

Statement of Congresswoman Stacey Plaskett (VI)

Committee on Transportation and Infrastructure

Subcommittee on Water Resources and Environment

**Hearing: “Proposals for a Water Resources Development Act of 2022:
Members' Day Hearing”**

March 16, 2022, 10:00 AM, 2167 Rayburn Building and via Zoom

Chairwoman Napolitano, Ranking Member Rouzer, members of the subcommittee. Good day and thank you for this opportunity to advocate on behalf of my district, the U.S. Virgin Islands, as the committee develops the Water Resources Development Act of 2022. The Water Resources Development Act, traditionally renewed every two years, authorizes a variety of water projects for construction, including projects to improve navigation, flood control, hurricane and storm damage reduction, shoreline protection, and ecosystem restoration, as well as environmental infrastructure projects. It creates good-paying jobs while strengthening and improving the vital water infrastructure that Americans rely on.

There are five critical priorities I want to bring to your attention for inclusion in the Water Resources Development Act for 2022. The first is the environmental infrastructure project that I have requested on behalf of my district, the U.S. Virgin Islands, and the Virgin Islands Waste Management Authority.

The purpose of the project is to remediate the contamination caused by overflowing oil storage at the oil collection points, and to construct proper containment areas for the oil storage for the Do-It-Yourself oil users of the U.S. Virgin Islands. The taxpayers of the Virgin Islands need a proper and clean way to dispose of their used motor and cooking oil. The Virgin Islands Waste

Management Authority needs the funds for the remediation of these existing sites which have been overwhelmed with the volume of the oil. The surrounding soil has been contaminated and the extent of the contamination is unknown. This project would fund the investigation of the site media to determine how far the oil contamination has reached. This directly impacts the environment.

The second part of the project is to construct proper oil containment areas to support the proper storage of the territory's residential used oil. With proper storage tanks and containment areas, further pollution to the environment will be prevented. This project will benefit the residents of the Virgin Islands by having less pollution released to the environment and having a safe and clean area to dispose of their used oil.

I am requesting new environmental infrastructure authority for the foregoing purposes, and the requested funding authorization amount is \$1.584 million.

Additionally, I have a number of policy requests that will assist the U.S. Virgin Islands, and the noncontiguous United States, in moving forward with a variety of projects for flood control, storm damage reduction, and ecosystem restoration.

The Virgin Islands is currently having difficulty with moving ahead on projects that have been authorized and funded due to insufficient funds to pay local cost share requirements.

Therefore, I have requested language to allow non-Federal sponsors to use State and Local Fiscal Recovery Funds to pay the local cost share on all phases of water resources development projects. This is consistent with Department of the

Treasury guidance on the use of these funds under the American Rescue Plan Act of 2021. However, the Corps of Engineers is now requiring non-Federal sponsors to obtain a signed letter from the U.S. Treasury Secretary to explicitly authorize such use of funds to pay the local share on each water resources development project. Such a bureaucratic hurdle is impractical, unreasonable, unrealistic for each project, and inconsistent with standing guidance issued for the use of funding providing from the State and Local Fiscal Recovery Funds under the American Rescue Plan Act of 2021.

Allowing the use of ARPA funding to meet local cost share requirements will greatly benefit the Virgin Islands because sufficient local funds are not available to pay for the medium-sized flood control projects that were authorized in the Water Resources Development Act of 2020 and funded to be built with resources allocated under the Infrastructure Investment and Jobs Act and the Disaster Relief Act of 2021.

I have also asked that the cost share waiver authority that currently exists for U.S. territories and Indian tribes under section 1156 of the Water Resources Development Act of 1986 be extended to apply to the pre-construction design and engineering phase of a water resources development project, in addition to studies. This would be of tremendous help to both the territories and Indian tribes. In my district, due to insufficient funds to pay local cost share, and the inability to use ARPA funding to pay such local cost share, the pre-construction design and engineering phase of the largest flood risk management project on St. Thomas that is currently authorized, and funded, cannot move forward. This cost share waiver authority would allow us to go ahead with this important project for flood control.

Additionally, I have requested a modest increase to the Continuing Authorities Program per-project limit applicable to projects for flood control, and aquatic ecosystem restoration, to \$15 million, and a similar increase to the per-project limit applicable to projects for shoreline protection, to \$10 million. These limits have not been increased in nearly 10 years, since 2014. This policy would be of great assistance to my district and many others around the country with CAP projects that have expected costs currently reaching the limit. Once the limit is reached, the cost of the project above that amount must be borne entirely from the non-Federal project sponsor, or the project will have to wait years for authorization and further funding.

Lastly, I have requested, with other Members from the noncontiguous United States, that the committee include language to authorize the Secretary, in conducting a study of flood risk management or hurricane and storm damage risk reduction, to recommend a project in the noncontiguous U.S. without needing a demonstration that the project is justified by national economic development benefits. The noncontiguous areas of the United States are set apart geographically from the rest of the country, and have special needs related to flood risk management or hurricane and storm damage reduction.

This policy would align well with the same federal authority that currently exists for studies of harbor and navigation improvements, and related projects, in the noncontiguous United States. This policy request is designed to help with the authorization of flood control or storm damage reduction projects in U.S. territories, Hawaii, or Alaska, which are less populated and challenged to generate sufficient national economic benefits as compared to that of larger communities in the lower 48 contiguous States. These communities are particularly vulnerable to

climate change. Sea level rise is placing stress on reef ecosystems and other natural barriers that protect shorelines, prevent coastal road damages, mitigate inland flooding, stave off salinization of freshwater sources, and more.

I humbly ask that the committee favorably consider all these provisions that I have requested as it drafts the Water Resources Development Act of 2022. Thank you for your work on this legislation and your attention to my requests.