LEGISLATIVE SUMMIT RECAP

2019 Legislative Summit Highlights Importance of Infrastructure to the Nation

More than 100 NWC members gathered in Washington during the week of March 5th for the 2019 Legislative Summit and meetings on Capitol Hill.

NWC’s conference program opened with a keynote address by The Honorable R.D. James, Assistant Secretary of the Army for Civil Works, who outlined Administration priorities to start and finish projects more efficiently, characteristically putting a fine point on his number one goal to “move dirt” and improve the nation’s water resources infrastructure. Recalling his background as a Missouri farmer who previously served on the Mississippi River Commission since his original appointment by President Ronald Reagan in 1981, Secretary James emphasized the importance of the nation’s waterways to its competitive edge and the ability to provide food and fiber to the world. Recalling that navigation and flood control go hand in hand, and you can’t have one without the other, James reminded the attendees of the importance of local partners to the success of the Corps’ programs. Across its business lines, he implored NWC members to speak up and engage with their districts.

Honing in on the Corps’ Civil Works program, Major General Scott A. Spellmon, Deputy Commanding General for Civil and Emergency Operations, discussed the ongoing initiative to “Revolutionize Civil Works.” The three objectives of the effort are to accelerate project delivery, transform project financing and budgeting, and improve permitting and regulation reform. Accelerating project delivery will enable the Corps to start and finish projects faster by streamlining contract processes, employing risk informed decision making, and more effectively utilizing delegations of authority in decisions such as Section 408 requests. Spellmon further explained that transforming project financing and budgeting will result from utilizing its newly issued P3 policy (and the concurrent request for proposals), developing a WIFIA program, and employing budget metrics to increase leveraging of Federal funds. Efforts are ongoing to develop the WIFIA program format and rules, and finalize a new multiyear budget approach. Both General Spellmon and Thomas Smith, Chief of the Corps Regulatory and Operations Division, provided insight into the third component of the initiative to

The Honorable R.D. James, Assistant Secretary of the Army for Civil Works; Randy Richardson, Executive Director, Port of Memphis and NWC Chairman

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One Federal Decision and Regulatory Streamlining

NWC President Amy Larson participated in a panel discussion at the American Bar Association’s 48th Spring Conference Section of Environment, Energy, and Resources focused on One Federal Decision and Regulatory Streamlining. The abstract accompanying a paper submitted to the ABA summarize her comments thusly:

Efforts to accelerate the planning and development of the nation’s water resources infrastructure projects under the domain of the U.S. Army Corps of Engineers (USACE or Corps), as well as to streamline the regulatory permitting process, began in earnest with recent water resources legislation, starting with the Water Resources Reform and Development Act of 2014 (WRRDA 14), followed by the Water Resources Development Act of 2016 (WRDA 16), and most recently, the Water Resources Development Act of 2018 (WRDA 18). The Trump Administration’s “One Federal Decision,” which establishes a coordinated and timely process for environmental reviews of major infrastructure projects, seeks to implement lasting changes to the cumbersome regulatory review of infrastructure projects across the federal government. This paper sets forth the background on these initiatives and provides an update on the progress of the efforts to date as they apply to the USACE Civil Works program.

The complete article can be viewed on NWC’s website. Below are excerpts from the paper.

By way of background, Executive Order 13807, Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects (EO 13807), was issued on August 15, 2017. Intended to “ensure that the Federal environmental review and permitting process for infrastructure projects is coordinated, predictable, and transparent,” and in order to address inefficiencies leading to delayed investments and increased costs, the EO declares that the Federal government “must change the way it processes environmental reviews and authorization decisions.” To that end, the EO establishes the process known as “One Federal Decision,” requiring a more unified environmental review and authorization process. It applies to major infrastructure projects, defined as those (1) that require multiple authorizations, (2) for which the lead Federal agency has determined to prepare an environmental impact statement (EIS) in accordance with the National Environmental Policy Act (NEPA), and (3) for which the project sponsor has identified reasonably available funds to complete the project. Among the many goals and objectives set forth in the EO, one of the most significant is to...
improve permitting and regulatory reform. Accomplishments to date include streamlining the process to address Section 408 requests, implementing the “One Federal Decision” guidance, and better aligning the regulatory program. Ongoing efforts seek to streamline the pre-construction notification requirements for nationwide permits and eliminate duplicative reviews for projects undertaken by non-Federal interests. Reflecting a diverse portfolio, Smith also discussed implementation of the pilot program on beneficial use of dredged material, described challenges being addressed by the Federal Hydropower Council, and provided an update on the status of the pending water supply rule.

