
**CORRESPONDENCE AND
COMMUNICATION APPENDIX**

**NEW JERSEY BACK BAYS
COASTAL STORM RISK MANAGEMENT
FEASIBILITY STUDY**

PHILADELPHIA, PENNSYLVANIA

APPENDIX E

March 2019

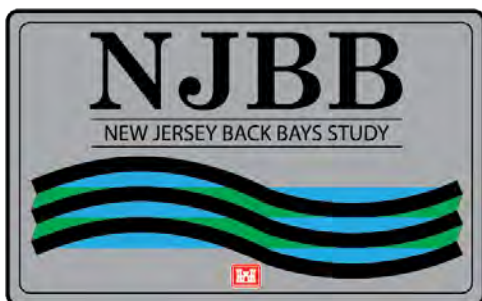


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E-1) NJBB AGENCY COORDINATION AND COLLABORATION PLAN

Background

The New Jersey coastline is a complex and vulnerable system that provides substantial value to the nation. The New Jersey Back Bay Coastal Storm Risk Management Study will identify critical data needs and recommend a comprehensive strategy for reducing coastal storm flood risk through structural and nonstructural measures. The United States Army Corps of Engineers (USACE) and the New Jersey Department of Environmental Protection are working with local, state and federal agencies to achieve a shared vision that will continue to support a vibrant economy, cultivate a resilient community and encourage a healthy ecosystem.

Hurricane Sandy impacted the New Jersey Coastline in October of 2012. In response to the storm, congress passed PL 113-2 the Disaster Relief Appropriations Act, of 2013. This act provided funds for the North Atlantic Comprehensive Study (NACCS) that was tasked with identify coastal populations at risk from hurricane and storm damage. In support of this goal, the (NACCS) identified nine high risk areas on the Atlantic Coast for an in-depth feasibility level study based on preliminary analyses.

The New Jersey Back Bays (NJBB) Focus Area is one such high risk area that warrants an in-depth investigation into potential coastal storm risk management solutions. The NJBB Focus Area study area is located behind the New Jersey barrier islands of Monmouth, Ocean, Atlantic and Cape May Counties and includes the set of interconnected water bodies that are separated from the Atlantic Ocean. The non Federal sponsor for this study is the New Jersey Department of Environmental Protection (NJDEP) and the original \$3,000,000 study was initiated in April of 2016 with the signature of the Feasibility Costs Sharing Agreement between the NJDEP and the USACOE. Subsequent cost sharing agreements have been signed that have increased the study costs based on the complexity of the study area and the level of work to make a recommendation for a flood risk management project. Current time and cost estimates for completing this study are 18,000,000 over a six year period beginning in April of 2016. A study schedule is provided on page X and the Army Corps and the NJDEP are scheduled to have a recommendation for this study effort in April of 2022.

USACE will continue to work with NJDEP and others to develop a comprehensive characterization of the entire NJ coast for the purpose of identifying federal interest in examining the feasibility for recommendations of coastal storm damage risk management and ecosystem restoration projects coast wide.

Introduction

The purpose of the U.S. Army Corps of Engineers (USACE) New Jersey Back Bay (NJBB) Coastal Storm Risk Management (CSRМ) Feasibility Study is to implement storm reduction strategies to increase resilience, and to reduce risk from future storms and the future impacts of sea level change (SLC). The objective of the NJBB CSRМ Study is to investigate CSRМ problems and solutions to reduce damages from coastal flooding affecting population, critical infrastructure, critical facilities, property, and ecosystems.

The end product of this study will be a comprehensive CSRM and climate change adaptation shared vision for the NJBB amongst the USACE and all stakeholders. With this approach, the NJBB study will align with the broader climate change adaptation, community resilience planning, and sustainability principles coupled with the ongoing systems approach to geomorphic engineering practices currently being incorporated into USACE Civil Works planning processes.

Communication Goals

- Increase awareness and enhance public understanding of flood risks along the NJ coast
- Communicate the potential coastal storm risk reduction measures designed to increase safety and reduce storm damage to the public in a way that they understand
- Inform and educate the public and local officials about long-term resolutions, including findings of the NJBB Study
- Provide timely relevant information to targeted audiences through careful communication that demonstrates the district is a partner with the expertise and commitment to continuing to protect residents along the NJ coast
- Elicit internal/external feedback throughout the study period
- Maintain and cultivate relationships throughout the duration of this campaign to continue to provide information about the district's Study.
- Build relationships, promote transparency, understanding, commitment and action to encourage community participation
- Be honest, transparent, effective and professional

Throughout this study, the Project Delivery Team (PDT) will communicate with the public in a transparent manner, providing maximum disclosure with minimal delay. PDT will use illustrative language to address the important points and provide the public with an understanding of the importance of the Coastal NJ Protection and Restoration Study.

To reach these goals the PDT must:

- Engage in meaningful collaboration with stakeholders and communities through partnering and communication, face to face meetings, webinars, email inquiries and videos
- Increase situational awareness of the NJ coast project's goals and economic impact
- Share information about how the PDT is using the best available scientific information to make sound recommendations
- Actively communicate information about the study schedule and findings
- Proactively lead public dialogue about the USACE and NJDEP coastal mission
- Reduce misconceptions, misinformation or distractions that could negatively impact efficiency or effectiveness

Plan Overview

The NJBB Study Agency Coordination and Collaboration Plan has been developed to coordinate with Federal agencies and state, local and tribal officials, academic institutions, private non-profit organizations and the international community to ensure the development of a shared vision for community coastal resilience in a systems context and to ensure consistency with other plans, projects and programs. The goal of this Plan is to increase the opportunities for stakeholders to understand the purpose, outcomes, and technical products of the NJBB Study. Events include USACE-facilitated workshops, NEPA coordination meetings and study milestone webinars.

This Plan outlines the approach, stakeholders, events overview, Initial Workshop Scope and Agenda, and organization chart. NJBB Study Reading Material, talking points, and FAQs have been developed separately.

Internal and External Project Communications

Target audiences can be divided into two groups:

1. Internal VT stakeholders within USACE, NJDEP, and the back Bay Communities; the Planning Mentor and Risk Champion; review teams; ad-hoc technical advisory committees and/or workgroups; and cooperating and participating federal agencies
2. External stakeholders, including the public, elected officials, media outlets, civic leaders, and businesses, as well as federal state, and local regulatory agencies

Internal Communications Plan

Due to the large study scope, USACE Senior Leaders recommended that the NJBB Study develop reporting and communications requirements in their recent October of 2018 exemption approval memorandum. For Internal communications the project development team and the vertical team are proposing the development of a Risk Panel, creations of a new Supplemental Governance Structure, and the continuation of the internal Focus Area Meetings.

Risk Panel - With direction and oversight provided by the MSC, the district will conduct a Risk Panel within 30 days of receipt of comments on the Interim Draft Report. The interim draft report is scheduled to go out for public review and Agency technical Review in February of 2019. There will be 30 days to review the report and it will be posted online for the general public to download. The Risk Panel will meet after the receipt of comments on the interim report to discuss how the project will move forward with the feasibility analysis to the Draft Report in March 2020 and the Final Report in November of 2021. The Risk Panel will focus on identification and analysis of significant study risks, the plan to respond to those risks, and methods that will be employed to manage/control those risks. For the panel, the PDT will provide substantial detail on the strategy to identify a Tentatively Selected Plan and will analyze potential reductions in scope, schedule, and budget for the remainder of the study. The panel will include all pertinent members of the vertical team.

Supplemental Governance Structure: The district will immediately implement a 3-tier supplemental governance utilizing the template in the Coastal NJ Protection and Restoration Feasibility Study, Addendum to Project Management Plan dated 06 January 2016.

A three tier supplemental governance structure will be implemented. This governance structure will facilitate conflict resolution and ensure successful partnering at all levels of the organizations. The following three tiers will be responsible for project oversight and ensuring successful project execution.

Tier 1: The Executive Leadership Team: Tier 1 Members are responsible for executive level coordination to ensure resource availability and project execution. The Chair will ensure distribution of the quarterly updates or other important materials to appropriate team members. Meetings will occur as scheduled by the chair.

Tier 2: The Business Process Assurance Team: Members are responsible for engaging at the senior district and PCX level (GS-15) and assuring that appropriate business processes are employed. The Chair will ensure distribution of the quarterly updates or other important materials to appropriate team members. Meetings will be as scheduled by the chair.

Tier 3: The Active Management Team: Members are responsible for engaging at the middle management level providing direct project oversight to assist with project implementation and to inform Tier 1 and 2 decision makers. The Chair will ensure distribution of the monthly meeting brief, quarterly updates, or other important materials to appropriate team members. Meetings will be held at least monthly after district Project Review Board and as scheduled by the chair.

Focus Area Evaluation (FAE) meetings: These will be organized by the MSC and will include the HQUSACE Regional Integration Team, the Policy Review Team, MSC staff, and Project Delivery Team. Meetings will be held quarterly or before critical project decisions, whichever is appropriate, and will detail recent plan evaluation results, decisions to be made, schedule and budget performance, and 6 month projection of activities. Currently these meetings re-held bi-weekly (every two weeks) with District, MSC staff and the HQ RIT.

Senior Executive Accountability: This leader is accountable to the Director of Civil Works for project/program success. He will provide guidance and mentoring to the PDT. The Senior Executive will provide written quarterly updates and a briefing by the Deputy District Engineer will be provided to the MSC Programs Director that detail the following:

1. Graphical depiction of the project baseline;
2. Financial data indicating the status of funds obligated, expended, and
 - a. anticipated;
3. A summary level update report on any outstanding issues identified;
4. An over-arching roll-up of the above items at the program level; and,
5. A projected look at upcoming milestones, significant developments, outreach events, and FAE meetings.

Project Development Team (PDT): An enterprise solution to staffing the study has been employed. Team members currently include experts from the Philadelphia, New Orleans, and New York Districts; USACE Engineering Research and Development Center; NYSDEC; Nassau County; and an Architecture/Engineering firm. In addition to PDT members, advisors from across USACE have been engaged to ensure the highest level of technical quality. Team members from the NACCS team have been engaged to help scope this complex and large scale regional study. Staff from the USACE Coastal Storm Risk Management Community of Practice has been engaged in order to solicit their feedback on methods and application. While this project may be managed from within North Atlantic Division, the PDT is truly an enterprise service made up of the best and brightest from USACE and the private sector.

PDT meetings are held on a weekly basis, with issue-specific ad-hoc meetings held more frequently. Face-to-face meetings, phone calls, teleconferences, webinars, video chats, and emails are employed to facilitate PDT communication.

External Communications Plan: External communications with the public will be maintained through direct interaction at public meetings, maintaining a robust website and a mailing list to distribute project updates, upcoming milestones and upcoming public events to people who have signed up to receive these communications.

Communications and Outreach Plan (CoOP): As part of the CoOP, the district will develop and maintain an aggressive, robust public website that details study progress, communication opportunities, and solicitation of feedback. Stakeholder, Congressional, and public outreach opportunities will be delineated and dates for future meetings will be established. This document will serve as the Communications and outreach plan for the NJBB study.

Methods & Tools

- Public Meetings

Face-to-face meetings are necessary to meet communication objectives. Public meetings are held periodically, as outlined in Section V.2 “Key Engagements.” The PDT works with elected officials and stakeholder groups to advertise meetings.

- News Releases

The PDT writes and disseminates news releases and media advisories to targeted media outlets. USACE leadership will continue to discuss the study via radio and television interviews on programs whose audience demographics align with target audiences. News releases will be sent prior to public meetings and the release of publicly- available reports.

- Email Newsletter

The PDT has set up an email distribution list with over 300 email addresses for elected officials, regulatory agencies, stakeholder groups, and residents. Status update emails are sent quarterly.

- Study Webpage

The PDT has launched a dedicated webpage with a simple, visually-compelling layout that provides quick access to study updates, fact sheets, reports, and other online resources. The website is located at.

<https://www.nap.usace.army.mil/Missions/Civil-Works/New-Jersey-Back-Bays-Coastal-Storm-Risk-Management/>

- Study Email Address

The PDT has set up the study email address PDPA-NAP@USACE.ARMY.MIL to receive emails from the public.

- Social Media

The PDT will continue to post project updates on the USACE New York District's Facebook, LinkedIn, Twitter, Flickr, and YouTube account webpages.

- Small Group Meetings

The PDT has met with residents in small group meetings to learn about hyper-local problems and opportunities. Generally, the project planner, project manager, and/or coastal engineer will meet with residents and community groups. The PDT remains available to meet in such a way.

The website for the New Jersey Back Bay Study is listed below along with email contact information. This site contains study area maps, public meeting presentations from September 2018, Public Comment forms, the public outreach summary, a project fact card and a project fact sheet, past presentations and poster boards, videos of past meetings and a power point presentation that scrolls through management measures typical for this environment.

Website:

<https://www.nap.usace.army.mil/Missions/Civil-Works/New-Jersey-Back-Bays-Coastal-Storm-Risk-Management/>

Email:

PDPA-NAP@USACE.ARMY.MIL

Public Outreach and Feedback

Communication is critical to study success and the team wants to communicate our study goals and objectives, study schedule and findings to date to the public, and also want the public to be able to voice their concerns to us. That is why all public meetings have had a Public Comment form printed out and available to return to the meeting organizers as well as a location on the District website where people can communicate their problems directly to a PDT member.

