources that we can plan these outages and major rehabilitations, we get our work done quicker. We get it done in partnership with industry, and it allows us to plan for and do things much more smoothly and keep the economy moving, quite frankly.

Is there anything you would add?

General SPELLMON. Ranking Member Larsen, I would just add that, for example, forced outages at our hydropower plants is declining. Unscheduled maintenance at our locks, at our gates are declining, and I am happy to share those metrics with you, but this is making a difference, and I know the Nation and we greatly appreciate the investment that is being made.

Mr. LARSEN OF WASHINGTON. It takes money to do those things. Let's keep that in mind as we move forward on whatever the next version of BIL is or whatever funding approach we are going to take in the future.

In WRDA 2022, we expanded the section 214 authority, which I think we started the 214 authorities probably in 2000, if I am not mistaken, and have consistently been reauthorized. We made it permanent a few years back, and now we expanded the authority to expedite review of entities' permit application, to include the evaluation of mitigation banks.

Can you talk a little bit about how that authority has been used? And if so, has it led to faster processing times for mitigation bank permits?

General SPELLMON. Yes, sir, I will start.

This is a very regional problem set. We have some corners of the country where there is plenty of mitigation bank space—

Mr. LARSEN OF WASHINGTON [interrupting]. I am not surprised, in that section 214 was first started by Brian Baird from Washington State, because it is very regional.

General SPELLMON. Yes, sir.

I will start at 30,000 feet.

Mr. LARSEN OF WASHINGTON. Sure.

General SPELLMON. Very varied availability across the country for mitigation banks. In some corners, we have plenty of space. In others, as in Washington State, we are fighting to get more options on the table, and what we are doing in Puget Sound is a good example of that.

Mr. CONNOR. Could I just add, with respect to mitigation banking, I think, given the loss of jurisdiction at the Federal level, what we do with respect to reinvigorating the rules that we have under the 2008 rule of looking at jurisdictional, nonjurisdictional wetlands as appropriate mitigation, I mean, the goal is to protect and restore wetlands, and I think we can do a better job through our

mitigation program. So, post-*Sackett*, we are looking at those opportunities now.

Mr. LARSEN OF WASHINGTON. All right. Well, I hope *Sackett* doesn't mess up section 214 implementation too much or at all.

I have 16 seconds left. I will follow up with a question about Federal assumption of maintenance at the Port of Everett for the record.

Thanks a lot.

Mr. ROUZER. Without objection.

Mr. Mast.

Mr. MAST. Thank you, Mr. Chairman.

Good morning, General.

General SPELLMON. Good morning, sir.

Mr. MAST. How are you doing?

You and I end up talking about Lake Okeechobee every time. I don't think today will be any different. I appreciate your opening remarks, talking a little bit about reducing algal blooms and things like that.

A little bit more open-ended conversation this morning. Can we just talk a little bit about where we are at with NMFS? What is going on there? What do they want? What do you guys want out of it? What is going on between that and the new Lake Okeechobee System Operating Manual?

General SPELLMON. Sir, thank you for the question. In short, we are not where we want to be. We do not accept the biological opinion that was given to us for the Lake Okeechobee system.

Mr. MAST. Just lay that out first, the opinion, as we are—

General SPELLMON [interrupting]. Of why, sir? Why?

Mr. MAST. A short "what it is that they are saying" and "what is not accepted."

General SPELLMON. Yes, sir. So, we don't accept the BiOp on both its scientific and legal foundation. I will start with the legal foundation.

The biological opinion that science take on listed turtles to the Corps based on pollution levels in Lake Okeechobee and the surrounding waterways. As you know, Congressman Mast, I don't have any discretion on water quality. I do on flows and releases. So, that is the legal foundation.

On the science side, they have tied Lake Okeechobee releases to red tide events on Florida's gulf and Atlantic coast specific to Lake Okeechobee releases. And so, our question, we just asked to see the analysis and the data. How do you separate Lake Okeechobee water from the rest of the runoff from Florida's 35 coastal counties or Florida's other waterways? That is what we have asked to see. We did not make progress with our Jacksonville District. We have elevated this decision to the Secretary for his consultation with the National Marine Fisheries Service.

Mr. MAST. How would you separate it?

General SPELLMON. I wouldn't separate it.

Mr. MAST. Just to elaborate on how—to give one example of how I could see it, maybe not how you guys would see it or how NMFS would see it, right. But you know my coast. You know the canals and tributaries to some degree. I might say you might separate it by a man-made canal, freshwater versus brackish or saltwater.

Those would—and I have argued that, that those seem like different things to me, and I think scientifically you could have that argument. Maybe somebody could argue on the other side.

How would you do it if that is the game that you have to play with NMFS? And do you have to play that game with NMFS? If you don't play that game with them, does LOSOM just go away?

General SPELLMON. No, Congressman Mast, LOSOM does not go away. We are invested. We think—as you know, we believe it is a significant improvement from where we have been with LORS. I don't know how to separate it. I don't think it should be separated. Again, it is not the flow. They are tying it to the pollution levels in the lake. And as I mentioned, I don't have any discretion on the pollution levels in the lake and the impact on red tide and then the subsequent effect on sea turtles. Again, that is the primary reason why we don't accept this biological opinion.

Mr. MAST. You do have input on pollution levels if we authorize you to do so. That would be correct?

General SPELLMON. Sir, we would follow the direction of Congress.

Mr. MAST. That is good to have that out there.

Mr. Connor, I saw you nodding your head. Did you have something to add to this?

Mr. CONNOR. The ball is in my court now to engage at the policy level with our friends at NOAA Fisheries. But I do think this is a very significant issue that has broader implications, and I know the most important thing now is we have got to get LOSOM done because it has benefits across the board.

But I have been in a lot of ESA discussions over my career, and not accepting the Corps' view of its discretion about how it operates that facility is problematic, quite frankly, and I have never had a situation before where that has not been accepted, that "here is the limits of our discretion." So, that is the issue we have to have.

Yes, there is a scientific issue about the contribution of Lake Okeechobee to potential red tide and those impacts, but we will move forward expeditiously, Congressman, because it is an important issue for everybody.

Mr. MAST. I appreciate that.

I would just make this one other, I guess, observation or statement. This administration treats carbon like it is a pollutant. Maybe some could argue or agree with that, but I think they treat it similar to a pollutant in the way that they regulate it and want to penalize it, want to tax people for use or production of carbon. It is treated like a vice. If that is the case, then I think looking at the quality of water should not be a far stretch for the Corps of Engineers.

We don't have any more time, but I appreciate you all engaging in the dialogue with me. Thank you.

Mr. ROUZER. The gentleman yields back.

Mrs. Sykes.

Mrs. SYKES. Thank you, Mr. Chair.

Thank you for being here. Good to see you after our canceled meeting in October.

I am going to jump right in because I have got a lot of questions for you. This is a big deal in Ohio's 13th Congressional District

where I represent, and I specifically want to talk about one of the communities in my district in Massillon.

There is a project in which the Army Corps of Engineers has been working on. You just wrapped up a \$22 million levee safety investment at the dam there, which is very much needed and for the safety of our community, and I want to thank you for all the work that you have done for the people of Ohio 13 so far.

But we had one snag here, and I am hoping you can help me get some answers. This year, when we were working with Massillon, we discovered that the Corps could not help fund a gate replacement for their dam. Part of this is because of the unique contract where the city and the Corps split the maintenance funding 50/50.

The last water resources bill through WRDA 2022 gave you all authority to help repair certain dams if the right conditions were met, but, unfortunately, one of the problems that cropped up in our conversations was that your office hasn't put out any guidance related to your new section 8152 authority that the WRDA 2022 gave to the Corps for the first time.

So, Assistant Secretary Connor, I just want to ask if you and your team are working to get that guidance out the door, and when we can expect it so we don't run into issues like this again in the future?

Mr. CONNOR. Congresswoman, we are doing guidance on 12 provisions in WRDA 2022, but I don't believe section 8152 is one of those provisions. That is something I am going to have to look into more closely. I know it has been an issue in your district, but at this point in time, we are not preparing guidance on that particular provision.

Mrs. SYKES. Thank you so much for that answer, and we will certainly be in contact and remain in contact with you so we can settle this once and for all.

I do want to talk a bit about one of the points that you made about your projects being very longstanding, 5-, 10-, 15-, 20- to 30-year-long projects, and one of those specifically in Ohio's 13 was—maybe not your project but one in which you helped with—the removal of the Gorge Dam in Cuyahoga Falls into Akron.

I want to mostly talk about the pipeline of talent that you have working with you and alongside you and how you are developing folks to be prepared to work on those projects that exist longer than 10, 15, 20 years.

General SPELLMON. OK, ma'am, if I understand the question, it is on project duration based on personnel and manning?

Mrs. SYKES. Yes.

General SPELLMON. Yes. So, ma'am, I mentioned we just had our second highest program in our 249-year history. Today we are also at our highest workforce level in the Army Corps of Engineers in the past two decades. This morning, just under 38,455 personnel.

And you are absolutely correct. We don't do this by ourselves. We do it with great partners at the State and local level, and there is a great information sharing and great cross-development of all these talented STEM professionals in each and every one of these projects and certainly something we want to do more of.

Mrs. SYKES. Thank you, sir, for that answer.

And I want to direct your attention to some of the remote personnel that you have suggested. And if you could discuss how not having onsite personnel will impact your work emergency situations if a lot of this work is being remotely supervised and monitored.

General SPELLMON. OK. I think this is a remote work question. Congresswoman, post-COVID, the Corps never left work. We may have done it from different locations, but we never left the workplace. In fact, at the height of the pandemic, we were working in nearly every major city across the country and building alternate care facilities to help the hospital staffs have greater facilities.

Yes, our districts may look a little different. I know my headquarters looks different today than it did 3 years ago. It is just that people are working from different locations, other headquarters. We are just taking advantage of all the tools that Congress and the administration has given us to continue delivering our program.

Mrs. SYKES. And with my final 30 seconds, I am going to give you an easy one here. Can you just talk to us about how important funding these infrastructure programs are for the work that you do and for communities like mine in Ohio's 13th Congressional District?

General SPELLMON. Ma'am, I think it makes a huge difference. I just mentioned a couple of examples before on the hydropower plants. We are seeing fewer forced outages. We are seeing fewer unscheduled maintenance periods on our locks. On dredging in the State of Ohio, we are getting after those channels in a more consistent and timely manner. It has been immensely helpful for our program.

Mr. CONNOR. If I could just add real quickly, I think the biggest value is, we are building capacity. We are building new restoration efforts. So, we are not just maintaining the systems which we have that are very valuable to many communities, but we are building capacity particularly to take our ports, harbors, inland waterway system where that is America's competitiveness. That is where we can produce more jobs and create more opportunities. And so, these resources are just invaluable for that effort.

Mrs. SYKES. Thank you. I yield back.

Mr. ROUZER. The gentlelady yields back.

Mr. Burlison.

Mr. BURLISON. Thank you, Mr. Chairman.

Table Rock Lake is extremely important to southwest Missouri. When I was campaigning, I realized that as I was interacting with the community leaders. And I want to work well with you all on how we can make sure that we have access, recreational access, make sure that landowners and resorts are working seamlessly together, and making sure that the lake is kept beautiful as well.

But I will say that I am surprised at how many phone calls that I get. I get a lot of phone calls. Probably next to passport renewals, this is—from issues at the lake from individuals is one of the top phone calls that our office gets.

Now, in fact, one constituent is here in this room today because he flew up to our Nation's Capital to have a meeting with me to address concerns related to his home and his neighbors' homes and a septic tank that is barely, barely on Corps land and has been ap-

parently allowed. It was approved decades ago, but the Corps is now telling them that they have to remove that septic tank.

Now, look, I know that septic tanks are not that big of a deal to you, but to the constituent who is willing to fly to their Nation's Capital because just moving that septic tank will cost four homeowners \$250,000. It's not affordable. And then ecologically, I would be hard-pressed to explain the place where they would have to move it to, how that would somehow improve the quality of the lake. And so, I don't know if you want to address that.

General SPELLMON. Sir, first of all, thank you for the comments and your constituent who flew here to share his concern.

We have encroachments all over the country. My direction to our Southwestern Division regional commander was stop writing letters to the landowners where we have encroachment issues. Let's knock on doors and talk to people face-to-face. And we want to work with everyone. We have resolved a number of these already. We have 356 to go, solved 76 recently, and we are just going to work through these one by one.

I agree with you. Does it make sense to move a septic tank? Sharing the detail that you just shared with me now, no, it doesn't. What we are concerned about is public safety. We want to keep homes from being inundated, and that is why we just want to have a home-to-home, family-to-family conversation with everyone.

Mr. BURLISON. One of the things that I have been trying to address is try to figure out a solution to this on a broad scale, so that there is a bright line so that individuals who are adjacent to the Corps property have options or flexibility with the Corps and that it's not this perceived perception that their neighbor is getting a better deal than they are getting.

Are there any kind of changes that we could do in policy that would make it sure that it's across the board fair for everybody?

General SPELLMON. And thank you for that, sir. And we can and we will do better on the communication front.

Mr. BURLISON. OK. The other thing I would say is that one of the concerns is, we have parks where the infrastructure has been declining over the years. Several of the parks that are controlled and managed by the Corps, the bathroom facilities, they're just not being kept up-to-date, and that's not for lack of trying. Obviously, there are financial reasons and needs.

Are there any thoughts on how we can maybe address it through designating some funds for these kind of improvements at a lake?

Mr. CONNOR. Congressman Burlison, thank you for your advocacy on behalf of our recreation facilities.

First of all, we have, over the last couple years, increased our budget for recreation facilities. I mean, we are the second largest recreation provider in the Federal Government, more camp sites than the National Park Service, which surprises a lot of people. So, we have got to take care of these facilities. I have been out to many of them. The staff are doing all they can, going to extraordinary means to maintain bathrooms to make them more user-friendly and just attractive, quite frankly.

So, there is a fundamental lack of parity with respect to the resources available to reinvest from recreation fees into facilities. I know there is legislation. I can't comment on legislation in this con-

text, but I think that particular provision and bringing the Corps' recreational program on parity with other Federal agencies is really important to look at, and we are open to that conversation and to working with you all as you try and work through those issues.

Mr. BURLISON. Thank you. Thank you.

Mr. ROUZER. The gentleman yields back.

Mr. Stanton.

Mr. STANTON. Thank you very much, Mr. Chairman.

A major component of the recent WRDA bills has been authorization for environmental infrastructure assistance, including in my State of Arizona. And I expect environmental infrastructure assistance will continue to be supported in the 2024 WRDA.

In Arizona, more than \$37 million in EI funds have been allocated to 23 projects to help our communities and Tribal nations use wastewater more efficiently, recharge area aquifers, and improve water delivery and conservation through new wells and pipelines. And we anticipate more projects will be funded in 2024. Yet, to date, not one of these projects, some of which were funded nearly 2 years ago, have been able to break ground.

General Spellmon, I appreciated our meeting last week and your commitment to improving the delivery of these EI funds to Arizona's communities as they work to mitigate the impacts of the ongoing drought.

Given the continued focus and interest on EI by Members on both sides of the aisle, how is the Corps working to ensure that EI projects funded by Congress get out the door to communities in a timely and efficient manner?

General SPELLMON. Yes, sir. And, sir, thank you for your time last week in meeting with us.

I share your frustration, as I told you last week, and I rightfully have taken some bruising from my boss sitting next to me on our inability to deliver this program. You have given us \$38 million for 17 projects, and I have got 1 project partnership agreement to show for it.

What we are doing, specifically to Arizona, as I shared with you last week, we have hired a program manager and two project managers, and we are starting twice weekly calls with each of these project sponsors to move them along in the pipe. We are working with new partners. They are working with us for the first time. We are going to get better.

Mr. STANTON. I appreciate that.

