

WESTCAS 2014 Annual Conference
San Diego, California
June 19, 2014

FY15 Appropriations & WRRDA

Policy riders

FY15 House Water & Environment Appropriations

House Energy-Water Appropriations Subcommittee approval to the draft bill, which would provide \$34 billion for energy and water programs. That spending level would be \$327 million more than the president's request and \$40 million less than the FY14 enacted level.

Corps of Engineers

Investigations

FY15 Request

\$80,000,000

FY15 Mark-up

\$115,000,000

Construction

\$1,125,000,000

\$1,704,000,000

O&M

\$2,600,000,000

\$2,905,000,000

Bureau of Reclamation

Water & Related Resources

\$760,700,000

\$856,351,000

FY15 Senate Energy & Water Appropriations

Senate Energy & Water Appropriations Subcommittee comparison with House mark-up.

Corps of Engineers

Investigations

Construction

O&M

Bureau of Reclamation

Water & Related Resources

SENATE

FY15 Mark-up

\$125,000

\$1,421,000,000

\$2,800,000,000

\$1,230,000,000

HOUSE

FY15 Mark-up

\$115,000,000

\$1,704,000,000

\$2,905,000,000

\$856,351,000

Can Congress trump WOTUS?

Abandonment of a legislative strategy to secure an expansion of WOTUS, the Legislative Branch has limited cards to play this time around.



**Policy riders to
the FY15
Appropriations
bills for Energy
and Water
Appropriations
and Interior and
Environment.**

- ⇒ Control EPA/COE spending
- ⇒ A policy rider prohibits the of FY15 spending to finalize WOTUS Rule.
- ⇒ Hampers a final Rule on the schedule proposed by the Administration.
- ⇒ Likely enough votes in the House to pass FY15 Appropriations bills with WOTUS Riders.
- ⇒ In Senate, depends upon a 60 vote majority to bring a bill to the floor .
- ⇒ Not clear whether there would be 60 votes for WOTUS Appropriations riders or not.

WESTCAS Support Letter

WRRDA & Emerging Issues

Plus Review of WESTCAS Priorities from 2014 Reg-Leg

WESTCAS Position – *Recording*

Recording the WESTCAS response/position on each issues:

WESTCAS ROLE:

- ☐ Carry Solo
- ☐ Partner
- ☐ Monitor
- ☐ Other

WESTCAS PATHWAYS:

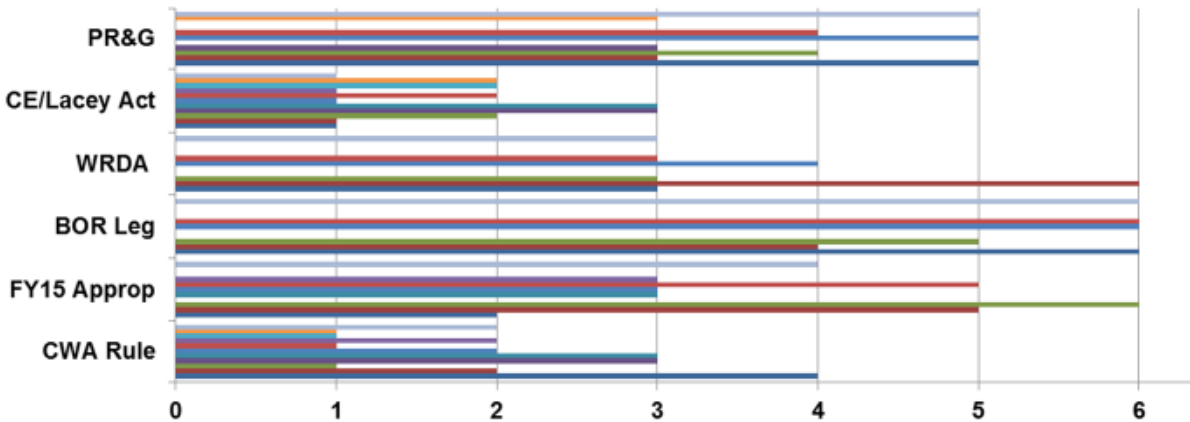
- ☐ Member/staff
- ☐ Congr Cmt Staff
- ☐ Agency Staff
- ☐ Other

WHO's ISSUE:

- ☐ WESTCAS (Arid West)
- ☐ Local or State
- ☐ National

Reg-Leg 2014

WESTCAS Leg Issues Prioritization (Reg-Leg 2014)



