

Jan Rasgus:

Good afternoon everyone and welcome to the WRRDA 2014 Listening Sessions Number One. My name is Jan Rasgus, I'm a senior policy advisor in the Civil Works Planning and Policy Division and I'm directly involved in WRRDA implementation.

As you know, President Obama signed the Water Resources Reform and Development Act of 2014 on June 10, 2014. WRRDA is the primary legislation by which the Congress authorizes the US Army Corps of Engineers key civil works missions, in navigation, flood risk management and environmental restoration. It is important to note that this is an authorization bill, not an appropriations bill.

The Corps is currently developing implementation guidance for the provisions in WRRDA 2014 in coordination with the assistant secretary of the Army for civil works. This guidance will provide the policies and procedures to be used in implementing the provisions in this new law. As part of this development, we have scheduled four listening sessions to hear from our stakeholders and the public regarding their comments and thoughts related to WRRDA 2014.

We will take your comments into consideration as we prepare the implementation guidance. Each of the listening sessions will cover a different collection of the more important general program and policy provisions included in the law. These policy provisions have been categorized into general themed areas so that listening sessions can concentrate on two or more of these important areas.

The conceptual framework for the listening sessions is as follows. As you know, today is session one and we will be covering the deauthorizations and backlog preventions as well as project development and delivery provisions in which also cover and include planning.

The second session will be in two weeks on August 27 and those sessions will cover alternative financing provisions, including contributions and Title V, which are the public/private partnership authorities as well as credits.

The third session will be on September 10 and will cover levee safety, dam safety and regulatory provisions, including those that apply to 33 USC 408, also known as Section 408. In the last sessions will be held on September 24 and will cover those provisions that address non-federal implementation of Corps of Engineers projects as well as water supply and reservoirs and navigation.

If you have a comment that does not fall into one of these theme areas, you may email it to wrrda@usace.army.mil and that link will show up at one of our later slides so don't worry about trying to write it down right now. Also, with any comments that you have on either these provisions that we're covering today or other provisions that are not covered today or will not be covered in any of the future sessions.

Today's listening session will focus several key WRRDA provisions that collectively support the Corps civil works transformation efforts to streamline our project development and delivery process, including the planning process. These provisions make changes to how the Corps conducts feasibility studies and consolidate the environmental review process, they clarify our mitigation requirements and they require an annual report to Congress on activities that need specific authorization by law and establish a process to deauthorize previously authorized and inactive projects in order to reduce the backlog of such projects.

Today's sessions will be recorded and transcribed and these files will be made available on the Corps WRRDA. On behalf of the Army Corps of Engineers, we welcome your commentary and look forward to hearing from you. I will now turn it over to Gene Pawlik with the Corps' Public Affairs Office to review the ground rules for this session.

Gene Pawlik: Thank you Jan and as Jan said, this is Gene Pawlik and I am with the public affairs office for the Corps. Before we go over the ground rules very quickly, Eddie, if you would like to give instructions on how folks can start to join the queue. After you do that then we'll go on to the ground rules.

Eddie: That sounds good. For everyone here online, my name is Eddie; I'll be helping to moderate the queue today. If you would like to make a comment you may dial star one on your phone or you may use the raise hand icon on your screen and you will be notified once your line is unmuted at which point you may proceed to make your comment or statement. Again, if you would like to make comment, you may dial star one on your phone or use the raise hand icon on your screen and you will be notified once your line is unmuted.

Gene Pawlik: All right, thank you Eddie. As was stated, the purpose of today's meeting is to get your input. Just so everybody is clear on this, it's not going to be a back and forth discussion. We're here to listen to your comments and your concerns, your interest in the WRRDA provisions. Again, this will not be a question and answer session but it will be dedicated to listening to what you have to say.

As far as the ground rules for today, speakers will be allowed three minutes maximum to provide comments. At two minutes, we will come on and let you know that you have approximately a minute remaining if you still are going on with your comments.

When you do speak, please provide your name and if you're representing a particular organization the organization that you're with prior to starting your comments. Also if you can, at the start of you comment indicate which of the provisions that we're addressing today you're speaking about.

As a reminder, this session will be recorded and transcribed and we will post the content of the USACE WRRDA website. Now for those who are in phone only mode and are not on the webinar, there's not a large slide presentation today. The slides that we do have are posted on the WRRDA website so they'll be easily accessible for you to take a look at.

We should be able to unmute speakers now. All right, Eddie, if you would go ahead and open it up to our interested speakers and we'll start listening to comments.

Eddie: Absolutely. Again, just a quick reminder, to everyone here on the line if you would like to make a comment you may dial star one on your phone or use the raise hand icon on your screen.

Rob, you may go ahead.