WRDA 2022 included several provisions that I authored to enhance the Corps' ability to tackle drought, wildfire, and other natural hazards that impact the Corps' infrastructure and water management. Specifically, these provisions directed the study of nature-based approaches to minimize risk to Corps' water supply facilities in the West, expansion of managed aquifers recovery efforts, and an assessment of opportunities to partner with non-Federal entities to reduce wildfire risk.

Can you provide updates on the specific studies and efforts to enhance the Corps' ability to proactively respond to these disasters and what additional authorities could be beneficial to consider in addressing these challenges given the reality of climate change and

the ongoing drought throughout the West, in particular the Colorado River Basin?

General SPELLMON. Sir, I will begin. We have some limited success in this field with some work that we have been doing in California. I have got to do a better job at my level in sharing these best practices across our enterprise where we can get greater application, say, in Arizona. I don't think I have adequately used all the authorities that you have already given me, and we just need to step on the gas and get more of these types of features in the ground complementing our traditional steel, concrete, compacted dirt construction.

Mr. STANTON. I appreciate that.

And, finally, I want to touch upon an important project to me personally, a passion project, I have been working on it a long time, and that is the Tres Rios Ecosystem Restoration project. And I have been working on that since I was a city councilman in the city of Phoenix, subsequently mayor of the city of Phoenix, and now in my time as Congressman.

Can you assure me that the Post-Authorization Change Report and cost update for this project are on track for completion to be included in 2024 WRDA?

General SPELLMON. Congressman Stanton, yes, we are on track to have that PACR ready for Congress' consideration in WRDA 2024.

Mr. STANTON. All right. Can you ensure me that it will be ready on time for that? Again, I only reiterate that because we have been here a long time waiting for that.

General SPELLMON. Congressman, we are set to turn that assessment in in May, the month of May, fiscal year 2024.

Mr. STANTON. All right. I appreciate that. I will be looking forward very much to receiving that report so we can move swiftly forward with including Tres Rios in WRDA.

With that, I yield back. Thank you.

Mr. ROUZER. The gentleman yields back.

Mr. LaMalfa.

Mr. LAMALFA. Thank you, Mr. Chairman.

Appreciate you being here from Army Corps. Thank you.

General Spellmon, first I want to say thanks. We had a question, it would have been in October, about extra credits left over from the Sutter Butte Flood Control Agency in northern California from the projects there that we were wondering if that was going to be able to transfer those excess credits, and at this point, you have already done so. So, appreciate that for other projects in our State of California. Thank you for knocking that out.

A quick question on something I heard a little bit earlier in the committee. There's going to be 15 Chief's Reports issued this year. Is that what you said?

General SPELLMON. Congressman, that is correct, 15.

Mr. LAMALFA. OK. Remind me, does a Chief's Report have one project card or some have more than one project in them?

General SPELLMON. Sir, one project per Chief's Report.

Mr. LAMALFA. One per. OK. All right. We always want to move the pace and scale up here, so, 15 per year. We have got a lot to do.

I am very concerned, in northern California, as you know, we have talked about in the past, with the ability to capture water and the amount of water that is flowing out of our State and our watersheds. Even in drought years, we have a tremendous amount of water that gets away from us.

So, this year, for example, in mid-January, we had a tremendous rain and snowpack. Ninety-five percent of the precipitation that was coming towards the delta went straight on out to the Pacific Ocean, 95 percent. And what Californians are facing is that some municipalities are going to ration people down to 42 gallons per day per person. And that is not even enough to fill your pet's little wading pool you have in your yard. And so, we have a real juxtaposition of issues here when we have had such abundant water, almost record snowpack this year and then just a few years ago, and yet they continue rationing and cutting down to such a minimal level what people can use in urban and city settings, as well as agriculture, which is being decimated in the San Joaquin Valley and got hit really hard in 2022 in northern California as well. And then just recently here in mid-October, 77 percent of the water was still flowing into the delta straight out to the ocean.

So, we hear about, well, we can make desal. Well, it takes so much energy. Why not capture the water when it is still fresh instead of taking it? And then they don't want to give the desalination projects, as we saw in the Poseidon down there in, what, Huntington Beach, after 20 years. They turned that down. So, there is no solution for some of these people.

So, improvements in what is known as the FIRO, which is known as forecast-informed reservoir operations, we have talked about this, improved weather runoff forecasts more modernized instead of from manuals from the seventies. We can potentially keep water in the reservoir sooner and longer above the conservation levels that are currently in place.

So, the Yuba-Feather FIRO was released in December 2022, having the final assessment out in 2023 and hopefully implementation in this WRDA year in early 2024. How are we doing on that?

General SPELLMON. Sir, FIRO in short is a game changer. I know you are aware of the success that we experienced at Lake Mendocino. Now that we have a template, we are sharing that with the other projects that are undergoing the FIRO viability assessments and that will accelerate our implementation.

I would just add—

Mr. LAMALFA [interrupting]. I am sorry. I am running short of time. I hate to do that.

What do we see on this—on this particular one on timeline?

General SPELLMON. Sir, I am sorry. Is this Mendocino?

Mr. LAMALFA. No, no. Yuba-Feather.

General SPELLMON. Oh. So, sir, on New Bullards Bar, final viability assessment this September. If we find it viable—we believe we will—we are going to operate that reservoir on a deviation just like we are doing Mendocino while we take up the NEPA on the water control manual.

Mr. LAMALFA. OK. So, we can see that during this rainy season we are about to enter here this year?

General SPELLMON. September of next year, sir, we will complete the—September of 2024, we will complete the viability assessment.

Mr. LAMALFA. Wow, doggone it. All right. I guess we are getting there.

So, on the *Sackett* decision v. *EPA*, the WOTUS rule 2023, which became effective in September, we have been—landowners are waiting to hear from the Corps or EPA or somebody on implementation guidance. So, the rule became effective, was sent to district staff.

Can this committee have a copy of this implementation guidance for States that are adhering to the conforming rule in the pre-2015 preliminary—excuse me—regulatory regime? Pre-2015 regulatory regime. Is that something we can get immediately for this committee and help inform our people out there?

Mr. CONNOR. We have the conforming rule which we issued in September. We are now working through the jurisdictional determinations. We do not have new regulatory guidance at this point in time. We will be in the process, over the next months and the next year, of developing that guidance. Certainly, that will be a public process—

Mr. LAMALFA [interrupting]. So, where does that leave people that are caught in limbo on what the *Sackett* ruling had been to them, on decisions they will make on ponds or building on their land or raising—anything they would be doing that has an effect here?

Mr. CONNOR. Well, there is clarity in the rule now with respect—we don't have a significant nexus test. We don't have a former definition of adjacent wetlands. We have had to revise that as a result of the rule. We no longer include wetlands just because of their interstate process. So, we have adjusted the rule to be clear in conformance with the *Sackett* decision. So, that provides clarity in and of itself.

We are working through AJDs. We will publish all the AJDs—jurisdictional determinations—we do that will provide factual-based decisionmaking for people to understand. And we are moving through—we have done about 634 of these jurisdictional determinations since September, so, that's providing a database to give clarity for people working through this effort.

Mr. LAMALFA. OK. I appreciate that, because they need to have clarity because they can't get caught in limbo here. And would you make sure the Sacramento office understands that, because that is where some of the biggest problems have been in the past at least, like in Tehama County, on enforcements that have been just really out of line, OK?

Mr. CONNOR. We are making sure everybody is going to be in alignment.

Mr. LAMALFA. Thank you so much.

I yield back, Mr. Chairman.

Mr. ROUZER. The gentleman yields back.

Ms. Norton.

Ms. NORTON. I thank the chair and ranking member for holding today's hearing.

The District of Columbia is wholly dependent on the Potomac River for its drinking water, but natural 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 to DC residents.

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

The Water Resources Development Act of 2022 contained my provisions authorizing the Army Corps to conduct a feasibility study on a secondary drinking water source and additional drinking water storage capacity or capability for the DC area, but it is my understanding that the Army Corps has had difficulty finding a non-Federal sponsor to share the costs of the study, which is understandable because the study affects multiple jurisdictions.

Given the importance of this study to the operations of the Federal Government and the cross-jurisdictional nature of this study, I will be submitting a provision for inclusion in the Water Resources Development Act of 2024 that would require the Army Corps to fund 100 percent of the cost of this study.

Lieutenant General Spellmon, does the Army Corps support funding 100 percent of this study?

General SPELLMON. Congresswoman Norton, I would state it this way. This is a unique Civil Works project. It does not receive any Federal funding. The Washington aqueduct receives its resource by local ratepayers through three water suppliers: DC Water, Arlington County, and Fairfax Water.

And I would just give you one update. We do have a very talented and willing non-Federal sponsor to help us with this study once funds are in receipt, and it is the DC Metropolitan Council of Governments. So, we are ready to step off. We just needed a new start authority or funding, and we are ready to move out. And I agree, this is a much needed investigation.

Ms. NORTON. So, you do support 100 percent funding of this study?

General SPELLMON. Yes, ma'am.

Ms. NORTON. I will close by noting that I am deeply concerned about the multiple World War I-era munitions found in the National Park Service-owned Fort Totten Park in the District of Columbia which is located in a residential neighborhood and is regularly used. An unexploded ordnance was uncovered on the Fort Totten trail in 2020, and two more metal canisters were discovered in a different location in Fort Totten Park on August 18, 2023.

I thank the Army Corps for publicly announcing, along with the National Park Service, that it is seeking funding to conduct a comprehensive investigation of Fort Totten Park for munitions and any resulting environmental damage.

On November 16, 2023, I wrote a letter requesting that funding for this important investigation be included in the President's fiscal 2025 budget. I urge the administration to include this funding.

And I yield back, Mr. Chairman.

Mr. ROUZER. The gentlelady yields back.

Mr. Ezell.

Mr. EZELL. Thank you, Mr. Chairman.

I am glad to be part of this process and to support the important projects that are going on and been authorized in my district by the Water Resources Development Act. Today, I want to continue talking about the Lower Mississippi River study which was authorized by previous WRDA in response to the 2019 Bonnet Carré spillway openings.

Mr. Connor, I am glad we are here to see you again today, and your staff have been very, very excellent to work with. I also want to thank you for your commitment at a previous hearing to include Mississippians as stakeholders in the Lower Mississippi River study which will be run by the New Orleans District. The local leaders, fishermen, and business owners of the Mississippi gulf coast really deserve a seat at the table. And I understand that the lower river study will take about 5 years to complete and will be quite complicated. Hard to believe that.

[Laughter.]

Mr. EZELL. So, really it is important to get it started as soon as possible.

Do you have any updates on the study?

General SPELLMON. Congressman, yes, I do. So, we are in the scoping phase now. We have engagements that are ongoing at the moment with all seven States. What we are working is lining up the State agencies that will partner with the New Orleans District in advancing this work. I want to thank the committee for the authority and the funding that we have received. We have all we need at the moment to continue moving.

Mr. EZELL. Thank you.

Mr. CONNOR. Can I just add?

Mr. EZELL. Sure.

Mr. CONNOR. It is incredibly important. This is the one of the highest priorities we have. This is the most dynamic river system in the country. And the thought that we are going to continue to operate exactly as we have without updating the science, the interactions with the stakeholders, the interests; we can't continue to do that. So, it is an incredibly high priority. I just wanted to assure you of that, Congressman.

Mr. EZELL. Thank you very much.

Do you have any idea when the stakeholder hearings will start and if that will be public?

General SPELLMON. Congressman, once we have our agencies lined up at the State level, then we will start the public scoping meetings with those partners in the room with us. So, I expect that to be later in the spring.

Mr. EZELL. Oh, great. Thank you.

I kind of want to change the topic just a minute. Continuing to hear about how the contractors that are working on Civil Works projects are already facing a lot of redtape which slows them down on these important water-related projects. There is a newly proposed policy that would force project developers to guarantee that they have checked every material and method before beginning a project.

I assume your engineers who understand construction are already doing this and making good choices about the material that is being used. Is that correct?

General SPELLMON. Yes, Congressman. I am not certain I am familiar with the specific instance that you are referring to, but absolutely, that's a part of our checks.

Mr. EZELL. OK. We hear so much about it takes so long because we have got to check so many boxes. We really need to move along. And I know it is a priority, and I appreciate that.

So, we just want to make sure that some of these new regulations do not slow down our construction, and I would appreciate any and all the support and help we can get for that.

Thank you, Mr. Chairman. I yield back.

Mr. ROUZER. The gentleman yields back.

Mr. Garamendi.

Mr. GARAMENDI. Thank you, Mr. Chairman.

I want to bring up three important issues for California. First of all, we have had several discussions about water supply already. However, water supply is not an authorized project for the Corps of Engineers, at least in reclamation States.

Mr. Connor, would you support adding water supply to the authorization for the Corps of Engineers' projects?

Mr. CONNOR. I do support adding water supply, yes, sir. I think it is incredibly important that we look at all of our facilities and try and secure as many benefits and purposes out of them. So, flood control is going to be first, but that doesn't mean we can't look at water supply as we talked about with respect to forecast-informed reservoir operations.

Mr. GARAMENDI. Well, then let's get a new law and, for the committee members, let's add it to this year's WRDA.

Permit reforms. Much discussion about permitting, the length of time for permitting and the rest. For the State of California, we already allow the State CEQA, California Environmental Quality Act, to substitute or to be equivalent to NEPA for several kinds of projects; for example, airports and ports themselves, but not for the Army Corps of Engineers' dredging programs.

Would you support legislation that would allow in California the CEQA program, which is equivalent and, in some cases, stronger than NEPA, to be the single requirement for the environmental review?

Mr. CONNOR. I certainly support that in concept. We need to be as efficient as we can in our permitting processes. Even as we are trying to be more comprehensive and engage more with the public and stakeholders, we need to be more efficient. If we can use other products, I think that is great.

Mr. GARAMENDI. Well, if the CEQA program, that is the California Environmental Quality Program, is allowed to be a substitute for NEPA for some projects, for some Federal projects, we need to add the dredging programs to this so we can get on with it more quickly and not have to do duplicate work.

Finally, there is an authorized program for San Francisco Bay, the Stockton Channel project. This program has been in existence since 2007. The continuation of it is dependent upon two things. First of all, the identification of a local sponsor. We are working diligently to accomplish that; and, secondly, that it not be rescinded.

Now, each and every year, the Corps is required to go through projects that are not moving along. This could be considered one such project because of the removal of the previous local sponsor. However, if we want to have a real brawl, just bring to this committee the termination of this as a project. So, please don't do that. We don't need another brawl. What we need to do is to work diligently to replace the local sponsor. So, heads up, looking forward to avoiding a fight here in the final WRDA.

I thank you for all the work you do on so many different projects. I will let it go at that. Thank you very much.

Mr. ROUZER. The gentleman yields back.

Mr. Owens.

Mr. OWENS. Thank you.

The Great Salt Lake is one of Utah's most iconic and important ecosystems. Our own State capital is named after the lake. Unfortunately, water levels in the lake have been declining in recent years. In 2022, we saw the lake at record low elevation. These declining water levels threaten economic activity, public health, and the great ecosystem.

The Great Salt Lake provides Utah with the highest density of wetland habitat for plants, brine shrimp, reptiles, amphibians, mammals like the iconic bison, and birds. Additionally, the economic output of the Great Salt Lake is \$1.2 billion annually and provides over 7,700 jobs. It also provides significant amounts of magnesium, salt, and other minerals. Nearly 2 million tons of minerals are extracted from the lake every year. As you can see, this is why it is so important for me and the entire State of Utah.

This year, Utah saw record amounts of snowpack in our beautiful mountains which helped our water levels across the State. However, just 1 year is not enough. We need at least a decade of record snowpack to help us through our drought and the water levels throughout our State. That is why we need to work with our Federal, State, and local partners to help preserve the important ecosystem and to allow Utah to continue to be the fastest growing State in the Union.

In the last WRDA bill, we began working on this partnership, and I want to continue this partnership in the most innovative ways. We need to have the Corps recognize the importance of the lakes, especially the Great Salt Lake.

For both of you two gentlemen, first of all, I thank you for being here again. I have heard from our State partners that we have been informed that it will take nearly a decade for funding from the Corps to reach the Great Salt Lake. This is, frankly, unacceptable.

