

**MEMBER STATEMENT FOR THE 2022 WATER RESOURCES DEVELOPMENT ACT**  
**REP. DIANA DEGETTE**  
**March 16, 2022**

Chairman Napolitano and Ranking Member Rouzer:

Thank you for providing the opportunity to submit written testimony to advocate for priorities in the upcoming Water Resources Development bill. Continuing the recent successes of passing Water Resources Development Act (WRDA) bills in 2014, 2016, 2018, and 2020, this bill will help many states and localities move critical projects forward.

The 2022 WRDA bill gives us an opportunity to authorize new, eligible projects, as well as modify existing projects and regulations that allows us to improve the critical work of the U.S. Army Corps of Engineers (USACE). This year, I am seeking modifications to language for an existing project, increases in program limits for other USACE projects, clarification of statutory language for congressionally mandated steps in implementation of USACE projects, and language to further assist with streamlining permits for local projects. These modifications would benefit projects in my district and others across the country.

**Chatfield Downstream Channel Improvement Project:** I want to thank the committee for its continued support of the Chatfield Downstream Channel Improvement Project. The work authorized by previous legislation turned neglected portions of the South Platte River into a vibrant and important resource for recreation and growing communities. However, the project is far from complete, as seven miles of river still require remediation. For the remainder of the project, I ask that the committee consider adding the following language to WRDA 2022,

*“Chatfield Downstream Improvement Channel: The Chatfield Downstream Project authorized in the River and Harbors Act of 1950 is henceforth reauthorized for updated hydrology as currently approved by FEMA for the South Platte River.”*

The proposed language would clarify the authority of USACE to approve modifications to the channel that are being proposed as part of the corridor plan and allow for continuous uninterrupted work on the whole corridor.

**Pre-Construction Engineering and Design:** As you well know, the Pre-Construction Engineering and Design (PED) phase of USACE projects is critical for making sure projects continue to move forward during the period between the signing of a Chief of Engineers report and the authorization of a project. I ask that the committee consider language that would allow PED funding to be included in the Investigations portion of the USACE budget with dedicated amounts for PED that allow projects to keep progressing. I would also ask the committee to consider language that removes the PED requirement once a project is authorized for construction. These changes would benefit the South Platte River and Tributaries, Adams and Denver Counties, Colorado Project in my district. The project became eligible for PED funding in July 2019, but the project only recently received a portion of the necessary PED funding to move forward in the Fiscal Year 2022 Omnibus bill. The lack of funding caused delays and drove up costs for USACE and the City and County of Denver. While this example impacts my

constituency, it is certainly not unique to my district. The simple proposed modifications will ensure that projects, and the entities responsible for planning and completing projects, can maintain progress while avoiding unnecessary delays.

**Continuing Authorities Program:** The Continuing Authorities Program (CAP) is incredibly helpful for local sponsors and stakeholders in my district, like the Southern Platte Valley, Denver, CO Ecosystem Restoration Study project. Allowing local sponsors to advance limited projects without the need for project-specific congressional authorization helps stakeholders quickly and efficiently complete critical projects throughout the United States. I request the committee increase the overall program limits, as well as the individual per project federal limits. Increases to the CAP limits would help USACE quickly allocate money from the Infrastructure, Investment, and Jobs Act. Additionally, I ask that the committee require USACE to post to the federal register the 10 pilot CAP projects for economically disadvantaged areas as authorized in WRDA 2020.

**Section 408 Permissions:** Finally, I urge the committee to require USACE to work with non-federal sponsors to develop categorical permissions for Section 408 permissions within 180 days of enactment of WRDA 2022. Due to the lack of national categorical permissions for Section 408, the use of categorical permissions has led to limited and mixed results. Creating a set of national categorical permissions that can be used across all USACE Districts will create much needed clarity for local sponsors moving forward.

Thank you for taking the time to consider these requests in the upcoming 2022 Water Resources Development Act. If you have any questions please do not hesitate to reach out to my staffer, Nicholas Anuzis at [Nicholas.Anuzis@mail.house.gov](mailto:Nicholas.Anuzis@mail.house.gov) or 202-226-2316.



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