

HEARING ON THE NOMINATION OF MICHAEL
CONNOR TO BE ASSISTANT SECRETARY OF
THE ARMY FOR CIVIL WORKS AT THE DEPART-
MENT OF DEFENSE

HEARING
BEFORE THE
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
ONE HUNDRED SEVENTEENTH CONGRESS
FIRST SESSION

JULY 14, 2021

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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

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C O N T E N T S

Page

JULY 14, 2021

OPENING STATEMENT

Carper, Hon. Thomas R., U.S. Senator from the State of Delaware	1
Padilla, Hon. Alex, U.S. Senator from the State of California, prepared statement	47

WITNESS

Connor, Michael, nominated to be Assistant Secretary of the Army for Civil Works, Department of Defense	2
Prepared statement	5
Responses to additional questions from:	
Senator Kelly	8
Senator Capito	11
Senator Cramer	18
Senator Wicker	20
Senator Sullivan	22

ADDITIONAL MATERIAL

Letter to:	
Senator Carper from former Senator Jeff Bingaman, July 9, 2021	56
Senator Capito from former Senator Jeff Bingaman, July 9, 2021	57
Senators Carper and Capito from the Association of California Water Agencies, May 12, 2021	58
Senators Carper and Capito from the National Parks Conservation Association, July 13, 2021	59
Senators Carper and Capito from Sally Jewell, former U.S. Secretary of the Interior, July 11, 2021	61
Senator Jack Reed et al. from the National Wildlife Federation, July 13, 2021	63
President Joe Biden from the National Congress of American Indians, February 19, 2021	65

**HEARING ON THE NOMINATION OF MICHAEL
CONNOR TO BE ASSISTANT SECRETARY OF
THE ARMY FOR CIVIL WORKS AT THE DE-
PARTMENT OF DEFENSE**

WEDNESDAY, JULY 14, 2021

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

The Committee, met, pursuant to notice, at 9:50 a.m., in room 406, Dirksen Senate Office Building, Hon. Thomas R. Carper (Chairman of the Committee) presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse, Markey, Duckworth, Stabenow, Padilla, Inhofe, Cramer, Boozman, Sullivan, and Ernst.

**OPENING STATEMENT OF HON. THOMAS R. CARPER,
U.S. SENATOR FROM THE STATE OF DELAWARE**

Senator CARPER. I just want to thank everyone for being here and allowing us to get off to a good start today.

I would just say to our guests, if some of our colleagues get up and leave, it is not because they are not interested in what you have to say, nor the importance of your job for which you have been nominated. But we all serve on three, four, five committees, and they are trying to cover a lot of bases all at once. We will let them.

Now, unless there is an objection, I am going to turn the page and move on to our hearing.

I would like to invite our witness, Michael Connor, to the table, please.

Mr. Connor has been joined by his wife of how many years? This is your first question.

Mr. CONNOR. Thirty-two and counting, Mr. Chairman.

Senator CARPER. Thirty-five right here, and my wife says it is the happiest 5 years of her life.

We thank your wife for joining you today. Thank you for sharing your husband with us, and I want to especially thank your daughter. You may want to introduce her as well.

As I mentioned earlier, President Biden has nominated Mr. Connor to be the Assistant Secretary of the Army for Civil Works. If confirmed to this office, Mr. Connor's duties will include overseeing the U.S. Army Corps of Engineers. Among its many areas of responsibility, the Corps is responsible for responding to and reduc-

ing the likelihood of flood damage and restoring our degraded ecosystems.

The Corps' Civil Works Program includes the construction, operation, and maintenance of our Nation's ports and inland waterways, which are the gateway to both domestic and international commerce. It also includes shoreline and coastal protections for the areas of our country dramatically affected by large bodies of water.

Mr. Connor comes to this nomination with years of public service experience, having served as staff to the Senate Committee on Energy and Natural Resources, our sister committee, and as Senior Leader at the Department of the Interior.

Who was the Secretary? Was Ken Salazar the Secretary when you were there?

Mr. CONNOR. Ken Salazar was the Secretary, then Sally Jewell. Senator CARPER. Old colleague and friend.

From 2009 to 2014, Mr. Connor led the Bureau of Reclamation as its commissioner, and from 2014 to 2017, he served as the Deputy Secretary of the Interior. Mr. Connor is now a partner at WilmerHale Law Firm.

Mr. Connor, we welcome you, and we invite you to please proceed with your testimony.

STATEMENT OF MICHAEL CONNOR, NOMINATED TO BE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF DEFENSE

Mr. CONNOR. Thank you.

Chairman Carper, Ranking Member Capito, distinguished members of the Committee, I am honored to appear before you today as President Biden's nominee to be the Assistant Secretary of the Army for Civil Works. I am grateful and appreciative of your consideration of my nomination.

Mr. Chairman, I think I missed my cue earlier, so I will take care of that now. Thank you for the opportunity to recognize my wife Shari and my daughter, Gabriela.

Senator CARPER. Gabriela, I love that name. That is such a beautiful name.

Mr. CONNOR. They, along with my son Matthew, who couldn't be here today, have made sacrifices that have allowed me the opportunity to engage in public service for many years, so I continue to deeply appreciate their support.

The Assistant Secretary of the Army for Civil Works is an important position under any circumstances, given the responsibilities of the Corps of Engineers for infrastructure, ecosystem health, maintaining waterways, managing flood risks, and protecting wetlands. These are incredibly important functions for communities across the Nation.

Today, these responsibilities take on new significance amid the backdrop of a pandemic impacted economy. We must also build resiliency in the face of climate change, while also ensuring equity amongst the communities being served.

I am humbled to be nominated to work with the military leadership of the Corps and the talented civilian work force to carry out these important responsibilities. I also believe I am well prepared

to address the challenges ahead, given my extensive experience both inside and outside of Government.

As a former Deputy Secretary of the Interior and Commissioner of the Bureau of Reclamation, I directed strategy and managed a large Federal waterway resources agency responsible for programs and facilities similar to those of the Corps. These positions also provided significant management experience.

As the Chief Operating Officer at Interior, I was responsible for 70,000 employees and an annual budget in excess of \$13 billion. At Reclamation, I managed over 5,000 employees with an annual budget in excess of \$1 billion.

My prior positions also provided extensive experience working directly with the Corps of Engineers. At Reclamation, we collaborated in developing climate resilience strategies, coordinating flood control and water management operations, protecting endangered species and engaging in river restoration, and advancing dam safety risk management efforts.

As Deputy Secretary, I worked with the Corps in its role as a regulator, and even collaborated on an international issue involving some poorly maintained infrastructure that was impacting the United States' interests in the Middle East.

As counsel to the Senate Energy and Natural Resources Committee, I didn't stay in my lane, and I worked on numerous initiatives regulated to the Corps.

I believe this experience, coupled with my background as both an engineer and a lawyer, provide a unique set of qualifications to be an effective Assistant Secretary of the Army.

If confirmed, my personal background will also inform my views, as I oversee the vast responsibilities associated with the Corps. I grew up in New Mexico, a State rich in natural resources, with the exception of water. I am proud of my Native American heritage and the fact that my grandfather was a leader within Taos Pueblo working to protect the Tribe's water rights and its cultural resources.

My childhood home in Las Cruces, New Mexico, is located across the street from a major irrigation canal that was constructed with Federal assistance, and it serves a large agricultural area. I grew up witnessing the important role the Federal Government plays in supporting and protecting the economic foundation of many communities while also providing access to the recreational resources that enhance the quality of life for our citizens.

If confirmed, I will be focused and committed to the work necessary to fulfill my responsibilities and challenges facing the Corps and its stakeholders, your constituents.

Of course, the Corps cannot be successful on its own, and my years in public service have reinforced the importance of collaboration. I commit to this task with a sense of humility and a keen understanding of the need to work with State and local leaders, the public, affected stakeholders, and Members of Congress to most effectively carry out the Corps' mission.

I am equally committed to increasing coordination within the Federal Government, a whole of government approach that is more effective and efficient in addressing the effects of a changing landscape across the country.

Finally, with your support, I will be proud to join a department led by Secretary Austin, Deputy Secretary Hicks, and Secretary Wormuth, who have made clear their intent to lead with transparency, integrity, and the highest ethical standards in carrying out the Defense Department's and the Army's vital missions. I am equally committed to these principles.

Thank you for the opportunity to address the Committee, and I look forward to your questions.

[The prepared statement of Mr. Connor follows:]

**Statement of Michael Connor
Nominee for the Position of
Assistant Secretary of the Army for Civil Works
United States Department of Defense
Before the
U.S. Senate Committee on Environment and Public Works**

July 14, 2021

Chairman Carper, Ranking Member Capito, and distinguished members of this Committee, I am honored to appear before you today as President Biden's nominee to be the Assistant Secretary of the Army for Civil Works (ASA-CW). I am grateful and appreciative of your consideration of my nomination.

Thank you for the opportunity to recognize my wife, Shari, and daughter, Gabriela, who are with me today. They, along with my son Matthew who could not be here, have made sacrifices that have allowed me the opportunity to engage in public service for many years. I deeply appreciate their support.

The Assistant Secretary of the Army for Civil Works is an important position under any circumstances given the responsibilities of the Corps of Engineers for Infrastructure; Ecosystem Health; Maintaining Waterways; Managing Flood Risks; and Protecting Wetlands.

These are incredibly important functions for communities across the nation. Today, these responsibilities take on new significance amid the backdrop of a pandemic-impacted economy that must also build resiliency to the effects of climate change, while ensuring equity amongst the communities being served.

I am humbled to be nominated to work with the military leadership of the Corps and the talented civilian workforce to carry-out these important responsibilities. I also believe I am well-prepared to address the challenges ahead given my extensive experience, both inside and outside of

government. As a former Deputy Secretary of the Interior Dep't and Commissioner of the Bureau of Reclamation, I directed strategy and managed a large Federal water resources agency responsible for facilities and programs similar to the Corps. These positions also provided significant management experience. As the Chief Operating Officer at Interior, I was responsible for 70,000 employees and an annual budget in excess of \$13 billion. At Reclamation, I managed over 5,000 employees and an annual budget in excess of \$1 billion.

My prior positions also provided extensive experience working directly with the Corps. At Reclamation, we collaborated in developing climate resilience strategies, coordinating flood control and water management operations, protecting endangered species and engaging in river restoration, and advancing dam safety risk management efforts. As Deputy Secretary, I worked with the Corps in its role as a regulator, and even collaborated on an international issue involving poorly maintained infrastructure that threatened the United States' interests in the Middle East. And as Counsel to the Senate Energy and Natural Resources Committee, I worked on numerous legislative initiatives related to the Corps'. I believe that this experience, coupled with my background as a both an engineer and lawyer, provide a unique set of qualifications to be an effective ASA.

If confirmed, my personal background will also inform my views as I oversee the vast responsibilities associated with the Corps. I grew up in New Mexico, a state rich in natural resources (except water). I am proud of my Native American heritage and the fact that my grandfather was a leader within Taos Pueblo, working to protect the Tribe's water rights and cultural heritage. My childhood home in Las Cruces, NM is located across the street from a major irrigation canal, built with federal support, serving a large agricultural area. I grew up witnessing the important role the Federal government plays in supporting and protecting the economic foundation of many communities and providing access to the recreational resources that enhance the quality of life for our citizens.

If confirmed, I will be focused and committed to the work necessary to fulfill my responsibilities and meet the challenges facing the Corps and its stakeholders – your constituents. Of course, the Corps cannot be successful on its own, and my years in public service have reinforced the importance of collaboration. I commit to this task with a sense of humility and a keen understanding of the need to work with state and local leaders, the public, affected stakeholders, and members of Congress to most effectively carry out the Corps of Engineers' mission. I am equally committed to increasing coordination within the Federal government—a “whole of government approach”—that is more effective and efficient in addressing the effects of a changing landscape across the country.

Finally, with your support, I will be proud to join a Department led by Secretary Austin, Deputy Secretary Hicks, and Secretary Wormuth who have made clear their intent to lead with transparency, integrity, and the highest ethical standards in carrying out the Defense Department's and the Army's vital missions. I am equally committed to these principles.

Thank you for the opportunity to address the committee. I look forward to answering your questions.

Senate Committee on Environment and Public Works
Hearing Entitled, “Hearing on the Nomination of Michael Connor to be Assistant Secretary
of the Army for Civil Works at the Department of Defense”
July 14, 2021
Questions for the Record for Michael Connor

Senator Kelly:

1. I wanted to begin by discussing your thoughts on the process that the Army Corps of Engineers uses to make important funding decisions about authorized projects. One important project in Arizona is the Little Colorado River at Winslow Levee project, which had its Chief’s report completed in 2018, and was authorized by Congress last year. The entire town of Winslow lies within a flood plain, and current flood control measures do not protect the town from floods. The town has a poverty rate of 23 percent, and more than a third of residents are either Navajo or Hopi. On paper, this is a competitive project which will provide significant benefits to the community – yet, the project hasn’t been funded because of the Corps’ policy of making funding decisions based on a project’s benefit/cost ratio or BCR. Do you believe that the BCR metrics used by the Corps capture the unique needs of low-income or tribal communities, like Winslow?

Answer: While the benefit to cost ratio (BCR) is an important consideration for funding decisions, it is not the only factor that should be considered. As noted, the BCR may not fully account for the importance of a project to disadvantaged or tribal communities. I believe it is important for the Corps to consider broader factors related to increasing environmental benefits and reducing environmental burdens for such communities. If confirmed, I will ensure that the Corps works to incorporate such factors when recommending prioritization for funding.

- a. What role do you believe the Corps can play to help implement the President’s environmental justice initiatives?

Answer: Environmental justice considerations should be incorporated throughout USACE planning efforts in multiple ways. First, USACE should seek to increase the work it does with historically underserved communities to increase the benefits and protections for a broader group of people. Second, in evaluating its activities, USACE should ensure it identifies and addresses any potentially disproportionate negative impacts on communities that may result from proposed Federal actions. In particular, environmental justice should be considered throughout National Environmental Policy Act (NEPA) processes through robust consultation with tribal communities, minority, and low-income stakeholders. During the NEPA process, USACE must ensure minimal adverse effects to these communities and seek to maximize the beneficial advantages of proposed projects. If confirmed, I will work to ensure that USACE, within the scope of its authority, continues to work on opportunities to address environmental justice and equity throughout the Civil Works program.

- b. Should reexamining the Corps' funding process be a part of a broader refocus on environmental justice?

Answer: Yes. If confirmed, I commit to reviewing all aspects of the USACE Civil Works program and will seek opportunities to address environmental justice and equity within the scope of USACE authorities.

2. I also wanted to highlight a change which was made in the 2020 WRDA bill to include Arizona within the 595 Western Rural Water program, which is a program within the Corps which provides financial assistance to communities as they undertake water or wastewater infrastructure projects. I know I don't need to tell you the importance of resilient water infrastructure in Arizona and the southwest, and I'm fighting to include additional dedicated funding for this critical program in the upcoming appropriations bills, to meet the significant outstanding need in Arizona. Already, we've heard from dozens of communities in Arizona who hope to apply for funding from the Corps in the 2022 workplan. Knowing your familiarity with western water issues, what opportunities do you believe that this program affords to Arizona water users?

Answer: Addressing serious drought-related challenges like those facing the Colorado River basin states will require a whole of government approach. Authorities like the 595 program can be valuable to bring new resources to help address the issues if coordinated with other federal, state, and local entities. If confirmed, and if funding is available, I will ensure that all eligible projects in Arizona are considered for this program.

- a. Can I count on you to ensure that Arizona projects interested in this program receive the technical assistance and support that they need as they understand this new funding opportunity?

Answer: Yes. If confirmed, I commit to ensuring that Arizona projects receive necessary technical assistance from USACE.

3. I know of at least four projects in my state – El Corazon in Pima County, the Lower Santa Cruz River Watershed in Pinal County, McCormick Wash in Globe, and the Rose and Palm Garden Washes – that will be asking for funding in fiscal year 2022 through the appropriations process or the work plan for funds through the Continuing Authorities Program. I mention all of these projects to highlight the fact that the Continuing Authorities Program (CAP) is grossly oversubscribed and underfunded. We need to plus-up this program to ensure that my state's needs are met as well as those across the nation. Last year, the CAP 205 and 206 programs combined only received \$26 million, despite being authorized to receive \$123 million. I support increased funding for this critical program. What are the successes of the continuing authorities program?

Answer: The Continuing Authorities Program (CAP) allows the Corps to plan, design, and implement certain types of water resources projects, without additional project-specific congressional authorization. The purpose of the CAP is to plan and implement projects of limited size, cost, scope and complexity that will nonetheless provide benefits to participating communities. CAP authorities aid smaller communities by enabling water resources projects and infrastructure solutions that are flexible and adaptable on a local scale.

