

Donald J. Trump Elected President and Republicans Maintain Congressional Majority

BY JOHN ANDERSON Vice President at Van Scoyoc Associates and a member of NWC's Board of Directors

On Tuesday, November 8, 2016, voters went to the polls to elect the 45th President of the United States as well as determine which party would control the House and Senate. While a handful of states remained "too close to call," by about 3:00 a.m. it became clear that Donald Trump had amassed enough electoral votes to become the President-Elect. Republicans will maintain control of the House of Representatives,

albeit with a smaller, but still a significant majority. Perhaps most unexpectedly, Republicans will remain in control of the Senate, with at least 51 seats (Louisiana will hold a run-off election on December 10th). The outcome of the election, which stunned most political pundits, is sending reverberations through Washington.

This election was more about who did not show up to vote as opposed to who did. It is interesting to note that neither Trump nor Clinton received as many votes as Mitt Romney did in his losing effort in 2012. The women, Latino, and African-American voters, while supporting Clinton, did not show up in the significant numbers to hand her the Presidency as they had done twice for President Obama. I think it is safe to say that it was the anti-establishment voter that showed up this time and gave the election to Trump. But Washington is an inside game and Trump will have to work with the established politicians to have any success with his agenda. And the establishment leaders in the House and Senate are faced with the reality that their future is tied to the success of the new Administration that campaigned against them.



John Anderson

Presidential Transition

President-Elect Trump's first actions upon assuming that title were to meet with President Obama and later the Republican leadership in Congress. President Obama invited the President-elect to the White House where they met and reportedly had a cordial conversation concerning how to set up a White House staff and how they could work together for a smooth and seamless transition of power. On Capitol Hill, Trump met with House Speaker Paul Ryan and Senate Majority Leader Mitch McConnell and they agreed in general terms to work together to promote a Republican agenda. Seeing everyone getting along so well was a welcome

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and sharp contrast to the unusually harsh tones and personal attacks of the campaign.

In Washington, President-Elect Trump's transition team has kicked into high-gear. They have begun sending small groups into all federal departments and agencies to conduct reviews and prepare briefing materials for new Cabinet Secretaries and senior policy staff. Over the coming days and weeks, President Trump will announce more of his senior White House staff choices and the Transition Team will begin vetting appointees to fill nearly 4,000 political jobs, including Cabinet Secretaries. Expect announcements regarding Cabinet Secretaries to start in early December, if not sooner.

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Elect Trump's policy and legislative affairs teams will begin gaming out which policies and possible Executive Orders to prioritize and how to accomplish their goals during that initial sprint.

Setting a plan for Government spending is a critical early step for the new Administration. As part of the first 100 days, President-Elect Trump will share his economic plan

with Congress and the country. Traditionally, Presidents submit their budgets to Congress on the first Monday in February. In transition years, that usually slips until late February, with a speech to a Joint Session of Congress outlining his economic priorities following shortly after that (think State of the Union). A more detailed budget from President Trump would likely be sent in late April or early May.

Congress

At the same time, our Legislative Branch of government is resetting itself for the 115th Congress. The House and Senate returned and spent their first week (Nov 14-18) mostly in organizational meetings and leadership elections.

Speaker Paul Ryan (R-WI) will return to the Speakership for the 115th Congress, but the vote for Minority Leader was delayed to next week, as Rep. Tim Ryan (OH) will challenge Nancy Pelosi for that post. In the Senate, the Republican-elected leadership will remain intact with Senator Mitch McConnell (R-KY) as the Majority Leader. On the Democratic side, Senator Chuck Schumer (D-NY) will succeed retiring Senator Reid as the Minority Leader.

In both the House and Senate, several committee and subcommittee chairmanships are going to change — either due to retirements, election defeats, or Republican Conference rules limiting the number of years a



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"ELECTION ANALYSIS AND OUTLOOK" FROM PAGE 2

Chairman can serve. In the House, look for Representative Rodney Frelinghuysen (R-NJ) to become chairman of the Appropriations Committee and Senator John Barrasso (R-WY) to take over at the Environment and Public Works Committee. Chairman Bill Shuster (R-PA) is expected to remain on top at the Transportation and Infrastructure Committee.

