

May 10, 2007

The Honorable Barbara Boxer, Chairman  
Senate Committee on Environment and Public Works  
456 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable James Inhofe, Ranking Member  
Senate Committee on Environment and Public Works  
410 Dirksen Senate Office Building  
Washington, DC 20510



Dear Chairman Boxer and Senator Inhofe,

We write to urge your support for the reauthorization of the Water Resources Development Act in 2007.

WRDA is fundamentally important to the economic health of our nation and particularly important to the states of Oregon, Washington, Idaho and California. Our region depends on international trade to a greater extent than any other region in the United States. In Washington state, one in four jobs are related to international trade. Cost-effective, efficient, and environmentally sound trade and transportation corridors are imperative to secure our place in the global economy. Delay in WRDA means exacerbated backlogs which will dull our competitive edge.

The Pacific Northwest Waterways Association (PNWA) membership includes nearly 100 organizations in Oregon, Washington, Idaho and California. PNWA represents public port authorities on the Pacific Coast, Puget Sound, and Columbia Snake River System; public utility districts, investor-owned utilities, electric cooperatives and direct service industries; irrigation districts, grain growers and upriver and export elevator companies; major manufacturers in the Pacific Northwest; forest products industry manufacturers and shippers; and tug and barge operators, steamship operators, consulting engineers, and others involved in economic development throughout the Pacific Northwest.

PNWA has a long history of working with the Committee and the U.S. Army Corps of Engineers on projects of regional and national importance, sharing the challenge to maintain and develop our transportation infrastructure. Our members wish to thank the Committee for its support of Pacific Northwest transportation programs and projects.

Issues of particular concern to the members of our Association follow:

### **Minimum Dredge Fleet**

The federally-owned hopper dredge fleet and the Corps of Engineers' dredges *Essayons* and *Yaquina*, are particularly important to the maintenance of ports and harbors in the Pacific Northwest. The goals of Congressional actions in 1978, 1993 and 1996, which limited the utilization of the federal dredge fleet and provided increased opportunity for industry, have been met.

Since passage of the Energy and Water Appropriations Act of 1993, designed to increase competition in the dredge industry, the number of private dredging contractors has declined. This is of concern because the Northwest has unique conditions such that, compared to other regions, Northwest ports depend to a greater degree on hopper dredging and on smaller class hopper dredges. The Government Accountability Office found in a March 2003 report to Congress (GAO-03-382) that operating restrictions have imposed additional costs on the Corps' dredging program, but have not resulted in proven benefits to the taxpayer.

PNWA strongly supports the language included in your bill to lift operating restrictions from the *Essayons* and *Yaquina*, which will enable the Corps of Engineers to utilize the *Essayons* and *Yaquina* to the maximum extent possible to maintain Northwest ports, harbors and channels, consistent with the safe and efficient performance of their missions.

[www.pnwa.net](http://www.pnwa.net)

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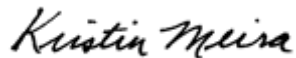
### **Making Section 214 Permanent**

Section 214 of the Water Resources Development Act of 2000 (P.L. 106-541) provides the authority to the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits. Section 214 has allowed local governments to move forward with vital infrastructure projects. By funding additional staff to work on specific, time-intensive permits, existing Corps staff members are able to process the significant permit application backlog much more quickly. Funding for additional Corps staff has resulted in a reduction of permit wait times not only for the funding entity, but for any individual or organization that makes an application with that District of the Corps.

This authority is currently scheduled to sunset on December 31, 2008. Though PNWA has been successful in working with Congress to secure short-term extensions for several years now, the time has come to give Corps regulatory offices as well as the contributing entities the predictability that would come with a permanent authority. PNWA strongly supports language in your bill that would make Section 214 permanent.

These provisions are strongly supported by PNWA's membership, and are important to improve the efficiency and cost competitiveness of Northwest ports engaging in international trade. Additional provisions that are supported by PNWA are included in the attached document, PNWA WRDA Requests. We appreciate the Committee's and Congress' attention to these important matters.

