

# Village of Estral Beach

7194 Lakeview Boulevard, Newport, MI 48166

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25 April 2016

Subject: Meeting to walkdown damage to temporary flood control measures

What assistance the Village of Estral Beach needs from our State Representatives:

- Ensure the Village of Estral Beach is included in the 2016 WRDA bill. Debbie Stabenow corresponded that she would be adding similar wording to what Senator Levin submitted for the Village in 2010.
- **Push, Push, Push** to get the bill through Congress and the Senate, then hopefully signed. The Village flooded in 1952, 1973, and a partial flood due to a breach in the clay dike and we would appreciate it not flooding again.

Pictures of floods on [www.EstralBeachVillage.org](http://www.EstralBeachVillage.org)

2010 WRDA Bill wording submitted by Senators Levin and Stabenow in 2010:

Estral Beach Flood Control Structures, Estral Beach, Michigan. We ask the committee to waive the cost-share requirement associated with a Section 205 study to address the deterioration of flood control structures that threaten this community. Pending completion of this study, we also ask the committee to authorize the Corps to construct this project, also waiving the cost share requirements for construction activities identified by this study. In the 1950s and again in 1986, the Corps was involved with installing flood control measures in the Village of Estral Beach, Michigan. The flood control structures installed were a combination of clay dikes around the low lying areas, rip-rap and rock-filled gabions along the Lake Erie shoreline, and two pump stations to move water from the low lying areas. The 25-year maintenance agreement with the Village expires at the year end of this. Over that 25 year period, the USACE has performed yearly inspections to identify any maintenance issues that need attention. Due to the lack of available funds from the small tax base to address some of the larger maintenance issues identified, the Village is unable to implement any of these recommendations unless the cost share requirements are waived.

## **WRDA**

Stakeholders interested in U.S. Army Corps of Engineers (USACE) civil works projects, water resources policy, or funding for harbor, inland waterway, and other projects should engage Congress to advance their priorities as committees are already working on the next WRDA bill.

### **Background on WRDA**

America is a maritime nation, abounding in internal waterways and coastal harbors that help drive our economy. WRDA is the primary legislative vehicle for supporting U.S. maritime transportation infrastructure and implementing related policy changes. WRDA legislation authorizes USACE civil works projects and policies to develop and maintain U.S. harbors, channels, locks, and dams, which promotes American competitiveness by ensuring the flow of commerce. Additionally, WRDA legislation may authorize environmental restoration projects.

Currently, Congress is beginning its work on another WRDA bill. The Senate Environment and Public Works (EPW) Committee solicited Senators' water resources priorities and comments on USACE projects, with a deadline of February 12, 2016 for submissions.

### **Potential Issues in WRDA 2016**

WRDA 2016 is expected to authorize USACE civil works projects, such as projects with completed Chief of Engineers reports and modifications to existing USACE projects, and to address continued reforms to the Harbor Maintenance Trust Fund and policy issues regarding inland waterways project funding.

In addition, WRDA 2016 will likely seek to improve upon several provisions in the Water Resources Reform and Development Act of 2014 (WRRDA 2014), such as the USACE's annual reports to Congress under section 7001, which created a new process to review and prioritize water resources development activities, the Water Infrastructure Public-Private Partnership Pilot Program, and the Water Infrastructure Finance and Innovation Act.<sup>[1]</sup> WRDA 2016 may also address ways to better leverage limited federal funding and to provide the USACE with more innovative project funding and financing options.

Congress will also likely continue its focus on improving project delivery, environmental streamlining, and internal process reform in the next WRDA, advancing administrative reforms achieved under the Moving Ahead for Progress in the 21st Century Act,<sup>[2]</sup> WRRDA 2014, and the recently enacted Fixing America's Surface Transportation Act.<sup>[3]</sup>

### **Congressional Consideration and Timing of WRDA 2016**

Congress is motivated to complete a bipartisan WRDA bill in 2016. This year will be Chairman Jim Inhofe's (R-OK) last term as Chairman of the Senate EPW Committee because he is term limited by Senate Republican Caucus rules, and Ranking Member Barbara Boxer (D-CA) is retiring. This may also be the last WRDA bill under Congressman Bill Shuster (R-PA) as Chairman of the House Transportation and Infrastructure (T&I) Committee, whose term as Chairman will expire at the end of the 115th Congress.

Because the congressional calendar during the presidential election year will make it rather difficult to pass significant legislation, any effort to move WRDA will have to come early. The recent Dear Colleague letter from Chairman Inhofe and Ranking Member Boxer calling for Senators' water resources priorities by February 12, 2016 indicates that the Senate will likely move WRDA in March 2016.<sup>[4]</sup>

On January 28, the House T&I Committee announced that the Water Resources and Environment Subcommittee will lead a Subcommittee roundtable policy discussion on February 2 "to examine stakeholder priorities" for the next WRDA bill.<sup>[5]</sup> The House will likely move its WRDA bill in a time frame similar to the Senate.