These forms are on the NJBB website below:

<https://www.nap.usace.army.mil/Portals/39/docs/Civil/NJBB/Public-Comment-Form-Sept-2018.pdf>

Summary of Past Public Outreach:

<https://www.nap.usace.army.mil/Portals/39/docs/Civil/NJBB/NJBB%20Public%20Outreach%20Summary.pdf>

Stakeholder Coordination

Coordination with stakeholders has been a critical component of the New Jersey Back Bays CSRM Study and the development of a regional vision for managing coastal storm risk. Table 1 documents the meetings, workshops, and charrettes that have taken place since the commencement of the study in April of 2016. Stakeholders include but are not limited to, citizens, elected municipal officials, federal agencies, state agencies, non-profit environmental organizations, local and regional planning commissions, and commercial and recreational interests.

Partners/Sponsors/Cooperating Agencies/Stakeholders:

Study Sponsor:

New Jersey Department of Environmental Protection

Division of Coastal Engineering

1510 Hooper Avenue

Toms River, NJ 08753

PH: (732) 255-0770

FX: (732) 255-0774

Cooperating Agencies:

- United State Army Corps of Engineers - USACE
- United States Environmental Protection Agency - USEPA
- United States Fish and Wildlife Service - USFWS
- National Marine Fisheries Service - NMFS

Stakeholders:

- NJDEP, Borough of Marine Fisheries – Shellfisheries
- Barnegat Bay partnership
- Cape May County, Engineering Division

- Brick Township
- Manasquan Borough
- Ocean Gates Borough
- Seaside Park Borough
- Surf City Borough
- Middle Township
- Ocean City
- Brigantine City
- Somers Point City
- Cape May Point Borough
- Neptune Township
- Rutala Associates, LLC (addressing issues on Absecon Island)
- Atlantic Cape Coastal Coalition
- The Wetlands Institute-Stone Harbor

A more complete list of stakeholders that also contains an email distribution list is maintained by the Public Affairs office and the Project Manager. This list contains over 300 contacts obtained at past public workshops/meetings listed in Table 1 and is and will be used to distribute mass mailings on upcoming project milestones, report releases, upcoming events and will not be provided as input to the COOP plan for privacy reasons.

Table 1. Stakeholder, Public and Agency Coordination Meetings

Session	Date	Description	Stakeholders
Southern Counties Planning Workshop	06/17/2016	Obtain feedback about Problems, Objectives, and Potential Measures within the NJBB CSRSM Study Area	Academia, Elected Officials, NGOs, Municipalities, Counties, State and Federal Agencies
Northern Counties Planning Workshop	06/21/2016		
Public Meeting	12/01/2016		
NEPA Public Scoping	02/01/2017	Determining the scope of issues to be addressed by the study	Citizens, Interested Agencies
USACE/NJDEP Partnering Meeting	03/06/2018	NJBB Study overview with several NJDEP Divisions	USACE and NJDEP

USACE & NJDEP Outreach Meeting	05/18/2018	Cape May County Municipal Outreach	Academia, Elected Officials, NGOs, Municipalities, Counties, State and Federal Agencies
USACE & NJDEP Outreach Meeting	05/24/2018	Atlantic County Municipal Outreach	
USACE & NJDEP Outreach Meeting	05/31/2018	Monmouth County Municipal Outreach	
Interagency Regulatory Resource Meeting (#1)	06/06/2018	NJBB Status Update and Perimeter Plan Focus	State and Federal Agencies
USACE & NJDEP Outreach Meeting	06/19/2018	Ocean County Municipal Outreach	Academia, Elected Officials, NGOs, Municipalities, Counties, State and Federal Agencies
Southern Counties Public Meeting	09/12/2018	Update citizens about Problems, Objectives, and Potential Measures within the NJBB CSRSM Study Area	Academia, Elected Officials, NGOs, Municipalities, Counties, State, Federal Agencies and Media
Northern Counties Public Meeting	09/13/2018		
USACE Outreach Meeting	11/13/2018	Barneget Bay Estuary Program	Academia, NGOs, State and Federal Agencies
Interagency Regulatory Resource Meeting (#2)	11/29/2018	NJBB Status Update and Perimeter Plan Focus	State and Federal Agencies

A variety of stakeholders have been identified that will be interested in the conduct of the NJBB Study. These groups include:

- Federal and State Agencies
- Regional entities and non-governmental agencies
- Tribes
- Academia
- Communities affected by Hurricane Sandy (including local governments and community groups)
- Congressional and Political Leaders
- Media

Federal agency stakeholders include USACE (Institute of Water Resources, Engineering Research and Development Center, Sliver Jackets), FEMA, USGS, NOAA (NWS and NMFS), USDOJ, USDA/NRCS, HUD, BOEM, NASA, SBA, USFWS, USEPA, and NPS. State agency stakeholders include NJDEP, NJDOT, NJOEM, NJ Department of Community Affairs (CDBG), NJSHPO and NJFWS. Private Non-Profit organizations include TNC, NFWF, Barneget Bay

Partnership, Rockefeller Foundation, Jacques Cousteau National Estuarine Research Reserve, NJ Adapt, American Littoral Society, Sustainable Jersey, and the Trust for Public Lands. Future stakeholder meetings will be coordinated around the TSP milestone, the release of the draft report and the release of the final report.

Future coordination and outreach for the NJBB study will include;

- A webinar to coincide with the release of the interim report in Feb of 2019
- Two public meetings next fall similar to the meetings held in the fall 2018 with the general public, and regional stakeholders on the progress of the study to date.
- A webinar to coincide with the release of the Draft Feasibility Report in Feb 2020
- Environmental agency coordination meetings after the results of the Environmental Conceptual Model are received from Engineering Research and Design C.
- Regular Updates the web portal
- Frequently Asked Questions (FAQ) report posted on the District Internet page based on questions comments received at Northern and Southern Ocean Counties public meetings in September of 2018

Overall Themes:

1. Investigating the feasibility of reducing storm surge and flooding vulnerabilities along the NJ coast is important to increasing the resiliency of communities to natural disasters.
2. The New Jersey coast is a complex and vulnerable system that provides substantial value to the nation.
3. The NJ coast is a treasured national resource that remains at risk to hurricane events. The study process will consider the potential environmental effects of proposed actions and reasonable alternatives to those actions including natural, economic and social effects among others.
4. We have a highly skilled team of engineers, scientists and contractors dedicated to the project.
5. Public participation is key to helping staff refine regional alternatives. Residents will be involved and informed throughout the study.
6. Extensive planning, engineering, design, environmental analysis and public participation is necessary prior to moving forward with any considered alternatives.

Key Messages:

- USACE and NJDEP contribute to the safety, economic success and quality of life of local communities along the NJ coast by supporting flood risk management and coastal storm risk management initiatives to reduce the risk of loss of life, reduce long-term economic damages to the public and private sector, and improve the natural environment.
- USACE and NJDEP have launched a study that will help develop a comprehensive characterization of the entire NJ coast and examining the feasibility for recommendations of coastal storm damage risk management and ecosystem restoration projects coast wide.

- USACE and NJDEP will collaborate with others who are working on similar studies within the region
- Partnering between state and federal members will best identify avenues to engage key counties and cities in the coastal NJ region and partnering opportunities that address coastal storm risk management and ecosystem restoration.
- Partnering engagements promote shared objectives for managing NJ coastal priorities on current and future potential partnered studies and projects.
- USACE offers a variety of federal programs to assist the public with the preparation of comprehensive plans for the development, use and conservation of water and related land resources along the NJ coast. These programs are either available on a 50 percent federal/50 percent non-federal cost-shared basis, such as under the General Investigations and Planning Assistance to States Programs, or offered at full federal expense, such as under the Floodplain Management Services Program.
- PDT is working with local, state and federal agencies to achieve a shared vision that will continue to support a vibrant economy, cultivate a resilient community and encourage a healthy ecosystem.
- PDT openly discusses challenges and shares success stories that will help us build awareness of this much needed study while actively identifying barriers that could hinder our progress.
- Environmental restoration opportunities are maximized as part of all its studies and is building wetlands as part of the district's projects.

Table 2. Study Milestones

NJBB Study Milestones	
Milestone	6 Year Study Schedule
<i>FCSA</i>	<i>April - 16</i>
<i>Alternative Milestone Meeting</i>	<i>December - 16</i>
<i>FCSA Amended</i>	<i>January - 18</i>
<i>In Progress Review (IPR) Milestone</i>	<i>December - 18</i>
Interim Feasibility Report and Environmental Scoping Document	February - 19
Tentatively Selected Plan Milestone	January - 20
Draft Report Release	March - 20
Agency Decision Milestone	July - 20
Final Feasibility Report	November - 21
State and Agency Review	February - 22
Chief of Engineers Report	April - 22

* Items in italics have occurred.

Media Query Guidance:

All media inquiries should be directed to USACE Philadelphia District Public Affairs Office

Attention: Stephen Rochette

Philadelphia District, Public Affairs,

100 Penn Square E.

Philadelphia, PA 19107

215-656-6579

E-2) JUNE 2016 STAKEHOLDER WORKSHOPS

Summary

On June 17, 2016 and June 21, 2016 the United States Army Corps of Engineers (USACE) Philadelphia District (NAP) and New Jersey Department of Environmental Protection (NJDEP) conducted Stakeholder Planning Workshops for the New Jersey Back Bays (NJBB) Coastal Storm Risk Management (CSRM) Feasibility Study. The purpose of these workshops was to obtain feedback from stakeholders to assist NAP in developing problems, objectives, and potential measures throughout the NJBB study area. In recognition of the diversity of the existing conditions and CSRM issues throughout the study area, NAP sent out invitations to a wide range of stakeholders including representatives from Federal agencies, state agencies, counties, municipalities, non-governmental organizations (NGOs), elected officials, and academia.

A total of 39 and 52 stakeholders attended the June 17 and June 26 workshops, respectively. Feedback was gathered from discussion at the meetings as well as written responses submitted during and after the meetings. Analysis of stakeholder feedback on coastal flooding issues identified problems, opportunities, considerations and constraints in the NJBB study.

Several approaches were used to assess feedback from the public meeting. Meeting attendees were invited to fill out Coastal Flooding Problem Identification forms to be submitted either at the meeting or after the meeting via e-mail. PDT members also took notes during the Q&A and open house sessions of the meeting to collect public input.

NAP will use the problems, opportunities, considerations, constraints, and potential measures discussed at the stakeholder workshops and public meeting to inform the plan formulation process and develop different alternatives to address coastal flooding in the NJBB study area.

E-3) DECEMBER 2016 PUBLIC MEETINGS

Summary

On the evening of December 01, 2016 from 6:00 pm to 8:00 pm at the Campus Center of Richard Stockton University, the NAP conducted a Public Meeting for the NJBB CSRМ Feasibility Study. The purpose of this meeting was to provide an introduction of the study to the general public and obtain feedback from the general public to assist NAP in identifying problems, opportunities, objectives, constraints, potential CSRМ measures throughout the NJBB study area.

The public meeting consisted of a brief 15 minute introductory presentation to the NJBB study area with welcomes from both USACE and NJDEP, a question and answer session of approximately 45 minutes, and an hour long “open house” session with tables related to the USACE study process and different management measures for more in-depth and personalized interactions between the public and USACE Project delivery Team (PDT) members. At least 119 people attended the meeting, as counted using the sign in sheet at the “Welcome Table” at the meeting. Approximately a quarter of attendees were from the general public.

Several approaches were used to assess feedback from the public meeting. Meeting attendees were invited to fill out Coastal Flooding Problem Identification forms to be submitted either at the meeting or after the meeting via e-mail. PDT members also took notes during the Q&A and open house sessions of the meeting to collect public input.

NAP will use the problems, opportunities, considerations, constraints, and potential measures discussed at the stakeholder workshops and public meeting to inform the plan formulation process and develop different alternatives to address coastal flooding in the NJBB study area.

E-4) SEPTEMBER 2018 PUBLIC MEETINGS

Summary

On the evenings of September 12 and 13, 2018 from 6:00 pm to 8:00 pm at the Ventnor Education Community Complex (September 12) and the Campus Center of Richard Stockton University (September 13), the NAP conducted a Public Meeting for the NJBB CSRM Feasibility Study. The purpose of this meeting was to update the general public and stakeholder about the study process and results to date.

The public meetings consisted of a 30 minute “open house” session with posters staffed by PDT members that provided background on the various measures under consideration in the study. The open house session also allowed the public the opportunity to directly interact with the study team and ask questions. After the open house session, the meeting transitioned into a formal presentation by NJBB Project Manager, J.B. Smith, on the current status of analyses underway for the NJBB Study. The last hour of each meeting was an open question and answer session. Meeting attendees had the option to state their questions at a microphone or were able to submit questions written on index cards if they would rather remain anonymous or were not comfortable speaking. At least 147 people attended the meeting on September 13th, as counted on the sign in sheet located at the “Welcome Table” at the meeting. Approximately a third of attendees were from the general public.