While it is too soon to tell whether or not Congress will try to address its remaining legislative business in a Lame Duck session of Congress, or wait until President-Elect Trump is sworn in on January 20 and Republicans control both the House and the Senate, a few things are fairly certain.

The Trans-Pacific Partnership (TPP) trade deal, which both Secretary Clinton and President-Elect Trump campaigned against, is likely dead. Supreme Court Justice Nominee Merrick Garland will not receive a confirmation hearing or a vote.

Several other issues remain before Congress, including the FY2017 National Defense Authorization Act (NDAA), the Water Resources Development Act (WRDA), the 21st Century CURES Act, an energy bill, and completion of the FY 2017 Appropriations process. There are two likely scenarios for Congress to deal with these issues, and the outlook will be clearer in the coming days. They can clear the decks by completing as much business as possible in the remaining days of the 114th Congress and free up President

Trump to advance his priorities in the 115th Congress. Or, Congress could punt to the next year where a Republican White House and Congress could address the issues perhaps differently.

In the case of WRDA, the staffs are making progress in resolving the differences between the House and Senate bills. Expect a conference report in December. All parties seem to want to get to the finish line so I believe it will pass on one of the last days of this Lame Duck Session.

Appropriations measures will get done as well as a mixture of year-long Continuing Resolutions for some and an omnibus bill for the rest. While some in Congress may want to hold back and let the new Administration play, I believe the stronger push will be to resolve as much as possible so as to start the new year fresh with the focus on the new President's agenda.

With Republicans controlling the House, Senate, and White House, the trio of Ryan, McConnell, and Trump can advance the conservative agenda in significant ways. But they will have to get along with each other to do that, and they would be wise to bring along some Democrats in the process. They must be careful in the first few months not to overreach and risk what goodwill there is toward the new administration. As they shift away from the tactics of campaigning and toward the tactics of governing, we should see more conciliatory language and actions. If they do

that they have a chance of breaking the gridlock in Washington and receiving the praise of many voters going forward. The election of 2018 will be the first major report card on how the citizens view this

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administration. President-Elect Trump is in an unusual position of having won the election with a less than favorable approval rating. Starting from this low point, he will have just 22 months until the next election to show he can govern and be a unifying figure.

The Republicans will try early to deliver on the campaign promise of more jobs. According to exit polls, 52 percent of voters say the economy was their main concern as they voted. One way to address the economic issues would be to fulfill a campaign promise and propose an infrastructure plan early in the year. Rebuilding and modernizing our transportation and clean water facilities has bipartisan support. If the concerns of fiscal hawks can be managed, an infrastructure program

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NWC'S Annual Meeting Blended History and a Vision for the Future

America was born along the waterways of Virginia. From the first permanent English settlement over 400 years ago, to the world's largest and most advanced naval base, Virginia's deep maritime history has provided a solid foundation on which our country was built. Steeped in history, Norfolk, Virginia, on the Elizabeth River and the Chesapeake Bay, with countless rivers and the Atlantic Ocean nearby, was the setting for NWC's 56th Annual Meeting.

Today, Virginia and its port are leading the way for our nation's future, as "Stewards of Tomorrow"

VIRGINIA IS FOR WATER LOVERS

2016 ANNUAL MEETING
Norfolk, Virginia
September 21-23

in navigation, flood reduction, hurricane response, environmental damage assessment, and beach erosion reduction, along with hydroelectric power generation, water supply studies, ecosystem restoration, and recreational programs. Along with our local hosts, the Port of Virginia and the Virginia Maritime Association, this year's meeting provided an opportunity to showcase Virginia's watershed approach to water resources management.