Rob Vining: Hi, this is Rob Vining representing the National Waterways Conference. Just wanted to draw attention to the deauthorization and backlog prevention, Section 6001 primarily, and the preparation of the database to serve as a basis for activating the deauthorization.

Just highlighting in that provision there is reference to the fact that the projects should be contained on that list are projects that have not had funds obligated during current or previous fiscal years. Just highlighting the word obligated as opposed to extended.

Just referencing that that clearly is an important distinction, at least in my mind, that most projects are those that have not had funds obligated. Fund can be obligated prior to being extended and so I just wanted to highlight that.

Gene Pawlik: Okay, thank you for those comments. Eddie next.

Gary Niemeyer: Yes, this is Gary Niemeyer. I'm a corn farmer in Central Illinois. I ship my corn down the Mississippi River and the Illinois River both. I think it's very important that we get moving on this infrastructure. I became aware of the infrastructure problems in 1995 and thought that with two WRRDA bills passing with such unanimous support that we would be building some locks by now.

It's also as important to me as it is to build the locks so we can move our grain down the river. It's also important we support this program because I'm very conscientious of a lot of conservation issues and we want to keep our soil and our nutrients out of the river system and we're working very hard to do that on our own. If we're going to continue to grow our economy, we're going to have to do this.

When you think about the amount of money, 95% of the world's population was outside the US borders, it's very important that we get some kind of funding coming back into this country and that's through exports. It's going to be very critical. We happen to be very fortunate this year to have a wonderful large crop and we're going to need to export it but until we get everybody on the same page to start moving forward we can't get that done.

I don't know what it's going to take but we need to start building and we need to do it soon. Not only that the economy needs to do this and we need to work through the environmental issues to make everything work together at the same time.

Gene Pawlik: All right, thank you for those comments. As a reminder, to those who are speaking if you would if you have a specific provision that you're addressing we would like to make sure that you state which provision you're addressing because that'll help us organize the comments at the end of this to be able to further evaluate them.

Eddie next.

Kay Whitlock: Hi, this is Kay Whitlock with Christopher Burke Engineering. My comments relate to sections 1001, 1002 and 1003 primarily. In particular, my first reading of this I would hardly endorse the time constraints that this bill is proposing to put on feasibility studies. For someone who has a client with a feasibility study that was initiated in 2005 and we still don't have a feasibility report completed, my second response was to be very nervous about how that new heat on newer projects would impact on the projects that were underway already in the district .

Later in Section 1001, it starts to address that. I'm please for that comfort but I'd like you to be very careful as you look at these that you don't damage the schedule for the ongoing studies. Also, I found mentioned in there the requirements for a details project schedule that's in Section 1002, Item G. I think that's really a good component and I endorse the use on concurrent review.

In the last paragraph in Section 1002 is our safeguard for ongoing studies that we need to carry out the ones that were initiated before the Act. Then Section 1003, the first section one ask for expediting the completion of any ongoing feasibility studies for projects initiated before the date. As someone with an existing project in process, I appreciate all those and that's my comment on the early part of the bill. Thank you.

Gene Pawlik: All right, thank you ma'am. Eddie next.

Karin Jacoby: Hello, this is Karin Jacoby, I'm with the Missouri and Associated Rivers Coalition Association and the National Waterways Conference and I have a couple of comments regarding some different provisions. Initially with respect to project accelerations in Section 1005, I'm concerned about the role of the multiple sponsors and then within the abbreviated schedule, the shortened schedule.

Having time to conduct activity and adequate to conduct the requirements that they have to take on. If those schedules are compressed ask that you be respective of that to allow time for several sponsors to do what they need to do and to do it in a way that they can have adequate public engagement because they do have responsibilities if they're working with their constituents and communities.

I also wanted to raise a concern about the deauthorization. With respect to the use waterways, if that concept is going to be incorporated into the deauthorization to point out that the level of maintenance on some of the navigation and bank stabilization projects has resulted in lower use of those waterways. That where they are now isn't necessarily an indication of where they might be going forward with not just investments from the Corps of Engineers but things that are happening through TIGER funds and private and local investments.

Lastly, on that to say too that, for example, bank stabilization and navigation also supports flood protection, efforts in stabilizing the foundations where the levees are located. That if low use waterways are looked at that special attention be given to flood control projects such as levees. Thank you.

Gene Pawlik: All right, thank you for those comments. Next Eddie.

Phil Thornton: Yes, my name is Phil Thornton with the Illinois Corn Growers Association NES was brought up earlier. I just wanted to make this statement that the Illinois Corn Growers Association supports NES.

Gene Pawlik: All right, thank you sir.

