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THE NOMINATION OF LIEUTENANT GENERAL ROBERT L. VAN ANTWERP, JR., TO BE CHIEF OF ENGINEERS AND COMMANDING GENERAL OF THE UNITED STATES ARMY CORPS OF ENGINEERS

HEARING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

APRIL 18, 2007

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ONE HUNDRED TENTH CONGRESS
FIRST SESSION

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C O N T E N T S

Page

APRIL 18, 2007

OPENING STATEMENTS

Boxer, Hon. Barbara, U.S. Senator from the State of California 1
Inhofe, Hon. James M., U.S. Senator from the State of Oklahoma 2
Cardin, Hon. Benjamin L., U.S. Senator from the State of Maryland 4
Warner, Hon. John W., U.S. Senator from the State of Virginia 5
Vitter, Hon. David, U.S. Senator from the State of Louisiana 6
Isakson, Hon. Johnny, U.S. Senator from the State of Georgia 14
Craig, Hon. Larry E., U.S. Senator from the State of Idaho 16

WITNESSES

Antwerp, Lieutenant General Robert L. Van Jr., To be Chief of Engineers and Commanding General of the United States Army Corps of Engineers 20
Responses to additional questions from:
Senator Carper 20
Senator Cardin 22
Senator Vitter 23

THE NOMINATION OF LIEUTENANT GENERAL ROBERT L. VAN ANTWERP, JR., TO BE CHIEF OF ENGINEERS AND COMMANDING GENERAL OF THE UNITED STATES ARMY CORPS OF ENGINEERS

WEDNESDAY, APRIL 18, 2007

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 2:30 p.m. in room 406, Dirksen Senate Office Building, Hon. Barbara Boxer (chair of the committee) presiding.

Present: Senators Boxer, Cardin, Craig, Inhofe, Isakson, Vitter, Warner, Whitehouse.

OPENING STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator BOXER. Good afternoon, everybody. Today, the Senate Committee on Environment and Public Works meets to consider the nomination of Lieutenant General Robert L. Van Antwerp, Jr., to be Chief of Engineers and Commanding General of the U.S. Army Corps of Engineers.

General, congratulations on your nomination. I am pleased to welcome you to this committee and your wife, who I just had the pleasure of meeting. I thank you for offering your service again to the people of this country. This committee has broad jurisdiction over the infrastructure of America. It is the authorizing committee for the Civil Works Program of the Nation.

Last month at our first legislative business meeting of the year, this committee, in a bipartisan, unanimous way, reported the Water Resources Development Act of 2007 to the floor of the Senate. Senators Inhofe, Baucus, Isakson, and I are committed to expeditiously moving WRDA on the floor of the Senate, through conference, and to the President's desk for signature.

The position of Chief of Engineers is of utmost importance to all of us. In your capacity as Chief, you will oversee the feasibility, accountability and environmental acceptability of Army Corps civil works projects around the country. We all know how important projects of the corps are. Projects under your jurisdiction include flood control projects that protect communities from catastrophic storms and flooding; navigation improvements that keep America's commerce moving; environmental protection, preservation and res-

toration projects for the Nation's natural resources, particularly America's once vast wetlands.

In these and many other projects, the corps contributes positively to America's way of life. Now, unfortunately, we have also seen the impacts of corps projects that don't perform. As the world watched in horror and agony at the events surrounding Hurricane Katrina, we all learned of the consequences of neglecting our water infrastructure needs or making mistakes or just not being vigilant enough.

General, the task to which you have been assigned is an immense one. In my home of California, the lives of hundreds of thousands of people are at risk from catastrophic flooding in the Sacramento area. We cannot afford to wait any longer to get needed flood control improvements, nor can we afford to get it wrong.

General, your background and experience give me comfort that you are up to this challenge. Let me briefly share this background with my colleagues and for the record. Lieutenant General Robert L. Van Antwerp currently commands the U.S. Army Accessions Command based at Fort Monroe, VA. Prior to this current assignment, he served as the Commanding General of the U.S. Army Maneuver Support Center and Commandant of the U.S. Army Engineer School at Fort Leonard Wood, MO.

He also served as an engineer officer with the U.S. Army Corps of Engineers Los Angeles District during the Northridge earthquake of 1994. Given the events of recent years, I am very pleased that you have had the on the ground experience with the challenges of natural disasters. I can say for everyone, in California we have had a lot of problems, but in the Northridge situation, it was an amazing response and I want to thank you for what you did back then.

The General also served in the 326th Engineer Battalion, 101st Airborne Division during Operations Desert Shield and Desert Storm.

So he is a real hero and once again, welcome to the committee. I look forward to your testimony.

Senator Inhofe.

OPENING STATEMENT OF HON. JAMES M. INHOFE, U.S. SENATOR FROM THE STATE OF OKLAHOMA

Senator INHOFE. Thank you, Madam Chairman.

I would like to ask first the progress of your son. How is your son doing?

General VAN ANTWERP. Thank you very much for asking. He was discharged on the 18th of January and is now settled in Ohio and has a job and is starting his second career. So we are very pleased.

Senator INHOFE. That is good. That is good. Well, we are all concerned. Of course, and I say this to you, Madam Chairman, you have dramatically shortened my opening Statement. I was going to talk a little bit about him, too, but now that we know.

As some of the other members of the committee may not be aware of, Senator Warner and I already had the hearing in the Armed Services Committee, and of course there was no opposition at that time.

I have to agree with the Chairman. I think you have an ideal background to do this job. I am looking forward to working with you in both capacities on both of our committees. You will be facing difficult decisions and management challenges in the Civil Works mission. As the Chairman said, we are trying to get this WRDA bill done. Frankly, I think we are going to do it. I think we ought to have it on the floor sometime in the first part of May, I can hopefully say.

In which case, your job is going to be in some ways easier and in some ways it is going to be more difficult because there will be more activity, but it is activity that needs to take place.

More specifically to my State of Oklahoma, as you well know, for the past 4 years the State and Federal agencies have devoted a lot of resources and effort to the remediation of the Tar Creek problem. In fact, when I became Chairman of this committee 4 years ago, that is when we got you guys and the Department of Justice and the Department of Interior and the Corps of Engineers and everybody in one room together, only to find they had not been in that one room together before.

We are doing very well now. I would certainly hope that you would continue in your new capacity in seeing that through to its completion. I think that will happen.

Thank you.

[The prepared Statement of Senator Inhofe follows:]

STATEMENT OF HON. JAMES M. INHOFE, U.S. SENATOR FROM THE STATE OF OKLAHOMA

Thank you Madam Chairman for holding this hearing today. As has been noted, Lieutenant General Robert Van Antwerp is currently Commander of the U.S. Army Accessions Command. His nomination to be Chief of Engineers comes at a very challenging time for the Army Corps, but he is certainly well qualified and highly regarded. I have no doubt that he will be successful at this new post.

Although General Van's nomination is officially the jurisdiction of the Armed Services Committee, I think it is important that this committee have a chance to hear from him prior to his confirmation. The Armed Services Committee, of which I am also a member, held a hearing and approved his nomination last month. There we heard from General Van on the wide range of issues that are the responsibility of the Chief, but it is this committee that has the expertise regarding the Civil Works mission of the Corps of Engineers.

The new Chief will face many difficult decisions and management challenges just within the Civil Works mission. He will need to oversee the continued rebuilding and improvement of the hurricane protection system in South Louisiana, with all of the engineering difficulties that presents. He will need to continue implementation of the many changes that have begun as a result of the hurricanes down there, such as the emphasis on integrated water resources management and the use of risk assessment tools to guide our decisions and inform the public.

As the new Chief, General Van would take charge of a vast regulatory program that needs to begin providing clarity and certainty to the regulated community in the wake of two Supreme Court decisions that haven't seemed to clarify much of anything.

The new Chief will need to implement whatever new policy provisions are included in the WRDA bill we all hope to have enacted as soon as possible. In particular, both House and Senate bills include various so-called "Corps reform" provisions. Whatever the final mix is, General Van as Chief of Engineers would be responsible for ensuring that these items are incorporated into the corps procedures efficiently and effectively.

Finally, on a note specific to my home state of Oklahoma - General Van, over the past four years, state and federal agencies have devoted much resources and effort to remediation and resident assistance at the Tar Creek Superfund Site in northeastern Oklahoma. I want to get your commitment to make the work at Tar Creek

a top priority and to ensure timely cooperation with state agencies that are involved in assisting the area residents.

General Van, upon confirmation you will face many difficult tasks, but I have every confidence that you will meet these challenges and be a strong leader for the Corps of Engineers.

