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House T & I Committee Releases Draft WRDA and Announces Hearing on Wednesday

On Monday, the [House Transportation and Infrastructure Committee released their draft Water Resources Development Act \(WRDA\) of 2022 and announced the full committee mark up](#) will be held on May 18th at 10:00am Eastern time. WRDA is the authorizing legislation for policies and projects implemented by the U.S. Army Corps of Engineers. The Senate Environment & Public Works (EPW) Committee previously [passed their draft WRDA out of committee](#) to the full Senate on May 4th. PNWA is pleased to see several policies and projects advocated for by staff and PNWA members during the Mission to Washington in the draft House T & I bill. PNWA staff will continue to work with the Pacific Northwest House delegation members as the WRDA bill moves forward in both chambers in the next few weeks.

PNWA Projects Included

Similar to the language in the Senate EPW Committee version of WRDA, the House T & I WRDA includes:

Port of Tacoma

Section 202 for the Expedited Completion of Feasibility Studies includes the “ Project for navigation, Tacoma Harbor, Washington.”

Howard Hanson Dam

Under Section 202, 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).”

No Snake River Dam Breaching

The draft House T & I WRDA also does 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. Currently, the House draft WRDA also does not contain companion language to the Columbia River Basin ecosystem restoration that was included in the version passed by the Senate EPW Committee.

Other PNWA member projects were also included in the draft House T & I Committee WRDA bill. Under Section 201 for Authorization of Proposed Feasibility Studies in the subparagraph relating to Project Modifications, it includes:

Everett Harbor and Snohomish River

"Modifications to the project for navigation, Everett Harbor and Snohomish River, Washington, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat.732), for the Boat Launch Connector Channel."

Hiram M. Chittenden Locks, Lake Washington Ship Canal, Washington

"Modifications to the Hiram M. Chittenden Locks (also known as Ballard Locks), Lake Washington Ship Canal, Washington, authorized by the Act of June 25, 1910 (chapter 382, 36 Stat. 666), for the construction of fish ladder improvements, including efforts to address elevated temperature and low dissolved oxygen levels in the Canal."

Port Townsend, Washington

Modifications to the project for navigation, Port Townsend, Washington, authorized by section 110 of the Rivers and Harbor Act of 1950 (64 Stat. 169), for the Boat Haven Marina Breakwater."

Coos Bay, Oregon

Under Section 202 for Expedited Completion in the subparagraph related to Maintenance of Navigation Channels, "The Secretary shall expedite the completion of a determination of the feasibility of improvements proposed by a non-Federal interest under section 204(f)(1)(A)(i) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(f)(1)(A)(i)), for the following: (1) Deepening and widening of the navigation project for Coos Bay, Oregon, authorized by the Act of March 3, 1879 (chapter 181, 20 Stat. 370)."

Environmental Dredging for Willamette River, Oregon

"The project for ecosystem restoration and recreation, Willamette River, Oregon authorized by section 1401(7) of the Water Resources Development Act of 2016 (130 Stat. 1714)."

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. The Senate EPW WRDA bill included a 25% limitation on the sale of credits.

Under the draft House T & I WRDA bill, "The Secretary, after public notice, may accept and expend funds contributed by a non-Federal public entity to expedite the review of a proposal for a mitigation bank for which the non-Federal public entity is the sponsor, without regard to whether the entity plans to sell a portion of the credits generated by a mitigation bank instrument of the entity to other public or private entities, if the entity enters into an agreement with the Secretary that requires the entity to use for a public purpose any funds obtained from the sale of such credits." This version also contains some language to prevent impacts to the timelines for other mitigation banks already in the review process, ensuring the decision making for the expedited review process of the mitigation bank that contributed funds remains impartial, and provides some reporting for transparency for the proposals that intend to use mitigation banks that were authorized under the use of Section 214.

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 310 regarding the Columbia River Basin. This section authorizes a study and provides recommendations to reduce the reliance on Canada for flood risk management. It authorizes the Secretary to pay funds appropriated for meeting U.S. obligations under the Columbia River Treaty including compensating Canada for water storage. It also details the additional reporting required for justification of the called upon flood management actions in order to appropriate funds to compensate Canada.

To read the draft House T & I WRDA bill, click [here](#).

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

To watch the mark up hearing, click [here](#).

For Awareness

The following provisions were also included and may be of interest to PNWA members:

Disposition Study on Hydropower in the Willamette Valley, Oregon

The draft T & I WRDA bill contains Section 218 which authorizes the disposition study of hydropower on the Willamette Valley in Oregon to "carry out a disposition study to determine the Federal interest in, and identify the effects of, deauthorizing hydropower as an authorized purpose, in whole or in part, of the Willamette Valley hydropower project." This project is not anticipated to impact other projects on the Columbia or Snake River System.

GAO Studies on Mitigation

Under Section 230, the Government Accountability Office is directed to conduct and submit "a report on the results of a study on projects and activities to mitigate fish and wildlife losses resulting from the construction, or operation and maintenance, of an authorized water resources development project." This also includes a subsection for a Study on the Compensatory Mitigation. This will provide information "on the results of a study on performance metrics for, compliance with, and adequacy in addressing project impacts of, potential mechanisms for fulfilling compensatory mitigation obligations..." too. This information will be used to update a previous 2005 GAO study.

Timeline

In the U.S. House of Representatives, the Transportation & Infrastructure Committee, following the mark up hearing on May 18, anticipates the bill will be on the floor of the House and voted on by June.

The Senate 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.

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