



Statement of  
*The Water Resources Coalition*  
Before the  
Subcommittee on Water Resources and Environment  
of the  
House Committee on Transportation and Infrastructure  
on  
Proposals for a Water Resources Development Act of 2008  
April 30, 2008

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improve, prevent, save  
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STATEMENT OF  
THE WATER RESOURCES COALITION  
SUBCOMMITTEE ON WATER RESOURCES AND THE ENVIRONMENT  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE  
APRIL 30, 2008

The Water Resources Coalition (WRC) is pleased to offer this statement for the record for the hearing on proposals for a Water Resources Development Act of 2008.

**The Administration Is Failing To Invest in America's Waterways Infrastructure**

With each passing day, the inability of our nation's aging infrastructure to meet the needs of our growing population further threatens our economy and environmental quality. America's water resources system is critical to the nation's wellbeing.

Ports and waterways carry domestic and international cargo. Flood-control projects protect lives and prevent property damage. Coastal nourishment projects help to save lives and reduce property damages while providing critical public recreation as well as environmental habitat. In addition, projects for water supply, habitat protection, irrigation, and water-based recreation also provide significant benefits.

When Congress overrode the president's veto of the Water Resources Development Act (WRDA) in 2007, it made a commitment to investing in our nation's water resources. We recommend the Committee pursue oversight on how the U.S. Army Corps of Engineers is implementing that Act, along with the expected guidance documents and schedule for public involvement, so that a more robust WRDA 2008 can be developed if shortfalls have been identified during that process. In addition, we would offer the following thoughts and language for a WRDA 2008.

**Water Resources Require National Efforts at Protection**

Watersheds and basins—areas in which all water, sediments, and dissolved materials flow or drain from the land into a common river, lake, ocean, or other body of water—are vital to the economic and ecological health of the nation. On an annual basis, nearly \$200 billion worth of food and fiber, \$60 billion in manufactured products, and more than \$40 billion in tourism spending depend on clean water and healthy watersheds, according to the U.S. Environmental Protection Agency (EPA).

Approximately 40 percent of the nation's major watersheds have water quality and habitat-related problems, the EPA concludes. For the most part, the underlying cause of threats to watershed quality and health is commercial and industrial development in the watershed. Among the principal pressures on watersheds are land alteration, urbanization, vegetation removal, agriculture and silviculture activities, and invasive species.

The Corps of Engineers, in concert with the EPA, has a significant role in the preservation of these vital natural water resources. Congress provided a more directed focus in WRDA 2007 with a number of specific provisions. We recommend that as part of WRDA 2008 the Corps be directed to produce a report show how sections 2010, 2013, 2017, 2020, 2032, 2033, 2036, 2037, 2038, 2039, and 2004 will benefit the nation on a watershed basis by assessing the progress that states are making toward integrated planning for these resources.

We urge Congress to ensure that watersheds are a focus of federal protections for water resources nationally. This watershed approach must address natural resource issues that cross jurisdictions and political boundaries. The Corps and the EPA must coordinate their programs to preserve water quality and water quantity on a regional and watershed basis. A successful watershed approach includes the support, participation, and leadership of local stakeholders and land users.

### **Harbor Maintenance Trust Fund**

We are troubled about the impacts on federal ports and harbors that cannot be fully maintained with existing U.S. Army Corps of Engineers Operations and Maintenance funding levels. We support full access to the annual revenues generated by the Harbor Maintenance Trust Fund (HMTF) ad valorem tax for the purpose of operations and maintenance dredging in the United States. In 2007, the HMTF taxes collected from shippers for the purpose of funding dredging projects in our nation amounted to more than \$1.4 billion, yet only \$751 million of dredging and related maintenance costs was reimbursed from the fund, while ports and harbors were not able to be dredged to their authorized project dimensions. It is time to create a budget mechanism guaranteeing that the nation's ports and harbor users see the harbor maintenance taxes they pay annually fully invested in its intended purpose – the maintenance dredging of Federal ports and harbors. Congress should enact legislation setting the obligation authority each year equal to projected prior-year revenues collected in the HMTF.