General VAN ANTWERP. Thank you, sir.

Senator BOXER. Thank you, Senator.

Senator Cardin.

OPENING STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM THE STATE OF MARYLAND

Senator CARDIN. Thank you very much, Madam Chair. Again, I thank you for having this hearing to give me chance to go over some of the priorities of Maryland.

General, you and I had a chance to talk yesterday. I am going to start off with a problem that affects one of our smaller municipalities in Maryland, Chesapeake City. It has a population of a little over 735 people. Several years ago, the Army Corps in deepening the Chesapeake and Delaware Canal, removed the water line between the town. The town is divided by the C & D canal. Therefore, the ability of having one water supply was compromised. They have to have separate facilities on both sides of the canal. As I explained to you yesterday, the work that you do is so important to the people of Maryland. We are looking forward to your leadership at the Army Corps.

Marylanders depend upon the work of the Army Corps for flood control in the western part of our State, to the importance of the Chesapeake Bay. The Chesapeake Bay is a wonderful natural treasure for the people of Maryland, but it has significant environmental risks and is very vulnerable to erosion. We need to deal with the erosion problems of the bay.

It is also a shipping channel. It is a shipping channel for 126 miles of shipping that lead into the Port of Baltimore. There are 70 small navigation projects around the Chesapeake Bay and Atlantic Ocean that are in the State of Maryland. We need to continuously work on the balance between the environment and the commerce.

I mentioned to you yesterday Poplar Island. I do that because we are very proud of what has happened at Poplar Island. At one time, Poplar Island was 1,100 acres. It eroded down to five acres. What we were able to do through the authorization of Congress and the work of the Army Corps is develop a dredge site location that was also environmental restoration.

So we had a win-win situation, and it is progressing better than any of us had expected at the time. Wildlife is returning. The acreage is there. It is a real asset to the bay and a real asset to the commerce of our State. It has been a model program for our Nation, and actually we have gotten a lot of international visitors who come by and see Poplar Island.

We are in the midst of authorizing, we hope, a second location in the mid-Chesapeake Bay, James Island. As I have mentioned to you earlier, and I will ask you during the questioning, the timeliness of the Chief's report is very important to us in getting that project moved forward.

So I look forward to this hearing, but I particularly look forward to your continued service to the people of this country. I thank you and your family for your dedicated service to our country.

[The prepared Statement of Senator Cardin follows:]

STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM THE STATE OF MARYLAND

Thank you for holding this hearing today.

I represent a state which relies heavily upon the Army Corps of Engineers' civil works programs.

Maryland has 31 miles of Atlantic Ocean coastline, which are the site of two critical corps projects—a hurricane protection project at our premier beach resort community, Ocean City, and a mitigation project at Assateague Island National Seashore.

The Chesapeake Bay is America's largest estuary. The corps' oyster and habitat restoration, shoreline protection, and sediment management programs are integral to our efforts to restore the Bay.

We have a geography and topography which makes the Chesapeake Bay particularly susceptible to erosion. This erosion contributes millions of cubic yards of sediment annually to the bay, adversely affecting water quality and clogging navigation channels.

The Port of Baltimore is one of the largest ports on the east coast and a vital engine of economic activity, contributing $2 billion to the State's economy and employing 18,000 Marylander's directly and tens of thousands more indirectly.

There are 126 miles of shipping channels leading to the Port of Baltimore. Maryland also has more than 70 small navigation projects around the Chesapeake Bay and Atlantic Ocean. These navigation projects are critical to commercial and recreational fisherman, to local and regional commerce and to local economies.

We rely heavily on the U.S. Army Corps of Engineers for flood protection in communities in Western Maryland and for water supply.

In short, the Corps of Engineers has projects and provides assistance to virtually every jurisdiction in the State of Maryland

Our efforts in Maryland focus on four areas:

- maintaining the navigational channels serving the Port of Baltimore and numerous communities in our state, and finding responsible and environmentally sound solutions for disposing of the dredged material from these channels,
- restoring the Chesapeake Bay and the rivers and streams which flow into the Bay,
- addressing the shoreline erosion problems on Maryland's Atlantic Coast , and
- mitigating for previous construction of civil works such as the rewatering of the C&O Canal in Cumberland.

I have talked with met with the nominee and reviewed his impressive background. We need a Chief of Engineers that understands the importance of the range of issues facing Maryland and the nation. I think that Lieutenant General Van Antwerp has the potential to bring to the job a strong background and a willingness to work with us that will combine to make him an excellent chief. I look forward to asking the nominee a few questions, and I anticipate working closely with him in the years ahead.

Senator BOXER. Thank you, Senator Cardin.

Senator Warner.

OPENING STATEMENT OF HON. JOHN W. WARNER, U.S. SENATOR FROM THE STATE OF VIRGINIA

Senator WARNER. Thank you, Madam Chairman. I have had the privilege, as my distinguished colleague said, Senator Inhofe, to vigorously question this candidate before the Armed Services Committee. We have screened him and put our stamp of approval on him.

I would simply like to exercise a little bit of a prerogative to ask one issue about the acceleration of funding. I don't want to get into the politics, but if Congress decides to accelerate the funding to get started on that new hospital to eventually replace a good portion

of Walter Reed, are you able to give this committee some estimates of the amount of advance funding that you would need to get that underway?

General VAN ANTWERP. Senator, I would have to take that for the record.

Senator WARNER. I would suspect you would.

General VAN ANTWERP. That is a really great question and important to the country.

Senator WARNER. It is an important question.

General VAN ANTWERP. Right.

Senator WARNER. I represented to the Congress that we can save some time if we move ahead on that project so that we can have a seamless turnover, a closing down under BRAC of Walter Reed and the functions at that distinguished institution transferred to Bethesda and to this new facility.

I would appreciate that, General.

I thank the Chair and the Ranking Member.

General VAN ANTWERP.Thank you, sir.

Senator BOXER. Senator Vitter, an opening Statement.

OPENING STATEMENT OF HON. DAVID VITTER, U.S. SENATOR FROM THE STATE OF LOUISIANA

Senator VITTER. Thank you, Chairman Boxer and Ranking Member Inhofe, for having this confirmation hearing. I think it is very, very important.

And General, thank you for being here. I appreciate it.

I put a technical hold on this nomination some time ago, March 15th, not as any negative Statement about anything, but simply to ensure that all of us could have an appropriate opportunity for full due diligence. I had a personal meeting with the General and discussion in my office even before that, on March 7th. This hearing, which I urgently requested, and I thank the Chair again for agreeing to that request, I think is another important step in that very important due diligence. I look forward to our continued discussion here.

Obviously, my background and concern about this position and the work of the corps is dominated by the experience of Hurricanes Katrina and Rita. So certainly my comments and questions are focused on that.

Just as obviously, that has national import and significance as well. The future of the Civil Works Program certainly must correct the mistakes of the past that were uncovered specifically following Hurricane Katrina. Those lessons were unbelievably painful in many ways. The loss of 1,200 lives brought attention to some of these concerns. But I continue to have concerns even as we try to improve coming out of that experience. My questions will go to those concerns.

Two of them I will mention right off. One is that the traditional corps process of identifying and refining work is just too long and bureaucratic and cumbersome. It simply takes way, way too long a period of time for a legitimate corps project to be identified and get underway. Unless we correct that fundamental problem, there are other problems related to that. Maybe we throw too much on your plate and don't focus on the real top concerns; asking you to

do too much with too little. But unless we identify that fundamental problem, there are going to be more system failures in the future.

A second concern is that even in post-Katrina South Louisiana, where we have a clear emergency situation and where coming out of the hurricanes we have emergency work that has to be done in a super-expedited way, that sense of urgency I think has been lost. It was there right after the hurricanes, but fairly soon after that, in a matter of months, my perception is that the bureaucracy, many, many bureaucracies, including the corps, has drifted back into business as usual, which doesn't reflect the sense of urgency that is required. So a lot of my concerns will go to all of these concerns.

But again, General, thank you for your history of service. Thank you for making yourself available again.

Chairwoman Boxer, thank you for this hearing.

Senator BOXER. You are very welcome.

Senator Inhofe has a meeting to go to with the Armed Services Committee, so he has asked if he can go first with questions.

Senator INHOFE. I will just do one question, because I do have to go down to the Armed Services Committee. I appreciate that very much.

I know Senator Vitter is very much concerned. He is going to cover a lot of these things in his questions. But I had just one that was called to my attention. I have been there twice since this happened, kind of overviewing what is going on. In terms of the safe cleanup, it has been the corps' responsibility to remove and haul the hurricane waste to designated landfills.