Chris Correale: This is Chris Correale with the Maryland Port Administration. Our question would be on Section 6001 on deauthorizations. We would like to know if a local sponsor could contribute funding to a project that's been authorized and would that qualify as a project being started and obligated as the gentleman from the National Waterways Conference said a few minutes ago?

Gene Pawlik: As stated at the beginning of the call here, today is strictly a listening sessions and it's not an opportunity for question and answers at this point. We're strictly soliciting comments and ideas that people have as to implantation and provisions of WRRDA 2014.

Chris Correale: Yes, we understand that. We would like to see that responded to at some point from the Corps and your implementation guides.

Gene Pawlik: Okay. We will have that as part of the transcript.

Kevin Rund: Kevin Rund here with Illinois Farm Bureau and I'd simply like to reiterate the comments made by Mr. Niemeyer earlier that because Illinois is proximity to the river system here we're heavily reliant on that system for delivery of our products out of the state. For that reason, we strongly support the NES program and the work that needs to be done to build up to implement and complete that project over time. Thank you.

Gene Pawlik: All right. Thank you.

Dan Borges: Hello, this is Dan Borges from the Nature Conservancy. The Nature Conservancy has been working with partnership with the Corps for the past 14 days and we're the largest NGO sponsor of projects. Many of them are ecosystem related or operational facilities to provide multiple benefits to both societal and environmental causes now.

We're very interested in policy implications and will continue to provide some commentary and suggestions throughout this whole process related specifically today's provisions 6003 and 6004. The point I'd like to make is that while we recognize age based reporting criteria that

Congress has established, we also recommend the current application of watershed and programmatic approaches such as those set forth in Section 1040, the Fish and Wildlife Mitigation and Section 5011, Watershed Pilot Projects for guiding the decommissioning of obsolete infrastructure.

The next area that I'd like to talk about is Section 1001. This part of the transformation we strongly support. It supports transformation issues for three by three by three where Nature Conservancy as a partner has had significant challenges due to the long and expensive delays in the planning and delivery process. It cost us in terms of loss of donors who are willing to put up money and private cooperation for projects, we faced issues with turnover of staff caused by managers who are unfamiliar with project history as project drags on and the recalculations of project cost instruction creates a similar problem.

We're very concerned that this is implemented. We also share a concern that was voiced earlier that larger projects are not subdivided into small projects in order to meet the three by three by three criteria and thereby circumventing the intended conversion. Section 1013 is very important to us as well. The PPA template language we think is far too rigid. It fails to account for different project types, for example. There's a requirement of perpetual operation and maintenance indemnity related to non-federal sponsors, including states, NGOs and private organization. Mostly because system projects are pretty dynamic and will never require O&M as part of the project as it deteriorates. A lot of that happens due to natural causes and flow changes in many cases will make the project function better.

We really support and welcome any opportunity to comment.

Dan Borges: Please. Time?

Gene Pawlik: No, I was just informing you have 30 seconds remaining.

Dan Borges: Okay. I'm going to provide written comments on this and I appreciate the opportunity but we do feel strongly that the National Academy of Public Administration should weigh in on and looking at these PPAs. Same goes for the nation infrastructure provisions in Section 1036 on project selection. Particularly we're very happy with the provisions related to Section 1040 and the areas dealing with mitigation specifically from both a programmatic and a landscape scale. Again, we'll be providing written comments. Thanks for the opportunity to provide our input.

Gene Pawlik: All right, thank you Dan.

Steven Tayanipour: Hello. Can you hear me? This is Steven Tayanipour. I have a comment on Section 1005, tying it together with 1040 and 1041 to reduce the barrier to make sure we could get the project accelerated. We have a lot of barriers right now so I just want to make sure that we find ways to reduce it.

For the past several years and we have been way behind other nations because we have created a lot of barriers environmental and it slows down our progress and our projects are delayed. Thank you. Steven Tayanipour from Society of American Military Engineers, Orange County Post, Chair of Readiness just spoke.

Gene Pawlik: All right, thank you sir.

Amy Larson: Hi, this is Amy Larson, National Waterways Conference. With respect to Section 1005, Project Acceleration, the statute requires consultation when drafting guidance to implement this particular section, including with federal, state, local agencies as well as the public. I'd like to urge that that consultation be something more than the listening session offered in this webinar as we're developing those guidelines to ensure that the process is streamlined.

We would urge that these requirements avoid unnecessary duplication and coordinate the various activities with other agencies. With respect to Section 6001, the law talks about viable projects so we would like to urge that those viable projects consider active and engage non-federal sponsors. Thank you.

Gene Pawlik: Thank you Amy.

