The Red River, traversing Shreveport and Bossier City, Louisiana, played host to the National Waterways Conference’s 54th Annual Meeting. The Red River—the Waterway to the World. DeSoto found it while exploring the Mississippi for riches. Bienville followed its route to explore north Louisiana. St. Denis spent years searching its shores for gold and silver. Early settlers and farmers used it to ship cotton and other goods to New Orleans. Steamboats from St. Louis, Pittsburgh, and Cincinnati roamed its waters. Today, the River is a vital source of economic development, providing both recreational and commercial opportunities essential to the State of Louisiana.

Industry leaders gathered to hear top-flight speakers discuss recent policy developments impacting the water resources industry, with implementation of the newly enacted Water Resources Reform and Development Act (WRRDA) at

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The Red River Delivers

Holding true to the theme of NWC’s 2014 Annual Meeting, the USACE Vicksburg District, led by Col. John Cross, truly demonstrated that the “Red River Delivers.”

While conducting inspections along the river about the MV Fred Lee, Col. Cross and Tommy Hengst, Chief of the River Operations Branch, provided meeting attendees the opportunity to tour the barge and learn more about the Red River and the multiple benefits this important waterway provides to the region and the nation.

Visit us at waterways.org. Send your ideas and suggestions for the National Waterways Conference to info@waterways.org.
the forefront. Major General John W. Peabody, Deputy Commanding General for Civil and Emergency Operations at the U.S. Army Corps of Engineers, kicked off the meeting with a look at the compelling need to invest in this nation’s water resources infrastructure, particularly our inland waterway system, and our ports and harbors. Referring to an article on the rise of the United States as “The Inevitable Empire,” primarily due to the nation’s extensive navigable waterway system in its interior, and the associated plenitude of natural resources, General Peabody described the challenges of maintaining that critical infrastructure, and offered up the Corps’ civil works transformation initiative as a way forward towards America’s continued successful economic development and geopolitical global supremacy.

Steve Stockton, the Corps’ Director of Civil Works, followed up on those comments, detailing the “imperative to change” to ensure a robust and relevant civil works program. Noting the success of the civil works transformation hinges on engaging stakeholders in this initiative and working together towards a long-term vision, Stockton discussed the Corps’ constructive engagement strategy and encouraged attendees to continue telling their stories about the value of water infrastructure to the nation. Mazzanti’s presentation set the stage for a discussion on alternative funding options, summed up by question from Tom O’Hara, retired St. Louis District Commander and now with the engineering firm CH2M HILL: “Is the risk of staying with the status quo high enough to push towards a new funding model?” O’Hara then described a public private partnership proposal to construct Illinois and middle Mississippi locks and dams using new authorities included in Section 5014 of WRRDA. INFRALINX Capital founder Richard Ornitz and Mike Steenhoek, Executive Director of the Soy Transportation Coalition, similarly challenged attendees to consider realistic funding streams for the foreseeable future and be open to new funding models.

A team of industry experts, including Rob Rash from the Mississippi Valley Flood Control Association, John Anderson, Staff Director of the House Transportation and Infrastructure Water Resources and Environment Subcommittee, and Tim Feather from CDM Smith, weighed in on WRRDA’s new policy changes, with Rash offering an impassioned plea to the Corps’ leaders not to establish unattainable levee safety guidelines, especially given the importance of navigation and flood control—and flood control and navigation—to the nation.

All presentations are on our website at www.waterways.org.

Welcoming guests to the Port, the flagpole flew nautical flags reading “N”, “W”, “C”, “1”, “4” on the right, and “Bravo”, “Zulu” (meaning “Job Well Done”) on the left.
Industry Events

November 9-13
American Association of Port Authorities
Houston, TX
www.aapa-ports.org

November 12-14
Waterways Council, Inc.
Chicago, IL
www.waterwayscouncil.org

November 18
Inland Waterways Users Board
Baltimore, MD
www.iwr.usace.army.mil/
Missions/Navigation/
InlandWaterwaysUsersBoard.aspx

November 18-19
Atlantic Intracoastal Waterway Association
Savannah, GA
www.atlintracoastal.org

December 4-6
Mississippi Valley Flood Control Association
New Orleans, LA
www.mvfca.org