Sincerely,



Kristin Meira  
Government Relations Director

cc: U.S. Senator Patty Murray  
U.S. Senator Maria Cantwell  
U.S. Senator Dianne Feinstein  
U.S. Senator Ron Wyden  
U.S. Senator Gordon Smith  
U.S. Senator Larry Craig  
U.S. Senator Mike Crapo  
U.S. Senator Max Baucus  
U.S. Senator Jon Tester

Enc: 2007 PNWA WRDA Priorities  
2007 PNWA Membership



## PNWA Member Directory

Alaska Assoc. of Port Managers & Harbormasters  
Almota Elevator Company  
Anderson-Perry & Associates, Inc.  
Ball Janik LLP  
Bell Buoy Crab Co.  
Benton County PUD #1  
Boise Cascade LLC  
BST Associates  
Central Washington Grain Growers, Inc.  
CH2M Hill  
Clark Public Utilities  
Columbia Basin Development League  
Columbia County Grain Growers, Inc.  
Columbia River Bar Pilots  
Columbia River Pilots  
Columbia River Steamship Operators Assoc.  
Cowlitz County Board of Commissioners  
David B. Barrows Environmental Consulting  
Douglas County PUD #1  
East Columbia Basin Irrigation District  
Foss Maritime Company  
Office of Peter Friedmann  
Gallatin Group  
Gordon Thomas Honeywell Gov't. Affairs  
Harris Group Inc.  
ID Wheat Commission  
Jan T. Fancher, CPA, PLLC  
Jefferson Government Relations  
Kalama Export Company  
Kleinfelder, Inc.  
Lampson International, LLC  
Lewis-Clark Terminal Association  
Longview Fibre Company  
Moffatt & Nichol  
Northwest Grain Growers, Inc.  
Northern Star Natural Gas  
OR Economic & Community  
Development Department (OECDD)  
Oregon Int'l Port of Coos Bay  
Oregon Iron Works, Inc.  
OR Wheat Growers League  
Pacific International Engineering (PIE)  
PB Ports & Marine, Inc.  
PNGC Power  
Pomeroy Grain Growers  
Port of Anacortes  
Port of Benton  
Port of Brookings Harbor  
Port of Camas-Washougal  
Port of Cascade Locks  
Port of Chelan County  
Port of Chinook  
Port of Clarkston  
Port of Columbia County

Port of Garibaldi  
Port of Gold Beach  
Port of Hood River  
Port of Humboldt Bay  
Port of Ilwaco  
Port of Kalama  
Port of Kennewick  
Port of Klickitat  
Port of Lewiston  
Port of Longview  
Port of Morrow  
Port of Newport  
Port of Pasco  
Port of Port Angeles  
Port of Portland  
Port of Ridgefield  
Port of Royal Slope  
Port of Seattle  
Port of Siuslaw  
Port of Skagit County  
Port of St. Helens  
Port of Sunnyside  
Port of Tacoma  
Port of Toledo  
Port of Umatilla  
Port of Umpqua  
Port of Vancouver  
Port of Walla Walla  
Port of Whitman County  
Port of Woodland  
Potlatch Corporation  
Presnell, Gage & Company  
Primeland Cooperatives  
The Research Group  
RETEC Group  
Schwabe, Williamson & Wyatt  
Seattle Public Utilities  
Shaver Transportation Company  
Stoel Rives LLP  
Teevin Brothers  
Tidewater Barge Lines  
Ukiah Engineering Inc. (UEI)  
USA Dry Pea & Lentil Council  
WA Association of Wheat Growers  
WA Public Ports Association  
WA State Office of Trade and Economic  
Development (CTED)  
WA State Potato Commission  
WA Wheat Commission  
Weyerhaeuser Company  
Whitman County Growers

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# Water Resources Development Act

## PNWA strongly supports the passage of a Water Resources Development Act (WRDA) in 2007

Our water resources system contributes mightily to our nation's well-being. Ports and waterways are the backbone of our transportation system - ensuring domestic and international trade opportunities and safe, relatively inexpensive and eco-friendly transportation. In addition, the U.S. maritime transportation system moves more than 60% of the nation's grain exports. Flood damage reduction programs save lives and prevent almost \$8 in damages for each dollar spent. Corps hydro-power facilities supply 24% of the hydropower generated in the United States. Projects for water supply, irrigation, recreation, beach nourishment and wildlife habitat provide innumerable benefits. These water-related assets have the potential to help grow our economy, help ease our Nation's growing congestion problem and provide a finer quality of life.

A WRDA is vitally needed this year to accommodate the many important projects awaiting authorization, as well as addressing and providing guidance on a number of policy issues.

The following pages contain the PNWA-supported provisions that are in the 2007 House and Senate versions of WRDA. PNWA strongly supports the inclusion of these provisions in the final bill that is approved by the WRDA conference committee.



## Make Section 214 funding authority permanent (S.1248 language)

### FUNDING TO EXPEDITE THE EVALUATION AND PROCESSING OF PERMITS.

Section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594, 117 Stat. 1836, 119 Stat. 2169, 120 Stat. 318, 120 State. 3197) is amended by striking subsection (c).