Steve Fitzgerald: This is Steve Fitzgerald with Harris County Flood Control District and representing NAFSMA. My comments are on two sections. The first one is Section 1001, Part B called the exception. That's the part that gives the secretary ability to extend the length of a study beyond the initial three or four years.

It doesn't mention coordination or in cooperation with a non-federal partner or non-federal sponsor. Jan I'd like if you could include in the guidance wording to that affect to include the non-federal sponsor or partner when evaluating whether it extends the life or the time for the study.

In that same section under E, which is reviews initially send up the reviews and coordinating the schedules with the other federal agencies. Again, I'd like to encourage that you all include the non-federal sponsor in that process of setting up those reviews and those items that are mentioned under 1001E.

The other section is 6003, Backlog Prevention. It's A1 under project deauthorization. It talks about deauthorization for seven years from the beginning of the enactment of this act for projects authorized in this act. It mentions unless the funds have been obligation for construction of such a project during that period. I'd like to recommend that you include in that or make it clear that obligation of construction also means money from the non-federal sponsor to give those non-federal sponsors a chance to keep the project from being deauthorized. I'd like to encourage that you put that in the guidance as well. That construction money could come from a non-federal sponsor as well, not just the federal. That's the end of my comments. Thank you.

Gene Pawlik: All right, thank you for those comments.

Steven Tayanipour: Yeah, this is Steven Tayanipour. I am Chair of Readiness for Society of American Military Engineers, Orange County Post. I want to tie Section 1005, project acceleration to Section 1040, 1041, mitigation environmental issues. For the past several years, America has been way behind other nations in moving projects forward because of the lots of barriers we have. Is there any way we can look in to see that there are a lot of barriers that may not be as necessary as they are? Really, I think its overkill based on my own experience. That is all I want to say. Steven Tayanipour. Thank you.

Gene Pawlik: All right. Thank you sir.

Debra Colbert: Yes, this is Debra Colbert with Waterways Council. Can you hear me?

Eddie: Yes we can.

Debra Colbert: I'd just like to first of all say thank you so much for the listening session. I think it's a great opportunity for all of us to weigh in on the process here. We would just like to say in terms of deauthorization Section 6004 and that Waterways Council really hopes and expects that the Corps won't deauthorize any of the priority projects. We're finally getting higher funding levels now and it's really imperative to keep moving forward. On a broad range of projects on that priority we hope that nothing will be

deauthorized and we will be able to move forward and get some of those things finished. Thank you.

Gene Pawlik: Thank you Debra.

David Conrad: All right, yes. I didn't hear my name. This is David Conrad. I'm a consultant on water resources policy in Chevy Chase, Maryland. I wanted to speak to Section 7001, the Annual Report to Congress. That provision sets up a new system of non-federal proposals for water resources projects for feasibility studies and some modifications of existing projects. It also asks, first of all, proposals to come in with certain information and has the Corps try to evaluate some of that information to be included in an annual report.

Among the items to be included in the Corps' report are some evaluation of the benefits associated with the proposal and the costs associated with the proposal. My comment, I have a very simple comment, although it is a little more complicated to figure out how it should be done. I wanted to urge the Corps in developing that system for its own evaluations; to be careful to relate those benefits and costs to the traditional costs and benefits that are identified in the principals and guidelines and the new principles and requirements that are coming from WRRDA 2007, Section 2031.

There are a variety of factors in WRRDA 2007 ...

Gene Pawlik: You have one minute remaining David.

David: Yes sir. ... in 2007 that that would be, I think, important in identifying the national interests in these proposals and I think it would be important for Congress to be able to consider those proposals in those terms. This is just a request to relate these costs and benefits to the existing evaluation system under Section 2031 and the long-term principles and guidelines. Thank you.

Gene Pawlik: All right, right on you three minutes David.

Sam Ziegler: Hello, this is Sam Ziegler with Minnesota Soybean Growers Association and I just want to make you aware of how important the locks are here in Minnesota as we're having railroad issues. In a two month period that Minnesota Department of Ag measured over \$100 million in farm income lost to corn, soybeans and wheat due to it. I just want to give my support for [inaudible 00:35:55] in keeping projects going here in Minnesota. I appreciate this listening session and for giving me the time. Thank you.

Gene Pawlik: All right. Thank you. Again, as a reminder for folks, if you could specifically tell us which provision of the WRRDA you're addressing today.

Phillip Jones: This is Phillip Jones, Louisiana DOTD. I'm not sure where this fits in any of the discussions over the next couple of weeks but we just wanted to go on record as expressing a concern about the 203 process for doing feasibility studies. We have been bogged down for over three years in trying to get a study done and there seems to be a great deal of misunderstanding as to exactly what steps you have to go through now for a 203 study.

Gene Pawlik: All right. Thank you.