Leading off the top-flight program of speakers was The Honorable Jo-Ellen Darcy, the nation's longest-serving Assistant Secretary of the Army (Civil Works). Secretary Darcy's keynote address was a fitting bookend to her distinguished tenure, as her first appearance at an NWC annual meeting was in 2009, shortly after she was appointed to the position by President Barack Obama following confirmation by the U.S. Senate.

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is likely the new Administration's best chance to garner both an early win and good will.

It remains to be seen if a President Trump can make the transition from bomb-throwing candidate to unifier and leader of this diverse nation. So far, since the election, he has shown an ability to tone down the rhetoric and present his plans in more moderate terms. He has placed Vice President-Elect Mike Pence in charge of the transition effort. Pence is a seasoned politician with good relations on the Hill and a friend of Speaker Ryan. Also Trump has tapped Republican National

Committee Chairman Reince Priebus to be his White House chief of staff. Priebus is part of the party establishment and another friend of Speaker Ryan. These appointments will help the White House relations with Congress.

Conclusion

While the outcome of the election was probably the most unlikely of any of the possible scenarios, it is also the one that is most likely to avoid the gridlock that has plagued Washington. Unified government, whether controlled by Republicans or Democrats, has led to some of the most consequential legislation

in recent memory, the American Reinvestment and Recovery Act of 2009, the Affordable Care Act, the creation of prescription drug coverage under Medicare Part D, and the Bush tax cuts of 2001.

President-Elect Trump is a Washington outsider, who ran an anti-Washington, anti-gridlock campaign. He was rewarded with the most awesome responsibility to govern our great Nation. Agree or disagree with him politically, he has a unique opportunity to address many of the challenges that were uncovered during the campaign.



"ANNUAL MEETING RECAP" FROM PAGE 4

A panel discussion highlighting the region's leadership as the "Stewards for Tomorrow" was led by U.S. Army Corps of Engineers District Commander, Col. Jason Kelly, who discussed the District's priorities and goals to manage resources and execute projects while fulfilling their obligations as good stewards. Captain Bill Cofer, President of the Virginia Pilots Association, described the importance of dredging the nation's ports and harbors, exacerbated by the challenges presented by the growing necessity of accommodating megaships, depicted with some

nerve-rattling graphics. Brad Pickel, Executive Director of the Atlantic Intracoastal Waterway Association, built on Capt. Cofer's theme, lamenting the underfunding and resulting under-utilization of the Atlantic Intracoastal Waterway. Closing out that panel, Thomas Leahy from the City of Virginia Beach provided perspective on an entirely different water resources challenge — that the largest city in the state did not have an independent or reliable water supply. Frustrated by frequent restrictions and infeasible alternatives, the City developed a

complex pipeline which took 15 years to complete but now provides a reliable water source with reduced groundwater withdrawals from the regional aquifer and reduced land subsidence.

An overview on the Corps of Engineers was provided by Major General Donald E. (Ed) Jackson, Deputy Commanding General for Civil and Emergency Operations, and Eddie Belk, now Chief of the Program Management Division. MG Jackson addressed several issues of

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As Annual Meeting attendees gathered in Norfolk, Governor Terry McAuliffe announced that the Port of Virginia had signed a new, long-term lease for Virginia International Gateway (VIG) that clears the way for the port to begin work on doubling capacity at the deep-water container terminal. "This is an historic event for The Port of Virginia," Gov. McAuliffe said. "This new lease

helps to put the port on the path to long-term sustainability which, in turn, will result in continued job creation, investment, and revenue for the Commonwealth."

The announcement was celebrated during the meeting's keynote luncheon address by Aubrey L. Layne, the Virginia Secretary of Transportation, who was introduced by John F. Reinhart, the port's CEO

and Executive Director. Reinhart described the investments as "positioning the Port of Virginia to become the U.S. East Coast's premiere port: a true gateway to world trade and a catalyst for commerce in Virginia." Layne touted the port's significant investment in resources and time, as well as the collaboration to reach the agreement in support of the long-term benefits to the port and throughout Virginia. Layne further remarked on the conference's theme — Virginia is for Water Lovers — and congratulated NWC for its collaborative approach to water resources advocacy.



