The Water Resources Development Act of 2013, S.601, is slated for consideration on the Senate floor when the Congress returns from recess next week. Indications are that Senate Majority Leader Harry Reid (D-NV) will schedule a cloture vote for the evening of May 6th to proceed with debate on the measure.

The bill, which moved through the Environment and Public Works Committee on March 20th, was the subject of Senator David Vitter’s remarks at NWC’s Legislative Summit the previous week, as the Ranking Member of the EPW Committee provided attendees with a sneak peak of the bill.

After announcing that he and Committee Chairman Barbara Boxer, D-Calif., had reached agreement on key provisions, he provided some highlights:

- A requirement that all tax revenue collected for the Harbor Maintenance Trust Fund (HMTF) be spent on actual improvements, including dredging projects. The 2 points of order in the legislation, Senator Vitter explained, would ensure that the requirement for full expenditure is not met by raiding other Corps’ accounts.
- Measures to streamline environmental reviews of waterway projects, modeled after similar provisions in MAP-21, the surface transportation reauthorization enacted last summer.
- Penalties that would be imposed on the Corps and other federal agencies for missing deadlines, shifting that funding to the offices directly responsible for doing the work in question.

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- Legislative Summit Recap
- Upcoming Industry Events
- House WRDA Hearing
- FY14 Budget
- Principles & Guidelines
- Bill Jackson Honored
- Joint Caucus Briefing

We welcome your suggestions and ideas for the National Waterways Conference at info@waterways.org
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• A pilot program to allow non-federal sponsors to serve as project managers, along with several other provisions to provide more flexibility and involvement to non-federal sponsors, including making section 214 permanent.

• Project delivery reforms based on the recommendations in the Capital Development Plan applicable to construction and major rehabilitation on the inland waterways. Vitter cautioned, however, that the proposed increase of the diesel fuel tax that is paid into the Inland Waterways Trust Fund would not be included, as that is within the jurisdiction of the Finance Committee, and that committee would need to agree to the increase before it could be included in the bill.

• A comprehensive levee safety program, incorporating recommendations from the National Committee on Levee Safety.

In the weeks since Committee approval of the measure, negotiations are underway to resolve difference on various provisions before any floor consideration. Notably, the Appropriations Committee has expressed its serious concerns about the point of order provisions requiring full expenditure of the HMTF, particularly the impact on other government programs. Leadership of the Appropriations and EPW Committees continue to work to find a resolution of this issue.

Objections have also been raised to the environmental streamlining provisions, contending they would roll back environmental protections. In particular, opponents of these provisions assert that imposition of penalties on agencies which fail to approve projects within the mandated timeframes would result in approving damaging and wasteful projects. Chairman Boxer has dismissed these contentions as misguided, stating, “We don’t change environmental law” with the acceleration provisions. Rather, she asserts that the deadlines give people their day in court in a timely fashion, and that the penalties are for foot-dragging that causes local governments to lose money.

There is also concern about sections 2014 and 2015 and whether those provisions would undermine existing authorized project purposes and impose water reallocation limitations that could have far-reaching and unintended consequences. Section 2014 would allow the Corps to reoperate dams primarily for environmental purposes and would not require a cost share as required for other reservoir purposes. Section 2015 would limit the ability to reallocate storage in a Corps or Bureau of Reclamation reservoir by requiring Congressional approval for certain reallocations.

Discussions continue to resolve these differences, and all others, as WRDA supporters work to line up 60 votes.

Welcome New Members!

Ann Warner, LLC
Washington, DC
Ann Warner

Big River Coalition
Metairie, LA
Sean Duffy, Sr.

Burns & McDonnell
Dallas, TX
Tony Kimmel

Coastal Protection Restoration Authority
Baton Rouge, LA
Garret Graves

Indiana Soybean Alliance
Indianapolis, IN
Rosalind Leck
The National Waterways Conference kicked off its 2013 Legislative Summit by signing a Memorandum of Understanding with the U.S. Army Corps of Engineers, formalizing our strong partnership and mutual goals. Recognizing the multiple uses of water and the essential contributions of a healthy and environmentally sound water resources infrastructure to the nation’s economic prosperity, public health and national security, the MOU will enhance our relationship as we work to promote rational and balanced policies and sound investments in the nation’s water resources.

Relying on the shared principles as articulated in the agreement, that:

- our water resources infrastructure provides life-saving flood control, energy-efficient and environmentally sound waterways transportation, abundant water supplies, shore protection, hydropower production, water-based recreation, and environmental restoration, and,
- reliable, well-maintained water resources infrastructure is fundamental to America’s economic and environmental well-being, and is essential to maintaining our nation’s competitive position within the global economy,

NWC and the Corps will promote partnering throughout our respective organizations, and we will hold partnering sessions in furtherance of our mutual goals. The periodic partnering sessions, along with other ad hoc meetings and discussions, will include discussions relating to all aspects of the Civil Works mission and our mutual objectives to promote and sustain a robust program and national water resources infrastructure, including project planning and delivery, construction, operation and maintenance, and strategic communications.
House Transportation and Infrastructure Committee Chairman Shuster Addresses Crowd at Legislative Summit

The question at the forefront of everyone’s mind who attended NWC’s Legislative Summit in mid-March—will the Congress take up much-needed water resources legislation this year? In his first national speech on WRDA, Bill Shuster (R-PA), the Chairman of the House Transportation and Infrastructure Committee, answered in the affirmative, noting that one of the goals of the legislation would be to expedite Corps’ civil works projects. Stressing that “the Corps’ work is extremely important,” Shuster stated that “we’ve got to figure out ways to make it work faster,” and he promised that WRDA would include reforms to streamline projects.