2015 Events

February 18-19
American Waterways Operators
Seattle, WA
www.wamericanwaterways.com

March 1-5
Pacific Northwest Waterways Association
Washington, DC
www.pnwa.net

March 4-6
Texas Water Conservation Association
Austin, TX
www.twca.org

March 25-27
7th Annual Women on the Water Conference
Kings Point, NY
Womenonthewater@dot.gov

May 17-19
Warrior Tombigbee Waterway Association
Point Clear, AL
www.warriortombigbee.com

June 15-17
Inland Marine Expo
St. Louis, MO
www.inlandmarineexpo.com

September 9-11
PIANC—Smart Rivers
Buenos Aires, Argentina
www.pianc.org

October 11-14
American Association of Port Authorities
Miami, FL
www.aapa-ports.org

Welcome New Members!

DeLoach Marine Services
Port Allen, LA
Z. Dave DeLoach

Florida Inland Navigation District
Jupiter, FL
Mark Crosley

Husch Blackwell LLP
Kansas City, MO
Karin Jacoby

Jefferson County Drainage District No. 7
Port Arthur, TX
Phil Kelley

Kennedy/Jenks Consultants, Inc.
Fort Worth, TX
Charles Wolf

Missouri Corn Growers Association
Jefferson City, MO
Shane Kinne

Oklahoma Waterway Advisory Board
Viinita, OK
Ted Coombes
WRRDA Implementation

In order to better inform the development and preparation of its guidance to implement the Water Resources Reform and Development Act of 2014 (WRRDA), the Corps of Engineers held four listening sessions to receive public input on various provisions of the landmark law.

Broken down into four categories, the listening sessions covered (1) authorizations, deauthorizations, and project development and delivery, including planning; (2) alternative financing and credits; (3) dam safety, levee safety, and regulatory (including 408); and (4) non-federal implementation, water supply and reservoirs, and navigation.

In addition to the listening sessions, the Corps also encouraged the submission of written comments. NWC participated in each webinar and submitted extensive comments in response to each.

A couple up-front, take-aways from the new law:

- The concept of “sponsor empowerment” is prevalent. Several provisions enable non-federal sponsors and partners to be much more involved in project development and delivery. In addition, there are new authorities applicable to the funding of projects, including opportunities where non-federal interests can contribute additional funds (see related story on hours of service for lock operations).

- Like all pieces of complex legislation, the devil is in the detail. NWC and its members are very appreciative of the opportunity to participate in the webinars and would welcome additional opportunities for collaboration and communication on the important new provisions in WRRDA.

Some highlights:

- In developing the called-for deauthorization list, NWC urged the Corps not to use the same metrics it uses in preparing its year-to-year O&M funding requests, but instead take into consideration whether a project's value to the region and nation outweigh the cost—the same analysis used to authorize the project in the first place.

- NWC supports the provisions to streamline project delivery and environmental review, including the Corps' 3x3x3 initiative, a cornerstone of the planning modernization component of its civil works transformation, and encourages consultation with non-federal sponsors on decisions whether to extend a timeline.

- Guidance to implement various funding provisions, notably section 1017—acceptance of contributed funds to increase lock operations, and section 1024—authority to accept and use materials and services, should be implemented as soon as practicable.

- The comprehensive levee safety program envisioned by levee safety strengthens our existing flood protection systems as well as finds ways to reduce risk. NWC's comments recommend using the most open and transparent process available, accounting for appropriate federal and non-federal roles and authorities.

- Funding for the Olmsted project at not less than the recommended level until project completion is critical to the continued viability of the efficient, low-cost, and environmentally sound transportation along our waterways.

- Hitting the target for expenditures from the Harbor Maintenance Trust Fund is essential to ensure the proper maintenance of the nation’s ports and harbors.

- Application of the section 408 process should be clarified, streamlined, and delegated to the district level as much as possible.

- The assessment of reservoir operations called for in Section 1046 does not change the authorized purposes of any dam or reservoir, but instead, is grounded upon bedrock principles governing federal water supply issues.

