



# Nor'wester newsletter

Issue #837 | December 7, 2022

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### House Releases WRDA Bill Text



The Water Resources Development Act ([WRDA](#)) of 2022 bill is included in the National Defense Authorization Act (NDAA) of 2022. The NDAA with WRDA will first have to pass through the House and will then move onto the Senate before moving to the President's desk for signature into law. It is hoped the House can pass the bill this week followed by a Senate vote next week.

Previously, the House passed their version of WRDA on June 8, 2022 and Senate passed its version on July 28, 2022. Informal conferencing was completed and the “four corners” (majority and minority committee leadership staff in the House Transportation and Infrastructure Committee and Senate Environment and Public Works Committee) held a briefing on November 30th with PNWA staff and other stakeholders to answer questions about the Conference version of WRDA. This Conference version of WRDA was posted to the House Rules Committee [website](#). To view the Conference WRDA 2022 bill text, click [here](#).

In general, the House and Senate authorizing committees tried to be strategic in how they invest in Corps infrastructure and how to protect Federal investments in light of more severe weather and climate change issues. As a result, there are several provisions aimed at giving the Corps more flexibility to build (or in some cases rebuild) infrastructure to be more resilient than when it was initially authorized. The committees also focused more on projects than policies for this legislation too.

PNWA is very pleased to see the advocacy of our staff and members resulted in many of our project and policy priorities being included in the Conference WRDA bill.

#### **PROJECTS INCLUDED:**

- Tacoma Harbor Navigation Improvement (Section 8401)
- Modifications to the Hiram M. Chittenden Locks, Lake Washington Ship Canal, Washington (Section 8201 under Project Modifications)
- Port of Grays Harbor breakwaters and jetties maintenance clarification (Section 8101)

- Howard A. Hanson Dam, Water Supply and Ecosystem Restoration (Section 8401 under Modifications and Other Projects)
- Port of Toledo (Yaquina River) language to clarify project maintenance authority (Section 8360)
- Port of Everett Everett Harbor and Snohomish River, Boat Launch Connector Channel (Section 8306 Maintenance of Navigation Channels)
- Port of Port Townsend Boat Haven Marina Breakwater (Section 8306 Maintenance of Navigation Channels)

### **Snake River Dam Breaching Study**

No language related to the Snake River was included in the Conference version of WRDA 2022. Dam breaching and studying dam breaching was very controversial on both sides of the aisle and in both chambers of Congress. Negotiations were challenging and in order to ensure passage of WRDA 2022, proposed language from both the House and Senate versions were removed from the Conference version of WRDA 2022.

### **Snake River Dredging**

The Senate version of WRDA originally included language under Section 403 for Expedited Completion of Projects that referenced the original 1945 project authorization which contains a very vague channel definition. This language could have been problematic for the current Snake River dredging project anticipated to begin December 29. This language was also removed from the Conference version of WRDA 2022.

### **Columbia River Treaty**

Section 8309 Columbia River Basin authorizes a study of flood risk management activities to find ways to be less reliant on Canada for flood risk reduction. The Corps is authorized to expend funds appropriated to meet requirements of the Columbia River Treaty if the U.S. were to call upon Canada for water storage as well. is

### **POLICIES INCLUDED:**

#### **Expansion of Section 214**

Ports already have the ability to contribute funds to the Corps through Section 214 to hire staffing capacity to process their permits. However, expansion of the Section 214 authority was necessary 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. Previously, the Senate version restricted ports from selling more than 25% of the mitigation bank credits if Section 214 was used to process the mitigation bank permit. In the Conference version of WRDA 2022, in Section 8135 Funding to Process Permits, we were successful in getting both the expansion of section 214 authority language to process mitigation bank permits as well as removing the 25% cap on mitigation bank credit sales.

#### **Section 8127 Environmental Dredging**

Directs the Secretary to coordinate efforts with other Federal agencies and regional and State agencies responsible for remediation of contaminated sediments at certain authorized Corps projects including the Columbia and Lower Willamette Rivers "in the vicinity of the Albina Turning Basin, River Mile 10, and the Post Office Bar, Portland Harbor, River Mile 2."

### **OTHER PROVISIONS OF INTEREST:**

#### **Section 8157 Inland Waterway Projects**

This section makes permanent the existing cost share for authorized navigation

projects on the inland waterways (65% from the General Fund of the US Treasury and 35% from the Inland Waterways Trust Fund) that was set to expire in 2030.

### **Section 8118 Pilot Programs for Certain Communities**

Increases the number of projects and feasibility studies from 10 to 20 that can be carried out annual under two pilot programs created in WRDA 2020 for small, rural, and economically disadvantaged communities.

### **Section 8119 Technical Assistance**

Amends Section 22 of WRDA 1974 to increase the funding authorization from \$15m to \$30m for technical assistance, to prioritize the provision of such assistance to address inland and coastal life safety risks, and to authorize the Secretary to waive the cost of such assistance to economically disadvantaged communities located in urban and rural areas.

### **Section 8122 National Low-Head Dam Inventory**

Amends National Dam Safety Program Act to require the Secretary to develop, and make publicly available, an inventory of all low-head dams in the United States and to periodically update the inventory in consultation with relevant Federal and State agencies.

