

**DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS**

**COMPLETE STATEMENT**

**OF**

**LIEUTENANT GENERAL ROBERT B. FLOWERS  
CHIEF OF ENGINEERS  
U. S. ARMY CORPS OF ENGINEERS**

**BEFORE**

**THE SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE  
UNITED STATES HOUSE OF REPRESENTATIVES**

**ON**

**H.R. 135, "THE TWENTY-FIRST CENTURY WATER COMMISSION ACT OF 2003"**

**MAY 7, 2003**

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MR. CHAIRMAN AND DISTINGUISHED MEMBERS OF THE SUBCOMMITTEE:

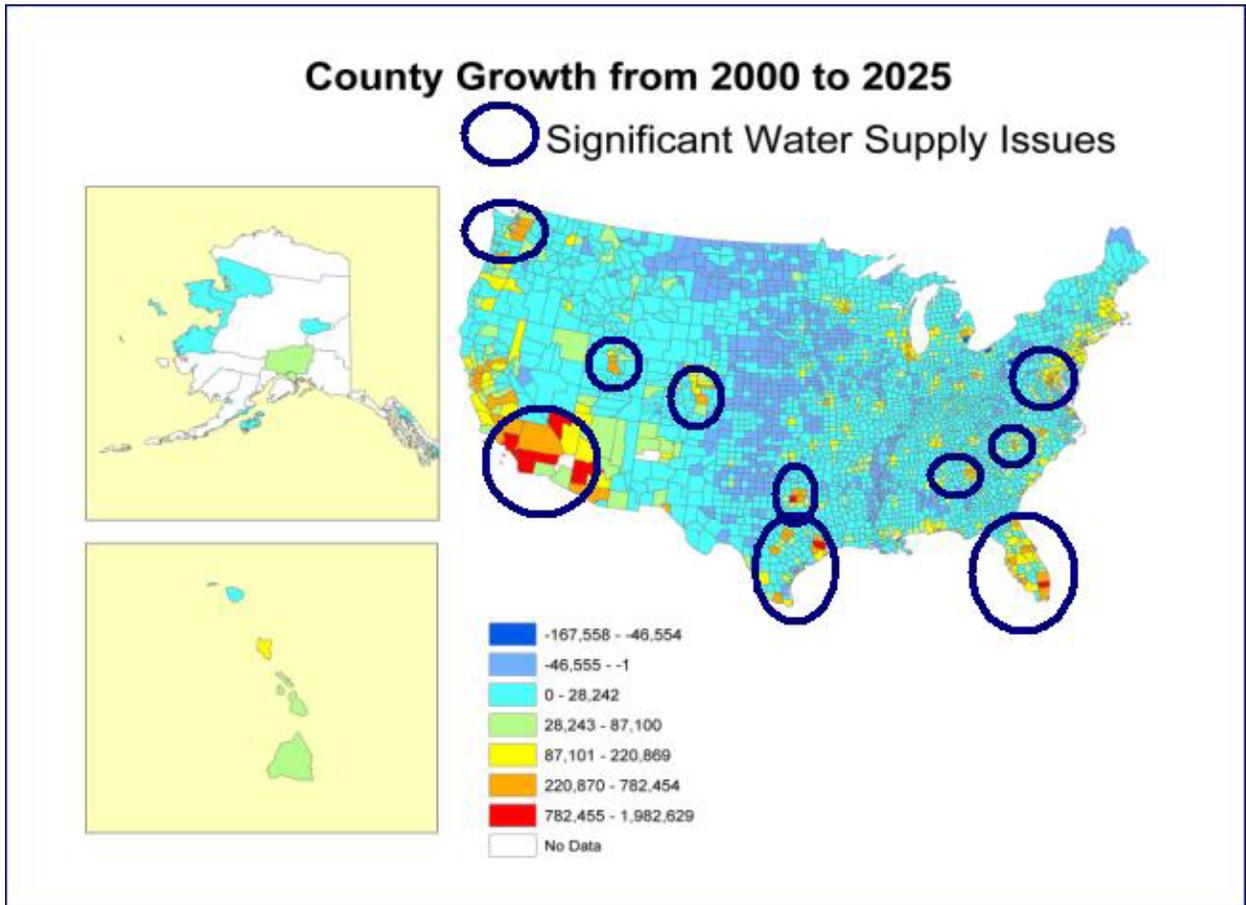
I am honored to be testifying before you on H.R. 135, "The Twenty-first Century Water Commission Act of 2003." The Corps supports efforts to address the future of America's water supply. And, of course, every American has a stake in good stewardship for all aspects of water resources.