#### Overview:

- Section 214 of the Water Resources Development Act of 2000 (P.L. 106-541) provides the authority to the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.
- Section 214 has allowed local governments to move forward with vital infrastructure projects. In the Seattle Corps District, which was the first in the nation to use the program, the City of Seattle estimates that average permit review times decreased from over 800 days to 69 days, saving the City over \$5M. Without Section 214, permit wait times for projects could be lengthened by six to twelve months.
- By funding additional staff to work on specific, time-intensive permits, existing Corps staff members are able to process the significant permit application backlog much more quickly.
- Funding for additional Corps staff has resulted in a reduction of permit wait times not only for the funding entity, but for any individual or organization that makes an application with that District of the Corps.
- Section 214 has been used successfully by the Cities of Seattle WA, Redding CA, Elk Grove CA, and San Diego CA; the Ports of Seattle, Tacoma, and Long Beach; Florida DOT and the South Florida Water Management District.
- An extension of the Section 214 authority was signed into law by the President on December 20, 2006, and became Public Law 109-434. This temporary extension will expire on December 31, 2008.

**Note: for more information, please see our fact sheet on Section 214 at [www.pnwa.net](http://www.pnwa.net)**

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## Lift Operating Restrictions on the West Coast federal hopper dredge fleet (Language in S.1248 and H.R. 1495)

### FEDERAL HOPPER DREDGES.

Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following: "This subparagraph shall not apply to the Federal hopper dredges *Essayons* and *Yaquina* of the Corps of Engineers."

#### Overview:

- Increased utilization of the federal dredges *Essayons* and *Yaquina* on the West Coast will reduce costs, and increase the efficiency, responsiveness and reliability of federal navigation project maintenance on the West coast.
- The Government Accountability Office found in a March 2003 report to Congress (GAO-03-382) that operating restrictions have imposed additional costs on the Corps' dredging program, but have not resulted in proven benefits to the taxpayer
- There is not a competitive private hopper dredge market on the West coast. This results in higher costs for contract dredging. Only one hopper dredge company is based on the West coast.
- More than half of the West coast contracts have only one or two bidders. The fewer the bidders, the higher the cost. 90% of single-bid and 46% of two-bid contracts exceed the government estimate, compared with just 25% for contracts with three or more bids.
- We are not advocating the elimination of all private dredge contracts. Even with increased use of the *Essayons* and *Yaquina*, there will still be the need for private dredge contracts to maintain and improve West coast navigation channels each year. We believe a robust private dredging industry can coexist with operation of the West Coast federal dredges without artificial limitations that drive up costs for all taxpayers.

**Note: for more information, please see our fact sheet on the dredge fleet at [www.pnwa.net](http://www.pnwa.net)**

## Lifting of deed restrictions from lands formerly owned by the Corps

### Port of Lewiston, ID (S.1248 language):

#### PORT OF LEWISTON, IDAHO.

- (a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS- With respect to property covered by each deed described in subsection (b)--
- (1) the reversionary interests and use restrictions relating to port and industrial use purposes are extinguished;
  - (2) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished;
  - (3) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and
  - (4) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.
- (b) DEEDS- The deeds referred to in subsection (a) are as follows:
- (1) Auditor's Instrument No. 399218 of Nez Perce County, Idaho, 2.07 acres.
  - (2) Auditor's Instrument No. 487437 of Nez Perce County, Idaho, 7.32 acres.
- (c) NO EFFECT ON OTHER RIGHTS- Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes with respect to property covered by deeds described in subsection (b).

### Ports of Clarkston, WA and Whitman County, WA (S.1248 language):

#### LOWER GRANITE POOL, WASHINGTON.

- (a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS- With respect to property covered by each deed described in subsection (b)--
- (1) the reversionary interests and use restrictions relating to port or industrial purposes are extinguished;
  - (2) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and
  - (3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required for the use of fill material.
- (b) DEEDS- The deeds referred to in subsection (a) are as follows:
- (1) Auditor's File Numbers 432576, 443411, 499988, and 579771 of Whitman County, Washington.
  - (2) Auditor's File Numbers 125806, 138801, 147888, 154511, 156928, and 176360 of Asotin County, Washington.
- (c) NO EFFECT ON OTHER RIGHTS- Nothing in this section affects any remaining rights and interests of the Corps of Engineers for authorized project purposes in or to property covered by a deed described in subsection (b).

### Port of Pasco, WA: (H.R.1495 language)

#### EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.

- (c) PORT OF PASCO, WASHINGTON.—
- (1) EXTINGUISHMENT OF USE RESTRICTIONS AND FLOWAGE EASEMENT.—With respect to the property covered by the deed in paragraph (3)(A)—
    - (A) the flowage easement and human habitation or other building structure use restriction is extinguished if the elevation of the property is above the standard project flood elevation; and
    - (B) the use of fill material to raise areas of the property above the standard project flood elevation is authorized, except in any area for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.
  - (2) EXTINGUISHMENT OF FLOWAGE EASEMENT.—With respect to the property covered by each deed in paragraph (3)(B), the flowage easement is extinguished if the elevation of the property is above the standard project flood elevation.
  - (3) AFFECTED DEEDS.—The deeds referred to in paragraphs (1) and (2) are as follows:
    - (A) Auditor's File Number 262980 of Franklin County, Washington.
    - (B) Auditor's File Numbers 263334 and 404398 of Franklin County, Washington.
- (d) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.

