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PROGRESSIVE CAUCUS
THE DUMA CONGRESS STUDY GROUP

**Congress of the United States
House of Representatives
Washington, DC 20515**

**CORRINE BROWN
3D DISTRICT, FLORIDA**

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FOR IMMEDIATE RELEASE

May 4, 2012

**CONTACT: Nick Martinelli
(202) 225-0123**

Congresswoman Brown's Fact Check on Mile Point Project

(Washington, DC) - With regard to the announcement by the U.S. Corps of Engineers approval of the Chief's Report for the Mile Point navigational improvement project.

Congresswoman Brown made the following statement:

"I have been working closely with the U.S. Corps of Engineers for several years to secure authorizing language and funding for the navigational improvements at Mile Point. I am pleased that they are one step closer to fixing this dangerous problem and will continue to work in Washington to secure its final approval.

As a senior member on the Transportation and Infrastructure Committee, which has jurisdiction over the Corps of Engineers, I have long advocated for the Port of Jacksonville, including authorizing language in previous Water Resource Development Acts (WRDA) and funding for JaxPort projects in Energy & Water Appropriations bills. And I have complained vociferously that the Republican House and Transportation Committee leadership have not acted to reauthorize the Water Resources Development Act, which is the only vehicle available to include authorizing language for projects like Mile Point, and is within the sole jurisdiction of the Transportation and Infrastructure Committee.

I have been instrumental in organizing meetings between the Corps of Engineers, JaxPort, and the local Congressional delegation to discuss numerous issues affecting the Port of Jacksonville. In 2009 I hosted a meeting between the Corps of Engineers, JaxPort Executive Director Rick Ferrin, Congressman Crenshaw and Senator Nelson seeking an additional \$18 million needed to finish the final phase of the 2002 harbor deepening. I have met personally several times with Assistant Secretary of the Army for Civil Works, Jo-Ellen Darcy seeking solutions to the Mile Point navigational restrictions and an expedition of the current dredging project. I also offered an amendment to the Coast Guard reauthorization that would have given the Corps the authority to act on Mile Point, and I personally spoke to DOT Secretary Ray LaHood to express the critical need for the TIGER III grant which will fund a new rail line from the port. Most

recently, I am spearheading a letter to Secretary Darcy requesting that she include JaxPort's Mile Point and dredging projects as projects of regional and national significance". (Correspondence Attached)

The navigation restriction in the channel at Mile Point causes shipping inefficiencies and hazards for vessel movement throughout the entire federal harbor. Prompt remediation is essential to Jacksonville Port Authority's ability to continue to create jobs and grow the economy of Northeast Florida. Upon completion, the Mile Point project will result in the addition of 3550 jobs.

Transportation and Infrastructure funding is a critical tool for job creation. Department of Transportation (DOT) statistics show that for every \$1 billion invested in transportation-infrastructure, 44,000 quality jobs are created, as is \$6.2 billion in economic activity.

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October 26, 2009

The Honorable Jo-Ellen Darcy
 Assistant Secretary of the Army, Civil Works
 108 Army Pentagon, Room 3E446
 Washington, DC 20310

Dear Secretary Darcy:

I am writing to request a meeting to discuss a major dredging project at the Jacksonville, Florida port. The project began in September but due to a miscalculation by the local Corp of Engineers office, an additional \$18 million is needed to complete the project.

This dredging project is the final phase of the harbor deepening project that began in 2002. When complete next year, 38' draft vessels will be able to call, unrestricted, at their Talleyrand Terminal. This is a capability that is critical to their tenant steam ship lines.

With approximately \$45 million committed to the project, notice to proceed was issued by the Jacksonville District to its contractor, Great Lakes Dredging, and the actual work began in September. Shortly after work commenced, the contractor informed the Jacksonville District that the District had seriously underestimated the quantity of material to be removed from the St Johns River. The original estimate was for a volume of 1.6 million cubic yards and it appeared that there could be as many as 500,000 cubic yards of additional material to be dredged. This 30% increase in volume could cost as much as \$18 million according to the Jacksonville District.

