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Senate Passes Water Resources Development Act (WRDA) of 2022

On July 28, the Senate [passed](#) the [Water Resources Development Act \(WRDA\) of 2022](#) by a vote of 93 to 1. Several PNWA policy and project priorities were included in the bill, as noted below. The next step in the WRDA process will be for Congress to reconcile the differences between this legislation and the House bill that was passed on June 8th. PNWA will be tracking this process closely and advocating for all of our [2022 WRDA priorities](#) to be included in the final legislation.

Projects:

- Tacoma Harbor Navigation Improvement
- Snake River Dredging - Under Section 403 Expedited Completion of Projects, the following clarifying language was included: "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 13, 1945 (59 Stat. 21, chapter 19), at the Port of Clarkston, Washington, and the Port of Lewiston, Idaho."

The House version of WRDA contains other PNWA project priorities and as the conference process continues forward, PNWA will continue to advocate for inclusion of those projects in the final WRDA bill. These include:

- Port of Everett Boat Launch Connector Channel assumption of maintenance by the Corps
- Port of Grays Harbor breakwaters and jetties maintenance clarification
- Port of Port Townsend Boat Haven Marina Breakwater assumption of maintenance by the Corps
- Port of Toledo language to clarify project maintenance authority

Policies:

Expansion of Section 214 (Section 131)

PNWA is seeking expansion of the Section 214 authority to expedite the processing of mitigation bank permits, regardless of whether the funding sponsor plans to sell the mitigation bank credits to public or private entities. Section 131 of the Senate WRDA would authorize this expansion, but with the following conditions:

- The non-Federal public entity, public utility company, natural gas company, or railroad company must be the sponsor of the mitigation bank and "expediting

- evaluation of the instrument is necessary to expedite evaluation of the permit”
- The use of credits generated by the mitigation bank under this authority is limited to current and future projects and activities for a public purpose of the non-Federal public entity, public utility company, natural gas company, or railroad company mitigation bank sponsor
 - For non-Federal public entities, not more than 25 percent of the credits may be sold to other public and private entities”

PNWA is currently supporting the House WRDA language expanding Section 214, which does not have a credit sale limitation, requires profits from credit sales to be used for a public purpose, and adds more transparency and reporting requirements to address concerns about accountability and ensuring the ecosystem restoration work is actually accomplished.

Columbia River Basin Aquatic Ecosystem Restoration Study (Section 201)

Senator Patty Murray secured language in the Senate WRDA which would authorize an aquatic ecosystem restoration study to support salmon recovery in the Columbia River Basin. This was an effort done in conjunction with the joint federal-state process that Senator Murray and Governor Inslee initiated last year to develop a recommendation regarding Snake River dam breaching.

PNWA is pleased to see Senator Risch’s caveat language also included in the bill, which provides sideboards for the study to ensure that the congressionally authorized purposes of the dams, including navigation and hydropower, are maintained as a study is developed. Dam breaching is not consistent with the authorized purposes and benefits provided by the federal projects in the Columbia River Basin and should not be included as part of the ecosystem restoration study.

Columbia River Treaty (Section 141)

The bill includes language in Section 141 related to a Study of Flood Risk Management Activities in the Columbia River Basin to provide recommendations to reduce the reliance on Canada for flood risk management. If the U.S. entity calls upon Canada to hold back water for flood risk management and compensation to Canada is required under the Columbia River Treaty, the Secretary is required to notify the House and Senate authorizing and appropriations committees within 30 days and must include the amount to be paid to Canada and the methodology for calculating those costs. However, this process is not to delay or impede flood risk management, and the funds for Canada will have to be appropriated before they can be paid.

