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FY2025 House Energy & Water Development Subcommittee Appropriations Released

On June 27, the House Appropriations Committee [released](#) the FY2025 Energy and Water Development appropriations top line numbers. The Energy and Water Development Subcommittee held a markup [hearing](#) on June 28th. It was a very short hearing in which the bill was passed out of the subcommittee to the full committee along a largely party line vote.

U.S. Army Corps of Engineers Funding:

The Energy and Water Development Appropriations bill funds the U.S. Army Corps of Engineers (Corps), as well as the Department of Energy, Bureau of Reclamation and several other independent federal agencies.

For FY2025, the overall funding for the Corps proposed is \$9.96 billion, which is \$180.2 million below the FY24 enacted level and \$2.7 billion above the President's Budget Request. The funds are allocated in the following accounts:

- Investigations - \$159 million
- Construction - \$3.01 billion
- Operations and Maintenance - \$5.714 billion
- Harbor Maintenance Trust Fund - \$3.147 billion
- Donor and Energy Transfer Ports - Section 2106(c) - \$60 million
- Regulatory - \$218 million

PNWA staff continues to advocate for our members projects to be funded in addition to robust funding for the Corps' discretionary spending pots.

Columbia Basin Restoration Initiative: The bill text includes language regarding the limitation of financial responsibility of the Bonneville Power Administration (BPA) to \$300m for implementation of portions of the U.S. Government Commitments to the six Sovereigns. The language states:

"SEC. 513. The funds made available in this act or any other appropriations act for the purposes of implementing the United States Government Commitments in support of the Columbia Basin Restoration Initiative set forth in the Memorandum of Understanding of December 14, 2023, between the United States, the States of Oregon and Washington, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Nez Perce Tribe, and environmental non-profit organizations, that require

reimbursement by the Bonneville Power Administration and do not arise from Bonneville's current reimbursement obligations, shall be limited to the \$300,000,000 Bonneville committed to in such Commitments of December 14, 2023, should Bonneville be required to implement the U.S. Government Commitments in support of the Columbia Basin Restoration Initiative set forth in the Memorandum of Understanding of December 14, 2023, between the United States; the States of Oregon and Washington; the Confederated Tribes and Bands of the Yakama Nation; the Confederated Tribes of the Umatilla Indian Reservation; the Confederated Tribes of the Warm Springs Reservation; the Nez Perce Tribe; and environmental non-profit organizations".

To read the text of the bill, click [here](#).
To read the bill summary, click [here](#).

PNWA staff is working with the Portland, Walla Walla, and Seattle Districts and Northwestern Division of the Corps to understand their capabilities for FY2025 which will inform our advocacy work for FY2025. We will update the PNWA Corps Supported Project List (aka "the matrix") and share that document soon.

Chevron Deference Overturned by the Supreme Court

In the 1984 case, *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984), the Supreme Court ruled that if a statute was unclear or silent on an issue related to the law, courts were to give deference to the agency's interpretation. The Supreme Court's ruling became known as the Chevron Doctrine.

On June 28, the U.S. Supreme Court issued a ruling in the *Loper Bright Enterprises vs Raimondo* case overturning the Chevron Doctrine and judicial deference to agency interpretation. Jordan Ramis Shareholder, Maureen Bayer, recently participated in PNWA's Regulatory Round Up at the Summer Conference and provided her insights to our members at the event. She has also provided information about this landmark ruling in a [blog](#) on the case.

This case has broad implications to many areas of industry and across many business sectors. Attorneys from Schwabe invite interested participants to a webinar on the implications to projects of this landmark decision.

Implications of Landmark Rulings
Thursday, July 11, 2024
10:00 AM to 11:15 AM
To register, click [here](#).

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

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Pacific Northwest Waterways Association



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