**May 27, 2016**

**House WRDA 2016 Markup**

**By Valentina J. Valenta**

On Wednesday May 25, 21016, the House Committee on Transportation and Infrastructure marked up and reported the bill HR 5303, the “Water Resources Development of 2016.” Of the 42 amendments filed in the House, only 8 were adopted by the Committee, including the manager’s amendment.

**Amendments Adopted**

The following amendments are relevant to water management and water supply interests were adopted:

**Huffman 161** – The amendment would authorize the Secretary to operate a fish hatchery for the purpose of restoring a population of fish species located in the region surrounding the fish hatchery that is listed as a threatened species or an endangered species under the Endangered Species Act. The costs of managing the hatchery would be borne by “the non-federal entity, a federal agency other than the Department of Defense, or a group of non-federal entities or such federal agencies.”

**Shuster 75** – **Manager’s amendment**. Within the adopted Chairman’s amendment the following are relevant to water management and water supply interests:

* **Denham** – Provision would direct the Secretary to submit to Congress an annual report on the amount of acquisitions made by the Corps of Engineers for civil works projects from entities that manufactured the articles, materials, or supplies outside of the United States.
* **Lipinski/Duncan** – Provision would direct that in carrying out a feasibility study for a water resources development project, the Secretary shall coordinate with communities in the watershed covered by such a study to determine if a local or regional water management plan exists or is under development for the purposes of stormwater management, water quality improvement, aquifer recharge, or water reuse. If such a local or regional water management plan exists for the watershed, the Secretary would be required, in cooperation with the non-federal sponsor for such plan and affected local public entities, to avoid adversely affecting the purposes of the local water management plan and, where feasible, incorporate the purposes of the local plan into the Secretary’s feasibility study.

**Amendments Submitted but Not Adopted**:

The following amendments are relevant to water management and water supply interests were submitted to the Committee but were **not** adopted:

**Brown 018** – Amendment would strike Section 113 of the underlying bill, which would repeal the Tri-State Water Wars language included in WRRDA 2014. The amendment was withdrawn, though Ms. Brown indicated that she would work with the Committee to have it considered during conference. It is certain that Senators Shelby and Sessions would support this amd’t.

**Edwards 55** – This amendment represents the minority attempt to address EPA programs. The amendment would have added substantive policy and program amendments to the Federal Water Pollution Control Act including new appropriations ceilings for the SRF as follows:

* $2,000,000,000 for fiscal year 2017.
* $3,000,000,000 for fiscal year 2018.
* $4,000,000,000 for fiscal year 2019.
* $5,000,000,000 for fiscal year 2020.
* $6,000,000,000 for fiscal year 2021.

**Esty 93** – The amendment would have increased the Corps small hurricane and storm damage per-project federal cost limit from $5 million to $10 million.

**Garamendi 110** – The amendment would have provided modifications to restoration programs for the Great Lakes, Lake Tahoe and Long Island Sound. The amendment was withdrawn, though it was included in the Senate WRDA bill and will become an issue during conference.

**Graves 41** – The amendment would have created an arbitration process to resolve disputes between the Corps and a non-federal entity related to interpretation of the law or provisions in project agreements.

**Graves 44** – The amendment would have directed the Secretary to accept bids from non-federal sponsors to construct a water resources project. If the non-federal interest could demonstrate greater cost effectiveness and project delivery efficiency than the Corps of Engineers, the Secretary would have been directed to transfer the funds to the non-federal interest for project completion.

**Huffman 162** – The amendment would have added “TITLE V—RESERVOIR OPERATIONS IMPROVEMENT.” This provision is essentially Mr. Huffman’s language for revision of water control manuals to benefit water supply and other purposes. Similar language is in Senator Feinstein’s drought legislation.

**Huffman 164** – The amendment would have added an additional requirement to Section 111 of the underlying bill. Section 111 of the bill provides for some measure of Huffman’s Title V (see Huffman 162) by providing that the Secretary may “receive and expend funds from a State or a political subdivision thereof, and other non-federal interests, to formulate, review, or revise operational documents for any reservoir for which the Secretary is authorized to prescribe regulations for the use of storage allocated for flood risk management or navigation pursuant to section 7 of the Act of December 22, 1944 (58 Stat. 890, chapter 665; 16 33 U.S.C. 709.” This is an amendment to the Corps contributed funds authority applied to review and revision of reservoir operational documents. Huffman 164 would have added “that, in carrying out this section, the Secretary is authorized to consider the best available science, including, as applicable, forecast-informed reservoir operations, updated watershed data (including knowledge of hydrological and meteorological conditions that influence the timing and quantity of runoff), and structural improvements since the last revision to operational documents.” This is Huffman’s “forecast-informed operations” initiative.

**Huffman 165** – This amendment would have added Huffman’s directives on reporting the status of water control manual updates and directives to update water control manuals to Section 111 of the underlying bill. Section 111 of the bill provides for some measure of Huffman’s Title V (see Huffman 162) by providing that the Secretary may “receive and expend funds from a State or a political subdivision thereof, and other non-federal interests, to formulate, review, or revise operational documents for any reservoir for which the Secretary is authorized to prescribe regulations for the use of storage allocated for flood risk management or navigation pursuant to section 7 of the Act of December 22, 1944 (58 Stat. 890, chapter 665; 16 33 U.S.C. 709.”

**Johnson 74** – The amendment would have added authority for the Secretary to provide assistance under Corps 219 programs for lead or other drinking water contaminant abatement, including the replacement of water-related infrastructure, in amounts not to exceed the authorized appropriations amounts.

**Walters 017** – The amendment would have amended the definition of water resources project as applied to feasibility studies and Section 7001 of WRRDA 2014 to make water supply and environmental infrastructure projects, including projects designed to reclaim or reuse municipal wastewater or impaired surface or groundwater’ eligible for feasibility studies and the Annual Report under Section 7001 of WRRDA 2014. “..the terms ‘’water resources project’ and ‘’water resources development project’ include water supply and environmental infrastructure projects, including projects designed to reclaim or reuse municipal wastewater or impaired surface or groundwater.’’ Note: Section 131 of the underlying bill would already make environmental infrastructure projects eligible for the Annual Report under Section 7001 of WRRDA 7001.