The Jacksonville Port Authority (JAXPORT) is one of the key economic engines for Northeast Florida and the entire state. Cargo and cruise business at Jacksonville's seaport support 65,000 jobs across the region and generate a total of \$19 billion in annual economic impact. In the current economy, we can't afford anything that is going to slow their economic contribution to the region.

Our local Corp of Engineers office in Jacksonville has many excellent employees and works well with my office, but is facing the same fiscal restraints that every agency is currently facing. Making a resolution even more urgent is the fact that it will cost approximately \$100,000 each day the dredging company sits idle waiting to complete dredging.

Thank you for your attention to this matter. I am hopeful that a meeting with all the parties concerned will help facilitate a solution to this problem. I have attached additional information on this dredging project. Please contact Nick Martinelli with my staff at 202-225-0123 or via email at Nick.Martinelli@mail.house.gov to finalize a meeting date.

Sincerely,

A handwritten signature in blue ink that reads "Corrine Brown". The signature is fluid and cursive, with the first name "Corrine" being larger and more prominent than the last name "Brown".

Corrine Brown
Member of Congress

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**Congress of the United States
House of Representatives
Washington, DC 20515**

CORRINE BROWN
3D DISTRICT, FLORIDA

June 10, 2010

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army (Civil Works)
Department of the Army
108 Army Pentagon
Washington, DC 20310-0108

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Dear Secretary Darcy:

As you are aware, the water currents at Mile Point in the Jacksonville Harbor federal shipping channel cause severe navigational restrictions for PANAMAX vessels. The Army Corps of Engineers (ACOE) and the U.S. Congress have invested significant resources to dredge the channel to 40 feet. **However, due to the navigation restrictions at Mile Point, the project is not fully 40 feet accessible, as vessels with drafts greater than 33 feet must wait on flood tide which causes serious shipping disruptions throughout the harbor.**

Therefore, we believe the remediation of Mile Point is of paramount importance and that the ACOE already possesses the tools needed to begin this remediation without additional congressional authorization. Under ACOE Regulation 1165-2-119, "a design or construction deficiency is a flaw in the Federal design or construction of a project that significantly interferes with the project's authorized purposes or full usefulness as intended by Congress at the time of original project development." It is clear to us that the original purpose of the Fiscal Year 1999 authorization for the Jacksonville Harbor dredging project was to produce a federal channel that could be **fully utilized at the 40 foot authorized depth**. The Mile Point navigation hazards prevent this and, **in accordance with ER 1165-2-119, corrective action can be undertaken pursuant to the authority of the 1999 project authorization.**

The ACOE Jacksonville District has been studying Mile Point for seven years and a feasible, thoroughly reviewed remedial plan has been developed. ACOE Regulation 1165-2-119 now offers a mechanism to use the Fiscal Year 1999 project authorization thus allowing the Mile Point project to compete immediately for congressional appropriated funds.

Therefore, we respectfully request that the Jacksonville District issue a Project Deficiency/Corrections Report or identify another authority so the Jacksonville Harbor dredging project fulfills the original purpose as envisioned and intended by the U.S. Congress and the ACOE. **We urge you to examine all available authorities and make a determination of the one which is most applicable to the Mile Point situation and which will assure a prompt resolution to this serious navigation restriction.**

We appreciate your leadership on this critically needed navigation improvement in the Jacksonville federal shipping channel.

Sincerely,



Corrine Brown
Member of Congress

Congress of the United States
Washington, DC 20510

September 7, 2010

Mr. Steve Stockton
Director of Civil Works
United States Army Corps of Engineers
441 G Street, NW
Washington, DC 20314-1000

Dear Mr. Stockton:

In recent years the Port of Jacksonville has grown dynamically from a regional port to a global gateway of true national economic significance. Importantly, its Federal Channel is now deep enough to accommodate the massive Panamax vessels that will come to Florida after the Panama Canal expansion is complete.

Unfortunately, however, the ongoing passage restriction at Mile Point precludes the full use of the Panamax draft capability to only 35% of the day. The Jacksonville District has thoroughly designed a remediation plan to correct this safety hazard but it is projected to take considerable time.

