

Testimony of Chett Chiasson
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Cut Off, Louisiana
The Role of Natural and Nature-Based Features in Water Resources Projects
Committee on Environment and Public Works
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My name is Chett Chiasson, and I am the Executive Director of the Greater Lafourche Port Commission, otherwise known as Port Fourchon. In addition to service as the Executive Director of Port Fourchon, I also serve on the Louisiana Governor's Advisory Commission for Coastal Activities, the Louisiana Coastal Protection and Restoration Authority Finance Corporation and the Executive Board of Restore or Retreat, a regional non-profit coastal restoration advocacy group.

First, I'd like to commend the Committee for holding this hearing on this subject matter. I have had the privilege of testifying several times before various Congressional Committees, and in all of my testimony, I never fail to discuss our coastal restoration efforts in South Louisiana, and its extreme importance to our professional and personal lives. But this is the first hearing, at least that I am aware of and certainly at which I have testified, with the primary focus being on nature-based infrastructure, and across all missions of the Corps of Engineers – navigation, flood control and environmental restoration.

Port Fourchon is located on the Gulf of Mexico near the mouth of Bayou Lafourche and is the only Louisiana port directly on the Gulf of Mexico. Although 675 million barrels of domestically produced and imported crude oil per year are transported via pipelines through or near the Port, Port Fourchon does not itself handle any bulk oil and gas per se. Rather, we are an intermodal offshore services and supply port. More than 250 companies utilize Port Fourchon in servicing offshore rigs in the Gulf of Mexico, carrying equipment, supplies and personnel to offshore locations. In terms of service, Port Fourchon's tenants provide services to more than 90 percent of all deepwater rigs in the Gulf of Mexico, and roughly 45% of all shallow water rigs in the Gulf. 80% of all Gulf oil now comes from deepwater Gulf of Mexico operations. In total, Port Fourchon plays a key role in providing nearly 20% of the nation's oil supply – or one in every five barrels of oil in the country. Translating that to economic impact, offshore oil and gas activities produce 345,000 U.S. jobs, \$28.6 billion in Gross Domestic Product impact, more than \$5 billion annually in government revenues, and will produce \$353 million in GOMESA funding and \$1 billion in funding for the Land and Water Conservation Fund.

Equally as important, the offshore exploration, development and service industries that have been involved in hydrocarbon production for more than a half century are transitioning into offshore renewable energy activities in and around my area. More than ten years ago, offshore service companies located at Port Fourchon began building vessels designed to participate in offshore wind turbine installation in the Northeast and Mid-Atlantic coast. Currently, another of our tenants has vessels under construction designed to participate in offshore renewable development. Indeed, it is the expertise that has been developed in the offshore oil and gas

industry over the past 70 years – with technology that continues to be developed every year, which serves as the foundation for the growing offshore renewable energy industry in this Country.

None of this activity in South Louisiana or other areas along our Nation’s coastlines, whether that’s the Gulf of Mexico, the Atlantic or Pacific coastlines, or even interior portions of our Country, can occur if our physical infrastructure is not kept up to date. And our physical infrastructure efforts must contemplate the linkage between physical or grey infrastructure, and natural infrastructure. I applaud this Committee’s efforts for its bipartisan work on infrastructure legislation over the years, and now with the Biden Administration. I look forward to something becoming law this year.

We in south Louisiana have a successful history of balancing economic activities such as oil and gas development and commercial fishing, with environmental protection and restoration. Indeed, from a Louisiana standpoint, the Gulf of Mexico and its adjacent wetlands is the thread that sews together our heritage, our livelihood, our recreation, and our homes, and you would be hard-pressed to find another group of Americans whose culture, character and livelihood are tied so closely to their natural environment as those of us who call South Louisiana home. Thus, part and parcel to maintaining our physical infrastructure is protecting, preserving, and at times, creating or recreating natural infrastructure, and incorporating principals of nature-based infrastructure into to the planning and execution of our infrastructure projects.

