

# NWC UPDATE

Red River Valley Association, 98<sup>th</sup> Annual Convention  
Feb. 23, 2023

## About NWC

- **Started in 1960**
- **Serves as an umbrella group for all water and waterways interests** to speak in one voice before Congress and the Administration
- **Offers timely and accurate information** on federal legislative and policy issues
- **Provides educational and networking opportunities** with Congressional, administration, and agency decision-makers, as well as with each other

# NWC Membership

## Membership by Member Type



## Membership by Company Type



# Why?

- **There are huge challenges and opportunities facing water and waterways interests**

- Aging infrastructure
- Increased federal requirements
- Limited local funds
- Drought and more extreme weather events
- Infusion of federal pots of money
- Sharing of knowledge across industries and interests
- And more

# NWC Federal Advocacy Work

Engages federal policy makers on numerous key issues Congressional appropriations, infrastructure-related legislation, and administration and agency related rulemakings, initiatives, and proceedings.

Some of the issues we focus on include, but are not limited to:

- WRDA legislation and implementation guidance,
- “Waters of the U.S.” rulemaking
- National Levee Safety Program, Principles, Requirements and Guidelines (PR&G),
- USACE policy and procedural guidance to alter civil works projects (Sec. 408)
- National Flood Insurance Program changes, Federal Flood Risk Management Standards
- Endangered Species Act, water supply and reallocation policies and more

# NWC letters and fact sheets since Jan. 2022

NWC comments on Public Law 84-99 changes (Feb. 16, 2023)	NWC WRDA 2022 comparison chart (Dec. 2022)	NWC letter on updated Levee Design Manual (Oct. 29, 2022)	NWC's comments to USACE on Sect. 408 (Sept. 20, 2022)
NWC's comments on Principles, Requirements and Guidelines (Aug. 2, 2022)	NWC's extension request for Levee Engineering Manual (August 23, 2022)	NWC's comparison between House-Senate WRDA 2022 bills (Aug. 4, 2022)	NWC's letter to Connor on Sect. 408 rulemaking (May 24, 2022)
NWC's letter to Senate Environment and Public Works Committee on WRDA 2022 (May 2, 2022)	NWC fact sheet on ASACW/NOAA policy on ESA consultations for existing structures (April 2022)	NWC's comments on the National Levee Safety Program (March 31, 2022)	NWC's comments on "Waters of the U.S." (Feb. 7, 2022)
	NWC's extension request on WOTUS (Jan 31, 2022)	Coalition letter to ASACW/NOAA on ESA consultations for existing structures (Jan. 14, 2022)	

**WRDA**  
**ESA** **PR&G**  
**SEC. 408**  
**Levee safety** **WOTUS**  
**Water supply**  
**Navigation**  
**And more...**

# How You Can Be Involved

## COALITION BUILDING

- **Legislative Policy Committee**
- **Working groups**
- **Partnership agreement with U.S. Army Corps of Engineers**
- **Work closely with other water and waterways interests**

## TIMELY AND RELEVANT INFORMATION

- **NWC Federal Spotlight and News Alerts**

## EDUCATIONAL AND NETWORKING

- **Annual Meeting, Legislative Summit, Regional Spotlights**
- **Four issues specific caucuses—**  
Navigation, Flood, Water Supply and Hydropower

# Coalition Building

## Legislative Policy Committee

- **CHAIR:** Steven A. Burns, Partner, Balch & Bingham LLP, Representing Alabama Power Company
- **Meets on first Thursday of the month**
- **Focuses on federal legislative and policy issues**
- **Open to ALL NWC members**

## Working Groups

- **Section 408**
- **Public Law 84-99**
- **Environmental Justice** (*coming soon*)

## USACE/NWC Partnership Agreement

- **To work together on shared areas of interest**



# NWC Caucuses

## Navigation Caucus

- The NWC Navigation Caucus supports the U.S. Army Corps of Engineers and all federal agencies whose authorizations, policies, and legislative mandates impact the navigation channels across the nation. Our goal is to facilitate the fluid movement of commerce by collaborating with federal agencies and industry to ensure the viability of the coastal and inland river navigation systems by working with Congress to secure funding for construction and ongoing operations and maintenance for USACE projects.
- **CHAIR:** Kristin Meira, American Cruise Lines

## Flood Caucus

- The Flood Control and Management Caucus is charged with examining issues tied to flood management, risk, and flood control for waterways and levees nationally. Primary federal agencies of interest include but are not limited to the U.S. Army Corps of Engineers, Federal Emergency Management Agency, U.S. Fish and Wildlife Service, and the Natural Resource Conservation Service.
- **CHAIR:** Rick Johnson, Sacramento Area Flood Control Agency

# NWC Caucuses

## Water Supply Caucus

- The Water Supply/Reuse Caucus is tasked with studying issues that pertain to water supply storage and reuse issues. Primary federal agencies of interest include but are not limited to the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, and the Bureau of Reclamation.
- **CHAIR:** (Vacant)
- **VICE CHAIR:** Vincent Gin, Valley Water

## Hydropower Caucus

- The Hydropower Caucus is responsible for considering issues surrounding dams and hydropower. Primary federal agencies of interest include but are not limited to the U.S. Army Corps of Engineers, Federal Energy Regulatory Commission, Bureau of Reclamation and National Marine Fisheries Service.
- **CHAIR:** (Vacant)

# Provides Timely and Relevant Information

**NWC Federal Spotlight (Dec. 30, 2022)** WOTUS released/WRDA 2022 and FY2022 Appropriations signed into law

Happy Holidays NWC members,

I hope your holidays have been going well. While the 117th Congress officially ends on Jan. 3, 2023, essentially, they completed all of their legislative business before the Christmas holiday. This includes the passage of a compromised Water Resources Development Act package and FY2023 appropriations (more below), both of which were promptly signed into law. Congress will be back to open the 118th Congress on Jan. 3, 2023.