The full text of NWC's comments to the Corps on WRRDA implementation can be viewed on our website at www.waterways.org.
Mid-Term Elections Heavily Favor Republican Candidates

When the 114th Congress convenes in January, Republicans will control both the House and the Senate for the final two years of Barack Obama’s Presidency. Republicans will gain control of the Senate for the first time in eight years, with Senator Mitch McConnell (R-KY) poised to become the next majority leader. The GOP also gained seats in North Carolina, Arkansas, Colorado, Iowa, West Virginia, Montana, and South Dakota. At press time, the race in Alaska was too close to call. Louisiana’s race will be decided in a run-off on December 6th.

In the House, Republicans gained at least 13 seats, with some races still undecided, for a total of 241 seats, compared to the Democrats’ 174 seats. Two longtime members of the House Transportation and Infrastructure Committee, Ranking Member Nick Rahall (D-WV) and the Ranking Member of the Water Resources and Environment Subcommittee, Tim Bishop (D-NY), were defeated in fiercely fought battles. Most leadership positions, as well as committee chairs, will remain unchanged, with final assignments made by January.

Status Update: Waters of the United States Rulemaking

EPA and the Corps of Engineers have extended, for a second time, the comment period on the proposed rulemaking to expand the jurisdiction of “waters of the United States” under the Clean Water Act. The new date by which to submit comments has been moved to November 14th, after the mid-term elections.

Don Parrish, the Senior Director of Regulatory Relations for the American Farm Bureau Federation, provided a detailed and thorough review of the proposed rule at NWC’s Annual Meeting. Stressing the point that what’s jurisdictional under this complicated law is important, Parrish reminded the audience that the Clean Water Act is a strict liability statute that carries both civil and criminal penalties.

The expansive proposal would replace the definition of “navigable waters” and “waters of the United States” for all CWA programs including: Section 404 dredge and fill permits, Section 402 NPDES Permitting, Section 311 Spill Prevention, Control and Countermeasure Plans (SPCC), and Section 303 Water Quality Standards & TMDLs. Parrish paid particular attention to proposed changes to “tributaries,” “adjacent waters,” and “other waters,” and expressed the view that despite assertions that the proposal would “clarify” jurisdiction, in fact, the new regulatory scheme would lead to more confusion and uncertainty. View Don’s presentation here: waterways.org/2014-annual-meeting.
Waterways Funding at Stake in the Lame Duck

NWC joined with more than 400 ports, corporations, associations, and individuals as signatories to a letter to leaders of the House and Senate appropriations committees, urging them to meet the dredging funding commitments made in the 2014 Water Resources Reform & Development Act. Spearheaded by the American Association of Port Authorities, the letter is part of an AAPA and U.S. Chamber of Commerce-led “Hit the HMT Target!” campaign to impress upon lawmakers the need to annually fund what was authorized in WRRDA.

On the inland waterways, Senators Lamar Alexander (R-TN) and Bob Casey (D-PA) are working to include an increase to the diesel fuel tax to fund inland waterways construction in the omnibus package. The purported 9 cents-per-gallon increase would improve the solvency of the Inland Waterways Trust Fund and help ensure the continued viability of the locks and dams critical to the efficient, low-cost, and environmentally sound transportation along our waterways.

Appropriations Update

When the Congress returns to work on November 12th, all attention will be focused on the outstanding FY15 funding bills and the continuing resolution set to expire on December 11th. Away from the din of the campaign, staff from both the House and Senate appropriations committees have been working to craft an omnibus bill to fund the government for the rest of the fiscal year. Indications are that both chambers would support such an approach, clearing the way for a clean slate in the new Congress.

However, election results and a tight congressional calendar could stymie those efforts. Congress will be back through the week of November 17th, out for Thanksgiving week, then back again for the first two weeks of December before adjourning. If efforts to advance an omnibus fall short, another continuing resolution through early 2015 would be anticipated.
A Federal Flood Risk Management Standard (FFRMS) has been developed by a newly chartered group of Federal agencies and has undergone several months of internal review, according to the Flood Risk Management Newsletter, (Vol. 7 No. 3, pp 6-7), published by the Army Corps of Engineers’ April 2014 FRM Newsletter (operations.usace.army.mil/Flood/pdfs/FRM-1404.pdf). As a local levee owner/operator along the Brazos River down in Texas, I don’t expect to be the first to hear about what is going on inside the Beltway. That is why I choose to travel to and participate in several levee-related meetings and conferences throughout the year. There is a lot that can be learned by listening to presentations from federal agencies and other industry experts, and sometimes even more through supplemental research. Such is the case with a Federal Flood Risk Management Standard. However, to my knowledge, there have been no public presentations on this subject by the Federal agencies involved in this initiative; nonetheless, it appears to be moving forward.