Eddie Belk, Chief of the Program Integration Division, provided an overview of the program’s funding priorities, delving into both annual appropriations and the FY18 emergency supplemental. While Congress has appropriated more than the requested budget in recent years, the traditional funding and delivery models are increasingly inadequate, resulting in a clamor for changes to both. As this conversation develops, Belk stressed the importance of the Corps’ partners and stakeholders to be actively involved.

L to R: James Dalton, USACE Director of Civil Works; Amy Larson, NWC President; Major General Scott Spellmon, Deputy Commanding General for Civil and Emergency Operations; Randy Richardson, NWC Chairman; Eddie Belk, Chief of Programs Integration

L to R: Adam Nielsen, NWC Board Member; Richard Guerrero, Jr., Illinois Farm Bureau President; Brady Borrowman, Pike and Scott County Farm Bureau Commissioner at the Legislative Summit

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NWC Comments on WRDA 18 Implementation

NWC participated in a stakeholder session held by the U.S. Army Corps of Engineers (Corps) on February 11th to permit stakeholders to provide input on specific provisions included in the Water Resources Development Act of 2018 (Pub. L. 115-270)(WRDA 18), and submitted written comments afterward for consideration as the Corps develops implementation guidance.

At the outset, NWC expressed its appreciation for the opportunity to submit written comments for the Corps' consideration as it develops implementation guidance for various provisions in WRDA 18, as well as the opportunity to participate in the stakeholder session held on February 11, 2019. However, we also conveyed disappointment that the process used to solicit feedback falls far short of the type of constructive engagement contemplated by WRDA 18.

While sharing the goal to issue implementation guidance in an expeditious manner, in the future, we urged the Corps to utilize a process and method of public outreach that provides sufficient time for the robust and meaningful engagement intended by Congress and ensures widespread public notice. Such an approach would be more consistent with Section 1105(b)(1)(B) of WRDA 18 and the House report which discussed that provision. House Report 115-708, at page 26, provides:

The Committee reemphasizes the need to engage with non-Federal project sponsors and their associated representatives to coordinate and consult on implementation guidance. This bill directs the Corps to adopt an open process to gather input and initiate a dialogue with those non-Federal sponsors who have a stake in how programs and activities are carried out. Hosting one-way communications through Webinars and other non-participatory forums jeopardizes the necessary modifications and adjustments to the Corps programs and activities that are authorized in WRDAs. The Corps should work to ensure all non-Federal project sponsor and relevant

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Focus: Inland Rivers, Ports and Terminals

Aimee Andres, Executive Director of the association Inland River, Ports and Terminals, known as IRPT, introduced attendees at the Legislative Summit to a legislative proposal to ensure adequate funding for the nation’s inland ports and terminals.

Despite the inland waterways system being an important component of our nation’s overall freight transportation system, especially for transporting bulk commodities, such as coal, petroleum, chemicals and grain, maintaining the system so that its performance is reliable, cost-effective, and environmentally sustainable is a key challenge within the context of competing federal priorities and limited resources.

Notably, there are only limited funding opportunities, such as the BUILD and INFRA programs, that make inland port infrastructure and inland ports of entry eligible for funding at all, and only a very small percentage of total funding from those programs typically fund port-type projects. Inland port and terminal facilities cannot compete effectively against large highway projects for funding, and most cannot even meet the $5 million project minimum required by current programs. Infrastructure projects sought by inland port and terminal facilities are typically far less costly than the minimum required for those programs.

