BAY PLANNING COALITION
FEDERAL UPDATE

WATER RESOURCES REFORM AND
DEVELOPMENT ACT

OR

A NEW APPROACH TO PORT AND HARBOR INFRASTRUCTURE POLICY

ERIC SAPIRSTEIN
ENS RESOURCES, INC.
MAY 16, 2014
WRRDA ILLUSTRATES THE POSSIBLE
REFORM IS THE THEME

- New Starts back in style
- Permit streamlining and project reviews
- Nonfederal roles and responsibilities
- Funding commitment—Use HMTF Receipts
- Expanded uses—Address West Coast, small and energy ports’ needs
- Establish priorities
NEW STARTS; NEW PROCESS

✓ Annual Call for Projects
✓ Submit to Congress
  ✓ Accepted
  ✓ Rejected
✓ Committees Approve
✓ Projects Authorized
✓ Underlying Purpose or Subtext
O&M OF HARBORS

- Identify unmet needs in annual budget
- O&M expenditures based on equitable allocation based on criteria
- When in doubt, create a new formula
O&M FORMULA

✓ FY 2015 – 2022 (using FY 2012 baseline)
  - 10% emerging harbors
  - 90% Secretary determines equitable allocation

✓ FY 2015—2024 appropriations exceeding FY 2012 baseline (priority funds)
  - 90% high and moderate use harbors
  - 10% emerging harbors
  - 5% of amounts reserved for underserved harbors
  - At least 10% for expanded uses (West Coast interests)
PROJECT DELIVERY

✓ 3x3x3 process codified
✓ Permitting streamlining
✓ Process in place to resolve agency disputes with timelines
✓ Credit and reimbursement
  o O&M by nonfederal interest using own funds and credit to other projects (limits on amounts)
  o Transfer of excess credit to other project(s)
  o Election of credit to another project in lieu of reimbursement
✓ Pilot program to evaluate efficiency of nonfederal conduct of feasibility studies
✓ Codifies Section 214 (contributed funds)
✓ Eliminate “Recon” studies
✓ Project Feasibility Study deems project justified, preconstruction approved
PROJECT DELIVERY

- Transparency of federal costs
- Allow nonfederal contributions for construction
- Donor/Energy ports assistance ($50 million annually)
  - Dredging 50 foot
  - Berths
  - Beneficial use
  - Environmental remediation
TRUST FUND MANDATE

✓ Balance needs
  - Large and small ports
  - Energy ports
  - Equitable Assistance

✓ Expanded federal responsibility
EXTREME WEATHER

- Compromise from National Ocean Policy
- National Academy of Sciences Study
- USACE to rely on resilient construction
ALTERNATIVE PROJECT DELIVERY

✓ Leverage Public Private Partnerships
✓ Loans and loan guarantees
✓ Buy American Mandate
✓ Federal assistance cap
✓ Tax-exempt financing restrictions
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