



Nor'wester newsletter

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To become a sponsor, sign-up when you [register](#) online or contact [Anthony Peña](#) for more information.

Maritime Administration Hosting Series of Webcasts on the FY23 Port Infrastructure Development Program



The U.S. Department of Transportation's Maritime Administration (MARAD) is hosting three webcasts regarding the [FY23 Port Infrastructure Development Program](#) (PIDP).

These events will be held from 10:00 am – 12:00 pm Pacific Time on each of the dates noted below, and will include a question-and-answer session following the presentations. Please note that you must register in advance of the webcast – links are noted below.

- **February 15th: “How to Apply for a Port Infrastructure Development Grant” Webcast**
 - Register [here](#)
- **March 2nd: “Preparing a Benefit-Cost Analysis for a Large Project” Webcast**
 - Register [here](#)
- **March 8th: “Economic Vitality: Small Projects at Small Ports” Webcast**
 - Register [here](#)

The deadline for FY23 PIDP applications is 11:59 PM Eastern time on April 28, 2023. To view the FY23 PIDP press release, click [here](#). You can view the Notice of Funding Opportunity [here](#).

Please note that PNWA is hosting a virtual PIDP Roundtable with MARAD for our PNWA members on February 28th at 11:00 am PT. If you have not received the link and would like to attend, contact [Dena Horton](#).

Washington State Department of Commerce Seeking Input on Federal Funding for Electric Grid Resiliency Projects



The U.S. Department of Energy is inviting States, Tribal Nations, and U.S. Territories to apply for grants to modernize and strengthen the nation’s power grid. A total of \$2.3 billion is available through the Preventing Outages and Enhancing the Resilience of the Electric Grid program for projects that create energy-resilient communities, improve energy justice and equity, and create jobs. The program was established through the Infrastructure Investment and Jobs Act of 2021, and incremental funding will be allocated over 5 years.

The Washington State Department of Commerce supports Washington State's application and will administer the program with the Washington State Utilities and Transportation Commission (UTC). The application deadline is March 31, 2023, and Commerce will hold a public hearing on February 22nd from 1 to 2 PM PT to gather feedback on Washington’s application.

To participate in this public hearing, go to this [Zoom meeting link](#).

For more information on this program, please click [here](#).

Waters of the United States (WOTUS) Update



Late last year, the U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (Corps) announced the revision to the definition of the “waters of the United States” (WOTUS). On January 18, 2023, the [final rule](#) was published in the Federal Register.

As anticipated, the Biden Administration’s WOTUS rule is being challenged in court. A lawsuit was filed on January 18th by an industry coalition representing energy, agriculture, construction, and others. A second lawsuit was filed the same day by the State of Texas and several Texas state agencies, including the Commission on Environmental Quality, Railroad Commission, Department of Agriculture, General Land Office, and Department of Transportation. The lawsuits ask the court to vacate the WOTUS rule and prevent its implementation, claiming it violates the Administrative Procedure Act and does not follow the Clean Water Act or the U.S. Constitution.

In October 2022, the U.S. Supreme Court heard testimony in the Sackett v. EPA case, which is a pending case to determine whether the U.S. Court of Appeals for the 9th Circuit set forth the proper test for determining whether wetlands are "waters of the United States" under the Clean Water Act. It is anticipated to make a ruling in the case in 2023 on whether or not certain lands are considered jurisdictional. The case could have implications for the new WOTUS rule, and it may need to be revised again due to the Sackett case.

Kaizen Coordination and Pre-Application Meetings for 2023

Throughout 2023, the U.S. Army Corps of Engineers, Portland District, and the Oregon Department of State Lands (DSL) will host a series of meetings for prospective Clean Water Act §404 and Oregon Removal-Fill permit applicants. These meetings will be part of regularly scheduled interagency pre-application meetings, known as “Kaizen” and will supplement existing pre-application coordination led by the Corps and DSL.

The Kaizen pre-application process is intended for non-routine permit evaluations that may be large, complex, or controversial. The intent of the meetings is to provide meaningful feedback to prospective applicants early in the permitting process to assist in application development and address agency concerns. The meetings are designed to assess draft information, and prospective attendees are asked to provide basic project information in response to a standard set of questions at least two weeks before the meeting.

Meetings will be held on the third Wednesday of every month from 1 to 2 p.m. For

more information, including specific dates and contact information, click [here](#).

Large Lock Center Gate Replacement Project Public Meeting



The U.S. Army Corps of Engineers will host a public meeting on February 15th to inform stakeholders about the large lock center gate replacement project.

The meeting will begin at 3:00 p.m. Pacific time at the Lake Washington Ship Canal and Hiram M. Chittenden Locks Warehouse #1, Seattle, Washington. Individuals can also attend [virtually](#) if they cannot attend in person.

USACE officials will also highlight extended closure windows and answer questions. An agenda is being developed and will be published online before Feb. 15. To learn more about the closure schedule, click [here](#).

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