In the past four years, the Corps completed construction at 36 combined CAP 205 and 206 projects. During the same period, the Corps initiated 62 projects under CAP 205 and 206, including three projects in Arizona. Based on the completion of feasibility efforts and the ongoing support of the non-federal sponsors, there is potentially over \$80M in construction contracts that could be awarded over the next two years for CAP 205 and 206 projects

- a. How might additional funding for these programs help communities fund smaller projects faster?

Answer: Current funding for CAP 205 and 206 does not allow for many new projects to be initiated. Additional funding will allow ongoing work to be completed and the initiation of new projects. The more projects that the Corps can initiate and complete will ultimately help all communities with their needs.

- b. As Assistant Secretary for Civil Works, are there steps you would take to improve the CAP programs to improve the CAP 205 or 206 programs?

Answer: I believe that the CAP Section 205 and 206 programs provide important value to our stakeholders and the nation. If confirmed, I will review both programs to determine the need for improvements as well as additional opportunities, and work to ensure that these programs receive the necessary funding to ensure their execution.

4. Another project that is very important to me is the Rio de Flag in Flagstaff, Arizona. This critical project will remove the 100-year flood plain from a large portion of the historic downtown and economic center in the city of Flagstaff. I'm happy to see that it received its final \$52 million in the FY 2020 workplan and the City has the required 35 percent cost share. Yet, the process of completing real estate acquisitions and collaborating with BNSF railroads have raised some additional complications and introduced some delays.
 - a. For smaller communities, like Flagstaff, how can the Corps improve partnerships so that district staff who work alongside these communities can serve as advocates and advisors for these communities to help them navigate these large, complicated projects?

Answer: The first step in strengthening trust and support is through partnership. I am committed to consistent collaboration, transparent communication, and a willingness to hear stakeholder concerns. If confirmed, I will also seek to extend my sphere of influence beyond USACE and continue to build trust and support within our Federal family. This is important to ensure our local partners have a level of confidence regardless of the agency involved.

5. I also wanted to discuss the Tres Rios project, which is a part of the broader Rio Reimagined project, an environmental restoration and economic development initiative started by Senator McCain. Tres Rios is an authorized Army Corps of Engineers project that provides important flood control and ecosystem restoration benefits to the Salt and Gila rivers in the Phoenix Metro area. Over the last decade, the City of Phoenix has been working with the Corps to get additional funding to complete Tres Rios, with no success. Remaining phases of the project include river channel and ecosystem restoration and construction of the recreation components authorized for the project. Completing Tres Rios would improve channel flow conveyance, support native biodiversity and wildlife habitat and remove aggressive and high fire risk invasive species. The USACE has stated that a Post-Authorization Change Report is needed in order to raise the 902 limit. I hope to authorize the project in WRDA 2022. Can you commit to working with me to move this important resiliency project for the Phoenix region forward?

Answer: Yes. If confirmed, I commit to working with you concerning this important resiliency project for the Phoenix region.

Ranking Member Capito:

6. Do you support the Administration's budget request to reduce the US Army Corps of Engineers' (Corps) FY 2022 budget by \$1 billion—or 13 percent from the FY 2021 enacted level?

Answer: Yes. If confirmed, I commit to using taxpayer dollars efficiently, effectively, and consistent with the level of appropriations granted by Congress.

7. The Biden Administration's FY 2022 budget request includes language stating that one of the objectives considered in developing the request was "not funding work that directly subsidizes fossil fuels including work that lowers the cost of production, lowers the cost of consumption or raises the revenues retained by producers of fossil fuels."¹ Do you support this funding prohibition?

Answer: The FY 22 Budget does not define fossil fuel subsidies or provide further specificity of how the key objectives were applied in developing the budget. If confirmed, I commit to looking into how the fossil fuel subsidies language in EO 14008 may affect the Civil Works program in coordination with OMB. I also commit

¹ https://www.whitehouse.gov/wp-content/uploads/2021/05/coe_fy22.pdf

to allocating and expending funds consistent with the authorities, directives, and appropriations set forth by Congress.

8. What does the Administration's policy discussed in the previous question imply for investments in ports and inland waterways systems that carry energy commodities as well as other goods?

Answer: The administration's proposed budget funds projects that would improve the nation's water infrastructure – including ports and waterways – while incorporating climate resilience efforts into the Corps' work. If confirmed, I commit to examining, in concert with the administration, whether and how the proposed language impacts the Civil Works program.

9. The Army Corps of Engineers has still not completed several deliverables required by past *Water Resources Development Acts* (WRDA), including those outlined in section 223 ("Completion of Reports and Materials") of WRDA 2020; a report required by section 1211 of WRDA 2018; and implementation guidance required by section 3029(a) of WRRDA 2014. If confirmed, what is your plan to ensure that all outstanding deliverables to Congress are completed?

Answer: If confirmed, I commit to a full review of all policies and procedures that concern the development and completion of deliverables to Congress. I commit to ensuring that USACE complies with Congressional requirements and is punctual when providing materials to Congress.

10. Can you please explain your experience with and knowledge of riverine flood risk management issues?

Answer: Over the course of my career, I have had substantial involvement with flood risk management issues. As counsel to the Senate Energy & Natural Resource Committee there were several instances in the aftermath of significant flooding events, where I was tasked with working with USACE or the Bureau of Reclamation to determine the need for resources and/or authorities to address those situations. During my tenure as Deputy Secretary of Interior and Commissioner of the Bureau of Reclamation, I was involved in (1) overseeing and reviewing flood control operations in real time during extreme weather events affecting Reclamation's dams and reservoirs; (2) evaluating and allocating resources to address long-term infrastructure needs to more effectively address Reclamation's flood control responsibilities, including dam safety investments (in coordination with USACE); (3) evaluating and consulting with local flood control authorities as a necessary component of implementing river restoration actions; and (4) working with Indian tribes and other communities in providing resources to engage in rehabilitation activity in the aftermath of extreme flooding events.

11. Under current guidance, the objective of water resources planning is to maximize national economic development benefits. This means the Corps is often precluded

from making investments in rural and economically disadvantaged areas. How can water resources planning at a national level account for regional economic benefits?

Answer: Under current project development and budgetary guidance, projects producing significant national economic benefits may receive more favorable consideration. However, the Corps is required to evaluate and consider other benefit categories, including regional economic impact, social effects, and environmental quality. The inclusion of all benefit categories was directed in January 2021, and provisions of the 2020 Water Resources Development Act emphasize these requirements as well. If confirmed, I will ensure the Corps implements these new directives.

12. On January 5, 2021, R.D. James, then the Assistant Secretary of the Army for Civil Works, issued a memorandum that provided policy direction on how to incorporate all project benefits into new Corps projects. If confirmed, how would you implement the directives in that memorandum?

Answer: It is extremely important that the Corps assess all benefits relevant to the decision-making process and not leave important benefits “on the table.” If confirmed, I will review ASA James’ memorandum and provide additional direction to the Corps, as necessary, to ensure all relevant benefits are assessed as part of the planning process. In some instances, the Corps may not have the tools necessary to quantify a particular benefit. In those instances, if confirmed, I will direct the Corps to develop the tools needed to ensure a thorough evaluation of project justification.

13. Were you involved in the process to update the 1983 Principles and Guidelines for Water and Land Related Resources Implementation Studies while serving in the Obama Administration? If so, what lessons did you learn from that process?

Answer: I was only tangentially involved in the development of the Principles, Requirements, and Guidelines for federal water resource investments. The Interior Department’s participation in this effort was led by the Assistant Secretary – Water and Science. An important lesson I remember from the involvement I did have was the importance of participation in broad policy initiatives to ensure that the mission and programs of individual agencies are accounted for in the development of those policies.

14. In a February 2021 article you wrote titled “*Environmental Justice in the Biden Administration*,” you discussed the possibility of an elevation of environmental justice through “regulatory changes requiring additional analysis, monitoring, and mitigation of impacts in minority and low-income communities.”² Do you support making regulatory changes that would lengthen the federal environmental review and permitting process for projects?

² <https://www.jdsupra.com/legalnews/environmental-justice-in-the-biden-8816655/>

Answer: I support ensuring that federal environmental review processes thoroughly consider and appropriately address impacts to, and/or opportunities to work with, minority and low-income communities, and other communities that bear a disproportionate burden of adverse environmental impacts.. At the same time, I believe it is necessary and appropriate to better coordinate federal environmental review processes across federal agencies and with state, tribal, and local communities to more effectively and efficiently complete the review and permitting processes.

15. How should environmental justice be considered and quantified in the delivery process for navigation, flood risk management, and ecosystem restoration projects?

Answer: Environmental justice considerations should be incorporated throughout the project development process (and other Federal actions), to identify and address any disproportionate negative impact on marginalized communities. Environmental justice should be considered under a variety of processes including but not limited to the National Environmental Policy Act (NEPA). Most importantly we must directly engage with tribal communities, minority, and low-income stakeholders to assess the potential health and environmental effects on these communities, both positive and negative. If confirmed, I will work to ensure that USACE continues to address environmental justice and equity throughout the Civil Works program within the scope of their authorities. This includes seeking opportunities to expand USACE's work to develop and implement projects that benefit tribal, minority, and low-income communities, and other communities that bear a disproportionate burden of adverse environmental impacts.

16. What does the term "economically disadvantaged" mean to you?

Answer: An economically disadvantaged community means a low-income community or an economically distressed community in a geographic area.

17. Do you believe that there is a need to further streamline infrastructure permitting? If so, how?

Answer: The goal for the permitting of infrastructure projects should be to ensure the effectiveness and efficiency of the process; compliance with all applicable laws and regulations; and due consideration of other important matters including transparency and collaboration. To achieve the ultimate goal of modernizing our nation's aging infrastructure the permit process should enable agencies to efficiently engage, collaborate, and share information; while ensuring the inclusion of outside stakeholders early in the process to identify additional areas of concern. The Federal Permitting Improvement Steering Council has put considerable effort into this initiative already and, if confirmed, I will support these efforts to improve the permitting process.

18. Are there specific aspects of the *National Environmental Policy Act* (NEPA) review process that you believe would benefit from further reform?

Answer: I cannot identify any specific aspects for reform of the NEPA process at this time; however, if confirmed, I commit to ensuring USACE complies with all laws and regulations, including NEPA, throughout implementation of the Civil Works program. If confirmed, I would work with the Council of Environmental Quality (CEQ), which oversees NEPA, to discuss the NEPA review process and identify ways to ensure USACE equities are considered in the CEQ's future rulemaking actions to amend the NEPA implementing regulations as needed.

19. In your role as a congressional staffer, you worked on *Endangered Species Act* (ESA) issues and legislation regarding the ESA status of the silvery minnow.³ Are there other ESA areas that would benefit from legislative reform?

Answer: I cannot identify any legislative reforms related to ESA at this time; however, if confirmed, I commit to ensuring USACE complies with all laws and regulations, including ESA, throughout implementation of the Civil Works program. If confirmed, I would work with the Departments of Interior and Commerce, which oversee ESA, to identify ways to ensure USACE equities are considered in identification of any potential areas for both policy and implementation improvements.

20. There are many challenges involved in the decision-making process for the removal of dams in river systems, as you have recognized in past writings.⁴ How do you plan to ensure the Corps takes a measured, practical approach that weighs the needs of all stakeholders in such instances?

Answer: Stakeholder engagement is essential to any process. This is especially true for an action that has great public interest such as dam removal. If confirmed, I will ensure the Corps takes an open and transparent approach that weighs the needs of the community and all stakeholders.

21. In light of the history around the definition of "waters of the United States," do you agree that prior to any proposal to repeal or amend the Navigable Waters Protection Rule, published at 85 Fed. Reg. 22250 (Apr. 21, 2020), the Environmental Protection Agency (EPA) and the Corps should engage in a formal stakeholder engagement process by seeking public comment on an advance notice of proposed rulemaking in the Federal Register?

Answer: Stakeholder engagement is essential to the rulemaking process. This is especially true for a rule that has great public interest, such as the definition of "Waters of the U.S." If confirmed, I commit to working with EPA to ensure robust stakeholder outreach throughout the rulemaking process, including early engagement prior to any proposed rulemaking actions to obtain public input on a new permanent rule. If confirmed, I commit to working with EPA to provide appropriate public

³ <https://digitalrepository.umn.edu/nrj/vol47/iss3/10/>

⁴ <https://www.times-standard.com/2012/05/03/consider-cost-of-klamath-deal-bust/>

notice when outreach plans are finalized and to ensuring the agencies follow appropriate processes under the Administrative Procedure Act in pursuing the rulemaking effort.

22. If confirmed, how would you ensure that EPA and the Corps do not return to an overreaching definition of “waters of the United States” under the *Clean Water Act*?

Answer: If confirmed, I commit to ensuring the Corps works with the EPA to establish a durable definition of “Waters of the United States” based on U.S. Supreme Court precedent and drawing from the lessons learned from the current and previous regulations, as well as input from states, tribes, and a wide array of stakeholders. This would involve robust engagement with state and tribal co-regulators, the public, landowners, the agricultural community, affected businesses, local governments, community organizations, and environmental groups.

23. Would a reduction in the number of federal permits under the *Clean Water Act* issued nationwide automatically result in environmental damage or harm?

Answer: A reduction in the number of federal permits could occur for several reasons, some of which would not result in environmental damage or harm. As directed by EO 13990, however, the Army reviewed the Navigable Waters Protection Rule, which comprehensively revised regulations that defined “waters of the United States” for the purposes of the Clean Water Act. I understand that the Army determined that substantially fewer permits were issued under the current rule, and that available data indicates the rule is leading to significant environmental degradation. If confirmed, I am committed to ensuring that future rulemaking balances the important equities of preventing environmental harm while producing certainty for stakeholders involved in the permitting process.

24. From your experience at Department of the Interior or time in private practice, what could be improved in the *Clean Water Act* section 401 water quality certification process?

Answer: I cannot identify any specific aspects for reform of the 401 Water Quality Certification process at this time. If confirmed, however, I commit to ensuring USACE complies with all laws and regulations, including Section 401 of the Clean Water Act and continues to consider the important role of state and tribal governments. Additionally, I commit to working with the EPA to ensure that USACE equities are considered in any future rulemaking concerning 401 Water Quality Certification regulations.

25. Do you support use of the *Clean Water Act* section 401 certification process to slow or block pipeline development?

Answer: Section 401 of the Clean Water Act (CWA) provides states and authorized tribes with a statutory tool to help protect the water quality of Federally regulated

waters within their borders, in collaboration with federal agencies. The certification process should be followed solely to ensure that authorities act on certifications within the purpose and scope of Section 401 and EPA implementing regulations.

26. Section 404 of the *Clean Water Act* designates the Corps as the lead agency for dredge and fill permits. This authority has been abused by prior administrations, and I am troubled by a letter sent in May to the Corps' Huntington District from EPA Region 3 regarding permitting the Mountain Valley Pipeline. The EPA delineates concerns with the project and recommends the permit not be issued as proposed. What is EPA's role in the evaluation and issuance of section 404 permits issued by the Corps under the *Clean Water Act*? **OPR: Stacey Jensen, ASA(CW), 703-459-6026; OCR: Anne Brown, OGC, (703) 697-7497**

Answer: It is my understanding that by statute, the EPA is the lead Federal agency with final determination authority for identifying jurisdiction under the Clean Water Act. EPA provides comments during the interagency coordination process for the issuance of a general or Nationwide permit and provides comments during the public comment period for an individual permit, such as that being processed for the Mountain Valley Pipeline proposal. By statute and regulation, EPA may also invoke Section 404(q) elevation procedures on particular projects. Additionally, EPA participates as a commenting member on an interagency review team for certain compensatory mitigation proposals that may be utilized in a Section 404 permit. In addition, when USACE evaluates activities proposed under Section 404 of the Clean Water Act, USACE must evaluate such activities under the environmental criteria set forth in the Section 404(b)(1) guidelines promulgated by EPA. EPA also has Section 404(c) authority to prohibit, deny, or restrict the use of any defined area as a disposal site. Finally, EPA shares enforcement authority under Section 404 with USACE.

27. Do you support the continued use of general permits by the Corps under section 404(e) of the *Clean Water Act*?

Answer: Yes.

28. In cases where there is inconsistency in position among multiple federal agencies, do you agree that inconsistency causes tremendous uncertainty for permit applicants? If so, what steps need to be taken to address this uncertainty?

Answer: Communication is vitally important between Federal agencies and with applicants. Because different federal agencies have unique authorities and missions, agencies must ensure that applicants gain a clear understanding of how a permitting action will proceed through the review process. Agencies must also ensure that they work proactively to identify and resolve issues amongst themselves during the permitting process to improve overall efficiency and timeliness. If confirmed, I am committed to consistent and open cooperation with other Federal partners, transparent communication with applicants, and careful observation of statutory and regulatory guidelines.