Chairman Bill Shuster, House Transportation and Infrastructure Committee

Shuster discussed the inherent Federal role in ensuring the nation’s safety and security, and in building and maintaining critical infrastructure, dating back to the Articles of Confederation and the Constitution. He cautioned that any WRDA policy changes must not shift more authority from Congress to the executive branch, a theme he has repeated during roundtable discussions and hearings the Committee has held since. He requested that attendees help him educate the Congress on the importance of the nation’s ports and waterways as economic drivers, a challenge taken to heart as the attendees converged on Capitol Hill to meet with their Congressional delegations.

Ellen Gilinsky, senior policy advisor in the Office of Water at the Environmental Protection Agency, discussed EPA’s integrated planning initiative, including addressing the needs of an aging infrastructure and working with communities to promote green infrastructure. She also commented on the ongoing effort to address the jurisdictional scope of the Clean Water Act, indicating that work continues on preparing a notice of proposed rulemaking to define wetlands subject to the Act, as well as finalizing draft guidance on the issue. No timetable for either action was available.
Industry Events

May 24-24, 2013
Warrior Tombigbee Waterway Association
Point Clear, AL
www.warriortombigbee.org

June 7, 2013
Fort Bend Flood Management Association
4th Annual Symposium on Flood Risk Management
macsugarland@gmail.com

July 30-31, 2013
AG Transportation Summit
Rosemont, IL
www.soytransportation.org

August 7-9, 2013
Gulf Intracoastal Canal Association
New Orleans, LA
www.gicaonline.com

August 27-30, 2013
Tennessee Tombigbee Waterways Development Council
Point Clear, AL
www.tenntom.org

September 23-27, 2013
PIANC—Smart Rivers
Liege (Belgium) & Maastricht (The Netherlands)
www.pianc.us

October 1-3, 2013
Waterways Council, Inc.
Memphis, TN
www.waterwayscouncil.org

October 2-4, 2013
Pacific Northwest Waterways Association
Portland, OR
www.pnwa.net

October 16-18, 2013
American Waterways Operators
Miami, FL
www.americanwaterways.com

October 23-25, 2013
Texas Water Conservation Association
San Antonio, TX
www.twca.org

June 1-5, 2014
PIANC World Congress
San Francisco, CA
www.2014congress.pianc.us

Water Resources and Environment Subcommittee Holds WRDA Hearing

The House Transportation and Infrastructure Water Resources and Environment Subcommittee held its first hearing on developing water resources legislation, entitled “The Foundations for a New Water Resources Development Act.” Convened by Subcommittee Chairman Bob Gibbs (R-OH), the hearing followed a series of listening sessions and bipartisan roundtable discussions in support of one of the committee’s top priorities.

NWC President Amy Larson testified at the hearing on a range of issues, including:

• The critical need for the Congress to be involved in the decisions on how to invest in the nation’s water resources infrastructure,

• The role of the inland waterways as the backbone of the nation’s transportation system and the need to enact a long-term funding mechanism for this critical infrastructure,

Upcoming NWC Events

September 25-27, 2013
Annual Meeting
The Westin
Savannah, GA

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- The imperative to utilize the revenues from the Harbor Maintenance Trust Fund for their intended purpose—the dredging of the nation’s ports and harbors,

- The importance of a comprehensive levee safety program to protect the tens of millions of people who live and work in leved areas,

- The need to streamline the overly burdensome planning and project delivery process, as well as ensure that new policy requirements do not increase the time and cost of this through and extensive process, and

- The need to enhance the role of the non-federal local sponsors at all phases of project development.

Other witnesses at the hearing included Honorable Harry Simmons; Mayor, Caswell Beach, NC; President, American Shore and Beach Preservation Association; Mr. Warren D. Williams; General Manager, Riverside County Flood Control & Water Conservation District; President, National Association of Flood & Stormwater Management Agencies; Mr. Peter Stephaich; Chairman, Campbell Transportation Company; Secretary, Waterways Council, Inc.; Mr. Adolph N. Ojard; Executive Director, Duluth Seaway Port Authority; Chairman, U.S. Legislative Policy Council, American Association of Port Authorities; Dr. Christopher J. Gobler; School of Marine and Atmospheric Sciences, Stony Brook University.

Administration’s FY14 Budget

The Administration’s FY14 budget would provide $4.7 billion for the U.S. Army Corps of Engineers Civil Works program, a 5.5% cut from the FY12 enacted levels, and an amount that would fund the agency at FY 2003 levels.