For Awareness

The Senate WRDA bill also contains the following provisions:

- Section 103 - The Senate is proposing to change the cost share of the Inland Waterways Trust Fund (IWTF) from 50% Federal to 75% beginning on October 1, 2022. This provision has been supported by PNWA and by the broader navigation community in the U.S.
- Section 135 – Criteria for Funding Operation and Maintenance of Small, Remote, and Subsistence Harbors – Within 180 days, the Secretary is to develop criteria for the annual evaluation and ranking of maintenance dredging requirements for small, remote, and subsistence harbors. This criteria will be included in the annual Civil Works Director Program Development Policy Guidance of the Secretary. Starting in FY2024, the Secretary will submit a report to the House and Senate authorizing committees with the criteria and ranking of the projects. The report will be submitted biennially after 2024. The goal is to ensure that maintenance of small, remote, and subsistence harbors does not

language and result in a need to rely on large infrastructure bills for funding.

- Section 209 – GAO Review of Corps of Engineers Mitigation Practices – Within one year, a review of the Corps’ water resources development project mitigation practices including an evaluation of the implementation of the 2008 rule “Compensatory Mitigation for Losses of Aquatic Resources”. The report will look at the consistency of implementation of the rule, performance of the mitigation mechanisms in the rule, and alternative methods to meet mitigation required for projects including for performance based contracts.
- Shoreline and Riverine Protection and Restoration - The Secretary may implement projects that “reduce flood and coastal storm hazards, including shoreline erosion and riverbank and streambank failures” or “to restore the natural functions and values of rivers and shorelines throughout the United States.” The Secretary may also conduct studies to determine appropriate actions for “the reduction of flood and coastal storm hazards, including shoreline erosion and riverbank and streambank failures” or “the restoration of the natural functions and values of rivers and shorelines.” The Oregon Coast Area was included in this section as an eligible area for this section.

Senate Released Draft Commerce, Justice, Science Appropriations Bill

On July 28, the Senate Appropriations Committee unveiled the draft FY2023 Commerce, Justice, Science and Related Agencies appropriations [bill](#), [explanatory statement](#), and [summary](#). The bill provides FY2023 funding for NOAA Fisheries and the Economic Development Administration (EDA) for the fiscal year beginning on October 1, 2022. The appropriations process is not anticipated to be completed by September 30, so a Continuing Resolution (CR) is anticipated through the elections in November.

PNWA recently led an advocacy trip to DC in July to encourage increased funding to build staffing capacity at the regulatory agencies. We are pleased to see additional funding for NOAA’s Pacific Salmon account and additional funding specifically aimed at reducing in-water construction consultation backlogs, particularly in the Pacific Northwest. There is also acknowledgement and resources dedicated to understanding climate change impacts on ocean conditions and impacts to fisheries.

Several PNWA ports have applied for Economic Development Administration (EDA) grant programs to support projects and activities. The Senate Appropriations Committee draft bill provides \$76,518,000 more for EDA than in FY2022. The Economic Development Assistance Programs will also receive \$50,000,000 more than in FY2022 as well.

NOAA Fisheries – National Marine Fisheries Service (NMFS)

\$1,110,076,000 - National Marine Fisheries Service overall funding which includes:

\$72,000,000 – "Pacific Salmon.—The Committee provides \$72,000,000 for Pacific Salmon, which is \$5,000,000 above the fiscal year 2022 enacted level. Within the funding provided for Pacific Salmon, the Committee encourages NOAA to work with partners to address the backlog and expedite approval of Hatchery and Genetic Management Plans and to support implementation of new Habitat Conservation Plans. In addition, NMFS is encouraged to work with State and Tribal partners on pinniped removal, as appropriate."

“NMFS Project Consultations.—Within Protected Resources Science and Management, the Committee provides an additional \$3,000,000 above the fiscal year 2022 enacted level for NMFS to address the backlog of consultation requests under the Endangered Species Act [ESA] (Public Law 93–205) and authorization requests

under the Marine Mammal Protection Act [MMPA] (Public Law 92–522). The Committee commends NOAA for the joint resolution memorandum with the U.S. Army Corps of Engineers [Army Corps] addressing infrastructure projects signed in January 2022, but notes that there continue to be significant delays in the permitting of inwater construction, particularly in the Pacific Northwest. Thus, NMFS is encouraged to continue collaborating with the Army Corps and other Federal agencies to improve coordination and efficiency of consultations within the permitting process.”

