

**WRITTEN TESTIMONY OF DAVE MITAMURA
EXECUTIVE DIRECTOR, NATIONAL WATER SUPPLY ALLIANCE**

**FOR A HEARING ENTITLED
PROPOSALS FOR A WATER RESOURCES DEVELOPMENT ACT OF 2024:
STAKEHOLDER PRIORITIES**

**BEFORE THE
HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT**

December 13, 2023

Chairman Rouzer, Ranking Member Napolitano, and distinguished Members of the Subcommittee, thank you for the opportunity to appear before you today to discuss stakeholder priorities for WRDA 2024. Thank you also for your commitment to maintaining the biennial, bipartisan WRDA process, which is crucial to maintaining and improving our Nation's water infrastructure.

My name is Dave Mitamura, and I serve as the Executive Director of the National Water Supply Alliance (NWSA). NWSA is a national not-for-profit organization representing water supply providers who work every day to meet the Nation's growing water supply needs. Our members have a direct and substantial interest in the U.S. Army Corps of Engineers' (USACE) Water Supply Program or depend upon storage space in USACE reservoirs to meet the needs of the communities they serve. Our members represent communities across the Nation, from the East Coast to the West Coast and from North Dakota to Texas. We seek to give water supply providers across the country a unified voice to advocate for the preservation and enhancement of the Nation's water supply, and the protection of traditional State authorities, and to ensure that water supply interests share equitably in the benefits of multipurpose USACE reservoirs.

I have worked either with or for USACE for over 20 years. Throughout my career, and especially in my role as the Executive Director of NWSA, I have seen first-hand the value that comes from open communication and direct engagement with USACE leadership and staff. Under the leadership of LTG Scott Spellmon, USACE has developed a strong working relationship with NWSA. The USACE water supply team regularly attends NWSA meetings, actively participating in collaborative discussions and candid debates with our members as we look for ways to work together more directly and effectively.

This transparency and collaboration are both appreciated and necessary, but more can be done. Our Nation faces significant and evolving water supply challenges. Our infrastructure is aging. Our populations are growing. And we are experiencing droughts of increasing severity, frequency, and duration. We and our federal partners must become more nimble and more adaptable. Additional priority and resources dedicated to water supply are desperately needed and overdue. We must also look for new and creative mechanisms for state and local interests to collaborate with USACE to advance needed water resource projects. Only through a real partnership involving all levels of government, affected communities, as well as the private sector — and through the integration of new and existing water storage projects into our Nation's water supply systems — will we succeed in meeting the challenges of today and tomorrow.

This afternoon, my remarks will focus on how to strengthen this relationship in service of our Nation's water supply. NWSA believes that, with a few tweaks, USACE can be better equipped to bolster its water supply efforts in support of regional, state, and local partners.

**U.S. Army Corps of Engineers Reservoirs are a
Critical Component of the Nation's Water Supply Infrastructure**

While water supply is and should remain a State and local responsibility, storage space in federal reservoirs operated by USACE is a critical part of our Nation's water supply system. According to USACE, there are nearly 140 USACE reservoirs across the country with storage

space dedicated to municipal and industrial water supply. Collectively, these reservoirs provide over eight million acre-feet of dedicated water supply storage space and a firm yield to contracting water providers exceeding six billion gallons per day. According to a 2017 report from the USACE Institute for Water Resources, the water supply storage space in USACE projects is sufficient to meet the household needs of approximately 100 million people.

The importance of USACE reservoirs as a source of water supply storage will only grow. As communities and groups work to address property, environmental, and budgetary challenges, maximizing the use of this existing infrastructure, rather than constructing new reservoirs with their attendant costs and environmental impacts, is frequently the most environmentally sensitive and cost-effective means to provide necessary storage space for water supply. While we recognize that multiple purposes must be balanced, there is no better way to maximize value to the Nation of the federal investment in reservoir storage space than to utilize that storage for water supply purposes.

