

Addressing Regulatory Challenges in the Pacific Northwest

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Pacific Northwest Waterways Association (PNWA) is:

- 🏰 PNWA is a non-profit 501(c)6 that advocates for federal policies & funding in support of regional economic development
- 🏰 Over 100 members in OR, WA, ID, and CA, including:
 - 🏰 Public ports and municipalities
 - 🏰 Agriculture and forest products producers
 - 🏰 Utilities
 - 🏰 Towboaters, steamship operators, river pilots and bar pilots
 - 🏰 States of Washington and Oregon



Identifying the Challenges

- 🚧 Ports throughout region reported increased difficulty in obtaining permits for in-water work
 - 🚧 Corps districts had large backlog of permits and limited staff resources
 - 🚧 Multiple ESA listings led to lengthy reviews and uncertainty
 - 🚧 Personal views of reviewers; desire to return to the pre-built environment
 - 🚧 Strained communication between agencies
 - 🚧 Northwest ports were losing business to other regions, and across the border

Identifying the Challenges

🏰 PNWA, at the request of our members, became involved in 2000

- 🏰 Permitting was added to the Association's Priority Action Agenda
- 🏰 PNWA convened a member group to devise action plans
- 🏰 Acknowledged ways to be better applicants
- 🏰 Identified agency issues that required improvement

Setting the Stage for Success

🏰 PNWA members were initially cautious in moving forward

- 🏰 Ports feared retribution
- 🏰 PNWA allayed fears by encouraging “constructive contribution to a reform effort that has tangible steps coupled with measurable outcomes”
- 🏰 Desired outcomes: consistency, predictability, timeliness, accountability






Refining our Requests

🏰 PNWA members identified actions most likely to yield significant improvements

- 🏰 Increase number of permit reviewers for the Seattle District, which had the largest permit backlog
- 🏰 Implement Section 214, which had yet to be tried
- 🏰 Establish an interagency dispute resolution process

Lobbying for our Requests









PNWA staff and members gave this issue a high degree of visibility

-  During PNWA's Mission to Washington DC, members briefed the U.S. Army Corps of Engineers Commander, Director of Civil Works, and Chief of Regulatory
-  PNWA met with the national Administrator of NMFS
-  PNWA convened meetings with all regional chiefs for NMFS, EPA, USFWS and USACE, as well as the top regional regulatory staffers
-  PNWA met with the District engineers and regulatory staff for the Seattle, Portland, and Walla Walla Districts
-  PNWA highlighted our efforts in meetings with every Member of Congress from Oregon, Washington and Idaho in DC, as well as their district/state staff



PNWA Efforts Begin Yielding Results

Within one year, PNWA members began to see improvement

-  USACE HQ, in increasing their budget request for regulatory activities, set an objective of reducing permit processing time by 25% nationwide
-  Six additional permit reviewers were assigned to the Seattle District
-  Section 214 was successfully implemented, with two seated positions in the Seattle District
-  Northwest offices of NMFS, EPA, USFWS and USACE established an interagency dispute resolution process
-  USACE Northwestern Division requested a peer review of its Districts' permitting process, and implemented numerous procedural changes as a result
-  Northwest offices of NMFS, EPA, USFWS and USACE established a four-agency task force to improve coordination among the agencies
-  The backlog of permit applications has been reduced
-  Key permits, such as the Port of Seattle's permit for the third runway at Sea-Tac Airport, have been granted



PNWA Works to Make Section 214 Permanent

- 🏰 Section 214 of the Water Resources Development Act of 2000 (P.L. 106-541) allows the Corps to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits
- 🏰 Section 214 has allowed local governments to move forward with vital infrastructure projects
 - 🏰 By funding additional staff to work on specific, time-intensive permits, existing Corps staff members are able to address permit backlogs
 - 🏰 Funding for additional Corps staff has resulted in a reduction of permit wait times not only for the funding entity, but for all individuals & organizations that have permit applications with that Corps District
 - 🏰 Section 214 has been used successfully by the Cities of Seattle WA, Redding CA, Elk Grove CA, and San Diego CA; the Ports of Seattle, Tacoma, Portland, Vancouver USA and Long Beach; Florida DOT and the South Florida Water Management District
- 🏰 Economic development and environmental restoration projects have benefited from Section 214 (GAO 2007)



PNWA Works to Make Section 214 Permanent

- 🏰 PNWA has led a national coalition of interests to prevent the sunset of Section 214, and eventually make it permanent
 - 🏰 PNWA has worked with Congress and the Corps on five different extension bills in the last five years, expending significant staff time and resources
 - 🏰 2007 WRDA bill contained language extending the authority to December 31, 2009
 - 🏰 PNWA members strongly support the effort to eventually make Section 214 permanent.
 - 🏰 Making Section 214 permanent will provide predictability to both the Corps and the participating ports/cities/counties
 - 🏰 See PNWA's "Section 214" fact sheet for more about Section 214



Current PNWA Permitting Efforts

- 🏰 Secure authorization to make Section 214 permanent
- 🏰 Address recent regulatory difficulties in the Lower Columbia River and Oregon coast areas
 - 🏰 Challenges similar to those in Puget Sound are now being reported in the Portland District
 - 🏰 PNWA staff and members are working to rejuvenate the 4-agency permitting task force, and apply lessons learned in Puget Sound to the rest of the Northwest
 - 🏰 Senior level Corps and resource agency staff have agreed to participate
 - 🏰 PNWA will report on progress during meetings with Northwest Congressional delegation in DC next March



Questions?

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