WATER RESOURCES ISSUES AND PRIORITIES

KENTUCKY FARM BUREAU 5 DEC 2018

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ESTRESSED CON

U.S.ARMY

File Name

CIVIL WORKS DIVISIONS AND DISTRICTS

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LOUISVILLE DISTRICT OVERVIEW

- Established in 1886, the Louisville District employs approximately 1,200 people in the fivestate area of Illinois, Indiana, Kentucky, Michigan and Ohio out of 60 field offices. The district has military, environmental and civil works missions.
- ➤ Geographic Area:
 - Civil works: 76,000 sq. miles in Illinois, Indiana, Kentucky, Ohio, small area in Tennessee
 - Military: 306,000 sq. miles in Illinois, Indiana, Kentucky, Michigan, Ohio
- Military Mission:
 - 12 Army Installations
 - 5 Air Force Installations
 - Worldwide support to Army and Air Force Reserve Centers Installations Served: Fort Knox, Ky.; Fort Campbell, Ky.; Wright-Patterson AFB, Ohio; Scott AFB, III.: Rock Island Arsenal, IL; Detroit Arsenal, MI
- Environmental Mission:
 - Cleanup of DoD site contamination to preserve health and safety, and environment
- Civil Works Mission:
 - 20 flood reduction and recreation reservoirs
 - 8 locks and dams on the Ohio River
 - 2 locks and dams on the Green River







CIVIL WORKS BOUNDARY





CIVIL WORKS BUSINESS LINES

- Navigation
- Flood and Storm Risk Management
- Aquatic Ecosystem Restoration
- Watershed Planning
- Emergency Management
- Regulatory Program
- Hydropower
- Recreation
- Water Supply





IT TAKES TWO TO TANGO

Authorization

- Permission for study, program, and project
- Water Resources Development Act (WRDA)
- Committee Resolution

Appropriation

- Approval to obligate and expend funds for an authorized study, program, or project
- Annual energy and Water Development Appropriation Bill (EWDA)







WATER RESOURCES ISSUES/PRIORITIES

Flood Risk Management

- 2018 Bipartisan Budget Act
- Natural Disaster Response

Infrastructure

- Inland Waterways
- Ports and Harbors
- Fix as fails?

Divestiture/Asset Management

- Deauthorize unconstructed projects
- Dispose of unnecessary real estate
- Climate Change
- Interagency and International Support
 - VA Construction
- Risk Management





KEY RISK CONCEPTS

- Risk analysis is the integration of risk assessment, risk management, and risk communication
- Risk Assessment characterizes risk and uncertainty
 - Risk = Probability x Consequences
 - Qualitative
 - Quantitative
- Risk management is decision making under uncertainty that depends on science and stakeholder values
- Risk communication
 - Risk analysis is dependent on effective communications
 - Public risk communication is situational





WATER RESOURCES **OPPORTUNITIES**

- Water Infrastructure Finance and Innovation Act (WIFIA)
 - Provision in WRRDA 2014 authorizing \$12.3 billion aimed at critical water and wastewater infrastructure projects
 - Government-sponsored financing at below-market cost of capital

WRRDA 2014 Sec. 7001

- Opportunity for stakeholders to identify studies or projects that relate to USACE primary mission but have not been authorized
- Next round Submission by August 2019 www.wrrda7001proposals

Regulatory

- Seek input/jurisdictional determination early in process
- Numerous exemptions for agricultural lands
- Planning Assistance to States
 - Can be used to provide technical or planning assistance on just about ANYTHING
- Continuing Authorities Program





OTHER CORPS PROGRAMS

 Planning Assistance to States (Section 22)
Can be used to provide technical or planning assistance on just about ANYTHING



- Flood Plain Management Services Program
- Emergency Management (PL 84-99)
- Environmental Infrastructure (Section 219 & 531)





CONTINUING AUTHORITIES OVERVIEW

Authority	Description	Per Project Cost Limit (\$M)	Per Program Cost Limit (\$M)
Section 14	Emergency Streambank Stabilization	5	20
Section 107	Navigation	10	50
Section 205	Flood Risk Management	10	55
Section 208	Flood Snagging/Clearing	0.5	7.5
Section 206	Aquatic Ecosystem Restoration	10	40
Section 1135	Ecosystem Restoration	10	25





FOR FURTHER INFORMATION

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BACKUP SLIDES





CORPS' REGULATORY AUTHORITY





REGULATORY EARLY COORDINATION

- Contact the Corps/KDOW before working in a waterway
- Minimize impact to waterways
- Understand the one-step removal process
- Learn about Environmental Infrastructure programs in east KY
- Partner with local/state/federal communities/agencies on erosion and ecosystem restoration projects
- Don't assume the answer from an agency will be "No"





CORPS' REGULATORY AUTHORITY

Section 10 of the Rivers and Harbors Act 1899:

Placement of any structure or work in, under, over a Traditionally Navigable Water (TNW)

Section 404 of the Clean Water Act

- Discharge of dredged or fill material ... effect of replacing wous with dry land or changing the bottom elevation
- Into "Waters of the U.S."