Arlen Jewel: This is Arlen Jewel with the Illinois Department of Natural Resources. I wanted to comment on Section 1001 and Section 6004. Under Section 1001 there's that \$3 million max federal cost of a feasibility study which I understand Congress has authorized unduly restricts the scope of work. I would hope that in the timeframe at least the federal review costs and time are not counted toward the federal max.

Under the Section 6004 deauthorization, I'm concerned that if a project is deauthorized when the accounts are not fully in balance between non-federal and federal that there will be a push toward one side or the other to come up with money at a short period of time. It needs to be some consideration of that. Plus the whole process for deauthorization needs to be fully vetted through the political as well as all the local sponsors. I want to encourage you to make sure that process is thorough. Thank you.

Gene Pawlik: All right, thank you for those comments.

Scott Sigmund: Hello, this is Scott Sigmund with the Illinois Soybean Association.

Scott Sigmund: I would like to comment on Section 6003, the backlog prevention and while Section B records a report to Congress, there's no limitation on that being proactive that a report sooner rather than later with a list of water resource development projects for which construction hasn't been completed could be put forward proactively to the Congress with a description of reasons projects haven't been completed heretofore that a proactive schedule of completion of projects based on expected levels of appropriations, B3.

Five and 10 year projections and backlogs would help Congress to better understand how to mitigate current problems and the backlog that's in existence at the time of the report. I think that would go a long way to

accomplishing some of the projects that have been authorized but perhaps have not been appropriated.

Gene Pawlik: All right. Thank you for the comments.

Jerry Sailors: Hey, good afternoon, this is Jerry Sailors with the Coosa-Alabama River Improvement Association in Montgomery, Alabama and I'm referring to Section 6001 and 6004 in particular. I would like the Corps to strongly consider the criteria that are developed to determine the candidate projects on some of the deauthorizing functions as well as whole projects. That they consider using metrics that incorporate the total economy impact of a project or a function of that project to include other than just the regional national benefits.

I use specifically local benefits that aren't readily apparent to the stated function of say navigation. Navigation certainly supports recreation and other uses of the waterway and would think that the Corps should strongly consider what metrics they use when determining those criteria. Thank you.

Gene Pawlik: All right. Thank you.

Jim Wood: Hello, this is Jim Wood with the Arkansas Wildlife Federation.

Jim Wood: I represent the Arkansas Wildlife Federation in the Arkansas River study and we raised the issue of the takings ruling that was recently from the US Supreme Court in 2012 regarding flow regimes that actually create damage.

Section 1005 a project acceleration is inconsistent with the needs of determining to the fullest extent what the consequences of the corps projects going to be if they create problems that create flow regimes that flood other people then US Supreme Court says that's a takings and a violation of the US Constitution.

Section 1004, Independent Peer Review, changing that to 200 million is not the in the public interest because it indicates that you don't need additional study to determine what the consequences of the action's going to be. It's inconsistent. We have flow regimes by the corps that are inconsistent with the US Constitution. Project acceleration is not the solution.

Gene Pawlik: All right sir, thank you for your comments.

Eileen Fretz Shader: Hi, my name's Eileen Fretz Shader with American Rivers. First, I wanted to comment on Section 1001. We have a couple of concerns with the Corps' three by three by three approach. Mostly that it creates a one size fits all approach that applies to both large watershed scale studies and small localized projects. We think the Corps should be able to use the level of analysis necessary to gather data and understand all components of a project and develop alternatives.

We're also concerned about the requirements and pressure on planners to finalize studies even if they're missing critical environmental or public safety data. Since the Corps has been operating under a three by three by three for a little while now we're hoping to see some independent outside analysis of that process in the coming years.

In Section 1005, we believe that there is some value in making actual improvements to the planning process and environmental reviews. I think the goal should be not simply faster projects but better projects that don't harm the environment and provide environmental benefits. I think a key component of that is better project planning, early and often collaboration with all interested parties and agencies.

We're concerned that the process laid out in 1005 could actually result in adversarial situations between agencies rather in foster that collaborative approach. We're concerned that as agencies are forced to make inadequate times to analyze the project impact the inevitable result will be just denial of projects or rubberstamping of approvals. Either way, it could result in more legal challenges. Something to consider as we're developing guidance.

I also wanted to touch on the categorical exclusion language in Section 1005, which would exempt reviews for repairing water resource projects damaged during presidentially declared disaster. We think this exemption...

Gene Pawlik: You have one minute remaining.

Eileen: We think this is exemption could be contrary to the administration's goals of improving the zone to climate change after disasters. The community is faced with the option of rebuilding to pre-flood without doing environmental reviews or improving their flood management system by using non-structural alternative or other approaches.

