Addressing Regulatory Challenges in the Pacific Northwest

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December 5, 2007
AAPA QPI Project Managers Workshop
Palm Beach, Florida
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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