29. We have seen the importance of interagency coordination, especially coordination on wide-ranging issues in water policy, and how it can result in benefits, such as taxpayer dollars saved thanks to the reduction of duplication among agencies. Do you believe the Water Subcabinet formed under the last Administration was successful and would you recommend this coordination continue? Are there other recommendations that you would have to support interagency coordination?

Answer: I support any opportunity for increased coordination among federal agencies on focused issues that provide an avenue for achieving success on agency efforts and benefit the taxpayer. Focused interagency task forces, such as the Water Subcabinet, result in improved coordination, an alignment of efforts, reduction in duplication, and a shared understanding of missions across the Federal government.

30. The most recent WRDA legislation enacted by Congress increased the authorization level of West Virginia's two main environmental infrastructure authorities – sections 340 and 571. If confirmed, will you commit to working with me to support robust funding for these authorities?

Answer: Yes. If confirmed, I commit to working with you concerning these authorities.

31. Information systems modernization is important to agencies such as the Corps that depend on data to inform operations and project delivery, a lesson underscored by the dependence on remote work during the COVID-19 pandemic. Will you work with Corps Headquarters as it seeks to modernize its information systems, including through the utilization of cloud services?

Answer: Yes. If confirmed, I will work with Corps Headquarters to ensure that information system modernization is a priority.

32. Recent events have underscored the vulnerability of critical infrastructure to cyber threats. Will you work with Corps Headquarters, other federal agencies, and non-federal sponsors to heighten awareness of cybersecurity and implement best practices?

Answer: Yes. If confirmed, I am committed to working with Corps Headquarters in order to improve the cybersecurity of critical infrastructure. My experience in this area as the Deputy Secretary (and Chief Operating Officer) of the Interior Department will prove valuable in this regard.

Senator Cramer:

33. Mr. Connor, WOTUS is a topic near and dear to North Dakotans as we are in the heart of the prairie pothole region, along with numerous ephemeral streams. In my view, the 2015 Obama rule vastly overstepped the legal bounds of the Clean Water Act. In June 2020, the Trump administration finalized the Navigable Water Protection

Rule which was legally sound and it recognized a basic fact – prairie potholes are not navigable and should not be regulated as such. Since then however, the Biden administration has announced it will rescind the rule and do a rewrite. I have been working with Administrator Regan and Assistant Administrator Fox on the issue and have received their commitment they will come and listen directly to how WOTUS regulations work in North Dakota.

Can I get your commitment that you will visit North Dakota in order to listen to stakeholders and take their concerns to heart?

Answer: Yes. If confirmed I look forward to meeting with North Dakotan stakeholders in an effort to understand their concerns.

34. Mr. Connor, the Snake Creek Embankment was constructed and is maintained by the Army Corps of Engineers as not only a corridor for a U.S. highway, rail, and utility lines, but a critical piece of infrastructure to deliver water to central and eastern North Dakota and western Minnesota. Since the embankment's construction in 1954, relief wells have not been properly maintained and the Corps has become concerned about foundational issues. Instead of fixing the problem or even formally assessing those alternatives, the Corps placed a differential restriction in the Water Control Plan. The U.S. Bureau of Reclamation, Garrison Diversion, State of North Dakota, and water users have raised objections to this restriction since it makes the delivery of water inoperable during drought conditions – the very conditions this infrastructure was built to address. The Corps has since started to take a closer look at fixing the underlying issue and working with the Bureau of Reclamation to ensure the delivery of water in drought conditions.

a. Will you commit to keeping this effort on track and moving forward towards fixing the underlying embankment issue so the project can deliver on its intended purpose?

Answer: If confirmed, I am committed to addressing water supply challenges in North Dakota. The Corps began implementing a modified dam safety study in June 2021. I understand that this study will examine what additional efforts can be accomplished to ensure dam safety while supporting a resilient water supply to the maximum extent possible, including evaluating a structural alternative. If confirmed, I will require the Corps to continue working closely with your office, the Bureau of Reclamation, and the Garrison Water District.

b. Further, during the hearing you discussed benefit to cost ratio for Army Corps projects and the need for the Army Corps to have a multi-faceted accounting of the effects of a project to ecosystems and communities of need. As it relates to the Snake Creek embankment, should development or revision of maintenance and water control plans also be multi-faceted and account for water supply needs to communities and ecosystems dependent on the impounded water?

Answer: Yes, if it is determined that additional efforts are required, I will, if confirmed, require the Corps to follow its planning process to evaluate potentially multi-faceted alternatives and outputs that are consistent with the project's purposes.

35. Mr. Connor, should you be confirmed, one issue you will have to address at the Corps is the role of states as it relates to the allocation of water within their boundaries. Two of the most fundamental statutes that govern the Corps, the Flood Control Act of 1944 and the Water Supply Act of 1958, expressly reinforce the historic policy of deferring to state water rights. The Flood Control Act's Declaration of Policy, specifically states "it is hereby declared to be the policy of the Congress to recognize the interests and rights of the States in determining the development of the watersheds within their borders and likewise their interests and rights in water utilization and control." Similarly, the Water Supply Act reinforces "it is declared to be the policy of the Congress to recognize the primary responsibilities of the States and local interests in developing water supplies for domestic, municipal, industrial, and other purposes." With those pieces in mind:

When it comes to water appropriation, what do you believe is the appropriate role of states and how should the Corps actions be limited by states' rights?

Answer: I believe the Corps should cooperate with states and local interests by facilitating water supply uses of Corps reservoirs in a manner that is consistent with the authorized purposes of those reservoirs, and that appropriately accounts for state water law and other applicable federal laws.

36. Mr. Connor, according to the commander of the Omaha District, the United States Army Corps of Engineers (USACE) participated in government to government consultation with the Standing Rock Sioux Tribe in Cannonball, ND on July 9, 2021 for the development of the court ordered Environmental Impact Statement (EIS). As I mentioned in the hearing, this is meaningful progress for the EIS and it illustrates the process is staying on course. The State of North Dakota and the Mandan Hidatsa and Arikara (MHA) Nation would be affected by any of the alternatives proposed within an EIS and have expressed interest in the issue to the USACE.

If the State of North Dakota or the MHA Nation request government to government consultation with the USACE, will you commit that the USACE will oblige those requests in the same way it did with the Standing Rock Sioux Tribe?

Answer: Yes. If confirmed, I am committed to supporting government-to-government consultations.

Senator Wicker:

37. The Army Corps has an estimated total construction backlog of nearly \$110 billion for authorized projects. If built, these authorized projects would provide flood control, improve navigation, benefit the environment, and serve other purposes. Do

you agree that Army Corps Civil Works projects should be considered an infrastructure priority for this Administration? Will you work with Congress to address this infrastructure backlog?

Answer: Yes. I do believe that Civil Works projects should be considered an infrastructure priority and, if confirmed, I will work with Congress to address the construction backlog.

38. Congress has authorized the Army Corps to investigate and construct flood control projects that would promote environmental justice by providing relief from flooding disasters to minority and low-income communities in urban and rural areas.

- a. Will you commit to working with Congress to advance the construction of structural flood risk management projects that would protect communities like these, including those in my home state of Mississippi?

Answer: Yes. If confirmed, I am committed to working with Congress on flood control projects that protect minority and low-income communities and other communities that bear a disproportionate burden of adverse environmental impacts. The Corps must help increase the environmental benefits and reduce environmental burdens for such communities.

- b. Do you agree that there are circumstances where structural flood control is essential to meeting the needs of these communities?

Answer: Yes. Depending on the circumstances, structural flood control is absolutely essential to meeting the needs of these communities.

39. Section 213 of the 2020 Water Resources Development Act authorized a comprehensive study of the Lower Mississippi River System to make recommendations for the management of the Mississippi River Basin. If confirmed, will you commit to making sure this study is completed at an expeditious pace?

Answer: Yes, if confirmed and subject to the availability of funding, I will commit to ensuring this study is completed expeditiously.

40. Congress has provided the capability for local sponsor to design projects in collaboration with the Army Corps. This provides the local sponsor with the ability to design projects that meet the unique needs of the local community. However, I have heard frustration from local sponsors that the Army Corps applies a more rigorous application of Corps regulations to local sponsors than to Corp-led projects. This can delay projects and add a heavy financial burden to the local sponsor. Should the Corps be applying the same level of review and same standards of proof in the evaluation of Corps-led projects and local sponsor-led projects?

Answer: It is my understanding that the standards, including reviews, for developing Civil Works studies and projects are the same for local sponsors and USACE study

teams. The standards are contained in Engineer Regulations and policy documents publicly available to local sponsors and their consultants through numerous web sites and other sources. Collectively, these standards provide assurance that recommendations made to Congress to authorize and fund a Civil Works project involve sound engineering analyses, are economically justified, and are environmentally acceptable.

- a. Will you commit to having the Corps apply the same level of review to projects led by local sponsor as it applies to traditional Corps projects?

Answer: Yes. If confirmed, I am committed to ensuring the Corps applies the same level of review as proscribed by law and regulation for local stakeholders and USACE study teams.

41. The Army Corps is a prominent manager of outdoor recreation, surpassing the National Park Service sites in visitation in 2020. How will you prioritize the interests of outdoor recreation access across all Corps business lines to ensure that projects are maximizing recreation value going forward?

Answer: Recreation is an important mission to the Corps, with \$12.7 billion spent by visitors to recreation sites and 210,000 jobs supported, annually. If confirmed, I commit to ensuring that USACE maintains its robust prioritization process that considers visitation and economic benefits as performance metrics for recreational activities and sites.

Senator Sullivan:

42. The FY 2022 Budget for the Corps of Engineers effectively prohibits funding for Army Corps projects that facilitate the transportation of fossil fuel products.

The Appendix to the Army Corps budget establishing the requested spending levels for the construction, operation and maintenance, and investigations accounts states that one of its three “key objectives” in developing the FY 2022 Budget is to not fund “work that directly subsidizes fossil fuels including work that lowers the cost of production, lowers the cost of consumption, or raises the revenues retained by producers of fossil fuels.”

The Anchorage Harbor receives annual operations maintenance funding for dredging. The Port of Alaska in Anchorage facilitates the storage and transfer of jet fuel used by our military bases and our international airport, that is the fourth busiest cargo airport in the world. Ted Stevens Anchorage International Airport has become a critical waypoint for goods traveling from all over the world.

Depending on how this is applied, these “key objectives” would threaten to undermine our national and economic security by impacting our ability to provide

annual dredging to support transportation of fossil fuel products through our strategic ports.

- a. What percentage of the Corps' project would this potentially impact?

Answer: If confirmed, I commit to examining this issue – in concert with other Federal stakeholders – and providing you with information on the impact of the proposed budget to USACE projects. At this time, I would note the budget includes over \$3 billion to continue to improve the Nation's ports and waterways.

- b. Please further define “directly subsidizes fossil fuels” and explain whether or not federal projects that are indirectly connected to fossil fuels are included in the definition.

Answer: The FY22 Civil Works Budget for USACE funds investments in the Civil Works program that provide economic, environmental, and public safety returns to the Nation. In allocating funds to projects, multiple factors were considered. One objective considered in allocating funds within the FY 22 Budget was not funding work that “directly subsidizes fossil fuels,” including work that lowers the cost of production, lowers the cost of consumption, or raises the revenues retained by producers of fossil fuels. While there is no definition of “directly subsidizes fossil fuels” to further explain the allocation of funds within the FY 22 Budget, the Budget includes over \$3 billion to improve the Nation's ports and waterways, including \$11.3 million for Anchorage Harbor. If confirmed, I commit to looking into whether and how the fossil fuel subsidies language in EO 14008, which was included in the Budget Appendix, affects the Civil Works program in coordination with OMB.

- c. Specifically, does the definition of fossil fuels include the raw materials as well as refined products, including component materials used in goods manufactured in America?

Answer: The FY 22 Budget does not define fossil fuels or provide further specificity of how the key objectives were to apply. If confirmed, I commit to looking into whether and how the fossil fuel subsidies language in EO 14008 affects the Civil Works program in coordination with OMB; specifically, whether the definition of fossil fuels includes the raw materials as well as refined products, including component materials used in goods manufactured in America.

- d. Does the definition extend to end-user goods or products that are manufactured using fossil fuels?

Answer: The FY 22 Budget does not define fossil fuels or provide further specificity of how the key objectives were to apply. If confirmed, I commit to looking into whether and how the fossil fuel subsidies language in EO 14008 affects the Civil Works program in coordination with OMB, and more specifically

whether the definition extends to end-user goods or products that are manufactured using fossil fuels.

- e. Does the definition extend to federal projects that serve multiple types of vessels, such as container cargo ships, break bulk ships, as well as tankers transporting liquid fossil fuels?

Answer: The FY 22 Budget does not define fossil fuels or provide further specificity of how the key objectives were to apply. If confirmed, I commit to looking into whether and how the fossil fuel subsidies language in EO 14008 affects the Civil Works program in coordination with OMB, to include whether the definition extends to federal projects that serve multiple types of vessels, such as container ships, break bulk ships, as well as tankers transporting liquid fossil fuels.

- f. Please further explain how prohibiting funding for a federal project that “lowers the cost of consumption” of fossil fuel is beneficial for the United States economy and consumers?

Answer: The FY 22 Budget funds projects that would improve the Nation’s water infrastructure, including ports and waterways, while incorporating climate resilience efforts into the Corps’ work. One key objective considered in allocating funds within the FY 22 Budget was not funding work that “directly subsidizes fossil fuels”. However, the FY 22 Budget does not prohibit funding for a federal project that “lowers the cost of consumption” of fossil fuel.

- g. Is the intent of this policy to increase the cost of consumption of fossil fuel products?

Answer: If confirmed, I commit to looking into whether and how the fossil fuel subsidies language in EO 14008, which was included in the Budget Appendix, affects the Civil Works program and if it would increase the cost of consumption of fossil fuel products.

- h. Do you believe that current and future projects funded by the Corps should reflect this objective? If so, how?

Answer: I believe that consideration should be given to advancing current and future Civil Works projects that provide a significant economic and environmental return to the Nation, address significant risk to human safety, and that decrease climate risk for communities based on the best available science. Of course, these projects must move forward consistent with applicable authorities. If confirmed, I commit to looking into whether and how the fossil fuel subsidies language in EO 14008, which was included in the Appendix, affects current and future Civil Works projects.

43. As stated by Congress in the FY20 and FY21 National Defense Authorization Acts:

The Arctic is a region of strategic importance to the national security interests of the United States and the Department of Defense must better align its presence, force posture, and capabilities to meet the growing array of challenges in the region.

The Arctic is a region of strategic importance to the national security interests of the United States, and the Coast Guard must better align its mission prioritization and development of capabilities to meet the growing array of challenges in the region.

In the Water Resources Development Act of 2020, Congress authorized the construction of an Arctic Deep Draft Port in Nome. This is vital infrastructure for the region, the state, and the country.

The U.S. Army Corps is currently in the Preconstruction Engineering and Design (“PED”) phase of this project, in coordination with the City of Nome, the project’s local sponsor. Can you please provide me with a timeline for completion of the PED phase, and a commitment that you and your team make this project a priority at Army Corps Headquarters?

Answer: The Preconstruction Engineering and Design phase timeline for the Port of Nome Modification project is currently scheduled for completion within a 2-year window. With the \$2,700,000 funding received in the Fiscal Year 2021 Workplan, the team signed the Design Agreement with the City of Nome on June 21, 2021. The team remains committed to ensuring this timeline is met to help meet the needs of the community. If confirmed, I commit to continuing to make this project a priority.

44. One of the key issues we have with infrastructure and development is that the NEPA and permitting process take half a decade to a decade to be completed before we can build a project. As an attorney you have experience helping private clients navigate this and other regulatory programs.

a. How will you ensure timely permitting of projects under section 404 of the Clean Water Act?

Answer: The mission of the USACE Regulatory Program is to protect the nation’s aquatic resources and navigable capacity, while allowing economic development through fair and balanced decision-making. If confirmed, I will provide policy oversight to ensure effective implementation of the Regulatory Program to continue to deliver the highest level of public service possible, including ongoing coordination with other federal agencies to improve the timeliness of joint federal reviews. Additionally, if confirmed, I will ensure that USACE continues to deliver efficient, balanced, and timely permit decisions that are rooted in sound science and compliant with all applicable law.

- b. Do you agree that the NEPA process takes too long and has been weaponized by special interests?

Answer: There are efficiency improvements that can be made in the processes related to the implementation of statutory environmental or regulatory provisions. If confirmed, I commit to ensuring USACE is compliant with NEPA, and its implementing regulations, while seeking to identify ways to eliminate redundancies and improve the overall implementation of the process, particularly through a coordinated federal approach. If confirmed, I also commit to ensuring there is robust public engagement in the NEPA process so that all voices are heard.