To address this funding gap, IRPT is proposing that Congress establish a new standalone discretionary program dedicated to inland port and terminal projects, the Inland Ports and Terminals Grant Program.

For further information on this effort, please contact: Ms. Aimee Andres, Executive Director, Inland Rivers, Ports and Terminals, Inc., (618) 468-3010, or admin@irpt.net •
USACE FY20 Budget Slashed 30% from Current Year Funding

The Administration’s fiscal year 2020 budget for the Civil Works program would be slashed 30% from current year appropriations, a move not necessarily unexpected but frustrating for water resources stakeholders nonetheless.

At the press conference outlining details of the proposal, USACE senior leaders were faced with the tough task of defending the Administration’s proposed $4.827 billion budget, a cut of 30% from the current year’s appropriation of nearly $7 billion. On hand were the Honorable R.D. James, Assistant Secretary of the Army (Civil Works); LTG Todd Semonite, Commanding General and Chief of Engineers; MG Scott Spellmon, Deputy Commanding General for Civil and Emergency Operations; and Joseph Bentz, Deputy Assistant Secretary for Management and Budget.

The budget includes $2.3 billion for commercial navigation, $1 billion for flood and storm damage reduction, and $187 million for aquatic ecosystem restoration. The Construction account would receive $1.3 billion, for 9 navigation projects, 5 ecosystem restoration and 4 flood control. Of that amount, $150 million is reserved for projects under Section 1043 of WRRDA 14 wherein local sponsors take responsibility for construction. Implementing guidance for that section is forthcoming, although the statutory authority expires on June 10, 2019. An additional $150 million would be designated for the “Innovative Funding Partnership,” where nonfederal interests pay more than the statutory cost share to jump the line and accelerate completion of projects. If not allocated, that amount presumably could then be designated by Congress in its “funding pots.”

Operation and Maintenance would receive $3.025 billion, including $15 million for inspection of completed Federal flood control projects, $4.5 million for the national levee inventory, and $8.5 million for the review of Section 408 requests.

Investigations would receive $82 million. That includes 14 flood control, 13 navigation and 3 ecosystem restoration projects. The Mississippi River and Tributaries program would receive $215 million. The Harbor Maintenance Trust Fund would receive $965 million, while the Inland Waterways Trust Fund would receive only $55 million, funding one project, Locks 2, 3, and 4 on the Monongahela River, to completion.

The proposed budget, receiving an expected “dead on arrival” response from Capitol Hill, faced scrutiny at the first hearing, held by the House Appropriations Energy and Water Subcommittee on March 27. After discussing the water resource needs around the country, Subcommittee Chairwoman Marcy Kaptur (D-OH), stated, “Unfortunately, the budget request is woefully inadequate to address the challenges before us. . . . At a time when we should be investing in water infrastructure improvements, this budget moves us in the wrong direction.” Similar frustration is expected at the Senate Energy and Water Subcommittee hearing on April 10.

Details on the budget can be found at the Corps’ website: www.usace.army.mil/Missions/Civil-Works/Budget/

Just Announced

Rep. Debbie Mucarsel-Powell (D-FL) will serve as the Vice Chair of the House Transportation and Infrastructure Subcommittee on Water Resources and Environment. Subcommittee Chairwoman Grace Napolitano (D-CA) congratulated her colleague on her selection, noting both her experience and leadership on South Florida water issues, particularly the Florida Everglades, and that the subcommittee, for the first time, will be led by two Hispanic women. Mucarsel-Powell is a Freshman member elected to serve Florida’s 26th Congressional District.
NWC Submits Comments on WOTUS Rulemaking

In the latest attempt to define the jurisdictional “waters of the United States” under the Clean Water Act (CWA or Act), NWC submitted comments in response to a proposed rule from the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) (together, the Agencies) defining the scope of federal regulation.

