

CONGRESS/WATER RESOURCES
Water Resources Development Act**July 19, 2024**
Special Report # 2618

On June 26 the House Transportation and Infrastructure Committee passed the Water Resources Development Act (H.R. 8812) by a vote of 61-2. The bill emphasizes locally-driven projects that deliver regional and national benefits.

Title I

Section 110 directs the Corps to consult with non-federal project interests to identify fish and wildlife mitigation implementation practices and methodologies, and to make the mitigation requirements for each project publicly available.

Section 116 authorizes permitting non-federal entities to use dredge materials from Corps facilities. Section 117 directs the Corps to ensure that at least 70% of dredge materials are put to beneficial use, and authorizes the transfer of dredged materials not needed by the Corps to non-federal entities at no cost.

Section 118 directs the Secretary of the Army (Civil Works) to collaborate with other federal and state agencies, national laboratories, and non-profit research institutions to develop, update, and maintain economic, hydraulic, and hydrologic models, including models for compound flooding, for use in the planning, design formulation, modification, and operation of water resources development projects and water resources planning. The Corps must coordinate with non-federal project interests to identify appropriate models and data and provide any requested drafts or information generated by models relevant to the project. Final models and data generated by them must be made available to the public on request. The Secretary must incorporate model generated data into feasibility studies.

Section 119 directs the Corps to incorporate the use of forecast-informed reservoir operations (FIRO) to the maximum extent possible. The Secretary, in coordination with relevant federal and state agencies and non-federal interests, shall issue clear and concise guidelines for incorporating the use of FIRO into water control manuals. The Corps is also directed to carry out an assessment of certain geographically diverse reservoirs to determine the viability of using FIRO. Section 120 gives priority to water control manual updates that incorporate FIRO operations into such manuals.

Section 121 directs the Corps to include water supply as a primary mission of the Corps. The Secretary must give equal consideration to the water supply mission in the planning, prioritization, designing, constructing, modifying, operating, and maintaining of water resources development projects. The additional directive does not expand the authorities of the Corps with respect to navigation, flood control, and environmental protection and restoration. It does not authorize the Secretary to initiate or modify a water resources development project. The Corps is directed to submit a report to Congress detailing steps taken to implement the water supply as a mission mandate, actions identified by non-federal interests that may be taken to reallocate storage space in existing projects for water supply, enter into surplus water supply contracts, modify the operations of an existing water resources development project, and to cooperate with state and local governments to identify strategies to augment water supply and promote drought resiliency.

Section 128 amends the National Dam Safety Program Act (33 U.S.C. 467d) to require the Corps to maintain and regularly update an inventory of all dams and low-head dams in the United States, including detailed information on their condition and safety, and to make this information publicly available. It amends Section 8A of the Act (33 U.S.C. 467f) to require that grant recipients provide assurances for ongoing dam maintenance and develop floodplain management plans to address potential flood impacts. It also extends the authorization of appropriations for dam safety through 2028, including provisions for low-head dams, and adjusts funding limits and deadlines.

Section 129 provides an exception for rehabilitation projects for Corps-constructed dams. For projects where the federal cost-share exceeds \$60M, the Corps may expend more with approval from Congress.

Section 140 authorizes the Corps to assess the water resources needs of river basins and watersheds of the United States, including needs relating to ecosystem protection and restoration, navigation and ports, watershed protection, water supply, drought preparedness, sea level rise, coastal storm damage reduction, and stream bank and shoreline protection. The bill would add a number of eastern watersheds as priorities for these assessments. The bill would also authorize the Corps to prepare a feasibility report at the request of a non-federal interest for a water resources needs assessment, recommending the construction or modification of a water resources development project to address a water resources need of a river basin or watershed of the United States.

Section 148 outlines the sense of Congress related to water data. It states that the Corps should: (1) develop and implement a framework for integrating, sharing, and using water data; (2) identify and prioritize key water data needed to support water resources management and planning, including water data sets, types, and associated metadata; (3) identify and prioritize key water data needed to support water data infrastructure, technologies, and tools; (4) in consultation with other federal agencies, States, Indian Tribes, local governments, and relevant stakeholders, develop and adopt common national standards for collecting, sharing, and integrating water data, infrastructure, technologies, and tools; (5) ensure that water data is publicly accessible and interoperable; (6) integrate water data and tools through nationwide approaches to data infrastructure, platforms, models, and tool development; and (7) support the adoption of new technologies and the development of tools for water data collection, sharing, and standardization.