The origins for this effort can be traced back to 2011 with the March 30th issuance of Presidential Policy Directive / PPD-8: National Preparedness. That directive acknowledges, and rightly so, that everyone can contribute to the safeguarding of our nation from a variety of threats, including catastrophic natural disasters. It aims to strengthen the security and resilience of the U.S. through the development of a National Preparedness System (NPS). Utilizing a series of “integrated planning frameworks,” the goal of the NPS is to help guide readiness activities at all levels of government, by the private and non-profit sectors, and for the public as a whole.

The National Mitigation Framework, one of five under the NPS, was announced in May 2013 to focus on community-wide risk reduction projects, improving resiliency of critical infrastructure, and risk reduction for specific vulnerabilities from acts of terrorism or natural hazards (i.e., floods and hurricanes). The Mitigation Framework Leadership Group (MitFLG), an interagency panel established last year to oversee these efforts and “create a national culture shift that embeds risk management and mitigation in all planning, decision making, and development,” is chaired by FEMA and coordinated through the National Security Council (NSC). Primary MitFLG membership includes representatives from a wide array of federal agencies, including the Departments of Agriculture, Commerce, Defense, Energy, Homeland Security, Housing and Urban Development (HUD), Health and Human Services, Interior, Justice, and Transportation, along with the Environmental Protection Agency, the Small Business Administration, and the General Services Administration. Additional White House support is being provided by the Council on Environmental Quality, the Office

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of Science and Technology Policy, and the Office of Management and Budget.

The draft FFRMS was developed by the MitFLG to expand on a minimum flood risk standard issued in April 2013 for Sandy-related rebuilding and to execute a separate directive in the President’s Climate Action Plan requiring Federal agencies to “update their flood-risk reduction standard.” In April 2013, the Hurricane Sandy Rebuilding Task Force (“Task Force”) called for development of a minimum flood risk reduction standard (FRRS) and announced that all federally-funded Sandy-related rebuilding projects needed to meet a consistent FRRS of one foot above the best available and most recent base flood elevation (BFE) information provided by FEMA. (The name of the standard was changed from “federal flood risk reduction” to “federal flood risk management” by MitFLG “since the term ‘management’ better captured all components of actions taken to reduce and minimize flood risks” according to the April FRM Newsletter). The base flood is an event that has a one percent chance of occurrence in any given year (commonly known as the 100-year flood). The Task Force, led by HUD, prepared the Hurricane Sandy Rebuilding Strategy. President Obama’s Climate Action Plan, released in June 2013, directs agencies to “incorporate the most recent science on expected rates of sea-level rise (which vary by region) and build upon work done by the Task Force” in developing a standard that “takes into account increased risk from extreme weather events, sea-level rise, and other impacts of climate change.”

Speaking as a local levee owner/operator, I want good data, the best available based on sound, peer-reviewed science, to use in making the many decisions that come with providing flood protection to my community. Federal technical assistance that includes creditable and actionable data and tools to support risk-informed decision making at the local level is sought after and would be highly valued. By supplying reliable data, especially that specific to a region or community, the Federal agencies can enable effective risk communication and risk-informed decision-making, while acknowledging the current roles of state and local officials, and the rights of property owners. The draft FFRMS has not been officially released to the public. It is also not known whether non-Federal stakeholders, outside experts, or the general public, were consulted in the development of the draft. This is deeply worrisome. If the Sandy-related flood risk standard of protecting and rebuilding to one foot higher than previously required (a change made just 18 months ago) is now seen as insufficient for the nation, then we could be facing a Federal mandate with local

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Proposed Amendments to Endangered Species Act Seek to Provide Stakeholders a Voice

At a hearing before the U.S. House of Representatives Committee on Natural Resources, Tom Ray, on behalf of the Texas Water Conservation Association and the Western Coalition of Arid States, testified in support of efforts to amend the Endangered Species Act of 1973 to establish a procedure for approval of certain settlements. H.R. 1314 would implement changes to ESA settlement procedures to provide an opportunity for stakeholders to be informed of pending ESA complaints and to opt to be at the table.