At the outset, NWC observed that the mandate under current and applicable Supreme Court precedent is to limit—not expand—CWA jurisdiction. Since the Clean Water Act first passed Congress in 1972, the language of the Act has focused on navigable waters. However, over time, expansive interpretations of the Agencies and the courts, including the 2015 rule, applied the Act ever more broadly, to a point well beyond Congressional intent.

In *Rapanos v. United States*, Justice Scalia’s plurality opinion and Justice Kennedy’s concurrence offered two different tests for CWA applicability. That has since led to extensive debate about which test or tests to apply to identify the outer boundaries of the Agencies’ jurisdiction. Often lost in that debate, however, is one clear conclusion: No matter how best to interpret or reconcile the *Rapanos* opinions, five Justices joined opinions to limit the Agencies and restrict CWA jurisdiction compared to administrative practices at that time. Justice Kennedy, for example, expressed concern about “the potential overbreadth of the Corps’ regulations” and a need “to avoid unreasonable interpretations of the statute.” To the extent the 2015 rule expanded rather than limited Agency jurisdiction, it was a clear contradiction of *Rapanos* and was doomed to fail in court. By contrast, the current approach of...

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The View from Capitol Hill

Marking his first appearance at NWC’s Legislative Summit, the Honorable Sam Graves, the 116th Congress’s newly-minted Ranking Member of the House Committee on Transportation and Infrastructure, pledged his commitment to move a water resources bill this session. Graves cited the bipartisan support to move a WRDA in 2020 in a biennial fashion, along with incoming Transportation and Infrastructure Chairman Peter DeFazio (D-OR), building on the bills enacted in 2014, 2016 and 2018. He suggested efforts would get underway this fall. Proving to be more challenging could be a broader infrastructure package. Both the scope and cost of such a proposal could stymie such an effort.

Additional support for a WRDA in 2020 came from a bipartisan panel of Capitol Hill experts, Brian Clifford, Deputy Staff Director of the Senate Committee on Environment and Public Works, and his counterpart John Kane, along with Ryan Seiger, Staff Director and Senior Counsel of the House Transportation and Infrastructure Subcommittee on Water Resources and Environment, and his counterpart Ian Bennitt. An engaging discussion reflected the spirit of cooperation among the group to work across the aisle to achieve success. They similarly indicated that efforts to begin developing legislation would begin this fall. ●
NWC Hosts Congressional Staff Briefing

To kick off efforts to move WRDA this session, NWC hosted a “Corps 101” briefing for Congressional staff. The event was held in conjunction with the Mississippi River Caucus, co-chaired by Rep. Ron Kind (WI), Rep. Betty McCollum (MN), Rep. Rick Crawford (AR), and Rep. Jason Smith (MO).

Our esteemed panel of experts discussed how investments in water resources address significant risks to public safety, build the foundation for long-term economic growth, and protect and restore the environment. Spanning the full spectrum of USACE non-federal partners and stakeholders, attendees heard from Rob Rash, Chief Engineer of the St. Francis Levee District in Arkansas; Nicki Fuller, Executive Director of the Southwestern Power Resources Association; Dave Mitamura, Executive Director of the National Water Supply Alliance; and Jimmy Hague, Senior Water Policy Advisor of The Nature Conservancy.

The panel described how the nation’s water resources infrastructure facilitates commercial navigation through a system of waterways, ports and harbors; provides life-saving flood control, needed water supplies, shore protection, hydropower production, environmental restoration, and water-based recreation.

NWC annually hosts a series of briefings in both the House and Senate. This briefing marked the first in the 116th Congress, and plans are underway for a similar briefing in the Senate in early May. Later in the fall, we’ll be hosting “WRDA 101” sessions to coincide with Congressional efforts to move a WRDA in 2020.

L to R: Jimmy Hague, Rob Rash, Dave Mitamura, Nicki Fuller

L to R: Randy Richardson, Ian Bennitt, Amy Larson, John Kane, Ryan Seiger, Brian Clifford at the Legislative Summit

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complete all Federal environmental reviews and authorization decisions within two years.