First, let me commend the sponsors of this bill for their farsighted leadership in recognizing that water supply is a constant challenge relevant to the quality of life of the American people. It is always important for government policy makers at all levels to explore the relative responsibilities and roles of government in our Federal system in meeting this challenge.

**REAL WATER CHALLENGES**

Regional droughts, intergovernmental and regional disputes over allocation brought on by growing population demands, and widespread disagreement over competing purposes for water resource use are just a few of the challenges facing those of us who have an interest in and a responsibility for stewardship of water resources. It is quite likely that water will generate as much controversy in the 21st Century as it has in the past. In the 19<sup>th</sup> Century, Mark Twain is said to have remarked, "Whiskey's for drinking. Water's for fighting over." Indeed, timely attention to clarity in defining the challenges and opportunities is necessary to avoid more serious water conflicts in the decades ahead. Such conflicts could manifest themselves in regulatory snarls and litigation that thwart or retard efforts to sustain economic growth and environmental quality.

A picture speaks a thousand words. Looking toward the future, the map below shows the counties with the greatest forecasted increase in population over the



next twenty years. Almost without exception, population is growing fastest where there is already competition for available water supplies.

We can already forecast that the circled areas will face water supply challenges in the future. The Atlanta metropolitan area is just one striking example, with one of the largest and oldest water supply systems in the nation, and one that is stressed by rapid growth that has seen its population more than triple over the last 40 years from just over 1.3 million people in 1960 to over 4.1 million in 2000. Other areas within the U.S. that will face such water challenges also include our rural and Native American communities, many of which will need access to new sources because of quality, not quantity problems with their existing groundwater supplies. Such a Commission as contemplated by this proposed legislation could provide a valuable service to the citizens and policy makers at all levels of government by identifying and further assessing particular circumstances, including how the financial burden on local communities can be equitably addressed within the decision-making process for allocation of resources to meet these needs. More detailed assessment will better inform this picture.

## **CONTRIBUTIONS OF THE COMMISSION**

We believe that a "Twenty-first Century Water Commission" could provide a helpful forum to formulate a framework for addressing these future challenges. I would like to share with you our perspective on some of the important ways in which we believe a Commission could help.

### **Federal and Non-Federal roles**

Primacy for water resources management in the U.S. has been and must continue to be at the state and local level. The Federal government has mainly been involved in issues of national or multi-state significance (interstate navigation, for example). However, a 21st Century approach to water resources management requires decision makers to integrate a complex array of public values and institutional policies. Considerations include regulatory frameworks (permits, licenses, and monitoring), planning criteria, operations, maintenance and design standards, public participation, private sector business partnerships, and interstate and intergovernmental priorities, all within a process that fosters transparency and trust. The scope and technical complexity of water issues and the extent of desired participation by stakeholders mean that the Federal government can facilitate state and local leadership by being responsive to their requests for effective coordination among Federal and non-Federal regulatory programs and by bringing Federal data and analysis to the support of state and local efforts. The Commission can lead a dialogue to help define a framework for successful partnership and collaboration.

### **Integrated and Collaborative Watershed Approach**

In the summer and fall of 2000, the Corps of Engineers held a series of 16 "listening sessions" around the Nation to learn what Americans thought were the major water challenges for the 21st Century. The participants provided valuable input for Federal involvement that would best help state and local government face these challenges.

