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HOW CONGRESS CAN AVOID A GOVERNMENT SHUTDOWN

House and Senate leaders have agreed on an overall spending number, with the House Speaker getting more military spending and Democrats getting more domestic spending. Ironically, the agreement is in line with the overall spending agreement that President Biden achieved months ago with now ex-Speaker and ex-Representative Kevin McCarthy. A small group of House Republicans won't buy the deal, so that will force the current Speaker, Mike Johnson, to rely on Democrats to get the 12 appropriations bills passed Congress. But wait... isn't that what got McCarthy kicked out from being Speaker? Surely did, so time will tell if that small group goes after Johnson.

The leaders' agreement is on what's called a "topline" spending number. Like in a marriage, when the spouses agree not to spend no more than \$50,000 this year on everything including groceries, but then they must decide how much to spend on those groceries, school supplies, gas for their non-EV car, etc. The first deadline comes on January 19th when four appropriations bills are supposed to be passed with the second tranche of eight bills (including NOAA, EPA, FWS, USGS, etc.) coming two weeks later. However, as we write, it appears there will be a new Continuing Resolution until March 1st and March 8th. What's most worrisome is the talk from some in the House that they want a year-long Continuing Resolution.

P.S. – Threatened shutdowns cost taxpayers money even when they don't happen. As we write, agencies are forced to go through plans for shutdown which include deciding who is an essential worker (i.e., someone who would have to come in even during a shutdown.) Like everything at the federal level, there's a rule book for how to prepare and what needs to be done. Time is money, and this is time spent on doing work that takes away from working for you and me.

P.P.S. – Under a little-known provision of law agreed to last year, if Congress doesn't agree on a budget for a full year by May 1st, every agency gets a 1% haircut in whatever temporary funding measure is in place.

WRDA ON THE MOVE

Both the House and Senate committees handling the Water Resources Development Act of 2024 have solicited requests from Members of Congress [Note; The House side still has until Jan 26th to submit requests; the Senate side solicited WRDA requests last year]. Staff will sift the requests and put together the House and Senate versions of the measure. Look for action to start by March with a final bill hopefully coming before Election Day in November. *WRDA 2024 will not be delayed because of the continued delays over a final appropriations budget.*

BIPARTISAN BILL INTRODUCED TO PROTECT COASTAL ECOSYSTEMS

The coast as a force for bipartisanship continues with the introduction of HR 6841 by Representatives Mike Levin (D-CA), Brian Mast (R-FL), Suzanne Bonamici (D-OR) and Jen Kiggans (R-VA). The measure is designed to “strengthen federal efforts to protect coastal and estuary habitats through the reauthorization and revitalization of the Coastal and Estuarine Land Conservation Program (CELP).” The bill also requires NOAA to designate five new National Estuarine Research Reserves in the next five years. The bill is known as the Resilient Coasts and Estuaries Act and is endorsed by the Coastal States Organization. Among other provisions, the measure would allow state and local governments as well as nonprofits to purchase threatened coastal and estuarine lands that have ecological or conservation value.

WHY AREN'T PEOPLE AVOIDING HIGH-RISK AREAS?:

A [paper](#) issued last month by Resources for the Future reported that “many risky areas continue to see strong development” and that adaptation to achieve resilience “has been limited.” Another report, also released last month, highlighted the “continued challenges” of raising consumer awareness of risks. The latter [report](#), released by FannieMae, was a 2023 refresh of its 2020 national flood study of homeowners and renters in the U.S., seeking to understand people’s awareness of risks and their attitudes toward changing their behavior in response to flood dangers. The Resources for the Future paper focuses on the impact of buyout and acquisition programs for regions hard hit by flooding, with acquisitions typically allowing the property to be redeveloped while buyouts remove the property from development permanently. Both approaches affect the availability and value of a community’s housing stock.

CRYSTAL BALL SHOWS A METEOR SHOWER OF REGULATIONS IN 2024

New rules to protect the climate are likely to be plentiful this year. It’s an election year for both Congress and the President. With continued control of the White House and Senate by Democrats looking tenuous, the Biden administration wants to get as much of its regulatory agenda in place before the end of the year. On top of that, the Congressional Review Act would enable the next Congress to review any Biden-era rule that was not adopted prior to November 3, 2024.