Now, allegations have been made that some unsafe old landfills have been reopened—Old Gentilly was one that people were talking about—and that new landfills have been created, like the Chef Menteur under suspect contracts. There have been some articles written that would certainly make me wonder if everything is really on the up and up.

Now, this happened while there are perfectly good landfills. I actually saw a couple of those that were down that, that could take some of this capacity. Now, I would ask you, since it would be premature to ask if you have done anything or been down there looking at this, but I would like to ask you to, if you have any comments to make about that, go ahead and make them. And if you don't, make a commitment to go down.

We get criticized a lot. That is not the State that I represent, but certainly my heart goes out to Senator Vitter for all the problems that he has. It is our responsibility to make sure that funds and resources that are used down there are used most efficiently and effectively. So that is one area.

Are you familiar with any of the accusations that there are perfectly good landfills that are not at capacity right now that could be used?

General VAN ANTWERP. Yes, I believe I probably read the same article as you did. I am committed to going down. Actually, I am going to go down on Friday. I will make that part of our trip.

Senator INHOFE. That would be good. That would be good. If you would let me know so we can follow-up on this. And there are some

other areas, too, that we will be able to talk about in more detail later.

Good luck. I asked all the questions I could ask of this young man during the Armed Services hearing, so I will go ahead and give it to you.

Senator BOXER. All right. Very good. Thank you, Senator.

General, in order for our committee and other committees to exercise their legislative and oversight responsibilities, it is important that committees of Congress are able to receive testimony, briefings and other communications from you. Do you agree, if confirmed as the Chief of Engineers, to appear before this committee or before designated members of this committee and other appropriate committees of the Congress, to provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as Chief of Engineers?

General VAN ANTWERP. I do, Madam Chairman.

Senator BOXER. All right.

And then this is a question you answered at the Armed Services Committee, so I wanted to pose it to you today. Do you agree when asked to give your personal views, even if those views differ from the Administration in office at the time, whatever Administration that might be?

General VAN ANTWERP. I agree.

Senator BOXER. Thank you.

Do you agree to ensure that testimony, briefings, documents and electronic and other forms of communication of information are provided to this committee and its staff and other appropriate committees in Congress in a timely manner?

General VAN ANTWERP. I agree.

Senator BOXER. OK.

Do you know of any matters which you may or may not have disclosed that might place you in any conflict of interest if you are confirmed as Chief of Engineers?

General VAN ANTWERP. None.

Senator BOXER. Excellent.

Now, I just want to ask you a question about my big worry in California, which is the Sacramento area. General, at last month's hearing on the Army Corps' budget and WRDA, I discussed with Secretary Woodley a critical public health and safety issue in my State: the threat of catastrophic flooding faced by the people of Sacramento. I would like to take a few moments to discuss it with you now.

As you well know, Sacramento is situated at the confluence of two great rivers, the American and the Sacramento. This large floodplain is home to nearly 500,000 people and contains 165,000 homes, 1,300 Government facilities, including the State Capital, and businesses providing 200,000 jobs.

This area is as big as some States. Throughout its history, Sacramento residents have lived with devastating flooding, the last in 1986. The cost in lives and treasure can be enormous. It is estimated that a major flood could cause between $7 billion and $16 billion in direct property damage. That doesn't even include indirect.

Thankfully, the people of Sacramento, including the Mayor and city government officials, have worked together with the corps in a very cooperative way to develop a plan to greatly improve Sacramento's flood control. It is called the Joint Federal Project at Folsom Dam.

I understand that the proposed Folsom Dam Improvement Project is in the final stages of review. It has been a little bit difficult for me because, frankly, I have heard it is in the final stages of review for how long now, Jeff? The last year or so. Oh, you are going to get it tomorrow and the next day and the next day.

And so I need to ask you at this time. Do you support this project?

General VAN ANTWERP. I do, ma'am.

Senator BOXER. Good. And will you visit Folsom Dam and Sacramento with me?

General VAN ANTWERP. I will.

Senator BOXER. That is good. And what steps will you personally take to make sure this project stays on track?

General VAN ANTWERP. As I understand it right now, the post-authorization report will be rendered in June, which I think is excellent. That puts us on the way, and then it is a 902 issue, which makes the adjustment so that it can be funded. So what I have been told by the corps is that they anticipate that this project is going to move absolutely on schedule, working out all the details with the Bureau of Reclamation and other things as well.

It sounds like it is on track. I will do everything if confirmed to make sure it stays that way.

Senator BOXER. I am very grateful, because there, but for the grace of God. We need to be thankful that we have not been hit like Louisiana was hit. I share Senator Vitter's and Senator Landrieu's deep concern about making sure that those good people there get the protection they deserve and the justice that they deserve.

And also Senator Feinstein and I are focused like a laser beam on this particular area because we know. All you have to do is just look at the maps and look at the photographs to know what we are dealing with here. We have a solution, a very good solution.

By the way, it was just very tough to get the political will to come together around this solution. So we have solved that problem. The reason I am pushing so hard not to see any slippage here is that the WRDA bill, as you know, is going to come to the floor—I knock on wood on that; that is the promise I have been given—in May. And then we will try to go to conference very quickly, because we all view the WRDA bill as old business. We are going to need WRDA II right behind it.

So we need to get WRDA I done here. It is the first time in 6 years we will have a bill. But I need to know the dollars so that I can now make sure that project is on track. So that is the reason it is so important we don't have any delays, saying Senator, I can't give you a number; I think it is this or that. I am going to need you to say, this number will cover it. And then we can move on and then make sure that we get you all the funding that you need.

I just want to thank you very much. We are so optimistic that you are the right person for this job. I am really looking forward to working with you.

Senator Cardin.

Senator CARDIN. Thank you very much, Madam Chair. Again, I thank you for having this hearing to give me a chance to go over some of the priorities of Maryland.

General, you and I had a chance to talk yesterday. I am going to start off with a problem that affects one of our smaller municipalities in Maryland, Chesapeake City. It has a population of a little over 735 people. Several years ago, the Army Corps in deepening the sea and the canal, removed the water line between the town. The town is divided by the sea and the canal. Therefore, the ability of having one water supply was compromised. They have to have separate facilities on both sides of the canal.

The Water Bill in 1999 authorized the corps to evaluate the town's claim of damages to its water supply. The Philadelphia District Engineer determined in September, 2003 that replacing the water line and making the system whole again was appropriate. He recommended that a mitigation package move forward. There has been no progress since then.

At the current time, there is bridge work being done which would give us an opportunity at the time that that work is done to correct the situation and connect both sides of the canal.

I would like to have your assurance that this matter will be given immediate attention, and that if we can move forward in this way, that you will do everything you can to make sure that we can get this issue behind us.

General VAN ANTWERP. Senator, if confirmed, you have my assurances on that. Post our conversation yesterday, we did go back to the district to make, No. 1, sure that they understood the time lines that they we were under here, so not to we don't miss a window of opportunity if that is the right way to go. Second, they are being encouraged them to put together a meeting right away, face to face, and make sure they we have all the information to make this decision.

Senator CARDIN. Thank you very much, General.

The second issue I want to cover is one that I mentioned in my opening Statement. That is the moving forward with the mid-bay James Island site. This would be the second project. The first, of course, is Poplar Island, that I mentioned in my opening Statement, which has been an extremely successful program. As I said, we had 1,100 acres that was eroded to five acres. At one time, there was residential life on Poplar Island.

What we are doing upon completion, it will have a half upland habitat and half wetlands. Trees, shrubs and grasses will be planted. We expect it will support terrapin, birds, mammals, including foxes, raccoons, squirrels and deer. So this is a real win-win situation. We are also going to be restoring wetlands. There will be habitats for fish, shrimp, crabs, shore birds, wading birds, and mammals.

We want to move forward with a second project, as I mentioned before. The mid-bay project is on track, but we need to get the Chief's report in time, prior to the end of the fiscal year. I know

that there is always some degree of uncertainty, but I would like to have your commitment that you will do everything you possibly can so that that report can be completed in a timely manner prior to the end of the fiscal year, so that that project can be properly considered by Congress.

General VAN ANTWERP. Senator, you have my commitment. I might just add, after our conversation, my aide pulled up Poplar Island, and what was done there is just a magnificent project. On this particular project, I am told by the corps after we checked on it yesterday, was that everything is there for the Chief's report. All the information is there, so that it will go before a review board in July, and there is a strong likelihood by Labor Day, you could have the Chief's report.

