



Nor'wester newsletter

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Senate EPW Committee Releases Draft WRDA and Announces Hearing Next Week

On Friday, the [Senate Environment & Public Works \(EPW\) Committee released their draft Water Resources Development Act \(WRDA\) of 2022 and announced the mark up hearing](#) will be held on Wednesday, May 4 at 10:00am Eastern time. WRDA is the authorizing legislation for policies and projects implemented by the U.S. Army Corps of Engineers. PNWA is pleased to see several policies and projects advocated for by staff and PNWA members during the Mission to Washington in the draft bill.

PNWA Projects Included:

Port of Tacoma

Section 203 for the Expedited Completion of Studies includes the “Tacoma Harbor Navigation Improvement Project, Washington.”

Howard Hanson Dam

Under Section 203, included in the subparagraph on Post-Authorization Change Reports, included the “Project for water supply and ecosystem restoration, Howard A. Hanson Dam, Washington, authorized by section 101(b)(15) of the Water Resources Development Act of 1999 (113 Stat. 281).”

Snake River Dredging

Section 403 for Expedited Completion of Projects includes, “Maintenance dredging of the Federal channel for the project for navigation, Columbia, Snake, and Clearwater Rivers, Oregon, Washington, and Idaho, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 21, chapter 19), at the Port of Clarkston, Washington, and the Port of Lewiston, Idaho.”

No Snake River Dam Breaching

The draft Senate WRDA bill did NOT include the Snake River Dam breaching study proposed by American Rivers and Idaho Rivers United in the Corps' 2022 Section 7001 Report to Congress. However, the bill does authorize a feasibility study, the "Project for aquatic ecosystem restoration, including habitat for endangered salmon, Columbia River Basin". PNWA staff received assurances from the Senate EPW committee staff that this does not open the door to dam breaching as the Corps already has a study completed showing the Lower Snake River Dams are still meeting their Congressionally authorized purposes.

PNWA staff will continue to work with the Pacific Northwest House delegation members as the House WRDA bill moves forward from the House Transportation & Infrastructure Committee in the next few weeks.

PNWA Supported Policies Included:

Expansion of Section 214 Authority

The draft bill did include expansion of Section 214(a)(2) authority from the WRDA 2000 to allow for non-Federal public entities (ports, public utilities, natural gas companies, and railroad carriers) to contribute funds to expedite the evaluation of mitigation bank permits. There is some limitation on the use of credits. The credits generated by the mitigation bank under Section 214 are "limited to current and future projects and activities of the entity, company, or carrier described in subclause (I) of that clause for a public purpose, except that in the case of a non-Federal public entity, not more than 25 percent of the credits may be sold to other public and private entities."

Columbia River Treaty

PNWA members have long expressed concerns regarding the 2024 expiration of the pre-paid flood control related to the Columbia River Treaty and the impact it could have on the water flow regime, flooding, and navigation safety. The draft WRDA bill includes Section 141 regarding Columbia River Basin Flood Risk Management. This section authorizes the Corps to use all their existing authorities to facilitate renegotiation of the Treaty Relating to Cooperative Development of the Water Resources of the Columbia River Basin (the Columbia River Treaty). It also requires biannual status reports and recommendations for legislation, if needed, to the Senate EPW Committee and House Transportation & Infrastructure Committee starting within 90 days of enactment of the bill.

To read the draft bill, click [here](#).

To read the section by section summary, click [here](#).

To read the one page summary, click [here](#).

Timeline

In the U.S. House of Representatives, the Transportation & Infrastructure Committee is anticipated to release their draft WRDA bill around the second or third week of May and hold a mark up hearing in that timeframe as well. It is anticipated that the bill will be on the floor of the House and voted on by June.

The EPW committee staff anticipates their bill will be on the floor of the Senate by the end of May or beginning of June. The hope is for the bill to be in conference by mid-

to late June or early July with passage of the final bill by the end of July in time for the August recess.

PNWA staff will continue to track the bill's progress and provide updates. Contact [Dena Horton](#) if you have any questions.

Corps Solicits Projects for 2023 Section 7001 Report to Congress

[Section 7001 of the Water Resources Reform and Development Act \(WRRDA\) 2014](#), as amended, requires the Secretary of the Army to submit a report annually to the Congress which identifies feasibility reports, proposed feasibility studies submitted by non-Federal interests, proposed modifications to authorized water resources development projects or feasibility studies, and proposed modifications to environmental infrastructure program authorities that meet certain criteria. The proposals submitted by non-Federal interests for inclusion in this report to Congress for consideration to include those projects for authorization in future WRDA bills. This process was originally developed as a needed work around when the earmark ban went into effect. The report is a list of projects that met the five basic criteria and is required for submission to Congress but it is not an endorsement by the U.S. Army Corps of Engineers (Corps) of the projects listed in the report.

The Corps published the announcement of the solicitation for proposals under Section 7001 in the [Federal Register](#) today. The proposals gathered will be included in the 2023 Section 7001 Report to Congress following the release of the President's FY2024 Budget early next year. This will allow Congress an opportunity to pull projects from the 7001 Report, if desired, for inclusion in the FY2024 appropriations process.

The Section 7001 proposals must be submitted online and are due by August 29, 2022. If your organization has a project you wish to submit, [click here to submit a proposal online](#). For more information, email WRRDA7001Proposal@usace.army.mil or call Stuart McLean in the Planning and Policy Division at USACE Headquarters in Washington, DC at 202-761-4931.

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