- c. Do you believe a 1,500 to 5,000 page EIS is actually transparent and increases public understanding and participation in federal decision making as originally intended under NEPA?

Answer: The page length for an EIS is generally correlated to the complexity of the review. Pages should not be added to an EIS unless they are relevant to the NEPA review. If confirmed, I commit to ensuring that EIS documents are written in plain language and readily accessible to the public. Additionally, I commit to ensuring that USACE eliminates redundancies and duplications in EIS documents, wherever possible.

45. In 2015, the Bureau of Land Management approved construction of the access road into the National Petroleum Reserve-Alaska to service the Greater Moose's Tooth No. 1 Project. As part of the approval BLM required an \$8 million fee as part of project's compensatory mitigation. Only \$1 million of these funds were related to the project's Regional Mitigation Strategy, and the additional \$7 million were to be used in a general fund to pay for additional mitigation and conservation programs beyond the project and traditional aquatic resource mitigation under the Clean Water Act. You were involved in this agreement in your role as the Deputy Secretary of the Department of Interior at the time. After this agreement, the Fish and Wildlife Service (FWS) issued guidance on how it would implement its recommendation and consultation duties under various statutes, but most importantly the Clean Water Act. This guidance asserted many authorities and a mitigation hierarchy that was not outlined or required in statute. The mitigation policy was withdrawn by the FWS in 2018.

- a. Under what authority did the BLM require the additional \$7 million in compensatory mitigation beyond aquatic resources for the Greater Moose's Tooth No. 1 project?

Answer: The authority by which the BLM required mitigation is the Federal Land Policy and Management Act. An analysis of this authority is provided in a legal opinion by the Interior Department Solicitor, M-37039 (Dec. 21, 2016). While that legal opinion was rescinded by the Trump Administration,

my reading of the basis for that action (M-37046) was that it was not grounded in a substantive disagreement with the legal analysis in M-37039.

- b. What was your role in the development and proposal of the 2016 FWS guidance on mitigation?

Answer: I was not personally involved in the development and proposal of the 2016 FWS guidance.

- c. Do you believe that the FWS had or has the authority to assert a veto over projects seeking a Clean Water Act section 404 permit?

Answer: Under Section 404(c) of the Clean Water Act, the Environmental Protection Agency is the only agency that has authority to prohibit, deny, or restrict the use of any area defined as a disposal site.

- d. Do you support reinstating the FWS's 2016 mitigation policy?

Answer: I support finding solutions to challenging issues within the bounds of statutory authorities. Any decisions regarding the FWS's mitigation policy will be the responsibility of the U.S. Fish and Wildlife Service and the Department of the Interior.

46. In 2018 the Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (The Corps) signed a Memorandum of Agreement (MOU) to provide greater flexibility related to the mitigation requirements under section 404 of the Clean Water Act in the State of Alaska, because of the unique circumstances and large amount of wetlands in the state. Due to the pervasiveness of wetlands and lack of data, compensatory mitigation traditionally has taken the form of preservation as opposed to restoration. In 2018, EPA and the Corps recognized the need to provide a greater ability to use restoration as compensatory mitigation and to look at potential out of type and out of kind forms of mitigation. As such, the guiding principles in the MOU included: 1) avoiding wetlands may not be practicable where there is a high proportion of land in a watershed or region which is jurisdictional wetlands; 2) restoring, enhancing, or establishing wetlands for compensatory mitigation may not be practicable due to limited availability of sites and/or technical or logistical limitations; 3) compensatory mitigation options over a larger watershed scale may be appropriate given that compensation options are frequently limited at a smaller watershed scale; 4) where a large proportion of land is under public ownership, compensatory mitigation opportunities may be available on public land; 5) out-of-kind compensatory mitigation may be appropriate when it better serves the aquatic resource needs of the watershed; and 6) applying a less rigorous permit review for small projects with minor environmental impacts is consistent with the Section 404 program regulations.

- a. Do you recognize and agree that mitigation requirements in Alaska require greater flexibility, particularly allowing out-of-kind mitigation, as outlined in the 2018 MOU guiding principles?

Answer: Alaska has an abundance of waters and wetlands, and unique circumstances involved with Section 404 permitting in the state. It is my understanding that prior to the 2018 MOU, previous mitigation policies for Alaska also identified mitigation flexibilities while remaining compliant with the laws and regulations. I agree that out-of-kind mitigation is allowed in appropriate circumstances under the USACE/ EPA compensatory mitigation implementing regulation at 33 CFR 332.

- b. Will you continue to work with EPA, stakeholders, and the State of Alaska to implement the guidance in the 2018 MOU?

Answer: If confirmed, I will review the guidance provided in the 2018 MOU and commit to listening to Alaska stakeholders and state officials concerning mitigation policy matters. I also commit to working on mitigation policy matters in conjunction with the EPA to ensure the effectiveness of the USACE permitting program.

Senator CARPER. Again, welcome.

I want to begin the questioning of our witness today by noting that Senator Capito and I have agreed to 5 minute rounds of questions, with additional rounds at the discretion of the Chair, with her concurrence.

To begin, this Committee has three, as you may know, has three standing yes or no questions that we ask of all nominees who appear before us. I will ask those questions of you now. If you screw these up, we will just call it an early morning. I don't think you will.

First question: Do you agree that, if confirmed to appear before this Committee or designated members of this Committee and other appropriate committees of the Congress and provide information subject to appropriate and necessary security protections with respect to your responsibilities? Do you agree?

Mr. CONNOR. Yes.

Senator CARPER. So far, so good. Second question: Do you agree to ensure that testimony briefings, documents, and electronic and other forms of communication with information are provided to this Committee and its staff and other appropriate committees in a timely manner? Do you agree?

Mr. CONNOR. Yes, I do.

Senator CARPER. Thank you. Do you know of any matters which you may or may not have disclosed that might place you in a conflict of interest if you are confirmed? Do you?

Mr. CONNOR. No.

Senator CARPER. Good. OK, my first questions would be dealing a little with your experience with the Department of Interior. Your experience with the Department of Interior, including the Bureau of Reclamation, was largely focused on issues that affect the western U.S., including energy conservation and climate change.

The question is this: Please tell us about your experience with coastal programs, and what would be your approach in prioritizing water infrastructure projects to address coastal needs as well as the rural and inland needs of our country.

Mr. CONNOR. Thank you, Mr. Chairman. I certainly have experience dealing with coastal issues as it related to Reclamations programs and water resources issues. That is probably one of the biggest differences, though, between Reclamations' mission and the Corps of Engineers' mission, is the amount of coastal work.

So most of my experience in the coastal arena has to do with work I did as Deputy Secretary related to our facilities and national parks, other initiatives related to coastal issues, dealing with erosion, coastal surge issues, and my work as a member of the Restore Council in the aftermath of Deepwater Horizon.

Looking at the number of projects and the funding that was available to do just that, restore areas of the coast which was protecting our coastal facilities, building up wetlands, addressing coastal surge issues, making the investments necessary to fortify our coast in face of the issues associated with climate change, long term resilience, as well as the restoration efforts out in the Gulf of Mexico that were necessary.

I feel I have a general and fairly good understanding and some good history in dealing with those coastal issues, recognizing that

the Corps' mission, in particular, is founded in great part on those ports and those waterways and now, coastal protection issues in the face of a changing climate and the resiliency needed as we protect beaches, as we look at erosion issues, as we try, and once again, deal with and adapt to the changes that are occurring in our environment.

Senator CARPER. I am told that you are a quick study, and we are counting on that to be the case, especially as you come up to speed on coastal issues, which a number of us, looking to my left, and even over here on my far left, with the Great Lakes, a lot of interest in both sides on these issues. Thank you.

Second question. Recently, there has been a lot of discussion regarding the method used to calculate the benefit to cost ratio. We talked a little bit about this when we were together on the phone, but a lot of discussion regarding the method used to calculate the benefit to cost ratio and the omission of benefits that are hard to quantify.

For example, a benefit to cost ratio does not account for savings associated with not having to provide emergency response when proposed project functions as intended. The benefit to cost ratio also fails to really capture long term environmental benefits and tertiary economic benefits.

Here is my question: What other factors should be considered in identifying project benefits in order for initiatives to move forward, and how should the Corps better prioritize projects to reflect all of the benefits?

Mr. CONNOR. Thank you, Senator. That is a question that folks have been wrestling with for quite a while, now, how to assess the full range of benefits associated with any projects. We understand the costs with most projects, not that we always estimate them accurately up front.

But with respect to evaluating benefits, I think it is important to keep in front of us the economic returns that we expect, but there are, particularly in multifaceted projects, and all of our projects should be looking at multiple purposes these days, there are ecosystems benefits.

There are communities of need, and the protection of those communities that, in valuing the land associated with the protections that are going to be in place with this specific project, it is not equitable to consider just the pure value ascribed through some appraisal process that doesn't recognize the need.

I think all of these factors need to be assessed. We need to better understand, and really, there is huge economic value to ecosystem services that I don't think we have properly valued to date. Then there is the local, regional benefits associated with communities of need that need to be integrated into that benefit-cost formula.

I see, based on the direction where this Administration is going, based on the direction Congress has currently gone in the last Water Resources Development Act, that there is direction for the Corps to better account for the value of those benefits. I am fully supportive of those efforts in working on that, if I am confirmed.

Senator CARPER. Thanks so much.

Senator Capito.

Senator CAPITO. Thank you, Mr. Chairman.

Thank you, Mr. Connor. Thank you for your willingness to serve. I certainly appreciate that.

My first question was going to be very similar to what the Chairman asked in that your prior experience has been at the Bureau of Reclamation. There are certain areas, obviously, that the Corps of Navigation and Flight Risk Management, that are areas of Corps responsibility that you didn't really actually deal with over at Reclamation. I didn't know if you wanted to address that issue more deeply, how you are going to get up to speed on that. Obviously, you have already done a lot of research in that area.

Mr. CONNOR. Sure, Senator, thank you. There was an overlap. Certainly, the Bureau of Reclamations' mission with respect to water supply, in particular, is fairly unique, although the Corps does have water supply responsibilities. I talked to Senator Cramer about that.

Also, there is lots of overlap, and I do think where that experience will pay off, particularly in flood risk management. Part of the fundamental mission of the Bureau of Reclamation was also flood control. I worked very closely in the Central Valley of California, with respect to Folsom Dam on a coordinated flood management program, and fortification of that dam and its spillway, with the Corps jointly managing the construction project, and the river restoration, the aquatic ecosystem restoration program that the Corps has.

In partnership, we did work with the Corps at the Bureau of Reclamation and on its own, Reclamation had also said that similar significant river restoration opportunity, so I think there is a lot of parallels and experience that will directly apply. As I mentioned, there are areas where I need to get up to speed. I will just mention one of the—hydropower, obviously, was very, very similar in the approach that we had to take to manage that resource, deal with changing effects of a fluctuating water supply these days, and that will be similar with the Corps.

Senator CAPITO. Right. That is going to be critical now. On the flood risk management, we had a terrible flood in 2016. I might have mentioned this on the phone with you—that took 23 lives and destroyed more than a thousand homes in West Virginia. The Corps has been very active to try to help up prevent such things as happen.

I did put initial funding into the Canal River Basin Feasibility Study to determine what additional projects might be needed to improve this flood risk management, so I am going to ask you today, will you continue to work with me on that to initiate this study?

Mr. CONNOR. Absolutely.

Senator CAPITO. Thank you. We did talk on the phone about the length of time it takes for certain permitting. By the time you get all the different agencies and different coordinations between State and local and Federal, I guess my question is not so much the length of time, but in your experience, do you think that States are capable of protecting environmental resources such as water resources within their own borders? How do you see that interplay of cooperative federalism playing out?

Mr. CONNOR. I think the easiest answer is yes, States are fully capable of protecting their water resources. At the same time, we

obviously have a system where there are State laws that apply, there are State responsibilities under Federal law, and there are Federal responsibilities, so we have to improve that cooperative federalism. It is absolutely critical.

I am a very strong proponent of making our permitting processes as efficient as possible. Given the challenges that we face, we need to make decisions. We need to work collaboratively with State and local communities, and we need to sync up, particularly amongst Federal agencies.

I was a member of the Fast 41 Task Force that worked on permitting efficiencies. We need to keep the thoroughness of the reviews, but there is lost time, and the lack of coordination. We need to improve upon that at the Federal level, and then take that to the next step, work in partnership with the States.

Senator CAPITO. I certainly agree with that. When you look at the different agencies that weigh in on whatever project, that might be Fish and Wildlife, EPA, the Corps, by the time you go through the permitting process of all that, you are into years, and years not only don't solve the problem, but they also cost a lot of money at the same time, and a lot of people walk away from projects at certain periods of time because they just obviously can't afford to stay in the process, so however we can help you with that, we'd certainly like to see the thoroughness there, but also the timeliness at the same time.

My last question for right now is on the WOTUS rule. I mentioned it in my opening statement. I know you are not at the Corps yet, but the rationale for taking the WOTUS regulation, we obviously saw it in court all over the country, with sort of mixed results in terms of who is acting under it, who isn't. A lot of confusion for a lot of different range, whether it is personal golf courses, agriculture, whatever it might be.

So, what challenges do you think the Corps will face, including related to obtaining permits for Corps projects if a new WOTUS definition is finalized that is more expansive than the 2015 rule?

Mr. CONNOR. Well, the rule, Senator, has changed so many times over the years that I am not sure the challenges are going to be any different. We need to have a clear definition of waters of the U.S., one that is protective, as it should be, under the Clean Water Act, but one that provides clarity, and I think, the goal, from what I understand in embarking upon a new rule is to work very closely with the affected parties under that rule, and so my goal would be to have a clear rule that has enough level of input that hopefully we can get out of this litigation cycle and that we can move on with a rule that is going to be in place for a number of years. That should be the goal.

That will do the most, I think, to help the Corps in its permitting ability and its responsibilities for making jurisdictional determinations if we have some clarity, and we have some longevity to the next rule, and that is going to require some collaboration, working with stakeholders, and I believe that is the game plan.

Senator CAPITO. Thank you. We will be watching that, and I appreciate your input on that.

Thank you.

Mr. CONNOR. Yes.

Senator CARPER. Thanks, Senator Capito.

Now, I want to turn to Senator Whitehouse.

Senator WHITEHOUSE. Thank you, Chairman.

Welcome, Mr. Connor. It is good to have you with us, and I appreciate very much the dedication and the skill that you have shown in your service. You and I don't have any problems, but I have a big problem with the organization that you are going to come into.

I apologize for loading this onto you, but did you ever see the movie "Groundhog Day"?

Mr. CONNOR. Yes, sir.

Senator WHITEHOUSE. So, every morning, Bill Murray wakes up, and it is the same damn morning, over and over and over again. I have been on the Army Corps on this issue for years, back to the Obama administration, through the Trump administration, and we get some happy talk from people when they are at the table here, and then after that, complete blow off. Complete disinterest.

The two issues that concern me, one is quite a simple one, and that is getting answers and getting congressional mandates paid attention to. The Army Corps seems to believe that when we pass a law that instructs the Army Corps to do something, that is an optional, faint suggestion, maybe to be listened to, if it is convenient and consistent with other internal bureaucratic goals of the Army Corps.

I think that has got to stop.

Mr. Chairman, I think we have got to work out some kind of an operating protocol between this Committee and the Army Corps so that the things that we instruct as elected representatives the Army Corps to do actually get done. That is point A.

Point B, as a coastal State Senator, all right? Our Chairman—I will just go down my side. Our Chairman is a coastal State Senator. Senator Cardin is a coastal State Senator. I am a coastal State Senator. Senator Merkley is a coastal State Senator, Senator Markey is a coastal State Senator, Senator Padilla is a coastal State Senator. If you throw in the Great Lakes, you pick up Senator Stabenow, and you pick up Senator Duckworth.

I have been hollering at the Army Corps for years about your flood and coastal damage reduction fund. Flood and coastal damage reduction fund. Do you know how much of the flood and coastal damage reduction fund actually goes to coastal?

Mr. CONNOR. A very small amount, from my understanding.

Senator WHITEHOUSE. A very small amount. In a bad year, it is \$120 for inland for every \$1 for coastal, so less than 1 percent in a bad year. We are operating right now under a proposal where it would be 45 to 1.

Help me with the math here: 45 to 1 on a percentage basis, I think that translates to about 97-plus percent to inland, and 2 percent and some change to coastal.

In your answer to Senator Carper, you talked about your awareness of all these coastal issues that we are facing. We are looking at 9 feet of sea level rise in Rhode Island by the end of the century. We are looking at having to redraw the maps of my State because of sea level rise. We are looking at dramatic changes in the fisheries, dramatic changes in storm risk, our coasts are in dire dis-

tress, and the Army Corps blunders on, just completely obtuse to that risk.

