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PNWA wraps first virtual Mission to Washington

Despite the ongoing pandemic, PNWA members came out in force online to support last week's Mission to Washington. Even in Zoom video meetings rather than crowded hearing rooms, the essence of our annual Mission to Washington remained intact this year: PNWA members proudly represented our regional legislative and policy priorities to our Congressional delegation.

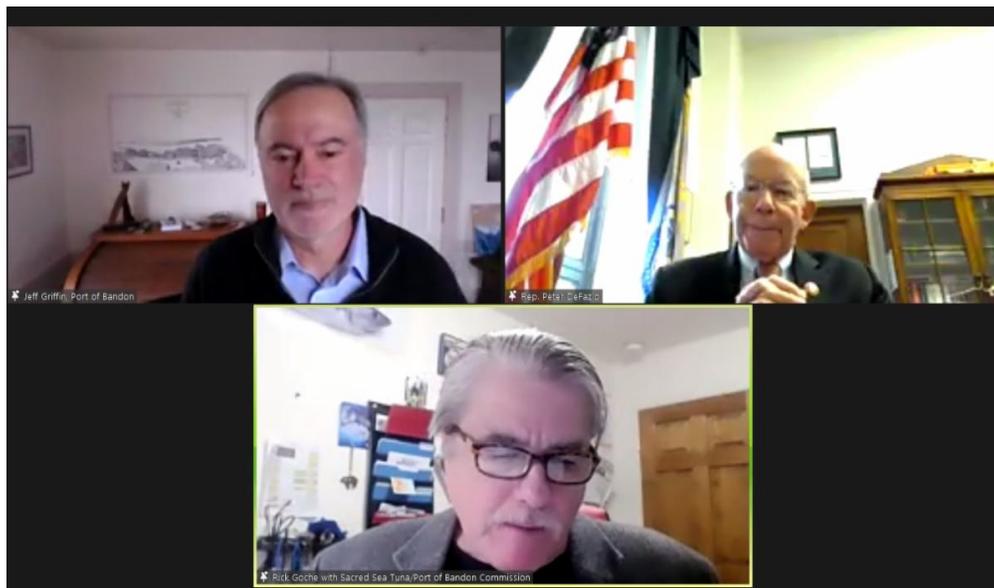
We received an overview of legislative predictions and the changing political landscape in Washington, DC, from our partners at the American Association of Port Authorities and National Waterways Conference. Longtime House Transportation & Infrastructure Committee colleague Ryan Seiger provided his take on the committee's current work and focus on a transformative infrastructure package, which is anticipated to include provisions addressing climate change, resiliency and social justice issues. Maj. Gen. Butch Graham, Deputy Commanding General for Civil and Emergency Operations, provided an update from U.S. Army Corps of Engineers Headquarters.

Over 115 members registered for this year's virtual Mission, and were able to meet personally with 21 of our 23 Members of Congress. PNWA members did an outstanding job moderating the sessions, providing succinct, on-message talking points, and ensuring we had strong participation from many members at each meeting with our Congressional delegation.