Surely they're going to opt for the pre-flood environmental review, even though the Corps itself advocates buying down risk using a full suite of

flood management approaches. We would encourage the implementation of that provision to reflect the sound approach to flood plain management.

Finally, Section 1044, Independent Peer Review, we are happy it was reauthorized but we were disappointed that the financial trigger was raised to 200 million, which would be excluding controversial projects in some cases. We would encourage the Corps to continue to use their discretion to pursue independent peer reviews as they happen. Thank you.

Gene Pawlik: All right, thank you.

Bill Spychalla: Hi, this is Bill Spychalla with Barr Engineering calling with regarding to Section 1036 on the non-federal plans to provide additional flood risk reduction. It states in there that you should be looking considering the economic justification.

I guess my view is that any additional level of protection that is being provided by the local sponsor if the additional costs are not being increased to the federal interest they aren't going to be reducing the federal value or the economic value or the benefits.

Therefore economic justification becomes a very minor factor in what happens to the project above the federal level of interest. That the economic justification for the extra increments since it's going to be born by the non-federal sponsor should be a very minor factor probably in a relevant factor in that extra level of protection. Thank you.

Gene Pawlik: Thank you.

Karin Jacoby: Hello, this is Karin Jacoby speaking on behalf of the Missouri and Associated Rivers Coalition Association and I'd like to talk to Section 1004, Removal of Duplicative Analysis. The language is certainly clear in WRRDA 2014. That will no longer be required and this is essentially a required value engineering study on projects before they move forward after the original planning and costing was completed.

The removal of this does get rid of time commitment for some folks. However, it does have value to some local sponsors and I was glad to see in the explanatory language that accompanied the House report that the managers applauded the use of this bioengineering tool. Say that going forward they intend for the Corps to continue to apply bioengineering

and techniques but to do so in complication with contractor immediately prior to or after the project has initiated construction.

It does not say anything in the explanatory language about non-federal sponsor involvement in that and I wanted to point out that we have number of members in the Missouri and Associated Rivers Coalition Association that have made use of that value engineering and encourage the Corps to through that value engineering process to look at some cost saving alternatives. It has saved tens of millions of dollars.

They would like the ability to be able to engage with the Corps that way in the future. When you're developing the implementation guidance for this provision, please consider how to incorporate the non-federal sponsor into that process, value engineering process. Thank you.

Gene Pawlik: All right. Thank you.

Jay Aldean: Jay Aldean, executive director with the Truckee River Flood Management Authority regarding a comment that was made on Section 1036 a few minutes ago, the comment if I believe I heard correctly was regarding the need for economic justification of local sponsors desired additional projects.

That they would be paying for entirely and the fact that the economic justification didn't need to be as rigorous perhaps as the Corps or planning study document.

I just make one comment with respect to that that if the cost benefit ratio of the local sponsors additional project is a better cost benefit that the Corps authorized project then perhaps the government should take that into consideration. Thank you.

Gene Pawlik: All right. Thank you.

Drew Button: Hi, this is Drew Button; I'm the executive director of the Upper Mississippi River Basin Association. We're made up of the five states on the upper river and had comments on three provisions. One, 6001, Deauthorization, we noted that the language calls for solicitation of comments from the governors of the states on interim deauthorization lists but would encourage the Corps to work with the affected states early on in the process for any projects being considered for inclusion on the interim deauthorization list.

Secondly, in Section 1013, Evaluation of Project Partnership Agreements, some of our states have had substantial issues with the indemnification provisions in those agreements. We would request that the states, particularly states that have had issues with that language be involved in that evaluation process to make sure that those concerns are addressed.

Finally, in Section 1001 on vertical integration, the states support formalizing the three by three by three planning targets. However, we also understand that some larger scale projects with more intricate design evaluation may require some additional time. We noted that the Congressional language says to the extent practicable so we respectfully suggest that the Corps outline some process or project sponsors to be given some discretion on larger projects.

Then finally, we'd just note that our states continue as some folks earlier had expressed to strongly support the navigation and ecosystem sustainability program. We note that the conference committee report included language on Congress, its ongoing commitment. We would respectfully suggest that this be considered in FY 16 budget formulation. Thank you.

Gene Pawlik: Thank you.

Olivia Dorothy: My name is Olivia Dorothy and I'm with American Rivers. My comments today are on Section 1005 of WRRDA. Section 1005 of the 2014 WRRDA undermines the effectiveness of [inaudible 00:56:42] under the National Environmental Policy Act and other Bedrock environmental laws, including the Endangered Species Act, the Fish and Wildlife Coordination Act and the Clean Water Act.