How can we work together to expedite this process?

Mr. CONNOR. Thank you for the question. First of all, I share your perspective. I had an opportunity last January on a very cold day to get out with your director of the Department of Natural Resources and spent some time talking about this very issue. And at that point in time, that was before the hydrology had given us a year's reprieve. But I share your views that time is of the essence here given the challenges.

So, we have entered into a Planning Assistance to States agreement with the State of Utah I think a couple of months ago. And

the idea here is there are several different authorities, not just for the Corps but also Bureau of Reclamation and other agencies, and what we are trying to do is work with the State Department of Natural Resources to figure out the best game plan and how we can use our respective authorities, reclamation, the State, and the Corps of Engineers.

So, the Planning Assistance to States agreement will help us do that, make use of the tools that have been enacted in the most recent WRDA bills, combine that with the Bureau of Reclamation Basin Study that is going on now where they have engaged a bunch of stakeholders, and that is the idea. So, we are in the planning, development, organization stage, but we are going to make use of those authorities ultimately, Congressman.

Mr. OWENS. That being said, is there any way that we can have some seat at the table as you guys have this conversation? Particularly Utah, I would love to know more what you are doing here. Anything we can do to kind of help facilitate that or be part of that process?

Mr. CONNOR. Absolutely. I think the key is to keep the delegations informed. We would be happy to provide ongoing updates as part of the process.

Mr. OWENS. I would appreciate if you do that. I think we definitely have an interest in that.

I have heard from the Sacramento District in the State of Utah that they are still waiting for headquarters to provide Planning Assistance to States funding for these projects. Is that what we are dealing with right now then?

Mr. CONNOR. Yes. We have got the agreement in place, and I know we have resources provided by the Bipartisan Infrastructure Law. So, we can follow up on that, Congressman.

Mr. OWENS. OK, OK.

The 2022 WRDA included a monitoring and assessment program for saline lakes like the Great Salt Lake in the Great Basin. What is the current status of that program?

Mr. CONNOR. I think that is one of the authorities that exists that we are trying to figure out how to best use that authority. And the planning process is how we are going to get to that. I know we don't have any resources specifically allocated for that study yet. That is kind of a next phase of this whole effort.

Mr. OWENS. OK. I would like to do this. I would like to make sure our team is in touch with you guys. The Utah delegation would love to be part of this conversation, and I think we are innovative enough to impact the rest of the country to figure it out. So, I look forward to working with you on that.

And with that, I yield back. Thank you.

Mr. ROUZER. The gentleman yields back.

Mr. Huffman.

Mr. HUFFMAN. Thank you, Mr. Chairman.

Assistant Secretary Connor and Lieutenant General Spellmon, thank you both for your time today. I also want to thank the Corps for its inclusion of an environmental infrastructure project in my district in the 2023 workplan. It is for the Tolowa Dee-ni' Nation, and it is very important. It is going to help the Tribe and surrounding community replace aging wastewater infrastructure that

serves low-income residents on the Tribe's land, and we very much appreciate that.

I look forward to working with the Corps on other environmental infrastructure projects in my district. One that I want to highlight is the Marin Municipal Water District in Marin County. Marin was one of the first to declare a water supply emergency during the terrible 2021 drought. And this is a district that serves about one-quarter million people, came really close to simply running out of water. It was quite dire.

And so, we have been working since then on some commonsense plans that can make us much more resilient and prepared for the next drought. And I would urge the Corps to include the district's Soulajule Reservoir project in the 2024 workplan. It will help increase water yield and provide much needed operational flexibility.

I also want to thank you for your timely dredging of Humboldt Bay in my district. The Corps recently repaired and rebuilt jetties in the harbor, and the community is very thankful for that.

I am very excited that one of our Nation's first offshore wind leasing areas on the west coast—this will be floating offshore wind—is going to be on the Humboldt County coast in my district. It is going to mean local jobs, clean energy, really wonderful developments, but the components that will be coming into port will require major updates to the harbor Heavy Lift Terminal. That harbor is going to be a very busy place for the assembling of these floating platforms and turbines, and we are going to need much more regular dredging.

So, we hope you will continue to be attentive to the needs of Humboldt Bay. And, sadly, when we think about those needs, I am focusing on the challenge that we face because the Corps has only one deep channel dredge in the entire Pacific, the *Essayons*, and it has to serve all deep channel dredging for California, Oregon, Washington, and Alaska, and Hawaii. That is a heavy burden for any piece of equipment, but it is a particular concern for the *Essayons* because it is now over 40 years old.

We included a provision in the 2022 WRDA for the Corps to submit a report to Congress on current and future dredge capacity and the availability of those assets to meet dredging needs nationwide. This provision also included an analysis of the Corps' fleet for each region.

So, I want to just ask you, what is the status of that report? And can you share how the Corps plans to handle what will surely be expanded dredging needs in the Pacific with just this one lonely, aging dredge?

General SPELLMON. Sir, I will check on where we are with the review of our work. This is not a surprise to us. As I mentioned earlier, we are responsible for 577 Federal navigation channels, many of them on the west coast.

As I shared, we have got, in the Corps, to take our scheduling to a higher level just given the limited amount of deep draft harbor Federal navigation channel assets that we have, about 19 hopper dredges in the United States of America. We are working. We have great partners in the dredging industry. We just have to improve our scheduling.

Mr. HUFFMAN. All right. Well, I look forward to hearing how you intend to tackle that challenge. I think any way you cut it, the Corps is going to have to build a new dredge for the Pacific region to replace the *Essayons*. And we look forward to providing you whatever support you need to get that done.

I want to talk about Coyote Valley Dam in my district as well. We have included language in a bunch of different WRDAs to direct the Corps to study raising Coyote Valley Dam in Mendocino County, and yet it never seems to happen. Right now, the Corps is in reconsultation to try to come into compliance with the Endangered Species Act. It has got a terrible turbidity problem. Many experts believe the only way you are going to solve that problem and come into compliance with the ESA is to go ahead and raise Lake Mendocino so that you could have different outfalls and fix some of the infrastructure limitations there.

Can you just give me a sense of the status of consideration of this thing we keep urging you to study that would also be a great way to come into compliance with the Endangered Species Act?

Mr. CONNOR. For all the reasons you just mentioned, this should be a priority, but yet we don't have funding identified yet, and we don't have a new start. But given the imperative of water supply plus the environmental aspects of a dam raise, certainly if funding would be made available, this will be a priority to get going and work with your folks on seeing what we can do about a dam raise at Coyote.

Mr. HUFFMAN. All right. Thank you.

Mr. Chairman, I yield back.

Mr. ROUZER. The gentleman yields back.

Mr. Babin.

Dr. BABIN. Thank you, Mr. Chairman.

And good morning, General Spellmon and Assistant Secretary Connor.

I represent Texas' 36th Congressional District, home to some of the Nation's most critical ports and waterways, really unmatched numbers of chemical plants, refineries, and a number of communities that are sensitive to natural disasters that we have seen over the years, notably hurricanes.

General Spellmon, I know you are familiar with my district. I hope that we will get you back down there soon to see some of the good things that are happening and the work we are doing there in the Houston Ship Channel in southeast Texas.

I would like to thank both of you for your commitment to protecting and improving our Nation's water resources and infrastructure. As my district relies heavily on the Army Corps, we greatly appreciate everything that you do.

I have a few questions, and I would like to hear from both of you, if that is OK.

First off, I am sure you have spent many hours working on and thinking about what we call the Ike dike Texas coastal spine project. I'm not going to ask you to get into specifics, but I was hoping you could provide us with a very brief 30,000-foot view of how the project is developing in your perspective.

General SPELLMON. Yes, sir. I recently had the opportunity to visit our team out there. This is a bold plan that would represent

the largest single investment in the Army Corps of Engineers' history. To me it is a great example of combining traditional concrete, steel, compacted dirt with natural and nature-based features.

During my visit with the non-Federal sponsors and our partners in the room, I challenged the team to develop what we call an integrated delivery schedule like we have in the Everglades, another very large program, to show how we would sequence this work over time and inform the associated funding decisions. That integrated delivery schedule, sir, is underway, and I look forward to sharing that with you soon.

Dr. BABIN. Super. Thank you very much.

The critical infrastructure there for our national security, aviation fuels, jet fuels, anything that is energy, this is the epicenter of energy. So, we need the protection. Really do.

OK. I would also encourage you on both the coastal spine project and many other vital projects in and near my district is to work closely with the local communities in addition to local stakeholders as well. That includes towns of all sizes, like Beach City, Pearland, Baytown, Beaumont, Houston, et cetera. My constituents are paying very close attention to how projects might impact their communities and their quality of life, so, please leave no stone unturned and please listen closely to their concerns.

My next few questions are about the Army Corps of Engineers' nationwide permitting program which was designed to allow infrastructure projects with minimal effects to proceed with a general permit after streamline review.

Does the Army Corps support meaningful Federal permitting reform legislative initiatives to safeguard the security, reliability, and affordability of energy infrastructure, including natural gas pipelines? And if so, how is the Corps working with Congress or planning to work with Congress to make the nationwide permit program general permit process more consistent and more effective?

Secretary.

Mr. CONNOR. Thanks. I will take a cut at that first.

Dr. BABIN. Yes, sir.

Mr. CONNOR. Absolutely. Permitting efficiency and competence to work with all the interested parties is the biggest challenging issue I think facing the Army Corps of Engineers. We are a regulatory agency. We want to get infrastructure moving. We want to do in it in a way that doesn't end up in the courts for decades, quite frankly.

Nationwide permit program, perfect example, broad support. We strongly support that effort. We move permits efficiently through that process, through the 56 nationwide permits. We are currently just beginning the process for the next year 5-year permitting program. For the 56 permits that we have in place now, they are good for 5 years, and then we have to start the process all over again. Certainly, energy infrastructure is a part of that message. We want to be efficient with respect to pipelines. We are looking at particularly nationwide permit 12. We haven't made any decisions about whether or not to revisit some of the aspects of that permitting, but rest assured the nationwide permit program is viewed very favorably, and we are very strongly supportive of it.

Dr. BABIN. Thank you.

And how does the Corps plan to address litigation over the agency's issuance of the nationwide permit program which continues to frustrate linear infrastructure development? The repeated legal challenges seem to make it seem like there is not much certainty or predictability in the permit process. Would you agree? And what is going on there?

Mr. CONNOR. Well, I know there has been litigation with respect to the need to follow NEPA. There has been litigation or concerns about endangered species aspects of those. We think we have had an effective path forward in the past, but we are going to take a look at that as part of this new review as we start the process for the next 5-year cycle.

Dr. BABIN. Yes, sir. Thank you very much.
And I yield back.

Mr. ROUZER. Ms. Scholten.

Ms. SCHOLTEN. Thank you so much, Mr. Chair. And thank you to both of our witnesses for being here today. WRDA is, obviously, one of the cornerstone areas of jurisdiction for this subcommittee, and this is a very necessary hearing.

I can't believe I only have 5 minutes to get into everything we need to cover about beautiful Michigan's Third Congressional District. My district covers miles of gorgeous Lake Michigan shoreline, including ports in Muskegon and Grand Haven. It is really hard to overstate the importance of these harbors to the overall Great Lakes ecosystem and the larger Great Lakes economy. But to put a few numbers on it, commodities handled by Grand Haven's harbor alone support over \$3.9 billion in revenue, over 23,000 jobs, and \$1.2 billion in labor income.

In addition, if this harbor was not maintained, commodities that typically travel by water on ships, including sand, gravel, salt, cement, manufactured goods, all those things that keep our roads running would then have to be transported by train or truck, which would increase annual emissions rates by over 10.5 million pounds of harmful particulate matter. The cost to our economy, workforce, and environment in west Michigan truly cannot be overstated.

I will have two questions. First, which either of you or both of you can chime into, and then my last question in particular is for you, Lieutenant General.

So, I understand that the Army Corps is currently doing quite a bit of work in Grand Haven to repair the breakwaters and pier heads damaged by high lake levels. Do you see this as something the Corps will have to do more often due to climate change moving forward? And if so, how can we ensure that these structures are regularly maintained?

General SPELLMON. Congresswoman, thank you for that. And on top of all the challenges you just maintained, we are seeing increased shoaling in many parts of this port. This used to be a 3- to 5-year dredging cycle. We now believe it is going to be an annual dredging cycle requirement. And what are we going to do? We are going to make sure that that is included in our budget request moving forward.

Ms. SCHOLTEN. OK. Thank you.

Mr. Connor, do you have anything to add to that?

Mr. CONNOR. Nothing more.

Ms. SCHOLTEN. Yes. Absolutely correct about the increase in the shoaling schedule. The Muskegon Harbor has a 2- to 3-year dredging cycle currently. Shoaling patterns are changing rapidly there, and we agree with you 100 percent this needs to happen annually at this point. So, how can that schedule become a reality? Can we depend on that happening regularly, annually going forward? And what is needed to ensure that it can happen?

General SPELLMON. Congresswoman, what we will do in the course to make our best technical argument to the Secretary and to the administration to take care of important harbors like Muskegon.

Mr. CONNOR. On that one I will add, and then I have got to make the best case to the administration and the broader community given the points you first made of the importance of these harbors, the importance of inland waterways to the mode of moving materials and supplies and the supply chains. It is the most carbon-friendly and most efficient way to move material in this country. And if we do that also using those waterways, we are more effective in getting goods in and out of this country and more effective from an international competition standpoint.

So, there are all kinds of reasons why we need to keep up with the new challenges, and we need to maintain these systems for the benefit of the entirety of the country, not just the communities that they immediately serve.

Ms. SCHOLTEN. Yes, I couldn't agree with you more.

Let's talk about pricetags. Lieutenant General Spellmon, in particular, in the event that my friends on the other side of the aisle decide to move forward with the cuts to your funding levels that are being proposed or being talked about, what is the Corps' plan to finish these projects that we have talked about and ensure ongoing dredging happens annually in these ports with less funding than you were promised?

General SPELLMON. Congresswoman, as I have been attempting to describe during the hearing, we have to improve our schedule and schedule management with the U.S. dredging industry. We have great partners across all of the dredgers out there. Just given the volume of work and the increased sedimentation shoaling that we are seeing in places like Muskegon, we have got to take our scheduling with industry to the next level.

Ms. SCHOLTEN. Thank you, gentlemen. I can't thank you enough for your commitment to this work.

And I will yield back.

Mr. ROUZER. The gentlelady leads back.

Mr. James.

Mr. JAMES. I would like to thank the chairman for this opportunity to speak, and I would like to thank Assistant Secretary Connor and Lieutenant General Spellmon 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.

Michigan is the greatest State in the Union, and I echo my colleague, Rep. Scholten's love for Michigan, West Michigan, but I have the privilege of representing the best congressional district in the entire Nation, Michigan's 10th Congressional District.

But speaking for the entire Great Lakes region, with its unparalleled natural beauty and economic significance, it faces a pressing challenge. It's time for us to address the critical need for updating our water infrastructure, especially in Lake St. Clair. This isn't just about ensuring the availability of clean, safe drinking water. It is about protecting our cherished freshwater resources, sustaining our thriving economy, and bolstering our national security. The Great Lakes have been a wellspring of prosperity and global trade for generations. And it is our responsibility to modernize this infrastructure, to keep this vital engine of our economy running smoothly, while also fortifying the security measures that safeguard it.

We stand at a pivotal moment where our commitment to these goals will define the future of the Great Lakes region, and I believe that, as we work together, we can achieve and must achieve nothing less than success. The Nation's aging water infrastructure is in desperate need of modernization and will take billions of dollars to make that happen. There is no replacement for fresh, safe, and clean water.

So, with that, as we all know, the PFOS chemicals, the forever chemicals in water, represent a major challenge to U.S. Army Corps in terms of exposure risk to humans.

Do you anticipate that the current U.S. Army Corps funding will be sufficient to address PFOS issues in the Great Lakes? And if so or if not, what percentage of projects going forward will you expect to involve PFOS litigation, sir?

