

June 8, 2007

Chief of Engineers Lt. Gen. Carl A. Strock Relinquishes Command



The Directors and staff of NAFSMA express their heartfelt appreciation to Carl A. Strock, who on May 17, 2007, relinquished his command of the U.S. Army Corps of Engineers and retired after 36 years of service. As the 51st Chief of Engineers, Lt. Gen. Strock has exemplified the role of federal partner to the nation's flood and storm water management agencies.

NAFSMA recognized Lt. Gen. Stock last fall with the presentation of the association's first National Leadership Award. As Chief through one of the nation's most challenging periods, Lt. Gen. Strock never faltered in his role as a true national leader. Through his strength of commitment to implementing the nation's flood risk management policies and programs, he has significantly strengthened the Corps working relationship with both its federal and non-federal partners.



NAFSMA wishes Carl and Julie Strock all of the best as they enter into this new endeavor together and we sincerely hope that our paths continue to cross in the future!

*Photos by F.T. Eyre,
U.S. Army Corps of Engineers*

May 17, 2007, Fort Myer, VA

Senate Approves Water Resources Development Act

By a vote of 91-4, the Senate approved its version of the Water Resources Development Act of 2007 on May 16. The bill is now set to go into conference committee, where differences between this bill and the House version (H.R. 1495) approved on April 29 will be negotiated. Both Senate Environment and Public Works Committee Chair Barbara Boxer (D-CA) and House Transportation and Infrastructure Chairman James Oberstar (D-MN) have indicated their intent to have this bill completed by the July 4th recess.



FLOOD &
STORMWATER
MANAGEMENT
UPDATE



National Association
of Flood & Stormwater
Management Agencies
1301 K Street, NW
8th Floor East
Washington, DC 20005

T: (202) 218-4133
F: (202) 478-1734

www.nafisma.org

The Senate Environment and Public Works Committee has appointed the following Senators as negotiators for the conference committee: Barbara Boxer; Max Baucus (D-MT); Joseph Lieberman (D-CT); Thomas Carper (D-DE); Hillary Clinton (D-NY); Frank Lautenberg (D-NJ); James Inhofe (Rn. Mem.- OK); John Warner (R-VA); George Voinovich (R-OH); Johnny Isakson (R-GA); and David Vitter (R-LA). The House Transportation and Infrastructure Committee has yet to name conferees, but that action is expected sometime soon. In the meantime, staff are meeting on a regular basis to work out differences between the two versions of the bill.

As expected, the bills are similar to the versions adopted by the House and Senate in the last Congress. There are, however, some key differences between the bills of concern to NAFSMA members. As approved, the Senate bill includes language authorizing the establishment of a national levee safety program. Although NAFSMA supports the national levee inventory program and the establishment of a national levee safety commission that would be charged with the development of a national levee safety program, the association is concerned about moving too quickly to implement a levee safety program, such as the one outlined in the pending Senate water resources legislation.

As stated in NAFSMA's recent testimony before Congress, "levee safety, and the broader flood risk management issues, are critical and represent responsibilities that are shared by local, regional, state and federal levels of government." NAFSMA has urged Congress to first authorize a federally-funded Commission, with the U.S. Army Corps of Engineers and the Federal Emergency Management Agency taking the lead roles in federal agency participation and then, based on recommendations from the Commission, develop a federal levee safety program.

NAFSMA is also concerned about provisions included in the House bill under Section 2036 and under the Senate bill's Section 2006 that outline a federal interagency consultation process for the review of the Corps principles and guidelines. While NAFSMA would like to see more attention focused on population at risk as part of the Corps planning process, NAFSMA is concerned that these new provisions would create a burdensome process and unnecessary mandates on non-federal sponsors and the Corps, while failing to provide significant benefits to the development of the nation's flood management activities and projects. New independent peer review provisions included in both the House and Senate bills are also of concern to NAFSMA.

We will keep you posted on any new developments concerning WRDA. In the meantime, please feel free to contact Executive Director Susan Gilson in the national office with questions on the bill at 202-218-4133.