CORPS' AUTHORIZATIONS & FARMING

No Discharge:

No authorization required

Exemptions (discharges not requiring permits)

- <u>Normal Farming</u> (plowing, seeding, cultivating, minor drainage, harvesting)
- Part of an <u>established</u> (e.g. "on-going") farming operation (conventional rotation is "on-going)
- Examples: farm roads, stock ponds, maintenance of structures

Authorizations:

- Nationwide Permits (NWPs)
- Regional General Permits (RGPs)
- Individual Standard Permits (IPs)







CORPS' AUTHORIZATIONS & FARMING Expedited Authorizations (<60 days)

NWP 40 "Agricultural Activities"

• building pads, tiles, ditches, levees, land leveling, ponds, etc.

NWP 13 "Bank Stabilization"

• 500 LF of stream bank

NWP 14 "Linear Transportation Projects"

Roads

NWP 18 "Minor Discharges"

Small (<0.1 acre) discharges





CORPS' REGULATORY AUTHORITY

Waters of the U.S. Rule (WOUS):

- **28 Feb 2017**: Executive Order 13778, Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the WOUS Rule.
- **27 July 2017**: Proposed Rule to Initiate 2-step process, Step 1- Rescind WOUS and return to previous regulations.
- Jan 22, 2018: Supreme Court Decision: WOUS litigation will resume.
- Jan 31, 2018: USEPA/USACE: "Date of applicability" <u>Status quo</u>: 1986 regulations, 2003 SWANCC and 2008 Rapanos Guidances remain in effect *nationwide* during rulemaking.
- August 16, 2018. District of South Carolina entered an order and judgment enjoining the "applicability rule". WOUS in effect in 26 states, including IL. Remaining 24 states, the WOUS has been enjoined; therefore, in <u>KY and IN</u>, <u>Status</u> <u>quo</u>: 1986 regulations, 2003 SWANCC and 2008 Rapanos Guidances remain in effect.
- Louisville District implements both WOUS and 1986, 2003 and 2008 regulations.







KENTUCKY SILVER JACKETS

• Numerous Agencies







CLIMATE CHANGE OHIO RIVER BASIN

Institute for Water Resources–Responses to Climate Change Program Ohio River Basin Pilot Study

CWTS report 2017 -01, May 2017

OHIO RIVER BASIN–

Formulating Climate Change Mitigation/Adaptation Strategies through Regional Collaboration with the ORB Alliance

U.S. Army Corps of Engineers and Ohio River Basin Alliance







WHY RISK MANAGEMENT

- OMB Director Memo, July 15, 2016. SUBJECT: OMB Circular No. A-123, Management's Responsibility for Enterprise Risk Management and Internal Control.
- Greater focus on completing USACE studies and construction projects faster and cheaper
- Recognition that level of detail is commensurate with complexity of the project





KEY RISK CONCEPTS

- Risk = Probability x Consequence
 - Mathematical model to quantify and assess risks.
 - Pure Risk risk of loss, for example, loss of life, health, safety, habitat. Applicable to anything that can go wrong
 - Opportunity Risk risks of unrealized gains, speculative risk, potential for a positive consequence
- Uncertainty
 - Lack of awareness, knowledge, data or evidence about circumstances relevant to a hazard or decision problem
 - Knowledge Uncertainty knowable facts that we, for any reason at all, may not know; and
 - Natural Variation Uncertainty that stems from inherent randomness or unpredictability in the natural world.





RISK MANAGEMENT

• Avoid

- Consider when probability and consequences are high
- Prevent risk from occurring
- Redesign project
- Accept
 - Consider when probability and consequences are low
- Transfer
 - Consider when probability and consequences are moderate
 - Assign risk to third party
- Mitigate
 - Consider when probability and consequences are moderate
 - Added Contingency





ORGANIZATIONAL STRUCTURE



LOUISVILLE DISTRICT LEADERSHIP



Col. Antoinette Gant

- Assumed command July 2017
- Graduate of Prairie View A&M
- B.S. in Civil Engineering
- M.S. Engineering Management
- M.S. Natural Resource Strategy



