

Water Resources Development Act

Texas Water Investment Needs are Urgent

Texas and the rest of the nation face urgent water challenges, including:

- Deteriorating infrastructure
- Increasing demands for water
- Conflicting uses (economic vs. environmental)
- Frequent and extended droughts
- Limited resources

All levels of government – Federal, state and local – as well as the private sector must act to meet these challenges.

Texas faces water shortages that are among the most severe in the Nation. Recognizing the potential for adverse impacts to the State, Texas state and local governments committed considerable time and millions of dollars to estimate water needs across the state and to develop comprehensive strategies for adequately managing these needs. *Water for Texas 2007*, also known as the State Water Plan, has been thoughtfully developed by regional water planning groups at the grassroots level. The plan identifies a balanced, but urgent approach for managing water resources for the people, economy and environment of our great State. Investment in new water supply and conveyance is a critical component of the State Water Plan, and it is part of a prudent strategy that applies conservation, reuse and other means to use existing water sources wisely.

Texas is proud that most of the costs of planning and implementing water management strategies will be met by local and state resources. Local and state resources, however, can become even more powerful and effective when leveraged at the federal level. Texas is a significant contributor to the US economy. As such, it is in the Federal interest to support a healthy Texas economy that thrives in an environmentally sustainable way. Thus, federal participation in water development in Texas is a national priority. The Federal government and the State of Texas must commit to joint participation in investing in water for Texas. The Corps of Engineers is vital to this federal-state partnership.

The efforts to establish a viable Texas-Federal partnership should include establishing a Texas Environmental Infrastructure Program (TEIP). The TEIP is needed to provide opportunity for Federal partnerships in rural and other areas of Texas that may not have established association or partnership with Corps of Engineers. Deteriorating infrastructure is a major problem facing many rural and other communities. The TEIP will help provide answers for these areas, and will establish an opportunity for Federal partnerships.

WRDA is Needed Now

Water Resources Development Acts (WRDAs) are the impetus for developing and refining this critical water partnership between Texas and the Federal government. Unfortunately a WRDA has not been enacted in six years. Texas needs a sensible, reasonable WRDA now to direct and empower the Corps of Engineers to participate in planning, designing and construction projects that will support *Water for Texas 2007*.

Now is the time for Congress to enact a Water Resources Development Act to enhance the ability of the Corps of Engineers to be a productive water resources management partner for Texas, without prescribing additional layers of bureaucracy and other misguided reforms.

REQUEST

Enact a Water Resources Development Act in the first session of the 110th Congress that enhances the ability of the Corps of Engineers to be a productive water resources management partner for Texas, without prescribing additional layers of bureaucracy and other misguided reforms. Support the inclusion of a Texas Environmental Infrastructure Program.

At a minimum, the bill MUST:

- Contain a provision enhancing and streamlining the technical assistance, analysis and data sharing provided by the Corps to the State of Texas for water-related planning, engineering and construction activities.
- Support the Corps of Engineers as the agency works with Congress to addresses issues of management reform
- Contain a broad programmatic framework to authorize the Corps to support the state water plan in a flexible way as projects mature and become ready for implementation.
- Establish environmental infrastructure, an urgent national need, as a Corps mission and create an environmental infrastructure program for Texas (see below).

The bill MUST NOT:

- Create a system of peer review of Corps projects that restricts the Chief of Engineer's technical independence in making project recommendations.
- Introduce actions that will create delays
- Create additional bureaucracy for the purposes of executive direction, management and priority setting of the Corps program (that is, no additional boards, commissions, quasi-agencies, etc., which would dilute, diminish or replace the responsibilities of the Secretary of the Army or the Chief of Engineers).

Sec ____. **TEXAS. (ENVIRONMENTAL INFRASTRUCTURE PROGRAM)**

(a) Establishment of Program.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the State of Texas.

(b) Form of Assistance.—Assistance under this section may be in the form of planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects in Texas, including projects for water supply, storage, treatment and related facilities, water quality protection, wastewater treatment and related facilities, environmental restoration, and surface water resource protection and development as identified by the Texas Water Development Board.

(c) Public Ownership Requirement.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) Partnership Agreements.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest.

(e) Cost sharing.—

In general.—The Federal share of project costs under each agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(2) In-Kind Services.—The non-Federal share may be provided in the form of materials and in-kind services, including planning, design, construction, and management services, that the Secretary has determined are compatible with and necessary for the project.

(3) Credit for design work.—The non-Federal interest shall receive credit for the reasonable costs of planning, design, construction work completed by the non-Federal interest before entering into a partnership agreement with the Secretary.

(4) Lands, easements, rights-of-way and relocations.—The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations provided by the non-Federal interest toward the non-Federal share of project costs.

(5) Operation and maintenance.—The non-Federal share of operation and maintenance costs for projects constructed under an agreement entered into under this subsection shall be 100 percent.

(f) Applicability of Other Federal and State Laws.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section \$40,000,000.