

An Innovative Partnership for Regulatory Permitting

Port of Seattle

and

US Army Corps of Engineers

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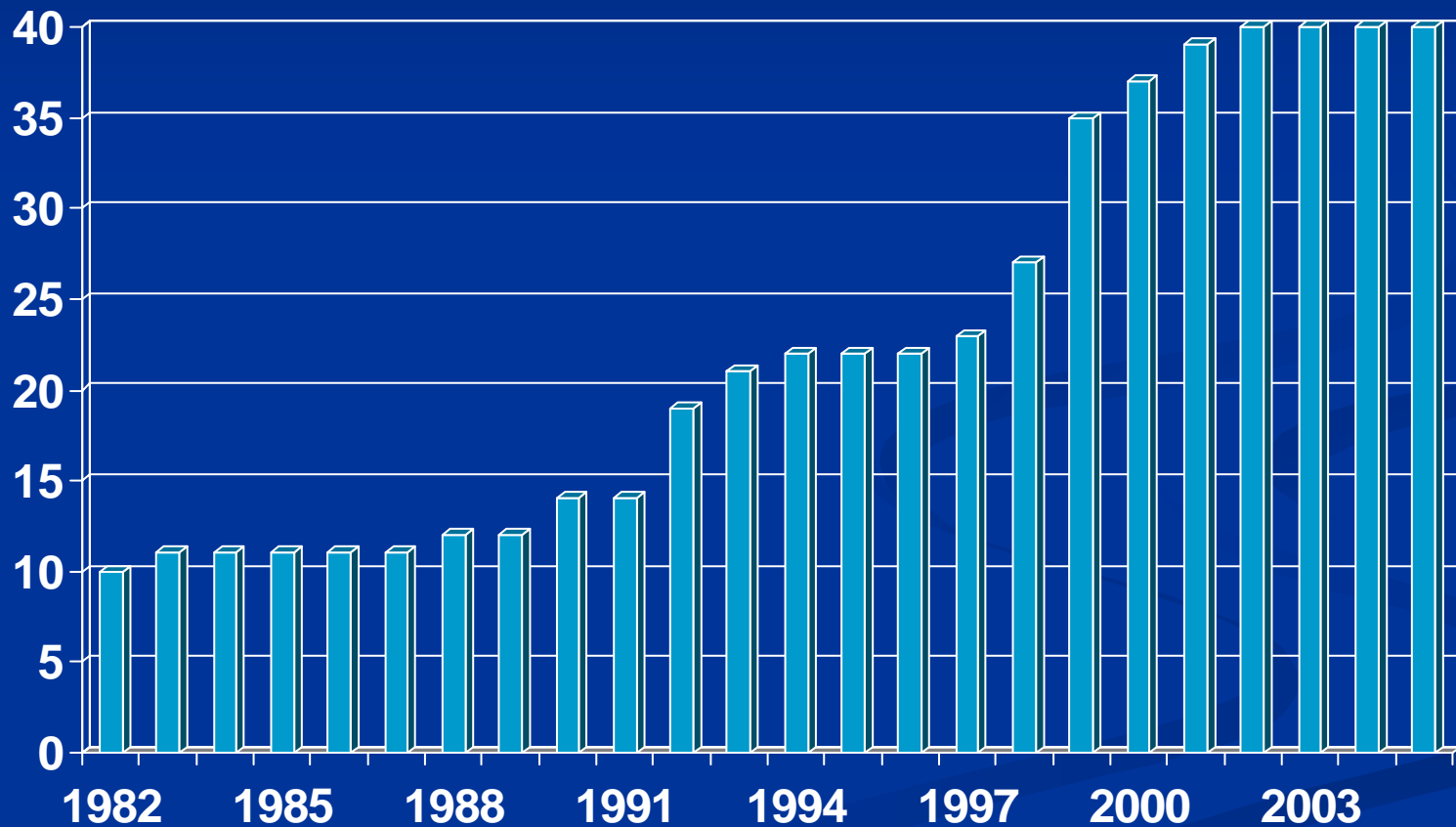
Section 214 of the Water Resources Development Act (WRDA) of 2000 (as amended)

- (a) **IN GENERAL.** -- The Secretary (of the Army), after public notice, may accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.
- (b) **EFFECT ON PERMITTING.** -- In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally.
- (c) **Duration of Authority.**--The authority provided under this section shall be in effect from October 1, 2000, through December 31, 2006.