### **Section 8126 Maintenance Dredging Permits**

Encourages the Secretary to prioritize reissuance of any regional general permit for maintenance dredging that expired prior to May 1, 2021, in accordance with relevant environmental statutes.

### **Section 8134 NEPA Reporting**

Requires the Secretary to track and provide an annual report to Congress on the timeframes for completing environmental reviews for water resources development projects as required by NEPA of 1969.

### **Section 8140 Policy and Technical Standards**

Directs the Secretary to update certain policy and technical standards publications for its Civil Works programs every 5 years. (This is more of a reminder to the Corps that they have previous WRDA bills that do not have guidance issued yet and they need to get those updates completed).

### **Section 8150 Non-Federal Interest Advisory Committee**

Requires the Secretary to establish a Non-Federal Interest Advisory Committee in accordance with FACA. The advisory committee will provide the Secretary with advice and recommendations to ensure more effective and efficient delivery of water resources development projects, programs, and other assistance.

### **Section 8205 Report and Recommendations on Dredge Capacity**

Directs the Secretary to submit a report to Congress on current and future public and private dredge capacity and availability to meet dredging needs nationwide.

If you have any questions, feel free to contact [Dena Horton](#).

Fiscal Year 2023 (FY2023) technically began on October 1, 2022. Congress was unable to negotiate and vote on the 12 appropriations bills for FY2023 before September 30th opting to pass a continuing resolution (CR) instead. The CR expires on December 16th at midnight.

Negotiations are underway on top line spending levels for the FY2023 appropriations bills and which policy riders will be taken up as well. If the top line numbers can be settled and the negotiations on finer points continue, it may be necessary to pass another CR through December 23, 2022 to provide time to iron out details for an omnibus package and votes to happen in both the House and Senate.

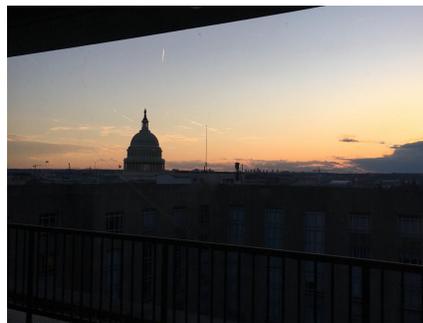
Some House and Senate Republicans are pushing for FY2023 appropriations to be taken up early next year after the new Congress is sworn in and the Republican majority in the House would have an opportunity to control spending levels. Some others have begun to push for a full year CR for FY2023.

Some of the policy riders that are being considered for the FY2023 appropriations negotiations include the Administration's emergency supplemental request for aid to Ukraine, disaster relief, and COVID-19 aid. However, there is already Republican opposition to additional COVID-19 funding and some resistance to more aid to Ukraine. There may also be attempts to attach other policy priorities such as permitting reform, tax extenders, electoral college reform, gun safety, debt ceiling extension, and others to the omnibus as well. Some progressive Democrats are opposed to the proposed permitting reform being included. Which policy riders will ultimately be included remains to be seen. If agreement on top line numbers and policy riders cannot be reached, it is possible a longer term CR could be passed to avoid a government shutdown. The duration of the CR also remains unclear.

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## House and Senate Leadership Changes

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As the sun sets on the 117th Congress soon, some leadership changes in both the House and Senate have been announced for the next Congress.

### House Leadership Changes

When the 118th Congress is sworn in on January 3, 2023, the Members of Congress in the House of Representatives will vote on the next Speaker of the House. Rep. Kevin McCarthy's (R, CA-23) path to the Speakership is uncertain and he will likely spend the remainder of this year shoring up support needed to secure the 218 votes to become Speaker. Currently, there are at least five Republicans that have voiced opposition to McCarthy and more may join in opposition in the coming weeks.

As was noted at the PNWA November monthly membership meeting, Rep. Nancy Pelosi (D, CA- 12) announced she would not seek a leadership role in the next Congress. Her announcement was followed by Rep. Steny Hoyer (D, MD-5) and Rep. James Clyburn (D, SC-6) stating their intentions step back from primary leadership roles as well. As a result, the House Democrats held their leadership elections on November 30. Rep. Hakeem Jeffries (D, NY-8) was elected House Democratic Leader. Rep. Katherine Clark (D, MA-5) was elected Democratic Whip and Rep. Pete Aguilar (D, CA-31) was elected as Caucus Chair.

### **Senate Leadership**

Sen. Raphael Warnock (D, GA) won the run off race for the Senate seat in Georgia on December 6 and clinched a 51 seat majority for the Democrats in the Senate. Now that the outcome of the race in Georgia is complete, the Senate Democrats will vote soon on leadership for the 118th Congress. Sen. Chuck Schumer (D, NY) will likely remain as Majority Leader. However, Sen. Patty Murray (D, WA) will vacate her leadership role to become the President Pro Tempore of the Senate and third in line to the presidency behind the Vice President and Speaker of the House.

The Senate Republicans voted on November 16th to re-elect Sen. Mitch McConnell (R, KY) as Minority Leader.

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