Left to right: John G. Milliken, Chairman, Virginia Port Authority Board of Commissioners; John F. Reinhart, CEO and Executive Director, The Port of Virginia; Terry, R. McAuliffe, Governor of Virginia; Aubrey L. Layne Jr., Virginia Secretary of Transportation.



"ANNUAL MEETING RECAP" FROM PAGE 5

importance to NWC's membership, including implementation of WRRDA 14 provisions, concerns about Section 408 implementation, and the status of the pending water supply rulemaking. Belk honed in on infrastructure investment concerns, noting that U.S. investment at only 13percent of gross domestic product (GDP) ranks well below other nations' expenditures at around 18-22 percent. Pivoting to alternative financing mechanisms, he noted the challenges in implementing some options, including the much-discussed P3s and P4s.

A panoply of water resources challenges and opportunities was presented by an equally impressive team of experts. Josh Stuckey, the Chief Administrative Officer for Harris County (TX) Public Infrastructure Coordination, discussed the challenges of assessing risk for communities around the nation, and offered some recommendations for the reauthorization of the National Flood Insurance Program (NFIP) to be taken up by the Congress early in the new year. J.D. Strong, Executive Director of the Oklahoma Water Resources Board, decried the lack of attention to the nation's water supply, critical to agriculture, manufacturing, and safety and security, calling widespread drought a significant national disaster. Mike Steenhoek, Executive Director of the Soy Transportation Coalition, posited that the allocation of funding is as important as how much is allocated. His coalition is working on another study on improving funding for

Annual meeting attendees were treated to a special presentation by Sam A. Williams, author of *The CEO as Urban Statesman, Harnessing the Power of CEOs to Make Cities Thrive*. Williams, one of the leading experts in urban competitiveness, has earned a national reputation for harnessing the power of business leaders to solve tipping point challenges.

Given the complex political, social, and economic issues facing today's metro cities, Williams has created blueprints for numerous public private partnerships and recruited urban statesmen to tap into their experiences to build coalitions to solve these challenges.

Identifying best practices and a call to action, Williams points out the steps to achieve success:

- Identify the tipping point issues that would cause catastrophe or huge opportunity missed
- Identify a respected successful business leader to become Urban Statesman to assemble a cross-sector coalition
- Find sponsoring organizations with public credibility to help research issue and staff coalition
- Hold public hearings transparent to public
- Create community consensus and work with other urban leaders to make our cities thrive

A case in point: Columbus, Georgia. Faced with a declining population, the city needed to rebrand to remain competitive. A local business executive worked for 14 years with the community and government agencies, including the U.S. Army Corps of Engineers, to implement the vision of the Chattahoochee White Water. Today, the longest urban whitewater course in the world runs through downtown Columbus on a stretch of the Chattahoochee River. Columbus State University now has a downtown campus and the area is an Innovation District that draws highly educated young professionals.



waterways infrastructure, to be released early in 2017.

After a delightful cruise along the Elizabeth River aboard the

M/V Spirit of Norfolk, the Friday morning program opened with a presentation by Lawrence Wilkerson,

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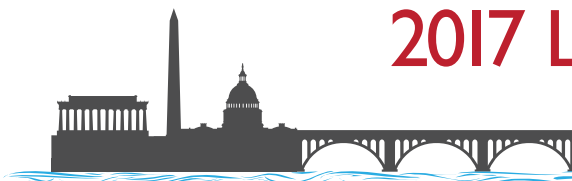
Congrats to NWC's New Officers and Directors Elected at the Annual Meeting

The Officers for the coming year are Chairman of the Board: Jamie McCurry, Georgia Ports Authority; Vice Chairman: Randy Richardson, Port of Memphis; President, Amy Larson, National Waterways Conference, Inc.; First Vice President: Tim Feather, CDM Smith; Vice President: David Yarbrough, Tulsa Port of Catoosa; Secretary and Counsel: Steven Burns, Balch & Bingham, representing Alabama Power, and Treasurer: Cline Jones, Tennessee River Valley Association.