We were frequently told there's a need to address water challenges from a watershed view, emphasizing collaboration and integration. Some present-day watershed management efforts, such as the Comprehensive Everglades Restoration Plan, already promote active participation of all interested parties in the planning and decision-making process. A similar effort is the comprehensive assessment of the demands and water resources available in the Apalachicola-Chattahoochee-Flint and Alabama-Coosa-Tallapoosa River systems to include development of alternative scenarios and options to assist the affected states in reaching decision on allocation of available water.

We believe that this concept of integration is the key to meeting the water challenges we will face. Based on what our state and local partners told us, we adopted nine Watershed Principles to guide our water resources management.

These Watershed Principles are:

1. Seeking sustainable water resources management
2. Integrating water and related land management
3. Considering future water demands
4. Coordinating planning and management
5. Promoting cooperation among government agencies at all levels
6. Encouraging public participation
7. Evaluating monetary and non-monetary trade-offs
8. Establishing interdisciplinary teams and
9. Applying adaptive management as changing conditions or objectives warrant.

Within this broad context, watershed partners must collaborate to simultaneously address multiple objectives - environmental quality, social effects, and national and regional economic development. We believe the Commission can provide invaluable service in helping the Federal sector refine watershed principles to guide our activities in support of state and local led water solutions.

### **Regional Solutions**

In our listening sessions and in other forums, community leaders – mayors, county executives and water authority executives – have told us that economic growth is being restricted by municipal and industrial water supply. These leaders also tell us that supporting growth will require regional solutions because new water supply projects that are feasible and efficient must often be located outside the limits of individual municipalities requiring new supplies. In landmark 1997 legislation, the State of Texas recognized these new realities and designated 16 regions to lead the development of future water supply. Larger communities within these regions were designated to take the lead for their regions. The Texas legislation empowered water-planning groups in each region to carry out these new missions. We believe the Commission can look at the diverse regional needs in consultation with state and local governments and formulate alternatives, like the Texas response, to help these governments meet the regional water supply challenges and integrate Federal support for their efforts.

### **Innovation and Research and Development**

Where water challenges already pose significant challenges, state and local governments are already conducting research to find the best technologies to ensure sustainable water supplies. For instance, in April 2002, Texas Governor Rick Perry directed the Texas Water Development Board (TWDB) to develop a

recommendation for a demonstration seawater desalination project as one step toward securing an abundant water supply to meet Texas' future water supply needs. The TWDB has a process in place to develop a recommendation to the Governor for a demonstration seawater desalination project. Similar desalination technology is being used or proposed for use to meet the needs of major facilities or entire communities in California, Arizona, Massachusetts and Florida. This is just one of the technologies being examined to address water needs. We believe the Commission can point the way to the promising and cost effective technologies to meet critical water supply needs and also evaluate the most promising methods to manage and conserve existing water supplies.

### **TECHNICAL CONCERNS**

On April 1, 2003, the Honorable John W. Keys III, Commissioner, U.S. Bureau of Reclamation, U.S. Department of the Interior testified on this legislation before the Subcommittee on Water and Power of the Committee on Resources, U.S. House of Representatives. I join him in advocating that due deference be given in Commission membership to representatives from state government.

I also join him in communicating the Administration's objection to Section 8(b)(2) of H.R. 135 which would give the Commission the authority to require federal agencies to detail to "the Commission ... such personnel as the Commission considers necessary to carry out the provisions of this Act. Specifically, the Department of Justice has informed us that giving such power to an advisory commission raises constitutional concerns, including potential Appointments Clause problems. The Department of Justice recommends that the provision be amended to authorize (and not require) Federal agencies to detail personnel to the Commission.

In addition, it should also be noted that the Commission would be subject of the Federal Advisory Committee Act, as amended.

### **CONCLUSION**

Mr. Chairman, H.R. 135 has several provisions that can help Americans deal effectively with water issues with foresight and discernment. We commend the bill's sponsors for their vision to address challenges early, while they are relatively manageable, so as to promote environmentally sustainable growth. We stand ready to assist however we can consistent with our missions.