“Climate-Ready Fishery Management.—The Committee recognizes that sustainable fishery management is made more challenging by climate change driven impacts, including changes in the distribution, productivity, and abundance of fish stocks. Thus, the Committee provides \$1,000,000 within Fisheries and Ecosystem Science Programs and Services to pilot an operational system that provides climate-informed advice on changing ocean conditions, impacts on marine resources, and best management strategies to reduce impacts and increase economic resilience. In addition, NMFS is encouraged to establish Fisheries and Climate Decision Support Systems to deliver the climate-informed advice needed for effective marine resource management in rapidly changing oceans.”

The Economic Development Administration (EDA)

\$450,018,000 – Economic Development Administration overall funding.

\$380,000,000 – Economic Development Assistance Programs which are recommended to be allocated in the following amounts:

- \$125,000,000 – Public Works
- \$43,000,000 – Economic Adjustment Assistance
- \$16,500,000 – Trade Adjustment Assistance for Firms
- \$50,000,000 – Regional Innovation Program
- \$38,000,000 – Partnership Planning
- \$19,000,000 – Technical Assistance
- \$3,500,000 – Research and Evaluation
- \$55,000,000 – Assistance to Energy Transition Communities
- \$20,000,000 – Recompete Pilot Program
- \$10,000,000 – STEM Apprenticeships

House Passed Mini-bus Appropriations Bill

PNWA previously [reported](#) on the passage of the House Energy and Water Development FY2023 appropriations bill out of committee. On July 20, the House [announced](#) the passage of [H.R. 8294](#) in a 220 to 207 vote. H.R. 8294 included six appropriations bills rolled into one package also known as a mini-bus. The mini-bus includes the following FY2023 appropriations bills:

- Transportation, and Housing and Urban Development, and Related Agencies
- Agriculture, Rural Development, Food and Drug Administration, and Related Agencies
- Energy and Water Development and Related Agencies
- Financial Services and General Government
- Interior, Environment, and Related Agencies
- Military Construction, Veterans Affairs, and Related Agencies

Energy and Water Development

The FY2023 House Energy and Water Development appropriations [bill](#), [report](#), and [summary](#) was posted to the House Appropriations Committee [website](#). This legislation funds the Corps for FY2023 which begins on October 1, 2022. The legislation provides \$8,889,000,000 to the Corps which is an increase of \$545,000,000 above the FY2022 enacted level. The funding includes:

- \$160,000,000 – Investigations
- \$2,475,152,000 – Construction
- \$5,150,000,000 – Operations & Maintenance (O&M)
- \$213,000,000 – Regulatory

\$2,318,000,000 – Harbor Maintenance Trust Fund (HMTF) – which includes full spending of the annual receipts and an increment of the surplus within the HMTF.

Discretionary Spending Accounts (funding pots):

- \$40,000,000 – Navigation Maintenance
- \$463,830,000 – Deep Draft Harbor and Channel
- \$56,000,000 – Donor and Energy Transfer Ports
- \$40,000,000 – Inland Waterways
- \$45,000,000 – Small, Remote, or Subsistence Navigation
- \$52,448,000 – Other Authorized Project Purposes

For the House Appropriations Energy and Water Development bill, we are pleased to see the following PNWA priorities included:

Investigations:

- \$900,000 – Columbia River Turning Basin Navigation Improvements

Construction:

- \$29,175,000 – Columbia River Fish Mitigation
- \$3,000,000 – Mount St. Helens Sediment Control

Operations & Maintenance:

Washington

- \$1,857,000 – Swinomish Channel
- \$3,110,000 – Everett Harbor and Snohomish River
- \$10,564,000 – Lake Washington Ship Canal
- \$1,985,000 – Seattle Harbor
- \$17,910,000 – Grays Harbor
- \$5,251,000 – Howard Hanson Dam
- \$8,861,000 – Mud Mountain Dam
- \$315,000 – Port Townsend
- \$1,249,000 – Columbia River at Baker Bay (Port of Ilwaco)
- \$1,209,000 – Columbia River between Chinook and Sand Island (Port of Chinook)