THIS SENATOR WANTS YOUR THOUGHTS ON OFFSHORE WIND

Senator Sheldon Whitehouse (D-RI) has put together an 82-page discussion draft of a [bill](#) (dubbed COLLABORATE) that seeks to speed up the permitting and construction of offshore wind farms. Whitehouse wants [public input](#) before he introduces the bill. Among its provisions, the proposal would create a White House Director of Offshore Wind to “improve permitting, coordination, and cooperation between agencies and with developers and stakeholders.” (Ed. Note: We didn’t see any reference to local governments in the draft bill.) The proposal comes at a time when the ocean winds have been rough for offshore wind. Orsted, the biggest developer in the efforts to establish a U.S. foothold for offshore wind, cancelled two large projects in New Jersey and just lost its partner (Eversource) in three New York projects that were already insisting they couldn’t go forward unless the state allowed them to charge consumers higher prices. It appears that the Senator from the nation’s state with the most (6) offshore wind turbines wants to fast track implementation while downplaying the practical economic, environmental, social, and political realities facing the offshore wind industry.

FLOOD MAP CHANGES RECOMMENDED TO FEMA

The Technical Mapping Advisory Council (TMAC) has recommended that FEMA make six changes to its flood mapping regime that it says will reduce the number of uninsured losses and improve transparency about the potential impacts of climate change on proposed development. Among the recommendations is a change in the definition of Special Flood Hazard Area which FEMA has historically called a “floodplain” or a “flood-prone-area” but TMAC recommends applying the term to areas that currently require flood insurance for mortgages made by federally regulated lending institutions. This is a controversial recommendation since some communities want to develop in what is now termed floodplain and may not want new homeowners to be required to buy flood insurance. Others want that risk to be communicated so there is less development in high-risk areas. Among its other recommendations, TMAC would prohibit the use of fill as a floodproofing technique.

MODERNIZING FEDERAL COST-BENEFIT ANALYSES

The Administration Seeks to Strengthen cost-benefit analyses that EPA, the Corps, and other agencies use as part of an effort to “modernize their analytical approaches. At issue is the problem of finding ways to improve the monetization or quantification of benefits so they are all captured in the development of federal policies and projects. One source tells us this effort will not have much impact on Corps coastal projects, but we can hope that more of the difficult-to-quantify benefits and social effects of proposed water resources projects will be able to be captured and factored into federal projects. For more information, click [here](#).

CORPS IMPLEMENTS WRDA22 PROVISION ON RESPONSE TO NATURAL DISASTERS

Issuance has been slow for Corps Guidance for several provisions in WRDA22 with the holdup being in the Assistant Secretary's office. However, implementation guidance for Section 8102(a) of WRDA22 is out dealing with the level of repair the Corps can provide following natural disasters. In general, post-disaster P.L. 84-99 rehabilitation assistance is generally to the design template but can be "to a level sufficient to meet the authorized purpose of a coastal storm risk management (CSR) project. "Restoration to a greater level may be necessary to ensure adequate functioning of the project based on project-specific conditions." We suggest that beach managers read [this guidance](#) carefully.

STATUS OF COASTAL BILLS IN CONGRESS

A dozen House bills are currently awaiting action on the House floor, or they've passed the House and are awaiting Senate action. Half that number of Senate bills have had action. Two bills caught our attention recently, both seek to require the federal government to adopt a national adaptation and resilience strategy. One is sponsored by [Rep. Maria Salazar](#) (R-FL), HR 6311, and the other by [Sen. Chris Coons](#) (D-DE), S. 3261. Both bills have bipartisan cosponsorship and deserve your attention since a national policy that will help states and local governments adapt to rising seas, storms wildfires, and flooding is badly needed. Copies of both bills are available at congress.gov. The House Natural Resources Committee is [meeting](#) on January 17th to debate approval of HR 2950, the Coastal Habitat Conservation Act. It's one of over 180 bills in Congress, and you can find their status [here](#).

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