



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

Bill Shuster
Chairman

Mathew M. Sturges
Staff Director

October 20, 2017

Peter A. DeFazio
Ranking Member

Katherine W. Dedrick
Democratic Staff Director

BACKGROUND MEMO

TO: Members, Subcommittee on Water Resources and Environment
FROM: Staff, Subcommittee on Water Resources and Environment
RE: Roundtable Policy Discussion on “America’s Water Resources Infrastructure: Concepts for the Next Water Resources Development Act”

PURPOSE

The Subcommittee on Water Resources and Environment will meet on Friday, October 27, 2017, at 9:30 a.m. in Cruise Terminal B at PortMiami, 1751 North Cruise Boulevard, Miami, Florida to conduct a roundtable policy discussion on “America’s Water Resources Infrastructure: Concepts for the Next Water Resources Development Act.” The purpose of this roundtable is to define the challenges states and communities face in rebuilding and determining possible solutions to address America’s water infrastructure needs. Participants will include representatives from several public and private stakeholder groups with an interest in water resources infrastructure.

BACKGROUND

Army Corps of Engineers

The Corps’ Civil Works Program

The House Committee on Transportation and Infrastructure has jurisdiction over the U.S. Army Corps of Engineers (Corps) Civil Works Program, the Nation’s largest water resources program. The Corps’ responsibilities include navigation, flood control, shoreline protection, hydropower, dam safety, water supply, recreation, environmental restoration and protection, and disaster response and recovery. In addition to oversight of the Corps’ programs and projects, the Committee places a high priority on enactment of a Water Resources Development Act (WRDA) every two years. This legislation typically contains project authorizations, modifications and deauthorizations, program revisions and policy initiatives, and related provisions involving Corps activities. The last WRDA in 2016 was enacted as Title I of the *Water Infrastructure Improvements for the Nation Act* (WIIN Act) (P.L. 114-322) in 2016.

Today the Corps maintains more than 25,000 miles of channels for commercial navigation and operates 241 locks at 195 sites. The average age of these locks is over 60 years and 59 percent of the locks are over 50 years old. The Corps also maintains 926 coastal, Great Lakes, and inland harbors. There are 75 hydropower projects at Corps facilities producing about 25 percent of the Nation's hydropower and three percent of the Nation's total electric capacity. To address flood risks, the Corps manages more than 700 dams and almost 15,000 miles of levees are covered by Corps programs. Corps flood damage reduction projects prevent, on average, more than \$50 billion in flood damages annually. Every dollar invested in a Corps flood project prevents \$8 in damage.

The Corps of Engineers, as a water resource agency, must balance competing demands on water resources as it develops and manages navigation, flood damage reduction, aquatic ecosystem restoration, and other project purposes.

For example, the Corps has the responsibility to maintain the navigability of the Nation's inland waterways. One way the Corps carries out this mission is to operate dams that control the flow of water on a river. However, the same dam that regulates river flows for navigation may also provide flood protection, provide water supply, generate power, and create recreational opportunities.

Project Authorization Process Overview

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

Once a study is authorized, the Corps prepares a feasibility report, the cost of which is shared 50 percent by the federal government and 50 percent by a non-federal interest. If the feasibility report determines a project is economically justified, environmentally acceptable, and technically achievable, the results and recommendations are submitted to the Congress, usually in the form of a report of the Chief of Engineers, commonly known as a "Chief's Report." If the results and recommendations are favorable, the next step is authorization of the project to implement the Chief's Report. Project authorizations are typically contained in WRDAs, the most recent of which was enacted in 2016. Once authorized, the project is eligible to receive federal appropriations.

Recent WRDAs

Water Resources Reform and Development Act of 2014

Enacted on June 10, 2014, the *Water Resources Reform and Development Act of 2014* (WRRDA 2014) (P.L. 113-121) accelerates the project delivery process by expediting studies, environmental reviews and permits, and encourages non-federal participation in completing projects. WRRDA 2014 also strengthens congressional oversight to increase transparency and accountability in reviewing and prioritizing future water resources development investment.

With the enactment of WRRDA 2014, the Corps is required to develop implementation guidance on more than 200 issues to carry out the law. In the three years since enactment, the Corps has issued more than 90 percent of this required implementation guidance. However, the Corps has delayed the issuance of the remaining portion of required implementation guidance, including guidance related to the acceleration of the project delivery process.