Wetlands Regulatory Issues Heat Up

Last month saw the introduction of wetlands legislation (H.R. 2421) by House Transportation and Infrastructure Committee Chairman Jim Oberstar. The bill, which was drafted to respond to concerns about recent Supreme Court wetlands decisions, expands the jurisdiction of the Corps and EPA over wetlands. Titled the Clean Water Restoration Act of 2007, H.R. 2421, the bill currently has 157 cosponsors. The bill has already proved to be extremely controversial, with stakeholders lining up quickly to support or oppose the bill. NAFSMA is currently reviewing the legislation and will soon be providing the membership with an analysis of the expected impacts of the bill on flood and stormwater management agencies and their activities. House hearings have yet to be scheduled on the bill. A similar bill is expected to be introduced in the Senate by Senator Russ Feingold (D-WI).

Joint Corps-EPA Regulatory Guidance Issued

In other wetlands-related actions, the administration on June 5 released its long-awaited interagency guidance to provide direction to the field on jurisdictional determinations in light of recent Supreme Court decisions in the consolidated cases of *Rapanos v. United States* and *Carabell v. United States*. Both of these cases addressed the scope of the federal government under the Clean Water Act. The guidance, which became effective immediately, is published in the June 8 Federal Register (attached). In a joint press conference hosted by Assistant Secretary of the Army (Civil Works) John Paul Woodley and EPA Assistant Administrator for Water Benjamin Grumbles, both agencies made it clear that they would be accepting comments on the newly-issued guidance for six months and that following this comment period, and that the guidance may be revised within 90 days after the close of the comment period.

The national office is currently reviewing this week's guidance and will be providing implementation details to the membership. In the meantime, please feel contact Susan Gilson in the national office at 202-218-4133 with questions on the wetlands guidance document.

House Appropriations Committee Acts On FY2008 Bills

The full House Appropriations Committee on June 7 approved its version of the FY 2008 Appropriations bill for Interior and the Environment, clearing the way for floor action on the measure tentatively set for June 14 and 15th. With directives from the leadership not to include project specific earmarks, the bill that funds activities for the Department of Interior and the U.S. Environmental Protection Agency includes no project-specific funding at this point. Individual projects will not be considered in the bill until much later in the Appropriations process.

Overall, EPA saw a substantial increase of funding in the House Committee-approved bill, with an increase of 4.5 percent included in the House bill for the agency's discretionary spending over its last year's funding levels. Funding for the Clean Water State Revolving Fund also saw an increase, with funding of \$1.125 billion provided by the Committee, a funding level well above President Bush's \$688 million request. A total of \$8.1 billion would be provided to EPA under the current House bill.

Committee Approves Energy and Water Funding Bill

House Appropriations Committee members on June 6 approved the FY 2008 Energy and Water Appropriations Bill, which funds projects and activities for the U.S. Army Corps of Engineers and the Bureau of Reclamation. This means that the Corps of Engineers funding bill has also been cleared for floor action.

As approved by the full committee, the House measure provides approximately \$5.6 billion in funding for the Corps' flood control, navigation, storm protection and environmental restoration activities in FY 2008, a figure that comes in more than \$700 million above the administration's request for the agency.

Project specific earmarks for the Energy and Water bill also have not yet been considered and this discussion is being reserved for a later point in the congressional appropriations process.

NAFSMA Launches 2007 Excellence in Communications Awards Program

NAFSMA members and colleagues should soon be receiving details on the association's 2007 Excellence in Communications Awards Program. To be considered for a 2007 award, five copies of each submission must be received in the national office by July 31, 2007. Please note that the \$100 application fee is waived for NAFSMA members and subscribers.

This year's awards submissions will be reviewed by a panel of five judges during the latter part of August, with final awards to be announced at this year's Annual Meeting in Newport, Rhode Island, which will be held on October 1-4, 2007. Members and nonmember public agencies and private consulting firms are invited to submit applications for the award.

This year's judging panel includes federal officials from the Federal Emergency Management Agency, U.S. Environmental Protection Agency, and the U.S. Army Corps of Engineers, as well as a representative from the private public affairs sector and another from local government. This program is one of NAFSMA's most successful outreach tools and has helped a number of communities shape their outreach and communication efforts. The two categories for submission include improvement of water quality and public awareness of flooding and flood prevention.

Please note that a video will be produced highlighting this year's outreach strategy submissions. Please get those applications ready and don't miss this opportunity to share your outreach campaign with other local agencies throughout the country, as well as with our federal partner agencies!