Year after year after year, treating coastal—it is not even a step-child. It is like, you can root in the garbage and see if you can find something, but we are going to feed everything, all of our interest goes to inland.

I have to tell you, Mr. Connor, this is too many Groundhog Days. I am sorry that this is you at this moment, but I need some resolution of this with your organization. I cannot go forward with this enormous fund that is so important to coastal health, the Flood and Coastal Damage Reduction Fund, getting 1 or 2 percent of its funding for all of America's coasts.

Our Pacific coasts, our Gulf coasts, our Mid-Atlantic coasts, all of Florida, our northeastern coasts, all of them share 1 to 2 percent of this fund, while inland soaks up 97 percent, 98 percent. Is that not indefensible, in this day and age, knowing the risks that our coasts face?

Mr. CONNOR. Well, Senator, I hear your concern. I have read your letter. It sounds like step one is the answer as to why. Why is the funding allocated in the way it is?

Senator WHITEHOUSE. I actually don't care very much about why. I want finito. I want it stopped. I want some balance. If "why" helps us get to balance, then I would be interested in why, but I don't want a lot of "why" that gives us year after year after year after year of coasts getting essentially frozen out of the Coastal Damage Reduction Fund. I think that is a reasonable request.

I am sorry that this is my, like, umpteenth Groundhog Day and that you have to be here on this particular groundhog morning, but I am done with putting up with this, and I am done with the non-responsiveness of the Army Corps to this flagrant misallocation of resources.

Mr. CONNOR. Senator, I will understand the why so that I can get to you to the how, which is how we make those changes that you are requesting, and I am fully committed to the idea of resiliency cuts across every program of the Corps of Engineers, and we have got to address it on all levels and all threats, as you have mentioned.

Senator WHITEHOUSE. Thank you, and I know the Chairman shares my concern, because his State actually has shallower coasts than mine. The same sea level rise that is going to rise 9 feet on my shores and do immense damage to my State is going to be even worse for Delaware, which not only is Chairman Carper's State, but there is also somebody you report to comes from that State.

Senator CARPER. And it is not Chris Kennings. Could be, someday.

Senator Whitehouse, Delaware is the lowest lying State in America. The highest point of land in Delaware is a bridge, and so we have grave concerns about these issues.

Maybe the best thing we can do it, once you have had a chance to settle—if confirmed—into your new job, just to have an oversight hearing and come back and drill down on this, along with some other subjects, too. Thank you.

Senator WHITEHOUSE. One with answers would be great, thanks.

Senator CARPER. There you go.

And now, Senator Inhofe.

Thank you.

Senator INHOFE. Thank you very much.

Well, first of all, let me talk a little bit to Shari and Gabby. Don't worry about things today. This guy received a 100 percent vote in confirmation in the past. Not many people can say that. It is one that we have worked with very close together.

There are three issues, actually. Two of them are going to be asking for commitments, which I think should come, but I just want to make sure that is on record. The first one has to do with the WOTUS rule. Senator Capito had some concerns. I share those concerns.

I was very disappointed but not surprised that the EPA and the Army Corps have decided to repeal and replace the Trump era Navigation Waters Protection Rule, but this isn't bad. That is not the end of it. We know what happens when we change administrations. We know that it is going to happen again.

The Obama era WOTUS rule, which was the No. 1 regulatory concern of my State, we are a farm State in Oklahoma, and their No. 1 concern. Essentially, what the WOTUS rule did was take away from the States and give to the Federal Government that jurisdiction.

My people in Oklahoma, my farmers in Oklahoma, didn't think that was a good idea, and so that is still something that will be taking place. We are not sure how it is going to end up, and if so, it won't be a lasting end, in my opinion.

In June, the EPA released a statement saying the EPA and the Army Corps determined the Trump era rule is leading to significant environmental degradation. Significant environmental degradation.

I know you are not currently at the Corps. Are you aware of any specific and significant degradation, environmental degradation, that would be tied to the Trump rule?

Mr. CONNOR. Senator, I am not aware of any specific circumstances right now.

Senator INHOFE. I am not, either. If you feel one coming on, will you let me know?

Second, we have a levee system in my home city of Tulsa. It was built in the 1940s. It has survived. We had a real close call 2 years ago, and I think you probably heard from me about that. It did get attention all over the Nation, and we are concerned about that.

The WRDA, 2020, authorized this project, and this was built in the 1940s. It is got to be modernized to fully protect \$2.2 billion in homes and businesses along the Arkansas River, including two refineries. I showed you and your staffs these refineries.

This was authorized by the WRDA bill in 2020. You are all familiar with that. It had joint jurisdiction between two committees. It authorized this project, and I submitted a congressional direct spending request to expedite design awards, so this project remains on the fast track.

My first ask of you is will you commit to ensuring this project remains a priority for the Corps?

Mr. CONNOR. Yes, Senator. You have my commitment. My understanding is that we have a significant amount of resources in the

fiscal year 2022 budget, so I would like to continue the efforts working with you.

Senator INHOFE. I appreciate that, and I anticipated that would be the case.

The last thing I want to mention is the MKARNS. Recently, the Assistant Secretary of the Army Civil Works recently made the decision that the MKARNS 12 foot deepening project does not require new investment decision for the purpose of dedicating funds for construction. That was a major thing.

It was a very meaningful thing to Senator Boozman, to myself, and to a number of others, but deepening the MKARNS to the 12 foot, keeping in mind the entire channel would be 9 foot, but now changing it a very small amount would change it to a 12 foot channel. That will increase the load, the capacity by some 40 percent.

It is a huge thing there, and deepening that is now pretty much accepted to everyone. I just want to make sure that you don't have any plans or any knowledge of anything that would come along and change that at this time, so I ask of you to commit to following this decision. This decision does not require a new investment decision for the purpose of dedicating funds for construction, so will you commit to following this decision?

Mr. CONNOR. I am committed to following the decision. I am not aware of anything that would change that approach.

Senator INHOFE. That is fine. I look forward to working with you.

Mr. CONNOR. Thank you, Senator.

Senator INHOFE. You bet.

Senator CARPER. Senator Stabenow is next. She will be followed by Senator Cramer and Senator Boozman.

Senator Stabenow.

Senator STABENOW. Thank you, Mr. Chairman. I want to follow up supporting comments of Senator Whitehouse's, but I do want to make one correction. Actually, the Great Lakes have more shoreline than the East Coast and West Coast combined. We have 4,530 miles; 3,458 miles on the East and West Coasts. So, we refer to ourselves as the ocean without the salt.

What you do is incredibly important and impactful. The Army Corps of Engineers, particularly right now, at the University of Michigan has put out a study saying that the Great Lakes are warming faster than the coasts, and I understand the incredible urgency on the coasts, but we are feeling it. I could go on and on about what is happening right now.

But I want to talk specifically about two important Army Corps projects that we really need to have even more of a sense of urgency on. One relates to one of our biggest threats on invasive species, which is Asian carp, a great big fish. I never thought fish would keep me up at night.

This big fish that has no functioning stomach gets to a hundred pounds, and in the water, kind of destroys everything else when it gets into the Great Lakes. It is very close to the Great Lakes.

We have been operating for a number of years, working with Illinois and the Army Corps to stop these fish coming up the Mississippi River through a project that has been identified and is in the works, but needs to move faster, called the Brandon Road Lock and Dam. Senator Portman and I have led a bipartisan effort now

for years to identify and create the technology that would be able to stop the fish, but allow the barges to continue to move up the rivers into Chicago.

So I appreciate the expertise of the Army Corps, but we have to have an incredible sense of urgency about—the fish aren't waiting for us. They don't wait for an appropriation cycle, and the economic damage, as you were talking about, sort of how we put all this together and the economic damage of these fish destroying \$7 billion fishing industry in the Great Lakes and \$16 billion boating industry is very serious, so that is one.

The other that is in process, but I am also concerned about how fast it is moving is something called the Soo Locks, which allows major ships to come down the St. Lawrence Seaway from the oceans into the Great Lakes, and we built it in World War II. They actually did it pretty fast during World War II. They were able to start to finish, do it in a couple of years.

We are now looking at, it has been 20 years just to get to a point we are now funding the engineering of it in another 10, but we have one lock that will allow the big barges to get into the Great Lakes. This is all of our raw materials from manufacturing, for agriculture. If something happens to that lock, you shut down a major part of the economy, actually for the country.

As the head of the Corps, can I count on you to work with us and to support in every way we can expediting these two projects that are critical for the economy of the Great Lakes?

Mr. CONNOR. Senator Stabenow, you absolutely have my commitment on that front. With respect to the Asian carp, I have seen that and have been watching the situation unfold for many, many years now. This, to me, not only the urgency of this situation, the work the Corps needs to do, but the whole of Government approach and the USGS has done a lot of the scientific work in support of this effort. It is an area where we need to bring folks together, and with respect to the lock system, we have seen just in the Suez Canal most recently what a few days means to international commerce, so we need to take care of this infrastructure.

Senator STABENOW. Thank you. You are exactly right; what happened in the Suez Canal can happen in our country through the St. Lawrence Seaway and the Soo Locks. We are holding our breath at this point in time that it doesn't happen.

Let me just ask one other question in conclusion. Resiliency. The Great Lakes Basin, as our other coasts, very concerned. We are seeing high water levels, and literally shorelines falling in the water, houses falling in the water because of erosion, damage to agriculture. All kinds of serious issues.

But we have, for a number of years now, again, my partisan initiative to have the Army Corps do a Great Lakes resiliency study. We have had it in the budget. We have passed the authorization for it a number of years ago. Never been funded.

It is now in President Biden's budget. It is critical that this move as quickly as possible to assist our Great Lakes coast in being able to deal with what we need to do on infrastructure resiliency, and so I would ask for your support and any comments on that.

Mr. CONNOR. Yes, absolutely my support. Obviously, because it is in the President's budget, and because given the urgency of the

situation. There is obviously the impact of climate on water out west, which I am very familiar with, but I will become more familiar with later.

I am not sure there are any bodies of water more impacted than the Great Lakes with the fluctuations that are happening now, and the storm surges at high levels. So that resiliency study, I view that consistent with your views. It is incredibly important to move forward expeditiously.

Senator STABENOW. Thank you. I look forward to working with you.

Thank you, Mr. Chairman.

Senator CARPER. Senator Stabenow, thanks for joining us.

I think Senator Cramer is next, then followed by Senator Cardin, and then Senator Boozman.

Senator Cramer.

Senator CRAMER. Thank you, Mr. Chairman.

Thank you, Mr. Connor. It was good to see you yesterday, and now in this Committee. Today you don't have all those other military guys around you; you are on your own. But you are doing just fine.

Shari and Gabriela, welcome, and congratulations.

I enjoyed very much our conversation on this. It was hard not to nerd out a little bit on a couple of things. Sometimes I think there are only a couple of us that know what we are talking about, then I find out, no, there is just one, and it is not me.

[Laughter.]

Senator CRAMER. But I enjoyed it.

I want to start by asking a fundamental policy question, and really drilling down on some of those things that you just talked about with Senator Moore Capito. That is, of course, States' rights. You and I talked about it.

It is an area, I think for a lot of us, we in many cases, particularly out in the middle of the country, maybe, feel a little bit isolated from things. Sometimes not just forgotten, but maybe getting too much attention from time to time. I know it is an issue that you dealt with, you grappled with obviously when you were the Commissioner for Reclamation, that was important.

Two of the most fundamental statutes that govern the Corps, the Flood Control Act of 1944, then of course the Water Supply Act of 1958, which expressly reinforced States' rights and reinforced historic policy of deferring to State water rights.

The Flood Control Act's declaration policy specifically states, "It is hereby declared to be the policy of the Congress to recognize the interests and rights of the States in determining the development of the watersheds within their borders and likewise their interests and rights in water utilization and control."

Similarly, the Water Supply Act reinforces, "It is declared to be the policy of the Congress to recognize the primary responsibilities of the States and local interests in developing water supplies for domestic, municipal, industrial, and other purposes."

So at the end of the Obama administration, you and I talked about this, the Corps proposed what became known as the Water Supply Rule, which both Republican and Democratic western States adamantly opposed. I mean, adamantly, I mean unani-

mously, opposed. And it is not very often that Oregon and North Dakota are on the exact same page, or the attorneys general of those two States and the Governors of those two States will sign on paper their opposition to something. So when it comes, though, to messing with States' water rights, we in the West get pretty serious and pretty united.

Thankfully, the rule was formally withdrawn under the Trump administration, after this bipartisan blowback. With that in mind, I want to ask, do you believe that the Corps was right to withdraw the rule? If so, can you commit that it will not be proposed again, at least under your leadership?

Mr. CONNOR. Well, Senator, thank you. I greatly enjoyed our conversation. At the risk of being even wonkier, I will say the acts you just referenced are the same as Section 8 of the Reclamation Act. So I am used to working under that regime.

I am not familiar with the specifics of the regulation that was proposed. I am very sensitive, though, to the concerns that you just raised, given the opposition, there can't be progress moving forward with something that has been rejected previously. So you have my commitment to look into that issue and making sure that we work on something productive together.

I think coming up with something that is, I understand in our conversation, that is close to getting support necessary so that water resources can be allocated from those Corps facilities is incredibly important. We see it in the West-wide drought. It is no longer a regional drought; it is a West-wide drought. We need to, getting back to my overall objective, ensuring that these facilities have the maximum multiple beneficial purposes. I am happy to work with you on your approach.

Senator CRAMER. Thank you. I appreciated your elaborating a little bit on cooperative federalism with Senator Moore Capito. It was refreshing to hear. So I won't dig into that.

But I want to go quickly to the Dakota Access Pipeline, which as you know originates in North Dakota, runs 358 miles through North Dakota, .21 miles of the 358 miles are being contested, as you know. You of course were the Deputy Secretary at the time of the protests when it was built.

I won't relitigate the whole thing. You know it very well. A lot of people know it very well. The issue at hand now of course while the pipeline continues to function safely, move about, a little over half a million barrels of oil per day, 60 percent of the oil from the Mandan, Hidatsa, Arikara Nation flows on that pipeline. As you know, a judge here in DC ordered the EA to be replaced with an EIS. That is of course where the challenges come, from whether we shut the pipeline down while the EIS is done. It is not going to be shut down, as you know. It is legally sustainable now.

My question, though, is if you are confirmed, with this EIS continuing, and it is expected to be done in March of next year, that will determine a couple of things. One, whether the pipeline was sited properly, mostly sited by the State of North Dakota, other than this .21 miles under the Missouri River.

But do I have your commitment that you will do everything you can to keep politics out of the EIS process? Because I firmly believe

the EIS will confirm the EA which was done by the Obama administration.

Mr. CONNOR. Senator Cramer, yes. We need to move forward consistent with law and the very clear direction that the Corps has given to move forward with the EIS to do a thorough analysis, addressing the deficiencies that the Corps found. Those are legal questions, and they are technical questions that need to be followed up. The district office is moving forward on a very firm schedule for completing that, I think in the spring of next year. I want to oversee that, and understand it, given the visibility of the issue and the importance of tribal consultation in moving forward.

So that is going to be the process. It is not going to be a political one.

Senator CRAMER. Thank you.

By the way, you might have noticed just this week or late last week the first consultation with a Tribe took place with the EIS.

Thank you, Mr. Chairman.

Senator CARPER. You are welcome, and thank you.

Senator Cardin, thanks for rejoining us.

Senator CARDIN. Thank you, Mr. Chairman.

Mr. Connor, I enjoyed our conversation. Thank you for your willingness to take on this important responsibility, and thank you to your family for sharing in the public service.

I want to start with what I think is one of the core functions of the Corps, and that is to keep our shipping channels safe and navigable. When I first started in politics, the location of dredged material was an extremely political and difficult subject. Careers were won and lost by location of dredged materials.

That is no longer the case, at least for the shipping channel into the Baltimore Harbor. We have been able to find locations that have used the dredged material for beneficial use. We have gone over Poplar Island, which is a restored island, an environmental success. The communities that are closest to it cheered the restoration of this island. The wildlife there is now fantastic.

We have our second location at Mid-Bay that is a priority for the Maryland congressional delegation, and we will be seeking construction money in this budget cycle with the support of the Army Corps.

I mention that because you and I had a positive conversation. I just really want to get your input as to helping us move forward with projects such as Mid-Bay that will allow us to have a site for the dredged materials to keep our channels open and safe, but also restore the environmental community which helps us with the Chesapeake Bay and our environment.

Mr. CONNOR. Senator Cardin, thank you. I very much enjoyed our conversation, particularly about this set of projects with the beneficial use of dredged material.

I am going to express huge enthusiasm for the approach that you have taken for Poplar Island, and the other projects that are planned. I want to pause and say, given my enthusiasm, I am quite aware of the backlog in the Corps' budget for authorized projects and the need for funding. I am certainly hopeful that through the jobs package and the other work going on that there will be additional resources.