Water Resources Development Act of 2016

The *Water Infrastructure Improvements for the Nation Act* (WIIN Act) was enacted on December 16, 2016, and Title I contains WRDA 2016, which authorizes Corps water resources projects and activities. It builds off the reforms enacted in WRRDA 2014, including provisions relating to non-federal participation in project completion, credits for non-federal work on projects, and federal direction in financing harbor maintenance activities. Additionally, WRDA 2016 establishes and reaffirms programs to rehabilitate hazardous dams, carry out projects for the beneficial reuse of dredged material, and coordinate activities with Indian tribes.

With the enactment of WRDA 2016, the Corps is required to issue over 200 pieces of implementation guidance to carry out the law. In the 10 months after enactment, the Corps has issued implementation guidance for all study and project authorizations, and less than 50 percent of required guidance for policy provisions.

PARTICIPANT BIOGRAPHIES

The Honorable Carlos A. Giménez, Mayor, Miami-Dade County, On Behalf of the National Association of Counties

- First elected as Mayor in 2011, Giménez is responsible for the leadership of the largest county in Florida, with over 26,000 employees and a \$7 billion annual budget.
- Giménez brings nearly 40 years of public service experience to the Mayor's office, including seven years on the Miami-Dade Board of County Commissioners, and 25 years with the Miami Fire-Rescue Department.

Mr. Steven M. Cernak, P.E., PPM, Chief Executive/Port Director, Port Everglades, on behalf of The American Association of Port Authorities (AAPA)

- Cernak joined Port Everglades in March 2012, previously served as the port director and chief executive officer for the Port of Galveston, Texas, from 1999 until his selection for the top position at Port Everglades.
- Previously served as president of the Galveston Port Facilities Corporation, a nonprofit corporation formed to promote redevelopment at the Port of Galveston and related entities, since May 2002. During this time, the Port of Galveston's revenues doubled and it became the top cruise home port in the Gulf of Mexico.

Ms. Amy Larson, President, National Waterways Conference

- Larson has served as President of the National Waterways Conference since 2008, and has advocated in favor of national policy and laws that recognize the vital importance of America's water resources infrastructure.
- Prior to joining the Conference, Larson served as the General Counsel of the Federal Maritime Commission, an independent agency responsible for the regulation of oceanborne international transportation in the United States.

Mr. Dan Mecklenborg, Chief Legal Officer, Ingram Barge Group, On Behalf of the American Waterways Operators and Waterways Council, Inc.

- Mecklenborg has worked at Ingram Barge Group since 1996, and was promoted to Chief Legal Officer in 2002.
- Mecklenborg has been actively involved in civic and professional organizations throughout his career, including a four-year term as a Member, and then Chairman, of the Inland Waterways User Board.

Mr. Federico Fernandez, Governing Board Member, South Florida Water Management District

- Fernandez is a founding partner of DiFalco & Fernandez, LLLP, the head of their Florida office, and a corporate and real estate attorney.
- Fernandez was appointed by Florida Governor Rick Scott to a four year term on the South Florida Water Management District Governing Board, which ends in March 2020.

Ms. Dawn Shirreffs, Senior Everglades Policy Advisor, Everglades Foundation

- Prior to joining the Everglades Foundation in 2013, Shirreffs served as Everglades Restoration Program Manager for the National Parks Conservation Association.

- Shirreffs has 13 years of wide-ranging experience working with environmental non-profit organizations in public affairs, non-profit management, and campaigns.

Mr. Robert Turner, Director of Engineering and Operations, Southeast Louisiana Flood Protection Authority-East, On Behalf of the National Association of Flood and Stormwater Management Agencies

- Turner is a Registered Professional Civil Engineer with more than 35 years of experience.
- Turner has an extensive background in flood protection and public works, including serving as the Executive Director of the Lake Borgne Basin Levee District, and as the Director of Public Works for St. Bernard Parish.

Mr. Derek Brockbank, Executive Director, American Shore and Beach Preservation Association

- As Executive Director of ASBPA, Brockbank is responsible for the growth, strategic planning, and government affairs goals of the Nation's leading organization advocating for beach and coastal restoration.
- Prior to starting with ASBPA, Brockbank worked as campaign director for a coalition effort to restore the Mississippi River Delta and Coastal Louisiana, and was part of a gulf-wide campaign to pass the RESTORE Act, securing billions of dollars for Gulf Coast restoration.

Mr. James Wolfe, P.E., District Six Secretary, Florida Department of Transportation

- As District Six Secretary, Wolfe is responsible for the planning, design, construction, maintenance and operation of the State Highway System in Miami-Dade and Monroe Counties.
- Wolfe has been with Florida DOT for 38 years, serving previously as the District Four Secretary in Fort Lauderdale.