### **Inland Waterways Trust Fund**

To address the funding shortfall and increasing needs in the Inland Waterways Trust Fund, we respectfully recommend the Committee include a provision in WRDA 2008 to study the feasibility for increasing the fuel tax on the inland waterway system and the possibility of including other parts of that system that would greatly benefit from additional investment. Such a study could also assess other means for addressing revenue shortfalls.

### **National Levee Safety Program Needed Immediately**

Title IX of the Water Resources Development Act of 2007 broadened the authority under which the Corps conducts the levee inventory program. This new authority is being implemented under the ongoing levee inventory and inspection program, an interagency

effort to improve management of the nation's flood- and storm-damage reduction infrastructure.

The results of the national project inventory and risk-based project assessments will be linked to the Federal Emergency Management Agency's ongoing flood mapping program, as well as to the Corps levee rehabilitation and inspection program.

The proposed budget for FY 2009 includes \$10 million for the National Levee Inventory and Inspection and Levee Safety Program in the Operation and Maintenance account. The funds will be used to continue the national levee inventory, assessment, and database development started with an emergency supplemental appropriation of \$30 million in FY 2006.

Congress should take the next step and establish a mandatory nationwide national levee safety program.

In addition, under current law, courts have allowed parties with damages from levee failures to bring suit against levee contractors, designers or engineering firms who build, design, and inspect for certification. This draws their firms into the liability net without regard to fault or negligence when performing to standards or criteria established by the federal agencies.

Construction, design, and engineering professionals are a critical part of the solution to deteriorating levees performance due to age, poor maintenance, over building, and changing natural and manmade hazards. Such entities do not control such factors as budgets, event statistics, risk analysis, and the like. Nor do they own, operate, or maintain the levees. Contractors, design professionals and their firms ought not to be placed in jeopardy when they cannot control the impacts on or the outcome and performance of their efforts.

Accordingly, Congress should amend WRDA to provide liability protection to entities directly involved in the design, engineering, or construction of levees built according to plans specified and approved by the federal government.

### **Backlog of Corps Projects Needs Attention**

The Corps of Engineers has a construction backlog of between \$38 and \$83 billion. This consists of at least \$38 billion worth of projects identified in the Administration's FY 2009 budget proposal, another \$23 billion authorized by the Water Resources Development Act of 2007, and a further \$22 billion in "inactive" projects—projects that were authorized many years ago and never funded or that lack a current sponsor.

To address this backlog, the Coalition makes the following recommendations:

- The Corps should review the backlog of projects in its inventory.

- Congress should encourage the Corps to expedite implementation of section 2046 in WRDA 2007 relating to project deauthorizations; and
- Congress should develop a formal procedure for listing unfunded projects for deauthorization on an annual reporting basis rather than on a biennial basis

### **Water Supplies Need Federal Focus**

In March 2008 the Coalition recommended that Congress establish clear authority and direction to the Corps to develop single purpose water supply projects to capture the melting snowpack that may occur as a result of climate change. The provisions of the Water Supply Act of 1958 and WRDA 1986 are overly burdensome with regard to cost-sharing to accomplish this goal.

The Coalition would suggest the following:

- Adding a provision in WRDA 2008 that if a state or local governmental entity chooses to develop a raw water supply, then up to 50 percent of the funding may come from the federal government provided: (1) the proposal is specifically identified in a state water plan or its equivalent; (2) the area to be served has in place a Corps approved water conservation plan and; (3) the project is recommended by the governor of the respective state.
- Including a provision similar to the Senate-reported version of WRDA 2007 concerning “Improvement of Water Management at Corps of Engineers Reservoirs” (contained in section 2019). The provision would direct the Corps to integrate contemporary water resources needs into the operation of existing reservoirs to ensure that the nation makes the best use of these reservoirs to meet future water needs in a sustainable manner.

This concludes the statement of the Water Resources Coalition. If you have any questions, please contact Brian Pallasch of the American Society of Civil Engineers at (202) 789-7842 or [bpallasch@asce.org](mailto:bpallasch@asce.org) or Marco Giamberardino of the Associated General Contractors of America at (703) 837-5325 or [giamberm@agc.org](mailto:giamberm@agc.org).

Thank you.