

Warwick Group CONSULTANTS



Water Resources Policy, Public Finance & Advocacy

Topsail Island Shoreline Protection Commission, NC

Monthly Update · May 28, 2015

Shore Protection Projects

The Senate Appropriations Committee has approved a funding bill for the Corps that provides slightly less funding than the bill approved last month by the House. While the House measure allowed no new starts, the Senate Committee's version allows 10 new study starts and six new construction starts for FY16. However, four of the six new construction starts will include the four proposed projects in the administration's budget request. If this number of new starts is not expanded before a final Corps funding bill passes, it is unlikely the remaining two new construction starts will include shore protection projects. In addition, the Senate bill includes no pot of money for shore protection construction projects. Fortunately, the House version contains \$45 million for this purpose. Warwick Group is working with key coastal members of the House and Senate Appropriations Committees to garner support for a pot of shore protection project money that is at least \$45 million and to increase the number of new starts above the six provided in the Senate committee version of the funding bill.

The bill will next move to the Senate floor for amendments and a vote. However, we do not expect this to occur for several weeks.

Coastal Barrier Resources Act – Town of North Topsail Beach

Warwick Group Consultants continues to actively advocate for the Town of North Topsail Beach's removal from the Coastal Barrier Resources System Unit L06. This month, Warwick Group met with staff on the Senate Environment and Public Works' Fisheries, Water, and Wildlife Subcommittee to discuss a potential hearing for a bill to correct the boundaries of the John H. Chafee Coastal Barrier Resources System Unit L06. The staff indicated the committee would be interested in receiving a request from Senator Tillis' office to hold a hearing on the issue. This was communicated to Senator Tillis' office, and Warwick Group is waiting to hear whether or not the Senator will request a hearing be held. We have advised his office that, until there are other CBRS bills introduced in the Senate, a hearing request would likely be premature.

Additionally, Warwick Group has recommended that the Town of North Topsail Beach consider legal action against U.S. Fish and Wildlife Services (USFWS) regarding its designation under

CBRS Unit L06. Warwick Group also provided the Town with the name of an environmental lawyer practicing in North Carolina as a resource.

Permitting Challenge – Town of North Topsail Beach

Warwick Group Consultants collaborated with the Town of North Topsail Beach, Congressman Jones' office, and Senator Tillis' office to encourage the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) to expedite the review and consultation of the Town's biological opinion. Warwick Group was pleased to learn that NMFS and FWS granted North Topsail's request for an extension through June 30th. We would like to commend the efforts of Senator Tillis and Representative Jones' offices in helping this matter receive full and expedited attention from NMFS.

Surface Transportation Reauthorization

Lawmakers have turned to a short-term patch to the Highway Trust Fund by approving a two-month extension of current funding. House GOP leaders had previously wanted to extend the funding through the end of the year, but were unable to find the \$10 billion necessary for a bill lasting through that timeframe. Just before adjourning for a Memorial Day recess period, Congress approved the short-term fix in the hope that they can reach agreement on a long-term solution by the end of July.

The failure stems from the lack of revenue generated through the gas tax. The Transportation Department's Highway Trust Fund takes revenue from the 18.4-cents-per-gallon gas tax, but the fuel levy has been weakened by improvements in car fuel efficiency.

The federal government typically spends about \$50 billion per year on transportation projects, but the gas tax only brings in \$34 billion annually at its current rate. Transportation supporters have pushed for an increase in the gas tax, which has not been raised since 1993.

Democratic Sens. Tom Carper (Del.) and Barbara Boxer (Calif.) rolled out a two-month extension for the trust fund last week. Senate Majority Leader Mitch McConnell (R-Ky.) placed it on the Senate calendar before adjourning May.14th, which would allow a vote this week before the full Senate.

Democrats have said they prefer a shorter extension that lasts just until the end of the summer because Obama administration officials have said the Department of Transportation already has enough money to cover two months' worth of extra infrastructure spending left in its Highway Trust Fund.

Rep. Paul Ryan (R-Wisc.), Chairman of the House Ways and Means Committee, said earlier this month that he was looking for about \$10 billion to cover a patch that would last until the end of year. Beyond that, the Congressional Budget Office has estimated that it will take about \$100 billion to pay for a six-year transportation bill that is being sought by infrastructure advocates.