Application to the USACE Civil Works Program

The U.S. Army Corps of Engineers (USACE or the Corps) is responsible for the development, maintenance and oversight of much of the nation’s water resources infrastructure through its Civil Works program. This includes flood risk management, navigation, ecosystem restoration, hydropower, water supply, recreation, and environmental stewardship, as well as providing emergency response services.

In addition to planning, designing and building water resources projects, the Corps also has a separate regulatory responsibility. Those responsibilities are administered through Section 10 of the Rivers and Harbors Act of 1899, applicable to the navigable waters of the United States; Section 404 of the Clean Water Act, covering the discharge of dredged or fill material into waters of the U.S., including wetlands; and Section 103 of the Marine Protection, Research and Sanctuaries Act, governing the transportation of dredged material for open ocean disposal. In addition, Section 14 of the Rivers and Harbors Act of 1899, as amended, and codified in 33 U.S.C. 408, commonly referred to as Section 408, allows the Corps to grant permission for the alteration or use of a civil works project.

The Corps’ project development process includes environmental decision-making primarily in the planning phase. That planning program provides a structured approach to the formulation of projects responsive to local, state and national needs, premised upon the project’s contribution to national economic development while protecting the environment. In addition to the complex, and often lengthy internal review process, Corps’ studies are also subject to extensive external reviews, including under NEPA.

Both the Civil Works planning program and the Corps’ regulatory obligations are subject to One Federal Decision. The environmental review mandate in EO 13807 is but one component of the Corps’ broader effort known as “Revolutionize USACE Civil Works.” As part of the goal to secure long-term reforms on how infrastructure projects are regulated, funded,

Changes at the Corps

The following leadership changes have been announced for the Civil Works program:

Major General Richard Kaiser (top left), Commanding General of the Mississippi Valley Division, will become Deputy Chief of Engineers/Deputy Commanding General (replacing MG Michael Wehr, who will head to U.S. Transportation Command)

Major General Richard Toy (middle left), Commanding General of the Great Lakes and Ohio River Division, will become Commanding General of the Mississippi Valley Division

Brigadier General Robert Whittle (bottom left) will take over as Commanding General of the Great Lakes and Ohio River Division

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delivered and maintained, the Corps has established three objectives in its comprehensive approach:
(1) Accelerate Project Delivery, to start and finish projects faster;
(2) Transform Project Financing and Budgeting, to achieve more efficient project delivery using alternative financing tools and new budgeting processes; and (3) Improve Permitting and Regulation Reform, streamline permit processes and eliminate duplicative reviews to expedite delivery of projects.

Water Resources Development Acts

Water resources bills, known as “WRDAs,” authorize a variety of navigation, flood control, and environmental projects and studies carried out by the Corps. The majority of these projects are cost-shared with the Corps’ non-federal sponsors. Equally important, WRDAs establish U.S. policy on water resources development and protection.

Among the many significant provisions modifying the development and management of the Corps’ civil works portfolio, WRRDA 14 [the Water Resources Reform and Development Act of 2014] codified an ongoing Corps initiative to expedite its planning process. Responding to a growing chorus of criticism that the Corps just takes too long, in 2012, the Corps instituted what became known as the “3x3x3” process, meaning that feasibility studies would be completed within three years, at a cost of not more than $3 million, with three concurrent levels of review throughout the process. That program, part of the Corps’ SMART planning, was a hallmark of WRRDA 14 and included as the first provision in the title on program reforms and streamlining.

As a companion to the process improvements contemplated by the accelerated review and vertical integration set forth in the 3x3x3 initiative, WRRDA 14 designated the Corps as the lead agency for the necessary environmental reviews during the feasibility study process, coordinating with other federal agencies, which could include the U.S. Environmental Protection Agency (EPA), the Council on Environmental Quality (CEQ) and the U.S. Fish and Wildlife Service (FWS). The purpose of the provision was to require that such reviews be conducted in an expeditious manner without making any substantive changes to the underlying laws, including, for instance, NEPA.