Senator CARDIN. I thank you for that. It will be extremely helpful for the work of this Congress in dealing with the authorization. I thank you for that.

Just generally, tell me your view as to the use of dredge materials for this purpose. It seems to me that Poplar Island demonstrates that this is a real win-win situation. I would hope that we would be looking for other opportunities where we can help commerce as well as help the environment.

General VAN ANTWERP. I think in the right circumstances, it is an excellent model. The disposal of the dredged materials is a huge issue, and it is going to become an even bigger issue as we are able to dredge ports and harbors. The recreation of something that existed before, the restoration, the positive environmental impacts of it are all excellent. And then it gives you other kinds of protection as to the meandering of the river and other things. That now forms what was natural in that river to begin with.

So I am a big fan of it and in favor of it. I hope the corps can move forward with James Island.

Senator CARDIN. I thank you for that. I don't want this opportunity to go by without me extending an invitation to join us in hopefully touring the bay area, the waterways around here, to get a better understanding of what I think our challenges are, so that we can work together. I would enjoy an opportunity for us to be able to do that.

General VAN ANTWERP. I will do that. I thank the Senator.

Senator CARDIN. Thank you, Madam Chair.

Senator BOXER. General, get ready. You are going to see the country with us. We are very excited.

General VAN ANTWERP. That is why I love this work.

Senator BOXER. I know. It is very exciting, isn't it? I think the one thing that pulls the country together is people everywhere want the same thing. They want a good quality of life with their families, in good communities, solid, and not to have to worry about things that they really don't have control over, which is where we come in.

General VAN ANTWERP. Right.

Senator BOXER. We have to give them that solace. They pay their tax dollars in order for us to do that. So it is going to be an interesting time for you.

Senator Vitter, you have 10 minutes. Please go ahead.

Senator VITTER. Thank you, Chairman Boxer.

Again, General, thank you.

I wanted to start very broad brush in terms of the Katrina experience, and ask you what is your general understanding of the causes of flooding in Greater New Orleans immediately following Hurricane Katrina?

General VAN ANTWERP. I think probably on the large scale, it was because it didn't operate as an integrated system. That was one of the issues. You certainly had the levee breaches, which were catastrophic. Once that happened, it changed the dynamics of other things, like whether the pumping stations would operate properly.

I think in the future, one of the things, and it will be one of the areas that I will be committed to, is to get an integrated system; you have the right levees with the right armoring on the back side and the right erosion protection. I think that was part of the problem. They were inundated for a long time, and that caused more erosion than was expected, and that did it. And then you had the severe breaches.

Pumping stations, there is no question that is a problem. I think the loss of wetlands over time, and the loss of wetlands in this storm is something that needs to be dealt with. Those wetlands dissipate the storm, as you know. They take a lot of the heat, if you will, out of the surge.

And then there are other things like floodgates and those things that I understand the corps is building now, and needs to be in place and operating so that that all can operate as a system.

And then you have the monitoring of the storm. You have to know where it is coming, when it is coming, and be able to predict, so you know to start the pumps and close the gates and do those things.

Senator VITTER. Let me focus my question a little bit more. What is your general sense of the natural factors which led to the catastrophic flooding, versus man-made issues and factors?

General VAN ANTWERP. I see.

Senator VITTER. Where do you place the corps in that?

General VAN ANTWERP. I guess as you look at the storm surge, the direction of it, the high winds, and then some of the manmade things, the subsidence of some of the levees, that storm was something that was larger than I think we had predicted. As weather patterns change in the United States, I think one thing we learned from it is that you have to adjust your thinking as time goes on because weather patterns do change. If you are now expecting more winds, high storm surges, that has to be accounted for.

I think one of the challenges in process reform, as we look at the processes, how do you account for that in projects that are authorized and built? How do you account for those new things that are just in the weather predicted?

Senator VITTER. I know you are going down to the area in the next few days, General. I thank you for that. I would encourage you to get a full briefing from your folks on the ground about exactly what happened in different parts of the city. The main point, which I think is all too often forgotten in discussions up here in Congress, as well as in different agencies, including the corps, is that for the great majority of the city, everything west of the indus-

trial canal, the levee system was not over-topped. The levee system was not overcome by anything which was above its design.

It failed from below, and specifically on the three outfall canals which accounted for the huge majority of the flooding, at least west of the Industrial Canal. There was no over-topping. There was no new weather pattern that was beyond design. The system literally failed from below because of poor design.

The reason I start here is because I think that is a pretty darn important point to understand in terms of where we are coming from, to understand where we need to go. There is a big difference between a storm that was just greater than the design, which is arguably was east of the Industrial Canal, to a storm that wasn't, but a system that failed because of design flaws west of the Industrial Canal.

So I would really encourage you to enter into a full discussion of that when you are down there, because that is at the heart of this experience and the heart of a lot of my constituents' loss of everything they had.

You have described yourself since your nomination as a change agent for the corps. What are two or three of the top priorities for reform and change you have for the corps?

General VAN ANTWERP. That is a great question, Senator.

First of all, I would say I am going to have to do a lot of assessing, because I am right now the Commander of Accessions Command so I have been looking at it from the outside. But I think a couple of the areas that are already in progress, and those are areas of review, peer review, outside review. I think those are good things. I believe in the biblical principle that there is wisdom in other counselors, and I think that is good.

I think it is OK to check your work on science. I think, another issue is, we talked in your office, the planning process, the length of time. As your Statement mentioned, that has to be taken a good look at.

And then, how we do the cost benefits. There is no question in my mind that public safety is an important, if not the important issue. It is job one. Other things revolve around that, especially when it has to do with the coastal areas.

So those are three areas that I would think that I am going to take a look at very early on.

Senator VITTER. Great. The current Administration coming out of Katrina, starting with the President, out of his mouth, made a very crystal clear commitment to a 100 year level of protection in Greater New Orleans by 2010. Do you have any reason to believe that the Administration or the corps has backed off of that commitment in any way?

General VAN ANTWERP. I have no reason to believe they have backed off that.

Senator VITTER. OK. Do you have enough information to make an assessment of how we are getting to that goal by 2010?

General VAN ANTWERP. I do not have that information now. I believe in a day or two, I will be much clearer on that.

Senator VITTER. Again, I would invite you to visit our State with that in mind, because I have a great concern that while that crys-

tal clear commitment has been made, starting with the President, we are not near on track for that.

In the last year in particular, it has become very clear that the initial cost estimates of that work are low. It may be because they were made very quickly to begin with, and it may also be because Katrina put a big increase in both labor and material costs, so maybe both of those things together.

One thing we need to do to get back on track is get new reliable cost numbers. Do you know, and I have been pushing the corps for it, what those are? Do you know when the corps will be prepared to update those cost figures?

General VAN ANTWERP. Senator, what I am being told is that in July, there will be some of those estimates that should give us a very close picture of that. And then in December 2007 will be the final report.

Senator VITTER. OK. I think we absolutely need it. A December, 2007 report I think is looking more long range at it.

General VAN ANTWERP. For the total system.

Senator VITTER. A new system. Really, what I am talking about is the first step, not the new system, but the 100 year level of protection, which is the immediate ongoing work. I would really encourage the corps to update those cost figures as soon as possible, by July or sooner, because I think what you are going to see is additional billions of dollars, several billion dollars, required. There is a commitment to get there by 2010, but unless we start addressing a gap of several billion dollars, I don't know how we can possibly do it.

In that regard, I would again renew my objection to the Administration's plan in the current proposed budget of moving money around within the area, but not bringing new money to the table. If it is going to take $5 billion or $6 billion more, which is what I am hearing, we need to start producing that now, to have any hope of coming close to 2010.

I think 2010 is a pipedream as we speak, unfortunately, but we can come in close to 2010. I am hopeful Congress is going to start to do that, even over the objections of the Administration, but I would hope we could all start meeting that need with this current supplemental spending bill.

Senator BOXER. Your time is up, Senator. Can you submit your other questions for the record?

Senator VITTER. Yes.

Senator BOXER. Thank you very much.

Senators Isakson and Craig, you have 5 minutes for an opening Statement and questions.

Senator Isakson.

OPENING STATEMENT OF HON. JOHNNY ISAKSON, U.S. SENATOR FROM THE STATE OF GEORGIA

Senator ISAKSON. Thank you, Madam Chairman. I will probably try and do both within one 5 minute period, if I can.

Thank you very much, General, for being here. Thanks for your service to the country, and in particular your command of all recruiting, if I am not correct, for the past 2 or 3 years, at a very

difficult and challenging time. That is a great achievement and you have done a great job. We appreciate it.