General SPELLMON. Congressman James, thank you for that. I am very familiar with Lake St. Clair and the Great Lakes and all that they provide our Nation.

I will follow up with you on PFOS and PFOA funding. Our environmental budget has skyrocketed in the Army Corps of Engineers, and we are very aware of this acute challenge that you mentioned. I would like to follow up with you and give you a more thorough answer on its application to the State of Michigan and the Great Lakes.

Mr. JAMES. I will hold you to that, sir. And I would like that followup to be in my district. I would love to welcome you out to Lake St. Clair. We can see it for ourselves. Thank you for the work that you are currently doing.

And for either of you, question 2, with remote lock and dam operations, how will the Army Corps of Engineers meet the need for on-site personnel in times of emergencies?

General SPELLMON. So, Congressman James, we are really in the pilot stage on remote lock operations. We have not employed this technology extensively throughout our 234 locks across the Nation. To be frank, we are learning as we go. Our next significant effort at this will be in the Pittsburgh District. And we intend to learn more as we attempt to tie together several of our locks and dams on the Allegheny, the Monongahela, and the upper Ohio.

So, we have more to learn here, sir, and we will keep you apprised of our efforts as we move forward.

Mr. JAMES. As I am sure you agree, we have zero margin for error when it comes to the safety and security of our dams and lock systems.

Leading into the last question, what is the Army Corps' plan to address an unscheduled lock outage caused by, say, a cyber attack or failed remote operating system or any things of that nature?

I actually authored and got a bill passed through the House for a study on securing our Soo locks in particular. The Soo locks are vital to our national security and the economic security, and the Army Corps must have the resources it needs to defend and protect and ensure the proper maintenance and operations.

What is your plan to address any outage? Because that is unacceptable.

General SPELLMON. Yes. Congressman James, first of all, we would be a willing participant in any reporting requirements. And security at the Soo locks in particular, that is a layered approach between ourselves, Federal, State, and local security providers, and I would welcome the opportunity in another setting to give you a detailed rundown on the current threats and the mitigations that we have in place at the Soo.

Mr. JAMES. Mr. Connor, do you have any comments?

Mr. CONNOR. No. Absolutely support the whole efforts with respect to funding our cybersecurity efforts and then integrating them into these important critical facilities, absolutely.

Mr. JAMES. OK. With that, Mr. Chairman, the only thing I have to add is, go Army, beat Navy.

Mr. ROUZER. The gentleman yields back.

Mr. Ryan.

Mr. RYAN. Thank you, Mr. Chair.

I want to second my colleague's call for Army to deliver a crushing blow to Navy in football this weekend in a bipartisan manner and welcome either of our distinguished guests here to comment on any of their thoughts on how decisively Army will defeat Navy this weekend, if you want to be on the record during this Army-Navy week.

General SPELLMON. Sir, 35-0 Army.

Mr. CONNOR. As a former star wide receiver, I will defer to him.

Mr. RYAN. All right. You have already made—I have the privilege of representing the United States Military Academy at West Point in the district. So, you made many thousands in my district happy with that answer, and I appreciate you being here. In all seriousness, thank you for taking the time.

First question is related to one of my communities in New York's 18th Congressional District in the Hudson Valley. Kiryas Joel is a community in my district, one of the youngest and fastest growing communities in the entire United States. For years, Kiryas Joel has been working on a water infrastructure project, the Catskill aqueduct project, to ensure that as the community rapidly grows, they are able to continue to access clean water and are no longer relying on maintaining and building new wells in the community.

This is and has been a priority project for the people of my community. While the project has been included in section 219 environmental infrastructure projects back in 2002's WRDA, it has never been awarded funding.

I want to commend that the Biden administration has put a special focus on Justice40 communities so that 40 percent of Federal investments flow into disadvantaged communities like Kiryas Joel

who would qualify due to the rapidly growing size in median family income.

Can either or both of you please explain how the Corps will prioritize environmental justice communities like Kiryas Joel when prioritizing their environmental infrastructure projects?

Mr. CONNOR. With respect to Kiryas Joel, Congressman, thank you very much for the interactions you have had with the administration in our office because it was in part because of those discussions that we included \$5 million for environmental infrastructure in our 2024 budget, first time that we had ever asked for money for the environmental infrastructure program. From the looks of things, if we get an energy and water bill, I am not quite sure that that will survive the budget process, but you have got to start somewhere.

But if we have discretionary funds for EI as part of the 2024, you can be assured that we have prioritized economically disadvantaged, marginalized communities for allocation of those efforts. Most of those moneys are directed to specific projects, but to the extent that we have discretion, that will be part of the criteria, without a doubt.

Mr. RYAN. Thank you, Mr. Secretary. And we will continue to persistently engage and appreciate the continuing engagement with you and your team.

Second question. In July, across the Hudson Valley, we had an extreme flooding event, record-setting rainfall, particularly hitting the towns of Highland Falls, Cornwall, and Fort Montgomery, as well as West Point proper. While the current study, the New York and New Jersey HAT Study, is ongoing to look into flooding really from the Port of New York and New Jersey up into the Hudson River—that has already been authorized in the previous WRDA bill—that would not essentially look at events like this where, in this case, a brook that runs through the middle of several of these towns that is not technically a tributary to the Hudson caused this catastrophic flooding, including the loss of a young woman's life right in the town of Fort Montgomery.

So, the question really is, how can we—given the incredible volatility and increased frequency of climate change—factor in new tributaries and water sources when assessing in future studies like this?

General SPELLMON. Congressman, I will start. So, in WRDA 2022, Congress has helped in section 8106. It allows our non-Federal sponsors in a study like New York New Jersey HATS where we were looking at that from a coastal event, a Superstorm Sandy type event, for our non-Federal sponsors to come back to the Corps, to come back to the Secretary and look at things like the precipitation event that you just described. I know we are in the process now of working with the States, with our non-Federal sponsors, and the Secretary's office to talk about time and resources required to add that additional scope to this investigation.

Mr. CONNOR. And I would just add on top of that, in addition to our sponsors being able to bring that request to us, the Corps is doing a lot of great things behind the scenes with respect to new modeling, new engineering pamphlets. Our behind-the-scenes planning process is where we are directing the planning teams to incor-

porate the best hydrologic information, the new extremes that we are seeing that create new risks with respect to these facilities.

So, I think we are getting in place the processes and the data and the requirements for our planning teams to use the best information so that we can better plan for those extremes as we get into those studies.

Mr. RYAN. Thank you both.

And I yield back, Mr. Chair.

Mr. ROUZER. The gentleman yields back.

Mr. Collins.

Mr. COLLINS. Thank you, Mr. Chairman.

Secretary Connor, good to see you again. General Spellmon.

As I was sitting here listening to my colleague from Michigan espouse about his State, I could not help to be reminded of how Georgia has been back to back numerous times. No, not the Bulldogs, but for being the number 1 State to do business in. And that is kind of where I want to focus on.

I know the last time that, Secretary, you and I talked, we talked a little bit about Augusta, Georgia, and a dam that they have got a problem with up there. But this time I want to focus on the Savannah Port. As both of you are aware, the Corps recently completed construction activities down there on the Savannah Harbor expansion project. But, however, in order for the Georgia Ports Authority to maintain growth and create well-paying jobs, they are going to have to expand that harbor again to accommodate the ever larger container vessels that are demanding—and I like to underline that word—demanding access to the Port of Savannah's facilities.

And as this committee begins development of a Water Resources Development Act, we are going to seek authorization of a new feasibility study to deepen and widen the harbor. But I encourage you, you and your team, to consider using any existing authorities to review the completed work so we can begin a feasibility study as soon as possible.

And so, the only thing I really ask—and I would love to get some sort of answer from you both—just I need a commitment that you will use the existing authorities for conducting an assessment on the current project and moving it forward with a feasibility study.

General SPELLMON. Congressman Collins, I will start. First of all, you are right, section 216 is our review of completed Civil Works projects. I would like to come back. I have got more homework to do. Technically, the SHEP deepening is not complete until I am done with the environmental work upstream at New Savannah Bluff Lock and Dam. As you know, that is in litigation at the moment. Let me do more homework to see what flexibilities we may have under section 216 in advance of an additional authority Congress may consider.

Mr. CONNOR. Congressman, I wouldn't add anything more to that, but this is, obviously, a very significant economic enterprise in your State—

Mr. COLLINS [interposing]. Right.

Mr. CONNOR [continuing]. And for the country as a whole. So, we will follow up, absolutely.

Mr. COLLINS. General, is there a timeline I can expect?

Mr. CONNOR. On the homework, sir, I think I can get back to you within a few days. On the litigation, no, sir, I can't.

Mr. COLLINS. I mean, my teacher always gave me 1 day.

General SPELLMON. Sir, we will turn this as quickly as we can.

Mr. COLLINS. All right. I appreciate it. Thank you.

Mr. Chairman, that is all I have.

Mr. ROUZER. The gentleman yields back.

Mr. DeSaulnier.

Mr. DESAULNIER. Thank you, Mr. Chairman.

I am not going to get into football rivalries, but good luck to everybody. How is that?

I represent a district in the San Francisco Bay area. I have represented the delta—geez, I was just thinking—for a very long time in local, State, and now here in the Federal Government. It is a complex area. It is a very important deepwater port. It is the largest estuary west of the Mississippi.

We have very progressive politics towards carbon capture. We have, I think, one of the biggest carbon capture—natural carbon capture projects, successful ones, in the delta, supplies much of the drinking water for both southern California and northern California, transporting that water both for urban uses and for the San Joaquin agricultural industry that produces one-third to half of all the fruits and vegetables in the entire United States. All of that is to say it is a complicated area. We have got five oil refineries because there are, as I said, very few deepwater ports on the west coast.

Having dealt with your department in all of those positions, how do we continue to look at cost benefits as we do projects and, in our case, interacting with the State Water Project and local government, to make sure we get these facilities done efficiently with cost benefit that shows that we can deliver these projects quickly?

We have been in a drought in California, as you know, significant impact to the delta. You are very involved with the delta conveyance projects, whatever that turns out to be. I am not a supporter of the current Governor and previous Governor's project, but I think in the end, delta is consistent with the work we have done to be smart about long-term cost benefits for carbon and the movement of carbon.

One of the biggest carbon producers in California is the movement of water in the State Water Project, which we partner with, trying to get that water over the Tehachapis is a significant provider.

So, the question is, how do we look at this in a very dynamic area like this where economically it has been very beneficial as we look at transitioning those fossil fuel industries to renewables, which we are doing aggressively and successfully, but using you as an engineering partner, and a very important one, to get non-partisan, nonpolitical analytical engineering that is driven by cost benefits, not just in the near term but in the complexity of this new environmental and economic environment that I would argue—and not to get in the parochial who has got the best district, but we have a district that is in an area in the bay area that while we have been very driven about our environmental stewardship, we have done it with good cost benefits based on laws that were signed

by Ronald Reagan when he was Governor. So, it is not just opinion. It is, how do we do this in a way that is really a model in many ways for a new economy?

And lastly, for international trade, you delivering these projects has a direct relationship. We spent a lot of time on dredging for the Chevron Refinery in Richmond and the complexities of doing that to the highest environmental standards but still being sensitive to the cost benefit both for the public sector and the private sector.

General SPELLMON. Congressman, I will start. First, on the topic of comprehensive benefits, this is something Secretary Connor has pushed us, rightfully, very hard on. We have had a handful of studies, investigations where we were looking beyond our traditional widening our aperture to look at things more comprehensively, environmental benefits that are difficult to measure. In fact, we have some R&D initiatives to help us get better metrics on some of the benefits that we traditionally have not measured.

You have our commitment. We are sharing our best practices as we work our way through these four or five investigations because we want to expand that body of work to just about every investigation that we do.

Mr. CONNOR. I would just add, I mean, we have very creative engineers who love working with their partners to look at all the benefits that they can apply to any particular project, and it is a more complex world. So, if it is carbon benefits, if it is water supply as we are doing flood work, as we are looking at environmental restoration, we want to do that.

And getting to the nonpartisan, my predecessor, Mr. James, issued a directive for the Corps to study comprehensive benefits. We want to take that now to the next level where we identify it. We will quantify where we can. We have to understand where there are other benefits, and we want to modernize our approach with respect to principles, requirements, and guidelines that are essentially our tools for developing benefit-cost ratios.

And so, we need to allow folks to do the creative work by having rules in place that allow us to recommend projects that define and achieve that broader set of benefits. So, we are in the process. We are going to issue a proposed rule hopefully in the next week or two that will start this process so we can get it done next year.

It is a great question, Congressman.

Mr. DESAULNIER. Thank you. Really appreciate it.

I yield back.

Mr. ROUZER. The gentleman yields back.

Mr. Duarte.

Mr. DUARTE. Thank you. Thank you, Mr. Chairman.

Well, I represent a large portion of the San Joaquin Valley from the delta down through very low-lying towns along the San Joaquin River. We had huge problems up and down my district last year with towns flooding, with a lack of dredging, a lack of maintaining of the flood channels, all of which could not be improved upon while the flooding was occurring, as you might imagine.

One specific problem we have is the lower San Joaquin River feasibility study that runs through Lathrop and the lower San Joaquin River right as it enters the delta. It has been hamstrung. It

doesn't meet your own 3x3x3 rule. It is now scheduled to happen in 2027. It has been pending there for a number of years. And at least in that case, I want to encourage you to look at that, and please advance that as you can.

But my district is riddled with unmet needs from the Army Corps of Engineers. And the irony I find, listening to all my friends and colleagues here talk about wetlands issues that aren't being handled sufficiently to help commerce and ports and drainages, is wetland issues that involve no wetland at all.

And with that, I would like to show a picture of a jurisdictional or what you claim to be as a jurisdictional vernal pool in the San Joaquin Valley. This one is actually out at the Sacramento Valley.

[Picture displayed.]

Mr. DUARTE. If you can't see it, that is part of the message here today.

Under WOTUS, the Army Corps of Engineers has been claiming jurisdiction over topographic swales for decades. It has been controversial, and we all thought it would have been cleared up back in the *Sackett* decision, which came down very decisively earlier this year, so that the term "continuous surface water connection" with navigable waters in the United States was necessary for you to claim any jurisdiction over these types of wetland features through the Clean Water Act. And in January, you issued a memo, an initial rulemaking that recognized this to some degree and recognized *Sackett*.

But then on September 27 of 2023, this year, just a few months ago, you signed a memo, Secretary Connor, that said the agencies would continue to apply the overbroad pre-*Sackett* interpretations of continuous surface connections from the January 2023 rule preamble, and how soon can we expect the administration to formally rescind the illegal pre-*Sackett* guidance, acknowledging the Supreme Court's binding interpretation of adjacent wetlands and following the law.

What you are basically saying is that you can daisy-chain this kind of a seasonal wetland feature across the entire field to the next one.

Now, I have been involved in these kinds of regulatory efforts myself. I have been prosecuted for planting wheat on ground just like this one under the WOTUS wetlands rules.

The *Sackett* decision said—let me just read you some quotes in case you are still vague—waters may fairly be read to include only those wetlands that are, quote, "as a practical matter indistinguishable from waters of the United States," meaning navigable, "such that it is difficult to determine where the water ends and where the wetland begins."

That wouldn't be the case in these vernal pools across the landscape.

So, in summary, let me ask and then let you answer. Why is the Army Corps of Engineers and EPA completely disregarding the findings of the *Sackett* decision and continuing to regulate isolated wetlands that have no surface water connection with navigable waters of the United States whatsoever?

Mr. CONNOR. That is not a correct statement, Congressman. That is not what we are doing. We just issued a conforming rule on Sep-

tember 8 that expressly eliminated the significant nexus test. It modified the definition now of adjacent wetlands. It took out wetlands that are identified as jurisdictional water because they are interstate, and we have the eight exemptions that we had in the January 2008 rule.