What is more, time after time, USACE studies have shown that enormous water supply benefits can be achieved with little if any effect on other authorized purposes. At Stockton Lake in Missouri, for example, a partial flood-storage reallocation has been proposed that would provide a badly needed regional water supply solution for communities across southwest Missouri. Yet USACE's study shows this reallocation would have "no additional flood risk management impacts or increased inundation downstream," while the value of system energy would be reduced by just 0.53 percent.

As recent droughts in the West have shown, it is more important than ever to have enough storage space to capture and store the water we need when and where it is available. This requires us to identify areas where storage space in USACE reservoirs can most effectively be used to meet water supply needs; to provide USACE adequate resources to commence and complete needed reallocation and feasibility studies; and to advance those studies much more quickly than has occurred in the past.

We must also look for ways to include water conservation as a purpose of federal projects, and to more quickly adapt reservoir operating rules to facilitate water conservation. The collaboration between the Orange County Water District and USACE at Prado Dam in California is an example of the water supply benefits that can be achieved through water conservation operations. In simple terms, by adjusting operations to add water conservation, USACE allows for temporary use of the project's storage capacity for conserving stormwater that would otherwise flow to the ocean. Releases from the dam can be managed to allow water to be recharged into the Orange County Groundwater Basin and provide a significant increase to water supply availability — all in a way that maintains flood protection and does not affect the primary purpose of flood risk management. The Orange County Water District has recharged an average of 55,000 acre-feet per year of stormwater — enough water for 440,000 people annually. The majority of this groundwater recharge is directly tied to water conservation at Prado Dam. These are low-cost, low-risk, and high reward options to expand water supplies, and opportunities exist to implement similar operational changes to facilities at other projects. Those efforts can only succeed, however, if USACE has sufficient resources to initiate and complete the necessary studies in a reasonable period of time.

Importantly, state and local interests contracting for storage space in USACE projects pay their own way. Under USACE policies implementing the Water Supply Act of 1958, for example, water supply users reimburse the U.S. Treasury for the updated cost of constructing their storage space in today's dollars, or for any benefits that are foregone due to their use, whichever is higher. They also pay their share of annual operations and maintenance (O&M) and repair, replacement, and rehabilitation (RR&R) costs incurred by the government. Even putting aside the national benefits secure water supplies provide, the USACE Water Supply Program yields substantial returns on federal investments. During the 10-year period from 2007 to 2016, for example, USACE reports that district offices spent approximately \$10 million in total

to administer water supply storage contracts. In return, water supply users paid \$650 million to the U.S. Treasury for project investment costs, interest payments, and O&M costs.

Challenges remain, however. Despite the significant benefits the USACE Water Supply Program provides and the exceptional efforts of dedicated USACE staff, water supply remains a relatively low priority within USACE. The USACE water supply program receives only a tiny fraction of the budget and staff devoted to other mission areas. As a result, water supply studies take many years — even decades — to complete. Some studies never even make the cut due to the lack of priority. For example:

- To meet growing demand for water in Colorado's Front Range and on northeast Colorado farms, Congress authorized USACE to study a reallocation of water supply storage space in Chatfield Reservoir in the Water Resources Development Act of 1986. Eighteen years later, in 2004, USACE published a notice of intent to prepare an Integrated Feasibility Report/Environmental Impact Statement in the Federal Register. And in 2014 — nearly ten years after the notice of intent was published and almost 30 years after the study was authorized — the feasibility report was completed and a record of decision approving the reallocation was signed.
- At J. Percy Priest reservoir near Nashville, Tennessee, water supply providers requested additional storage in 2008 to meet the rapidly growing needs in the City of Murfreesboro and Rutherford County — one of the fastest growing regions in the United States. Yet it took twelve years for the Assistant Secretary to approve an Environmental Assessment and authorize the requested reallocation of storage.
- In the White River Basin in Northwest Arkansas, water supply demands are growing at an extraordinary rate and additional water supply storage space is needed. However, water supply users have been informed that all future water supply reallocation studies will be

placed on hold pending completion of a basin-wide watershed study — a study that remains in its early stages and that will take years to complete.

- Section 7001 of WRRDA 2014 required USACE to submit an Annual Report to Congress on feasibility reports and project modifications to be considered for authorization under future Water Resources Development Acts. Yet water supply projects have long been excluded from consideration and relegated to the appendix on grounds that water supply is not considered by USACE to be one of its primary mission areas.