Several approaches were used to assess feedback from the public meeting. Meeting attendees were invited to submit comments either in writing at the meeting or after the meeting via e-mail. PDT members also took notes during the Q&A and open house sessions of the meeting to collect public input.

NAP will use the feedback obtained at the September 2018 public meetings to inform the plan formulation process; specifically, the feedback will help to inform the PDT’s approach to evaluating various alternatives under the Other Social Effects account.

Public and Stakeholder Question and Responses

New Jersey Back Bays Feasibility Study September 2018 Public Meeting Stakeholder Input and Questions With USACE Responses

Questions from index cards

QUESTION: Why isn’t dredging being considered as a measure to reduce coastal storm risk in the New Jersey Back Bays?

RESPONSE: Dredging specifically to deepen channels does not reduce coastal storm risk. While it seems intuitive that dredging increases the volume of the backs bays, this increase in volume does not correlate to the ability of bays to absorb floodwaters and subsequently does not reduce water levels associated with coastal flooding.

QUESTION: How will the study include recommendations for local land use development management strategies as part of risk management options?

RESPONSE: Recommendations for local land use development management strategies including stormwater management, drainage and associated pump stations will be identified by local municipal entities and integrated into the more regional, large-scale Federal effort through the New Jersey Back Bays (NJBB) Feasibility Study through a collaborative effort between both entities. This collaboration and solutions will be developed as the study identifies a recommended plan.

QUESTION: How will the height of a floodwall be established? Existing bulkheads vary in elevation from property to property.

RESPONSE: Floodwalls and Levees are designed specifically to manage flood risk for an entire community and will be designed as a comprehensive approach rather than on a property by property basis. Crest elevations for floodwalls and levees will be established based on the design water levels and waves. Traditionally, the crest elevation of floodwalls and levees is determined by limiting wave overtopping below a tolerable limit for the design condition. In subsequent phases of the NJBB study, the performance and crest elevation of structures will be optimized (cost vs benefits) over a range of design water levels to aid in the selection of the final floodwall/levee crest elevation.

QUESTION: Some of the coastal areas are “within” the jurisdiction of the Pinelands Land National Reserve. What is the involvement of the state Pineland’s managers as to alternative consideration?

RESPONSE: The focused array of alternatives include several measures that are within the Pinelands National Reserve that include the SSB at Barnegat Inlet and a number of non-structural areas that are also within the State Pinelands Area. The Philadelphia District is engaged with the Pinelands Commission, and will coordinate all future actions that occur within either the national reserve or Pinelands Commission boundary.

QUESTION: This is a macro-project (Huge area, very broad brush look at problems)! Looking ahead when (how many years) do you anticipate that you will be doing design level engineering and cost estimation at a municipality project level? When could it be started?

RESPONSE: Design level engineering and cost estimation will not be performed at a municipality project level. Detailed design for the Federal project will occur at 2026 at the earliest.

QUESTION: How do you plan on correcting road flooding on high tides?

RESPONSE: High-frequency flooding, also known as nuisance flooding, recurrent flooding, or sunny-day flooding, are flood events caused by tides and/or minor storm surge that occur more than once per year. High-frequency flooding mostly affects low-lying and exposed assets or infrastructure, such as roads, public storm-, waste- and fresh-water systems (Sweet et. al 2018) and is likely more disruptive (a nuisance) than damaging. However, the cumulative effects of high-frequency flooding may be a serious problem to

residents who live and work in these low-lying areas. The number of high-frequency flood days is accelerating in the study area in response to RSLC.

Flooding from rainfall and inadequate stormwater systems are closely related to high-frequency flooding but are treated separately in this study. It is common for municipalities in the study area to have gravity based stormwater systems that are unable to drain water when tidal level exceeds the elevation of the storm drain. When this happens, water starts ponding around the drain and may flood many of the same low-lying areas as high-frequency flooding. The frequency and impact of rainfall flooding will increase as the probability of the tide level exceeding storm drains will increase in response to RSLC. Some municipalities are actively addressing this problem by installing pump stations that are capable of draining water during elevated water levels.

The primary focus of the NJBB study is managing risk to severe storm surge events (i.e. Hurricane Sandy), not flooding associated with inadequate storm sewer systems and/or high-frequency flooding. It is USACE policy (ER 1165-2-21) that stormwater systems are a local non-federal responsibility. While flooding from high frequency flooding and inadequate stormwater systems is not the focus of the NJBB study, it is acknowledged that nonstructural and storm surge barrier measures may not provide any relief from these problems. Therefore, complementary measures to address these problems will be investigated and may be recommended as part of a comprehensive Federal project or recommended for implementation at the local non-federal level.

QUESTION: Have you considered the impact to Island Beach State Park by not include it in the beach replenishment project. Also, what are the considerations on impact will the bay project have on IBSP?

RESPONSE: IBSP is a natural area and has no development which needs to be protected and therefore is not included in the beach nourishment project. Based on previous experiences, there will be minimal impacts from the beach nourishment project on IBSP which will be limited to shoreline changes. Also, there will be limited impacts on IBSP from the construction of NJBB measures as these measures will not be constructed in IBSP proper. Effects of the construction of storm surge barriers at inlets have not been identified yet but will be during future phases of the study.

QUESTION: Are wind generated waves considered in the study?

RESPONSE: Yes, wind generated waves are considered in the study. Wind generated waves are factored into the design crest elevations of floodwalls, levees, and storm surge barriers. Wave overtopping calculations were performed to determine the necessary freeboard, height of structure above the still water level, to limit wave overtopping below tolerable thresholds.

QUESTION: How do you do an economic analysis to determine if a plan is justified with a BCR > 1.0?

RESPONSE: Economic analysis of the study area is a complex and iterative process, but essentially boils down to determining whether the avoided future storm damages (benefits) for an area are greater than the cost to construct and maintain a project to avoid those damages in that area. Analysis includes constructing a detailed structure inventory of the study area and then simulating the storm impacts on that structure inventory for the next 50 years. By combining the value and characteristics of the inventory with the estimated frequency and intensity of future coastal storm events, USACE can estimate the total experienced

damages and compare that number to the proposed cost of the storm surge barrier / levee / floodwall/ etc. plan.

QUESTION: Considering the size of the study area, will there be multiple project sites with individual BCRs (that can stand alone) or will there be one project that either gets approved/built or not?

RESPONSE: This is an ongoing discussion and will ultimately depend on the final recommended plan. If the plan contains interdependent pieces (multiple storm surge barriers / bay closures acting in tandem) then it necessitates only a single BCR and construction schedule. If the plan contains mostly independent pieces (non-interacting perimeter floodwalls) then each independent piece can be assigned a BCR and perhaps appropriated/constructed independently. The final decision will be made once the recommended plan is determined.

QUESTION: Regarding environmental regulations: USFWS is the process of updating/revisiting the Coastal Barrier Resource system under the CBRA. Will USACE be able to request a moratorium on the revisions until this study is completed and the proposed CBRAS revisited to accommodate the preferred selection?

RESPONSE: In a letter dated July 10, 2018, the Philadelphia District provided formal comments for the proposed CBRA changes. In this letter the Philadelphia District identified a number of changes to existing CBRS units and Otherwise Protected Areas that involved expansions or reclassifications that would have impacts on existing CSRM and Navigation projects or have potential impacts on future CSRM projects (including the NJBB Study). In this letter a number of concerns were identified where CBRA changes were proposed, and the Philadelphia District provided recommendations to avoid or minimize the CBRA change impacts on USACE missions in the area such as CSRM and Navigation.

QUESTION: How is flow through the inlets measured for Storm Surge Barriers? Will they stand up to our winters?

RESPONSE: Numerical model simulations were conducted with CSTORM, to calculate storm surge propagation through inlets. The numerical model is capable of simulating back bay water levels with and without storm surge barriers and evaluate the effectiveness of stand-alone storm surge barriers (i.e. Barnegat Bay) or alternatives several storm surge barriers. The storm surge barriers will be designed, constructed, and maintained to New Jersey's winters. Several storm surge barriers designed and built by the USACE are still in operation in New England (i.e. New Bedford, Fox Point)

QUESTION: Why does it seem that all studies are done on Coastal Waterways and not back bays?

RESPONSE: Studies are authorized by Congress to address societal and economic needs. Many of the studies in the past have addressed navigation needs which includes the NJ IntraCoastal Waterway. Other studies in the past have addressed environmental needs. The awareness of the risk of coastal flooding in back bay regions has heightened since Hurricane Sandy in 2012. Since that time, the NJBB Study as well as many smaller Continuing Authority Studies have been initiated and are being conducted which address back bay flooding concerns.

QUESTION: Why use Army Corps for work?

RESPONSE: The USACE is the Nation’s engineer and is authorized by congress to conduct efforts such as the NJBB Study by Congress.

QUESTION: Will there be funding in WRDA to not only undertake the selected measures BUT ALSO to undertake the environmental mitigation associated with the damage to resources caused by these measures?

RESPONSE: Congress authorizes laws such as WRDA as well as appropriations to fund the detailed design and construction of the selected plan and associated environmental mitigation. It is difficult to say at this time if congress will fund these efforts during that phase of the project, but the USACE will identify the path forward to Congress to reach that goal.

QUESTION: In Ocean County between Bay Head and Seaside Park, the NJDOT has installed 12 pump stations to move rain water from the street. How are these existing pump stations going to be incorporated into your plan?

QUESTION: Will sewers be improved? Water backs up into street.

RESPONSE: The primary focus of the NJBB study is managing risk to severe storm surge events (i.e. Hurricane Sandy), not flooding associated with inadequate storm sewer systems and/or high-frequency flooding. It is USACE policy (ER 1165-2-21) that stormwater systems are a local non-federal responsibility. While flooding from high frequency flooding and inadequate stormwater systems is not the focus of the NJBB study, it is acknowledged that nonstructural and storm surge barrier measures may not provide any relief from these problems. Therefore, complementary measures to address these problems will be investigated and may be recommended as part of a comprehensive Federal project or recommended for implementation at the local non-federal level.

Some of the structural measures such as floodwalls and levees may require pump stations and stormwater system improvements to ensure that structural measures don’t make any existing stormwater problems worse by blocking runoff at the location of the structural measures. Existing pump stations will be incorporated into the study during detailed investigations of whether additional pump stations and stormwater improvements are required as part of floodwall and levee measures.

QUESTION: Make walls more visually attractive. Colors, painted scenes, texture.

RESPONSE: The improvement of floodwalls aesthetics is being considered in the NJBB Study both in terms of color, painted scenes and texture.

QUESTION: Many of these lagoon communities have little water flow toward the rear end – several community associations want to put pipes in to connect back lagoons to the adjoining marshes. This would greatly increase water flow, help with cleaning the upland rain runoff that now collects first in back lagoons

Running lagoon water out through the marsh naturally filters it and returns it on the next incoming tide seem a simple solution.

RESPONSE: Connecting the rear end of the lagoons hydraulically with adjacent marshes would improve circulation and water quality in the lagoons, although it could possibly have adverse impacts on the adjacent marsh. Measures that improve water quality and environmental services are not the primary focus of the NJBB study authority. The focus of the study is managing risk to severe storm surge events (i.e. Hurricane Sandy). However, there may be opportunities to incorporate measures that improve the environment as part of a comprehensive plan.

Comments from Letters

QUESTION: I understand the need to, in very many cases, protect existing property. Can't always be avoided for now. However the practical, cost-efficient long-term solution that benefits the majority of citizens is to restore/return vulnerable lands to nature. It may not be your job to convince homeowners to accept buy-outs, that would perhaps threaten your role in all of this, but that is the only real RESPONSE to climate change and the losses that will ensue.

RESPONSE: The acquisition of property is definitely an alternative that will be addressed during the conduct of the study. The specific methodology for acquisition of property has not been conducted yet. However, both the Federal government on behalf of the US Army Corps of Engineers and the State of New Jersey have programs which have been implemented at other locations to acquire these properties. The NJBB Study will build upon these experiences. This effort will be a collaborative effort between the Federal government and the State of New Jersey regardless.

QUESTION: I do not wish to see a Storm Wall being built along the bayside - this would impede our access to boating - which is why we chose to live at the beach - we did not build a steel wall along the beach - but instead built dunes - this same idea could be implemented along the bay side - or put in the levee along the inlet - that could be closed when a storm is brewing.

RESPONSE: Dunes are an appropriate alternative to reducing the risk of coastal flooding on the beach side of a barrier island. On the bay side of a barrier island, levees and floodwalls are a more appropriate alternative than dunes and are under consideration in the NJBB Study. Storm surge barriers are being considered for tidal inlet localities associated with the NJBB Study.

QUESTION: I was wondering if there was any information on the potential jobs created by these projects. If there's any estimation on how many jobs are required to complete these projects, the skill level required of workers, etc. I understand this might be a little wonky, but I thought I'd ask. Thank you for your time and hope to hear from you soon.

RESPONSE: The construction of flood management features associated with the NJBB Study will definitely create jobs. A analyses per se has not been performed regarding the exact number of jobs that will be created and will not be performed until the selected plan for construction is identified.