And thanks for visiting me yesterday. I am going to be very redundant. It is always nice to get things on the record. I appreciated your time yesterday.

We have had a 17-year battle going on, so to speak, between Georgia, Florida and Alabama, with regard to the Chattahoochee River and the ACT/ACF river basins. We have spent most of our time in court. Currently, the Chattahoochee River is regulated by an interim operating plan which was basically directed by a judge in response to an Endangered Species action regarding a sturgeon. It has resulted in lake levels and winter pool levels that are disproportionately out of whack, one lake reservoir to the other. You have three great States, all who share a tremendous need for the reliability of that water and its flow.

In the end, two things have to happen. One is the States have to reach agreements, and I understand that. But there also has to be a new water control plan. Myself and Senator Chambliss had met with Secretary Harvey last year and had innumerable meetings with the corps, and had had an agreement—and I know he is not here anymore, and that agreement wasn't with you—to begin the water control plans in January of this year. That has not happened yet for reasons that have been explained to me.

But as our conversation indicated yesterday, I would hope—and you have a million things on your platter, and just listening to David talk about New Orleans, and obviously the ramifications of Katrina, and every one of us have projects—but I hope there would be some way that we could use the water control plan as a catalyst for improving and expediting the mediation that the States must do. Because I don't think those three States can make a final decision for a tri-State compact without the water control plan at least in tandem, because the compact won't be final until the water control plan is.

So that is a discombobulated question. It is almost a political Statement. But your help and attention to that would mean an awful lot to my State and to the State of Alabama and the State of Florida.

[The prepared Statement of Senator Isakson follows:]

STATEMENT OF HON. JOHNNY ISAKSON, U.S. SENATOR FROM THE STATE OF GEORGIA

Thank you Madam Chairman. Welcome General Van Antwerp to the committee. I thank you for taking the time to meet with me yesterday in my office and thank you for your service to our nation. For those of you on the committee who don't know, 3 of General Van Antwerp's sons have served or are serving in Iraq, and I personally would like to take this opportunity to thank you and you family for your service and sacrifice on behalf of our nation.

This hearing is a good opportunity for us to learn about General Van Antwerp's vision for the Army Corps, and about what we can do as partners with the corps to ensure it meets its goals. I have a number of issues I am eager to hear from General van Antwerp on. I am interested in hearing in what course of action he plans to reduce the corps' backlog of projects, as well as to improve its business practices. On the local level, and General Van Antwerp and I spoke about this issue yesterday, I am very interested in what the corps is doing to meet its promise of beginning the update of the water control manuals for the ACT and ACF river basins in my State. In face to face meetings with the corps, I was promised that the updates would begin on January 2nd of this year, however to date no action has been taken. However, as General Van Antwerp shared with me yesterday, there are steps that

the corps can take to begin the process and I look forward to exploring that in more depth.

In an effort to move to the witness I will cut short my statement here, and I thank the Chair for calling this hearing.

I yield back my time.

General VAN ANTWERP. I confirm that I commit to giving it that attention.

Senator ISAKSON. And I appreciate that very much.

My second question is that, well actually, one other comment and then a question. The State of Georgia and the State of South Carolina on our eastern border, the two Governors have reached an biport agreement to seek the feasibility of developing a new port in Jasper County, South Carolina, closer to the mouth of the Savannah River, between the Port of Savannah and the Atlantic Ocean. That land area has been under lease by the State of Georgia from the State of South Carolina to deposit the environmental dredging that has taken place to keep the channel clear.

The two States reached a compact and agreed to pay for the cost of a feasibility study. When Secretary Woodley was here four or 5 weeks ago, I asked him, and he confirmed that the corps would certainly agree to spend somebody else's money to facilitate that. I wanted to make you aware of that.

My question is, and really my only question, the President's budget, as I understand it, reduces spending for operations and maintenance in navigation projects. By some estimates, it spends only about one half of the Harbor Maintenance Trust Fund receipts and collections.

Given the tremendous asset of our ports of Brunswick and Savannah, South Carolina's in Charleston, and the Port of New Orleans, and you can go around the country, shouldn't we be investing 100 percent of those proceeds in the maintenance of those harbors?

General VAN ANTWERP. There is no question, Senator. As we discussed, there is a big backlog in the dredging. In our conversation where I understand the rules and laws to be right now, is that it is on-budget, has to have appropriated funds for the trust fund to add to it.

So if there was a way to take it off budget, in that a project that has zero funds appropriated could draw off the trust fund, then that would be the mechanism to do it, as I understand it. I commit to looking at that, too, but that is how I understand it to work today.

Senator ISAKSON. I thank you for your time.

Thank you, Madam Chairman.

Senator BOXER. Senator, thank you. You got that right within the 5 minutes.

Senator Craig, you have 5 minutes for opening and questions.

OPENING STATEMENT OF HON. LARRY E. CRAIG, U.S. SENATOR FROM THE STATE OF IDAHO

Senator CRAIG. Thank you very much, Madam Chairman. I will try to be a bit more succinct than that, but I do appreciate the time.

General, it is great to have you before the committee.

This is a comment and question combined, I guess. In the past, I have had several run-ins with the Army Corps of Engineers, and

their interesting method of accounting. Specifically, their practice of borrowing from one project to pay for another. Although I can appreciate accounting flexibility to enhance efficiency, this practice has caused significant problems for projects in my State, General. My frustration lies not with the method of borrowing, but rather with the method of paying the money back.

Funds that were appropriated for Idaho projects, but then moved to other projects are not replaced by the corps. I am required to get another directive—we used to call them earmarks, OK?—to replace those funds. Therefore, in essence, Idaho has to have money appropriated for many of its projects one and a half to two times.

For example, in Fiscal Year 2007, the CR provided approximately $3.2 million for section 595 environmental infrastructure projects in Idaho. However, by the time the corps uses that money to pay back Idaho projects they borrowed from, only about $1 million will be left. This is frustrating. This is a frustrating situation for communities that are struggling to get into compliance with Federal standards and are depending on this money so they can leverage other resources.

I know I am not alone. My colleagues have had the same problem with the process. I am very interested in seeing a better system put in place.

So General, can you explain the logic of the practice, and also what you plan to do to address it?

General VAN ANTWERP. Senator, that is a great question. I can just draw back on my experience as a division commander in the Corps of Engineers. I commanded South Atlantic Division. It had to be absolutely necessary before I would allow a reprogramming, the reason being just as you stated. Now, there are times when projects are not ready to accept the funds and take the funds, and other projects are, that are beneficial and of a higher priority or of the same priority. That is generally when that reprogramming is done, but then it causes the earmarking and another appropriation to go with it.

I understand your frustration and appreciate the frustration. I would commit, if confirmed, to looking into that, and to seeing how that can be minimized or decreased as much as we are able to do it. I think if you are going to buy down the backlog of projects that this country has, you have to complete projects and complete them on time and get them off the books. And then those projects, as you say, the problem with having to earmark it and do it is whether or not you get those replacement funds. That is the challenge and it is hard on the communities. I appreciate that.

Senator CRAIG. General, thank you very much for that comment. I know that in civilian life, old habits are hard to break. In the military sometimes it is nearly impossible.

General VAN ANTWERP. That is true.

[Laughter.]

Senator CRAIG. So I think even in the answer to the question asked, you have a challenge ahead of you. I will stay with you on it. It is a tremendous frustration for all of us who attempt to work cooperatively with the Army Corps and with our communities of interest, and then to see it somehow not happen.

I can understand timing and readiness and all of that. At the same time, a dollar is a dollar, and not effectively spent in 1 year becomes less than a dollar the next. We understand that.

Thank you.

Thank you, Madam Chairman.

Senator BOXER. I want to thank you, Senator Craig. You certainly speak for me on this question. It is so frustrating. It isn't just the corps. It has happened to me in other areas. And I know a lot of times, it is because they just don't want to go ask for the money that is necessary.

What I would urge you to do is just simply tell us. Tell us if you need to have additional funds. Look, it is our job, then put the problem on us, but don't take away these funds from other projects because it does disrupt.

I had a situation with the FAA where we had to build a control tower, and they just took the money and said they would pay it back, and they didn't have money to pay it back. And then it means we have to go back once again, when we thought we took care of the issue.

So I am really happy that you raised it. We want to work with you in a cooperative way. We know sometimes there is a legitimate reason, but at least it ought not to blindside us, and we ought to be working with you.

So thank you, Senator.

I would just like to say, General, if you have any additional remarks you would like to offer at this time, feel free to do it.