I haven't issued any substantive guidance with respect to interpretation of continuous—

Mr. DUARTE [interrupting]. Your Sacramento office will not be regulating this as a jurisdictional wetland under WOTUS at this point?

Mr. CONNOR. I am not getting into any fact-specific situations. I am just telling you we have a conforming rule that is consistent with *Sackett*. We are working through jurisdictional determinations right now. We are going to ultimately be issuing guidance. That will be a public process. But your statement that we are not in conformance with *Sackett* is an incorrect one, sir.

Mr. DUARTE. You are absolutely not in conformance with *Sackett*. *Sackett* says clearly several times and, in fact, they go again, "In sum, we hold that the Clean Water Act extends to only those 'wetlands with a continuous surface connection to bodies that are 'waters of the United States' in their own right.'"

You are still regulating these wetlands across agricultural landscapes up and down California. There is no possible way what you are saying and what is the actual on-the-ground truth melds with the *Sackett* decision.

Mr. CONNOR. You are offering me a specific determination made by the Corps post-September 8. We can have a discussion about whether or not we are regulating areas like this, Congressman.

Mr. DUARTE. Well, these—

Mr. CONNOR [interrupting]. I am happy to have that conversation every day.

Mr. DUARTE. Your Sacramento office didn't even get back to us with delineations on map—on wetland features that are clearly not jurisdictional.

Mr. CONNOR. Bring me a specific determination. I am happy to—

Mr. DUARTE [interrupting]. They are not issuing determinations. They are sitting on their old determinations, and we can't get any results out of them.

Mr. ROUZER. The gentleman's time has expired.

Ms. Wilson.

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

I remember when I first got to Congress 13 years ago, WRDA was not on a 2-year cycle. To advocate for the restoration of the 2-year cycle, I launched the bipartisan Florida Ports Caucus, alongside my friend and fellow Floridian, Congressman Bill Posey. Over the last decade, we got on cycle. This committee has delivered on the WRDA's goal of protecting our water supply, especially in communities vulnerable to the threats of climate change like my hometown, Miami-Dade.

As one of the five cosponsors of the Bipartisan Infrastructure Law, I want to highlight the \$17 billion in supplemental funding

to the Corps. Miami-Dade County is already reaping the positive outcomes of Biden's infrastructure law and the Corps.

Additionally, I proudly sponsored community projects led by Florida International University to improve Biscayne Bay and address water issues in neighboring cities.

But my community still needs help. First, we need funding for our section 219 Miami-Dade wastewater infrastructure project. We authorized this critical project in WRDA in 2022. Now we need to fund it, especially considering the \$4 billion septic system crisis we are currently facing in south Florida that is contributing to the pollution of Miami-Dade's aquifer and Biscayne Bay. As many septic tanks risk being compromised when it rains, these failing septic systems directly threaten disadvantaged communities, especially given rising sea levels.

Situated at the forefront of the climate crisis and surrounded by water, my district is vulnerable to sea level change, and we depend on Everglades restoration. Failing to pass the WRDA is not an option for us. We cannot afford the consequences of neglect, including leaving our water resources susceptible to disaster and a rapidly changing climate.

With that, I have a few questions. Assistant Secretary Connor, in your March 15, 2022, memo, you highlighted the need for all communities to share the benefits of a healthy environment. Within that context of Justice40 highlighting the aim to tackle the crucial waste infrastructure issues in disadvantaged communities, how are these entwined goals considered when determining the spending plan for environmental infrastructure?

Mr. CONNOR. Congresswoman, thank you for the question. As a threshold matter, we have the President's goal of ensuring that 40 percent of the resources that we have towards environmental-related infrastructure is benefiting marginalized economically disadvantaged communities. So, we have prioritized a number of our outreach programs, Planning Assistance to States, Flood Plain Management Services, where we are doing more aggressive outreach to inform communities of the resources and the authorities that we have at the Corps of Engineers to do work that will benefit those communities that have been historically ignored.

And then we are certainly looking at modifying our rules, as we talked about just a little bit ago, how we assess benefits and costs so that we can look at social, environmental, as well as economic benefits and make determinations and recommendations so that we can incorporate those features because, quite frankly, as we only protected the highest value properties, that has been our historical approach, that has been inequitable.

And so, we need to better assess the benefits that we can have for many communities. So, we are looking at integrating that into our planning, as well as through the Bipartisan Infrastructure Law, the specific investments that we made that didn't always go to the absolute highest benefit-cost projects. We looked at, under direction in the law, of how to spread those benefits among many communities. So, those are a few examples of how we are trying to address this.

Ms. WILSON OF FLORIDA. Can you elaborate on the next actionable steps from the August meeting that you had with Miami-Dade

County about the additional alternative status for the feasibility study? Our mayor and I want to expedite these projects for WRDA 2024.

Mr. CONNOR. With respect to Miami Back Bay and the study that we are doing in that context, one, I think we are looking at it from a regional perspective, which I think is the proper way to assess this. And given the urgency and the risk that exists from sea level rise and more powerful storm surges, we are trying to look at a phased approach where we are trying to do first phase feasibility work, look at critical infrastructure, look at non-structural means that we can take in the near term, see if we can get an authorization in place through WRDA 2024. And then look at the larger, more strategic long-term big infrastructure, and that includes large-scale, natural nature-based features, which is very important to the local sponsor, as well as just hardened infrastructure that we may need to protect the community in a way that they will accept. And that is the longer term second phase of the approach there that we are taking.

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

Mr. ROUZER. Mr. Van Orden.

Mr. VAN ORDEN. Thank you, Mr. Chairman.

As you guys know, the Army Corps of Engineers encompasses a tremendous amount of very rural areas. And the Third Congressional District in the city of Wisconsin that I represent has the largest contiguous sections of the Mississippi River of any congressional district in the country. You go from lock 2 to lock 11. We have the tributaries of St. Croix, Chippewa, Black River, La Crosse, and Wisconsin Rivers that all go into there.

And I have toured all of our locks and dams. I want to make sure that our lock and dam operators that are listening understand not only do I appreciate their hospitality, but I appreciate their professionalism. And I have firsthand knowledge of how incredibly important it is to keep these things going.

We just got designated as part of the northern corn belt ports—

[Aside]: What is that? John James from Michigan; whatever, dude.

I speak regularly to Colonel Eric Swenson from the St. Paul District, and Jesse Curry from Rock Island, and they have been very, very supportive, and I want to start with a good news story for you guys.

We had a lot of flooding back in April, and we contacted them, because I have a personal relationship with these two gentlemen that are running these districts, and they were standing by to help the township of Campbell, and they immediately deployed, as soon as Governor Evers called us an emergency, these incredible pumps to help get rid of the flooding on the island. And due to the direct result of the hard work of the men and women of the Army Corps of Engineers, you were capable of saving 70 houses in the township of Campbell, and I don't know why that wasn't front-page news.

But here is the issue. I have got 19 whole and partial counties in the district, and the problem is that folks don't understand what you are capable of doing and what you are tasked to do. So, not only is it just the Mississippi River and these big-time ports and harbors and all that stuff, you are responsible for doing a lot of the

work on these inland waterways. And my problem with this is that there are a lot of anecdotal stories about—I wouldn't say intransigence by the Army Corps of Engineers, but I would say a certain lack of responsiveness by the Army Corps of Engineers, and sometimes people just give up on asking for things. That is one side.

The other side of the coin is this: They don't know what you are capable of doing or why and when.

So, what I would like to know from you guys is, what is your type of outreach to communities in these small counties in, for instance, my district in the State of Wisconsin who can't afford to have somebody that can go through all these crazy regulations and all of these things that are out there that say what you can and cannot do?

So, what specifically, General, is your outreach to smaller counties and communities so they know that they can leverage your assets?

General SPELLMON. Congressman Van Orden, first, thanks for the question.

Just a bit of context for some of the frustration that your constituents are feeling. I command an organization that is built, it is manned, it is structured for a \$22 billion a year construction program—or actually \$92 billion. So, it is hard for us to get out to these small towns.

I think what work that we are doing in Arcadia, the work that we are doing in the city of La Crosse, we are working hard to get out and educate people where we can, and we have the bandwidth to do that. I agree with you, we have got to get better. We have got to speak in plainer English, and we will work hard to get out to the communities that you have mentioned. It is just an amazing workload that the team is working through at the moment.

Mr. VAN ORDEN. I get it. You are underresourced and overtasked.

And then I just have one more thing for the Under Secretary. Sir, could you read this for me.

Mr. CONNOR. Go Navy.

Mr. VAN ORDEN. Thank you very much.

And then if you would follow that up with this.

Mr. CONNOR. Go Army.

Mr. VAN ORDEN. That is the root of the problem. The man can't read. I was just kidding.

Hey, thank you very much, sir. Listen, anything I can do to help you guys, tell me, because it is critically important to the economy for the State of Wisconsin. It is incredibly important for the national security of this country that we can work collaboratively together. So, I have your phone number and you have mine. Thank you very much.

Mr. CONNOR. Sir, can I just mention, you have been out to our facilities. It raises spirits. People have mentioned this to me after you have been out there.

Mr. VAN ORDEN. They are awesome. All right, thank you very much.

I yield back, sir.

Mrs. GONZÁLEZ-COLÓN [presiding]. Thank you, Mr. Van Orden.

And now we recognize Mr. Moulton for 5 minutes.

Mr. MOULTON. Thank you very much.

Gentlemen, in 2022, the Massachusetts Department of Transportation closed the Hall-Whitaker Bridge in Beverly when an inspection revealed major deterioration. The bridge linked the critical parts of the city and carried 8,000 cars per day. The timeline for the bridge's reconstruction is beyond comprehension.

Let me emphasize to you: This is a bridge barely wider than this room. The Chinese would take it down in a night. All right. And yet what we are being told is it will take until 2027 to just get a temporary replacement and 2035 for a final replacement. To be honest, I think that's an embarrassment.

Onerous permitting requirements coupled with a complicated swing-span bridge design are apparently to blame, but it is not like we have never done any of these things in the past. We have been building swing-span bridges for hundreds of years.

I recognize that the Corps is not responsible for the bridge design, but it does serve as the Federal general contractor for the bridge rebuild, coordinating approvals for multiple Federal agencies before issuing the permits.

So, General Spellmon, what can the Army Corps do to expedite the permitting of the Hall-Whitaker Bridge project to reconnect the Ryal Side neighborhood in downtown Beverly as soon as possible?

General SPELLMON. Congressman Moulton, thank you for the question. We have done a site visit, and we do understand the project. We participated in a preapplication meeting that was hosted by Massachusetts Department of Transportation. In fact, we had a meeting with the MassDOT secretary just last week. We are going to proactively complete our work once we have the completed application from the builders.

Mr. MOULTON. OK. Well, I appreciate your doing that expeditiously, and please do stay in touch closely with me. This is a priority of mine. What is framed as an embarrassment could actually be a great success story, showing that we can still do big things, even small things, small bridges, expeditiously.

When you realize that the root of the permitting problem is environmental regulations and yet the proposal here is not to replace this bridge with one bridge but literally to build two in two different locations, a temporary bridge and then the final bridge, it is hard to imagine that building two separate bridges is better for this river environment than just ripping up one and putting a new one down quickly. So, I hope we can not lose the forest for the trees here, get this done quickly and expeditiously.

Shallow-draft ports greatly contribute to local economics of smaller cities and towns. My district has 10 shallow-draft ports, mostly fishing hubs, who witness increasing challenges in securing funding for these smaller ports.

Mr. Connor, what can the Army Corps do to ensure that adequate funding is dedicated to small harbors?

Mr. CONNOR. I think the best thing we can do is continue to try and follow the plan that was laid out in WRDA 2020 with emerging and small harbors, and I think we are in pretty good shape with respect to continuing that approach, and if we can continue with the percentages as the amount dedicated to the Harbor Maintenance Trust Fund, we should continue to be able to get at it. But

this is a situation where we are probably never going to have fully the resources necessary to satisfy all of the needs, but I think we are on a good trajectory at this point in time.

Mr. MOULTON. OK. Gentlemen, just going back to the northern part of my district, we were excited to finally see the Merrimack River dredged last year. The work was critical to improving navigation and ensuring Plum Island could be renourished with sand. Unfortunately, the Army Corps' jetty that sits off North Point on Plum Island is creating a gyre that exacerbates beach erosion and subjecting more homes to potential flooding. The Corps is now conducting its own study of the situation, but we must make the necessary changes to the jetty itself as soon as possible to secure the coast and protect homes and livelihoods.

Lieutenant General Spellmon, what can the Army Corps do to expedite the review, engineering, and construction of the jetty renovations to decrease beach erosion on Plum Island?

General SPELLMON. Congressman Moulton, first, we want to thank Congress for the \$240,000 in fiscal year 2023 funding to allow us to get after this effort. We are in the modeling phase now. We are going to produce a major maintenance report to look at a way, how can we adjust our jetties to get after the erosion issues that you describe.

So, more to follow, sir, on the schedule once we get through the modeling phase.

Mr. MOULTON. Any idea how long this is going to take? What is the timeline?

General SPELLMON. The report will be complete in the spring.

Mr. MOULTON. The report will be complete in the spring. Then you have to do—

General SPELLMON [interrupting]. With the recommendation, sir. Then we will come back to the Secretary with our cost estimate of what it would take for the fix. But I will know more—

Mr. MOULTON [interrupting]. So, all the modeling and everything will be done by spring?

General SPELLMON. I'm sorry, I didn't understand.

Mr. MOULTON. All the modeling and everything will be done by spring?

General SPELLMON. No, sir. The report will be done. Modeling will be complete. We will have our recommendations ready in the spring. That will inform our next budget recommendation.

Mr. MOULTON. OK. Thank you very much.

Mr. Chairman, I yield back.

Mr. ROUZER [presiding]. Mrs. González-Colón.

Mrs. GONZÁLEZ-COLÓN. Thank you, Mr. Chairman.

And I am happy to see here Secretary Connor, General Spellmon. And I think this is important. And I want to say just for the record, thank you to the Army Corps of Engineers for all their missions and for being so critical in helping rebuild our islands after hurricanes, earthquakes, and a lot of floods. This is the Federal agency that has best responded to us, and I needed to say that on the record.

In the recent creation of the Task Force for the Virgin Islands and Puerto Rico, the VIPR, I know that should help speed that rebuilding and overcome implementation obstacles. So, I am very

happy to see that task force. We know the resources are not unlimited, and there is no way to fix every foot of shore or riverbank and every square meter of wetland all at the same time, and we appreciate the effort your agency does.

So, to that end, one important concern of mine is the effect of inflation and supply chain on the ability to complete authorized projects. Projects already started or in planning stages will end up with a real total cost significantly greater than was originally authorized or obligated.

And my question will be how the Corps addresses this. Do we need the whole reauthorization or reappropriation process all over again and bring the project to a stop while we do it, or reduce the project and leave phases undone, or split those phases and have to go through the whole process of reauthorization and appropriation all over again? Or how must we change that process, how can we change it to make it happen fast?

General SPELLMON. Congresswoman, first, we are working through the cost increases, and I want to assure you, this is just not in Puerto Rico. This is everywhere. The number 1 cost driver on all our projects today is qualified tradespeople in the construction trades.

I think what we can do in the immediate term is to be completely open with you, with the administration and Congress on what we are experiencing. In fact, we are hiring more cost engineers in the Army Corps of Engineers. We are working to get our way to 500. That is helping.

As you know, we stood up Task Force Virgin Islands and Puerto Rico, and that was to give an added level of leadership and oversight to our program and to enhance our communication, ma'am, with you and others on what we are experiencing.

Mrs. GONZÁLEZ-COLÓN. And I am very happy about that. Just feel free, if Congress needs to do any recommendation, altering the process, amending the process, that will expedite your time for processing this or taking decisions, let us know, because I know how difficult it is to comply with all those requirements.

And one of the other issues, in our case, the Bipartisan Budget Act of 2018 was to be funded at 100 percent Federal share. However, as mentioned, most of the projects that were for the recovery process after Hurricane Irma and Maria will be—the real cost will be much higher. So, what happens now? What is the difference? Become subject to increase, to double share? Does the project stop until we reach that original estimate? What do you do in those cases?