QUESTION: How is flooding coming up from storm sewers considered in the study?

RESPONSE: The intake for storm sewers located on the bay are often below storm high tides and therefore are submerged during these conditions. As a result, given the lack of a flap gate to prevent water entry, the water enters the storm sewer and exists at the path of least resistance which is the storm drain on the street.

QUESTION: Will oyster reefs be considered for wave attenuation?

RESPONSE: Oyster reefs are a viable NNBF component that while not considered in the draft interim report to be released in the Spring 2019, these reefs will be considered in future reports and associated analyses to be released in 2020 and 2021.

QUESTION: Require the NJ Dept. of Transportation with NJ DEP buy-in to allow our bayside street outfalls to tie into their bayside pump stations to quickly evacuate street flooding which always follows a strong NE wind for a few days, or a spring tide, etc.

RESPONSE: The primary focus of the NJBB study is managing risk to severe storm surge events (i.e. Hurricane Sandy), not flooding associated with inadequate storm sewer systems and/or high-frequency flooding. It is USACE policy (ER 1165-2-21) that stormwater systems are a local non-federal responsibility. While flooding from high frequency flooding and inadequate stormwater systems is not the focus of the NJBB study, it is acknowledged that nonstructural and storm surge barrier measures may not provide any relief from these problems. Therefore, complementary measures to address these problems will be investigated and may be recommended as part of a comprehensive Federal project or recommended for implementation at the local non-federal level.

QUESTION: I know that Back Bay flooding is an issue that is plaguing the entire East Coast as time continues to pass and ocean levels continue to rise. I was wondering if there was any cooperation with other States in regards to coming up with solutions to this problem? In particular I know that when faced with solving this problem, the city of Boston is considering implementing canals, similar to Venice or Amsterdam, which they found would help absorb a majority of the flooding caused specifically by Back Bay flooding.

RESPONSE: Yes, there is coordination at the Federal Level between several active coastal storm risk management studies being conducted for New York City, NY, Nassau County, NY, Norfolk, VA and Houston, TX. These studies are all focused on managing coastal storm risk with the threat of accelerated sea level rise.

QUESTION: I am in favor of tidal doors at Manasquan, Shark River and Barnegat Inlets. I feel very strongly that this will stop the back-bay flooding by limiting the amount of water entering the rivers and being held in by the storm surges. However, one must consider these facts; 1. The flow of water down the rivers from the land behind the doors. Pumps would have to be installed to remove river/rainwater flow out from behind the doors. 2. Speaking of flow by placing the design presented at the meeting you are going to create an increase in water flow in the inlets on incoming and outgoing tides in the area of the piers.

RESPONSE: Storm surge barriers at Shark River, Manasquan, and Barnegat Inlet are under consideration. Preliminary engineering and economic analyses indicate that a storm surge barrier at Shark River is not justified (i.e. Costs >> Damages Prevented). However, storm surge barriers at Manasquan Inlet and Barnegat Inlet are still under consideration. Yes, the flow of water from the watershed and rivers needs to be evaluated and consideration given to whether pump stations are needed. It appears unlikely that pump stations at the storm surge barriers would be required because the back bay provides sufficient storage to accommodate the discharge (flow), additional investigations will be performed before the completion of the feasibility to confirm these assumptions.

QUESTION: How will concrete floodwalls stand up to winter and estuary conditions?

RESPONSE: Floodwalls will be constructed of steel or concrete and will be designed to stand up to winter and tidal estuary conditions in New Jersey. These floodwall types have been constructed in other areas in the northeast US and have demonstrated capabilities to hold up to these conditions.

E-5) NEPA SCOPING

Public Notice

THIS IS NOT A PAID ADVERTISEMENT



**US Army Corps
of Engineers**
Philadelphia District

Public Notice

Public Notice No.
CENAP-PL-E-16- 02

Date
October 31, 2016

In Reply Refer to:
Project Development Branch

New Jersey Back Bays Coastal Storm Risk Management Feasibility Study

Notice is hereby given that the U.S. Army Corps of Engineers in partnership with the New Jersey Department of Environmental Protection (NJDEP) are conducting a feasibility level investigation for coastal storm risk management problems within the New Jersey Back Bay (NJBB) area, defined as the network of interconnected tidal water bodies located landward of the New Jersey ocean coastline in Monmouth, Ocean, Atlantic, Burlington, and Cape May Counties (Figure 1). The NJBB study area includes approximately 950 square miles and nearly 3,400 miles of shoreline.

Devastation in the wake of Hurricane Sandy revealed a need to address the vulnerability of populations, infrastructure, and resources at risk throughout the New Jersey Back Bay Region. This coastline is characterized by low elevation areas and highly developed residential and commercial infrastructure. In response to P.L. 113-2 and the Water Resources and Reform Development Act (WRDA) of 2014, the North Atlantic Coast Comprehensive Study (NACCS) identified 9 focus areas with vulnerable coastal populations and for where U.S. Army Corps of Engineers cost-shared studies were not underway. The NJBB Coastal Storm Risk Management (CSRM) Study is one of these focus areas.

The objective of the NJBB CSRM Study is to investigate CSRM problems and solutions to reduce damages from coastal flooding that affects population, critical infrastructure, critical facilities, property, and ecosystems. Participation of the general public and other interested parties and stakeholders in identifying significant issues and alternatives is being solicited by means of this public notice.

-2-

A public workshop meeting will be held on Thursday, December 01, 2016 between 6:00 PM and 8:00 PM at the Stockton University Campus Center located at 101 Vera King Farris Drive, Galloway, NJ 08205. The event will commence in the theater, which is on the main level of the Campus Center. Free parking is available directly in front of the Campus Center, Lots 2 and 3.

For more information on this study, please contact:

Mr. J. Bailey Smith
U.S. Army Corps of Engineers
ATTN: CENAP-PL-PC
Wanamaker Bldg., 100 Penn Square
East Philadelphia, PA 19107-3390

Phone: (215) 656-6579
Fax: (215) 656-6543
e-mail: J.B.Smith@usace.army.mil

Mr. Mark Eberle
U.S. Army Corps of Engineers
ATTN: CENAP-PL-E
Wanamaker Bldg., 100 Penn Square
East Philadelphia, PA 19107-3390

Phone: (215) 656-6562
Fax: (215) 656-6543
e-mail: Mark.D.Eberle@usace.army.mil



Peter R. Blum P.E.
Chief, Planning Division

www.nap.usace.army.mil



Figure 1: New Jersey Back Bays Study Area

www.nap.usace.army.mil

Federal Register Notice of Intent



61276

Federal Register / Vol. 82, No. 247 / Wednesday, December 27, 2017 / Notices

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Integrated Environmental Impact Statement (EIS) for the New Jersey Back Bays (NJBB) Coastal Storm Risk Management (CSRM) Feasibility Study

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The action being taken by the U.S. Army Corps of Engineers (USACE) is an evaluation of CSRM problems, and an evaluation of alternative structural, non-structural, and natural and nature-based feature (NNBF) measures to address the CSRM problems in the coastal communities of the New Jersey Back Bays and Coastal Lakes in Monmouth, Ocean, Burlington, Atlantic, and Cape May Counties, New Jersey. The purpose of any consequent work would be to implement any one or a number of recommended plans and/or strategies that address CSRM problems evaluated in the feasibility study and integrated environmental impact statement.

ADDRESSES: U.S. Army Corps of Engineers, Philadelphia District, CENAP-PL-E, 100 Penn Square East, Wanamaker Building, Philadelphia, PA 19107-3390.

FOR FURTHER INFORMATION CONTACT: Questions, comments, and suggestions regarding the Draft Integrated EIS should be addressed to Mr. Steven D. Allen at the above address; Phone: (215) 656-6559; email: steven.d.allen@usace.army.mil.

SUPPLEMENTARY INFORMATION:

1. Proposed Action

a. The NJBB CSRM Feasibility Study area is one of 9 focus areas with vulnerable coastal populations identified in the North Atlantic Coast Comprehensive Study (NACCS). The NACCS was conducted in response to Public Law 113-2 and the Water Resource and Reform Development Act (WRRDA) of 2014 following the devastation in the wake of Hurricane Sandy, which greatly affected the study area in October of 2012. The purpose of the NJBB CSRM Feasibility Study is to identify comprehensive CSRM strategies to increase coastal resilience, and to reduce flooding risk from future storms and impacts of sea level change. The objective of the Study is to investigate CSRM problems and solutions to reduce damages from coastal flooding that affect population, critical infrastructure,

critical facilities, property, and ecosystems.

b. The authority for the proposed project is the resolution adopted by the U.S. House of Representatives Committee on Public Works and Transportation and the U.S. Senate Committee on Environment and Public Works dated December 1987.

2. Alternatives

In addition to the no action alternative, the alternatives considered for CSRM will fall into structural, non-structural, and NNBF categories. The structural measures being evaluated for CSRM include measures that would provide barrier protection and/or protection to the bays perimeters, which include: inlet storm surge barriers, interior flood gates, road/rail elevation, levees, floodwalls, bulkheads, seawalls, revetments, beach restoration, breakwaters, storm system drainage improvements or combinations thereof. Non-structural elements under consideration include building retrofit (elevation and flood proofing), managed coastal retreat, emergency evacuation plans, early warning systems, public education, working with other Federal, state and local government agencies to incorporate National Flood Insurance Program improvements into the study recommendations, and combinations thereof. NNBF considerations include wetland restoration, living shorelines, green stormwater management, reefs, and submerged aquatic vegetation. NNBF features may be combined with other proposed CSRM elements.

3. Scoping

a. Scoping is conducted in accordance with Section 1501.7 of the National Environmental Policy Act, and is defined as an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. For the NJBB CSRM Feasibility Study, the scoping process is on-going and has involved preliminary coordination with 2 stakeholder meetings in June 2016, and the distribution of scoping letters to Federal, state, and local agencies, tribes and other non-government organizations. The general public and other interested parties and organizations were invited to participate by means of a public notice and a public workshop meeting held on December 1, 2016. Additional scoping meetings may be announced at major study milestone decision points. Agency and public input are being solicited throughout the

study, and will help inform the identification of a Tentatively Selected Plan (TSP). The TSP milestone is expected to be reached in December 2018.

b. Significant issues and concerns that have been identified in addition to the premise of the CSRM study (flood risks associated with storms and sea level rise) include, but are not limited to the potential for impacts on aquatic biota, fisheries, intertidal habitat, shallow water habitat, endangered species, water quality, hydrodynamics, flood plain management, air quality, cultural resources, sustainability, and socio-economics.

c. The USACE is the lead Federal agency, and the New Jersey Department of Environmental Protection is the non-Federal sponsor. The USACE will be inviting key resource agencies with jurisdiction by law as a cooperating and/or participating agency in accordance with Section 1501.6 of Title 40 Code of Federal Regulations and Section 1005 of the Water Resources Reform and Development Act of 2014. Federal agencies interested in participating as a Cooperating Agency are requested to submit a letter of intent to Lieutenant Colonel Kristen Dahle, District Engineer, at U.S. Army Corps of Engineers, Philadelphia District, 100 Penn Square East, Wanamaker Building, Philadelphia, PA 19107-3390.

4. Availability

It is estimated that the Draft Integrated EIS and Feasibility Study will be made available to the public in January 2019.

Peter R. Blum,
Chief, Planning Division.

[FR Doc. 2017-27952 Filed 12-26-17; 8:45 am]
BILLING CODE 3720-58-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2017-ICCD-0132]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; DC School Choice Incentive Program

AGENCY: Office of Innovation and Improvement (OII), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before January 26, 2018.

E-6) COOPERATING AGENCIES INVITATIONS (NMFS)
National Marine Fisheries Service



DEPARTMENT OF THE ARMY
PHILADELPHIA DISTRICT, CORPS OF ENGINEERS
100 PENN SQUARE EAST, 7th FLOOR WANAMAKER BUILDING
PHILADELPHIA, PENNSYLVANIA 19107-3390

Environmental Resources Branch

JAN 11 2018

SUBJECT: Invitation to be a Cooperating Agency in the Environmental Review for the New Jersey Back Bays (NJBB) Coastal Storm Risk Management (CSRM) Feasibility Study

John Bullard
Regional Administrator
Greater Atlantic Region Fisheries
Office of National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Dear Mr. Bullard:

The U.S. Army Corps of Engineers, Philadelphia District (District), in partnership with the State of New Jersey Department of Environmental Protection (NJDEP) is undertaking a feasibility study to examine measures to reduce future flood risk and the economic costs and risk associated with flood and storm events that affect the NJBB study area, which encompasses five counties and approximately 1,300 square miles (950 miles) of coastline along New Jersey's Atlantic Coastal Bays and Inlets (Figure 1). This Study will also contribute to the resilience of communities, important infrastructure, and the environment. As part of the feasibility study, the District will prepare an integrated Draft Environmental Impact Statement (DEIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended. The DEIS will evaluate environmental impacts from reasonable study alternatives and determine the potential for significant impacts related to reducing coastal storm risks in ways that support the long-term resilience and sustainability of the coastal ecosystem and surrounding communities as it relates to sea level rise, local subsidence and storms, as well as to reduce the economic costs and risk associated with large scale flood and storm events in the area. The NJBB CSRM Feasibility Study will build upon and supplement the North Atlantic Coast Comprehensive Study: Resilient Adaption to Increasing Risk (NACCS, published in January 2015) and ongoing local, state, and Federal efforts by other agencies and groups to improve regional resiliency.