Title II

Section 201-202 would authorize and expedite a number of feasibility studies including projects in Arizona (1), California (14), Colorado (1), Montana (1), New Mexico (4), Oklahoma (2), Oregon (2), Texas (3), Washington (1), as well as the Ogallala Aquifer. Section 201 also authorizes the Secretary to conduct feasibility studies for modifications to projects in California (5), Texas (2), and Washington (1). The Akutan Harbor Navigational Improvements project in Alaska was selected for an expedited feasibility study.

Section 204 requires the Corps to produce several reports within one year of enactment including a report on high turbidity events in Willamette Valley reservoirs, including monitoring practices, past turbidity issues, and strategies to minimize financial impacts on non-federal entities.

Section 213 authorizes the Corps to conduct comprehensive studies on riverine and coastal flooding in Washington State's coastal areas. The studies should include: (1) analysis of current flooding and risk reduction measures; (2) developing methods to predict sea level rise and creating tools specific to the Pacific Northwest's unique coastal flooding; (3) research on atmospheric, oceanic, geologic, and coastal conditions for a numerical modeling system to generate coastal hazard data; (4) identifying vulnerabilities and risks in riverine and coastal areas due to sea level changes, extreme weather, and increased coastal storm risk; (5) identifying tribal and economically disadvantaged communities with flooding vulnerabilities; and (6) recommending actions to protect critical public infrastructure, communities, and important natural or cultural resources.

Section 216 directs the Corps to enter into an agreement with the National Academy of Sciences (NAS), in consultation with relevant federal agencies, to prepare a comprehensive report on the management and operations of several dams and reservoirs in the Upper Rio Grande Basin, specifically the Heron, El Vado, Abiquiu, Cochiti, Jemez Canyon, and Elephant Butte dams and reservoirs. The report should make recommendations for future management and operational strategies.

Title III

Section 301 identifies and deauthorizes non-viable water resources development projects with a focus on those lacking local support, necessary resources, or relevant authorized purposes. This section also aims to create a streamlined process for Congress to deauthorize such projects, and ensure the continuation of viable projects. It requires the Secretary to develop a preliminary list of projects authorized before June 10, 2014, that have not progressed or received funding in over ten years. This list, derived from existing construction backlog and maintenance reports, will inform a proposed deauthorization list, which will be subject to public and state governor comments. Following a 90-day comment period, the Secretary will prepare and submit a final deauthorization list and appendix, considering public feedback, to Congress and publish it in the Federal Register. Projects receiving federal funds post-preliminary list but pre-final submission are excluded from deauthorization.

Section 302 outlines reauthorized projects and programs. It increases the funding limit for the Las Vegas, Nevada project from \$40,000,000 to \$60,000,000. The Invasive Species in Alpine Lakes Pilot Program is extended to 2030. The Levee Safety Initiative's authorization is extended to 2033. The Non-Federal Implementation Pilot Program is extended to 2030. The Asian Carp Prevention and Control Pilot Program's authorization is extended to 2030, and the timeline for reporting is updated to 2 years after the enactment of the Water Resources Development Act of 2024. The Transfer of Excess Credit Program's authorization is extended to 2033. Finally, the Pilot Programs on Formulation of Corps of Engineers Projects in Rural and Economically Disadvantaged Communities are revised to include review periods of 5, 10, and 15 years, with the overall timeline extended to 15 years. It also establishes priority projects in California (2), New Mexico (1), and Washington (1).

Section 341 deauthorizes flood risk management for a number of channels in the Los Angeles County Drainage Area and directs the Corps to seek agreement with the Los Angeles County Flood Control District to transfer management. This section also deauthorizes the Papillion Creek Watershed Project in Nebraska, the Truckee River Project in Nevada, and the Seattle Harbor Navigation Project in Washington.