Newly elected to the Executive Committee are David White, Virginia Maritime Association, and Blake Roderick, Pike and Scott County Farm Bureaus. New members of the Board of Directors are, representing Associations, Jimmy Christianson, Associated General Contractors of America; Nicki Fuller, Southwestern Resources Power Association, and Heather Stebbings, Pacific Northwest Waterways Association; representing Corporate members: John Anderson, Van Scoyoc Associates; Jim Sartucci,

K&L Gates, and Rachel Vandenberg, Dewberry; representing Public members: Bryan Day, Little Rock Port Authority; Tom Kula, North Texas Municipal Water District, and Mary Ann Bucci, Port of Pittsburgh Commission.

The complete listing is on our website at <https://waterways.org/about-nwc/leadership/>



2017 LEGISLATIVE SUMMIT March 6-8 in Washington, DC

"ANNUAL MEETING RECAP" FROM PAGE 6

Distinguished Adjunct Professor of Government and Public Policy at The College of William and Mary in Williamsburg, Virginia. Wilkerson, who served in the U.S. Army for 31 years and was the Chief of Staff for Secretary of State Colin Powell, challenged the audience that we must invest in a sustainable, resilient future, necessary of the nation's economic growth, and further, that if we do not deal properly with the threat of climate change, we will not have water left in the future.

He was followed by our Federal partners — past and present — who

discussed agency initiatives as well as challenges and opportunities with a new Congress and new President. Lauren Brand, the Associate Administrator of Intermodal System Development at the Maritime Administration, briefed the audience on Marad's StrongPorts and marine highways programs, while Paul Huang, FEMA's Deputy Assistant Administrator for Insurance, discussed the agency's goals for the 2017 NFIP reauthorization. The program concluded with the sage advice of two experts in water resources policy and advocacy.

Roger Cockrell and Chris Bertram.

Both encouraged the attendees that stakeholders need to stick together and advocate for the big picture, common goals for the nation's water resources infrastructure — a ringing endorsement of NWC's unified and inclusive approach for a "Stewardship of the Whole."

All of the speaker presentations are available on our website at: <https://waterways.org/2016-annual-meeting-norfolk/>



Welcome New Members!

RANKIN-HINDS PEARL RIVER
FLOOD AND DRAINAGE
CONTROL DISTRICT
"Protecting Rankin and Hinds Counties"

**Rankin-Hinds Pearl River Flood
and Drainage Control District**
Jackson, MS | Keith Turner



**Savannah Area
Chamber of
Commerce**
Savannah, GA
Bill Hubbard



Illinois Soybean Association
Elmhurst, IL | Scott Sigman



**Texas Department of
Transportation**
Austin, TX | Dan Harmon



Port Freeport
Freeport, TX | Phyllis Saathoff



**Savannah Economic
Development Authority**
Savannah, GA | Trip Tollison



Atlanta Regional Commission
Atlanta, GA | Katherine Zitsch



Crosby Dredging LLC
Galliano, LA | Allison DeRoche



HURT, NORTON & ASSOCIATES, INC.
WASHINGTON, DC

Hurt, Norton & Associates
Washington, DC | Bob Hurt



Business matters.