Port Fourchon sits between two estuaries, Barataria and Terrebonne, in an area that was once the pre-historic Mississippi River channel. Port Fourchon is designed with the environment in mind. This means we seek to protect the environment in all of our activities, because in turn the environment protects us from winds, storm surges and flooding that inevitably occur each year. Over the years, we have taken an increasingly holistic approach to our Port’s development. Particularly since Hurricane Katrina, we have focused on making sure that our infrastructure is built to a higher standard. For instance, we have increased the base elevation of our newer slips, our roads, and bulkheads. Equally important, we have added more than a thousand acres of new wetlands through our own development to protect our tenants’ assets *in a natural way*. Our mitigation efforts for new development is done in a way which restores the historic landscape of the surrounding marshes, and our efforts are incorporated into Louisiana’s Coastal Mater Plan, a 50-year, \$50 billion ecosystem restoration effort. Not all of our activities at Port Fourchon or in the State are Corps of Engineers projects, but all are done in conjunction with the Corps and other federal agencies such as NOAA and the Fish and Wildlife Service, or with Louisiana’s Coastal Protection and Restoration Authority (CPRA) and other State agencies, government-created organizations such as the Barataria-Terrebonne National Estuary Program, a variety of NGOs, and private-sector partners.

The most recent example of our efforts relates to our upcoming channel deepening project. Thanks to this Committee’s work, last year WRDA 2020 was enacted into law, and our Port Fourchon Belle Pass Channel Deepening project was authorized in that legislation. This project intends to deepen the federal channels at Port Fourchon to a depth of -30 feet, from the current depth of -26 feet. It will of course provide our tenants with additional draft to accommodate their vessels, but equally important, 100% of the dredge material will be

beneficially reused for marsh creation. In total, this one project will create approximately 948 acres of new marsh - - and as I previously stated, it is but one project in which we are involved, and one of many coastal projects ongoing within Louisiana.

In Louisiana, the Corps has a strong track record in their beneficial use of dredged material efforts. The Corps New Orleans District has recently provided me with three slides, which I will submit with this testimony, that highlight their current and historic beneficial use efforts. The numbers are impressive; but they also tell two stories, and reveal that there is much work to still be done with beneficial use. For FY 2020 alone, Corps activities have resulted in 25.4 million cubic yards of dredge material placement, 685 acres of wetland habitat created, 280 acres of bank stabilization and beach nourishment, and 246 acres of bird island habitat. Other summaries for recent Fiscal Years are similar. Since 1976 to the present, 49,080 total cumulative acres have been created in Louisiana by beneficial use disposal, equating to 74 square miles of land. These are impressive numbers. But this presentation also provides a chart that lists all dredge disposal on a yearly basis. The *non-beneficial use* disposal dwarfs BU disposal by a magnitude of three and sometimes four times each year. So for instance, in FY 20, while more than 25 million cubic yards of dredge material were beneficially reused, more than 100 million cubic yards in total were disposed of in non-beneficial use – nearly 100 million cubic yards of dredge material was not utilized for beneficial use. There are a variety of reasons why this is the case – in some cases, compatibility of dredge material may be an issue, in some cases dredge material was not directly placed to create land, but rather disposed of in a manner to utilize wave action or currents and thus is not considered by the Corps as BU per se, so I do not want to overstate these figures. But even with such caveats, there remains much improvement to be achieved in this area.

For the most part, the Corps is a valued partner to my Port, as I know it is to other non-federal participants not only in my State but around the Country. But often times Corps policy and action can be cumbersome, slow, and at times inflexible. Let me use my recently authorized dredging project as an example. For the project that was authorized in WRDA 2020, my Port drafted the Feasibility Report pursuant to Section 203 of WRDA 86, which was then approved by the Assistant Secretary of the Army, and submitted to Congress for authorization. Our reasons for drafting the Feasibility Report under Section 203 certainly related in part to concern over Corps timing and the reliability of federal funding for a Corps-sponsored Feasibility Study, but for the most part, we wanted to design a project that would meet the needs of not just our tenants, but the needs of our community and surrounding environment, with the elements of holistic resiliency, and we just simply felt that we could better design a project suited to our community.

As I've mentioned, our Feasibility Report plans for 100% beneficial reuse of our dredge material. The Corps provided technical review and comments on our draft report, we traded information and addressed questions, all of which was valuable and provided a Feasibility Report that was more easily approved by the ASA. But one area of disagreement that we had, and which to date still is not resolved since the project design has not yet begun, involves the National Economic Development (NED) plan. We selected our proposed beneficial use disposal project as our "base plan", because not only is it the correct thing to do and in some instances it might be the cheapest alternative, but moreover there is not an EPA permitted open water

disposal site near our location. As I stated, this issue still remains outstanding, not really over whether the BU option will be utilized, I think the Corps fully supports our BU goals, but the Corps requiring that the least-costly environmentally acceptable alternative – the NED plan – be an open-water disposal option, which goes against every principal of stewardship that we have, and utilizing a disposal site that does not exist. In the end, I am confident that our project will be 100% beneficial use, and that the federal government, through the Corps of Engineers, will meet its federally mandated cost-sharing obligations to our navigation project. But I fear we will need to have an unnecessary debate over a fictitious option, due to a Corps policy that in my circumstance, is really inapplicable. I know this to be the case in other Corps mission areas, such as flood control.