General VAN ANTWERP. Ma'am, thank you very much. I am very honored to be here today. This committee is very important with the Corps of Engineers. I pledge to work with this committee and other committees that govern parts of the corps.

I am committed to our coastal regions. I understand the cultural, historical, environmental and economic impact and importance they have to the country.

I am committed to partnering at the local level, at the State, at the Federal, with Congress. As I Stated earlier, I do believe that public safety is a very, very important aspect of what we do. We have to be reminded of that.

I am also committed, and I want you and the committee to know, I am committed to what I would term "transparency."

Senator BOXER. Good.

General VAN ANTWERP. That is where we let people know the risks that they have. In fact, I don't know that you can ever totally say you are risk-free, but people ought to know. People can take that. I would rather have them know.

So I am committed to making sure people know the risks that they are taking, and that as we talk of those risks, it is backed up with good science. That doesn't mean that we are never going to discover a dam that has seepage or a levee that has problems the way it was built, but I think the corp is well on the way to fixing some of those issues right now.

I think Katrina, as bad as it was, it certainly positioned the corps to look at some things it should have looked at for a long time. I think that is good.

And then the final thing I would say. I am committed to disaster preparedness. I hear this conversation. My experience, of course, was with the Northridge earthquake. As you cited, we had an excellent relationship with FEMA. We had an excellent relationship with the local decisionmakers and everything.

One thing I learned from that, you have to have the jurisdiction thing figured out well ahead of time. You have to have redundant communications. You have to have teams that are in areas not affected to be able to come to the affected area without having to worry about their own families.

I think what happened in California, my experience there was that we practiced that preparedness. The local authorities and State authorities and everyone, we practiced it to the point that when it really hit, it was just execute what you knew to do. So I think in many ways, it is what we say in the Army, you are going to fight like you train. So that is part of it for me.

I am committed, and the corps has already got some innovative practices here. I am committed to that.

So I just wanted to make that as a Statement of my commitment to you and to this country.

Senator BOXER. I want to thank you. I know Senator Isakson and I are the last few here, but on behalf of the committee, we are very appreciative. We really appreciate your experience, and we appreciate your openness. I personally feel your comments about coastal areas are so important because that is where people have moved to, and for a reason, the beauty, and being closer to God's natural environment. So it does pose issues for us, but we have to step up to the plate and be prepared to do what we have to do.

I also so appreciated your comments on restoring our wetlands, because to me that is one of the great American tragedies that we don't think about that often. I think that we have lost about 90 percent of our wetlands across the country, and it is just tragic because as you say, they serve for so much good.

I see the Senator Whitehouse has come. I am going to ask you to take the gavel from me, Senator, so come sit over here, because I am on my way out. We have basically completed, but before Senator Whitehouse takes over the gavel—please sit right here, and I will just pass it on to you.

Senator WHITEHOUSE. I am here until 5 minutes of four. Is that going to be a problem?

Senator BOXER. No. You will be done.

Senator WHITEHOUSE. Great.

Senator BOXER. We are finished. You are it.

General VAN ANTWERP. Thank you, ma'am.

Senator BOXER. This is what I want to say in conclusion. I want you to know that I strongly support this nomination, and I will do everything I can to move it to the floor and get it done. This is a position that is so critical to us. As I say, you are the right person at the right time. Your views, your commitment to openness and transparency, your experience—all of this adds up to me to be very promising.

Before I leave, I just want to ask everyone to join me in a moment of silence for those lost at Virginia Tech in a senseless violent act. So let's just take a minute to think about them.

[Moment of silence observed.]

Senator BOXER. Thank you.

I am going to pass the gavel over to you, Senator. You have a lot of power. Don't let him stage a coup. All of you who are militarily trained, I am counting on you. Take action if he starts waving that gavel like I do. Take immediate action.

[Laughter.]

Senator WHITEHOUSE. [Presiding] Civilian control.

Senator BOXER. Civilian control. There you go.

Senator Whitehouse, thank you so much. If anyone does come, they get 5 minutes to make a Statement and to ask their questions, but you will be free, I am sure, in just a few minutes.

Senator WHITEHOUSE. Very good.

Senator BOXER. Thank you.

STATEMENT OF LIEUTENANT GENERAL ROBERT L. VAN ANTWERP, JR., TO BE CHIEF OF ENGINEERS AND COMMANDING GENERAL OF THE UNITED STATES ARMY CORPS OF ENGINEERS

General VAN ANTWERP. Ma'am, as you leave, if I could make one statement. General Strock's son goes to Virginia Tech and lost 10 friends yesterday. So the Strocks are headed that way as we speak. As you remember, the faces are with the tragedy, but their experienced in that, and his son is grieving, as you can imagine.

RESPONSES BY ROBERT L. VAN ANTWERP, JR., TO ADDITIONAL QUESTIONS FROM SENATOR CARPER

Question 1. Land use decisions, building codes and other state and local policy decisions have a huge impact on the effectiveness of corps flood control projects. But the corps has no role in those decisions, nor do they appear to necessarily be a part of the design of particular flood control projects. How could better coordination with state and local development decisions increase the effectiveness of corps' projects?

Response. In the United States, the responsibility for managing flood risks is shared across the Federal, state and local levels of government. Even in areas where a Federally constructed flood control structure may reduce the likelihood of flooding, sound floodplain management choices at the State and local level are critical for protecting public safety and effectively managing flood risk.

It is my understanding that the corps is working to improve coordination with state and local governments through meetings that allow both corps and FEMA senior leaders to meet on a regular basis with stakeholder groups representing the non Federal perspective to receive feedback on specific policy and implementation issues faced at the State and local level.

Along with these steps to improve coordination with State and local Governments, the corps also supported and participated in discussions with other Federal, State, local and private sector experts at a December 2006 National Flood Risk Policy Summit, sponsored by the Association of State Floodplain Managers (ASFPM) and the National Association of Flood and Stormwater Management Agencies (NAFSMA) to discuss new policy options for improving national flood risk management. Many of the ideas raised involved measures to improve Federal support of sound floodplain management planning at the State and local level. Such suggestions included:

-Adopting mechanisms to create incentives at the State, regional and local levels of government to encourage the use of sound floodplain and flood water management measures.

-Improving the communication of residual risks, including the mapping of areas subject to residual risk and requiring the purchase of flood insurance in such areas

-Better integration of Federal, State, regional and local planning by providing the corps, and other Federal agencies, with the authority and funding necessary to participate in locally driven, comprehensive water resources planning.

Question 2. We have had people testify before this committee that levees should be considered an option of last resort and used only to protect existing communities. What is your opinion on this statement and why this is not the case in our current flood control program? How does the current structure of the federal flood insurance program impact flood control project decisions?

Response. From my understanding, the corps concurs that levees should not be used as a means to promote the development of currently undeveloped floodplains. The corps only constructs levees where there are benefits to the nation that exceed the costs of the levee. When evaluating the benefits of preventing future flood damages to homes, business and other structures, the corps only calculates damages prevented to the existing community. The corps does not count benefits that might accrue to future development for justification.

Nonetheless, in cases where a corps levee is justified and constructed to provide benefits to an existing community, it is the State and local governments that will decide what future development may be allowed in the affected area. In my opinion, it is critical that the corps and FEMA remain engaged in ongoing coordination with State and local governments to support sound floodplain management decision making and to accurately communicate the "residual" risks associated with developing in areas behind levees.

Question 3. The Federal dredge fleet has been used to respond to emergencies in recent years. This includes the Wheeler in New Orleans that has been used beyond its maximum number of days—set when it was put into "ready reserve" status—in recent years. Considering that, how small can the federal dredge fleet be and still ensure the necessary response to emergencies? And should there be a federal dredge on the East Coast?

It is my understanding that the corps relies first on the private sector and second on the minimum fleet of corps dredges to perform dredging, including emergency response. In June 2005, the corps submitted a report to Congress that recommended the hopper dredge McFarland be retired as the private sector has proven its capability to address the Nation's dredging needs, including emergencies. The corps continues to operate the McFarland while it awaits Congressional direction. If Congress directs implementation of this recommendation, the corps would have 2 dredges on the Pacific Coast and the dredge Wheeler on the Gulf Coast. The dredge Wheeler was designed for operating characteristics of the Mississippi River, but is capable of mobilizing on short notice and deploying to other locations when needed.

I have been informed that the private sector dredges have demonstrated the ability to meet the vast majority of dredging needs. Private sector dredges accomplished 89 percent and 83 percent of the work by cost and volume, respectively, over the past ten years.