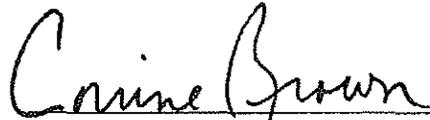
The Jacksonville Port Authority has recently requested that the Corps of Engineers consider the application of the provisions of ER 1165-2-119 and the determination that there exists a project deficiency based upon the marginal usefulness of the congressionally authorized channel deepening. We understand that you and your staff along with the Commanders of the South Atlantic Division and the Jacksonville District will be meeting to review the Port's request.

Please continue to give every consideration to this request. It is upon this passage capability that the commercial viability and growth potential of the Jacksonville harbor hinges. Thank you for your prompt consideration and service to the nation.

Sincerely,



Sen. Bill Nelson



Rep. Corinne Brown

CC: The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army (Civil Works)

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**Congress of the United States
House of Representatives
Washington, DC 20515**

CORRINE BROWN
3D DISTRICT, FLORIDA

November 23, 2011

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Hon. Norm Dicks
Ranking Member
Committee on Appropriations
Washington, DC 20515

Hon. Ed Pastor
Ranking Member
Subcommittee on Energy & Water
Washington, DC 20515

Dear Ranking Members Dicks and Pastor:

As you prepare to conference the FY 2012 Energy and Water Development appropriations bills, I want to express my strong support for Sec. 110 of House-passed H.R. 2354 and to propose a modification for your consideration.

Section 110 expands the Corps' authority to accept and use non federal funds for the planning and design of water resource projects. The proposed modification enables the Corps to construct projects using non federal funds in those instances where improvements are critical to navigation safety and where projects are fully funded for construction by non federal sources. Without this legislation, critical, ready- to- go projects will be delayed and job opportunities will be lost until Congress establishes new authorizing procedures.

I have included suggested language that was developed in conjunction with the Office of Legislative Counsel.

For instance, one critical project is the Corps' recommended improvement to the Jacksonville shipping channel where a serious navigation restriction causes congestion and hazards for all vessel traffic in the federal harbor. The Port Authority and State of Florida are prepared to fund the entire cost of the needed remediation, which totals about \$40 million. The proposed language will enable the Corps to use the non federal funds to construct the project, thereby alleviating safety concerns and creating an estimated 3500 jobs for northeast Florida.

Thank you in advance for both your support in retaining Sec. 110 and your assistance in including modification language in conference. Please contact me or Nick Martinelli with my staff at 5-0123 if you need any additional information.

Sincerely,



Corrine Brown
Member of Congress

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 2838
OFFERED BY MS. BROWN OF FLORIDA**

At the end of title IV, add the following:

1 **SEC. 409. AUTHORIZATION FOR CORPS OF ENGINEERS TO**
2 **CONSTRUCT PROJECTS CRITICAL TO NAVI-**
3 **GATION SAFETY.**

4 The Secretary of the Army, acting through the Chief
5 of Engineers, may accept non-Federal funds and use such
6 funds to construct a navigation project that has not been
7 specifically authorized by law if—

8 (1) the Secretary has received a completed
9 Chief of Engineers' report for the project;

10 (2) the project is fully funded by non-Federal
11 sources using non-Federal funds; and

12 (3) the Secretary finds that the improvements
13 to be made by the project are critical to navigation
14 safety.



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**Congress of the United States
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November 15, 2011

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army (Civil Works)
Department of the Army
108 Army Pentagon
Washington, DC 20310-0108

Dear Secretary Darcy:

I am writing to strongly urge your immediate response to the Jacksonville Port Authority's letter of November 10, 2011 seeking possible discretionary authority for the Mile Point project. The letter is attached.

It is extremely frustrating that with the current economic problems we are facing in this country that a project that improves maritime safety, creates 3,500 jobs, and would be fully paid for with non-federal funds cannot move forward because of a complete lack of flexibility on the part of the Corps of Engineers.

The port and local community are understandably concerned that while Secretary LaHood had pledged his support in assisting the Port of Savannah in completing their dredge project, the Corps of Engineers is adding additional study requirements for the Jacksonville Port dredging project, slowing the growth of the port and its preparation for post panamax ships.

We have been working for several years now to find a solution to the navigation problems at Mile Point, and I would again ask you to make every effort possible to find a way that this problem can be addressed in a reasonable manner. The Jacksonville Port Authority board is meeting on Tuesday, December 13, 2011 and an answer prior to that time would be greatly appreciated.