General SPELLMON. Yes, ma'am. So, what we are doing now is we are working on, in some of the cases, finalizing our cost estimate. As you can imagine, as you know, this is a very dynamic environment, and everything that you mentioned in the preface to your initial question is on the table. How do we get after the highest risk portion of these projects and hold off on others where we can buy some risk with time?

We owe you all of these recommendations as we continue to mature our designs and our cost estimates. And, Congresswoman, I assure you we will keep the lines of communication wide open with you and your team.

Mrs. GONZÁLEZ-COLÓN. One last question. And I make this more for the record, but in that aftermath of the hurricanes, we received on the island \$2.6 billion in supplemental funding for Army Corps projects, exceeding all previous funds historically. And since then, we have also received a large supplemental fund through the Infrastructure Act and other special appropriations.

But first, we cannot be living under the emergencies forever in the case of Puerto Rico. The second, every year there are more communities, not just in Puerto Rico but nationwide, that plead for projects to address their local situation that is deteriorating from diverse factors like sea level rise, sedimentation, erosion, among others.

Does the Army Corps foresee an increase in such nonemergency demands? And how do we make sure we can identify where to act before there is an emergency, especially in poorer jurisdictions where there may not be the resources for a 35-percent share of cost?

General SPELLMON. Congresswoman, I would say three things. First, we will continue to express capabilities for projects in non-emergency years so we can get ahead of the exact scenario you are describing. We are doing much better in workload sharing than we ever had in the past across our 42 districts, and I think Task Force Virgin Islands and Puerto Rico is a great example of that.

And I would just end with, Congress is helping. As I mentioned, this is a historic time for the Army Corps of Engineers, a \$92 billion program. The Nation is investing in this infrastructure, and we have got to just get it in the ground, and we appreciate your leadership.

Mrs. GONZÁLEZ-COLÓN. Thank you. I appreciate that.

I yield back.

Mr. ROUZER. Thank you, everybody.

Are there any further questions from members of the subcommittee who have not been recognized?

Seeing none, that concludes our hearing for today.

I would like to thank each of the witnesses for your testimony.

Before I gavel out, I do have a UC request. I ask unanimous consent to enter into the record a statement from the American Society of Civil Engineers dated December 5, 2023, to the committee regarding priorities for the upcoming WRDA legislation.

Without objection, so ordered.

[The information follows:]

Statement of the American Society of Civil Engineers, Submitted for the Record by Hon. David Rouzer

INTRODUCTION

The American Society of Civil Engineers (ASCE) appreciates the opportunity to submit a statement to the House Committee on Transportation and Infrastructure's Subcommittee on Water Resources and the Environment regarding the hearing on "Water Resources Development Acts: Status of Past Provisions and Future Needs." We also wish to express our appreciation to the committee for its commitment to keeping passage of the Water Resources Development Act (WRDA) 2024 on a biennial authorization cycle. Doing so ensures greater certainty for new and ongoing water resources projects and offers the opportunity to make needed updates to federal water resources policy. We are eager to work with the committee in the months

ahead to find ways to further improve our nation's water resources infrastructure systems.

Passage of the Infrastructure Investment and Jobs Act (IIJA) made needed investments in critical infrastructure systems and Congress continued its commitment to investing in water resources infrastructure policy reforms with the passage of WRDA 2022. These reforms included reauthorization of the National Levee Safety Program, a permanent extension of the cost share formula for the Inland Waterways Trust Fund, and the establishment of a new National Low-Head Dam Inventory. However, much work remains to be done in the coming year to improve the overall safety of the nation's dams and levees, strengthen our ports and inland waterways, and enhance overall infrastructure resilience.

ASCE'S 2021 REPORT CARD FOR AMERICA'S INFRASTRUCTURE

Infrastructure is the foundation that connects the nation's businesses, communities, and people. It serves as the backbone of the U.S. economy and is vital to the nation's public health, safety, and welfare. Every four years, ASCE publishes the *Report Card for America's Infrastructure*¹, which grades 17 major infrastructure categories using a simple "A" to "F" school report card format. In March of 2021, ASCE released the latest version of its Report Card, giving the nation's overall infrastructure a grade of "C-," and identifying an investment gap of \$2.2 trillion. While the overall GPA increased into the "C" range for the first time since ASCE began grading the nation's infrastructure in 1998, much of the nation's critical water resources infrastructure remains in the "D" range. In the 2021 Report Card, dams and levees each received a "D," while inland waterways received a "D+." The nation's ports were a bright spot in the Report Card, with a grade of "B-".

To raise these grades, ASCE urges Congress to prioritize the repair, replacement, and modernization of our existing infrastructure, with a focus on resilience. ASCE also urges Congress to ensure long-term, consistent investment in our infrastructure systems by passing authorization legislation like WRDA every two years.

DAM SAFETY

The United States is home to nearly 92,000 dams, which provide a wide range of services, including water storage, flood control, irrigation, hydropower generation, and recreation. The average age of the nation's dams is roughly 57 years old, with most dams built with a life expectancy of about 50 years. Because of their advanced age, many dams in the United States were not designed to account for the severe changes in weather and increased levels of precipitation brought on by climate change.

As noted previously, the nation's dams earned a "D" on the 2021 Report Card. Advanced age and increased levels of rainfall continue to place increased strain on the nation's dams and could ultimately result in greater instances of dam failure. This would cost billions of dollars, not only in dam repairs, but also in addressing public health and safety risks in affected communities, as well as from the diversion of limited resources away from other infrastructure needs.² In addition, a recent report prepared by the Association of State Dam Safety Officials (ASDSO) estimates that the total cost of bringing the nation's dams into a state of good repair stands at \$157.5 billion.³ According to ASDSO, these costs will continue to rise as dam maintenance, rehabilitation, and repair is deferred. Without adequate revenue streams, repairs will continue to be deferred as dam owners find it more and more difficult to finance expensive rehabilitation projects.⁴ While IIJA provided a significant down payment to address the needs of the nation's dams, more must be done at the federal level to improve dam safety nationwide.

In 2022, Congress made important improvements to the nation's dam safety through WRDA, including the establishment of a National Low-Head Dam Inventory to identify small, hard-to-detect structures that span across rivers and streams. Flows from low-head dams can produce hazardous currents that can pull people underwater. Because these dams are not easily identifiable, the public is often unaware of the dangers that they pose⁵. A national inventory of low-head dams will allow for increased public awareness and greater ability to enhance safety measures around these structures. In the interest of public safety, the U.S. Army Corps of En-

¹ America's Infrastructure Report Card 2021. GPA: C-

² Dams—2021.pdf (infrastructurereportcard.org)

³ SCOPE OF WORK (damsafety-prod.s3.amazonaws.com)

⁴ Ibid.

⁵ Dams—2021.pdf (infrastructurereportcard.org)

gineers (USACE) should move swiftly in its efforts to implement the National Low Head Dam Inventory.

Two critical federal programs which support dam safety are the National Dam Safety Program and the High Hazard Potential Dam Rehabilitation Grant Program, which fall under the purview of the Federal Emergency Management Agency (FEMA). The National Dam Safety Program is the primary source of federal funding going directly to states to support state-level dam safety programs. Based on current state budgets, one dam inspector is responsible for approximately 200 dams on average, and that number can be even more in some states.⁶ Ensuring states have access to adequate federal resources is critical to easing increased burdens on state dam safety programs. Funding from the program comes largely in the form of National Dam Safety Program State Assistance Grants, which are provided to states without additional cost sharing requirements. These resources support activities such as dam inspection and monitoring, emergency preparedness, training, equipment purchases, and staffing needs.⁷ The National Dam Safety Program was last reauthorized under WRDA 2018, with that authorization having expired on September 30th, 2023.

Unlike the National Dam Safety Program, the High Hazard Potential Dam Rehabilitation Grant Program supports repair and rehabilitation projects for the nation's high-hazard dams, which are dams that would result in loss of life in the event of a dam failure. ASDSO estimates that more than 2,300 high-hazard potential dams have a condition rating of deficient due to a lack of investment in dam safety.⁸ Support for programs like the National Dam Safety Program and the High Hazard Potential Dam Rehabilitation Grant Program is essential to prevent potentially catastrophic dam failures.

However, these programs face significant challenges in the coming years. The program must be reauthorized, and the manner in which State Assistance Grants are allocated must be reformed to hasten the flow of federal funding to states. The High Hazard Potential Dam Rehabilitation Program, while not set to expire until 2026, is in need of reforms to ensure greater access to grant funds, improve the application process, and ensure proper operation and maintenance of high hazard potential dams. Often, dam rehabilitation projects that would benefit from these grants are deferred because dam operators often cannot afford to take on the necessary operation and maintenance commitments, and because smaller disadvantaged communities do not have the resources to afford cost sharing requirements.

Currently, there is bipartisan support for these efforts in both the House and the Senate. On August 1, 2023, a bipartisan group of House Members introduced H.R. 5104, the National Dam Safety Program Reauthorization Act. The intent of this legislation is to fully reauthorize the program for five years and spur a discussion within the Transportation & Infrastructure Committee about including needed reforms to the National Dam Safety Program and the High Hazard Potential Dam Rehabilitation Program, which are spelled out above, in the upcoming WRDA legislation. Bipartisan companion legislation is also expected to be introduced in the coming days in the Senate. ASCE urges Congress to move swiftly to reauthorize this critical safety program and enact the necessary reforms so that state dam safety inspectors have the resources they need.

LEEVE SAFETY

Nearly 17 million people in the U.S. live or work behind a levee. The National Levee Database contains nearly 30,000 miles of levees around the country, and current estimates identify up to another 10,000 additional miles of levees outside of the jurisdiction of USACE.

Every state relies on levees to protect communities from flooding. The average age of the nation's levees is over 50 years old, with many built using less rigorous standards than those used today. Much like the nation's dams, the risk to the nation's levees is further exacerbated by increasingly severe weather patterns and heavier rainfall brought on by climate change. For moderate- to high-risk levees in USACE's portfolio, ASCE estimates that approximately \$21 billion is required to make necessary improvements.⁹ This is of great concern given the fact that even well-maintained levees can be breached by water seeping underneath them. To address these concerns, the National Levee Safety Program, first authorized in 2014, is tasked with establishing national levee safety guidelines, supporting the creation of state-

⁶The Dam Truth: The 91,000 Dams in the US Earned a "D" for Safety—Mother Jones

⁷State Assistance Grant Program (fema.gov)

⁸Roadmap to Reducing Dam Safety Risks. Association of State Dam Safety

⁹Levees—2021.pdf (infrastructurereportcard.org)

level levee safety programs, and establishing a levee rehabilitation program to support needed repairs for the nation's levees. ASCE was very pleased to see Congress reauthorize the National Levee Safety Program through 2028 in WRDA 2022. This was a top ASCE priority last year, and it will ensure that the program can continue to develop and support levee monitoring and inspection activities, levee repairs, and the overall safety of the nation's levees.

Unfortunately, since the establishment of the National Levee Safety Program, Congress has appropriated far less than the \$79 million authorized. While annual appropriations have continued to support the development of the National Levee Database, Congress only provided \$15 million for the National Levee Safety Program in FY 2020 and has not provided additional appropriations since. For the program to reach its full potential, Congress must provide adequate resources.

PORTS

The nation's more than 300 coastal and inland ports serve as significant economic drivers and places of employment, enabling goods to reach consumers and the nation to participate in the global economy. Recent years have demonstrated the critical role these facilities play in a functioning supply chain. Ports and port tenants plan to spend \$163 billion between 2021 and 2025, concentrating on investments related to capacity and efficiency as vessel size increases and tonnage grows.¹⁰ However, there remains a funding gap of over \$12 billion for waterside infrastructure such as dredging over the next 10 years, with additional billions needed for landside infrastructure.

Ports earned a "B-" on ASCE's 2021 Report Card, which recognized the positive measures included for ports in the 2020 WRDA legislation. Specifically, WRDA 2020 included full utilization of the \$10 billion balance of the Harbor Maintenance Trust Fund (HMTF) by allowing \$500 million to be appropriated in FY 2021, with an increase of \$100 million annually until it is fully expended by 2030. The full expenditure of the HMTF was a long-time ASCE priority and ASCE was pleased to see Congress finally address this issue.

WRDA 2022 maintained a strong commitment to the nation's ports and harbors. The law authorized dredging projects in underserved community harbors and required USACE to develop criteria for the evaluation and ranking of maintenance dredging requirements for small, remote, and subsistence harbors. ASCE supported these efforts to enhance investment in dredging activity. Efforts to address challenges in underserved harbor communities have the potential to help enhance economic activity, advance environmental justice, and create new job opportunities.

INLAND WATERWAYS

As the nation's "water highway", the country's inland waterway network spans 12,000 miles and serves an important purpose in the movement of a variety of goods, such as agricultural products. This infrastructure, which includes locks, dams, and navigation channels, has benefited from recent boosts in federal investment and an increase in user fees. However, the system still reports a \$6.8 billion backlog in construction projects and ongoing lock closures¹¹, which harm the industries that rely on waterways to transport goods.

Inland waterways, on which about 830 million tons of cargo are moved annually, earned a "D+" in the 2021 Report Card. As with ports, WRDA 2022 included measures that ASCE considered positive for inland waterways. ASCE appreciated the permanent extension of the Inland Waterways Trust Fund's (IWTF) cost share, adjusted in 2020 from 50% general revenue–50% IWTF to 65%–35% for construction and rehabilitation projects. The IWTF, which finances construction and rehabilitation efforts, is supported by a 29-cents per gallon tax on barge fuel. The general fund-IWTF cost share formula of 65%–35% was set to expire within the decade, and the removal of that sunset provision offers a measure of certainty for future construction and rehabilitation projects. While ASCE continues to support further adjusting of the cost share requirement to a 75%–25% split, the provision that makes the cost share formula permanent is still a positive step in supporting construction efforts and reducing the inland waterways project backlog.

The IJA invests \$17 billion in inland waterways and ports, which can help reduce the funding gap of \$25 billion over 10 years referenced in the 2021 Report Card. However, additional funding for inland waterways projects is still needed, partly because of complicating factors such as inflation, worker shortages, and geo-

¹⁰ Ports—2021.pdf (infrastructurereportcard.org)

¹¹ Inland-Waterways-2021.pdf (infrastructurereportcard.org)

political conflicts, which impact the steel market. Dependable funding can also contribute to reliably planned construction timelines. Unscheduled maintenance closures are costly interruptions to the inland waterway system because they drive traffic away from rivers and force shippers to rely on trucks, which are more costly and environmentally harmful to operate.

STORMWATER INFRASTRUCTURE FINANCING

Stormwater infrastructure can take many forms, including piped systems, detention basins, ditches, canals, channels, and roadway conveyance systems. In recent years, green stormwater infrastructure has been introduced in new developments and coupled with traditional “gray infrastructure” to maximize the benefits from natural hydrologic cycles using vegetation, soils, site grading, and natural filtration processes. Green infrastructure provides benefits by reducing runoff, minimizing erosion, and contributing to water quality improvements; examples include rain gardens, constructed wetlands, vegetative roadway bioswales, and permeable pavements.

In 2021, ASCE’s *Report Card for America’s Infrastructure* assessed the nation’s stormwater infrastructure for the first time and assigned a grade of “D,” meaning the infrastructure is in poor condition and at risk. The effects of climate change are producing more severe and unpredictable weather patterns, including increased levels of precipitation. This, coupled with the increased frequency of rainfall events, places increased strain on stormwater infrastructure systems nationwide. The results have been increased urban flooding, which has resulted in billions of dollars in direct damages, as well as hazards to public safety.¹² When stormwater systems become overwhelmed, they begin to affect the functionality of other infrastructure systems. These effects may include flash floods, sinkholes, collapsed roadways, and inundation of wastewater infrastructure leading to polluted waterways.¹³

Programs like the Clean Water State Revolving Fund program and the Water Infrastructure Finance and Innovation Act can support stormwater infrastructure projects. However, lower funding levels and competing water infrastructure priorities reduce the effectiveness of these funding sources. The growing challenge posed by urban flooding on overstressed stormwater infrastructure systems requires a more dedicated approach.