The corps report mentioned above recommended a plan that would schedule the corps hopper dredge Essayons for 215 days annually, schedule the Yaquina for 178 days annually, keep the Wheeler in ready reserve, retire the McFarland, and continue the initiatives from the Industry Corps Hopper Dredge Management Group. According to the report, this plan would result in a $10.1 million annual net reduction in the total cost for hopper dredging, offer approximately 55 days additional work to the industry annually, ensure that there is a viable reserve capability ready to respond to unforeseen requirements, and ensure that Federal projects requiring hopper dredging can be accomplished in a timely manner and at reasonable cost.

If confirmed, I will continue to evaluate the situation and implement what is ultimately recommended by Congress.

Question 4. In March 2006, the government Accountability Office has testified that corps studies are often "fraught with errors, mistakes, and miscalculations" and use "invalid assumptions and outdated data." GAO also said that these were recurring problems indicate that the corps' planning and project management processes "cannot ensure that national priorities are appropriately established across the hundreds of civil works projects that are competing for scarce federal resources." What changes do you think will be necessary for the agency to ensure that the corps can be relied upon to make important policy decisions?

First, maintaining the technical competence of the corps is of paramount importance. Attracting and retaining highly skilled and talented employees is critical to maintaining technical competency. The corps must train, equip and challenge its people properly, and continue to move forward as a recognized leader in developing and implementing the best technology. The integrity of the Corps of Engineers rests on the objectivity, transparency and scientific validity of its analytical processes.

Another major issue relates to the ever changing nature of the missions assigned to the corps and the changing expectations of the nation. I believe the outputs expected from the corps, the tools it uses in delivering those outputs and the nature

and composition of partners it works with, will all continue to change dramatically. I foresee a need for more collaboration and comprehensive water resources and infrastructure solutions, new and innovative approaches and the likelihood of situations where the corps may serve as a member of a team, rather than having plenary control over development of solutions, as was common in the past. Determining the right strategic direction will be a major challenge, but it is essential to success.

My understanding is that the corps has made substantial changes to assure that projects are appropriately analyzed and justified. The corps has strengthened its own procedures for internal peer review and adopted procedures for external peer review under guidance issued by the Office of Management and Budget. The Directorate of Civil Works now houses an Office of Water Project Review that is separate from project development functions. It is my understanding that a significant program of planning improvement is being undertaken that includes training, model certification, and centers of planning expertise.

Finally, if confirmed, I will insure that corps technical analyses are sound and the project evaluation process is transparent. The Chief of Engineers must be trusted with the technical discretion essential to meeting our nation's water resources needs. External reviews can contribute to reducing controversy and risk, but these reviews must be integrated into the project development process not added at the end of the process. Integration of external review will improve projects and will assist the corps in meeting urgent needs in a timely manner.

RESPONSES BY ROBERT L. VAN ANTWERP, JR., TO ADDITIONAL QUESTIONS FROM SENATOR CARDIN

Question 1. The Town of Chesapeake City, Maryland, sits astride the Chesapeake and Delaware Canal, which is the shipping channel that connects Delaware Bay to the Chesapeake Bay. Originally, Chesapeake City had a drinking water line that ran under the C&D Canal. When the Corps of Engineers deepened and widened the Canal several decades ago, the corps removed Chesapeake City's water line, essentially leaving the community with two separate water treatment and distribution systems. In the 1999 WRDA bill, Congress authorized the corps to evaluate the town's claim of damage to its water supply system. The Philadelphia District Engineer determined in September 2003 that replacing the water line and making the system whole again was appropriate and he recommended that mitigation package. Since that time, Corps Headquarters has refused to compensate the Town pending "additional documentation to support its claim." The Town of Chesapeake City has a population of 735 people. Some of the issues surrounding this issue go back decades, and the tiny town staff does not have the resources to undertake extensive additional research. You already have a District Engineer report that clearly determined the validity of the compensation. That report contains a statement from Corps Counsel that the report was fully reviewed and approved. Can I have your assurance that the corps will waive any additional requests for documentation and get on with making Chesapeake City's water system whole again?

Response. If confirmed, I assure you that I will do everything possible to move this effort along. As you state, the issues surrounding this project are decades old. The specific issue at hand is not whether the Town of Chesapeake City deserved compensation for damages to its water system. Because that is the case, the corps, at Federal expense, provided the town with a water tower and ultimately a modification to its distribution system. The issue raised with the 1999 authority is whether additional compensation is necessary. It is my understanding that in January 2004, as part of the review process for the decision document under the 1999 authority, the Corps headquarters determined that the information provided in the report did not adequately support the recommendation that additional compensation is required. As you and I discussed, the corps, the town, and your staff have been working to bring this matter to closure. Information that has been provided by the town is being used to address the outstanding review comments, hopefully it will be sufficient to address those comments and substantiate a compensation amount, if one is warranted. If confirmed, I assure you that I will move quickly on the recommendations contained in the final report.

Question 2. What is the status of the feasibility study on the Mid-Chesapeake Bay Island Ecosystem Restoration Project? Specifically, I would like to know: Aside from questions which may arise during your considerations, do you have all information, reports necessary for processing a Chief's Report for the Mid-Bay Islands project? What procedural steps remain before the corps can issue a Chief's Report? What is your current schedule for issuing a Chief's Report for the Mid-Bay Islands project,

and if the project is reviewed by the Review Board on July 19th, can you issue a Chief's Report before Labor Day?

Response. From what I understand, the Corps of Engineers, Baltimore District, is currently addressing comments from the Corps Headquarters. This revised information will be included in a presentation before the Civil Works Review Board, currently scheduled for July 19, 2007. As a matter of general practice, subject to approval by the Board, the feasibility report is distributed for a 30-day state and agency review. Once any comments are addressed, the final Chief's report is prepared and forwarded for consideration by the Chief of Engineers. This process will likely take longer to produce a final report than by Labor Day; however, if confirmed, I am committed to ensuring that this process moves forward as expeditiously as practicable.

RESPONSES BY ROBERT L. VAN ANTWERP, JR., TO ADDITIONAL QUESTIONS FROM SENATOR VITTER

Question 1. General Strock, the current Chief of Engineers, admitted that the corps erred in some decision regarding the design and construction of the protection system in the New Orleans area. I appreciated the General's comments.

Response. While the corps acted with urgency immediately after the storm, the work has returned to a business as usual pace with urgent work still incomplete. This pace is not entirely the fault of the corps. Both the ASA and OMB play significant roles in these delays. Noting the corps' fault acknowledged by Gen. Strock, can you explain to the committee what steps you would take to ensure that the corps will accelerate their work under your command?

It is my understanding that the Corps of Engineers is still committed to proceeding with the urgency necessary to provide system protection in the greater metropolitan area. This includes bringing three major projects to the 100-year level of protection (Lake Pontchartrain and Vicinity, New Orleans to Venice, and West Bank and Vicinity). The corps team, including the Mississippi Valley Division, Task Force Hope, New Orleans District, and devoted employees throughout the corps has worked diligently to assure the greatest degree of protection available for the 2007 hurricane season. All 40 outfall canal pumps were online by June 1, 2007. These pumps were mandatory to protect from ponded rainfall flooding should the level of Lake Pontchartrain necessitate the closing of the newly constructed floodgates at the three Outflow Canals in Orleans Parish. The Corps of Engineers was delayed for a short period of time as it was unable to fund contracts for restoring levees and floodwalls to authorized grades and to accelerate the completion of uncompleted portions of authorized projects. With your help in the passage of the "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007", the corps has the funding to move forward and is reconfirming the priority project lists as the teams begin to advertise contracts. If confirmed, you have my firm commitment to continue the task of bringing the system to the 100-year level of protection as a top priority and will continue to push forward to complete this work as soon as possible.

Question 2. The Mississippi River Gulf Outlet is responsible for the loss of tens of thousands of acres of coastal lands and serves as a conduit for storm surge into St. Bernard and Orleans parishes. The corps spent about $4 million studying this in the late nineties and again early this decade. Unfortunately, neither study yielded a report.

The channel needs to be closed. I passed an amendment that requires a closure plan, but am told the corps cannot produce a final version until December.

In cases like this where the need is unquestionable, do you think that it is necessary to drag out these conclusions?