**Arkansas State Chamber of
Commerce / AIA**
Little Rock, AR | Randy Zook

United Soybean Board Video Highlights Urgent Investment Needs

A 10-minute documentary produced by the United Soybean Board featuring the U.S. Army Corps of Engineers describes the vital importance of investing in U.S. infrastructure. According to USB, the U.S. transportation system provides a competitive advantage to U.S. soy in the global marketplace, but our infrastructure requires investment to maintain this advantage. Of the modes of transportation, the locks and dams along U.S. inland waterways are most in need of repairs and improvements. Many of the locks and dams were designed nearly a century ago and built to last 50 years. Learn about one lock and dam in critical condition — the LaGrange Lock & Dam, located on the Illinois River — in this video: <http://unitedsoybean.org/topics/transportation/>



Future of WOTUS Rule Murky

The Administration's contentious rule expanding jurisdiction of the Clean Water Act took a double whammy this month. Just days before the election, a group of 88 lawmakers — 21 senators and 67 House members — filed a brief in the 6th Circuit Court of Appeals, asserting that the Waters of the U.S. rule, known as WOTUS, goes beyond the scope of authority established by the Congress limited to navigable waters, and instead seeks to regulate water flows and wildlife habitat. The brief urges the court to vacate the rule, which remains stalled as the litigation plays out. At this point, the deadline to file final briefs is March 29, 2017, with oral argument to be scheduled soon after. In the meantime, President-elect Trump and GOP leaders in both the House and Senate have vowed to repeal the rule, possibly throwing that process into disarray.

On a related matter, the Corps has issued a regulatory guidance letter to its districts when determining when to issue different types of jurisdictional determinations, which serve as a basis for whether permits under the Clean Water Act or the Rivers and Harbors Act are required. The letter was in response to a unanimous decision by the U.S. Supreme Court, in *Army Corps of*

Industry Events

December 8

The Hill Country Water Summit

New Braunfels, TX

www.guadalupebasincoalition.org

December 8-10

Mississippi Valley Flood Control Association

New Orleans, LA

www.mvfca.org

December 13

Inland Waterways Users Board

Linthicum Heights, MD

www.gpo.gov

March 20-22

Waterways Council, Inc.

Washington, DC

www.waterwayscouncil.org

April 25-27

American Waterways Operators

Washington, DC

www.americanwaterways.com

June 7-9

Warrior Tombigbee Waterway Association

Birmingham, AL

www.warriortombigbee.com

2017 Events

February 11

Missouri Levee & Drainage District Association

Columbia, MO

www.mldd.org

March 12-16

Pacific Northwest Waterways Association

Washington, DC

www.pnwa.net

Upcoming NWC Events

March 6-8, 2017

Legislative Summit

Washington, DC

September 26-28, 2017

Annual Meeting

St. Louis, MO

Engineers v. Hawkes Co., Inc., which held that such determinations are subject to court challenge.

The guidance letter can be viewed here: <http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/>





NWC Submits Comments to FEMA on Flood Standard

NWC joined with the Floodplain Alliance for Insurance Reform (FAIR) and the Edison Electric Institute (EEI) to submit comments to FEMA in response to its notice of proposed rulemaking to amend its regulations on Floodplain Management and

Protection of Wetlands at 44 CFR Part 9 to implement the Federal Flood Risk Management Standard (FFRMS).

As background, Executive Order (EO) 13690 was issued by President Obama on January 30, 2015, to amend the 1977 EO 11988 issued by