	CWA Rule	FY15 Approp	BOR Leg	WRDA	CE/Lacey Act	PR
Series13	2	4	6	3	1	3
Series12	1	0	0	0	2	3
Series11	1	0	0	0	2	3
Series10	2	3	0	0	1	3
Series8	1	5	6	3	2	3
Series7	2	3	6	4	1	3
Series5	3	3	0	0	3	3
Series4	3	0	0	0	3	3
Series3	1	6	5	3	2	4
Series2	2	5	4	6	1	3
Series1	4	2	6	3	1	5

Priority ("0" did not rank)



CWA Rulemaking

1.44



FY15 Appropriations

1.78



Bureau of Reclamation Leg

3.67



WRDA

4.00



Categorical Exclusions/Lacey Act

4.14

Principles/Requirements & Interagency Guidelines

5.50

WRRDA



- Now Law
 - First WRDA in seven years
 - First “policy” WRDA
- Overview
- WIFIA
- Fate of Section 2014 (dam optimization)
- Implementation Guidance

Overview

- **Reforms Bureaucracy, Accelerates Project Delivery, and Streamlines Environmental Reviews**
 - Sets hard deadlines on the time and cost of studies
 - Consolidates or eliminates duplicative or unnecessary studies and requires concurrent reviews
 - Streamlines environmental reviews and improves coordination
- **Fiscally Responsible**
 - Deauthorizes \$18 billion of old, inactive projects that were authorized prior to WRDA 2007
 - More than fully offsets authorizations with deauthorizations
 - Sunsets new authorizations to prevent future project backlogs
 - Reduces the inventory of properties that are not needed for the missions of the Corps
- **Strengthens Oversight, Transparency, and Accountability**
 - NO earmarks
 - Establishes a new, transparent process for future bills to review and prioritize water resources development activities with strong Congressional oversight

Overview

- **Increases Flexibility for Non-Federal Interests and Leverages Private Sector Investments to Federal Funding**
 - Maximizes the ability of non-federal interests to contribute their own funds
 - Expands the ability of non-federal to contribute funds to expedite of permits
 - Establishes a Public Private Partnership Program
 - Creates innovative methods to invest in and finance water resources
- **Enhances Safety and Protects Communities**
 - Strengthens dam and levee safety
 - Improves Army Corps of Engineers responses to extreme weather events
 - Encourages resilient construction techniques

WIFIA with warts & SRF enhanced

- Includes WIFIA under Title V
- Offers new low-interest loans for major drinking water and wastewater infrastructure projects
- Cost at least \$20 million (or \$5 million if the project serves a community of 25,000 people or fewer)
- Limit WIFIA funding to no more than 49 % of a project's total cost
- AND prohibits the use of tax-exempt financing on any project that also receives a WIFIA loan. (need to eliminate this provision through future legislation)

(pertinent to Sec 2014)

Excerpt from ASA Darcy letter to Sen Boxer (March 14, 2013):

*"Enable a more holistic approach to water resources management by adding fish and wildlife protection as an authorized project purpose (emphasis added) for all Corps dams and by otherwise providing more **administrative flexibility to revise operating regimes** (plans?) of all Corps dams."*

National Wildlife Federation Analysis ***Water Resources Development Act of 2013 – S. 601***



- **S. 601 should be amended to require the Corps to evaluate and update operations plans and water control manuals for large-scale Corps projects at least every 10 years and implement needed operational changes.** Major Corps projects are being operated under decades-old operating plans that do not account for current conditions or science (including more intense storms and droughts), put communities at risk, and aggravate contentious water quantity conflicts.

WRRDA – Dam Optimization

- Significant changes
- Recmd modify operations:
 - Must consult with NFS
 - No conflicts with fed/non-fed agreement
 - Consistent with existing State water laws & water plans
- Review Implementation Guidance



Colloquy between Senators Cornyn, Vitter, and Boxer

Dam optimization – Section 1046(a) of the WRDA
Conference Report

Senator Cornyn: Mr./Mdm. President, I am joined by the Chair and Ranking Member of the Environment and Public Works Committee to discuss Section 1046 of the Water Resources Reform and Development Act Conference Report, which we will vote on shortly in the Senate. I would like to thank the Chair and Ranking Member for their leadership on this important legislation and rise with them today to discuss the provision and address my concerns about the effects on Army Corps of Engineers'

“There is no new authority to modify reservoir operation granted to the Corps of Engineers.”

WRRDA

Implementation Guidance

Guidance is critical, particularly with WRRDA being focused on policy – *when, how and at what level of COE will it be developed?*

WESTCAS Input?

Consider letter on WRRDA Implementation concerns and recommendations?

Other Emerging Issues

Questions & Discussion