Response. The Corps of Engineers is committed to meeting the Congressionally mandated reporting schedules established for the de-authorization of the MRGO. From what I understand, language in the 4th Supplemental (P.L. 109-234) directed the Chief of Engineers to prepare a comprehensive plan for de-authorizing deep draft navigation on the MRGO between the GIWW and Gulf of Mexico. The language called for submittal of an interim report in December 2006 and integrating a final de-authorization plan into the Louisiana Coastal Protection and Restoration (LACPR) final technical report due to Congress in December 2007. The corps submitted the interim report ahead of schedule and the report highlighted total closure of the MRGO as the most promising alternative. Recently the corps released a draft executive summary of the final report and hosted a public information meeting in Chalmette, Louisiana, to present the draft plan for de-authorizing the MRGO. More than 100 citizens attended the meeting. The corps is working to complete an Envi-

ronmental Impact Statement and to incorporate the de-authorization plan into the final LACPR report. This is an important component of this work because it provides an opportunity for public involvement and will help ensure that plans are considered from a systems perspective. If confirmed, I will ensure that the corps continues to work with a sense of urgency on this issue and will meet or beat the Congressional deadline for submittal of the final MRGO de-authorization report.

Question 3. Debris removal is a very complex process. Following Hurricane Katrina, 3 federal agencies have been involved in the removal of disaster waste. In some cases, these practices have appeared to conflict with other corps missions such as wetlands and hurricane protection. I have asked the federal agencies to conduct a review of state practices to ensure these are environmentally sensitive. Can you commit to this?

Response. I believe the corps must execute all of its missions and projects in an environmentally sustainable manner. If confirmed, I am committed to reviewing the current policies and procedures and practices, both within the corps and with the other agencies involved, to ensure that the debris removal mission is being conducted in accordance with environmental laws, regulations, and policies.

Question 4. Coastal wetlands are governed under the same rules as traditional, inland wetlands. However, in Louisiana we are losing 35 square miles of land per year. In some cases, small projects to protect and restore coastal Louisiana have been stopped due to 404 wetland permits.

Do you believe that the rules should be different for threatened coastal wetlands versus inland wetlands?

Response. I do believe wetland restoration projects, particularly those within coastal areas, should receive streamlined and flexible permitting processes to encourage their construction. It is my understanding that the corps has already taken steps to improve the flexible permitting through its revised Nationwide Permits, and encouraging the development and use of Regional General Permits for streamlined permitting of similar activities within a specified region or state. Additionally, it is my understanding that the corps and the U.S. Environmental Protection Agency are evaluating the use of the watershed approach to mitigation. By evaluating impacts and mitigation at the watershed level, areas with the need for coastal wetland restoration and mitigation can be prioritized and directed quickly and efficiently.

Question 5. We lost 217 square miles of coastal Louisiana over two days in 2005—the two days that our state was hit by Hurricanes Katrina and Rita. We normally lose around 35 square miles of land per year. The primary cause of this annual erosion is the installation of levees on the lower levee system by the Corps of Engineers.

South Louisiana is a very dynamic and productive coastal area that provides our nation with over 20 percent of this nation's energy, hosts the world's largest port system and is one of the top fishery producers in the country.

The traditional corps process of studying, designing, authorizing and constructing projects is not the solution to our rapidly-changing area.

Members of the Administration have recognized the fact that the stovepipe project process is not a solution and have advocated a programmatic authority to protect and restore coastal Louisiana. Do you believe that a broad, flexible approach to protecting and restoring coastal Louisiana is preferable?

Response. Yes, I do believe that a broad and flexible approach is preferable. It is my understanding that the Corps of Engineers, in cooperation with its partners and stakeholders, is looking at all alternatives for hurricane and storm damage reduction on our coasts, realizing the importance of system-wide approaches that incorporate a variety of protection techniques that do not rely solely on the more traditional structural measures such as levees or floodwalls. The Louisiana Coastal Protection and Restoration Program (LACPR) is doing just that. In partnership with the State of Louisiana, LACPR is looking at innovative alternatives to reduce risk from future storms, including natural methods such as wetlands, as well as non-structural measures such as elevation, buyout, relocation, and/or flood-proofing of buildings and structures and improved flood plain/flood risk management. LACPR is working with experts from federal, state and local agencies; academia; private industry and even international professionals to ensure that the corps includes the best ideas for a full range of protection alternatives. The corps is also continuing to support and work with the Louisiana Coastal Area (LCA) Ecosystem Restoration Program to provide wetlands restoration techniques and methods to maintain and restore coastal wetlands.

Senator BOXER. I am going to write them an immediate note and just say in many ways, there is a lot of post-traumatic stress going

on even for people who didn't know people who were lost there. In my own case, we have had so much gun violence in California. One particular case was at a law firm, where a killer came in with an automatic weapon and just mowed everybody down, including one of my son's best friends from law school. Just looking on the news, so many years later, this is a long time ago, I want to say 10 years, maybe more, it just brings it back. I could barely watch.

So this is an area we have just got to do something about, but that is the subject of another day and another hearing in another place. But thank you for sharing that information.

Senator Whitehouse, thank you.

Senator WHITEHOUSE. General, thank you. I don't mean to hold you much longer. I know I stand right now between you and the exit. I know it has been a long day for you.

I did want to touch on two things that pertain to Rhode Island, now that you are here. One is that in Woonsocket, which is a proud city in the northern part of Rhode Island, a very strong working class city, there is a levee project around the edges of the Blackstone River. Woonsocket is, to put it mildly, not a wealthy town. I think the average income in Woonsocket is about $16,000 a year. It is very economically depressed. It has been hit hard by the trade policies the country has followed for many years. Many of the jobs that were there in the past have been exported.

Now, they find that the levees are in substantial disrepair. It is going to be very important to us to work with you and to work with the Army Corps to see that those repairs get made. I know that my senior Senator from Rhode Island, Jack Reed, is working very hard, and I am doing what I can to help him, to make sure that there is supplemental funding so that we can help Woonsocket with its share of the project.

But it is one of these things where even with the very best intentions, you get a city with a long tradition, but a city that has suffered some economic distress in the past, and it has been hard for them to keep up the maintenance. And now we are presented with a situation that could be a real public health problem and a public safety problem. We need to get on it. I hope that that will have your attention and interest.

General VAN ANTWERP. Yes, sir, it will.

Senator WHITEHOUSE. Very good.

General VAN ANTWERP. I am familiar with it, too. I think it is an area where you have some of that depressed economy, and you have requirements to maintain the levees. That is a challenge today, no question, yet the public safety is still at stake.

Senator WHITEHOUSE. So between you and me and Senator Reed and the city of Woonsocket, we will work our way through this. But I wanted to let you know how significant that was in our State.

The other thing is that we have kind of an odd situation. Rhode Island is the Ocean State. A great number of people find both recreation and make their livelihoods on Narragansett Bay and Mount Hope Bay and the waters of Rhode Island, Block Island Sound. The marina business is quite an active one. There have been substantial problems with dredging in Narragansett Bay, as you may know. We have recently made a lot of progress on dredg-

ing out the main channel and setting up CAD cells for disposal of the dredged spoils.

At the same time, with the disposal sites opening up, many of the marinas have invested substantial resources. These are small businesses, family owned businesses, and they have invested substantial resources in dredging out what they own and what they are licensed to control, which is the marina space that they have. But between the main channel and the marina space, there is very often such silting that they can't get customers in and out from their marinas.

It is that sort of secondary branch dredging that we need to work on and enable that to move forward. I understand that over the years, and they don't hesitate to remind me, an enormous amount of money has been accounted into a fund for this purpose. However, the cash didn't stay there. Like the Social Security reserve fund, it is gone. It is just an accounting entry, and when you open up the box and look for the money, what you see is a note saying, IOU, Uncle Sam.

So despite the best efforts of the industry to contribute over the years, to have this funding there when they need it at moments like this, it isn't there. My predecessors in this building have spent it on other things, and now we have to cope with that project, too.

But for some of these small businesses, which have invested substantial, substantial resources in the hope and promise that this would come to pass, we now need to move on to the next step there as well. I hope I can have your help with that.

General VAN ANTWERP. Yes, sir. I commit to looking into that. I think there is an enormous dredging backlog in this country. I am aware of that. I would welcome to take a look and look into this particular situation.

Senator WHITEHOUSE. Good. We will follow-up.

I wish you well.

General VAN ANTWERP. Thank you, sir.

Senator WHITEHOUSE. As the new member and the junior member of the Environment and Public Works Committee, I expect we may have a long career together. I look forward to working with you, and congratulations on your nomination.

General VAN ANTWERP. Thank you very much, sir.

Senator WHITEHOUSE. There may be further comments, so the record of this hearing will be left open for 2 weeks.

The hearing stands adjourned.

Thank you, General.

General VAN ANTWERP. Thank you, Senator.

[Whereupon, at 3:40 p.m. the committee was adjourned.]

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