

asbpa

American Shore & Beach Preservation Association

Advocating for healthy coastlines

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TESTIMONY

HARRY SIMMONS, PRESIDENT
AMERICAN SHORE AND BEACH PRESERVATION ASSOCIATION

HOUSE SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT

TUESDAY, APRIL 16TH, 2013
10:00 A.M., 2167 RAYBURN HOUSE OFFICE BUILDING

INTRODUCTION

Chairman Gibbs, Ranking Member Bishop, and Members of the Subcommittee; my name is Harry Simmons and I am President of the American Shore and Beach Preservation Association. I am pleased to appear before you today to discuss the upcoming Water Resources Development Act.

ASBPA is comprised of coastal counties, cities and towns throughout the nation, as well as a large contingent of coastal engineers, researchers, scientists, and regulators. Together, we are dedicated to advocating for policies that benefit the communities and resources of coastal America; because what happens along our coasts is inextricably linked to the health and welfare of all 50 states.

It has been nearly six years since Congress last passed a WRDA, and the programs and policies that impact America's coasts are in desperate need of revision. Superstorm Sandy is the latest in a series of natural disasters that have sadly highlighted the vulnerability of American coastal regions to severe storms. But what Sandy also demonstrated is that the rather modest investment that the Federal government and its non-Federal partners have made in strong dune systems and wide, healthy beaches was repaid many times over. In the years ahead, there will be more tropical storms, nor'easters, and El Niño events that will threaten lives, safety and property along the coast. Their potential impact will continue to increase as our coastal population and economy expand. ASBPA believes in the necessity of investing wisely in the Nation's future. We fully support the subcommittee's commitment to pass a WRDA bill, and appreciate the opportunity that today's hearing affords to put forth key provisions that will provide resiliency, sustainability, and efficiency in common sense management for our coasts.

REGIONAL PROJECT PLANNING AND IMPLEMENTATION

ASBPA's belief in the importance of investing in the future comes from an understanding of the seriousness of America's current fiscal situation. Our growing debt necessitates more careful spending on projects that will act as investments for the future. Congressional support for important coastal protection projects helps to protect thousands of communities from flooding and erosion, saving lives and money. One of the lessons to be learned from the increasing need to spend taxpayer money more wisely is that the Corps must adopt a system that plans, manages, and funds these important water resources projects more efficiently.

Nowhere is this need to increase efficiency more apparent than on our nation's shorelines; where inlets, rivers, wetlands, and beaches form complex sediment ecosystems. Sediment residing on eroding shorelines should naturally make its way downstream. However, jetties and manmade inlets often disrupt this natural sediment cycle, which causes dangerous erosion on downstream shorelines. The degradation or loss of natural coastal features such as dunes, beaches and wetlands results in increased storm damage to manmade infrastructure and natural resources, costing the nation millions in response and recovery from storms, diminished biological production from degraded wetlands, and tremendous human suffering.

Section 2037 of the Water Resources Development Act (WRDA) of 2007 granted the Corps the authority to plan and undertake, where appropriate, coastal navigation, shore protection, and environmental restoration projects on a regional basis, rather than just project-by-project. As enacted, it is a well-intentioned effort to increase opportunities for the beneficial use of sediment obtained from the dredging of federal navigation channels, but was placed under the limiting umbrella of the Corps' Continuing Authorities Program. These good intentions were further restricted by the adoption of internal guidance by the Corps that prohibits using available supplies of offshore sediment to supplement the sand dredged from navigation channels in order to accomplish the single goal of repairing erosion.

It is time to cease planning, investing and managing individual Corps coastal projects. Regional alliances of coastal states with significant coastal missions, which are supported by the Corps and other federal agencies, will allow federal, state, and local governments, together with key private sector stakeholders, to determine the water resources needs of the region and their prioritization. Equally important, if not more so, the development of a regional coastal policy will provide the cohesiveness and cost-effectiveness that is not possible using a project-by-project approach.

SHORE PROTECTION PROJECT EXPIRATION

Another important initiative to assure that the goals of coastal sustainability and resiliency are attained is to adopt a procedure to enable the evaluation and authorization of coastal protection projects whose period for Federal fiscal participation is about to end. Under the Water Resources Development Act of 1986, most coastal protection projects constructed by the Army Corps of Engineers are authorized for a continuing construction period with cost-sharing participation by the federal government for a period of up to fifty years from the start date of initial construction of the project.

There are several beach projects that are rapidly approaching the end of this fifty-year period of federal fiscal participation. The Corps currently lacks the statutory authority to conduct an evaluation to determine whether or

not it is feasible to reauthorize federal participation in these projects. Without a statutory procedure to continue federal fiscal participation, these projects face a cut-off in their federal funds, and the resultant loss of their ability to fund projects that provide the quality and degree of protection that is possible only with federal assistance. ASBPA supports the enactment of a straightforward evaluation procedure to determine whether continued sharing in the cost of maintaining that critical level of protection is recommended.

ASBPA also supports a full fifty-year extension for federal fiscal participation. Providing a limited period will not afford states and local governments sufficient time to develop and implement the measures that will increase the resiliency and sustainability of their coasts. When added to what has been the substantial number of years of evaluation the Corps process has required, a shortened period will also not be cost-effective for both federal and non-federal project partners. Therefore, we urge you to include a provision that will enable continued federal fiscal participation for fifty years.