The District is undertaking this effort pursuant to its responsibilities under Section 7 of the Endangered Species Act and the Magnuson-Stevens Fisheries and Conservation Management Act, and has been coordinating with the Protected Resources Division and Habitat Conservation Division. An initial NEPA scoping letter was sent to these offices on July 22, 2016, and the Habitat Conservation Division participated in a public

workshop meeting in 2016 along with several meetings and telephone conversations with Philadelphia District staff.

The District anticipates that there will be a draft Tentatively Selected Plan (TSP) by October 2018 with an integrated DEIS available in January 2019. As part of the environmental review process for this project, the District is required by law¹ to identify, as early as practicable, any Federal and non-Federal agencies that may have an interest in the Study, and invite such agencies to become participating agencies in the environmental review process². This letter is a formal invitation to participate as a cooperating agency for the Study.

Should your agency choose to assume cooperating status, your agency's specific responsibilities as a cooperating agency will include:

- Attendance at and input during agency coordination meetings;
- Comment and feedback on the schedule, overall scope of the NEPA document(s), significant issues to be evaluated, environmental impacts, study and assessment methodologies, range of alternatives and proposed compensatory mitigation, if applicable;
- Guidance on relevant technical studies required as part of the NEPA analysis;
- Identification of issues related to your agency's jurisdiction by law and special expertise;
- Participation, as appropriate, at public meetings and hearings;
- Timely review of the administrative and public drafts of the Draft Integrated Feasibility Report (IFR)/NEPA document and Final IFR/NEPA document;
- Providing staff support at the lead agency's request to enhance the interdisciplinary capability for the study.

As a cooperating agency, you have the right to expect that the NEPA document will enable your agency to perform its jurisdictional responsibilities. Likewise, you have the obligation to tell the District if, at any point in the process, your agency's requirements are not being met. We expect that, at the end of the process, the NEPA document(s) will satisfy your NEPA requirements including those related to study alternatives, environmental consequences and mitigation.

If your agency does not wish to be a cooperating agency, your agency still has the opportunity to become a participating agency in the environmental review process. As a

¹Section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348), as amended.

²Designation as a "participation agency" or "cooperating agency" does not imply that the participating agency supports the proposed project or has any jurisdiction over, or special expertise concerning the proposed project or its potential impact. A "participating agency" differs from a "cooperating agency", which is defined in regulations implementing the National Environmental Policy Act as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment" 40 CFR 4-1508.5

participating agency, you will be afforded the opportunity, together with the public, to be involved in defining the purpose and need for the project, as well as in determining the range of alternatives to be considered for the project. These opportunities will build on the early participation opportunities that were provided during the alternatives analysis process. In addition, you will be asked to:

- Provide input on the environmental impact assessment methodologies and analysis level of detail in accordance with your agency's area of expertise;
- Participate in coordination meetings, conference calls, and joint field reviews, as appropriate;
- Review and comment on section of the pre-draft or pre-final environmental documents to communicate any concerns of your agency on the adequacy of the document, the alternatives considered, and the anticipated impacts and mitigation.

In order to give your agency adequate opportunity to weigh the relevance of your agency's participation as either a cooperating agency or a participating agency or both in this environmental review process, written response to this invitation is requested by February 15, 2018.

A response is also requested if you elect to not become a cooperating agency indicating that your agency has no jurisdiction or authority with respect to the study area, no expertise or information relevant to the study area, or does not intend to submit comments on the project³. A negative response may be transmitted electronically to Steve Allen, Project Biologist, at Steven.D.Allen@usace.army.mil.

We look forward to your response to this request and your role as a cooperating or participating agency on this study. If you have questions or would like to discuss in more detail the study or our agency's respective roles and responsibilities during the study process, please contact Steve Allen at (215) 656-6559 or by e-mail above.

Sincerely,



Peter R. Blum P.E.
Chief, Planning Division

³Per Section 1005 of WRRDA 2014, which amends Section 2045 of WRDA 2007



Figure 1. New Jersey Back Bay Study Area.

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT MAIL REQUEST		
For use of this form, see AR 25-51, AR 600-8-3 and DA Pamphlet 25-52; the proponent agency is CEIT-OPI-RE.		
SECTION I - SHIP TO		
1. NAME (Last, First MI) BULLARD, JOHN, REG ADMIN, GREAT ATL REG FISHERIES	2. COMPANY OFFICE OF NATIONAL MARINE FISHERIES SERVICE	
3. ADDRESS (Street, City, State and Zip Code, no Post Office (PO) Boxes for Delivery) 55 GREAT REPUBLIC DR, GLOUCESTER, MA 01930	4. TELEPHONE NUMBER 978-281-9200	
5. PACKAGE TYPE (Select - X one). <input checked="" type="checkbox"/> a. LETTER. <input type="checkbox"/> b. PACKAGE. <input type="checkbox"/> c. CRATE. <input type="checkbox"/> d. OTHER (Specify).		
6. DELIVER BY (Select - X one, no weekends). <input checked="" type="checkbox"/> a. OVERNIGHT (by 10:00 a.m.). <input type="checkbox"/> b. NEXT DAY (by 3:00 p.m.). <input type="checkbox"/> c. 2-3 DAY PRIORITY. <input type="checkbox"/> d. USPS.		
7. ADDRESS TYPE (Select - X one). <input checked="" type="checkbox"/> a. COMMERCIAL. <input type="checkbox"/> b. RESIDENTIAL.		
SECTION II - SENDER		
1. NAME (Last, First MI) AMON, MARGUERITE	2. E-MAIL Marguerite.K.Amon@usace.army.mil	
3. OFFICE SYMBOL CENAP-PL	4. TELEPHONE NUMBER 215-656-6542	
SECTION III - MAILROOM RECEIVER (This Section, Mailroom Use Only)		
1. RECEIVED IN MAILROOM BY (Last, First MI)	2. RECEIPT DATE (YYYYMMDD)	3. RECEIPT TIME (0001-2400)
4. WHEN SHIPPED	a. DATE (YYYYMMDD)	b. TIME (0001-2400)
5. TRACKING NUMBER (if applicable)		
6. SPECIAL CONDITIONS / COMMENTS (if applicable, e.g., date and time stamp, numerous packages)		
SIGNED RECEIPT.		

CENAP FORM 43, JUN 2017

PREVIOUS EDITIONS ARE OBSOLETE.

VERSION 1.1

E-7) EXECUTED FCSAs
Original FCSA – 11 April 2016

AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
FOR THE
NEW JERSEY BACK BAYS COASTAL STORM RISK MANAGEMENT STUDY

THIS AGREEMENT is entered into this 11th day of April, 2016, by and between the Department of the Army (hereinafter the "Government"), represented by the U.S. Army Engineer, Philadelphia District (hereinafter the "District Engineer") and the State of New Jersey Department of Environmental Protection (hereinafter the "Non-Federal Sponsor"), represented by the Assistant Commissioner of NJDEP.

WITNESSETH, THAT:

WHEREAS, resolutions adopted by the Committee on Public Works and Transportation of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate in December 1987, and by House resolution adopted by the Committee on Public Works and Transportation on December 10, 1987 authorizes conduct of study along the coast of New Jersey including the investigation of coastal storm risk management problems and solutions for the New Jersey Back Bays Area to reduce damages from coastal flooding affecting population, critical infrastructure, critical facilities, property, and ecosystems;

WHEREAS, Section 105(a) of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2215(a)), specifies the cost-sharing requirements; and

WHEREAS, the Government and the Non-Federal Sponsor have the full authority and capability to perform in accordance with the terms of this Agreement.

NOW, THEREFORE, the parties agree as follows:

ARTICLE I - DEFINITIONS

A. The term "Study" means the activities and tasks required to identify and evaluate alternatives and the preparation of a decision document that, as appropriate, recommends a coordinated and implementable solution for the investigation of coastal storm risk management problems and solutions to reduce damages from coastal flooding affecting population, critical infrastructure, critical facilities, property, and ecosystems at the New Jersey Back Bays Area.

B. The term "shared study costs" means all costs incurred by the Government and Non-Federal Sponsor that are directly related to performance of the Study and cost shared in accordance with the

terms of this Agreement. The term includes, but is not necessarily limited to, the Government's costs for preparing the PMP; for plan formulation and evaluation, including costs for economic, engineering, real estate, and environmental analyses; for preparation of a floodplain management plan if undertaken as part of the Study; for preparing and processing the decision document; for supervision and administration; for Agency Technical Review and other review processes required by the Government; and for response to any required Independent External Peer Review; and the Non-Federal Sponsor's creditable costs for in-kind contributions. The term does not include any costs for dispute resolution; for participation in the Study Coordination Team; for audits; for an Independent External Peer Review panel, if required; or for negotiating this Agreement.

C. The term "PMP" means the project management plan, and any modifications thereto, developed in consultation with the Non-Federal Sponsor, that specifies the scope, cost, and schedule for Study activities and tasks, including the Non-Federal Sponsor's in-kind contributions, and that guides the performance of the Study.

D. The term "in-kind contributions" means those planning activities (including data collection and other services) that are integral to the Study and would otherwise have been undertaken by the Government for the Study and that are identified in the PMP and performed or provided by the Non-Federal Sponsor after the effective date of this Agreement, and in accordance with the PMP.

E. The term "maximum Federal study cost" means the \$1,500,000 Federal cost limit for the Study, unless the Government has approved a higher amount.

F. The term "fiscal year" means one year beginning on October 1st and ending on September 30th of the following year.

ARTICLE II - OBLIGATIONS OF THE PARTIES

A. In accordance with Federal laws, regulations, and policies, the Government shall conduct the Study using funds appropriated by the Congress and funds provided by the Non-Federal Sponsor. The Non-Federal Sponsor shall perform or provide any in-kind contributions in accordance with applicable Federal laws, regulations, and policies.

B. The Non-Federal Sponsor shall contribute 50 percent of the shared study costs in accordance with the provisions of this paragraph and provide required funds in accordance with Article III.

1. No later than 15 calendar days after the effective date of this Agreement, the Non-Federal Sponsor shall provide funds in the amount of \$25,000, for the Government to initiate the Study, including preparation of the PMP. In the event more funds are needed to develop the PMP, the Government shall provide the Non-Federal Sponsor with a written estimate of the amount of funds required from the Non-Federal Sponsor, and no later than 15 calendar days after such

notification, the Non-Federal Sponsor shall provide the full amount of such funds to the Government.

2. As soon as practicable after completion of the PMP, and after considering the estimated amount of credit for in-kind contributions that will be afforded in accordance with paragraph C. of this Article, the Government shall provide the Non-Federal Sponsor with a written estimate of the amount of funds required from the Non-Federal Sponsor to meet its share of the shared study costs for the remainder of the initial fiscal year of the Study. No later than 15 calendar days after such notification, the Non-Federal Sponsor shall provide the full amount of such funds to the Government.

3. No later than August 1st prior to each subsequent fiscal year of the Study, the Government shall provide the Non-Federal Sponsor with a written estimate of the amount of funds required from the Non-Federal Sponsor during that fiscal year. No later than September 1st prior to that fiscal year, the Non-Federal Sponsor shall provide the full amount of such required funds to the Government.

C. The Government shall include in the shared study costs and credit towards the Non-Federal Sponsor's share of such costs, the costs, documented to the satisfaction of the Government, that the Non-Federal Sponsor incurs in providing or performing in-kind contributions, including associated supervision and administration. Such costs shall be subject to audit in accordance with Article VI to determine reasonableness, allocability, and allowability, and crediting shall be in accordance with the following procedures, requirements, and limitations:

1. As in-kind contributions are completed and no later than 60 calendar days after such completion, the Non-Federal Sponsor shall provide the Government appropriate documentation, including invoices and certification of specific payments to contractors, suppliers, and the Non-Federal Sponsor's employees. Failure to provide such documentation in a timely manner may result in denial of credit. The amount of credit afforded for in-kind contributions shall not exceed the Non-Federal Sponsor's share of the shared study costs less the amount of funds provided pursuant to paragraph B.1. of this Article.

2. No credit shall be afforded for interest charges, or any adjustment to reflect changes in price levels between the time the in-kind contributions are completed and credit is afforded; for the value of in-kind contributions obtained at no cost to the Non-Federal Sponsor; for any items provided or performed prior to completion of the PMP; or for costs that exceed the Government's estimate of the cost for such item if it had been performed by the Government.

D. To the extent practicable and in accordance with Federal laws, regulations, and policies, the Government shall afford the Non-Federal Sponsor the opportunity to review and comment on solicitations for contracts prior to the Government's issuance of such solicitations; proposed contract modifications, including change orders; and contract claims prior to resolution thereof. Ultimately, the contents of solicitations, award of contracts, execution of contract modifications, and resolution of contract claims shall be exclusively within the control of the Government.