Related to this NED issue and one that I think goes to the heart of nature-based infrastructure planning, and certainly in evaluating the costs of any plan, is the difficulty of the Corps, and for that matter other governmental and non-governmental entities, of creating an economic valuation for nature-based infrastructure. For instance, what is the economic value of creating a wetland? What is the valuation for the multitude of plants, invertebrates, fish, and shellfish benefitted? Beyond that, how do we quantify the value of nature-based structural and non-structural infrastructure that would be protecting a seaport, an oil refinery, a windfarm, a downtown portion of a major city like Houston or smaller communities along the Mississippi, by creating marshlands in a coastal area, or incorporating natural-based features in an earthen dam along a river or stream that is subject to flooding? Perhaps the ultimate question – should we even require such an “economic benefit” factor to be applied to nature-based infrastructure features, including non-structural features? I do not believe this issue is unsolvable. The best and brightest minds in the public and private sector are evaluating this very issue. But I do believe that Congress, in future WRDAs or Flood Control Acts, and the Corps and other federal agencies when developing or changing policies, has a role in evaluating the alternatives proposed by the best and brightest, and apply that to the way in which we collectively do business.

Lastly, I would offer that not only updating or creating new policies to accommodate nature-based features is important, but so too is the fair and efficient application of all applicable laws, regulations and policies – including the flexibility for that application in a particular context, on a particular project. I use as an example the Corps regulatory program. Much has been debated, discussed and litigated on the Section 404 program, but often times the Section 408 approval to alter a Civil Works project can prove to be a cumbersome and time-consuming process. This is particularly true to non-federal entities wishing to alter a Corps existing flood-control or storm damage reduction project, and with other grey infrastructure projects such as road and bridge crossings that encompass an existing Corps projects. I am aware of several instances in my local area where delay or refusal to issue a 408 permit has occurred, and therefore caused delays in constructing the project. In one instance, the local sponsor submitted design and engineering data to the Corps District, which was subsequently reviewed and approved by members of the Corps Design Review Team, but Corps legal Counsel would not issue a formal acceptance of the project and issue a permit, out of concern that approval would create liability on the part of the federal government.

As I hope to have expressed, the various local-governmental and NGO agencies in my area all deal with the Corps of Engineers on issues that span navigation, flood control and

environmental restoration. Every one of those issues impact the lives of every citizen of South Louisiana, and I am sure that is the case in nearly every part of our Country. In terms of laws that this Committee and your predecessors have passed – we’re talking a number of Flood Control Acts, various Water Resource Development Acts, Clean Water Act, Endangered Species Act, just to name a few. These laws all have different goals, varying mandates, and corresponding implementation by the Corps and other federal agencies. But the everyday lives of every American isn’t bifurcated like that – we’re people making a living, raising a family, enjoying free time, whatever our calling is in life, and some of us are working with the Corps of Engineers on a professional capacity to benefit our communities. And so the Corps and every other government agency for that matter, must be able to overcome the inevitable silos within its own organization, based on its varying statutory mandates, implementing policies etc., and must be able to utilize and manage all of its assets over multiple disciplines, with flexibility, ingenuity, and timeliness, whether it is in immediate response to a hurricane or flood event, or whether it is in planning a 50 year flood damage reduction project or a large-scale wetland restoration project utilizing beneficial use of dredge materials.

The final point that I will make is this – I suspect the vast majority of “non-federal sponsors” involved with any Corps project are some sort of governmental organization, as is mine. We too are under statutory mandates, we too operate under our own set of policies to which we must adhere, and we too are ever mindful of the need to spend our public dollars wisely and efficiently. But being at the local government level, I suspect we are able to be more “fleet of foot”, we’re able to at times think, adapt and act quicker than, for instance, a federal agency. I understand that. But I do think that it should be an overarching goal of the Corps, and Committees in Congress like yours with jurisdiction over these matters, to continuously seek or allow for flexibility, efficiency, “nimbleness” in drafting and administering these laws. And listen to and work more creatively with the local sponsors, the NGO’s and the businesses involved in water resource projects, because while we all have a common goal in mind, we all have differing perspectives, skills sets, and mandates.

Again Mr. Chairman and Members of the Committee, I very much appreciate you holding this hearing and allowing me to testify, and I look forward to responding to any questions you may have.