

Water Resources Reform & Development Act, 2014 (P.L. 113-121)

Western Dredging Association – Eastern Chapter Meeting

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WRRDA Guidance

- Execution of the law is an Executive Branch responsibility
- The purpose of WRRDA Implementation Guidance is to determine how the Administration/Agency will proceed under the new law in light of our current policies and procedures; or to
- Develop new policies and procedures where needed to implement the law.
- Intent is to ensure consistent application of the law across the Corps.
- Guidance is issued in the form of memorandums, EC's or ER's.
- Not all provisions in the law will be funded or implemented as a matter of policy.



Water Resources Reform & Development Act



- Approved by House 20 May (vote of 412-4); Senate two days later (vote of 91-7). Signed by President June 10, 2014.
- Authorizes 34 projects and feasibility studies valued at \$12 billion.
- Deauthorizes some older projects; procedure for future deauthorizations of at least \$18 billion.
- New process to provide Congress a list each year of recommended projects from which to authorize and fund.
- Corps would submit its own list as well as state, local and other recommendations to Congress to be approved or rejected.
- “3x3x3” rule - feasibility studies completed within three years, cost no more than \$3 million Federal, and get concurrent review by district, division and headquarters.
- Repeals requirement for reconnaissance studies.
- IEPR cost threshold increased from \$45 million to \$200 million.
- **SIGNIFICANT REPORTING REQUIREMENTS.**



Water Resources Reform & Development Act

Non-Federal Contributions

- Non-federal entities can conduct water resources projects specifically authorized by Congress as long as Corps approves plans and EIS is filed.
- Non-federal interests can contribute funds for authorized study or project Corps deems in public interest, as well as for federally declared disaster areas, resources managed by Corps, projects that have exceeded maximum costs, or operation and maintenance of authorized navigation projects.
- Five-year pilot program allows non-federal interests to fund operation of locks where Corps has proposed to reduce operations for budgetary reasons.
- Five-year Water Infrastructure Finance and Innovation Authority (WIFIA) pilot project would provide credit assistance for drinking water, wastewater and other water infrastructure projects.
- Pilot program for public-private partnership in developing water infrastructure.
- Corps authorized to enter into agreements with non-federal interests, including private entities, to finance at least 15 water resources projects.
- Accept materials and services for non-Federal interests, including private interests, to repair and replace projects damaged in emergencies.



Water Resources Reform & Development Act

Inland Waterways

- Review ways to increase revenue collections for inland waterways. (increased fuel taxes, user fees, construction bonds, etc.)
- Olmsted IWTF share decreases from 50% to 15%. 85% of costs would come General Treasury revenues. Frees up IWTF funds, but doesn't increase Corps budget.
- Major Rehabilitation threshold increases to \$20 M.
- Project Delivery Process Reform (from IMTS Capital Projects Business Model)
- Report on Olmsted lessons learned
- Annual Financial Review of projects costing more than \$500 million
- Assess O&M needs for the Gulf Intracoastal and Atlantic Intracoastal Waterways
- Study to determine feasibility of riverbank stabilization
- Mandatory closure of Upper St. Anthony Falls Lock and Dam
- Energy development at Mayo Lock and Dam
- Modification of Freedom to Fish Act
- Requirement for Federal government to operate floodgates on inland waterways.



Water Resources Reform & Development Act

Coastal Harbors and Channels

O&M Cost-Sharing – Change in depth from 45 to 50 feet

Harbor Maintenance Trust Fund (HMTF)

- Direction to congress to appropriate Target expenditure in FY 2015 of 67% of the funds collected in FY 14 going to HMTF.
- Rate rises 2-4% until FY 2025 when it will be 100% of the funds collected in 2024.
- FY 12 Baseline of \$898 M.
- To help "emerging harbors" enhance competitiveness, requires they receive at least 10% of the total appropriated from the trust fund for FY 12.
- 90% of Priority funds to moderate and high use harbors.
- 10% of Priority funds to emerging harbors.
- 10% to Great Lakes harbors.
- 5% to Under Served moderate and emerging harbors.
- 10% for Expanded Uses.
- \$50 million authorized for Donor and Energy Ports.



WRRDA Sec. 2102 - Illustration of HMTF

Target Budget Resources

FY15: \$1.2 B (est.)

67% of FY14 HMT revenues (\$1.79 B est.); Increases 2-4% per year through FY24; full HMT revenues + interest in FY25

Donor & Energy Transfer Ports

\$50 M annual authorization for appropriation separate from O&M program; only for qualified ports (section 2106)

Baseline: \$898 M
(FY12 HMTF Appropriation)
(Per WRRDA Conf Rpt Joint Explanatory Statement)

Priority Funds: \$302 M
(\$1.2 B - \$898 M = \$302 M)
Not from other Civil Works business lines

Equitable Distribution
(min. 10% to Emerging Harbors in FY 15 – FY 22)

High & Moderate Use Projects
90% (\$272 M)

Emerging Harbors Projects
10% (\$30 M)

Section 2102 Applicability
High Use: Over 10 M tons per year
Moderate Use: 1-10 M tons per year
Emerging Harbors: < 1 M tons per year

Equitable Distribution Factors
Not based solely on cargo tonnage, include national and regional significance, national security and **military readiness**

Expanded Use Eligibility
Prior 3 years HMT revenue totals more than prior 3 year HMTF expenditures in that harbor

Expanded Uses
min. 10% (\$30 M)
For Berth Dredging and Contaminated Sediment removal

Great Lakes
min. 10%
(\$30 M)

Underserved
min. 5%
(\$15 M)

Expanded Use Prioritization
Preference to ports according to the greater difference between HMTF monies spent and HMTF revenues collected in last 3 yrs.

Underserved Prioritization
Preference to moderate or emerging ports according to level of commerce as well as ratio of O&M funding received vs full channel maintenance need.

Navigation Authorizations

- Boston Harbor, MA
- Savannah Harbor Expansion, GA
- Jacksonville Harbor, FL
- Jacksonville Harbor - Mile Point, FL
- Lake Worth Inlet – Palm Beach Harbor, FL
- Canaveral Harbor, FL
- Sabine Neches Waterway, TX
- Freeport Harbor, TX
- Corpus Christi Ship Channel, TX (increased authorized cost)

* Chief's Report complete – Authorized in WRDA 2014



WRRDA 2014 Listening Sessions

- Listening Sessions (Webinars) and Public Input
- Session I August 13, 2014
 - Deauthorizations & Backlog PreventionProject Development and Delivery (including Planning)
- Session II August 27, 2014
 - Alternative Financing, Contributions, Title V, Credits
- Session III September 10, 2014
 - Levee Safety, Dam Safety, Regulatory/Sec 408



WRRDA 2014 Listening Sessions

- Session IV September 24, 2014
 - Non-Federal Implementation, Water Supply and Reservoirs, Navigation
- Listening Session to last 2 to 3 hours starting at 1400 hrs EDT.
- Public participants permitted to talk for a specified length of time.
- Additional round of comments/recommendations if time permits.
- Announcement posted in Federal Register



WRRDA 2014 Listening Sessions

- See website for more information and details:

<http://www.usace.army.mil/Missions/CivilWorks/ProjectPlanning/LegislativeLinks.aspx>

- Written may be submitted by email to:

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