Thank you for your attention to this matter. Please contact me personally if you have any additional questions.

Sincerely,



Corrine Brown
Member of Congress

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**Congress of the United States
 House of Representatives
 Washington, DC 20515**

CORRINE BROWN
 3D DISTRICT, FLORIDA

December 5, 2011

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Honorable Ray LaHood
 Secretary
 U.S. Department of Transportation
 Washington, DC 20590

Dear Secretary LaHood:

I am writing to express my strong support for the TIGER III grant application being submitted by the Jacksonville Port Authority to expand the Port's capacity to handle containerized cargo. The project is being developed in conjunctions with CSX Railroad, and funding will be used to construct an Intermodal Container Transfer Facility (ICTF).

JAXPORT is a vital part of Florida's economic health, and in spite of the recession, it has remained one of the state's 'shining stars' in terms of economic activity. Already, the Port's cargo and cruise operations support 65,000 jobs across the region and generate a total of \$19 billion in annual economic impact, according to a 2009 John C. Martin Associates study. Currently the country's second largest handler of cars, trucks and other vehicles, JAXPORT has positioned itself to become the largest container port in Florida over the next decade through an aggressive development program, which includes the opening of two new container terminals – the 2009 opening of the MOL Trapac Container Terminal and the soon-to-be-constructed Hanjin Container Terminal.

JAXPORT's reach extends far beyond just the local Northeast Florida region. More than 75 percent of all trade between the United States and Puerto Rico is handled by JAXPORT. In 2009, more than 55 percent of the Port's overall container tonnage was attributed to Puerto Rico. Additionally, Jacksonville is the No. 1 ranked Strategic Seaport by the U.S. Department of Defense for its ability to support the secure movement of military forces and equipment along the eastern seaboard.

Thank you for your attention to this critical infrastructure project in my district. Please contact me personally or have your staff contact Nick Martinelli with my office at 202-225-0123 if you need any additional information.

Sincerely,

Corrine Brown
 Member of Congress

DRAFT

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army (Civil Works)
108 Army Pentagon
Washington, DC 20310-0108

Dear Secretary Darcy:

We are writing to respectfully request that you include Jacksonville Harbor's two ongoing navigation projects on the list of infrastructure projects of regional or national significance, as directed by President's Obama's Executive Order: Improving Performance of Federal Permitting and Review of Infrastructure Projects

JAXPORT now accommodates 11 of the world's 15 largest container lines, including all - water container service to and from ports in Asia. The Port also continues in its historical role as the nation's second largest handler of automobiles and the number one trade partner with Puerto Rico. JAXPORT supports 65,000 jobs and generates a total of \$19 billion in annual economic impact.

The navigation restriction in the channel at Mile Point causes shipping inefficiencies and hazards for vessel movement throughout the entire federal harbor. Prompt remediation is essential to Jacksonville Port Authority's ability to continue to create jobs and grow the economy of Northeast Florida. Upon completion, the Mile Point project will result in the addition of 3550 jobs. The Army Corps has developed a recommended plan of improvement which is fully supported by the Port Authority. The Preconstruction, Engineering and Design (PED) is ongoing at this time.

JAXPORT is ideally situated to accommodate the mega sized ships requiring 48 to 50 feet of draft which are expected on the East Coast on completion of the Panama Canal expansion. Without additional East Coast deep draft capacity in place to accommodate these ships, the U.S. is at risk of losing jobs overseas, as vessels can call at foreign ports which already have 50 foot harbors such as Freeport, Bahamas. With a deeper draft, JAXPORT's post panama container terminal and future planned capacity additions will result in 90,000 jobs. Yet the ongoing General Reevaluation Report (GRR) is subject to cumbersome review and additional procedures resulting in delays and extended timelines for project completion. The GRR is now in its ninth year and the estimated time for completion has been extended to late 2014, with the final Chief of Engineers' report not scheduled for submittal to Congress until July 2016.

It is evident that JAXPORT's reach extends far beyond northeast Florida and that these navigation projects will result in significant regional and national benefit. Thank you in advance for designating these projects on the national priority list. Should you require any additional information, please do not hesitate to contact us directly.

Sincerely,