

AAPA WRDA Requests
May 2016
(Senate Bill in red type)
House in blue type)

1. WRRDA Section 2101: Tweak HMT target language to assure annual progress towards full use of HMT revenues. Address issue of Administration's reduced HMT revenue estimate that resulted in a target less than the previous year's appropriation. Draft language attached.

Senate: **Adopted in Section 2003**. AAPA language adding alternative of prior year appropriation plus 3%

House: Not addressed.

2. WRRDA Section 2101 and 2102: Resolve issues between Appropriators and Authorizers. Appropriators ignoring the HMT target and the funds distribution.
 - a. "The Corps shall allocate the additional funding provided in this account in accordance with only the direction provided here and in the Title 1 front matter of this report." FY16 E&WD bill.
 - b. Section 2102: Tighten the requirement for Expanded Uses funds like wording for Emerging Harbors – 'the Secretary shall...'

Senate: **Addressed in Section 2013**. Requires Corps to issue Section 2102 implementation guidance within 90 days of WRDA enactment.

House: Not addressed.

3. WRRDA Section 2106 Donor and Energy Transfer Ports

- a. Extend the authorization period (FY15 E&WD appropriation did not meet requirements, negating extension)

Senate: **Addressed in Section 2010**. Hit the HMT Target FY16–20 will extend the authorization FY21–25.

House: Not addressed.

4. WRRDA 2102(b): Modernize construction cost share depth, at least consistent with maintenance depth change in WRRDA (i.e. 50 feet). Ports that would benefit:

- a. WRRDA 2014 authorized: 6 projects – Sabine-Neches Waterway (48'); Savannah (47'); Freeport TX (56'); Canaveral (46'); Boston (47'); and Jacksonville (47')
- b. WRDA 2016 candidates: 3 projects – Brazos Island (52'); Everglades (47'); and Charleston (50')

- c. Nav studies underway: 4 studies, depths not finalized – Seattle, Long Beach, Norfolk and MS River

Senate: **Addressed in Section 2011**. New cost share depth is 50 feet.

House: Not addressed.

- 5. Section 203 – ‘on their own’ for economics on Nav studies. Corps lawyers question the ability of sponsor to ‘hire the Corps’ for economic analysis over Thomas Act.

Senate: **Addressed in Section 1001**.

House: [Addressed in Section 124](#).

- 6. WRRDA Section 1001. Allow for initial scoping discussion adjustment to 3x3x3. Corps encountering problems with Sponsor having to sign a cost sharing agreement that has not established the study cost, i.e. a blank check.

Senate: **Addressed in Section 1037**. First \$100,000 is at full federal expense.

House: [Addressed in Section 132](#).

- 7. WRRDA Section 1024. Clarify wording on when Corps can accept products and services; natural disaster versus mechanical failure due to unaccomplished maintenance. Corps alerted about this need. AAPA supports.

Senate: **Addressed in Section 1003**.

House: [Addressed in Section 123](#).

- 8. Authorize the Corps to accept Advance Funds for Navigation Planning Studies. Authority exists for Advance Funds for Construction projects and O&M work.

Senate: **Addressed in Section 1002**.

House: Not addressed.

- 9. Authorize Corps Districts to retain fees collected for corresponding federal disposal facilities ‘without further appropriation.’ Current process: Non-federal Sponsor provides funds to District to raise dikes for future dredged material capacity and the Corps deposits the funds into the General Treasury.

Senate: Not addressed.

House: Not addressed.

- 10. Restructure the 10% LERR repayment into the cost share percentages, for example 50/50 would become 60/40. This looks good for Congress – more closely aligns the cost share with other Corps’ missions like flood control and environmental restoration. It also allows the funds to be used on the project rather than being deposited into the General Treasury, which is especially

important when the sponsor is providing accelerated/advanced funds to expedite Corps construction.

Senate: Not addressed.

House: Not addressed.

11. WRRDA Title 5, Subtitle B. Address P3 implementation obstacles:

Budget scoring – entire project construction cost deducted from Year One of Agency budget

Fencing the repayment fees collected to be only applied to the specific P3 project.

Demonstration projects – TIFIA included an ‘experimental mode’ DoT found a 1934 authority.

Address appropriator concerns about Corps working on a Demo project w/o specific appropriation.

Senate: Not addressed.

House: Not addressed.

12. WRDA Construction Authorizations: Listed in Section 6001

13. Clarification of Feasibility Study Start and Stop milestones

Vertical integration and acceleration of studies.

(a) In general. To the extent practicable, a feasibility study initiated by the Secretary, after the date of enactment of this Act [enacted June 10, 2014], under section 905(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2282(a)) shall--

(1) result in the signing of the feasibility report by the District Engineer not later than 3 years after the date of initiation;

(AAPA supports ‘initiation’ as when the Feasibility Cost Share Agreement is signed)

When it is completed:

(a) Section 1001(a)(1) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c) is amended by striking “completion of a final feasibility report” and inserting “signing of the feasibility report by the District Engineer;”

House WRDA Bill

House Section 104. [Navigation Safety](#)

House Section 105. [Emerging Harbor made permanent.](#)

House Section 107. [Lower 2106 Donor Port qualification threshold from \\$15M to \\$5M.](#)

House Section 108. [HMT off budget.](#)

House Section 134. [Maintenance Dredging Data.](#)

House Section 201. Authorization of Proposed Feasibility Studies. Includes:

Brunswick Harbor, GA

Corpus Christi Ship Channel, GA

Port of Bay City, TX

Cayuga Inlet, Ithaca NY

House Section 202. Expedited Completion of Reports for Certain Projects. If the ongoing Feasibility Study determines construction is justified, these may proceed with Preliminary Engineering and Design (PED):

Mississippi River Deepening

House Section 401. Project Authorizations – 6 coastal navigation projects.

Brazos Island Harbor, TX

Port Everglades, FL

Portsmouth Harbor, NH, ME

Charleston Harbor, SC

Little Diomedes Harbor, AK

Craig Harbor, AK