Because getting to the point, that project is fantastic. That concept is fantastic. The idea that we are going to enhance long term commerce through the effective dredging program through the Port of Baltimore and other ports, and then use that material to build resiliency and to restore and address problems with the vigorous action, the surges, the erosion taking place because of climate change is just a win-win-win all around.

We need to do more of that. So you have my strong commitment that we will look forward to those opportunities and developing those win-win-wins.

Senator CARDIN. Thank you. That is exactly what the leadership will need.

We talked also about Blackwater, where we used dredged materials to restore wetlands, which worked much more effectively than I think our engineers originally thought or expected, with success in a relatively short period of time. There is a cost issue, but when you weigh the environmental benefits, it really is the right investment and deals with resiliency and protection against erosion.

Let me go on to an issue that the Chairman mentioned in his original questioning, and that is the economic analysis when doing projects. Commercial activity tied to small channels does not necessarily rise to the same level of funding priority among the Army Corps, because of the way the analysis is done.

But these small channels, we had huge backlogs in dealing with this, are incredibly important to local communities in dealing with their way of life, in dealing with the safety of their activities, recreational issues, et cetera, that again don't rise to the same level on your analysis.

We know there is a funding issue. We are going to do everything we can to give you the resources you need to make significant progress on the backlog. I would just like to get your help in working with the local communities, so that they have a realistic expectation as to when their projects can be funded and how we can best line them up for participation with the Army Corps.

Mr. CONNOR. Yes, Senator, you have my commitment on that front. I think we have focused on national benefits for quite a long time, whether it is the Bureau of Reclamation, whether it is the Corps of Engineers. And we have seen inequities as a result of that focus.

So now is the time, and I think once again this is an area that Congress has given pretty good direction in the last Water Resources Development Act, through authorization of pilot projects for economically disadvantaged communities, through direction on relooking at the benefit-cost determinations and taking into local and regional benefits a lot more.

So you have my commitment; that is one of the challenges now is to expand the protections and the work the Corps does for the benefit of those economically disadvantaged communities that have been left behind.

Senator CARDIN. I would just point out, Mr. Chairman, in closing, that is the livelihoods, the tourism, the recreational use in small communities are very much impacted by the work done by the Army Corps. So I just think as we always look at the major

projects, and I am strongly in support of those, we shouldn't ignore the underserved, smaller communities.

Thank you, Mr. Chairman.

Senator CARPER. Thank you, Senator Cardin.

Senator BOOZMAN.

Senator BOOZMAN. Thank you, Mr. Chairman, very much.

Thank you for being with us, Mr. Connor. We do appreciate your willingness to serve in such an important position.

I want to talk to you about a couple of projects that are really important to Arkansas, in an effort to use our water resources as best we can. We are blessed with good water resources for the most part, but we have got two projects going on, the Grand Prairie Irrigation Project, and also the Bayou Meto Project.

What they do is they take surface water and use the surface water versus using our aquifers. We have got two huge aquifers, the Alluvial and Sparta, and they cover that entire region of the country spreading up into Tennessee. They are the water supply for Memphis, areas like that, besides hundreds of thousands of acres for agriculture.

What they do is divert water from the White River and the Arkansas River that have an excess of surface water, divert that and use that as the irrigation water, versus taking it from the aquifers. We have spent hundreds of millions of dollars on these projects. The Corps has been very supportive through the years.

But in the last several years, things have languished. We are very close to completion. Really what I would like is really simple: Just to get a commitment from you to come out in the not too distant future, look at the projects, and give us some advice as to how we can move things forward. Visit with us, visit with the stakeholders.

The Corps likes the projects. Again, it is just a matter of us kind of rolling up our sleeves and figuring out exactly how we can just put the last touches on so that we can go forward and get them completed.

Mr. CONNOR. Senator, I would be happy to come out. This conjunctive use of surface groundwater and trying to find the right match to provide firm supplies but also protect the environment surrounding the area is incredibly interesting to me. I am happy; it sounds like a project that is well on its way. I would be happy to look at that.

Senator BOOZMAN. Great projects. And again, protecting water, less energy use, the whole bit. Then again, our groundwater is so very important, trying to get those things recharged.

Mr. CONNOR. Yes.

Senator BOOZMAN. I want to second what Senator Inhofe said regarding the Arkansas River and the 9 to 12 foot channel. Arkansas and Oklahoma are joined at the hip in those projects, for all four of the reasons that you said, when you can increase a barge by 40 percent, what does that do as far as saving energy, efficiencies, things like that. So it is really important, lowering costs.

The other thing I would like to talk to you about, and I know you are getting bombarded with this, but it is so important. I am Ranking on Agriculture. WOTUS has been a huge burden to my

State in the past, with the agriculture community. For years, it created so much uncertainty, it was difficult for farmers to plan.

The Farm Bureau, a grassroots organization, went through a Herculean effort to ensure farmers' and ranchers' voices were heard during the Obama administration.

If confirmed, will you work with our cities, agriculture, State governments, and stakeholders, to create a rule that won't get held up for years in the courts, and not creating this uncertainty that we have seen in the past with the farm community and so many others?

Mr. CONNOR. Senator, if confirmed, you have my commitment to doing that. Durability and longevity of a new rule will be a very high priority.

Senator BOOZMAN. Thank you very much. And a huge challenge.

Mr. CONNOR. Yes.

Senator BOOZMAN. But I hope we can work together to thread that needle, which is so, so very important for so many different reasons.

Again, I just want to—I agree with Senator Whitehouse in his concern for the Outer Banks, but also there is a lot of resources going into the inland waterways. When you count up all the streams and lakes and rivers and all that, it is a humongous amount of shoreline. So you have got all kinds of problems regarding erosion there.

The way I see it is, there is lots of don't do this, don't do that with our streams. There is lots of management from the State and Federal Government. That is not a bad thing, in the sense of, if it is done in the right way.

The problem is, there is no one that is really managing, taking care of it in the sense of providing resources that we need to prevent the erosion and things like that. So that is something else that we would like to work with you on.

Mr. CONNOR. Yes, absolutely. Those are important issues.

Senator BOOZMAN. Good.

Thank you, Mr. Chairman.

Senator CARPER. Thank you, Senator Boozman. Great to see you.

We have joining us by Webex Senator Duckworth. We have also been joined in person by Senator Padilla.

Welcome. Glad you could be here.

If no one else shows up, you will be the last, Senator, unless a Senator may come up with some questions. We might do that.

Senator Duckworth, are you there?

Senator DUCKWORTH. Yes, Mr. Chairman. Thank you for holding today's hearing.

Thank you, Mr. Connor, for your participation today.

In an increasingly competitive global marketplace, our inland waterways are absolutely critical to the economic well being of Illinois farmers, as well as other Midwest industries. Waterways are so important to our competitiveness that a handful of years ago, industry stakeholders banded together to secure from Congress a tax increase. Can you imagine? They asked for a tax increase on their own operations in support of investments to keep our locks and dams in good repair. That is something you just don't see every day.

The Corps of Engineers recently updated its capital investment strategy that prioritizes lock construction projects with industry stakeholders based on their importance and benefit to the Nation. In fact, in its 2020 report, the Corps and the Inland Waterways User Board rated Lock and Dam 25 and LaGrange Lock and Dam on the Mississippi River as part of the navigation and ecosystem sustainability program, known as NESP, as a Tier Alpha project, meaning they are among the Corps' top priorities for construction.

Mr. Connor, these projects are critical and must get underway as soon as possible. Will you commit to working with me to ensure that these projects receive a new start?

Mr. CONNOR. Yes, Senator, you have my commitment. I understand the importance and the work that has been done recently on inland waterways, the trust fund, and the plans under that. I am happy to make the commitment to continue to work with you in that effort.

Senator DUCKWORTH. Thank you.

As to urban flooding, WRDA 2018 directed the Corps to furnish a report to Congress on the Corps' ability to address urban flooding, an issue of increasing importance given global climate change and sea level rise. This report was due to Congress not later than 1 year after enactment.

But 2 and a half years later, I still do not have my report. If confirmed, will you commit to updating me on this effort within your first month as Assistant Secretary?

Mr. CONNOR. Yes, Senator, if I am confirmed, I commit to updating you on that report.

Senator DUCKWORTH. Thank you.

Given your previous work on western water issues, you no doubt can appreciate a bureaucratic pickle when you see one. And I love pickles, but not this kind. Unfortunately I have another one for you. The Chicago District's Bubbly Creek project on the South Branch of the Chicago River. At question is whether or not the Corps can secure the liability protections needed to advance a cleanup of this contaminated area.

In the interest of time I won't delve into the specifics of this case. But the two Federal agencies with a role in this matter, the Corps of Engineers and the U.S. EPA, clearly do not see eye to eye on the problem, and therefore have not identified a workable solution.

One agency believes this is a policy issue; the other agency believes this is a statutory issue. Will you commit to picking up the phone in the first 2 weeks following your confirmation and calling EPA Administrator Regan to address this impasse?

Mr. CONNOR. Yes, Senator, you have my commitment, if I am confirmed, to move forward with that. Removing bureaucratic hurdles to make progress is something I share a strong concern and appreciation for.

Senator DUCKWORTH. Thank you. That is the aim, is to remove the hurdle. I don't want to have any finger pointing; I just want to find a solution to this.

And very quickly, I have just a little over a minute, just under 2 minutes left. Mr. Connor, I have a series of rapid fire questions. If confirmed, will you commit to reinforcing the importance of the Inland Waterways User Board with Secretary Austin and help to

expedite his review so that the board can be reactivated as quickly as possible?

Mr. CONNOR. Yes, definitely. I will work with you on that, yes.

Senator DUCKWORTH. Thank you. And WRDA 2020 includes several provisions reinforcing the Corps' support for Chicago's shorelines. If confirmed, will you commit to updating me on these efforts within the first month on the job?

Mr. CONNOR. Yes, I will, Senator.

Senator DUCKWORTH. Thank you. Section 133 of WRDA 2020 authorizes the Corps to repair and rehabilitate Federal pump stations that are in disrepair. If you are confirmed, I would like the list of pump stations on the Upper Mississippi that the Corps plans to prioritize. Will you commit to providing me with this list within a month of your confirmation?

Mr. CONNOR. Senator, yes. If confirmed, I will provide you with that list.

Senator DUCKWORTH. Thank you. And finally, will you commit to visiting Illinois soon and touring some of our critical infrastructure projects?

Mr. CONNOR. I am sorry, I missed the commitment.

Senator DUCKWORTH. Will you commit to coming out to Illinois and touring some of our infrastructure projects? I promise to get you some sweet corn while you are out there.

Mr. CONNOR. Yes, Senator, I commit to doing that.

Senator DUCKWORTH. Thank you. I look forward to speaking with you again tomorrow.

Mr. Chairman, thank you so much. I yield back.

Senator CARPER. Will that sweet corn extend to the rest of us, Senator?

Senator DUCKWORTH. It is a deal, Mr. Chairman. You gave me extra time.

[Laughter.]

Senator CARPER. OK, we have been joined by Senator Padilla and Senator Markey, in that order.

Senator Padilla, you are recognized.

Senator PADILLA. Thank you, Mr. Chair.

Mr. Connor, good morning. I want to start by saying how grateful I am that someone with your experience with water and drought issues in California specifically is being nominated for this position. As I mentioned to you by phone yesterday, your reputation precedes you. I want to point out what an accomplishment it is to be so widely respected in California water worlds across a variety of stakeholders. If that is an indicator for how you will do in this position, we have a high, high expectation.

The Army Corps has been a great partner, not just to the State of California as a whole but specifically to my home town of Los Angeles. A devastating flood event in the 1930s prompted the Federal Government to assist Los Angeles County specifically in developing and expanding flood control infrastructure.

The Sepulveda Dam, for example, along with Hanson Dam and Lopez Dams in the San Fernando Valley, which is literally my backyard, provide vital risk management of portions of the Los Angeles River. I look forward to continuing to work with you on these projects, particularly as there is this re-envisioning and recreation

of what the Los Angeles River should be capable of while it continues its flood control purposes.

I enjoyed our discussion yesterday by phone. I was also pleased to hear that climate resiliency is a top priority for you. With California facing an unprecedented drought and heat wave combined, literally as we speak, the increased resiliency of our water infrastructure will be a top priority of mine. I look forward to having someone who has the familiarity and experience with California in the Assistant Secretary's office.

There are other issues that I wanted to raise that have been asked already, so I will just add one specific topic. As you know, and as we discussed yesterday, the Scripps Institute of Oceanography has been working for years, together with the Corps, with the State of California, with a coalition of water districts particularly in Southern California, as well as researchers to better integrate storm monitoring into how the Army Corps regulates water releases from dams throughout the State. It simply makes no sense that rigid water control manuals require dam operators to release water during a drought simply because a decades old water control manual says so.

There is now wide support amongst the California delegation for the Corps to take into account modern hydrology and precipitation forecasts into its dam operations, especially as we face increased variability in rainfall. We have already started seeing the benefits of this, both at Lake Mendocino in Northern California as well as the Prado Dam in Southern California.

So with the time remaining, I would ask if you can speak to the importance of the forecast informed reservoir operations program, and the need to update our water control manuals in the face of increasing variability in precipitation and the cycle of drought and flooding that are facing in California.

Mr. CONNOR. Senator, thank you for that question. I very much enjoyed the discussion yesterday. I absolutely agree that looking at resiliency, looking at a changing environment, that improved forecasting, monitoring, operations, is absolutely critical. We have been operating under rules that were developed in a time where the environment no longer reflects the assumptions that were made in putting together those rules.

This was a discussion that we had with the Corps when I was at the Bureau of Reclamation, Department of the Interior. It is obviously continuing. I think this is a great place to get the most bang for the buck, making the investments in those technologies, forecasting and monitoring, so that we can integrate those in operations, improve water supply or protection of communities, if we can better forecast those extreme events, and make progress while we are looking through the whole array of solutions that have to be in place. Some of those are infrastructure; a lot of them are natural infrastructure. But we can't forget technology and our ability to manage water using information.

Senator PADILLA. Thank you very much.

Thank you, Mr. Chair.

[The prepared statement of Senator Padilla follows:]

STATEMENT OF HON. ALEX PADILLA,
U.S. SENATOR FROM THE STATE OF CALIFORNIA

I want to start by saying how grateful I am that someone with your experience with water and drought issues in California is being nominated for this position. Your reputation precedes you, and I want to point out what an accomplishment it is to be so widely respected in the California water world.

The Army Corps has been a great partner to my hometown of Los Angeles since damaging flood events in the 1930s prompted the Federal Government to assist L.A. County in developing and expanding flood control infrastructure.

The Sepulveda Dam, together with the Hansen and Lopez Dams, provide vital flood risk management of portions of the San Fernando Valley along the river, and I look forward to continue working with you on these projects.

I also enjoyed our discussion yesterday, and I was pleased to hear that climate resiliency will be a top priority for you. With California facing an unprecedented drought and heatwave, increasing the resiliency of our water infrastructure is a top priority of mine.

I look forward to California having a strong ally in the Assistant Secretary's office.

ATMOSPHERIC RIVERS

As you know, Scripps Institute of Oceanography has been working for years with the Corps, the State of California, and with a coalition of water districts and researchers to better integrate storm monitoring into how the Army Corps regulates water releases from dams.

It simply makes no sense that rigid water control manuals requires dam operators to release water during a drought simply because a decades old water control manual says so.

There is wide support among the California delegation for the Corps to take into account modern hydrology and precipitation forecasts into its dam operations, especially as we face increased variability in rainfall.

We've already started seeing the benefits at Lake Mendocino in Northern California and Prado Dam in Southern California.

* Can you speak to the importance of the Forecast Informed Reservoir Operations program and the need to update Water Control Manuals in the face of increasing variability in precipitation and the cycle of drought and flooding that we face in California?

Senator CARPER. Senator Padilla, thanks so much for joining us.

Senator Markey, good to see you.

Senator MARKEY. Thanks, Mr. Chairman.

Thank you, Mr. Connor, for your willingness to serve.

So we have a big issue up in Massachusetts. On Cape Cod, the Bourne and Sagamore Bridges were built in the 1930s as part of a Franklin Delano Roosevelt Works Progress Administration plan. They have aged out. We need to replace these two bridges. It is very important, because 250,000 people who live on Cape Cod are dependent upon those bridges. During the summer, that number can double, triple, or quadruple in the number of people who use those bridges.

The Army Corps of Engineers operates these bridges. They are the ones who are responsible for them. So we need to replace them, and they are absolutely critical to the long term well being of our Commonwealth.