The protection of threatened and endangered species and the responsible and timely development and conservation of our water resources are both important goals that are sometimes in conflict. That conflict produces delays to the achievement of both goals, which can be detrimental and even destructive.

As it stands now, certain settlements at the U.S. Fish and Wildlife Service can be reached out of the public arena, with little or no involvement from potential stakeholders who are impacted by those very settlements. As explained in Ray’s testimony, “the result is that while local stakeholders were left out of the process they are still faced with the responsibility of defending against proposed listings that have the potential to harm their communities.”

H.R. 1314 and a companion bill in the Senate, S. 19, would require publication of filed complaints and provide affected parties with a reasonable opportunity to intervene in the proceeding.

Tom serves on NWC’s Executive Committee on behalf of the Texas Water Conservation Association. His testimony can be viewed here: naturalresources.house.gov/calendar/eventsingle.aspx?EventID=391637

Vice President Touts Infrastructure at Virginia Port

Vice President Joe Biden joined U.S. Sen. Mark Warner (D-VA), U.S. Rep. Bobby Scott, Virginia Governor Terry McAuliffe, Norfolk Mayor Paul Fraim, Virginia Port Authority CEO/Executive Director John Reinhart, and Maritime Administrator Paul “Chip” Jaenichen at the Port of Virginia in Norfolk to highlight the port’s role as an economic engine for the region and its continued development of facilities and services in anticipation of the need to move greater freight volumes.

Additionally, the Port of Virginia will receive a $15 million TIGER grant to create a new intermodal gate complex at Norfolk International Terminals, in order to provide motor carriers serving the port a modern 22-lane gate complex that will speed the flow of goods in and out of the port.
New WRRDA Authority Gives Promise to Recreational Boating and Fishing Groups

Hampered by reductions in commercial lockages on the Upper Allegheny and Upper Monongahela Rivers, the Upper Monongahela River Association (UMRA) has spearheaded an effort to use a provision in the newly enacted Water Resources Reform and Development Act to use contributed funds to increase hours of lock operations along those waterways.

WRRDA Section 1017 calls for the establishment of a pilot program to enable the acceptance and expenditure of funds contributed by non-Federal interests to increase the hours of operation of locks at water resources development projects.

UMRA, faced with the negative economic impact resulting from lock closures in recent years, as evidenced by a loss in tourism and rising unemployment, has partnered with the Allegheny River Development Corporation and is working with the USACE Pittsburgh District, to use this new authority to keep these rivers open for recreational boating and fishing.

In its comments on WRRDA implementation, NWC urged the Corps to implement this new authority in an expeditious manner to allow these local communities to reap the benefits that recreational boating and fishing bring to their communities.

Savannah Harbor Deepening Gets a Green Light

The long-awaited Savannah Harbor Expansion Project, also known as SHEP, will soon begin construction after the Project Partnership Agreement was signed by U.S. Army Corps of Engineers, the Georgia Department of Transportation, and the Georgia Ports Authority.

The project, at a cost of approximately $706 million, including construction and environmental mitigation costs, will bring an estimated $174 million in annual net benefits to the U.S. The extra five feet of depth will allow for an additional 3,600 cargo containers in each transit, an increase of 78 percent via the Post-Panamax II vessels.
Changes at the Corps

Major General Rick Stevens has been assigned as the new USACE Deputy Commanding General and Deputy Chief of Engineers. MG Stevens recently relinquished command of the USACE Pacific Ocean Division, and served briefly at HQ USACE as the DCG for Military and International Operations.

MG Stevens replaces MG Todd T. Semonite, who has been assigned to serve as the Commander, Combined Security Transition Command-Afghanistan and Commander, North Atlantic Treaty Organization Training Mission-Afghanistan.

