

REGULATORY EFFORTS IN THE NORTHWEST



PNWA has been working with Congress and the federal agencies since 2000 to identify and overcome obstacles to processing permits in a fair and timely fashion. Key accomplishments of this effort have included:

- Section 214 of WRDA 2000 was passed, allowing ports and other non-federal government entities to provide funding to the Corps to hire additional permit review staff. This authority was made permanent in WRDA 2014.
- Corps Headquarters increased the budget and assigned additional staff to the Seattle District for regulatory activities. Congress also appropriated additional funding in 2019 to reduce permit processing time nationwide.
- The Corps Portland District and the resource agencies adopted and continue to refine SLOPES (Standard Local Operating Procedures for Endangered Species). The Corps Seattle District is now in process of developing SLOPES as well.
- In the early 2000's, the Corps of Engineers Division Commander led an Executives Task Force (Corps, NMFS, USFWS, EPA, Coast Guard) to improve coordination among the agencies. In 2002, the agencies agreed to streamline some procedures including resolution of agency disputes, quicker permit processing, and regular meetings with stakeholders. That agreement was reaffirmed in 2009.
- Corps Headquarters set a nationwide objective of reducing permit processing timelines.

New Challenges & Opportunities

New challenges have developed which impact permitting activities, and ultimately result in a process that is unpredictable, lengthy and expensive. PNWA has increased its engagement in this arena, with the goal of decreasing application backlogs, reducing review times, and ensuring procedures are in place to create a consistent, reliable process. In recent years, PNWA has focused on these activities:

- Assisting with communications between applicants, the Corps and the resource agencies to address individual permitting issues
- Helping to facilitate interagency communication, specifically when there are disagreements between agencies
- Addressing shifting and unpredictable mitigation requirements
- Advocating for additional resources to address regulatory staffing shortages

Recent efforts with NOAA Fisheries

NOAA Fisheries West Coast Region has recently begun requiring formal ESA consultations for most port maintenance activities, a major shift from the informal consultation process previously in place. In April 2018, the agency released a new internal guidance document requiring staff to consider the ongoing impacts of a preexisting structure (such as a dock) under certain circumstances, thus altering the well-established ESA definition of "environmental baseline". PNWA is currently working with our membership, NOAA Fisheries West Coast Region, and the Corps to address these new challenges.

We look forward to continuing to advocate for a fair and timely permit processing system that meets the environmental requirements and economic needs of the region. For more information, or to join the PNWA Environment Committee, please contact Dena Horton at dena.horton@pnwa.net.