Columbia River

- \$20,687,000 – Columbia River at the Mouth
- \$81,076,000 – Columbia and Lower Willamette River
- \$1,129,000 – Columbia River between Vancouver and The Dalles
- \$856,000 – Mount St. Helens Sediment Control
- \$10,417,000 – Columbia River Treaty (Surveillance of Northern Boundary Waters)

Columbia Snake River Locks and Dams

- \$8,900,000 – Bonneville Lock & Dam
- \$5,353,000 – The Dalles Lock & Dam
- \$7,533,000 – John Day Lock & Dam
- \$14,362,000 – McNary Lock & Dam
- \$23,485,000 – Ice Harbor Lock & Dam
- \$10,494,000 – Lower Monumental Lock & Dam
- \$13,948,000 – Little Goose Lock & Dam
- \$15,061,000 – Lower Granite Lock & Dam

Oregon

- \$9,000 – Skipanon Channel (Port of Astoria)
- \$59,000 – Tillamook Bay and Bar (Port of Garibaldi)
- \$4,529,000 – Yaquina Bay and Harbor (Port of Newport)
- \$47,000 – Yaquina River (Port of Toledo)
- \$1,059,000 – Siuslaw River (Port of Siuslaw)
- \$1,278,000 – Umpqua River (Port of Umpqua)
- \$8,048,000 – Coos Bay
- \$574,000 – Coquille River (Port of Bandon)
- \$1,531,000 – Rogue River (Port of Gold Beach)
- \$176,000 – Willamette Falls Locks

Transportation, Housing, and Urban Development (THUD)

The FY2023 House THUD appropriations [bill](#), [report](#), and [summary](#) was posted to the House Appropriations Transportation, and Housing and Urban Development, and Related Agencies Subcommittee [website](#). The bill includes funding for the following programs:

- \$775,000,000 – National Infrastructure Investments Program (RAISE)
- \$38,750,000 – Funding for the “planning, preparation, and design of projects prioritizing transit, transit-oriented development, multimodal, intercity passenger rail, and pedestrian projects.”
- \$61,300,000,000 – Federal Highway Administration formula programs funded from the Highway
- Trust Fund which includes \$1,800,000,000 for discretionary highway programs and projects.
- \$300,000,000 – Port Infrastructure Development Program
- \$14,819,000 – America’s Marine Highway Program
- \$6,000,000 – Maritime Environmental and Technical Assistance (META) for emissions reduction and “directs MARAD to give preference to projects that reduce air emissions and vehicle miles traveled when awarding grants through the America’s marine highway program.”
- \$273,000,000 – Airport Improvement grant program
- \$630,000,000 – Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant program
- \$5,000,000 – “Salmon recovery.—The Committee provides \$5,000,000 to establish a cooperative series of agreements with universities, Federal agencies, the National Academy of Sciences, transportation agencies and/or nonprofit organizations with demonstrated capacity and expertise to conduct aligned investigations and studies to advance the biologic, hydraulic, geomorphologic, cultural, and other scientific engineering to help mitigate and improve the impacts of culverts, roads, and bridges on threatened or endangered salmon populations. The aligned outcomes will assist with identifying, prioritizing for future funding, and providing scientific and engineering approaches applicable to highway infrastructure improvement projects that will reduce these impacts and enhance recovery efforts.”

Interior, Environment, and Related Agencies

The FY2023 House Interior, Environment, and Related Agencies appropriations [bill](#), [report](#), and [summary](#) was posted to the House Appropriations Committee [website](#). The bill includes funding for the following programs:

Broadband

- \$465,513,000 – Broadband loan and grant pilot program (including \$15,513,000 in Community Project Funding)
- \$35,000,000 – Community Connect Grant Program

Diesel Emissions Reduction Act (DERA)

- \$150,000,000 – Diesel Emissions Reduction Act grants which is \$58,000,000 more than FY2022 enacted level. The bill included language stating, “The Committee notes that the DERA program was recently reauthorized through 2024. The Committee strongly supports the use of DERA funding in transportation electrification projects.”

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