E. The Non-Federal Sponsor shall not use Federal Program funds to meet any of its obligations under this Agreement unless the Federal agency providing the funds verifies in writing that the funds are authorized to be used for the Study. Federal program funds are those funds provided by a Federal agency, plus any non-Federal contribution required as a matching share therefor.

F. Except as provided in paragraph C. of this Article, the Non-Federal Sponsor shall not be entitled to any credit or reimbursement for costs it incurs in performing its responsibilities under this Agreement.

G. In carrying out its obligations under this Agreement, the Non-Federal Sponsor shall comply with all the requirements of applicable Federal laws and implementing regulations, including, but not limited to: Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended (42 U.S.C. 2000d), and Department of Defense Directive 5500.11 issued pursuant thereto; the Age Discrimination Act of 1975 (42 U.S.C. 6102); and the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Army Regulation 600-7 issued pursuant thereto.

H. If Independent External Peer Review (IEPR) is required for the Study, the Government shall conduct such review in accordance with Federal laws, regulations, and policies. The Government's costs for an IEPR panel shall not be included in the shared study costs or the maximum Federal study cost.

I. In addition to the ongoing, regular discussions of the parties in the delivery of the Study, the Government and the Non-Federal Sponsor may establish a Study Coordination Team to discuss significant issues or actions. The Government's costs for participation on the Study Coordination Team shall not be included in the shared study costs, but shall be included in calculating the maximum Federal study cost. The Non-Federal Sponsor's costs for participation on the Study Coordination Team shall not be included in the shared study costs and shall be paid solely by the Non-Federal Sponsor without reimbursement or credit by the Government.

ARTICLE III - PAYMENT OF FUNDS

A. As of the effective date of this Agreement, the shared study costs are projected to be \$3,000,000, with the Government's share of such costs projected to be \$1,500,000 and the Non-Federal Sponsor's share of such costs projected to be \$1,500,000. These amounts are estimates only that are subject to adjustment by the Government and are not to be construed as the total financial responsibilities of the Government and the Non-Federal Sponsor.

B. The Government shall provide the Non-Federal Sponsor with quarterly reports setting forth the estimated shared study costs and the Government's and Non-Federal Sponsor's estimated shares of such costs; costs incurred by the Government, using both Federal and Non-Federal Sponsor funds, to date; the amount of funds provided by the Non-Federal Sponsor to date; the estimated amount of any creditable in-kind contributions; and the estimated remaining cost of the Study.

C. The Non-Federal Sponsor shall provide to the Government required funds by delivering a check payable to "FAO, USAED, [Philadelphia District, EROC code (E5)]" to the District Engineer, or verifying to the satisfaction of the Government that the Non-Federal Sponsor has deposited such required funds in an escrow or other account acceptable to the Government, with interest accruing to the Non-Federal Sponsor, or by providing an Electronic Funds Transfer of such required funds in accordance with procedures established by the Government.

D. The Government shall draw from the funds provided by the Non-Federal Sponsor to cover the non-Federal share of the shared study costs as those costs are incurred. If the Government determines at any time that additional funds are needed from the Non-Federal Sponsor to cover the Non-Federal Sponsor's required share of the shared study costs, the Government shall provide the Non-Federal Sponsor with written notice of the amount of additional funds required. Within 60 calendar days of such notice, the Non-Federal Sponsor shall provide the Government with the full amount of such additional funds.

E. Upon conclusion of the Study and resolution of all relevant claims and appeals, the Government shall conduct a final accounting and furnish the Non-Federal Sponsor with the written results of such final accounting. Should the final accounting determine that additional funds are required from the Non-Federal Sponsor, the Non-Federal Sponsor, within 60 calendar days of written notice from the Government, shall provide the Government with the full amount of such additional funds. Should the final accounting determine that the Non-Federal Sponsor has provided funds in excess of its required amount, the Government shall refund the excess amount, subject to the availability of funds. Such final accounting does not limit the Non-Federal Sponsor's responsibility to pay its share of shared study costs, including contract claims or any other liability that may become known after the final accounting.

ARTICLE IV - TERMINATION OR SUSPENSION

A. Upon 30 calendar days written notice to the other party, either party may elect at any time, without penalty, to suspend or terminate future performance of the Study. Furthermore, unless an extension is approved by the Assistant Secretary of the Army (Civil Works), the Study will be terminated if a Report of the Chief of Engineers, or, if applicable, a Report of the Director of Civil Works, is not signed for the Study within 3 years after the effective date of this Agreement.

B. In the event of termination, the parties shall conclude their activities relating to the Study. To provide for this eventuality, the Government may reserve a percentage of available funds as a contingency to pay the costs of termination, including any costs of resolution of contract claims, and resolution of contract modifications.

C. Any suspension or termination shall not relieve the parties of liability for any obligation previously incurred. Any delinquent payment owed by the Non-Federal Sponsor pursuant to this Agreement shall be charged interest at a rate, to be determined by the Secretary of the Treasury, equal to 150 per centum of the average bond equivalent rate of the 13 week Treasury bills auctioned

immediately prior to the date on which such payment became delinquent, or auctioned immediately prior to the beginning of each additional 3 month period if the period of delinquency exceeds 3 months.

ARTICLE V - DISPUTE RESOLUTION

As a condition precedent to a party bringing any suit for breach of this Agreement, that party must first notify the other party in writing of the nature of the purported breach and seek in good faith to resolve the dispute through negotiation. If the parties cannot resolve the dispute through negotiation, they may agree to a mutually acceptable method of non-binding alternative dispute resolution with a qualified third party acceptable to the parties. Each party shall pay an equal share of any costs for the services provided by such a third party as such costs are incurred. The existence of a dispute shall not excuse the parties from performance pursuant to this Agreement.

ARTICLE VI - MAINTENANCE OF RECORDS AND AUDIT

A. The parties shall develop procedures for the maintenance by the Non-Federal Sponsor of books, records, documents, or other evidence pertaining to costs and expenses for a minimum of three years after the final accounting. The Non-Federal Sponsor shall assure that such materials are reasonably available for examination, audit, or reproduction by the Government.

B. The Government may conduct, or arrange for the conduct of, audits of the Study. Government audits shall be conducted in accordance with applicable Government cost principles and regulations. The Government's costs of audits for the Study shall not be included in shared study costs, but shall be included in calculating the maximum Federal study cost.

C. To the extent permitted under applicable Federal laws and regulations, the Government shall allow the Non-Federal Sponsor to inspect books, records, documents, or other evidence pertaining to costs and expenses maintained by the Government, or at the request of the Non-Federal Sponsor, provide to the Non-Federal Sponsor or independent auditors any such information necessary to enable an audit of the Non-Federal Sponsor's activities under this Agreement. The costs of non-Federal audits shall be paid solely by the Non-Federal Sponsor without reimbursement or credit by the Government.

ARTICLE VII - RELATIONSHIP OF PARTIES

In the exercise of their respective rights and obligations under this Agreement, the Government and the Non-Federal Sponsor each act in an independent capacity, and neither is to be considered the officer, agent, or employee of the other. Neither party shall provide, without the consent of the other party, any contractor with a release that waives or purports to waive any rights a party may have to seek relief or redress against that contractor.

ARTICLE VIII - NOTICES

A. Any notice, request, demand, or other communication required or permitted to be given under this Agreement shall be deemed to have been duly given if in writing and delivered personally or mailed by certified mail, with return receipt, as follows:

If to the Non-Federal Sponsor:

Assistant Commissioner of Engineering and Construction
New Jersey Department of Environmental Protection
Mail Code 501-01A
PO Box 420
Trenton, New Jersey 08625-0420

If to the Government:

Philadelphia District
U.S. Army Corps of Engineers
Wanamaker Building
100 Penn Square East
Philadelphia, Pennsylvania 19107-3390

B. A party may change the recipient or address for such communications by giving written notice to the other party in the manner provided in this Article.

ARTICLE IX - CONFIDENTIALITY

To the extent permitted by the laws governing each party, the parties agree to maintain the confidentiality of exchanged information when requested to do so by the providing party.


ARTICLE X - THIRD PARTY RIGHTS, BENEFITS, OR LIABILITIES

Nothing in this Agreement is intended, nor may be construed, to create any rights, confer any benefits, or relieve any liability, of any kind whatsoever in any third person not a party to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which shall become effective upon the date it is signed by the District Engineer.

DEPARTMENT OF THE ARMY

THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
MICHAEL A. BLISS
Lieutenant Colonel, U.S. Army
District Engineer

BY: 
DAVID ROSENBLATT
Assistant Commissioner
Engineering and Construction
New Jersey Department of Environmental Protection


DATE: 11 APR 2016

DATE: 3/10/16

CERTIFICATE OF AUTHORITY

I, David C. Apy, do hereby certify that I am the principal legal officer of the State of New Jersey Department of Environmental Protection, that the State of New Jersey Department of Environmental Protection is a legally constituted public body with full authority and legal capability to perform the terms of the Agreement between the Department of the Army and the State of New Jersey Department of Environmental Protection in connection with the New Jersey Back Bays Coastal Storm Risk Management Study, and to pay damages, if necessary, in the event of the failure to perform in accordance with the terms of this Agreement and that the persons who have executed this Agreement on behalf of the State of New Jersey Department of Environmental Protection have acted within their statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this 11TH
day of MARCH 2016.


JOHN JAY HOFFMAN
ACTING ATTORNEY GENERAL
STATE OF NEW JERSEY
By: DAVID C. APY
ASST. ATTORNEY GENERAL

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

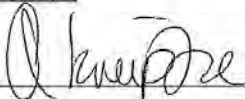

DAVID ROSENBLATT
ASSISTANT COMMISSIONER
ENGINEERING AND CONSTRUCTION
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

DATE: 3/10/16

**NON-FEDERAL SPONSOR'S
SELF-CERTIFICATION OF FINANCIAL CAPABILITY
FOR AGREEMENTS**

I, Adrienne Kreipke, do hereby certify that I am the Chief Financial Officer of the State of New Jersey Department of Environmental Protection (the "Non-Federal Sponsor"); that I am aware of the financial obligations of the Non-Federal Sponsor for the New Jersey Back Bays Coastal Storm Risk Management Study; and that the Non-Federal Sponsor has the financial capability to satisfy the Non-Federal Sponsor's obligations under the New Jersey Back Bays Coastal Storm Risk Management Study.

IN WITNESS WHEREOF, I have made and executed this certification this 25th day of November, 2015.

BY: 


TITLE: Director, Division of Budget and Finance

DATE: 11/25/15

CERTIFICATION OF REVIEW FOR LEGAL SUFFICIENCY

The draft Feasibility Cost Share Agreement between the Department of the Army and the New Jersey Department of Environmental Protection for the New Jersey Back Bays Coastal Storm Risk Management Feasibility Study, New Jersey has been fully reviewed by the Philadelphia District Office of Counsel, USAED, Philadelphia, PA and is legally sufficient.

Date: 22 Oct 15


William A. Wilcox
District Counsel

Amended FCSA – 18 January 2018

AMENDMENT NO. 1
TO THE AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
FOR THE
NEW JERSEY BACK BAYS COASTAL STORM RISK MANAGEMENT STUDY

THIS AMENDMENT NO.1 is entered into this 18 day of January, 2018, by and between the Department of the Army (hereinafter the "Government"), represented by the U.S. Army Engineer, Philadelphia District (hereinafter the "District Engineer") and the State of New Jersey Department of Environmental Protection (hereinafter the "Non-Federal Sponsor"), represented by the Assistant Commissioner of NJDEP.

WITNESSETH, THAT:

WHEREAS, the Government and the Sponsor entered into an agreement (hereinafter the "Agreement") to conduct a feasibility study for the New Jersey Back Bays Coastal Storm Risk Management Study Area Jersey Shore Protection, Hereford Inlet to Cape May Inlet, New Jersey on April 11, 2016 (hereinafter the "Study");

WHEREAS, Section 105(a) of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2215(a)), specifies the cost-sharing requirements; and

WHEREAS, the Government and the Non-Federal Sponsor have the full authority and capability to perform in accordance with the terms of this Agreement.

NOW, THEREFORE, the parties agree to amend the agreement as follows:

1. Article I.E is amended by replacing the entire sentence with:

"The term "maximum Federal study cost" means the \$3,000,000 Federal cost limit for the Study, unless the Government has approved a higher amount.

2. Article III is amended by replacing the existing paragraph H. with the following:


"A. As of the effective date of this Agreement, the shared study costs are projected to be \$6,000,000, with the Government's share of such costs projected to be \$3,000,000 and the Non-Federal Sponsor's share of such costs projected to be \$3,000,000. These amounts are estimates only that are subject to adjustment by the Government and are not to be construed as the total financial responsibilities of the Government and the Non-Federal Sponsor."

3. All other terms and conditions of the Agreement remain unchanged.

IN WITNESS WHEREOF, the parties hereto have executed Amendment No. 1, which shall become effective upon the date it is signed by the District Engineer.