No doubt, prior to the implementation of these streamlining reforms, the already rigorous and thorough process had become overly burdensome, in some instances becoming impracticable. Required components had accreted due to the growth of law and policy, as a result of legal and technical challenges, and with individual requirements added to address some sort of shortcoming identified in a previous project. However, there was some concern that imposing a statutory requirement to conduct feasibility studies within a specified time period irrespective of the availability of...
Welcome New Members

**AECOM**
AECOM
Madison, AL
Robert Ruch

**Larsen Wurzel & Associates**
Larsen Wurzel & Associates
Sacramento, CA
Eric Nagy

**Brazos River Authority**
Brazos River Authority
Waco, TX
David Collinsworth

**San Joaquin Area Flood Control Agency**
San Joaquin Area Flood Control Agency
Stockton, CA
Chris Elias

**DANNENBAUM**
Dannenbaum Engineering
Houston, TX
Chris Sallese

**West Sacramento Area Flood Control Agency**
West Sacramento Area Flood Control Agency
West Sacramento, CA
Greg Fabun

**Georgia Department of Transportation**
Georgia Department of Transportation
Statesboro, GA
Trey Daniel

**Western Rivers Boat Management, Inc.**
Western Rivers Boat Management, Inc.
Paducah, KY
Jason Strait

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funds, previous statutory requirements, new requirements, and without consideration of the appropriate scope of a study, including economic, environmental and engineering requirements, would undermine the planning process rather than improve it.

While there are no performance metrics or other readily available data to measure the success of the 3x3x3 initiative, anecdotal information suggests that both the Corps’ internal process improvements, along with the external agency coordination, have resulted in a more efficient feasibility study process.

Similarly, designating the Corps as lead agency for environmental reviews reiterated the current NEPA practice of having the agency with the most skin in the game take the lead and has not led to a lower standard of review. Rather, the early engagement process, particularly among the resource agencies, has resulted in the identification of concerns earlier in the study process. The various federal agencies often have competing missions and priorities, exacerbated by turf battles, and the early engagement provides an opportunity to resolve concerns both in a timely way and in a manner that better frames the feasibility study. The Corps, unlike the prior practice of other agencies, conducts its feasibility process concurrent with the NEPA process. In this way, environmental concerns raised early on can be addressed more efficiently during the study process, and help frame the alternatives to be considered.

One Federal Decision

In order to carry out EO 13807, the Office of Management and Budget (OMB) and CEQ, in consultation with the Federal Permitting Improvement Steering Council (Permitting Council), directed each agency with responsibility to conduct environmental reviews or make authorization decisions with respect to major infrastructure projects to enter into a “Memorandum of Understanding Implementing One Federal Decision under Executive Order 13807” (MOU). The Permitting Council was created by the FAST Act, the Fixing America’s Surface Transportation Act enacted in December of 2015. Composed of agency Deputy Secretary-level members and an Executive Director appointed by the President, it sought to standardize interagency consultation and coordination practices to improve the environmental review and authorization process for covered infrastructure projects. FAST-41, so named for the section of the law creating the Permitting Council, codified the use of a “permitting dashboard” that had been in effect to track review and permitting milestones for transportation projects.

Key elements of One Federal Decision are that agencies will develop a single Permitting Timetable that identifies actions and associated milestones for applicable environmental reviews, prepare a single EIS and a single Record of Decision (ROD), and, critically, complete the environmental reviews and authorization decisions within two years of publication of the NOI and actually issue the final decision within 90 days thereafter. The timetable is to be made available to the public through the dashboard.

Conclusion

When considered collectively, EO 13807 and One Federal Decision, as well as WRRDA 14, WRDA 16, and most recently, WRDA 18, enhance and improve the development and oversight of water resources projects to provide much needed certainty, predictability, and a timely decision process, while adhering to the environmental protections provided by NEPA and similar authorities. Across the federal government, they provide the opportunity to accelerate infrastructure investments, reduce or eliminate unnecessary duplication, and produce better coordination of the activities of various agencies that may be involved in any particular project.