Section 1005 does this by giving unprecedented control to Corps and allowing the Corps to interfere with critically important resource agency reviews of Corps projects. The implementation guidance needs to be developed that reflects some of the real concerns expressed by ASA Darcy and her December 11, 2013 letter to the WRRDA [inaudible 00:57:14] and ensure that these powers are not abused by Corps officials, causing undue conflict between the permitting agencies that could lead to confusion, delays and litigation.

Section 1005 not only undermines the effectiveness of the before mentioned environmental laws that puts the Corps in charge of the timing and issued resolution of all environmental reviews of many laws outside of the Corps jurisdiction and expertise. Guidance needs to be

developed to ensure deadlines and accommodations are established in coordination with effective agencies to avoid potential conflicts.

However, when conflicts do occur, Section 1005 undermines the ability of the resource agencies to carry out their duties by institutionalizing a process for pressuring resource agencies to sign off on Corps project that cite important objections or the need for additional information.

This section does this by establishing arbitrarily short deadlines for comments to federal states and the public and requires a concurrence of the non-federal sponsor to a different process by allowing the corps and non-federal sponsors to convene an unlimited number of issue resolution meetings to resolve disagreements between Corps staff and research agency experts.

If the issue isn't resolved in 30 days the Corps is required to elevate the issue to the heads of the relevant agencies by imposing penalties of \$20,000 per week to honor any federal agency except the Corps. That does not render a federally required decision by opposing unnecessarily Inspector General investigations into resource agencies if deadlines cannot be met and the agencies do not prepare extensive justifications for deadline extensions.

Olivia Dorothy: These new rules give the Corps undue power over decisions and the decision making process where these do not have expertise. Implementation guidance needs to reduce the impact of these new powers where they conflict with other agency jurisdictions.

That is to ensure agency decisions, opinions and permits are not rushed unduly and the decision making process is both deliberate and well informed regardless of deadlines of the Corps or the Corps' preferred actions. Thank you.

Gene Pawlik: All right. Timed right to the three minutes.

Eddie: At this time we have no further questions on the line or questions, excuse me.

Gene Pawlik: We'll leave the line open for a little while here and see if anybody else comes on to ask a question or to bring up their discussion.

Eddie: We now have a couple. Let me go ahead and start unmuting them.

Amy Larson: All right, thanks Eddie. This is Amy Larson from National Waterways. Two follow-up questions, one on Section 7001, the Federal Register Notice for Solicitation of New Feasibility Studies and Project Modification. I know the federal register notice went out last week with comments or proposals due in December.

I would urge the Corps to remember that that provision also requires submitting with the annual report an appendix listing those proposals that were not included for whatever reason. We think this is an important proposal in this current no earmark environment because we want to make sure that all non-federal project proposals are given visibility so that if they have not met the requirements that they know why that they are not included on the list.

Importantly, that if they're not on the list it's not simply because it's not a priority of any given administration and I think that would be for the Congress to decide. That comment period is out.

With respect to Section 1005, we certainly support the provisions streamline the requirements which do not change NEPA and the underlying agency statute. We would continue to suggest that the Corps avoid unnecessary duplication and coordinate those activities as best they can to comply with the three by three by three to minimize regulatory burdens and bureaucracies. Thank you.

Gene Pawlik: All right. Thank you Amy. Eddie you said you had more.

Billy Houston: Billy Houston with Tri River Waterways in Eufaula, Alabama.

Billy Houston: The Corps should not use – this is Section 6001 as for the deauthorization. The Corps should not use current funding metrics as a basis for deauthorization recommendation. For purposes of considering the possibility of deauthorization of the navigation function in a project the Corps should determine potential utilization and associate regional economic activity if channels were maintained sufficiently to provide for water transportation on a reliable basis.

Existing metrics necessarily pit one waterway against another for the purpose of allocating dollars. That leads to bias against smaller systems. Tributaries are not expected to support as much commercial tonnage as a larger system but it creates jobs and economic activity that may outweigh the investment of continuum annual funding on a system on a specific basis.

When comparison across systems takes precedence the Corps decided the more important question which is whether a system can produce economic benefits that outweigh annual funding needs. Projects were originally developed by the Corps and authorized by Congress on the basis of whether their value to the region and nation outweigh the costs.

The Corps should return to an analysis of that nature when preparing deauthorization recommendations for Congress. Dividing the projects into distinct functions serves a purpose but it also obscures a broader set of benefits, in particular in the navigation project provides benefits beyond the navigation of those benefits are not accounted for in the metrics currently used. Thank you.

Gene Pawlik: All right. Thank you for those comments.