The Army Corps specifically signed a memorandum of understanding with the Massachusetts Department of Transportation back in July 2020 formalizing a Federal-State partnership to deliver two new bridges for the people of Cape Cod. Implementing this agreement will fall now to the Biden administration and to the Army Corps. Every year which we delay is going to lead to more traffic, more costs, more danger when inevitable storms strike the region.

Mr. Connor, are you willing to work with us, the Army Corps, in order to make sure that we are able to replace the Bourne and the Sagamore, and to create for the 21st century a guaranteed capacity for people to get access on and off of Cape Cod?

Mr. CONNOR. Senator Markey, I am not previously familiar with this project, but given its importance, as you have outlined, I am happy to work with you in moving forward and seeing what we can do to ensure that that project is taken care of.

Senator MARKEY. Thank you. And again, it is something that requires the Chairman and the other Members of Congress here to provide additional Federal funding, and we are working hard on that in order to make sure that for that project and for so many other projects in the country that we have the capacity to work on it.

Just following up on what Senator Carper and Senator Whitehouse talked to you about, coastal protection, Delaware, Rhode Island, Massachusetts, but all of us are seeing rising tides; we are seeing massive erosion; we are seeing intensification of the storms which are impacting us. In New England, we have the second fastest warming body of water on the planet. After the Arctic, we are second, in the Gulf of Maine. And that is Maine, New Hampshire, Massachusetts, Rhode Island. So that warming is causing tremendous danger being created.

We want to work with you in order to make sure that we deal with these issues. For example, under a business as usual scenario over the course of this century, for the city of Boston, the sea rise could go as high as 7 additional feet if we don't take action.

So from our perspective, we need help, and in light of those concerns, could you explain how, again, following up on Senator Carper and Senator Whitehouse, how you are going to enhance comprehensively and expand the capacity of the Army Corps to combat these threats to coastal communities in the United States?

Mr. CONNOR. Thank you, Senator. Overall, my approach in thinking through how, if confirmed, I would want to approach the huge number of needs versus the resources, one, I discussed this earlier a little bit, given that backlog of need out there I am certainly hopeful and appreciative of the fact that Congress, in working with the President, is looking at the infrastructure investments that can be made.

But assessing the risks out there, the vulnerabilities that exist are going to be a high priority in assessing how to prioritize the resources we do have. So understanding the risks associated with the body of water that you talked about, the energy involved in a warming body of water and the storm surges that that is going to cause, that is going to be a very high priority. Because I think that is fundamental to being effective in allocating resources and addressing resiliency, is to best understand the risks involved.

So I am very happy to delve more deeply into the issues that you are talking about, as others, in assessing the coastal risks versus inland risks, et cetera, and trying to make good judgments about where to invest resources.

Senator MARKEY. One of the concerns, obviously, that we have, and I have been working with the Army Corps on developing a comprehensive study for addressing Boston's climate resiliency, we

are right in the crosshairs of this climate crisis. It is coming right for us. Again, we are going to need to work with the Army Corps to put in place the protections which we need.

The same thing is true, by the way, for Newburyport. Newburyport, Plum Island, it is just so vulnerable right now. The numbers are scary. Twenty percent of Newburyport falls within FEMA's 100 year flood zone with the risk exacerbated even further for the oceanfront residents.

So that is why I have been pushing the Army Corps to urgently address worsening shoreline erosion in that vulnerable community as well. And I want to work with you on the Newburyport issue. Because again, it is not their fault that the ocean is warming right off their coastline. Any one of these storms could have absolutely catastrophic consequences. If Hurricane Sandy had just moved a few more degrees, we would still be digging out Martha's Vineyard and Nantucket and the city of Boston and Newburyport. We would still be recovering from it. It would be catastrophic.

So we want to make sure that we undertake additionally critical work to shore up the sea walls that can prevent these surging tides. This Committee also has a concomitant responsibility to ensure that we are funding the solutions to this climate crisis. Under the leadership of the Chairman, we are going to be doing that this year.

But we are going to need to partner with you at the Army Corps. We are totally dependent upon you in the State of Massachusetts.

Mr. CONNOR. Absolutely, Senator. I look forward to working with you on these issues if I am confirmed.

Senator MARKEY. Thank you so much. We are looking forward to working with you as well.

Mr. Chairman, thank you so much for giving me that opportunity.

Senator CARPER. I should thank you, and I do.

All right, I am not sure if we will have any of our other colleagues to join us. Senator Capito has gone off to the Appropriations Committee, I believe, and Senator Sullivan is trying to get here. We will see if he makes it.

In the meantime, I have about 14 more questions.

[Laughter.]

Senator CARPER. Not really. I have several more, though.

Are you doing all right?

Mr. CONNOR. I am doing all right, Senator. My time is your time, Senator.

Senator CARPER. I want to give great credit to your wife and daughter for sitting here and supporting you through this grueling examination. This is friendly, as you can tell, a friendly hearing. We have some that aren't quite as friendly. But this is an encouraging thing.

A couple more questions, if I may, one of them dealing with the relationship with OMB. Very often on this Committee we hear from multiple sources, as you might imagine, about the sometimes tense relationship between the Corps and the Office of Management and Budget.

There is a lack of transparency about how the Assistant Secretary of the Army for Civil Works and Corps recommendations for

a proposed budget are considered by OMB. Many times Senators, you heard a little of this today, many times Senators feel that these recommendations are ignored or even overridden by OMB. This is what happens time and time again, inequity between coastal and inland funding.

My question is this: How might you as Assistant Secretary of the Army for Civil Works improve the relationship with OMB and bring a bit more transparency to the budget process?

Mr. CONNOR. Thank you, Senator. I think it is a huge, an important question, and it is a huge issue. I say that because it is one I am very experienced in during my tenure at both running the Bureau of Reclamation and the Department of Interior, as its CEO.

Working with OMB and trying to have my priorities be its priorities involved a lot of patient dialogue. It wasn't always successful, but I will say that through that process of engagement and not challenging, but wanting to go back and have discussions when decisions were made that were not reflecting the priorities that I thought should be in place, I found was very productive with folks at OMB, having the staff that worked for me engaged with staff at OMB and then taking it up and having the discussions at the leadership level when things were teed up.

It is a process that sometimes you can make immediate progress on certain issues. I am happy to say that some of the things that we worked on in 2014, 2015, 2016, didn't see the light of day until this most recent budget. But clearly they got internalized at some point, some of the Indian Water Rights initiatives at Interior, et cetera, so we could make progress in the short term through engagement, and we can maintain progress and hopefully build on that in the future. That is what we need to do.

If I am confirmed, you have my commitment to engage in that process. I think it is critical for the Army Corps of Engineers. It is critical for Members of Congress to understand how decisions are being made. I think at the end of the day it leads to better decisions with the allocation of budget resources.

Senator CARPER. I think you are right.

Second question. Stakeholders and sponsor collaboration with the Army Corps of Engineers is a critical component in solving today's water resources challenges. It helps to limit the cost of missed opportunities; it promotes better planning; it provides better transparency and results and more fiscally and environmentally sound projects.

The Corps unfortunately has been limited in its outreach methods to promote stakeholder development in a number of disadvantaged communities. My question is what more could or should the Corps be doing in terms of collaboration with non-Federal stakeholders, including those in disadvantaged communities?

Mr. CONNOR. Senator, it is a huge challenge for the Corps, not because I think there is not a commitment there, but just given the over-subscribed nature of the projects and the works that are already in place. And quite frankly, I have had these discussions with General Spellman at a very high level at this point in time about the challenges to the work force itself in doing the work that it is expected to do.

So notwithstanding all of those demands, I see, and I think the Corps in my discussions so far certainly sees, the direction that has been given by Congress to do the outreach to disadvantaged communities to look at cost-benefit differently, to carry out pilot projects that will allow them to engage in those projects and bring the talents and the expertise and the protections and the value of the projects that the Corps can work on with those communities.

They see it, I see it, and it will be a high priority in this next Administration. My sense is that there will be resources allocated specifically in this area and with that, there is no excuse for not moving forward and trying to engage with these communities.

Senator CARPER. All right, thank you.

We talked a bit in a conversation earlier this week about natural infrastructure, using natural infrastructure, where can nature based infrastructure as opposed to manmade infrastructure as an integral part of the Corps' project delivery process. Congress has been very clear about moving these concepts forward. But the incorporation of these features into water resources projects is still the exception rather than the rule.

How might you as Assistant Secretary of the Army for Civil Works ensure that Corps planning and engineering standards are updated to incorporate these principles into the normal project delivery process?

Mr. CONNOR. Thank you, Senator. I think what I can do from my position, if I am confirmed, is to prioritize the need to integrate nature based solutions, natural infrastructure, wherever we can and wherever it makes sense. There is a direction that needs to be in place to always look at that option. Two, to ensure that we understand all the options available. Once again, this is a discussion that I have had in preparation for these hearings, is the need for more research and development in this area.

We know in some cases where we can move forward. The beneficial use of dredged material I think is one of those opportunities. The integration and coastal protections of natural materials as well as traditional concrete and brick and mortar type infrastructure I think has been used.

But clearly, from a cost efficiency standpoint and an opportunity standpoint, we need to do more of that. In looking at flood risk management and looking at trying to slow down water in various ways, how do we build more backwaters, how do we build more access to floodplains, not only to get the benefits of the protections but to infiltrate groundwater, depleted groundwater aquifers that are necessary for water supply, that are necessary for their cooling effects later on in the year, in the summer when waterflows dip.

There are just so many opportunities to integrate these natural solutions and get multiple benefits that it will be a high priority to ensure we are always looking at it, and a high priority to better understand the research and development and pilot projects, how we can move forward with that type of integration.

Senator CARPER. Thank you for your response. That is an important issue to us, not only to the First State, but to a lot of other States as well, as you know.

Probably my last question of this morning will deal with the Corps budget. This is a subject others have raised already, and you

have commented on it, too. Once I have asked that question and you have answered it, if no one else joins us, Senator Sullivan is trying to; we will see if he can make it. But if he doesn't, then I will ask you if there is anything you want to say.

There he is, good, all right.

Colonel, welcome aboard. If you are ready, I can yield to you now.

We are joined by Senator Sullivan, from the great State of Alaska.

Senator SULLIVAN. I am ready; thank you.

Mr. Connor, thank you. Thanks for waiting. I am sorry about my late arrival here. We had an opportunity to ask some questions yesterday in front of the Armed Services Committee. So you get two rounds.

Senator CARPER. That is what we call a double shot, with apologies to Junior Walker and the All Stars.

Senator SULLIVAN. Again, I appreciated our discussion the other day.

Let me go into this one topic that I think is actually a very important one. The budget that the President put forward for the Corps of Engineers effectively prohibits funding for Army Corps projects that "facilitate the transportation of fossil fuel products." Now, you and I kind of did a quick little back of the envelope estimate. That is probably at least 50 percent of all Corps of Engineers projects.

Let me give one example. I know that in the Boston area, they import a lot of LNG from Russia. Very bad policy, by the way, the State of Massachusetts. They would rather import gas from Russia, our adversary, than Americans who produce gas in Pennsylvania.

As far as I can tell, this reading wouldn't allow you to dredge Boston Harbor or do any work there. Do you agree with this? And what do you think the implications are of a policy that prohibits the Corps from any, any project that transports fossil fuels?

Mr. CONNOR. Senator Sullivan, I appreciated the discussion, the heads up on this particular matter when we talked the other night. I don't believe that is a policy. I did go and find the language that I think you are referring to. I am not 100 percent sure.

My understanding was that in the budget there was language talking about considerations made in the development of the budget of which one of those was to limit subsidies that the Corps would provide for oil and gas, facilitating oil and gas operations. So first of all, I understand it was a discussion about the consideration. It was essentially directed toward subsidies. Moreover, it is a policy document in which there was this language trying to explain how the overall budget was developed.

So from that standpoint, I don't believe that is the policy, that it has the breadth of issues that we, you and I, were discussing the other night.

Second of all, I can just assure you that in making decisions about how to allocate resources, I am going to be focused on the applicable statutes, laws that apply, the appropriations provided by Congress, and the direction on how to use those appropriations. That is going to, as I see it, and I did go through the budget after we talked, it is directing that a lot of these activities related to

commerce and ports and waterways and transportation needs are going to continue in full force.

Senator SULLIVAN. So let me just read some of the language. It says, "No funding for work that directly subsidizes fossil fuels including work that lowers the cost of production, lowers the cost of consumption, or raises revenues retained by producers of fossil fuels." So do you agree with that?

Mr. CONNOR. That is a little bit different language than I have seen.

Senator SULLIVAN. I am reading the budget.

Mr. CONNOR. Right. I understand. I need to go back and look at that specifically.

Senator SULLIVAN. Look, I am a huge believer in what the Corps does. Their mission is to build things. A lot of what they do is transportation. A lot of what they do is pipelines. A lot of what they do—we still need energy in America. There is a far left element of the Biden administration that thinks we can get rid of fossil fuels. We can't. OK? We can't. You will crush the economy.

By the way, there is a lot of discussion of union jobs in here. You will kill millions of union jobs. The President is already pretty good at that.

So I just need your commitment that this kind of policy makes no sense, and it is a huge, huge component of the work that the Corps of Engineers does. Right now, the President's budget is telling and directing you, you can't do a lot of the work that you traditionally do.

I just think it is a really big issue, Mr. Chairman, that we need to look at in detail. A number of us are going to be writing the head of OMB, in the next day or two, to ask direct questions about this topic.

But can I get your commitment to work with me and others on this Committee who care about the delivery of energy and the men and women who produce it, many of whom are union members, and not discriminate, particularly with regard to the Corps' mission on projects that help us deliver energy to Americans, particularly when gasoline prices right now are skyrocketing, hurting working families?

This is all going to contribute to that. I would like your commitment to work with me and this Committee on this topic. It is a really, really important topic. I don't think it is a partisan topic. I don't think EPW members want to have a policy that says, you cannot help with the transportation or consumption of energy. We need energy in America. I know some of the far left Green New Dealers don't think we do, but we do.

Can I get your commitment on that?

Mr. CONNOR. You have my commitment to work with you, this Committee as a whole, to carry out the Corps' mission, to continue to do those projects and maintain waterways and to continue to rehabilitate—

Senator SULLIVAN. How about pipelines?

Mr. CONNOR. And pipelines, we will move forward with our permitting responsibilities consistent with the Clean Water Act, be transparent and do the full analysis. I am happy to continue to

work with you in those areas and to continue that work in the way it is directed under the existing laws.

Senator SULLIVAN. Mr. Chairman, may I ask one final question?

Senator CARPER. Yes. I would ask you to be brief. I think we are about to start voting. Then I want to ask one more question myself.

Senator SULLIVAN. We had a really good discussion the other day, and again, I appreciated all the time that you had in my office, as it relates to permitting. Again, I think that this is pretty much a bipartisan issue. We had some good language on permitting reform here in this Committee when we marked up the Highway Bill. The Corps has a can do, mission oriented focus on building things.

But when it takes 9 years to permit a bridge, or 9 to 19 years to permit and build a highway in America, those are averages, it really, really undermines our ability to put people to work and build the infrastructure you need, we need as a country.

Can I get your commitment to work with this Committee—you and I had a good discussion about this—on permitting reform, not to cut corners, but to get to projects in an efficient, timely manner?

As you know, and Mr. Chairman, we have talked about it in this Committee, if we have efficient, timely permitting, we are also going to be able to get millions, billions of dollars off the sidelines from the private sector that will invest in these kinds of infrastructure projects. But they won't invest if it is a 10 year permitting timeline.

Can I get your commitment to work with us, this Committee and me, on those important issues?

Mr. CONNOR. Senator, yes, absolutely. This will be a high priority to do our part, if I am confirmed, to make our permitting system more efficient. That means collaborating, coordinating with other agencies that are involved, and getting even to another place that you and I talked about, mitigation banking and other opportunities. When you bring those in, and you create more opportunities to deal with the impacts of projects, I think that also helps to address, creates at least the opportunity to do permitting more efficiently and move it forward.

So I am a big fan of the Federal Government working with others to be more efficient in this process. That is a longwinded answer to your question; yes, you have my commitment.

Senator SULLIVAN. Great. Thank you.

Thank you, Mr. Chairman.

Senator CARPER. Thank you for joining us. You are worth waiting for.

Mr. Connor, one last question if I could. Have you ever heard of a comic strip, Pogo?

Mr. CONNOR. Yes, sir, I have.

Senator CARPER. I think one of the strips was, Pogo would say, we have met the enemy, and it is us. We have met the enemy, and it is us. When I hear my colleagues and I ask questions about the level of funding for the Army Corps to do its many, many different works across the country, I am reminded of Pogo.

But as you know, the Congress typically funds the Army Corps of Engineers at levels actually above the President's request. I think in the fiscal year 2021 request, the last Administration, their

request was something just under \$6 billion. A lot of money. Congress ended up providing—it was not nearly enough. And Congress ended up providing close to \$8 billion for the current fiscal year.