DEPARTMENT OF THE ARMY

THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
KRISTEN N. DAHLE
Lieutenant Colonel, U.S. Army
District Engineer

BY: 
DAVID ROSENBLATT
Assistant Commissioner
Engineering and Construction
New Jersey Department of Environmental Protection

DATE: 18 JAN 18

DATE: 11-13-17

CERTIFICATE OF AUTHORITY

I, David C. Apy, do hereby certify that I am the principal legal officer of the New Jersey Department of Environmental Protection, that the New Jersey Department of Environmental Protection is a legally constituted public body with full authority and legal capability to perform the terms of the Agreement between the Department of the Army and the New Jersey Department of Environmental Protection in connection with the New Jersey Back Bays Coastal Storm Risk Management Study, and to pay damages, if necessary, in the event of the failure to perform in accordance with the terms of this Agreement and that the persons who have executed this Agreement on behalf of the New Jersey Department of Environmental Protection have acted within their statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this
11TH day of January 2018.



David C. Apy
Assistant Attorney General

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-L.L.L., "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.


DAVID ROSENBLATT
ASSISTANT COMMISSIONER
ENGINEERING AND CONSTRUCTION
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

DATE: 11-13-17

**NON-FEDERAL SPONSOR'S
SELF-CERTIFICATION OF FINANCIAL CAPABILITY
FOR AGREEMENTS**

I, Adrienne Kreipke, do hereby certify that I am the Chief Financial Officer of the State of New Jersey Department of Environmental Protection (the "Non-Federal Sponsor"); that I am aware of the financial obligations of the Non-Federal Sponsor for the New Jersey Back Bays Coastal Storm Risk Management Study; and that the Non-Federal Sponsor has the financial capability to satisfy the Non-Federal Sponsor's obligations under the New Jersey Back Bays Coastal Storm Risk Management Study.

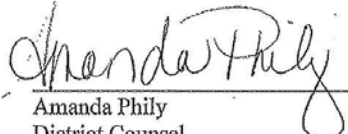
IN WITNESS WHEREOF, I have made and executed this certification this 3rd day of November, 2017

BY: A Kreipke
TITLE: DIRECTOR, DIVISION of Budget + Financial Operations
DATE: 11/3/2017

CERTIFICATION OF REVIEW FOR LEGAL SUFFICIENCY

The draft Feasibility Cost Share Agreement between the Department of the Army and the New Jersey Department of Environmental Protection for the New Jersey Back Bays Coastal Storm Risk Management Feasibility Study has been fully reviewed by the Philadelphia District Office of Counsel, USAED, Philadelphia, PA and is legally sufficient.

Date: 13 October 2017


Amanda Phily
District Counsel

E-8) 3x3x3 RULE EXEMPTION CORRESPONDENCE

New Jersey Back Bays (NJBB) Feasibility Study 3x3x3 Rule Exemption, LTC
Michael A. Bliss Memorandum



DEPARTMENT OF THE ARMY
PHILADELPHIA DISTRICT, CORPS OF ENGINEERS
100 PENN SQUARE EAST, 7th FLOOR WANAMAKER BUILDING
PHILADELPHIA, PENNSYLVANIA 19107-3390

APR 10 2017

CENAP-PL-P

MEMORANDUM FOR COMMANDER, North Atlantic Division, 302 General Lee Avenue, Fort Hamilton Military Community, Brooklyn, NY 11252

SUBJECT: New Jersey Back Bays (NJBB) Feasibility Study 3x3x3 Rule Exemption

1. Purpose. To provide the subject feasibility study 3x3x3 rule exemption request for your endorsement, seeking approval for an \$18 million and 5.5 year study. Enclosed in accordance with Planning Bulletin No. 2012-04 are the following:

- a. Report Synopsis
- b. Risk Register
- c. SMART Project Management Plan (PMP)
- d. Table of original and revised study budget
- e. Table of original and revised milestone schedule
- f. (The District Commander's presentation will be provided electronically under separate cover, per PB 2012-04).

2. Background. This 3x3x3 rule exemption request is for the New Jersey Back Bays (NJBB) Study. A feasibility-cost sharing agreement (FCSA) was signed with the NJ Department of Environmental Protection (NJDEP) in April 2016 to initiate the study based on the 3X3X3 model. It was apparent at the outset that an exemption would be necessary and it was agreed among the Vertical Team that this would be submitted approximately mid-way between the 16 December 2016 Alternatives Milestone Meeting (AMM) and the originally scheduled (August 2017) Tentatively Selected Plan (TSP) milestone.

3. Authority. This study is a "focus area" that was identified in the North Atlantic Coast Comprehensive Study (NACCS) for further study. The original study authority derives from resolutions for the "Coast of New Jersey" adopted by U.S. House of Representatives and U.S. Senate Committees in December 1987. The NJBB study is being formulated primarily for coastal storm risk management (CSRМ) purposes.

4. Summary. The NJBB study is addressing the problem of coastal flood risk along the back bays of New Jersey. The study area extends along 110 miles of the NJ coast and encompasses 950 square miles of land, wetlands, open water, and coastal lakes across parts of five counties and 90 municipalities. There are approximately 235,000 structures and a permanent population of about 700,000 within the study area. Seasonal tourism and recreation drive the population of study area significantly above that measured by the US Census statistics. Hurricane Sandy in 2012 demonstrated

CENAP-PL-P

SUBJECT: New Jersey Back Bays (NJBB) Feasibility Study 3x3x3 Rule Exemption

that in addition to the coastal storm risk posed to public and private infrastructure, there is a significant life-safety risk posed by coastal storms and the flooding that they cause.

Twelve inlets provide hydraulic connections between the Atlantic Ocean and the back bays, making all of the back bays susceptible to flooding from the ocean. During coastal storms, elevated ocean water levels propagate through the inlets into the back bays, causing flood damage proportional to the geographic extent, duration, and height of the ocean storm surge. Most of the study area infrastructure at risk from coastal flooding is residential, with important commercial and critical public infrastructure components. This infrastructure exists where it is because of the attraction of living, recreating, or working on or near tidewater with easy access to the ocean and bays, and it provides a significant contribution to the \$40 billion NJ coastal economy.


An exemption to the USACE 3x3x3 planning process is necessary due to the large size of the study area, its complex hydraulic, environmental, and economic characteristics, and the requirement to formulate plans in accordance with P&G criteria: completeness, effectiveness, efficiency, and acceptability. This exemption package reflects the process recommended by NAP to complete the feasibility study as expeditiously as possible, while meeting all USACE policy requirements and delivering comprehensive, system-wide recommendations that can be implemented at the Federal or non-federal levels to reduce risks associated with coastal storm flooding.

5. Risks. Complex planning, engineering and environmental analyses will be required during the study. However, the Philadelphia District is utilizing the SMART planning approach to reach decisions as quickly and efficiently as possible by having early vertical team and agency coordination, and increased levels of effort as the plan is vetted through the vertical team prior to approval. The risks are identified in the exemption package.

6. Recommendation. I recommend CENAD support of the exemption request. I recommend you endorse the exemption request for the NJBB Study for \$18 million and 5.5 years and forward the enclosed exemption package to HQUSACE for approval and subsequent forwarding to ASA (CW).

7. Point of Contact: Mr. Peter R. Blum, PE, Chief Planning Division at 215-656-6540 or Peter.R.Blum@usace.army.mil.

5 Encls



MICHAEL A. BLISS
LTC, EN
Commanding

Request for Exemption from the 3x3x3 Feasibility Study Rule for the New Jersey
Back Bays Coastal Storm Risk Management Focus Area Study, Brigadier
General William H. Graham Memorandum



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS NORTH ATLANTIC DIVISION
FORT HAMILTON MILITARY COMMUNITY
302 GENERAL LEE AVENUE
BROOKLYN NY 11252-6700

13 APRIL 2017

CENAD-PD-P

MEMORANDUM FOR Director of Civil Works, U.S. Army Corps of Engineers (CECW-NAD-RIT/Mr. Wimbrough), 441 G Street NW, Washington DC 20314-1000

SUBJECT: Request for Exemption from the 3x3x3 Feasibility Study Rule for the New Jersey Back Bays Coastal Storm Risk Management Focus Area Study

1. References:

- a. Memorandum, CECW-CP, 8 February 2012, subject: U.S. Army Corps of Engineers Civil Works Feasibility Study Program Execution and Delivery.
- b. Planning Bulletin NO. PB 2012-04, subject: 3x3x3 Rule Exemption Process (11 January 2013).
- c. New Jersey Back Bays Coastal Storm Risk Management Focus Area Study Project Strategy Paper to Accompany the Exemption Request, dated 17 March 2017.
- d. New Jersey Back Bays Coastal Storm Risk Management Focus Area Study Report Synopsis for Exemption Request, dated 17 March 2017.

2. The Philadelphia District has requested an exemption from the 3x3x3 requirement for the feasibility study to investigate Coastal Storm Risk Management (CSRM) solutions for the New Jersey Back Bays Focus Area Study. A Feasibility Cost Sharing Agreement was signed with the non-Federal sponsor, the New Jersey Department of Environmental Protection (NJDEP) in April 2016, to initiate the study based on the 3x3x3 model. The Project Delivery Team (PDT) initially proposed a 3-year study at a cost of \$3,000,000 to study the appropriate measures and develop technically feasible, environmentally acceptable and economically justified alternatives to address coastal storm risk along the shoreline of the back bays of New Jersey that could be implemented by the U.S. Army Corps of Engineers, the NJDEP, other agencies, as well as other local municipalities.

3. Following the Alternatives Milestone Meeting (AMM) on 16 December 2016, the PDT continued work toward the Tentatively Selected Plan (TSP) and determined that the level of effort would exceed what could be accomplished in a 3-year study timeframe and would exceed the \$3,000,000 cost limit. It was apparent at the outset that an exemption would be necessary and it was agreed among the Vertical Team that the exemption request would be submitted approximately mid-way between the AMM and the TSP, originally scheduled for October 2017. After detailed coordination with the vertical team, the PDT now proposes a 5.5-year schedule at a cost of \$18,000,000 to complete the New Jersey Back Bays Focus Area Study. The \$18,000,000 estimate includes the study sunk costs as of this memorandum.

4. Factors impacting schedule: Schedule is proposed to extend to 5.5 years due to the abnormally large geographic scope (110 miles of the NJ coast, encompassing 950

SUBJECT: Request for Exemption from the 3x3x3 Feasibility Study Rule for the New Jersey Back Bays Coastal Storm Risk Management Focus Area Study.

square miles of land, wetlands, open water, and coastal lakes across parts of five counties and 90 municipalities) and the complexity of adequately addressing coastal storm risk for the study area.

5. Factors impacting cost: The types of measures being considered, the geographic scope and the density of the population at risk within the study area all impact the cost, suggesting a cost above \$3,000,000 should be warranted. The current estimate included in this exemption package is \$18,000,000, but additional cost reduction opportunities may exist to adequately address coastal storm risk reduction for the study area.

6. Consequences of limiting the study to the 3x3x3 requirement: The level of planning and analysis to adequately address coastal storm risk for the entire New Jersey Back Bays study area would be significantly constrained and would result in alternatives with above normal cost contingencies and an poorly informed environmental impact analysis. This would make it very difficult to receive support from the non-Federal sponsor as well as to receive the environmental permits required prior to implementation of the recommended plan.

7. Recommendation: Review of the proposed exemption request which currently stands at a 5.5-year study at a cost of \$18,000,000 is requested in order to adequately address the coastal storm risks of the New Jersey Back Bays Focus Area Study. The geographic scope, complexity of alternatives considered and potential for environmental impacts would indicate a cost significantly greater than \$3,000,000. I suggest a Vertical Team charrette to investigate potential for additional schedule and cost reductions.

8. The point of contact is Mr. Joseph R. Vietri, Chief, Planning and Policy Division, at 347-370-4570 or Joseph.R.Vietri@usace.army.mil.



WILLIAM H. GRAHAM
Brigadier General, USA
Commanding

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2016
REPORT 114-91
Accompanies HR 2028
PLANNING MODERNIZATION

"The Committee remains strongly supportive of efforts to reduce the length of time and the funding required to complete studies while maintaining quality analysis and an appropriate level of information for congressional authorization and funding decisions. The Committee is aware that multiple studies, termed Legacy Studies, were rightly not required to transition to the new SMART planning process. The Corps shall be prepared to brief the Committee not later than 60 days after the enactment of this Act on the status of the Legacy Studies, including a schedule for bringing each study to completion.

North Atlantic Coast Comprehensive Study Focus Areas.— Several of the nine identified focus areas, including the three areas proposed for funding in fiscal year 2016, involve geographic scopes and levels of complexity not seen in the typical Corps study. As such, confining these studies to the standard 3x3x3 planning restrictions for time and cost is not advisable. Rather than starting with the attempt to meet these arbitrary timing and funding goals and requesting waivers at the end of the study process, the Corps is directed to evaluate each focus area expeditiously to determine the appropriate scope, schedule, and cost, without the initial time and cost limits of the 3x3x3 process."