THE ROLE OF CONGRESS IN MEETING THE NATION'S WATER RESOURCES NEEDS

Another issue that ASBPA feels strongly about is the role of Congress in meeting the nation's water resources needs. The federal government no longer has the fiscal capacity to maintain the same level of water resources needs it has supplied over the past 50 to 100 years. Nevertheless, it is up to the federal government to provide the vision and leadership to achieve that goal and meet those water resources needs over the remainder of this century. Both the policies and funding to implement that vision are in the hands of Congress. Unfortunately, Congress delegated most of the funding decisions to the President when it abolished "earmarks." While there is debate as to the wisdom of this action, it is both unwise and detrimental to apply that prohibition to the civil works program of the Army Corps of Engineers.

To be eligible to be included in the Corps' budget, a study or a project must be authorized by Congress. The two dozen steps required to get through the feasibility study process are rigorous, costly, and time-consuming. To give this or any other Administration the authority to determine which studies and projects to fund is to give them the power of the purse that our Constitution has laid upon the shoulders of the congressional branch.

The same can be said of the authorization process. Every proposed Corps project must successfully go through all of the required steps, including mandatory internal and external reviews and approval by the Chief of Engineers, before it is eligible to be constructed. There is no reason to consider the final determination of such eligibility, let alone the initiation of the study process itself, to be an earmark. ASBPA strongly urges that the authority to make authorization decisions remain in the hands of Congress and not the Administration. The best available short-term solution should be based on the approach taken in the recently-passed Sandy relief bill. Any project that has been determined by the Chief of Engineers to be cost-effective, environmentally acceptable, and technically feasible should be deemed eligible to receive construction funding from Congress, subject to the availability of funds. Similarly, to assure that new studies can be initiated, we urge you to establish a New Starts Fund that, subject to the availability of appropriations, will enable the Corps to use current procedures to respond to requests to study emerging water resources needs.

ARBITRARY POLICIES ARE UNDERMINING THE NATION'S WATER RESOURCES PROGRAM

Unfortunately, arbitrary policies are undermining our water resources program. Under law, Corps projects must produce \$1 in benefits to federal taxpayers for every \$1 they cost. However, the Office of Management & Budget (OMB) is currently using an arbitrarily-determined Benefit-Cost Ratio (BCR) of at least 2.5 to 1 as its standard for determining whether a project may be included in the President's Budget or the Army Corps of Engineers' Work Plan. ASBPA contends that the use of this BCR is both subjective and inappropriate.

Some areas of the Corps' water resources responsibility benefit greatly from the use of BCR. Deep draft navigation projects, for example, receive tremendous net benefit from each additional inch of depth. This makes it easy to maximize BCR. However, flood damage reduction projects, including shore protection projects, are planned to maximize their National Economic Development (NED) benefits, rather than the BCR. The NED maximizes the net contribution to the national economy, but does not necessarily result in the highest BCR. Opting for lesser levels of protection in order to have a higher BCR and improve chances for budgeting only increases risks to life and safety. The use of the BCR to decide which flood protection projects get funded provides a perverse incentive for the Corps that may endanger communities across the country.

On the issue of "New Starts," the Administration decided several years to oppose funding for almost all new studies and new construction. More recently, Congress has adopted this same approach. It seems reasonable to prohibit "new starts" when there is a so-called "backlog" of work to be completed. Under the leadership of Major General Michael J. Walsh, the Corps' Deputy Commanding General for Civil and Emergency Operations, much of the "backlog" is being proposed for deauthorization or placed in "inactive" status. These decisions are being made through a rational process as opposed to the arbitrary mandate to prohibit all new starts. Our nation's water resources needs are not static. It is, of course, more difficult to make decisions about prioritization and funding that are not based on arbitrary policies, but it is critical that the necessary time and thought be given to these choices.

ASBPA urges you to include a provision within the proposed WRDA bill that calls for an end to the use of pennywise but pound-foolish budget policies such as the two I have just mentioned. Their very existence has made it difficult to do the type of forward-looking planning and decision-making that is so needed.

CONCLUSION

In closing, Chairman Gibbs, Ranking Member Bishop, and Members of the Subcommittee; thank you for allowing me to appear before you today. ASBPA appreciates the opportunity to provide the subcommittee with its views. We also appreciate the professionalism and courtesy of your respective staffs. In the future, we would be happy to offer you and your staffs the assistance of our members; including coastal scientists, engineers and managers; as well as state and local government officials and other community leaders.

Thank you.

Harry Simmons, President of ASBPA has been mayor of Caswell Beach, NC since 1999 and is currently chairman of the Brunswick Beaches Consortium, a countywide sand management group. He is also executive director of NC Beach, Inlet & Waterway Association, a coastal education and advocacy organization. Mayor Simmons is a member of the NC Coastal Resources Advisory Council and is treasurer of the Atlantic Intracoastal Waterway Association. He was appointed in 2009 to the National Sea Grant Advisory Board. He spent most of his first career as owner of Simmons Management Group, a music management firm and is still a voter for the prestigious Grammy Awards.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
Truth in Testimony Disclosure

Pursuant to clause 2(g)(5) of Rule XI of the Rules of the House of Representatives, in the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include: (1) a curriculum vitae; and (2) a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness. Such statements, with appropriate redaction to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(1) Name:

Mayor Harry Q. Simmons

(2) Other than yourself, name of entity you are representing:

American Shore & Beach Preservation Association

(3) Are you testifying on behalf of an entity other than a Government (federal, state, local) entity?

YES

If yes, please provide the information requested below and attach your curriculum vitae.

NO

(4) Please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by you or by the entity you are representing:

Neither I, personally, or The American Shore & Beach Preservation Association have received any federal financial assistance in any form from the federal government. This applies to this fiscal year and the two previous fiscal years.

A handwritten signature in black ink, consisting of several loops and a long, sweeping tail that extends to the right.

Signature

Date 4/15/2015