Implementing the Water Resources Development Act of 2007

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U.S. Army Corps of Engineers, Headquarters
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Water Resources Development Act (WRDA) of 2007

• WRDA 2007 (PL 110-114) PROVISIONS IMPORTANT TO AAPA


• PROJECT AUTHORIZATIONS
  – SEC. 1001 (17) Miami Harbor, Miami, Florida
  – SEC. 1001 (25) Port of Iberia, Louisiana
  – SEC. 1001 (40) Corpus Christi Ship Channel, Corpus Christi, Texas
  – SEC. 1001 (45) Craney Island Eastern Expansion
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• GENERAL PROVISIONS
  – SEC. 2002. Funding to Process Permits
  – SEC. 2003. Written Agreements for Water Resources Projects
  – SEC. 2004. Compilation of Laws
  – SEC. 2008. Revision of Project Partnership Agreement; Cost Sharing
  – SEC. 2031. Water Resources Principles and Guidelines
GENERAL PROVISIONS (Continued)

- SEC. 2033. Planning
- SEC. 2034. Independent Peer Review
- SEC. 2036. Mitigation for Fish and Wildlife and Wetland Losses
- SEC. 2037 Regional Sediment Management – Amends Section 204
- SEC. 2047. Federal Hopper Dredges
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- PROJECT RELATED PROVISIONS
  - Sec. 3018. Hamilton Airfield, California
  - Sec. 3028. Redwood City Navigation Channel, California
  - Sec. 3030. Sacramento Deep Water Ship Channel, California
  - Sec. 3034. Santa Cruz Harbor, California
  - Sec. 3047. Canaveral Harbor, Florida
  - Sec. 3051. Port Sutton Channel, Tampa Harbor, Florida
  - Sec. 3052. Tampa Harbor-Big Bend Channel, Florida
  - Sec. 3053. Tampa Harbor, Cut B, Tampa, Florida
  - Sec. 3079. Calcasieu River and Pass, Louisiana
  - Sec. 3082. Mississippi River Gulf Outlet Relocation Assistance, Louisiana
  - Sec. 3087. Poplar Island, Maryland
  - Sec. 3090. St. Joseph Harbor, Michigan
  - Sec. 3091. Sault Saint Marie, Michigan
  - Sec. 3093. Duluth Harbor, Minnesota
  - Sec. 3123. New York Harbor, New York, New York
  - Sec. 3147. Cedar Bayou, Texas
  - Sec. 3148. Freeport Harbor, Texas
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• STUDIES
  – Sec. 4026. San Francisco Bay, Sacramento-San Joaquín Delta, California
  – Sec. 4050. Duluth-Superior Harbor, Minnesota and Wisconsin
  – Sec. 4052. Dredged material Disposal, New Jersey
  – Sec. 4071. Toledo Harbor Dredged Material Placement, Toledo, Ohio
  – Sec. 4072. Toledo Harbor, Maumee River, and Lake Channel Project, Toledo, Ohio
  – Sec. 4084. Savannah River, South Carolina and Georgia
  – Sec. 4092. Port of Galveston, Texas
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• MISCELLANEOUS
  – Sec. 5001. Maintenance of Navigation Channels - Federal maintenance subject to a finding by the Secretary of economical justification and environmental acceptability. Manatee Harbor basin, Florida; Tampa Harbor, Sparkman Channel and Davis Island, Florida; West Turning Basin, Canaveral Harbor, Florida; Bayou La Fourche Channel, Port Fourchon, Louisiana; Calcasieu River at Devil’s Elbow, Louisiana; Pidgeon Industrial Harbor, Memphis Harbor, Tennessee; Houston Ship Channel Bayport Cruise Channel and Bayport Cruise turning basin; Pix Bayou Navigation Channel, Chambers County, Texas; Racine Harbor, Wisconsin
  – Sec. 5014. Great lakes Navigation and Protection
  – Sec. 5046. LA 3 Dredged Material Ocean Disposal Site Designation, California. Extending deadline for final designation until January 1, 2011.
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- SEC. 2003 Written Agreements for Water Projects
  - Liquidated damages for each party
  - No obligation of future state appropriation where inconsistent with state law
  - Credit for in-kind contributions – no reimbursement
  - Non-profit entities as partners
  - Approval delegation to District Engineer under certain conditions
  - No Civil penalties for non compliance
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• SEC. 2005 Dredged Material Disposal
  – Partnering agreements for dredged material processing, treatment, contaminant reduction or disposal.
  – Multiple project cost sharing
  – One or more parties perform acquisition, design, construction management or operation
  – Reimbursable (?) Federal payments authorized
  – Credits authorized
  – LERR non-Federal
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• SEC. 2031 Water Resources Principles and Guidelines
  – Priorities of maximizing sustainable economic development; avoid unwise floodplain use & minimize adverse impacts of floodplain use; protect & restore natural systems and mitigate damage to natural systems
  – Secretary issue revision to P&G within 2 – years
  – Risk & uncertainty; public safety; non structural approaches; integrated water management & adaptive management watershed; and justification by public benefits.
  – Applicability rules
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- SEC. 2033 Planning
  - Risk analysis approach to cost estimating & report to Congress on changes to Section 902
  - Benchmarks for 2 year and 4 year (complex) feasibility reports
  - Establish centers of expertise
  - Identify any recommendation that is not the best technical solution
  - No delay of Chief’s Reports for potential policy changes
  - Chief’s Reports to Congress with recommendations within 120 of completion
  - Completed prior to enactment Chief’s Reports to Congress within 180 days
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- SEC. 2034 Independent Peer Review
  - Mandatory over $45 million some exceptions
  - Chief determines timing concurrent with study reports
  - Chief contracts with NAS or equivalent to select review panel
  - Final panel report & responses to accompany Chief’s Report
  - Federal cost not more than $500,000 but with waiver provision
  - Applicable 2 years prior to enactment and 7 years from enactment
  - Report to Congress at 3 and 6 years
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- SEC. 2036 Mitigation for Fish and Wildlife Losses
  - Complies with Regulatory Program standards and policies
  - Plan requirements
  - Monitoring responsibility
  - Consultation on performance
  - Annual reports to Congress on mitigation status
  - Use of mitigation banks
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- SEC. 2037 Regional Sediment Management
  - Federally funded regional sediment management plans
  - Beneficial use projects for property protection (flood & storm damage) and habitat
  - WRDA 86 cost sharing for increment 35% non-Federal
  - $5 million cost limit, $30 million annual with $5 million for studies
  - State plans to Congress
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• SEC. 2047 Federal Hopper Dredges
  – Essayons & Yaquina exempted from limitations
  – MacFarland in ready reserve
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• Implementation
  – Assign responsibility for each section
  – Draft to AAPA for items of interest
  – Draft reviewed by OASA(CW) before issued
  – Tracking status by HQ
  – Sec 2003 Agreements – Kim Smith
  – Sec 2005 Dredged Material Disposal – Rich Worthington
  – Section 2031 P&G – Larry Prather/Harry Kitch
  – Sec 2033 Planning – Harry Kitch
  – Sec 2034 Independent Peer Review – Harry Kitch
  – Sec 2036 Mitigation Lisa Morales
  – Sec 2037 Regional Sediment Management – Rich Worthington
  – Sec 2047 Hopper Dredges – Jim Walker
  – Projects – RITS