



# Nor'wester newsletter

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## Welcome New PNWA Member: Orion Marine Group!



We are pleased to welcome [Orion Marine Group](#) to the PNWA Family!

Orion Marine Group (Orion) is a leading heavy civil and marine contractor providing a broad range of turnkey marine, civil, and specialty construction services on, over and under the water, as well as onshore for major industrial and commercial applications along the Gulf Coast, the Atlantic Seaboard and the Caribbean Basin. Services offered by Orion include marine transportation facility construction, dredging, bridge building, marine pipeline installation, industrial concrete and foundations, as well as specialty operations including pile driving, drilled shafts, marine towing, demolition, excavation, salvage and diving services including underwater inspection and repair.

Matt Barnes is the official representative for Orion to PNWA. Matt can be contacted at 813-393-8204, or [mbarnes@orn.net](mailto:mbarnes@orn.net).

## Congress and Administration Act to Avoid Rail Strike

A rail strike may have started as soon as December 9, which would have disrupted supply chains and could have sent a ripple of shockwaves through the economy during the busy holiday season. A tentative agreement between railroads and unions had been reached back in September with the help of the Administration. However, 4 of 12 unions wanted to see more paid sick leave days in the agreement. Labor Secretary Marty Walsh, Agriculture Secretary Tom Vilsack, and Transportation

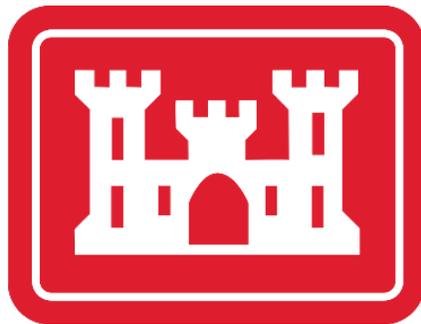
Secretary Pete Buttigieg had been in regular contact with labor leaders but did not see a resolution to the dispute being made at the negotiation table. They recommended that the Administration approach Congress for legislative action.

The House voted 290-137 on November 30 to pass a bill “To provide for a resolution with respect to the unresolved disputes between certain railroads represented by the National Carriers’ Conference Committee of the National Railway Labor Conference and certain of their employees,” which implements the agreement reached back in September between freight rail carriers and unions which includes a 24% pay increase over 5 years. While the bill provides workers with more flexibility to miss work for medical appointments, it only included one day of paid sick leave. On December 1, the Senate voted 80-15 to pass the House version of the bill and sent it to the President’s desk. On December 2, President Biden signed the legislation into law to avert the rail strike and shutdown. The issue of paid sick leave could be brought up in future legislation or future contract negotiations.

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## Draft Interim National Ordinary High Water Mark Manual

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On December 1, the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA) [announced](#) the interim draft of the National Ordinary High Water Mark Field Delineation Manual for Rivers and Streams (National OHWM Manual). Public comments on the interim draft are due by December 1, 2023, and can be submitted by [email](#) or via USPS to Mr. Matt Wilson, U.S. Army Corps of Engineers, Attn: CECW-CO-R, 441 G Street NW, Washington, DC 20314-1000.

According to the announcement, the interim draft does not change the definition of the “ordinary high water mark” (OHWM) or “Waters of the U.S.” (WOTUS), nor does it change the existing guidance. Instead, it provides “draft technical guidance for identifying aquatic resources that may be subject to regulatory jurisdiction under Section 404 of the Clean Water Act (CWA) and/or Sections 9 and 10 of the Rivers and Harbors Act of 1899 (RHA), by providing a standard process, uniform datasheets, and unified field procedures to identify and delineate the OHWM of rivers and streams located throughout the Nation”.

While the OHWM Manual is in interim draft form, stakeholders must continue to use the existing OHWM definition in the Federal regulations, the Regulatory Guidance Letter 05-05, and applicable Corps district policies and/or procedures for any official Corps regulatory documentation. To “test drive” the Interim Draft National OHWM Manual, datasheets, and explore the training opportunities available, click [here](#). The feedback provided on the interim draft will assist in efforts to further refine the National OHWM Manual which is anticipated to be final and published in 2024.

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## Inflation Reduction Act – Submit Comments

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PNWA staff participated in the EPA’s listening session on December 6 regarding the Inflation Reduction Act of 2022 (IRA) which provides EPA with \$3 billion to fund zero-emission port equipment, technology, and climate action plan activities to reduce air pollution. The EPA established the [Ports Initiative](#) to find ways for ports and supply chain infrastructure to contribute towards emissions reduction and clean air improvements for public health and the environment. The funding from the IRA for zero-emission port equipment and planning will build on the Ports Initiative. The EPA is currently seeking input on how to build the Clean Ports funding program and comments must be submitted by January 18, 2023 to [cleanports@epa.gov](mailto:cleanports@epa.gov). [\[HS1\]](#)

The listening sessions provided a brief overview of the [legislation](#) and posed the following questions to participants.

- What types of zero-emission port technologies or related planning support do you see as most critical for delivering emissions reductions?
- What do you see as the biggest hurdles to transitioning to zero-emission port equipment?
- How do you see this program complementing other available funding programs (e.g., at EPA, other federal or state programs) that can support efforts to reduce emissions at ports?
- How would you like to see funding for zero-emission port technology, related planning and permitting, and development of climate action plans work together? Should the funding opportunities be sequenced or combined?
- How can we help ensure this program addresses concerns of near-port communities and advances environmental justice?
- What other input do you have on the development of this program?

The listening session presentations will be made available on the EPA Ports Initiative [website](#). More information about the IRA funding can be found on the EPA’s [website](#). If you have comments or ideas to share, contact the EPA at [cleanports@epa.gov](mailto:cleanports@epa.gov).

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## New Climate and Economic Justice Screening Tool

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On November 22, the Administration's Council on Environmental Quality (CEQ) [announced](#) the launch of the Climate and Economic Justice Screening Tool ( [CEJST](#)) to assist with the implementation of the Justice40 [Initiative](#). Under the Justice40 Initiative, the goal is for disadvantaged and underserved communities that have also been overburdened by pollution to receive 40 percent of the overall benefits of certain Federal investments made in their communities. This commitment was made by the Administration under Executive Order [14008](#) addressing climate change. This screening tool will help Federal agencies more readily identify communities that could benefit from the Justice40 Initiative. The list of Justice40 Federal programs can be found [here](#).

This CEJST Version 1.0 includes 27,571 communities as fully or partially disadvantaged. To be considered disadvantaged a community must be located in a census tract that meets the requirements of at least one of the screen tool's burden categories and an economic indicator or is Federally recognized tribal lands. To learn more about the screening tool, click [here](#). To view the CEJST tool, click [here](#). If you have questions about the CEJST, contact CEQ via inquiry [form](#) or via [email](#).

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## Washington State Broadband Office Accepting Grant Applications

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The Washington State Broadband Office is accepting applications for broadband infrastructure grants now through January 17<sup>th</sup>, 2023.

Approximately \$120 million in federal ARPA capital funding is available, and projects can qualify for up to \$12 million dollars each, with a 10% match.

Proposed projects must construct broadband infrastructure designed to deliver last-mile broadband service.

The following organizations are eligible to apply:

- Local governments (including public ports and public utility districts)
- Federally-recognized tribes
- Nonprofit organizations and nonprofit cooperative organizations
- Multiparty entities that consist of at least one public partner

[Click here](#) to learn more about this grant funding opportunity through the Washington State Department of Commerce.