PROPOSED SOLUTIONS

WRDA provides a unique opportunity to take necessary action to strengthen the nation’s infrastructure. A biennial WRDA cycle provides federal agencies and communities throughout the country predictability to plan and make progress on infrastructure projects. To ensure the safety and extend the life of critical infrastructure, and support more water infrastructure projects, we urge Congress to support the following priorities:

- 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 IIJA and must continue to build on these investments to improve dam safety and protect downstream communities. We ask that WRDA 2024 include:
 - A five-year reauthorization of the National Dam Safety Program, ensuring that the program can continue to support state-level programs through 2028.
 - 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 efforts to fund their own programs, and removing this limitation will allow for annual appropriations and IIJA funds to flow more freely to states.
 - A new definition of “small underserved community” for the High Hazard Potential Dam Rehabilitation Program, and waiving of the 35% non-federal cost share requirements for grant-eligible communities that fall under this definition. This will provide greater protection for communities that own or could be significantly impacted by a dam failure, but do not have sufficient resources to afford the required match.

¹² <https://infrastructurereportcard.org/wp-content/uploads/2020/12/Stormwater-2021.pdf>

¹³ *Ibid.*

- Ensure that operation and maintenance responsibility for high-hazard potential dam projects falls on dam owners and not smaller grant subrecipients.
- Language requiring an update from USACE on efforts to implement the National Low Head Dam Inventory, which was authorized in WRDA 2022.
- Creation of a program dedicated to financing stormwater infrastructure projects.
- Continuing to allow for the use of the unspent balance of the Harbor Maintenance Trust Fund and spend down this balance on port projects.
- Ensuring full use of the Inland Waterways Trust Fund continues to be appropriated.

ASCE urges Congress to maintain a bipartisan two-year cycle and pass WRDA 2024. This is critical to provide predictability to federal agencies for planning and review of projects and priorities and to be able to better respond to increasingly unpredictable threats, such as climate change. A regular WRDA schedule is also essential for members of the civil engineering community who rely on support from Congress, for USACE, and for other agencies to ensure design, development, and construction of critical infrastructure moves forward in a timely and efficient manner. This helps to ensure infrastructure remains resilient in the face of evolving challenges, and that communities have access to needed services and protection from potential hazards.

CONCLUSION

ASCE appreciates the opportunity to provide the committee with this statement on its priorities for the upcoming WRDA legislation. We strongly believe that our nation must prioritize needed investments in our nation's water resources infrastructure to ensure public safety, a strong economy, and the protection of environmental resources. Support for our nation's dams, levees, ports, and inland waterways is needed to close the growing funding gap and to ensure the U.S. has world-class 21st Century infrastructure. We look forward to working with the committee over the coming months as the WRDA process unfolds.

Mr. ROUZER. Seeing that we have no other questions for the hearing today, the subcommittee stands adjourned.

[Whereupon, at 12:27 p.m., the subcommittee was adjourned.]

SUBMISSIONS FOR THE RECORD

Letter of October 24, 2023, to Hon. Sam Graves, Chairman, and Hon. Rick Larsen, Ranking Member, Committee on Transportation and Infrastructure, from Sean O'Neill, Senior Vice President, Government Affairs, Portland Cement Association, Submitted for the Record by Hon. David Rouzer

OCTOBER 24, 2023.

The Honorable SAM GRAVES,
Chairman,
Transportation and Infrastructure Committee, Washington, DC 20515.

The Honorable RICK LARSEN,
Ranking Member,
Transportation and Infrastructure Committee, Washington, DC 20515.

DEAR CHAIRMAN GRAVES AND RANKING MEMBER LARSEN:

The Portland Cement Association (PCA), which represents the majority of U.S. cement manufacturers, appreciates the Water Resources and Environment Subcommittee holding today's hearing entitled *Water Resources Development Acts: Status of Past Provisions and Future Needs*. We welcome the opportunity to share the cement industry's perspective.

Our nation's waterways play a critical role in the movement of cement from manufacturing plants to market. Annually, the cement industry ships approximately 35 percent of our product from plants to terminals by barge, demonstrating, that these systems are vital for American commerce. Additionally, water infrastructure construction is a critical market for cement in the United States. For every billion spent on water infrastructure construction, approximately 211,000 metric tons of cement will be consumed.

The cement industry has set a goal of carbon neutrality by 2050. A key component of reducing the carbon footprint of cement in the shorter term is increasing the amount of lower-carbon cements used in infrastructure projects in the United States. Portland cement is made by intergrinding clinker, the main energy intensive ingredient, with gypsum to a fine powder. Replacing a portion of the clinker in portland cement with ground limestone or supplementary cementitious materials (SCMs) reduces its embodied carbon. These cements give specifiers, architects, engineers, producers, and designers a lower carbon way to execute any structure with virtually no modifications to mix design or placing procedures while maintaining the resilience and sustainability provided by portland cement with a lower carbon footprint.

According to the U.S. Geological Survey data, nearly 25 percent of all the cements used in the United States in 2022, and 45% percent of cement consumed in the first 5 months of 2023, were lower-carbon cements, including portland-limestone cements, up from less than five percent just two years ago.¹

One of the largest purchasers of cement in the United States is the federal government. However, in some ways federal agencies are slowing greater use of these lower-carbon cements, including the U.S. Army Corps of Engineers (Corps). The Corps follows the Unified Facilities Guide Specifications (UFGS), which are model specifications used in specifying construction for Corps projects. The UFGS are not updated on a regularly scheduled basis. Instead, updates to sections of the UFGS are typically only initiated when a Criteria Change Request is made. There are references to acceptable cement types in 80 sections of the UFGS; however, very few references to portland-limestone cement or ternary blended cements are included.

¹ <https://www.usgs.gov/centers/national-minerals-information-center/cement-statistics-and-information>

The Water Resources Development Act should direct the Corps to update the UFGS on a regular basis to both drop references to construction materials that are no longer defined in national standards specifications and include references to portland-limestone cement and ternary blended cements, that are market ready and recognized by consensus-based standards setting organizations. Doing so will not dictate the cements used by the Corps but simply ensure the UFGS is kept current with the materials available to be used in Corps projects and advance the uses of lower-carbon cements where appropriate.

We look forward to working with the Transportation and Infrastructure Committee to continue the biennial process of passing a Water Resources Development Act to not only advance critical water infrastructure projects but also advance policies to ensure the most impactful results in the delivery of those projects. If you have any questions, please do not hesitate to reach out to Sean O'Neill.

Sincerely,

SEAN O'NEILL,

Senior Vice President, Government Affairs, Portland Cement Association.

APPENDIX

QUESTIONS FROM HON. DAVID ROUZER TO HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY, AND LIEUTENANT GENERAL SCOTT A. SPELLMON, CHIEF OF ENGINEERS AND COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

Question 1. The Section 7001 Report identifies new water resource proposals and studies from non-Federal interests. In the Water Resources Development Act (WRDA) of 2020, Congress directed the Army Corps of Engineers (Corps) to provide assistance to non-Federal interests in developing project submissions for the report. Have you seen an increase in participation from community partners in the Section 7001 process? If so, please describe.

ANSWER. A response was not received at the time of publication.

Question 2. The Section 7001 Report is consistently delayed. What is the cause of the delay year after year? When do you expect the 2024 report to be transmitted to Congress?

ANSWER. A response was not received at the time of publication.

Question 3. Please provide an update on implementation guidance for WRDA 2022, as well as for other previous WRDA bills. How is the Corps prioritizing the issuance of guidance related to each of the WRDA bills?

ANSWER. A response was not received at the time of publication.

Question 4. Section 1154(a) of WRDA 2018 directs the Secretary to compile and publish a complete list of all Corps projects that are authorized for construction but have not been completed; a complete list of all feasibility studies that Congress has authorized the Secretary to carry out for which a Report of the Chief of Engineers has not been issued; a complete list of all environmental infrastructure projects authorized by Congress under Section 219 of WRDA 1992 (106 Stat. 4835); and a complete list of major Federal operation and maintenance needs of projects and properties under the control of the Corps.¹ This report is required to be published every two years, starting in 2020. However, no report has been issued to date.

What is the cause of the delay? When do you expect this report to be issued? Once the inaugural report is published, will the Corps maintain a two-year report cycle, as required by law?

ANSWER. A response was not received at the time of publication.

Question 5. When the Corps builds out its Federal dredging operations, what goal is it pursuing and what metric informs that goal? Does the Corps measure its minimum fleet in terms of number of vessels or total dredge capacity? Please describe any additional metrics the Corp utilizes to measure its minimum fleet.

ANSWER. A response was not received at the time of publication.

Question 6. What is the Corps' intention with respect to the Hopper Dredge McFarland once its replacement is delivered and placed into service?

ANSWER. A response was not received at the time of publication.

Question 7. As you know, Texas placed a chain of marine buoys on the Rio Grande at Eagle Pass to deter illegal migration. On October 19, 2023, 20 Committee Members wrote to you both regarding the lawsuit the Department of Justice (DOJ)

¹ Letter from Rep. Sam Graves, Chairman, H. Comm. on Transp. and Infrastructure, et. al, to the Hon. Michael L. Connor, Ass't Sec'y of the Army for Civil Works, U.S. Dep't of the Army, and Lieutenant General Scott Spellmon, Chief of Engineers and Commanding General, U.S. Army Corps of Engineers (Oct. 19, 2023) (on file with Comm.).

brought against the State of Texas. Did the White House—or any other Executive Branch Agency—instruct you to use Section 10 of the Rivers and Harbors Act to address this issue? If yes, please describe the direction you were given and by whom.

ANSWER. A response was not received at the time of publication.

Question 8. As part of its regulatory responsibilities under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, the Corps maintains Nationwide permits (NWP) for projects with minimal environmental impacts.² NWP are an important tool for building infrastructure in the country.

Why is the Corps undergoing a re-write of NWP, and what is the status of this effort? How will the rewrite comport with the Supreme Court decision in *Sackett*?

ANSWER. A response was not received at the time of publication.

Question 9. Recently, changes made in the Nashville District have attempted to treat reservoirs, particularly Center Hill Reservoir, differently than other Corps reservoirs Nationwide. Specifically, the changes have been designed to restrict access to the tailwaters of this reservoir upon only certain users, while the regulation cited is a Federal regulation with Nationwide application. Public access to the river for recreational activities, including kayaking and canoeing, is vital. However, these policy changes may not have been based on objective data, and not considered in the Master Plan or Corps' NEPA analysis, deviating from the Master Plan's stipulations. How does the Corps justify this noncompliance with Federal laws, which denies equal access for all users?

ANSWER. A response was not received at the time of publication.

QUESTION FROM HON. BRIAN BABIN TO HON. MICHAEL L. CONNOR,
ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT
OF THE ARMY, AND LIEUTENANT GENERAL SCOTT A.
SPELLMON, CHIEF OF ENGINEERS AND COMMANDING GENERAL,
U.S. ARMY CORPS OF ENGINEERS

Question 1. The Matagorda Ship Channel Improvement Project was authorized for construction in section 401(1)(8) of WRDA 2020 (P.L. 116–260). Since authorization, the ASA(CW) withdrew his Record of Decision for the Matagorda Ship Channel Improvement Project Feasibility Report and Environmental Impact Statement (EIS) in December 2022 due to a recent identification of a discrepancy concerning the quantity of material to be dredged for deepening the project and the quantity of such material that was evaluated in the EIS. The Matagorda Ship Channel is one of the top 100 ports in the U.S. for tonnage and is critical to maintaining the U.S. as a global economic driver.

The requirement to prepare a Supplemental NEPA document has the potential to significantly delay initiation of construction of the project. To have a complete understanding of the impacts to the project schedule, we request the ASA(CW) provides an update on the schedule to complete the Supplemental NEPA document, and identify of any issues/concerns that could delay completion of the Supplemental NEPA document.

ANSWER. A response was not received at the time of publication.

QUESTIONS FROM HON. JENNIFFER GONZÁLEZ-COLÓN TO HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY, AND LIEUTENANT GENERAL SCOTT A. SPELLMON, CHIEF OF ENGINEERS AND COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

Question 1. In the hearing today we discussed the matter of the effect of inflation and supply chain on the ability to complete authorized projects, including those for recovery after Hurricane Maria, launched under the auspices of the Bipartisan Budget Act of 2018, that at that time were to be funded at 100% federal share. However, for most if not all, the real cost will be much greater than what was estimated in 2018:

Question 1.a. What happens now? Does the difference become subject to increased local shares?

²See CWA, Pub. L. No. 92–500, 86 Stat. 816; Rivers and Harbors Appropriation Act of 1899, 33 U.S.C. § 403.

ANSWER. A response was not received at the time of publication.

Question 1.b. Does the project stop when we reach that original estimate until we explicitly approve more?

ANSWER. A response was not received at the time of publication.

Question 2. Constituents from the contractors and construction sectors have been bringing up those challenges as well as workforce factors: that the scope of the projects already authorized is so large it exceeds the capacity of the Puerto Rico construction sector to perform them all in time and at a reasonable cost:

How is the Corps dealing with this in their contracting? Is there a way Congress could address this need, such as for example added labor waivers?

ANSWER. A response was not received at the time of publication.

Question 3. As I understand it, the Puerto Rico Coastal Storm Risk Management project is due to have a final Chief's Report in May of 2024.

This will really involve only a small number of potential locations that could benefit, for example in Rincón.

Here we have found competing stakeholder concerns. The first was residents who did NOT want rock or concrete walls but to seek a more natural shore barrier, in response the study was extended to find alternatives. Now we have other residents and businesses who do NOT want the next alternative which is retreat from the coast since it means expropriation or loss of property value.

Question 3.a. How do we balance this? What is the experience in these situations?

ANSWER. A response was not received at the time of publication.

Question 3.b. To have it be paid and done by the Corps, it must meet a cost/benefit standard, and if not, if everyone rejects anything that's not the ideal, then the choice of no action prevails. Is that right?

ANSWER. A response was not received at the time of publication.

Question 4. One thing I have to keep telling my mayors and local community leaders is that their project or site is, as you say it, "in the queue" be it for approval of new start or for the funding to be put in the budget request. This can mean *years* sometimes.

Question 4.a. How has the queue been moving lately, has it been getting faster, slower?

ANSWER. A response was not received at the time of publication.

Question 4.b. Is there anything the Congress can do to help the Corps give those communities some sense of certainty?

ANSWER. A response was not received at the time of publication.

Question 5. Often a project winds up "in the queue" for specific approval because while it may have been originally conceived under the continuing authorities program, it ended up exceeding the dollar limit or the cost-to-benefit calculation.

Is it necessary for us to legislate at some point a higher total resource level and higher authorizations for those programs, and/or to raise the thresholds for projects to come under them?

ANSWER. A response was not received at the time of publication.

Question 6. Is there any outlook for other Chief's Reports in Puerto Rico over the next two years? What would be the Corps' outlook for "New Starts" in Puerto Rico in the next two years?

ANSWER. A response was not received at the time of publication.

Question 7. In the aftermath of Hurricane Maria, Puerto Rico received over \$2.6 Billion in supplemental funding for USACE projects, exceeding all previous funds historically. Since then, we have also received large supplemental funds through the Infrastructure Act and other special appropriations. But (a) we cannot be living under emergencies forever and (b) every year there are more communities not just in Puerto Rico but Nationwide that plead for projects to address their local situation that is deteriorating for diverse factors like sea level rise, sedimentation or erosion.

Question 7.a. Does the Corps foresee an increase in such "non-emergency" demands?

ANSWER. A response was not received at the time of publication.

Question 7.b. How do we make sure we can identify where to act before there is an emergency, especially in poorer jurisdictions where there may not be a non-federal partner with the resources for a 35% share of cost?