Additionally, and probably the biggest news, the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers unveiled their final “Revised Definition of ‘Waters of the United States’ rule which will be implemented 60 days after its publication in the Federal Register. How this final rule will fare, compared to the previous Obama and Trump rules, is anyone’s guess. And an added complication: the Supreme Court has yet to rule in Sackett v. EPA, a related case, they heard this fall...[\(to see more\)](#)

# Education and Networking

## [NWC Legislative Summit](#)

Washington DC  
March 6-8, 2023

## [NWC Annual Meeting](#)

Sacramento, Calif.  
Oct. 2-4, 2023

## [Next Regional Spotlight](#)

TBD

TBD

Volunteers?

**Final WRDA 2022—Comparison to House & Senate WRDA 2022 Bills**  
*(with Remarks)*

**TITLE LXXXI OF DIVISION H OF THE HOUSE AMENDMENT TO THE SENATE AMENDMENT**  
**TO H.R. 7776, THE WATER RESOURCES DEVELOPMENT ACT OF 2022**  
**(from SECTION-BY-SECTION SUMMARY)**

<b><u>FINAL WRDA 2022 Bill (HR 7776)</u></b>	<b><u>HOUSE WRDA Bill</u></b>	<b><u>SENATE WRDA Bill</u></b>	<b><u>REMARKS</u></b>
<b>Sec. 8001. Short title; table of contents.</b>	[Same.]	[Same.]	<i>[No change.]</i>
<b>Sec. 8002. Secretary defined.</b>	[Same.]	[Same.]	<i>[No change.]</i>
<b><u>Subtitle A – General Provisions</u></b>	<b><u>TITLE I—GENERAL PROVISIONS</u></b>	<b><u>TITLE I—GENERAL PROVISIONS</u></b>	
<b>Sec. 8101. Federal breakwaters and jetties.</b> This section directs the Secretary of the Army (Secretary) to repair or maintain jetties and breakwaters to dimensions that include increases in projected wave action or height over the life of the project, and to classify such work as routine operations and maintenance if the functionality of the structure will be diminished due to changes in wave action or height, or the structure is degraded due to a lack of regular Federal maintenance.	<b>SEC. 101. FEDERAL BREAKWATERS AND JETTIES.</b>		<i>[Program authority modification. Language is from the House bill (Sec. 101).]</i>  <i>[The Corps should consider developing (or updating, as appropriate) Implementation Guidance for this section.]</i>
<b>Sec. 8102. Emergency response to natural disasters.</b> Subsection (a) authorizes the Secretary to repair or restore a hurricane or shore protection project or structure beyond the original design level of	<b>SEC. 102. EMERGENCY RESPONSE TO</b>	<b>SEC. 101. SCOPE OF FEASIBILITY STUDIES.</b>	<i>[Program authority modification. Increased resilience in post-disaster repairs.]</i>

## NWC REGULATORY WATCH LIST *(Jan. 2023)*

AGENCY	RULE	BACKGROUND	TIMING/COMMENTS	RESOURCES
ASACW	<p><b>ASACW/NOAA memo on ESA consultations on existing structures</b></p>	<p>On January 5, 2022, the Assistant Secretary of the Army (Civil Works) signed a “Memorandum Between the Department of the Army (Civil Works) and the National Oceanic and Atmospheric Administration” on the process the agencies would use nationally for Endangered Species Act review for maintenance and other projects.</p>	<p>Effective immediately, however, the agencies are still working out how the new policies will be implemented nationally and the associated impacts.</p> <p>NWC, and other groups, raised concerns that this policy, which did not go through public review, would increase costs and delays for water resource projects.</p>	<p><a href="#">NWC fact sheet on Jan. 5 environmental baseline memo.</a></p> <p><a href="#">Joint comment letter on Jan. 5 memo.</a></p> <p><a href="#">ASACW/NOAA Jan. 5, 2022, memo</a></p>
ASACW	<p><b>Principles, Requirements and Guidelines (PR&amp;G) Implementation</b></p> <p>NPRM, Expected in 2023.</p>	<p>PR&amp;G would update the current 1983 Principles and Guidelines (P&amp;G) which only has to show national economic development and environmental quality impacts. PR&amp;G allows the Corps to consider a broader array of items for how USACE formulates and evaluates studies for major water resources projects.</p> <p>P&amp;G was included in WRDA 2007 but never implemented at USACE due to concerns from</p>	<p>The Assistant Secretary for the Army (Civil Works) (ASACW) took pre-comments on PR&amp;G in August 2022.</p> <p>In our Aug. 2022 comments, NWC urged USACE to reaffirm Congressional intent that all benefits must be weighed equally.</p>	<p><a href="#">NWC submitted detailed comments on PR&amp;G</a></p> <p>Congressional Research Service Report on <a href="#">“Principles, Requirements and Guidelines for Federal Investments in Water Resources”</a> (March 2017)</p>

**Thank you!**

**For more information:**

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President and CEO

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