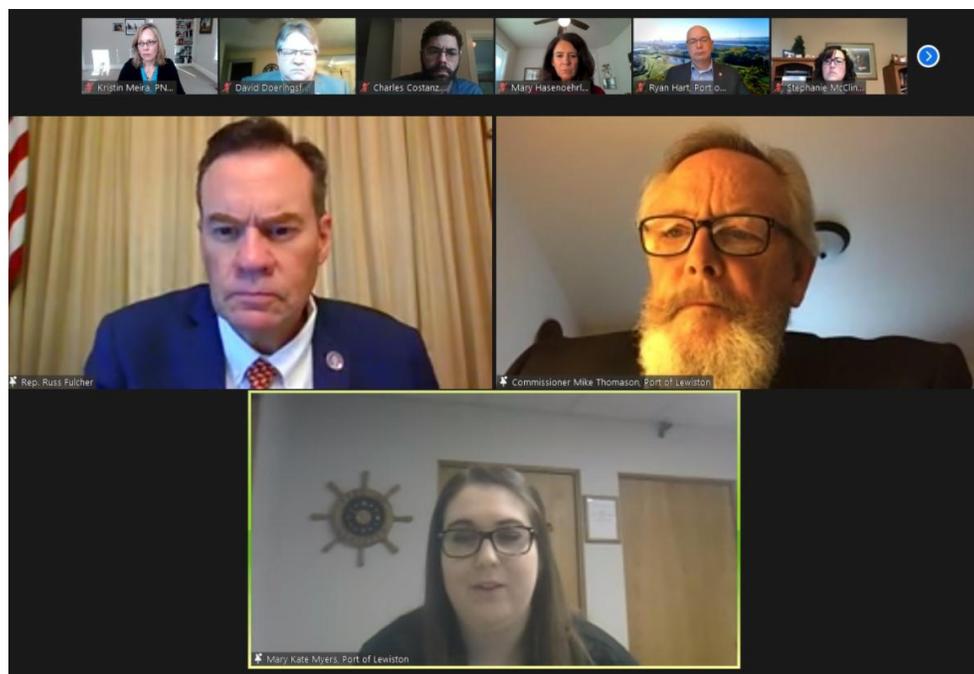
We can't wait for the safe return of in-person events, but PNWA members, staff and partners alike are proud of what we accomplished last week. Thank you to our sponsors and everyone who helped make it happen!



Maj. Gen. Butch Graham, Deputy Commanding General for Civil & Emergency Operations at U.S. Army Corps of Engineers Headquarters, provided an overview of the Corps' 2021 policy, program and project priorities.



Coastal Conversation: Port of Bandon Manager Jeff Griffin moderates a discussion between Rep. Peter DeFazio (D, OR-4) and Port of Bandon Commissioner Rick Goche'.



Inland Issues: Port of Lewiston Commissioner Mike Thomason and Port of Lewiston Communications Coordinator Mary Kate Myers advocate a PNWA policy position to Rep. Russ Fulcher (R, ID-1).



Sound Advice: Port of Seattle Commissioner Fred Felleman and Port of Olympia Executive Director Sam Gibboney discuss priorities with Sen. Maria Cantwell (D, WA).

PNWA, partners ask CEQ, OMB for regulatory help



March 18, 2021

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Office of Management and Budget (OMB)
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Jayni Hein
Senior Director for NEPA and Counsel
Council on Environmental Quality (CEQ)
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RE: NOAA Fisheries West Coast Region Office Significant Regulatory Action

To Acting Director Fairweather and Senior Director Hein,

The Pacific Northwest Waterways Association (PNWA), Washington Public Ports Association (WPPA), and Oregon Public Ports Association (OPPA) want to alert you to a NOAA Fisheries West Coast Region Office ("NOAA Fisheries") significant regulatory action that Pacific Northwest ports have encountered when attempting to obtain Federal permits to conduct routine maintenance of in-water and over-water structures.

Northwest ports encompass many of the activities that are important to the regional and national economy, including cargo, freight, tourism, and recreational and commercial fishing. In the State of Washington, 40% of jobs are related to international trade, making it the most trade-dependent state in the nation. It is the third highest exporting state in the United States. Oregon's coastal ports are home to fishing fleets, marinas, and recreational facilities, and are critical to the economic survival of their communities. Coastal ports in Oregon provide for 15,759 direct/indirect jobs and contribute nearly \$1 billion to the state gross domestic product. The Columbia Snake River System is one of the largest export gateways in the nation, providing benefits not just to the Pacific Northwest, but far into the heartland of our country. It is the nation's number one wheat export gateway, second for soy, and is the third largest grain export gateway in the world. As a critical gateway for the export of U.S. goods, they play an important role in balancing the nation's trade deficit.

