

WATER RESOURCES DEVELOPMENT ACT (WRDA)



The Water Resources Development Act (WRDA) is the main legislative vehicle for authorizing federal navigation projects and implementing policy changes for the U.S. Army Corps of Engineers. WRDA is a key piece of legislation for PNWA's membership. We support keeping WRDA on a two year schedule and passage of a bill in 2022, to ensure timely and consistent authorization of navigation projects and improvements to Corps policy. Our priorities are:

Policy Priorities

Harbor Maintenance Trust Fund. Significant Harbor Maintenance Trust Fund (HMTF) reforms were included in the 2014, 2016 and 2020 WRDA bills. No changes are proposed at this time.

Section 214 Expansion. Section 214 was made permanent in WRRDA 2014 and allows the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits. Mitigation banks are one kind of project for which ports must receive permits. Mitigation bank credits are often the preferred by Federal agencies that protect fish, wildlife, and the environment. Having fully approved mitigation banks with credits available for use is critical to the completion of port infrastructure and navigation projects. Several port mitigation banks in the Northwest have yet to be permitted due to a lack of federal regulatory staff. Section 214 funding would help address this backlog, yet ports have not been allowed to use the authority for mitigation bank permitting. The Corps deems mitigation banks a "profit-making venture" if the port intends to sell credits from their bank, which is no different than a port leasing a dock that it owns. PNWA supports expansion of Section 214 authority to allow for expediting the processing of mitigation bank permits regardless of whether the non-Federal public entity plans to sell credits to other public or private entities. When public ports create mitigation banks, they are doing so in the public interest to provide benefits to their communities, just as with all other public port projects.

Memorandum Between the Department of the Army for Civil Works and National Oceanic and Atmospheric Administration Implementation. Proposed language includes, "The Secretary of the Army for Civil Works shall not implement the Memorandum between the Department of the Army for Civil Works and National Oceanic and Atmospheric Administration regarding how the agencies evaluate the effects of projects involving existing structures on listed species and designated critical habitat in Endangered Species Act Section 7 consultations and instead shall pursue transparent, public engagement through formal rulemaking and the Office of Management and Budget interagency review processes."

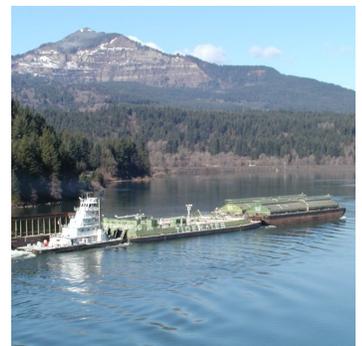
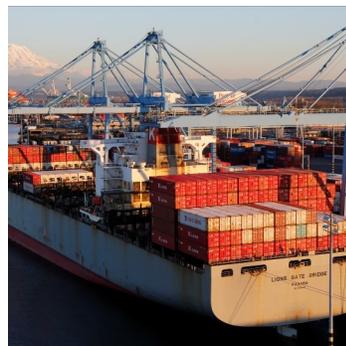
Project Priorities

Port of Everett. Include language to assume the maintenance of the Boat Launch Connector Channel as part of the Everett Harbor and Snohomish River navigation project, to maintain critical emergency and law enforcement response in Puget Sound, tribal fisheries access to Usual and Accustomed grounds, and for the interests of national security.

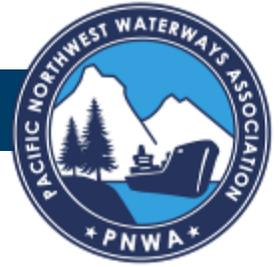
Port of Port Townsend Breakwater. Include language to authorize the Corps to assume ownership and maintenance of the portion of the Boat Haven Marina Breakwater currently owned by the Port of Port Townsend which connects to the remainder of the breakwater owned and maintained by the Corps.

Tacoma Harbor Deepening. Include language to authorize the Tacoma Harbor Deepening project to move to the next phase of design, engineering and eventual construction from 51' MLLW to 57' MLLW at the Port of Tacoma, WA.

Willamette River Dredging Report. The Corps is currently experiencing difficulty with executing maintenance dredging on the Lower Willamette River as a portion of the channel falls within a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site. Include language to direct the Corps to prepare a technical report outlining the challenges associated with maintenance dredging and disposal for the Lower Willamette River federal channel, detail the technical solution necessary, and recommend legislative drafting language needed to implement the technical solution.



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Project Priorities (continued)

Snake River Channel and Turning Basin Characterization. The Snake River Federal Navigation Channel near the ports of Lewiston and Clarkston was established under the Rivers and Harbor Act of 1945 and was simply defined as 250 feet wide and 14 feet deep. In the past, the Corps was able to use discretion for turns and bends in the river system when maintaining the channel and previously dredged a wider footprint. This wider footprint allowed for vessels, including grain barges and cruise ships, to safely navigate the river. In order to ensure the ports of Lewiston and Clarkston, grain terminal facilities, and cruise operations continue safely, and the Corps meets their federal navigation mission. We are seeking language to formalize the federal channel definition including turning basins, and other safe navigation features in the Lower Granite pool on the Snake River. This will assist the Corps in budgeting, planning, and efficient maintenance of navigation needs in the future.

Pile Dike Extension for Maintenance Definition Clarification. The Corps Portland District's Office of Counsel is conservatively interpreting authorization to maintain pile dikes that have disconnected from eroded shorelines as if they are new projects rather than maintenance of existing projects. Proposed language to clarify the maintenance of pile dikes includes, "Extension of existing pile dikes and channel training structures necessary for maintenance repairs shall include reconnection to the shoreline when disconnected by dynamic river processes and in order to restore function such as reconnecting an existing pile dike to an eroded riverbank." Currently authorized projects in the Columbia River with pile dikes includes:

Mouth of the Columbia River (MCR) - River and Harbor Act of 1884, 1905, 1954, 1983

Columbia and Lower Willamette Below Vancouver, WA & Portland, OR (C&LW) - Rivers and Harbors Acts 1912, 1930, 1962, 1999

Columbia River between Vancouver, WA and The Dalles, OR (VTD) - Rivers and Harbors Act of 1938, 1946

Columbia River at Baker Bay, WA & OR (Baker Bay) - River and Harbor Act of 1933, 1935, 1945

In-Water Confined Placement Definition Clarification. The current practice of using dredged material stabilization and retaining structures as in-water confinement has been in place for over 100 years. However, it has never been formally defined. The Corps Portland District intends to utilize this practice for the Columbia River dredged material management plan (DMMP) and definition clarification is needed. Proposed definition language includes, "New and existing dredged material stabilization and retaining structures are considered in-water confined placement for dredged material held in place to the maximum extent practicable in the Columbia River. Authorized projects in the Columbia River includes the Columbia and Lower Willamette Rivers Below Vancouver, WA & Portland, OR - Rivers and Harbors Acts 1912, 1930, 1962, 1999."

Mount St. Helens Sediment Management Operations & Maintenance. Sediment from Mount St. Helens continues to impact federally authorized navigation channels. Supplemental dredging is consistently necessary, however inconsistently funded. Proposed language includes, "The Mount St. Helens project authorized by Congress under the Supplemental Appropriations Act of August 15, 1985 (Public Law 99-88) shall establish an operations and maintenance account to support annual dredging to impacted federal navigation channels resulting from Mount St. Helens sediment."