Waters of the United States

The Environmental Protection Agency (EPA) finalized its [Waters of the United States](#) (WotUS) rule on Wednesday, May 27th. The rule is meant to clarify what waterways are subject to federal regulations under the Clean Water Act.

The [final rule](#) brings the following waters under the jurisdiction of the EPA:

- All tributaries to the nation’s traditional navigable waters, interstate waters, territorial seas, or impoundments of these waters
 - The final rule provides for individual assessment of adjacency for wetlands and open waters without beds, banks, and high water marks
- Waters, including wetlands that are “adjacent” to traditional navigable waters, interstate waters, territorial seas, jurisdictional tributaries, or impoundments of these waters.
 - The final rule clarifies that adjacent waters includes waters adjacent to jurisdictional waters within a minimum of 100 feet and within the 100-year flood plain to a maximum of 1,500 feet of the ordinary high water mark.
- Some waters (fewer than under current practice) would remain subject to a case-specific evaluation
 - The final rule clarifies that isolate or “other waters” includes waters with a significant nexus within the 100-year floodplain of a traditional navigable water, interstate water, or the territorial seas, as well as waters with a significant nexus within 4,000 feet of jurisdictional water.
 - Also includes specific waters: Prairie potholes, Carolina & Delmarva bays, pocosins, western vernal pools in California and Texas coastal prairie wetlands when they have a significant nexus.

[According to the EPA](#), only about 3% more acreage of wetlands and stream miles would come under Clean Water Act jurisdiction. Environmental groups, such as the Sierra Club, the National Wildlife Federation, and the National Resources Defense Council have applauded the effort, arguing it will help protect the country’s water systems and supply. Other organizations have come out in support of the measure, including the National Farmers Union and the American Sustainable Business Council.

Conversely, there are many organizations and members of Congress who see the rule as a major overreach by the EPA and federal government. House Speaker John Boehner released a [statement](#) claiming the rule would “unilaterally expand federal authority,” and characterized it as a “tyrannical power grab that will crush jobs.” Nonpartisan groups have also come out against the EPA’s move, including the National Association of Counties and the American Farm Bureau Federation.

The House passed the [Regulatory Integrity Protection Act of 2015](#) on May 12th, which would require the EPA to withdraw its WotUS rule and restart the rule making process. A bipartisan coalition of Senators introduced a bill in April that would require the EPA to rewrite the rule. The House bill will now move to the Senate for a vote, though one has not been scheduled yet. Legal action from a variety of groups is highly likely now that the rule is finalized.

Grants

NOAA Regional Coastal Resilience Grant Program

The National Oceanic and Atmospheric Administration (NOAA) is committed to helping coastal communities prepare for, and recover from, increasing risk from extreme weather events, climate hazards, and changing ocean conditions. NOAA's National Ocean Service is providing up to \$5 million in competitive grant awards through the [Regional Coastal Resilience Grant Program](#). NOAA's National Marine Fisheries Service is administering up to \$4 million in competitive grant awards through the [Coastal Ecosystem Resiliency Grant Program](#).

The Regional Coastal Resilience Grant program will support regional approaches to undertake activities that build resilience of coastal regions, communities, and economic sectors to the negative impacts from extreme weather events, climate hazards, and changing ocean conditions. It will support planning or implementing actions that mitigate the impacts of environmental drivers on overall resilience, including economic and environmental resilience. Funded projects will result in improved information for decision makers and actions that reduce risk, accelerate recovery, and promote adaptation to changing social, economic, and environmental conditions.

Proposals are due by July 24, 2015.

Eligible applicants include nonprofit organizations, institutions of higher education, regional organizations, private (for profit) entities, and local, state, and tribal governments.

Award amounts will range from \$500,000 to \$1 million for projects lasting up to 36 months. Cost sharing through cash or in-kind matches is expected.

Applicants must conduct projects benefiting coastal communities in one or more of the 35 U.S. coastal states or territories. This program requires cost-sharing at a 2:1 ratio of federal and non-federal funding. For example for a project requesting \$500,000 in federal funding, the award recipient would need to provide \$250,000 in non-federal matching contributions.

The application form for this grant can be downloaded [here](#).

For additional information regarding this grant and the application process click on these links:

[Application Instructions](#)

[Application Checklist](#)