

# Federal Water Issues Update

- Appropriations/Election
- WRRDA Implementation
- Waters of the U.S.



Thane Young, Vice President  
[tyoung@vsadc.com](mailto:tyoung@vsadc.com)

September 26, 2014

# Appropriations/Election

- Continuing Resolution until Dec. 11

Energy and Water Development Appropriation

Department of Homeland Security (FEMA)

- Omnibus Appropriation or Year-long Continuing Resolution

- House: Expect to remain Republican—possible 10-seat pickup (221)

- Senate: Toss-up

Republicans need 6-seat net gain (3 likely turnovers; 1 possible loss)

Democrats have beat the odds the last two election cycles



Thane Young, Vice President  
[tyoung@vsadc.com](mailto:tyoung@vsadc.com)

September 26, 2014

# Appropriations/Election

Account	FY 2014 (\$ in thousands)	FY15 House (\$ in thousands)	FY15 Senate (\$ in thousands)
Investigations (Corps)	125,000	115,000	125,000
Construction (Corps)	1,656,000	1,704,000	1,421,000
O&M (Corps)	2,861,000	2,905,000	2,800,000
CVP Restoration Fund (BuRec)	53,288	56,995	56,995
CA Bay Delta Restoration (BuRec)	37,000	37,000	37,000
San Joaquin River Restoration Fund (BuRec)	---	32,000	---
Flood Hazard Mapping (FEMA)	95,202	94,403	100,000
National Flood Insurance Fund (FEMA)	176,300	179,294	179,294



Thane Young, Vice President  
[tyoung@vsadc.com](mailto:tyoung@vsadc.com)

September 26, 2014

# Water Resources Reform and Development Act of 2014

- Levee Modifications (Sec. 408)
  - One year public review of policy
  - Revised policy to expedite decision-making and inform applicants of schedule and deficiencies in application
- Credit for In-Kind Contributions
  - Non-federal improvements not counted in w/o project conditions
  - Excess credit can be transferred to another project
  - Reimbursement for excess LERRDs
  - Update guidance within 1 year
    - New milestone for executing MOA
    - Criteria and procedures for applicants requesting an earlier milestone
    - Criteria and procedures for determining whether non-federal construction is integral



Thane Young, Vice President  
[tyoung@vsadc.com](mailto:tyoung@vsadc.com)

September 26, 2014

# WRRDA (continued)

- Levee Vegetation

- Revised policy shall consider varied interests and responsibilities, minimize environmental impacts, preserve species habitat, protect rights of Tribes, consider impacts of vegetation during storms or flooding, historical records on vegetation and flood risk, and avoid significant environmental and economic costs
- Allow for variances, including complete exemption from vegetation policy
- Consider recommendations of Corps RITs, experts, state, tribal, and local entities
- Guidance in 18 months after 30-day public review and comment
- No vegetation removal required in interim period unless unsafe
- Previous determinations may be appealed



Thane Young, Vice President  
[tyoung@vsadc.com](mailto:tyoung@vsadc.com)

September 26, 2014

# Waters of the U.S.

- EPA/Corps proposed rule; comments due October 20
- Redefine water subject to the Clean Water Act after U.S. Supreme Court decisions
- New or revised definitions
  - Tributaries
  - Adjacent and neighboring waters (floodplain and riparian areas)
  - Other waters with significant nexus



Thane Young, Vice President  
[tyoung@vsadc.com](mailto:tyoung@vsadc.com)

September 26, 2014

# Waters of the U.S. (continued)

## Potential Concerns

- Water Delivery Systems (State Water Project, Colorado River Aqueduct)
- Floodplain infrastructure
- Storm Water (MS4s)
- Green Infrastructure
- Permitting
- Litigation



Thane Young, Vice President  
[tyoung@vsadc.com](mailto:tyoung@vsadc.com)

September 26, 2014