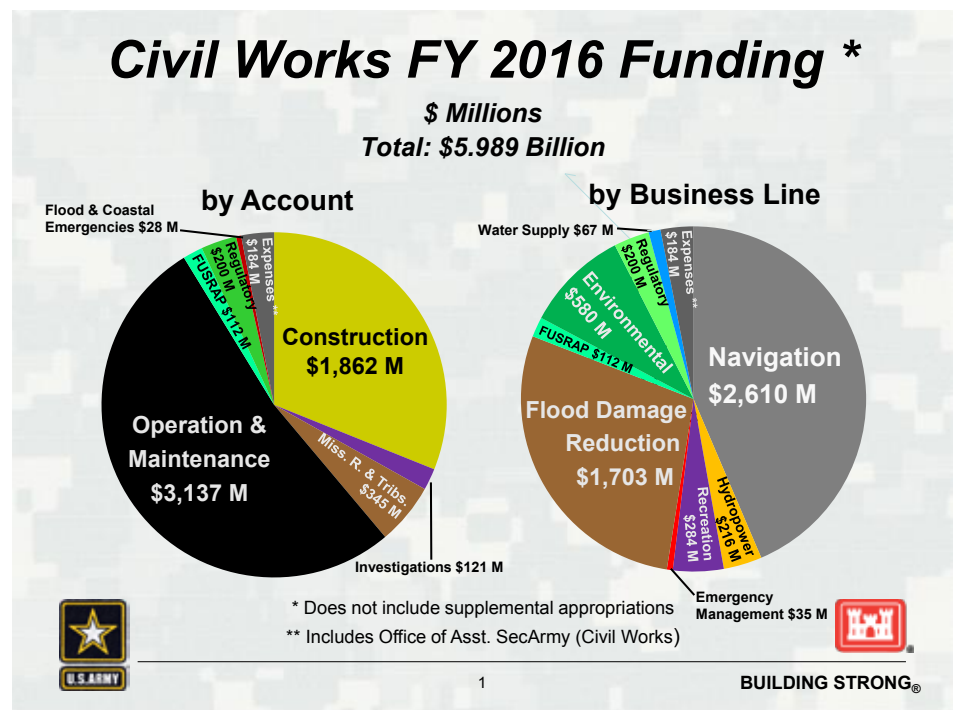
President Carter. EO 13690 requires federal agencies to update their policies related to federal actions in floodplains. It also established the FFRMS and a new floodplain definition for determining the new increased vertical flood elevation

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Appropriations Outlook

Among the remaining items to be taken up by the 114th Congress are the FY17 appropriations bills. It is unclear at this time whether there will be an omnibus combining all bills, a series of minibus packages, or a continuing resolution deferring this decision to the 115th Congress.

In terms of funding for the Corps' civil works program, both the House and Senate energy and water appropriations committees passed robust funding levels, \$6 billion in the Senate and \$6.1 billion in the House, about \$11 million higher than the current year's amount and more than \$1.3 billion over the President's budget request. The Senate adopted its measure, funding the Construction account at \$1.8 billion, Operation and Maintenance at \$3.17 billion, Investigations at \$126.5 million, Regulatory at \$200 million, and \$368 million for the Mississippi River and Tributaries project. The House Appropriations Committee



approved similar funding levels with Construction at \$1.945 billion, Operation and Maintenance at \$3.157 billion, Investigations at \$120 million, Regulatory at \$200 million, and \$345 million for the Mississippi River and Tributaries project.

The Corps' FY16 chart (above) shows the business line breakdown of those amounts, providing a good gauge for the FY17 expectations.



"COMMENTS TO FEMA RE FLOOD STANDARD" FROM PAGE 10

and corresponding, expanded horizontal floodplain for proposed federally funded projects. EO 13690 sets forth four new approaches for federal agencies to use in establishing the "FFRMS floodplain." These four approaches replace the preexisting 100-year base flood elevation (BFE) standard, with one or more of the following elevation and flood hazard area determination approaches:

- (1) Climate-informed Science (CISA) that "uses the best-available, actionable hydrologic and hydraulic data and methods that integrate current and future changes in flooding based on climate science,"*
- (2) Freeboard Value (FVA) that is reached "by adding an additional 2 feet to the base flood elevation for non-critical actions and by adding an additional 3 feet to the base flood elevation for critical actions,"*
- (3) 0.2 Percent Annual Chance Flood (0.2PFA) that is "the area subject to flooding by the 0.2 percent annual chance flood," and*
- (4) "an elevation and flood hazard area using any other method identified in an update to the FFRMS."*

As noted in our comments submitted on May 5, 2015, in response to the February 5, 2015, notice by FEMA seeking comments on the proposed "Revised Guidelines for Implementing Executive Order

11988, Floodplain Management," it would be entirely appropriate, and good policy, to examine the 100-year BFE to ascertain whether that standard continues to provide the level of safety and protection that is needed to maximize cost-effective flood protection for communities and federal assets. We further

noted that if it is determined, after a careful review, that the 100-year BFE standard does not now, nor will it in the future, provide cost-effective protection levels, then the determination of a new standard ought to include an open and transparent dialogue with state

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Congratulations to the Honorable Robert K. Dawson, recipient of the 2016 Gold de Fleury Award

Only one gold medal is awarded each year to an individual who exemplifies boldness, courage, and commitment to a strong national defense. Bob Dawson, through his service to the nation, including as the Assistance Secretary of the Army for Civil Works, personifies those qualities.