Our members have committed significant resources in support of salmon recovery and ecosystem restoration over the decades. Our members are proud of their longstanding commitment to doing their share with respect to Endangered Species Act (ESA) recovery efforts. They have a long track record of being stewards of the waterfront and have worked closely with NOAA Fisheries to address and minimize potential effects of port activities on ESA-listed species and other aquatic resources. Ports in our region are investing hundreds of millions of dollars in environmental improvements in Puget Sound, the Columbia River, and coast. These investments include soil and sediment cleanups, stormwater treatment, derelict structure removals, and the creation of hundreds of acres of restored habitat, including some of the best restoration sites in our region. We also recognize the challenges that NOAA Fisheries faces in terms of addressing complex ESA issues in the Northwest. However, we are deeply

In 2018, NOAA Fisheries' West Coast Region changed the definition of environmental baseline for the Section 7 consultation process when seeking maintenance permits for in- or over-water infrastructure. This significant regulatory action was instituted through internal guidance that was later distributed to the public.

As a result of this change, existing infrastructure is no longer considered part of the baseline environment. Ports must now mitigate not only for maintenance construction, but also for the ongoing existence of the structure in the environment. Routine maintenance projects are now almost always required to go through the formal Section 7

consultation process for the Endangered Species Act (ESA), which is more time, labor, and cost intensive.

After three years, NOAA Fisheries and the U.S. Army Corps of Engineers remain at odds over this new interpretation, and implementation of the ESA and maintenance

permits are at an impasse. NOAA Fisheries has a backlog of over 60 projects.

PNWA, in collaboration with the Washington Public Ports Association, Oregon Public Ports Association, and the Washington Maritime Federation, [sent a joint letter](#) to the Office of Management and Budget (OMB) and the Council on Environmental Quality (CEQ) regarding the multiple challenges Pacific Northwest ports have faced over the last three years with respect to maintenance permits for existing infrastructure. We hope the Administration will step in to resolve this issue so ports can obtain timely and cost-effective permits for existing infrastructure and keep trade, supply chains, jobs and the economy moving.

The PNWA membership recently highlighted our membership's permitting issues to the entire Northwest Congressional delegation during the Mission to Washington last week. PNWA staff will continue to follow up with the delegation and their staff.

Rep. DeFazio receives AAPA Port Person of the Year award

The American Association of Port Authorities honored Congressman Peter DeFazio (D, OR-4) with a Port Person of the Year Awards at the association's Spring Conference on March 17, 2021. The seaports industry presents this award in recognition of policymakers whose outstanding work has made a significant contribution to public ports and maritime commerce.



"AAPA proudly celebrates ... Congressman DeFazio for championing legislation that has enhanced the capabilities of public ports and advanced global trade," said AAPA President and CEO Christopher J. Connor. "We are honored to present this award to leaders who have demonstrated a steadfast commitment to an industry that supports more than 642,000 American jobs and connects the nation's small businesses, farmers and manufacturers to the global marketplace."

Congressman DeFazio is the U.S. Representative for Oregon's 4th congressional district, serving since 1987. In 2019, DeFazio was elected to the powerful position of Chair of the House Committee on Transportation & Infrastructure, which has jurisdiction over the nation's highways, public transit, rail systems, airports, pipelines, and seaports, the U.S. Coast Guard, the Environmental Protection Agency, the Federal Emergency Management Agency, the Army Corps of Engineers, and other agencies.

GAO seeks feedback on non-freight port activities

The U.S. Government Accountability Office, the non-partisan, fact-based research arm of the U.S. Congress, is conducting research into non-freight activities at U.S. public ports such as commercial or residential development, public marketplaces, ferries and cruises, or recreational development.



GAO has developed this [web-based questionnaire](#) with input from ports. We encourage you to take the time share your perspective with GAO. You'll first be asked to create an account, and then can return to the questionnaire using the same link.

GAO asks that you complete the questionnaire within two weeks. For any questions, please feel free to contact GAO senior analyst Christopher Schmitt, at schmittc@gao.gov or 202-512-3958.

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