## **Siltation study for Baker Bay and Ilwaco Harbor (Ports of Ilwaco & Chinook, WA) (H.R.1495 language)**

BAKER BAY AND ILWACO HARBOR, WASHINGTON.

The Secretary shall conduct a study of increased siltation in Baker Bay and Ilwaco Harbor, Washington, to determine if the siltation is the result of a Federal navigation project (including diverted flows from the Columbia River) and, if the Secretary determines that the siltation is the result of a Federal navigation project, the Secretary shall carry out a project to mitigate the siltation as part of maintenance of the Federal navigation project.

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## **Credit for prior work on aquatic ecosystem restoration project (Port of Sunnyside, WA) (H.R.1495 language)**

YAKIMA RIVER, PORT OF SUNNYSIDE, WASHINGTON.

The project for aquatic ecosystem restoration, Yakima River, Port of Sunnyside, Washington, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary to credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

YAKIMA RIVER, PORT OF SUNNYSIDE, WASHINGTON

Modifies the project for aquatic ecosystem restoration, Yakima River, Port of Sunnyside, Washington, to direct the Secretary to provide credit for the cost of work performed by the non-Federal interest determined by the Secretary to be an integral part of the project.

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## **Support continued study of the Elliott Bay Seawall (Port of Seattle, WA) (H.R.1495 language)**

ELLIOTT BAY SEAWALL, SEATTLE, WASHINGTON

(a) IN GENERAL. - The study for rehabilitation of the Elliott Bay Seawall, Seattle, Washington, being carried out under Committee Resolution 2704 of the Committee on Transportation and Infrastructure of the House Representatives adopted September 25, 2002, is modified to include a determination of the feasibility of reducing future damage to the seawall from seismic activity.

(b) ACCEPTANCE OF CONTRIBUTIONS. - In carrying out the study, the Secretary may accept contributions excess of the non-Federal share of the cost of the study from the non-Federal sponsor to the extent that the Secretary determines that the contributions will facilitate completion of the study.

(c) CREDIT. - The Secretary shall credit toward non-Federal share of the cost of any project authorized by law as a result of the study the value of contributions accepted by the Secretary under subsection (b).

**Erosion control project for Puget Island (Wahkiakum Co., WA) and Westport Beach (Clatsop Co., OR)**  
**(S.1248 language)**

**EROSION CONTROL, PUGET ISLAND, WAHAKIACUM COUNTY, WASHINGTON.**

(a) IN GENERAL- The Lower Columbia River levees and bank protection works authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 178) is modified with regard to the Wahkiakum County diking districts No. 1 and 3, but without regard to any cost ceiling authorized before the date of enactment of this Act, to direct the Secretary to provide a 1-time placement of dredged material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47, and the shoreline of Westport Beach, Clatsop County, Oregon, between river miles 43 to 45, to protect economic and environmental resources in the area from further erosion.

(b) COORDINATION AND COST-SHARING REQUIREMENTS- The Secretary shall carry out subsection (a)--

(1) in coordination with appropriate resource agencies;

(2) in accordance with all applicable Federal law (including regulations); and

(3) at full Federal expense.

(c) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated to carry out this section \$1,000,000.

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**Increase the per-project limit for Section 107 navigation enhancement projects to \$7M**  
**(S.1248 language)**

**NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.**

Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended--

(1) by striking `SEC. 107. (a) That the Secretary of the Army is hereby authorized to' and inserting the following:

`SEC. 107. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

`(a) IN GENERAL- The Secretary of the Army may';

(2) in subsection (b)--

(A) by striking `(b) Not more' and inserting the following:

`(b) ALLOTMENT- Not more'; and

(B) by striking `\$4,000,000' and inserting `\$7,000,000';

(3) in subsection (c), by striking `(c) Local' and inserting the following:

`(c) LOCAL CONTRIBUTIONS- Local';

(4) in subsection (d), by striking `(d) Non-Federal' and inserting the following:

`(d) NON-FEDERAL SHARE- Non-Federal';

(5) in subsection (e), by striking `(e) Each' and inserting the following:

`(e) COMPLETION- Each'; and

(6) in subsection (f), by striking `(f) This' and inserting the following:

`(f) APPLICABILITY- This'.