Photo: Lt. Gen. Todd Semonite, Commanding General of the Army Corps of Engineers, and Command Sergeant Major Antonio Jones presenting the 2016 Gold de Fleury to Bob Dawson



"COMMENTS TO FEMA RE FLOOD STANDARD" FROM PAGE 11

and local officials and all impacted stakeholders.

However, critical features of the FFRMS were established behind closed doors with no public input. The decision to seek comment only on implementation of the FFRMS was simply an after-the-fact exercise with no opportunity for the public to weigh in on the underlying regulatory approaches. No actionable scientific information or practicable engineering approaches have been provided to explain the process for selection of the increased vertical elevations and corresponding, expanded horizontal floodplain alternatives, nor has there been any comprehensive cost-benefit analyses to inform the public or quantify FFRMS effects on flood hazard reduction and floodplains and the distribution across stakeholders of costs and benefits in the near and long term.

Those deficiencies are not overcome in FEMA's notice of proposed rulemaking. Rather, given the proposed rule's far-reaching outcomes for a diverse mix of water resources, transportation, and energy infrastructure needs across the United States, there are significant concerns about implementation-related compliance costs, regulatory precedent, regulatory uncertainty and conflict, reporting requirements, and project delivery delays.

The joint FAIR-NWC-EEL comments describe in detail specific concerns with the proposal's scope and applicability. Just a few of those concerns are addressed here. Critically, the final guidelines to implement EO 13690 and the FFRMS purportedly make a distinction between federal agency actions and proposed federally funded projects, wherein federally funded projects

This is a profound failure given the sweeping applicability to newly increased numbers of Federal, state, local, and some wholly non-federal actions.



— where Federal funds are used for new construction, substantial improvement, or to address substantial damage to structures and facilities — would be subject to the FFRMS, but actions that are not federally funded projects would continue to use the 100-year standard. However, the proposed rule disregards this distinction, using the terms interchangeably, causing ambiguity, confusion, and uncertainty.

In addition, the proposed rule tosses aside the long-standing and pragmatic approach of evaluating alternatives that are practicable — that is, those that are achievable, feasible and possible. In stark contrast, this new requirement to use nature based solutions whenever possible sets up an unworkable construct, not guided by relevant factors such as cost, environment, and technology. The logical effect would be to cease any needed development.



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Corps Chief Visits Savannah

Lieutenant General Todd Semonite, U.S. Army Corps of Engineers Commanding General and Chief of Engineers, visits the Georgia Ports Authority's Savannah Harbor Expansion Project with NWC Chairman Jamie McCurry.

Front row: USACE South Atlantic Division Director of Programs Al Lee; GPA Chairman of the Board Jimmy Allgood; Lt. Gen. Semonite; GPA Executive Director Griffin Lynch.

Back row: Brigadier General David Turner, USACE South Atlantic Division Commander; GPA Navigation Manager Hope Moorner; GPA Chief Operating Officer Ed McCarthy; Col. Marvin Griffin, Savannah District Commander; and Jamie McCurry.



"COMMENTS TO FEMARE FLOOD STANDARD" FROM PAGE 12

Finally, the proposed rule, along with EO 13690, the FFRMS and the Implementing Guidelines, were promulgated without comprehensive cost-benefit analysis. This is a profound failure given the sweeping applicability to newly increased numbers of Federal, state, local, and some wholly non-federal actions.

The full text of our comments, along with additional background information, can be viewed on our website at www.waterways.org.