Brigadier General Richard G. Kaiser assumed command of the Great Lakes and Ohio River Division, headquartered in Cincinnati Ohio. BG Kaiser previously served as the Deputy Chief of Staff (Operations), Allied Rapid Reaction Corps in England, Chief of Staff 82nd Airborne Division, and commander of the 20th Engineer Brigade at Fort Bragg, North Carolina and Operation New Dawn, Iraq.

Mr. Thomas A. Holden Jr. has been selected to the Senior Executive Service position of Regional Business Director for the Mississippi Valley Division (MVD), where he will serve as the principal advisor to the Commander, MVD, and President, Mississippi River Commission.

Mississippi River Commission Announces Spring Meeting Schedule

Public meetings will be held by the Mississippi River Commission on board the Motor Vessel MISSISSIPPI as follows:

- **New Madrid, MO (City Front)** 9:00 a.m., March 23rd, 2015
- **Memphis, TN (Beale Street Landing)** 9:00 a.m., March 24th, 2015
- **Vicksburg, MS (City Front)** 1:00 p.m., March 25th, 2015
- **Baton Rouge, LA (City Dock above USS Kidd)** 9:00 a.m., March 27th, 2015

All meetings will be open to the public with the agenda below:

1. Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries.
2. District Commander's overview for the Commission on current project issues in the respective area.
3. Presentations to the Commission by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

For additional information, go to: [www.mvd.usace.army.mil/mrc](http://www.mvd.usace.army.mil/mrc), or via email at: cemvd-ex@usace.army.mil.
PNWA featured on *Washington Grown*

The Pacific Northwest Waterways Association was featured on a recent episode of *Washington Grown*, a television program that tells the story about Washington’s crops and all they provide to our region’s culture, economy, and the world. Kristin Meira, PNWA Executive Director, and Rob Rich, Vice President of Marine Services at Shaver Transportation, highlighted the value of the river system for Washington wheat and other products as they make their way to international markets. To watch the video, visit the *Washington Grown* YouTube channel here: [youtube.com/watch?v=8iKYweZDJrs](https://youtube.com/watch?v=8iKYweZDJrs)

Kristin Meira serves on NWC’s Board of Directors

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“BUILDING TO A FEDERAL FLOOD” FROM PAGE 8

Implementation costs totaling billions of dollars. Moreover, the FFRMS, depending on how it is written and implemented, could potentially strip localities of existing rights and benefits under current law. These and other possible consequences, including impacts on individual property rights, warrant careful evaluation and a common understanding among a wide range of stakeholders of the comprehensive set of issues, alternatives, and the distribution of risk, and net risk reduction costs. A transparent and inclusive process is vital to help build this common understanding and foster the development of flood prevention solutions that are responsive to diverse stakeholder priorities with full knowledge of costs, risk and sustainability. Arbitrary imposition of Federal standards and more stringent building codes are not useful, and would likely interfere with local land use decisions. Furthermore, the FFRMS, depending on its scope, purpose and implementation, could conflict with some provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, as amended. That law established a federal advisory committee, the Technical Mapping Advisory Council (TMAC), to produce a report on the impacts of climate sciences and future conditions and how they might be incorporated into the FEMA mapping program.

As the MitFLG carries out its charge, serves as the central coordination point for the development of joint interagency objectives, and engages in efforts to address the risks associated with flooding, it is important that it does so with recognition of and respect for appropriate public notice and comment opportunity as well as the roles and responsibilities of non-Federal entities, for these are the keys to long-term and equitable resilience strategies. Any effort to craft a Federal flood risk management standard by building upon this mitigation foundation and framework, as presently constituted, should not continue without first seeking public input. Mitigation is important; it should be accomplished through constructive partnerships, informed by risk assessments, and supported by integrated planning using innovative approaches. Mitigation should not be forced to occur through standards that are not place-based and risk-informed, and that may serve to frustrate innovation and integration. There are, right now, many questions about risk, including how to assess it, talk about, address it, monitor it, manage it, and more. Imposing a standard will essentially stop that much needed dialogue and instead divert attention to whatever basis was used for developing a standard.

André McDonald, President of the Fort Bend Flood Management Association, serves on NWC’s Board of Directors

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