ANSWER. A response was not received at the time of publication.

QUESTIONS FROM HON. PATRICK RYAN TO HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY, AND LIEUTENANT GENERAL SCOTT A. SPELLMON, CHIEF OF ENGINEERS AND COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

Question 1. How is the Army Corps preparing for Section 8106 at the staff level to ensure ERDC has the resources needed to support districts in multi-hazard flood analysis?

ANSWER. A response was not received at the time of publication.

Question 2. What timeline is the Corps on for the NYNJHATS, and will you need additional funds to complete a more comprehensive study? If so, how much?

ANSWER. A response was not received at the time of publication.

Question 3. How is the Corps incorporating the comments received during the public comment period on the NYNJHATS?

ANSWER. A response was not received at the time of publication.

Question 4. What elements of Sec 8106 of WRDA 2022 can the district move forward with, absent implementation guidance?

ANSWER. A response was not received at the time of publication.

Question 5. Is the Army Corps committed to issuing a supplemental DEIS with new or modified alternatives based on Sec 8106 analysis?

ANSWER. A response was not received at the time of publication.

QUESTIONS FROM HON. GARRET GRAVES TO HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY, AND LIEUTENANT GENERAL SCOTT A. SPELLMON, CHIEF OF ENGINEERS AND COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

Introduction to questions: Section 203 of WRDA 86 (33 U.S.C. Sec. 2231) authorizes, with conditions, a non-Federal interest to undertake a feasibility study of a proposed water resources development project. Section 204 of WRDA 86 (33 U.S.C. Sec. 2232) authorizes, with conditions, a non-Federal interest to construct a water resources development project. Please provide an update to the Committee with answers to the following questions:

Question 1. How many 203 feasibility studies have been initiated since the passage of WRDA '86?

ANSWER. A response was not received at the time of publication.

Question 2. Of those 203 studies that have been initiated, which projects have resulted in ASA approval and submission to Congress? Which projects initiated under Section 203 have not been approved and submitted to Congress?

ANSWER. A response was not received at the time of publication.

Question 3. Of those that have been submitted to Congress, which projects have been authorized?

ANSWER. A response was not received at the time of publication.

Question 4. Of those projects authorized, which projects have subsequently been constructed?

ANSWER. A response was not received at the time of publication.

Question 5. If there are any studies that have been authorized by Congress but not yet completed, what is their current status?

ANSWER. A response was not received at the time of publication.

Question 6. Section 203 also allows a non-federal sponsor to prepare a feasibility study for modification to an existing water resources development project. Has this authority ever been used by a non-federal sponsor for any post-authorization studies? If so, what are those projects and what is the current status?

ANSWER. A response was not received at the time of publication.

Question 7. How many 204 projects has the Corps of Engineers been involved with since establishment of the authority in WRDA '86 and what are those projects?

ANSWER. A response was not received at the time of publication.

Question 8. Of the 204s that have been initiated, what projects have been authorized by Congress?

ANSWER. A response was not received at the time of publication.

Question 9. Of the 204s that have been authorized, which projects have been completed?

ANSWER. A response was not received at the time of publication.

Question 10. Of the 204s that have been completed, which projects have been reimbursed for the federal share, and which projects has the local sponsor funded entirely?

ANSWER. A response was not received at the time of publication.

QUESTIONS FROM HON. DAVID ROUZER TO HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY

Question 1. On May 25, 2023, the Supreme Court issued a decision in the case of *Sackett v. Environmental Protection Agency (Sackett)*, which clarified Federal jurisdiction under the Clean Water Act (CWA). Members of Congress, representing communities across the Nation, continue to hear from their constituents that infrastructure projects are being delayed because Army Corps Districts do not have the requisite direction to implement *Sackett*.

Please detail your next planned step for providing clarity to the Army Corps districts on how to implement *Sackett*. Please provide the timeline for taking this next step.

ANSWER. A response was not received at the time of publication.

Question 2. In response to questioning during the hearing, you suggested the Army Corps of Engineers (Corps) is focused on issuing approved jurisdictional determinations (AJDs), and then plans to use a select number of “controversial”¹ AJDs that have been elevated for coordination with Environmental Protection Agency (EPA) to inform some type of “guidance process”² potentially slated for next year.

Question 2.a. How many jurisdictional determinations (JDs) have been elevated for coordination with EPA?

ANSWER. A response was not received at the time of publication.

Question 2.b. How will the Corps use these JDs to develop guidance? Further, what is the Corps’ plan to ensure public engagement while developing this guidance? Additionally, what is the Corps’ timeline for developing this guidance?

ANSWER. A response was not received at the time of publication.

Question 2.c. Specifically, you indicated that you plan to have guidance on implementing “continuous surface connection.” What other concepts from the 2023 Conforming Rule do you plan to issue guidance on?³ Please describe how the JDs are informing development of that guidance.

ANSWER. A response was not received at the time of publication.

Question 2.d. How will the continuous surface connection standard be applied to roadside and similar ditches that are ordinarily dry, and only transport water during a significant rain event?

ANSWER. A response was not received at the time of publication.

Question 3. During the hearing, you indicated there was a backlog of over 4,000 AJD requests pending before the Corps.⁴ You highlighted that the Corps has processed only about 600 since September 8, 2023, under the new regulatory regime.⁵

Question 3.a. Please provide the Committee with the Corps’ plan for addressing this backlog, including the projected timeline for eliminating this backlog.

ANSWER. A response was not received at the time of publication.

¹ Water Resources Development Acts: Status of Past Provisions and Future Needs: Hearing Before the Subcomm. on Water Resources and the Environment of the H. Comm. on Transp. and Infrastructure, 118th Cong. (2023) (statement of Assistant Secretary Connor) [hereinafter *WRE Hearing*].

² *Id.*

³ See Revised Definition of “Waters of the United States”; Conforming, 88 Fed. Reg. 61964 (Sept. 8, 2023), available at <https://www.govinfo.gov/content/pkg/FR-2023-09-08/pdf/2023-18929.pdf>.

⁴ *WRE Hearing*, *supra* note 1.

⁵ *Id.*

Question 3.b. What additional resources does the Corps need to eliminate this backlog and return to processing AJDs in a timely fashion?

ANSWER. A response was not received at the time of publication.

Question 4. In certain districts, we hear that it is taking the Corps staff an equal amount of time to process preliminary jurisdictional determinations (PJDs), under which the landowner concedes jurisdiction to expedite the permitting process, as it is an AJD. This would represent private landowners relinquishing their property rights by filing a PJD to expedite the process and give the Corps the authority to regulate all waterbodies within the proposed project. Should processing PJDs take the same amount of time as AJDs?

ANSWER. A response was not received at the time of publication.

Question 4.a. If yes, please describe why.

ANSWER. A response was not received at the time of publication.

Question 4.b. If not, what are you doing to ensure this practice does not continue across all 38 Districts? Why is it taking some Districts nearly a year to process PJDs?

ANSWER. A response was not received at the time of publication.

QUESTION FROM HON. DOUG LAMALFA TO HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY

Question 1. I wanted to ask about the status of Section 165(a) Pilot Program for Water Resources Projects for Small or Disadvantaged Communities passed in the 2020 WRDA.

Assistant Secretary Connor, what lessons have been learned that will make this new pilot program more streamlined and efficient?

ANSWER. A response was not received at the time of publication.

QUESTIONS FROM HON. MARK DESAULNIER TO HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY

Question 1. The construction and operation of the Delta Conveyance Project (DCP) will have profound environmental effects on the Sacramento-San Joaquin Delta. The Delta is a unique and prized National Heritage Area, and as proposed, I am told the project could significantly alter the Delta landscapes and waterways, impact family farms and agricultural operations, and have other noise, air quality, and environmental effects associated with its disruptive 13 plus years of construction and ensuing operations. What steps are you taking to ensure these negative impacts are fully considered as you exercise your role as the lead federal agency to assure federal compliance with the National Environmental Policy Act?

ANSWER. A response was not received at the time of publication.

Question 2. The EPA Region IX office has reviewed current and past iterations of the DCP and recommends analysis and disclosure of the project's secondary effects, including, but not limited to: changes in the salinity gradient and the location and volume of the low salinity zone in all seasons; adverse effects on water quality including the amplification of water quality impairments; disruption of migratory corridors for salmonids and sturgeon; degradation of aquatic life beneficial uses; disruption and loss of ecosystem processes; reductions in cold water supply for migratory fishes in the upper watershed; and changes to river hydrology. What steps are you taking to ensure that these concerns are addressed ahead of any work beginning and that these secondary and cumulative effects receive full consideration?

ANSWER. A response was not received at the time of publication.

Question 3. There has been significant concern expressed by the constituents I represent and many others in the surrounding areas that lead agencies were not sufficiently sensitive to the needs of the communities most affected by the impacts of the project. Please describe the ongoing efforts that the Corps will undertake to assure that the concerns of those in communities impacted by the construction and operation of the project will be solicited and addressed.

ANSWER. A response was not received at the time of publication.

Question 4. The proposed DCP will require issuance of Corps of Engineers section 408 permits for crossings and alterations of portions of levee systems that were federally constructed. I am told that the proposed crossings and alterations may cause subsidence problems, threatening the integrity and proper functioning of these critical flood risk reduction systems. Many think it would be better to invest in maintaining and improving these existing levees, to better protect the structural integrity of the region's water supply infrastructure. How will you assure that all alternatives are actively considered in the proposed DCP?

ANSWER. A response was not received at the time of publication.

QUESTIONS FROM HON. CHRIS PAPPAS TO HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY

Question 1. I have secured funding through the last two WRDAs to advance and expedite projects at Portsmouth Harbor, the Piscataqua River, and Rye Harbor. These harbor dredging projects are cost-effective efforts to ensure the continued economic viability of our ports and regional waterways. Our communities have expressed frustration about the lack of clarity on how Army Corps prioritizes maintenance dredging projects. For small harbors like those in New Hampshire, the uncertainty of when harbor dredging may take place has a significant drag on our harbor authority, ports, and other stakeholders' ability to make long-term plans. As part of WRDA 2022, I helped secure a provision requiring the Army Corps of Engineers to develop clear criteria for evaluating and ranking maintenance dredging needs for small, remote and subsistence harbors, like those in New Hampshire.

Can you provide an update on the implementation of this provision? How will including such criteria in the Corps' annual Civil Works Direct Program Development Policy Guidance provide improved structure and transparency for small projects like those in New Hampshire?

ANSWER. A response was not received at the time of publication.

Question 2. WRDA 2022 also includes several provisions to improve coastal resilience, a priority for the communities I represent on New Hampshire's seacoast. In addition to authorizing the Corps to modify shore protection projects during emergency restoration activities to increase resiliency, Section 8103 of the bill also gives the Army Corps the authority to carry out studies and projects that reduce flood and hurricane and storm damage hazards. While I am glad to see this policy change, one broad concern I frequently hear from stakeholders is that they struggle to easily identify and understand what financial and technical federal support they may be eligible to receive. To address this challenge, I introduced a bill, the Increasing Community Access to Resiliency Grants Act, which requires NOAA to provide states and localities with easier access to mitigation grants, both within NOAA and across all federal agencies. I am pleased that the bill was signed into law as part of the Fiscal Year 2023 NDAA. However, I also know that outreach to stakeholders is a key pillar in helping communities access relevant information.

Assistant Secretary Connor, how does the Army Corps work with, and conduct outreach to, communities to help them identify and develop projects, such as those that will improve coastal resiliency?

ANSWER. A response was not received at the time of publication.

QUESTION FROM HON. GARRET GRAVES TO HON. MICHAEL L. CONNOR, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF THE ARMY

Question 1. Please share any details you have about the USACE implementation of Section 8149 of WRDA 2022? Relatedly, how will USACE work with the other federal agency that provides the funds to determine if the funds are eligible? That provision should give flexibility by allowing non-federal sponsors to leverage certain funds with a federal imprint for their cost share. Funding with a similar purpose to the USACE's project mission, such as for coastal protection and restoration from GOMESA or coastal restoration from the RESTORE Act, should be able to be leveraged with USACE projects.

ANSWER. A response was not received at the time of publication.

QUESTIONS FROM HON. RICK LARSEN TO LIEUTENANT GENERAL
SCOTT A. SPELLMON, CHIEF OF ENGINEERS AND COMMANDING
GENERAL, U.S. ARMY CORPS OF ENGINEERS

Implementation of Everett Harbor Provision: WRDA 2022 added two projects in Washington State for consideration of federal assumption of maintenance. Port of Everett and Port Townsend will both benefit from carrying out channel improvements on their own and remain important for federal navigation needs.

Question 1. Has the Corps begun an assessment of either of these navigation channel projects?

ANSWER. A response was not received at the time of publication.

Question 2. When can we expect a final report recommending (or not) federal assumption of maintenance of the channel?

ANSWER. A response was not received at the time of publication.

Question 3. Everett Harbor and the Snohomish River provide a critical passage-way for Navy and Coast Guard exports and access. Can you commit to considering these nationally significant aspects of the project when evaluating the economic justification for the channel improvements?

ANSWER. A response was not received at the time of publication.

QUESTION FROM HON. CHRIS PAPPAS TO LIEUTENANT GENERAL
SCOTT A. SPELLMON, CHIEF OF ENGINEERS AND COMMANDING
GENERAL, U.S. ARMY CORPS OF ENGINEERS

Question 1. Many harbor dredging projects must occur on a recurring basis to address shoaling. Clear expectations on when future maintenance dredges will occur is critical for local stakeholders. For example, the Simplex/Tyco shoal in the Piscataqua River has traditionally been dredged every seven to ten years. These shoals were last dredged in 2013. I am concerned about delays in completing these maintenance dredging projects, as shoaling can create significant safety issues for vessels. In addition to the language requiring the development of clear criteria for evaluating and ranking maintenance dredging needs for small harbors, I also secured language in WRDA 2022 directing the Army Corps to specifically expedite this Piscataqua River project. While I am glad that the Corps will soon begin mobilization on this project, I remain concerned that small projects like this are seeing delays and not receiving the attention they deserve.

Lieutenant General Spellmon, will the Corps commit to work with the Pease Development Authority, which manages our state's harbors, to determine the timing for future dredging work?

ANSWER. A response was not received at the time of publication.

QUESTIONS FROM HON. GARRET GRAVES TO LIEUTENANT GENERAL
SCOTT A. SPELLMON, CHIEF OF ENGINEERS AND COMMANDING
GENERAL, U.S. ARMY CORPS OF ENGINEERS

Introduction to questions: Section 403 (a)(4) of WRDA 2020 authorized the Port Fourchon Belle Pass Channel Deepening Project. As we understand it, the feasibility report for this project was drafted by the non-Federal sponsor under Section 203 of WRDA '86 and approved by the Secretary in a review assessment dated April 2020. The Secretary's review assessment contained four conditions that the Secretary required to be addressed prior to project construction related to updated cost estimate, the dredge material plan, the real estate plan, and environmental compliance.

House Report 117-347 to H.R. 7776, WRDA 2022, directed the Secretary to negotiate and complete a Project Management Plan (PMP) that is satisfactory to the Secretary and non-Federal sponsor by the end of Fiscal Year 2022. We understand the first PMP that was presented was rejected by the non-Federal sponsor as requiring review that is outside of the scope of the Secretary's four items to be addressed. We understand a second PMP was proposed, which the non-Federal sponsor signed in October 2022, with reservations still remaining over the scope of work. The PMP calls for a Letter Report to be completed by the District in April 2024, and the draft Report is to be submitted to the Secretary in June 2024.

Question 1. Please provide an update as to the status of the PMP, an explanation as to how the PMP addresses the four items referenced as conditions by the Secretary, and the Corps' explanation as to how those conditions are being reviewed.
ANSWER. A response was not received at the time of publication.

Question 2. Please also provide an update as to whether any Vertical Team meetings have taken place on this project that has included the non-Federal sponsor, as requested by the non-Federal sponsor.
ANSWER. A response was not received at the time of publication.

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