### **Interested Stakeholders Need to Engage Now**

Interested stakeholders should engage now with the Senate and House committees to promote their water resources development projects and other related initiatives.

#### **Notes:**

<sup>[1]</sup> Pub. L. No. 113-121, §§ 5021-35, 128 Stat. 1193, 1332-1345 (2014).

<sup>[2]</sup> Pub. L. No. 112-141, 126 Stat. 405 (2012).

<sup>[3]</sup> Pub. L. No. 114-94 (2015).

<sup>[4]</sup> Letter from Sen. James Inhofe, Chairman, and Sen. Barbara Boxer, Ranking Member, S. Env't. & Pub. Works Comm., to Members, S. Env't. & Pub. Works Comm. (Dec. 9, 2015).

<sup>[5]</sup> Press Release, H. Transp. & Infrastructure Comm., Subcommittee to Hold Roundtable on Priorities for Next Water Resources Development Act (Jan. 28, 2016).

## **Section 205 - Small Flood Risk Management Projects**

Section 205 of the Flood Control Act of 1948, as amended

### **What the Corps of Engineers Can Do:**

The Small Flood Risk Management Project program provides local flood risk management by the construction or improvement of flood control works or non-structural measures. The types of studies and/or projects are tailored to be site specific. Typical flood risk management projects may include levees, floodwalls, impoundments, pumping stations, and channel modifications as well as non-structural measures. Non-structural measures reduce flood damages by changing the use of floodplains or by accommodating existing uses to the flood hazard. Examples include flood proofing, relocation of structures, and flood warning and preparedness systems. The Corps of Engineers oversees planning, design, and construction of flood risk management projects in close coordination with the project sponsor.

### **Study Process:**

Before the Federal Government can participate in implementing a flood risk management project, a planning study must be conducted to determine if the project is economically justified (benefits exceed the costs), technically feasible, and environmentally acceptable. Planning studies are typically conducted in two phases - reconnaissance and feasibility.

### **Charges for Assistance:**

Initial study is 100% federally funded up to \$100,000. The remainder of the project is cost shared 65% Federal and 35% non-Federal. The sponsor must contribute 35 percent (minimum 5 percent cash) of the total project implementation cost as cash or Lands, Easements, Rights-of-way, Relocations, and Disposal areas (LERRDs). If the value of the LERRDs plus the cash contribution does not equal or exceed 35 percent of the project cost, the sponsor must pay the additional amount necessary so that the sponsor's total contribution equals 35 percent of the project cost.

### **Responsibility of Project Sponsor:**

Formal assurance in the form of a Project Partnership Agreement must be executed with the project sponsor. The Corps of Engineers would oversee project construction; however, once constructed, the operation and maintenance of the project would be the responsibility of the project sponsor.

### **How to Request Assistance:**

An investigation of a prospective small project under Section 205 can be initiated upon receipt of a request from a sponsoring agency empowered under State law to provide local partnership.

**Project requests** should be directed to (309) 794-5340.

## **Section 14**

### **Emergency Stream bank and Shoreline Protection**

Section 14 of the Flood Control Act of 1946, as amended

#### **What the Corps of Engineers Can Do:**

The Corps of Engineers is authorized to construct bank protection works to protect endangered highways, highway bridge approaches, and other essential, important public works, such as municipal water supply systems and sewage disposal plants, churches, hospitals, schools, and non-profit public services and known cultural sites that are endangered by flood-caused bank or shoreline erosion. Privately owned property and facilities are not eligible for protection under this authority.

#### **Study Process:**

The first \$100,000 of the Planning Design Analysis (PDA) phase (normally limited to 12 months) is a Federal expense. All PDA costs after the first \$100,000 are cost shared 50/50. All construction costs are cost shared 65% Federal and 35% non-Federal. Each project is limited to a total Federal cost of \$1.5 million.

#### **Responsibility of Project Sponsor:**

Formal assurance in the form of a Project Partnership Agreement must be executed with the project sponsor. The Corps of Engineers would oversee project construction; however, once constructed, the operation and maintenance of the project would be the responsibility of the project sponsor. The sponsor must contribute 35 percent of the total project implementation cost as cash or Lands, Easements, Rights-of-way, Relocations, and Disposal areas (LERRDs). If the value of the LERRDs plus the cash contribution does not equal or exceed 35 percent of the project cost, the sponsor must pay the additional amount necessary so that the sponsor's total contribution equals 35 percent of the project cost.

#### **How to Request Assistance:**

An investigation of a prospective emergency stream bank or shoreline protection project under Section 14 can be initiated upon receipt of a request from a sponsoring agency empowered under State law to provide local partnership.

Project requests should be directed to (309) 794-5340.