WRDA Section 214

- Corps and non-Federal public entity enter into an agreement
- Non-Federal public entity deposits money into an account with the Corps and provides prioritized list of applications
- Corps charges to the account when staff time is utilized to expedite permit application review
- Seattle District entered into first agreement under Sec 214 in December of 2001
- Seattle District currently has 3 WRDA agreements (City of Seattle, Port of Seattle, Port of Tacoma)
- Districts in California and Florida also have existing WRDA agreements

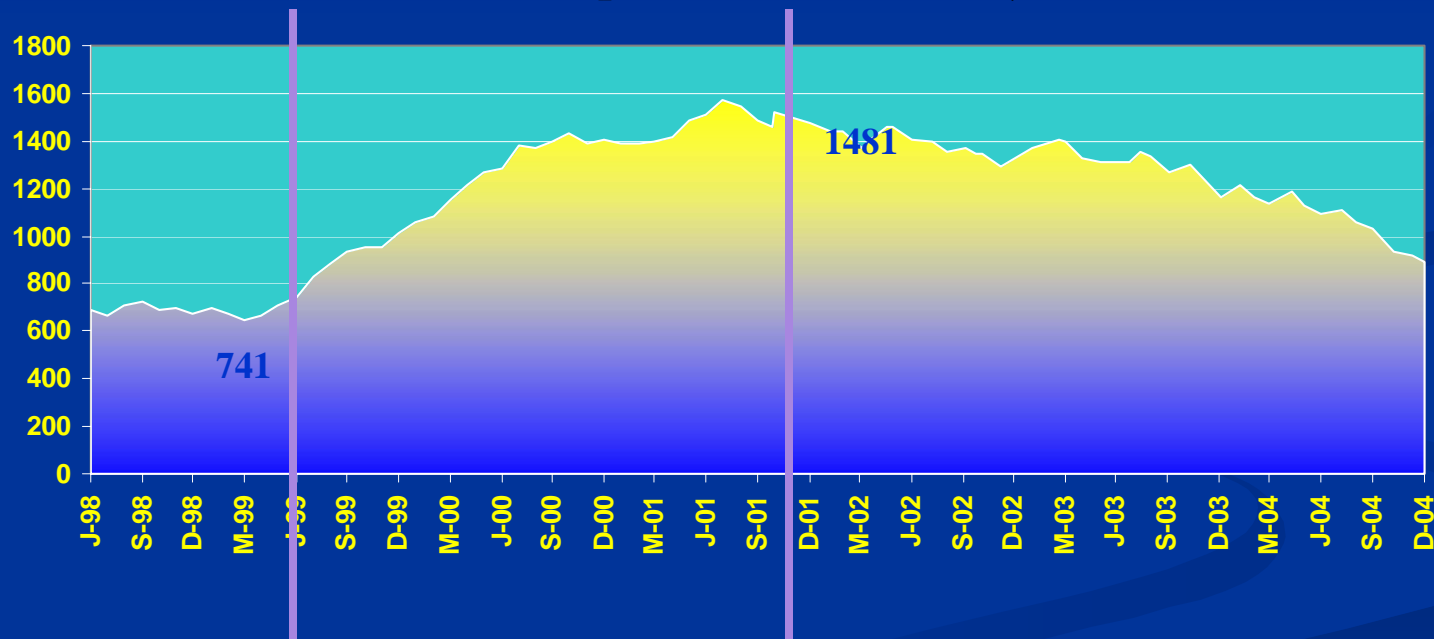
Number of U.S. Listed Species in Washington State by Calendar Year



Seattle District Workload Figures

Cumulative Total of all Project Managers' Pending Actions

(IPs, LOPs, NWP, JDs, Regionals, Mods, Exemptions, No Permit Requireds, After-the-Facts, Suspensions, Violations)



Welcome to the Port of Seattle



Benefits of WRDA 214 to the Port of Seattle

- **Timeliness & Predictability**
 - With WRDA: T- 91 Berths C&D--Application May 9, 2005 Permitted Aug 11, 2005
 - Without WRDA: T25/T30 Bridge--Application 12/05, Permitted, Not Yet!
- **Costs for Service**
- **Addressing New Issues**
 - Salmon Then, Orcas Now!
- **Meeting Emerging Business Needs**
 - Container Cargo Growth
- **People, Communications, and Relationships**

Benefits of WRDA 214 to Seattle District/Public

- Increased funding/personnel to process permit applications
- Create better working relationships with key public applicants
- Better educate applicants and Corps regarding respective processes
- Collaboration on permitting tools (e.g. programmatic biological evaluations) that can be used by all applicants

Constraints of WRDA 214

- Additional level of review for all permit decisions
- Financial tracking and reporting
- Funds cannot be used for enforcement or compliance activities
- Short-term extensions of authority under 214 hamper long-term planning efforts and reduce benefit to Corps and applicant
 - Public Notice
 - Negotiate and sign agreements
 - Accepting and processing funds
 - Developing relationship

Lessons Learned

- Structure public notice/agreement to avoid need to reissue
- Establish clear expectations for relationship and predictability of decision making
- Consider criteria for establishing WRDA agreement
- Consider designating Full FTE WRDA project managers
 - Port expertise
 - One POC/always available
 - Develop relationship/predictability

Future of WRDA 214

- Currently set to expire December 31, 2006
- The proposed Senate WRDA 2006 Bill eliminates the sunset clause, however, House version extends time through 2007 only...currently in conference.
- Minority House staff requested GAO Study through Committee Chair, Audit conducted in August 2006.
- GAO report due out in October 2006.

WRDA 214 and the Port of Seattle's Future

Community Jobs and Revenue,
Environmental Stewardship,
and a Working Waterfront!