Under the proposal, funding would be allocated as follows: Construction—$1.35 billion, Operation and Maintenance—$2.588 billion, Mississippi River and Tributaries—$279 million, flood control and coastal emergencies—$28 million, Investigations - $90 million, Regulatory—$200 million.

Regrettably, the proposal falls far short of what is needed to maintain the nation’s aging infrastructure and stay competitive in the global economy—a harsh reality recognized on both sides of the aisle at the House T&I Water Resources and Environment Subcommittee hearing on the Administration’s priorities for the Corps of Engineers. Subcommittee Chairman Bob Gibbs expressed frustration with what he called a mis-prioritization of funds away from projects and programs with a proven record of providing economic benefits. Similarly, Tim Bishop, the panel’s Ranking Member, lamented the Administration’s mantra of doing more with less, noting that given the steep cuts over the years coupled with increasing demands, the reality is the agency will be forced to do less with less.

Similar concerns surround the proposal for the Bureau of Reclamation, which would receive $791 million in funding for water and related resources, an insufficient amount for western states already facing drought conditions.
Administration Releases Final Principles and Requirements
Seeks comment on draft Interagency Guidelines

More than three years after seeking input on draft “Principles and Standards” to revise the “Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies,” (P&G) originally implemented in 1983, the Administration has released the long-awaited revision, entitled “Principles and Requirements for Federal Investments in Water Resources (P&R).”

http://www.whitehouse.gov/administration/eop/ceq/initiatives/PandG

Section 2031 of WRDA 2007 (Public Law 110-114) had instructed the Secretary of the Army to revise the P&G in accordance with directives contained in that legislation. However, not long after the Army initiated its process, the Council on Environmental Quality (CEQ) took over the process and expanded the applicability of the P&G beyond those agencies to which it traditionally applied, the Corps of Engineers, the Bureau of Reclamation, the Tennessee Valley Authority and the National Resources Conservation Service.

As part of its process, CEQ held a series of workshops with industry stakeholders, and sought review of its proposed revisions from the National Academies of Science’s Water Science and Technology Board. That review raised several fundamental flaws that would need to be addressed before proceeding with a final document. In releasing the final P&R, CEQ stated that it sought to accelerate project approvals, reduce costs, and support water infrastructure projects with the greatest economic and community benefits. However, because this process was not conducted consistent with the notice-and-comment requirements applicable to typical agency rulemakings, the public does not have the benefit of understanding how the comments from both the public and the Water Science and Technology Board were analyzed and applied. This is troubling because the application of federal project criteria applies directly to, and has a significant impact on, non-federal project sponsors who have significant cost-share obligations.

In addition to the final P&R, CEQ also released draft Interagency Guidelines whose purpose is to provide direction to agencies for the development of individual agency-specific procedures. Comments on the draft Guidelines are due May 28, 2013.

The Continuing Resolution under which the Federal Government is operating for the remainder of the fiscal year prohibits the Corps of Engineers from developing or implementing new rules or guidance upon issuance of the revised P & G. The restriction further provides that the Corps continue to use the 1983 version of the P&G.
AgriServices’ Bill Jackson Honored

The Missouri Levee and Drainage District Association recently presented Bill Jackson, General Manager and part owner of AgriServices of Brunswick in Brunswick, Missouri, with the Association’s John D. Drew Award. The award, named after the well-respected Missouri State Hydrologist tragically killed in a car accident in December 2011, is the highest honor the Association presents to recipients for their leadership and outstanding support of the Association.

Upon presenting the award, Association Chairman Tom Waters stated, “It is difficult to express the gratitude the members of our Association and I have for everything Bill Jackson does for us. Bill is the absolute best example of a public servant I know. His actions and support benefit so many people and organizations. Bill is a great example for all of us to follow and sets the bar very high for anyone to try to emulate.”

NWC Hosts Congressional Briefings on WRDA

As part of its ongoing effort to promote water resources legislation to ensure a robust water resources infrastructure so critical to the nation’s well-being and quality of life, NWC co-hosted a “WRDA 101” briefing, together with the Congressional Waterways Caucus, the Congressional Mississippi River and Tributaries Caucus, the Congressional Maritime Caucus, and the Congressional Ports Caucus.

A standing-room only crowd was rewarded with an insightful, and often humorous, presentation from the WRDA Guru himself, Mr. Let Mon Lee, Deputy Assistant Secretary (Policy and Legislation), Office of the Assistant Secretary of the Army (Civil Works). Bipartisan staff from the House Transportation and Infrastructure Committee addressed questions about the committee’s WRDA timeframe and process.

Co-chairs of the represented caucuses are: Reps. McIntyre and Scalise (Waterways), Reps. Peterson, Luetkemeyer, Davis, Richmond (Mississippi River and Tributaries), Reps. Hahn and Poe (Ports), and Reps. Richmond and Grimm (Maritime). Efforts are underway to schedule a follow-up briefing in the coming months.