This complete article can be viewed at waterways.org
We encourage the Agencies to rely on the Corps’ extensive experience with its Civil Works program. In that context, the Corps clearly delineates between navigation for commercial purposes, which generally takes place by barges and larger commercial vessels, and a project’s other purposes, such as recreation. Generally, the Corps’ operations in support of navigation at a project authorized for that purpose only take into account commercial navigation. For example, in determining the level of proposed funding for navigation projects at the beginning of the budget process, the Corps assesses how much each navigable waterway is used through metrics such as tons of goods transported and lockages by commercial vessels. It is no mystery which waterways are designated and used for that purpose. A project can also be authorized for recreation, and if so, the Corps typically accommodates smaller vessels such as canoes and kayaks for that reason, but recreational watercraft are not a major consideration as to the Corps’ operations in support of navigation. Therefore, for ease of administration and because it reflects the type of interstate commerce Congress has sought to foster, protect, and regulate for centuries, in identifying traditionally navigable waterways, NWC encouraged the Agencies to focus on commercial navigation and apply the Corps’ experience and expertise from its Civil Works program to do so. At the same time, the Agencies should clarify that waters are not deemed traditionally navigable waters based solely on recreational use.

NWC expressed support for the identification of tributaries on the basis of naturally occurring surface flows that are perennial or intermittent in nature. We specifically support the proposal to exclude ephemeral features from the definition of WOTUS. An area where flow is too infrequent, too far removed or otherwise has insubstantial effects on traditionally navigable waters should not be jurisdictional. As such, excluding this feature better reflects the statutory structure and provides more regulatory certainty and clarity.

Our comments generally supported the Agencies’ proposal as to ditches but also expressed some concerns. Given that most ditches should be excluded from jurisdiction, NWC has concerns about the proposed rule with regard to the jurisdiction it exerts over ditches. In such instances, we would suggest that the Agencies should bear a heavy burden of proof prior to asserting jurisdiction.

Finally, NWC expressed support for the Agencies’ exercise of restraint as to particular features, notably groundwater, waste treatment systems, agricultural lands, and artificial water features in uplands.

Our complete comments can be viewed on our website at waterways.org.
Upcoming NWC Events

September 17-19, 2019
Annual Meeting
Memphis, TN

March 9-11, 2020
Legislative Summit
Washington, DC

March 8-10, 2021
Legislative Summit
Washington, DC

Industry Events

April 23-25
Inland Rivers, Ports and Terminals
Baton Rouge, LA
www.irpt.net

May 8-10
VMA International
Trade Symposium
Norfolk, VA
www.vamaritime.com

May 20-22
Warrior Tombigbee
Waterway Association
Point Clear, AL
www.warriortombigbee.com

May 20-22
Waterways Journal,
Inland Marine Expo
St. Louis, MO
www.inlandmarineexpo.com

May 22-24
Southwestern Power Resources
Association (SPRA)
Tulsa, OK
www.sprahydro.com

June 19-21
Texas Water
Conservation Association
Galveston, TX
www.twca.org

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

August 19-22
NAFSMA
Los Angeles, CA
www.nafsma.org

August 27-29
Tennessee Tombigbee
Waterway Development
Point Clear, AL
www.tenntom.org

October 9-11
Pacific Northwest
Waterways Association
Vancouver, WA
www.pnwa.net

October 13-16
American Association
of Port Authorities
Norfolk, VA
www.aapa-ports.org

November 6-7
Arkansas Waterways Association
Hot Springs, AR
www.arwaterways.com

November 6-8
Waterways Council, Inc.
Pittsburgh, PA
www.waterwayscouncil.org

SAVE the DATE

2019 Annual Meeting

September 17–19
The Peabody Hotel
Memphis, Tennessee
Registration Starts
Early July

More information
soon at
Waterways.org.

Visit us at waterways.org. Send your ideas and suggestions for the National Waterways Conference to info@waterways.org.