And while those numbers appear to be large, they are large, the Corps has not made a significant dent in the project backlog. I estimate it to be nearly \$109 billion. Some observers have said the Corps needs an even larger investment of up to \$140 billion, when the full scope of project needs is considered.

Will you, if confirmed, will you advocate in this work with us, work with this Committee to see if we can't convince this new Administration to help us increase the Corps' budget to support Corps missions and local needs? As you know, this budget process, President's request, and the Congress debates and appropriates moneys. It would be helpful to have an Administration which actually is aware of this need and to make sure that when they prepare for their budgets in the future it is reflective of those needs.

You have made a lot of commitments today, but I am asking if you would commit to advocate and work with us to increase the Army Corps' budget to support the needs, the many needs and missions the Corps' expected to meet. Would you?

Mr. CONNOR. Mr. Chairman, if I am confirmed, you have my full commitment to elevate these issues, discuss them rigorously within the Administration and to work with you and the Committee members in that effort. I am happy to do that.

Senator CARPER. All right. Thank you.

I indicated a bit earlier that I would give you a little bit of time here at the end. Anything else you would like to say, just in summarizing?

Mr. CONNOR. No, sir, I think I have said enough today.

Senator CARPER. My thanks to you for your willingness.

Let me see if I have anything else.

Thank you so much for joining us today. Thank you for your willingness to serve our Nation. And my thanks again to your family, to your wife and to your daughter, because you serve, too. It is not just your husband, not just your dad.

We are proud on this Committee of our record of bipartisanship. I like to say that we are work horses here on this Committee, not show horses. I am delighted that the record has been demonstrated by our consideration of the President's nominees for this Congress, and today's hearing continues that effort. We look forward to hearing more from you in the days and weeks ahead.

Senator Capito has had to leave. She sends her best, and joins me in thanking you for coming today and for all your responses.

Before we adjourn, a little bit of housekeeping. I want to ask unanimous consent to submit for the record a variety of materials that include letters from stakeholders, and other materials that relate to today's nomination hearing.

Senators will be allowed to submit questions for the record through close of business on Friday, July 16th; that is this Friday. We will compile those questions and send them to our witness, and ask that you reply to them by next Wednesday, July 21st.

With that, this hearing is mercifully adjourned. Thank you.

[Whereupon, at 11:39 a.m., the hearing was adjourned.]

[The referenced information follows:]

July 9, 2021

Senator Tom Carper, Chairman
U.S. Senate Committee on Environment and Public Works
410 Dirksen Senate Office Bldg.
Washington DC, 20510

Dear Tom,

Michael Connor has been nominated by President Biden to be the Assistant Secretary of the Army for Civil Works. My purpose in writing this letter is to strongly endorse his nomination.

During eight of the years I served on the Senate Energy and Natural Resources Committee, Michael served the Committee as senior staff, focusing on water resources, as well as issues related to energy, public lands and Native Americans. During that time, he demonstrated the people skills needed to bring people together and get things done.

His later service in the Department of Interior was also exemplary. First, as head of the Bureau of Reclamation, and second, as the Deputy Secretary of Interior, he used his subject matter expertise and strong management skills to deal with such difficult issues as drought, endangered species, and conflicts over the use of public lands. He was instrumental in finalizing 12 Indian water rights settlements, issuing permits for over 10,000 megawatts of renewable energy, and negotiating two landmark Colorado river agreements with the Republic of Mexico

You are fortunate to have a nominee of Mike's ability and experience for this important position. I urge you to favorably report his nomination to the full Senate.

Sincerely,

Jeff Bingaman

July 9, 2021

Senator Shelley Moore Capito, Ranking Member
U.S. Senate Committee on Environment and Public Works
456 Dirksen Senate Office Bldg.
Washington DC 20510

Dear Senator Capito:

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You are fortunate to have a nominee of Mike's ability and experience for this important position. I urge you to favorably report his nomination to the full Senate.

Sincerely,

Jeff Bingaman



Bringing
Water
Together

May 12, 2021

The Honorable Tom Carper
Chairman
Environment and Public Works Committee
U.S. Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member
Environment and Public Works Committee
U.S. Senate
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito,

On behalf of the Association of California Water Agencies (ACWA), I am very pleased to support the nomination of Mr. Michael L. Connor to be Assistant Secretary of the Army for Civil Works within the Department of Defense. ACWA's more than 450 public water agency members supply over 90 percent of the water delivered to California for residential, agricultural and industrial uses.

Water agencies and providers throughout the country are facing unprecedented challenges to our water supply and delivery systems. In California and other regions of the Southwest, drought is beginning to set in and worsen, threatening infrastructure, water supply reliability, the public safety of Californians and Westerners at large. Strong leadership at the Army Corps of Engineers, through Mr. Connor's extensive experience in water resources management, will help facilitate the federal government's continued partnership with California on these issues.

Mr. Connor's more than 20 years of public sector experience, including his time as the Deputy Secretary of Interior and Commissioner of the Bureau of Reclamation, provide the expertise that makes him an extremely strong candidate for this critically important position.

For these reasons, ACWA strongly supports the nomination of Mr. Connor to be the next Assistant Secretary of the Army for Civil Works.

Sincerely,

Dave Eggerton
Executive Director

cc:
The Honorable Dianne Feinstein, U.S. Senate
The Honorable Alex Padilla, U.S. Senate
The Honorable John E. Whitley, Acting Secretary of the Army

SACRAMENTO 980 9th Street, Suite 1000, Sacramento, CA 95814 • (916) 441-4545
WASHINGTON, D.C. 400 North Capitol Street NW, Suite 357, Washington, DC 20001 • (202) 434-4760
www.acwa.com



July 13, 2021

The Honorable Thomas Carper
Chair, Senate Committee on Environment and Public Works
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on Environment and Public Works
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

Since 1919, the National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our 1.6 million members and supporters nationwide, we urge you to support the nomination of Michael Connor as Assistant Secretary of the Army for Civil Works.

Our national parks are symbols of conservation, historic preservation and our shared heritage. In the last four years, as we witnessed weakened protection for cultural resources, wildlife, air and waterways, the highest level of protection was not afforded to these incredible places. We can and must do better. The Biden-Harris Administration must address climate change head-on, ensure the federal government – and the park system – is welcoming to diverse communities and reverse damaging policies that put at risk the water, air, wildlife and other resources that make our parks world-renowned.

The U.S. Army Corps of Engineers (Army Corps) is an important partner in many places where NPCA works to protect and restore national park waterways and landscapes, the communities that surround them and the millions of people who visit them each year. From Gateway to the Grand Canyon, Everglades to Olympic, water is central to the features, wildlife, recreation and aesthetic of these esteemed places. However, national parks, once viewed as isolated and remote, are increasingly affected by activities occurring in their watersheds. These beyond park boundary activities – like Army Corps projects – often enhance or detract from the visitor experience.

We believe that Mr. Connor is well qualified to lead the Army Corps in tackling issues impacting our parks and the areas around them. Whether it will be addressing the impacts of sea level rise at Gateway National Recreation Area or completing the restoration of America's Everglades, Mr. Connor has demonstrated throughout his career to be able to creatively and collaboratively navigate some of the nation's most complex conservation, water and infrastructure challenges.

Headquarters
777 6th Street, NW, Suite 700
Washington, DC 20001
P 202.NAT.PARK | 800.628.7275

[NPCA.org](https://www.npca.org)

His work experience will help him take on the Army Corps' critical role in restoring ecosystems, protecting communities from flooding and facilitating navigation. For example, from 2014 to 2017 Mr. Connor served as the Deputy Secretary of the Department of the Interior, where he was the second-highest ranking official with responsibilities as the Chief Operating Officer of an agency with more than 70,000 employees and an annual budget of approximately \$13 billion. Before that he was the Commissioner of the Bureau of Reclamation where he promoted the sustainable use of water to address current and future challenges facing water users throughout the West, including Colorado River parks like Glen Canyon National Recreation Area and Canyonlands and Grand Canyon National Parks, which are also coping with profound heat and drought conditions. He completed two major agreements with Mexico on the Colorado River, negotiated and implemented five Indian water rights settlements and led negotiations on the California Bay-Delta Conservation Plan.

Before his time with the Obama administration, Mr. Connor served as counsel to the U.S. Senate Committee on Energy and Natural Resources where he worked on issues related to energy development, land and water management and tribal nations. Mr. Connor managed legislation focused on the Bureau of Reclamation and the U.S. Geological Survey for the Committee. He also handled Native American issues within the Committee's jurisdiction, helping to resolve several key Indian land and water rights settlements.

Michael Connor is well qualified to lead the Army Corps, an agency that plays an important role in protecting and preserving the stories our parks tell. We look forward to working with Mr. Connor to ensure the best future for our national parks and urge the Committee to support his nomination.

Please contact Chad Lord, senior director for environment and climate policy, at 202.257.4365 or clord@npca.org with questions.

Sincerely,

Kristen Brengel
Senior Vice President of Government Affairs

July 11, 2021

U.S. Senate Committee on Environment and Public Works
Senator Tom Carper, Chairman
Senator Shelley Moore Capito, Ranking Member
410 Dirksen Senate Office Bldg. (Majority)
456 Dirksen Senate Office Bldg. (Minority)
Washington, DC 20510

Via email to staff: Brian Eiler, Brian_Eiler@epw.senate.gov

c. Captain Mark Runstrom, Department of Defense, mark.j.runstrom.mil@mail.mil

Re: Letter of Recommendation for Michael L. Connor for the position of Assistant Secretary of the Army for Civil Works

Dear Chairman Carper, Ranking Member Capito, and Members of the Committee:

It is with pleasure that I submit this letter in support of Michael L. Connor to lead the U.S. Army Corps of Engineers as Assistant Secretary to the Army for Civil Works.

During my tenure as U.S. Secretary of the Interior from 2013-17, I worked closely with Mr. Connor, first in his role as Commissioner of the Bureau of Reclamation, and then as Deputy Secretary of the Interior. In these roles, he carried out his responsibilities with distinction as a skilled, ethical, and respected leader, team-player, dedicated public servant, and expert across multiple disciplines. I could not have asked for a more capable and committed colleague, and his work was instrumental in all aspects of Interior's work.

As a fellow engineer, I deeply appreciated Mike's understanding of the complexities of U.S. water systems and infrastructure, water rights, environmental challenges, ecosystem services, and respecting the needs of diverse constituencies. His multi-faceted expertise in law, policy, and government was invaluable in shaping and carrying out Interior's strategic plan, thoughtful policies, implementing legislation, and settling long-standing water disputes at a time of drought, climate change, and over-allocation of resources.

From Mike's early career in the Interior Solicitor's Office to his time serving as staff to the Senate Energy and Natural Resources Committee, he distinguished himself as a pragmatic leader, dedicated to listening to many diverse points-of-view, and seeking sustainable solutions. Mike was instrumental in collaborating directly with the U.S. Army Corps of Engineers on many projects, from infrastructure integrity to restoration of wetlands and ecosystems, and assuring

that tribal rights and perspectives were considered in the Corps' actions. He served with the Corps and other agencies as Interior's representative on the RESTORE Council, addressing Gulf Coast Restoration after the Deepwater Horizon Oil Spill. He was also called upon by the Department of Defense to advise on the integrity and risk associated with the Mosul Dam in Iraq during his tenure as Deputy Secretary of the Interior.

Mike Connor understands that our infrastructure, as well as shared lands and waters, are an important driver of a wide variety of economic and recreational activities around the nation, and that it is critical to maintain natural and cultural values such as biodiversity, ecosystem services, and habitat for healthy wildlife on land and offshore.

With diverse cultural roots as an enrolled member of the Taos Pueblo Tribe coupled with Latino and European heritage, Mike brings unique insights and the capacity to deeply understand different perspectives. He is a dedicated father, husband, and son to his close-knit family, and always demonstrated respect for them in our work together.

I recommend Mike Connor to you for this important role with enthusiasm and without reservation. I believe he is by far the best qualified individual in the country to become Assistant Secretary of the Army for Civil Works, and I encourage your timely support of his nomination by President Biden. I am confident he will work respectfully and thoughtfully with Secretary Austin, Deputy Secretary Hicks, Secretary Wormuth, Members of Congress, and a wide variety of stakeholders to serve the interests of the American people today and in the future.

Thank you for your service to our nation.

Sincerely,

A handwritten signature in blue ink that reads "Sally Jewell". The signature is fluid and cursive, with the first name "Sally" and last name "Jewell" clearly distinguishable.

Sally Jewell
U.S. Secretary of the Interior, 2013-17

2201 Sunset Avenue Southwest
Seattle, Washington 98116
Email: sally@srjassociates.com



National Wildlife Federation
National Advocacy Center
1200 G Street NW, Suite 900 • Washington, DC 20005 • 202-797-6800

July 13, 2021

The Honorable Jack Reed
Chair, Senate Committee on Armed
Services
Washington, D.C. 20510

The Honorable Thomas R. Carper
Chair, Senate Committee on Environment
and Public Works
Washington, D.C. 20510

The Honorable Jim Inhofe
Ranking Member, Senate Committee on Armed
Services
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on Environment
and Public Works
Washington, D.C. 20510

Dear Chair Reed, Chair Carper, Ranking Member Inhofe and Ranking Member Capito:

On behalf of the National Wildlife Federation, I am writing to express our support for the confirmation of Mr. Michael Connor as Assistant Secretary of the Army for Civil Works at the Department of Defense. Mr. Connor is uniquely qualified to lead the U.S. Army Corps of Engineers and to further the Corps' work of restoring the nation's aquatic ecosystems, addressing environmental justice and strengthening Tribal consultation, and reducing flood risks for people while supporting healthy waters and wildlife.

Founded in 1936, the National Wildlife Federation is America's largest and most trusted grassroots conservation organization with 53 state and territorial affiliates and more than six million members and supporters, including hunters, anglers, gardeners, birders, hikers, campers, paddlers, and outdoor enthusiasts of all stripes.

Mr. Connor brings decades of experience to this nomination, having worked creatively and collaboratively through some of the nation's most complex conservation, water, and infrastructure challenges. A member of the Taos Pueblo Tribe, he has served as the Deputy Interior Secretary and as the Commissioner of the Bureau of Reclamation, where he promoted sustainable water use in the arid West, completed two major agreements with Mexico on the Colorado River, negotiated and implemented five Indian water rights settlements, and led negotiations on the California Bay-Delta Conservation Plan. Prior to that, Mr. Connor helped resolve Indian land and water rights settlements and address other land, water, and energy issues as Counsel to the U.S. Senate Committee on Energy and Natural Resources.

Uniting all Americans to ensure wildlife thrive in a rapidly changing world.

nwf.org

The National Wildlife Federation believes that Mr. Connor's experience, expertise, and relationships position him to be a strong leader of the Civil Works program. We support the confirmation of Mr. Connor as the Assistant Secretary of the Army for Civil Works and look forward to working with him to improve the health of the nation's water resources to benefit people and wildlife alike.

Sincerely,

A handwritten signature in cursive script, reading "Jessie Ritter".

Jessie Ritter
Director, Water Resources and Coastal Policy
National Wildlife Federation

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NCAI HEADQUARTERS

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NATIONAL CONGRESS OF AMERICAN INDIANS

February 19, 2021

The Honorable Joe Biden
President of the United States
The White House
1600 Pennsylvania Avenue
Washington D.C. 20500

Dear President Biden:

I write on behalf of the National Congress of American Indians ("NCAI") to offer the organization's full support and endorsement of Michael Connor to be nominated as Assistant Secretary of the Army for Civil Works.

NCAI is the oldest and largest national organization composed of American Indian and Alaska Native Tribal Nations and their citizens. As such, NCAI applauds President Biden's commitment to ensure that the Administration is as diverse as the country it serves. President Biden has also committed to ensure that historically underserved populations have representation outside of traditional roles.

Mr. Connor's nomination to serve as Assistant Secretary would be historic, as he would be the first American Indian or Alaska Native to serve in this capacity. This is especially critical given the role that the U.S. Army Corps of Engineers plays in making decisions that have long-lasting impacts on federal and tribal lands. Of course, he is also well-qualified for the position given his senior leadership positions during the Obama Administration. From 2009-2014, Mr. Connor led the U.S. Bureau of Reclamation, another large federal water resources agency, and from 2014-2017, he served as the Deputy Secretary of the Department of the Interior, leading a number of climate, energy, and water resource initiatives as well as ensuring the Department significantly improved how it carried out the federal trust responsibility to Tribal Nations and their citizens during that time period.

NCAI offers our full support of Mr. Connor and hope you will find it in the Administration's best interest to nominate him to lead the U.S. Army Corps of Engineers.

Sincerely,

Fawn Sharp
President
National Congress of American Indians