Scott Wilson: Hello, this is Scott Wilson from the Santa Clara Valley Water District California and our comment today is on Section 6001, the deauthorization section. We want to make sure that when you put together the guidance that you consider for the local support as not just federal appropriated funds. We'd like you to consider reprogrammed funds and local contributed funds when making these decisions if the project is still supported. Thank you.

Gene Pawlik: Thank you Scott.

Mike Strachn: Yeah, thanks Eddie. Jan you're going to yell at me. This is Mike Strachn with Dawson and Associates representing Sacramento Flood Control. The reason you're going to yell at me is that I don't have a specific section to refer to, but now that we're apparently getting near the end of this discussion I would like to raise just one point about the listening sessions.

First of all, thank you. These are great. I look forward to learning and listening on the other sessions. In some respect, WRRDA 2014 is probably as comprehensive and as complex as WRRDA '86 was. There's much for people like us to learn about and have input on.

That said, I guess I would request that the Corps not only host listening sessions like this one and the three that are subsequently scheduled but find some way to have listening and talking sessions that would allow for exchanges and questions. The answers to which will inevitably lead to I think more meaningful feedback from stakeholders. I believe ultimately result in a co-implementation process that's more robust and more complete.

Of course we appreciate the Corps process must be open, it can't be biased, it can't be exclusive or overly solicitous to one group or the other. That said, it just seems like there's got to be some way to structure venues for two-way dialogue so some of the people who have questions that really need to be addressed can at least get some satisfaction in having feedback from the Corps, even though the feedback may not be complete.

That's all I have and, again, apologies for not having a specific section to reference.

Gene Pawlik: Thank you for those comments and we won't yell at anybody today. Eddie do we have any other?

Eddie: We have no more calls on the line at this time.

Gene Pawlik: Okay, well we'll continue to stand by and see if anybody else comes on with a comment.

Wes LeBlanc: Yes, this is Wes LeBlanc with the Coastal Protection and Restoration Authority (CPRA). Regarding Section 1004, Removal of Duplicative Analyses that repealed Section 9111 of WRRDA '86. That provision required cost effective review of constructive project designs. It should be made clear whether or not that applies to project designed by the non-federal sponsor. Thanks.

Gene Pawlik: Thank you.

Debra Colbert: Gene, it's Deb Colbert again for Waterways Council. Can you just tell the group again when these comments will be compiled and I believe posted on the Corps website. Tell us again the process for that.

Gene Pawlik: Deb, we'll do that in just a second. We've got some next steps and some closing comments that we'll be addressing here in just a moment. Okay great, thank you.

David Conrad: This is David Conrad again and I think some people have done two comments so I won't take my full three minutes for a second time here. I just wanted to say that I think Mike Strachn's comment about trying to find venues where there can be some back and forth [inaudible 01:12:11] and the Corps' considerations likely to be included in that and how important it is to be open and fair. One the other hand, just this meeting so far today seemed to raise in my mind a number of areas that probably would benefit from some interactions.

I think these sessions are going to be useful as you have planned them, but if you could find some opportunities where there could be a little more back and forth with the Corps a little later in the process I would also welcome that and I think maybe others will too.

Gene Pawlik: All right David, thank you.

David Peterson: This is David Peterson from the Coastal Protection and Restoration Authority of Louisiana. I had several comments. One is on Section 1010 in terms of determination of completion of project. We had some issues with completions of projects that predate the new WRRDA and request that the Corps and the guidance provide some provisions for which to deal with objections that have been made prior to the implementation of that section and the handling of those in that process, the new process been set up in WRRDA.

Additionally with regard to Sections 1012 and 1013, we would suggest that the Corps in getting the reports together on both of those have a process by which the non-federal sponsors can submit their comments. Both on the issues of the cost and the implementation of those costs and how they'll handle that as well as issues regarding PPAs and the process by which those PPAs will be evaluated. Thank you.

Gene Pawlik: Okay. Thank you. Eddie any others?

Eddie: We have no further comments at this time.

Gene Pawlik: Okay. Well Eddie, as always thank you for your stellar assistance in what you done for us. At this time, I'd like to turn it back over to Ms. Jan Rasgus to make some closing slide comments.

Jan Rasgus: Again, as a reminder, the recording and transcript from today's session will be made available on our Corps WRRDA website, which I think you probably used to access information for this listening session. It's the same site. We will post that as soon as we get it. There, as you know, will be three more listening sessions and the details regarding those sessions can be found on the website as well.

In closing, I would like to thank you for your comments today. Again, you can also submit comments via email to our website, which is also on our email website, which is WRRDA@usace.army.mil. If you're on the webinar, you can see that website, those links right now.

As we noted earlier, we will take the comments received today into consideration as we develop the implementations guidance. Again, thank you very much for sharing your thoughts with us. This concludes today's session.