

Senate Environment and Public Works Hearing on America's Water Infrastructure Needs and Challenges

On January 10, the Senate Environment and Public Works full committee held a [hearing](#) entitled, "America's Water Infrastructure Needs and Challenges." The hearing laid the groundwork for the Water Resources Development Act (WRDA) reauthorization process that will occur this year before the most recent authorization expires in December.

Background

The last WRDA was approved as part of the Water Infrastructure Improvements for the Nation (WIIN) Act in 2016, and is typically reauthorized bi-annually; it authorizes critical U.S. Army Corps of Engineers (USACE or Corps) projects in 17 states. WRDA authorizes needed investment in America's ports, channels, locks, dams, and other infrastructure that supports maritime and waterways transportation systems and provides flood protection for communities.

The bill provides critical investment in the country's aging drinking water and wastewater infrastructure, assists poor and disadvantaged communities in meeting public health standards under the Clean Water Act and Safe Drinking Water Act, and promotes innovative technologies to address drought and other critical water resource needs.

Witnesses

- ❖ [Ms. Julie Ufner](#)
Associate Legislative Director, National Association of Counties
- ❖ [Mr. Scott Robinson](#)
Port Director, Muskogee City-County Port Authority, Oklahoma
- ❖ [Mr. Steve Cochran](#)
Associate Vice-President for Coastal Protection, Environmental Defense Fund & Director, Restore the Mississippi Delta Coalition
- ❖ [Mr. William Friedman](#)
Chairman-elect, American Association of Port Authorities
- ❖ [Ms. Nicole Carter](#)
Natural Resources Policy Specialist, Congressional Research Service

Summary

Chairman John Barrasso (R-WY) opened the hearing emphasizing the importance of WRDA in western states, particularly to rural communities that face challenges with providing long term water supply and storage. He recognized the importance of passing WRDA legislation in the 115th Congress and for the committee to work together.

During his opening statement, Ranking Member Tom Carper (D-DE) focused on the severe weather that the U.S. has faced this year and the costs that have resulted. He explained that in 2017 the National Oceanographic and Atmospheric Administration estimated that the total cost for extreme weather and climate events exceeded \$300 billion, a new annual record. With respect to flood damage risk in particular, Carper noted that the American Association of Civil Engineers Infrastructure Report Card gave the country's levies, dams and inland waterways a grade of D.

Chairman Barrasso questioned Julie Ufner, Associate Legislative Director for the National Association of Counties, as to what she recommends might improve the Corps' processes so that water resource projects are operated more efficiently. Ms. Ufner suggested that improving the intergovernmental collaboration between local governments and the Corps would be critical to improving the situation. She also recommended that Congress require the Corps to do a regulatory efficiency assessment of Corps processes, and have the Corps submit to Congress the results of this study with potential alternatives on how they would address it.

Scott Robinson, Port Director of the Muskogee City-County Port Authority in Oklahoma, emphasized the importance of ports and inland waterways management to the economy of rural America. He stated, "We're not investing in the system like we should be, therefore, we're encountering delays and it's not a good situation in rural America."

In response to questioning by Senator Carper, William Friedman, chairman-elect of the American Association of Port Authorities (AAPA), asked the committee to authorize the nation's ports to make full use of the Harbor Maintenance Trust Fund—including its surplus revenues—to allow the Corps to fully maintain the nation's ports, as well as catch up on the backlog of issues facing the ports. He said that AAPA has identified \$66 billion in potential waterside and landside investments that are needed over the next 10 years in order to realize the benefits from an expected \$155 billion in infrastructure investments for the ports.

Senator James Inhofe (R-OK) asked if allowing states to use freight funds through the Fixing America's Surface Transportation Act, or FAST Act, of 2015 might help states invest in waterway infrastructure. Robinson said the concern was whether states could focus on waterway systems over roads and bridges, where the money is usually allocated. Robinson recommended states use Water Infrastructure Finance and Innovation Act (WIFIA) funds, since the funds represent a loan from the federal government and would be paid back.

Senator Kirsten Gillibrand (D-NY) expressed her disappointment with the Trump Administration for choosing to rescind the Obama Administration's Federal Flood Risk Management Standard update (Executive Order 13690), which would require federally funded projects to incorporate best available and actionable science on climate change and sea level rise, build above the base floor elevation levels, or built to the 500-year floodplain. In reference to this rescission, she asked Ms. Ufner about the challenges facing local communities. Ms. Ufner

responded that counties are responsible for the public health and safety of their communities and the storms this year demonstrated that when floods happen, people die and homes disappear. She stated that it is the responsibility of the local governments to ensure that they are adequately protecting their communities and assets from future storms and floods though they have limited income and technical assistance to follow through on these projects. Ufner asserted that local governments look to the Corps and other federal agencies to bring the technical assistance, the data, and the modeling that communities can use to build their resiliency at the local level.

Steve Cochran, Associate Vice-President for Coastal Protection to the Environmental Defense Fund and Director of the Restore the Mississippi Delta Coalition, discussed problems with the Benefit-Cost Ratio (BCR) metrics that are used by the Corps and the Office of Management and Budget in the project selection process. He recommended taking a “focus on making sure that you can, in fact, take account for the range of benefits that can come from projects when you are doing protection.” Cochran highlighted the benefits of wetlands and true accounting for the benefits from green infrastructure. He encouraged more transparency with regard to BCR metrics. Sen. Ernst highlighted the importance of looking at the BCR as the committee moves forward with reauthorization.

Senator Carper also brought up BCRs but in the context of beach renourishment activities. He did not specify his exact question or concern; however, he said he would submit his question(s) for the record. In his explanation he emphasized that beach renourishment and building dunes to protect coastal communities is important. This is a point he has brought up in past WRDA hearings, particularly when it comes to the lack of funding that is allocated for such projects under the flood risk management reduction account and the limited number of new starts that are authorized.

Senator Joni Ernst (R-IA) questioned Nicole Carter, a Natural Resources Policy Specialist for the Congressional Research Service, on the Corps’ component of the WIFIA program that was established in WRRDA 2014 but has yet to get off the ground. Carter said that the WIFIA program for the Corps has not been funded and part of that may be due to the Corps having no real history with a loan or loan guarantee programs.

Ms. Ufner also discussed the backlog within the Corps as a critical problem, stating that communities would like to partner with the Corps on projects but there is no funding or they do not have competitive BCRs. She explained that there are a lot of challenges within Corps processes, bureaucracy, and requirements that make it very difficult for counties to partner with them.

The improvement of tools to better predict flood and drought were highlighted by Chairman Barrasso. Ms. Ufner suggested having more up-to-date flood elevation data that is made readily available to communities would help local communities make better and more efficient decisions.