To be sure, study considerations and project timelines have been, and will continue to be, affected by factors specific to each project, and USACE staff have worked diligently using the resources available to complete the studies discussed above. Nevertheless, these timelines are not atypical for water supply studies at projects nationwide. And denying water supply proposals in the Section 7001 report further stymies the ability of water supply evaluations to proceed. Given our Nation's water supply needs, we cannot wait decades to take water supply studies from authorization to completion, and we certainly cannot deny opportunities to start such studies. We must find ways to evaluate needs and implement solutions more quickly if we are to meet the challenges to come.

How Can the U.S. Army Corps of Engineers Strengthen its Water Supply Efforts?

As this Subcommittee crafts the Water Resources Development Act of 2024, NWSA asks that you consider ways to increase the priority given to water supply within USACE, so the emphasis given to water supply within the agency is more commensurate with its importance to the Nation. Experience with other USACE program areas, such as ecosystem restoration, has shown that mission priorities can and should evolve to meet the Nation's changing needs. Simply put, all agencies and organizations, USACE included, naturally emphasize and devote resources to programs that fall within their priority mission areas, while less attention and fewer

resources are devoted to programs that do not. Given our Nation's rapidly evolving water supply challenges — and the enormous water supply benefits that can be realized through the use of storage in USACE projects — it is time for USACE to recognize the key role it plays in meeting the Nation's water needs and for resources to be allocated accordingly.

Despite these challenges, USACE maintains the status quo when it comes to the USACE water supply program. USACE often points out Congress's recognition in the Water Supply Act that state and local interests have "primary responsibility" for "developing water supplies for domestic, municipal, industrial, and other purposes..." We agree with this statement, but there is nothing inconsistent with state and local control and growing the priority of water supply within USACE. Planning to meet water supply needs is a state and local responsibility, and states should always retain their traditional authority to grant water rights and to allocate water among their citizens. But, just as Congress recognized these core principles in the Water Supply Act, it also emphasized "that the Federal Government should participate and cooperate with States and local interests in developing such water supplies in connection with the construction, maintenance, and operation of Federal navigation, flood control, irrigation, or multiple purpose projects." What is needed is greater facilitation and support from USACE.

We also ask that the Committee seek new and creative ways for State and local interests to collaborate with USACE to move studies and projects forward, including by allowing them to assist USACE in completing the studies necessary to evaluate and approve requests for water supply storage space. In other areas, Congress has recognized the benefits that flow from allowing project sponsors to participate in completing necessary environmental studies. For example, the 2023 Fiscal Responsibility Act directs all federal agencies to "prescribe procedures to allow a project sponsor to prepare an environmental assessment or [Environmental Impact Statement]" under the National Environmental Policy Act. This has always been permissible, and some agencies have used this process to expedite the preparation of NEPA study documents, but other agencies have been unwilling to provide this

option to project sponsors — forcing Congress to step in and mandate this common-sense option.

In the case of water supply, reallocation studies are the primary means of determining whether storage space at USACE facilities should be allocated to water supply. However, the timeline for USACE to complete reallocation studies is often far too long due to a lack of resources and focus. To address this, NWSA has developed a 2024 WRDA proposal that would let non-federal partners conduct reallocation studies, or parts of reallocation studies, which would be submitted to USACE for review and evaluation. Under our proposal, studies would move forward only after USACE and the non-federal partner have agreed on key study parameters and assumptions. No study requirements would be relaxed, and the studies would be just as rigorous. And, as with NEPA, ultimate review and approval of any study would remain exclusively with USACE. Yet real water supply benefits could be realized because non-federal partners can prioritize and advance needed studies far more quickly than USACE, letting water supply projects move from study to implementation in a reasonable period of time.

Thank you, Chairman Rouzer, Ranking Member Napolitano, and Members of the Subcommittee, for your exceptional work to develop the Nation's water resources infrastructure. I appreciate the opportunity to appear before you to discuss the importance of water supply in the overall USACE portfolio. NWSA looks forward to working with the Subcommittee as it develops WRDA 2024.