DEPARTMENT OF THE ARMY
PHILADELPHIA DISTRICT, CORPS OF ENGINEERS
100 PENN SQUARE EAST, 7TH FLOOR WANAMAKER BUILDING
PHILADELPHIA, PENNSYLVANIA 19107-3390

CENAP-PL-P

APR 10 2017

MEMORANDUM FOR COMMANDER, North Atlantic Division, 302 General Lee Avenue, Fort Hamilton Military Community, Brooklyn, NY 11252

SUBJECT: New Jersey Back Bays (NJBB) Feasibility Study 3x3x3 Rule Exemption

1. Purpose. To provide the subject feasibility study 3x3x3 rule exemption request for your endorsement, seeking approval for an \$18 million and 5.5 year study. Enclosed in accordance with Planning Bulletin No. 2012-04 are the following:

- a. Report Synopsis
- b. Risk Register
- c. SMART Project Management Plan (PMP)
- d. Table of original and revised study budget
- e. Table of original and revised milestone schedule
- f. (The District Commander's presentation will be provided electronically under separate cover, per PB 2012-04).

2. Background. This 3x3x3 rule exemption request is for the New Jersey Back Bays (NJBB) Study. A feasibility-cost sharing agreement (FCSA) was signed with the NJ Department of Environmental Protection (NJDEP) in April 2016 to initiate the study based on the 3X3X3 model. It was apparent at the outset that an exemption would be necessary and it was agreed among the Vertical Team that this would be submitted approximately mid-way between the 16 December 2016 Alternatives Milestone Meeting (AMM) and the originally scheduled (August 2017) Tentatively Selected Plan (TSP) milestone.

3. Authority. This study is a "focus area" that was identified in the North Atlantic Coast Comprehensive Study (NACCS) for further study. The original study authority derives from resolutions for the "Coast of New Jersey" adopted by U.S. House of Representatives and U.S. Senate Committees in December 1987. The NJBB study is being formulated primarily for coastal storm risk management (CSRМ) purposes.

4. Summary. The NJBB study is addressing the problem of coastal flood risk along the back bays of New Jersey. The study area extends along 110 miles of the NJ coast and encompasses 950 square miles of land, wetlands, open water, and coastal lakes across parts of five counties and 90 municipalities. There are approximately 235,000 structures and a permanent population of about 700,000 within the study area. Seasonal tourism and recreation drive the population of study area significantly above that measured by the US Census statistics. Hurricane Sandy in 2012 demonstrated

CENAP-PL-P

SUBJECT: New Jersey Back Bays (NJBB) Feasibility Study 3x3x3 Rule Exemption

that in addition to the coastal storm risk posed to public and private infrastructure, there is a significant life-safety risk posed by coastal storms and the flooding that they cause.

Twelve inlets provide hydraulic connections between the Atlantic Ocean and the back bays, making all of the back bays susceptible to flooding from the ocean. During coastal storms, elevated ocean water levels propagate through the inlets into the back bays, causing flood damage proportional to the geographic extent, duration, and height of the ocean storm surge. Most of the study area infrastructure at risk from coastal flooding is residential, with important commercial and critical public infrastructure components. This infrastructure exists where it is because of the attraction of living, recreating, or working on or near tidewater with easy access to the ocean and bays, and it provides a significant contribution to the \$40 billion NJ coastal economy.

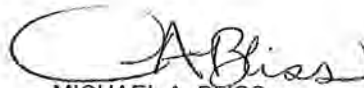
An exemption to the USACE 3x3x3 planning process is necessary due to the large size of the study area, its complex hydraulic, environmental, and economic characteristics, and the requirement to formulate plans in accordance with P&G criteria: completeness, effectiveness, efficiency, and acceptability. This exemption package reflects the process recommended by NAP to complete the feasibility study as expeditiously as possible, while meeting all USACE policy requirements and delivering comprehensive, system-wide recommendations that can be implemented at the Federal or non-federal levels to reduce risks associated with coastal storm flooding.

5. Risks. Complex planning, engineering and environmental analyses will be required during the study. However, the Philadelphia District is utilizing the SMART planning approach to reach decisions as quickly and efficiently as possible by having early vertical team and agency coordination, and increased levels of effort as the plan is vetted through the vertical team prior to approval. The risks are identified in the exemption package.

6. Recommendation. I recommend CENAD support of the exemption request. I recommend you endorse the exemption request for the NJBB Study for \$18 million and 5.5 years and forward the enclosed exemption package to HQUSACE for approval and subsequent forwarding to ASA (CW).

7. Point of Contact: Mr. Peter R. Blum, PE, Chief Planning Division at 215-656-6540 or Peter.R.Blum@usace.army.mil.

5 Encls



MICHAEL A. BLISS
LTC, EN
Commanding

Congressional Letter of Support from NJ Officials

Congress of the United States
Washington, DC 20515

May 15, 2017

The Honorable Douglas W. Lamont
Acting Assistant Secretary of the Army (Civil Works)
108 Army Pentagon
Washington, D.C. 20310-0108

Dear Acting Assistant Secretary Lamont:

We are writing to express our support for the New Jersey Back Bays (NJBB) coastal flood risk management study, being conducted by the Philadelphia District in partnership with the New Jersey Department of Environmental Protection (NJDEP). While Hurricane Sandy in 2012 demonstrated the effectiveness of the Corps' coastal projects, it also showed that the people, property, and infrastructure adjacent to the back bays remain completely vulnerable to storm damage. This study developed out of the larger North Atlantic Coast Comprehensive Study (NACCS) which identified nine high-risk areas on the Atlantic Coast for further in-depth analysis.

Undertaking a comprehensive study of this large and heavily populated area will certainly require a waiver to the standard 3 years, \$3 million limit prescribed by the USACE 3x3x3 planning process. Therefore, we urge your office, the Corps and NJDEP to quickly complete the waiver package and identify the appropriate schedule, scope and cost estimate needed to deliver specific recommendations that can be implemented at the Federal or non-federal levels to reduce risks associated with coastal storm flooding in the back bay areas.

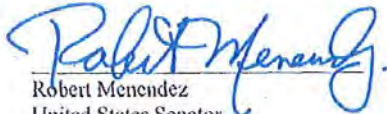
The study area extends along 110 miles of the New Jersey coast and encompasses 950 square miles of land, wetlands, open water, and coastal lakes across parts of five counties and 90 municipalities. There are approximately 235,000 structures and a permanent population of about 700,000 within the study area. Seasonal tourism and recreation drive the population of the study area significantly above that measured by the US Census statistics. These areas will remain completely vulnerable to storm damage, as all other Corps efforts underway or completed were limited to the ocean side of the coastline.


Twelve inlets provide hydraulic connections between the Atlantic Ocean and the back bays, making all of the back bays susceptible to flooding from the ocean. During coastal storms, elevated ocean water levels propagate through the inlets into the back bays, causing flood damage proportional to the geographic extent, duration, and height of the ocean storm surge. Most of the study area infrastructure at risk from coastal flooding is residential, with important commercial and critical public infrastructure components. This infrastructure exists where it is because of the attraction of living, recreating, or working on or near tidewater with easy access to the ocean and bays, and it provides a significant contribution to the \$40 billion New Jersey coastal economy.

PRINTED ON RECYCLED PAPER

Thank you for your past support of efforts to protect New Jersey's coasts. We appreciate your full consideration to waiver request on this important study.


Sincerely,



Robert Menendez
United States Senator


Cory A. Booker
United States Senator


Frank Pallone, Jr.
Member of Congress


Frank A. LoBiondo
Member of Congress


Tom MacArthur
Member of Congress


Christopher H. Smith
Member of Congress

CC: Theodore (Tab) Brown, Chief, Planning and Policy Division
Lieutenant Colonel Michael A. Bliss, Commander, USACE Philadelphia District

New Jersey Back Bays (NJBB) Feasibility Study, New Jersey, 3x3x3 Rule
Exemption, Director of Civil Works James C. Dalton Memorandum



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

CECW-NAD

JUN 08 2017

MEMORANDUM FOR Commander, U.S. Army Corps of Engineers, North Atlantic Division
(CENAD-PD-P)

SUBJECT: New Jersey Back Bays (NJBB) Feasibility Study, New Jersey, 3x3x3 Rule
Exemption

1. References:

a. CENAD-PD-P Memorandum dated 13 April 2017, subject: Request for Exemption
from the 3x3x3 Study Rule for the New Jersey Back Bays Coastal Storm Risk Management
Focus Area Study.

b. CENAP-PL-P Memorandum dated 10 April 2017, subject: New Jersey Back Bays
Feasibility Study 3x3x3 Rule Exemption.

2. The NJBB focus area study investigating coastal storm risk management solutions, has
been recommended by the Philadelphia District (NAP) for a 3x3x3 exemption for schedule
and funding. The study area extends along 110 miles of the NJ coast and encompasses
950 square miles of uplands, open water, wetlands, coastal lakes, and developed shoreline,
extending across parts of five counties and 90 municipalities. NAP has proposed a study
cost of \$18 million and a duration of 5.5 years, due to the large size of the study area, its
complex hydraulic, environmental, and economic characteristics, and the requirement to
formulate plans in accordance with Principles & Guidelines criteria. Vertical alignment for
the study has not been attained and NAP has indicated there will be no further schedule or
cost revisions at this time.

3. Exemption requests for two NAD studies, the Norfolk Harbor Deepening General
Reevaluation Report and New Haven Harbor Feasibility Study, were previously approved by
HQUSACE and transmitted to the Assistant Secretary for the Army (Civil Works)
(ASA(CW)) on 27 February 2017. In response, ASA(CW) indicated that the exemption
requests were premature, and a determination of complexity could not be made in
accordance with the five criteria identified in Section 1001(d)(2) of the Water Resources
Reform and Development Act of 2014 (WRRDA 2014). Further, ASA(CW) requested that
HQUSACE reexamine the process and modify guidance for 3x3x3 exemptions.

4. Section 1001 of WRRDA 2014 implementation guidance is under review, with the
objective being clarification of current guidance and alignment of the exemption and the
feasibility study processes. SMART principles would be further clarified with guidance as
necessary. Exemption process updates would include: the timing of exemption requests;

CECW-NAD
SUBJECT: 3x3x3 Rule Exemption

the level of effort/resources being expended to develop exemption requests; and the nexus between the model Feasibility Cost Sharing Agreement, the budget process, Project Management Plan development, and the timing of exemption approvals.

5. Per the email communication from the Chief, Planning and Policy Division, dated 12 April 2017, formal exemption requests should be deferred until the Tentatively Selected Plan/Agency Decision Milestone timeframe, when the detailed scope to complete the study has been sufficiently developed and the factors can be adequately addressed for consideration. While the expectation remains that most studies are able to be completed within 3 years and within \$3 million, it is recognized that there will be exceptions. It is also expected that studies will diligently pursue all appropriate actions to embrace SMART planning principles, to include consideration of innovative and alternate approaches to utilize available information early in the study process.

6. An initial completeness review of the 3x3x3 Exemption Package for the NJBB Feasibility Study that was forwarded by NAP to HQUSACE has been conducted. As discussed during a vertical meeting at HQUSACE on 15 May 2017, the study does not meet current guidance received from ASA(CW), nor does it meet current USACE criteria for planning studies. Specifically, the following SMART Planning Principles were not integrated into the scope/strategy: a) the level of detail proposed is not supported by the decisions to be made, b) the amount of environmental analysis seems inflated and unnecessary to release a draft report, c) key drivers and uncertainties are not identified, d) proper vertical integration was not practiced, and e) there is insufficient utilization of existing information.

7. Although HQUSACE, NAD, and the National Planning Center of Expertise for Coastal Storm Risk Management have indicated that the exemption request is premature and does not comply with SMART planning principles, NAP has requested that the exemption request be reviewed by HQUSACE with the intent to convene a Senior Leader Panel (SLP) for resolution. The NJBB SLP has been scheduled for 20 June 2017.

8. Questions or concerns regarding this matter should be directed to Catherine Shuman, Deputy Chief, North Atlantic-Division Regional Integration Team, at (202) 761-1379 or catherine.m.shuman@usace.army.mil.



James C. Dalton, P.E.
Director of Civil Works

New Jersey Back Bays (NJBB) Feasibility Study, New Jersey, 3x3x3 Rule
Exemption, Major General Scott A. Spellmon Memorandum



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

OCT 23 2018

CECW-NAD

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

SUBJECT: New Jersey Back Bays Coastal Storm Risk Management Study, 3x3x3 Rule Exemption

1. Purpose. To provide the subject 3x3x3 rule interim exemption request for your approval of a study extension to September 2020 in order to execute an Agency Decision Milestone (ADM) and process a final exemption. Total duration for this study is 6 years, with the Chief's Report to be completed in April 2022; however, a final 3x3x3 rule exemption will be required for time beyond the ADM. The exemption would also increase the total study cost to \$18.05M (\$9.1M federal/\$8.95M non-federal). Approximately \$12.8M is required to execute to the ADM.
2. Background. This 3x3x3 rule exemption request is for the New Jersey Back Bays Coastal Storm Risk Management Study. The non-federal study sponsor is the New Jersey Department of Environmental Protection (NJDEP). The New Jersey Shore Protection Study was authorized under resolutions adopted by the Committee on Public Works and Transportation of the U.S. House of Representatives and the Committee on Environmental and Public Works of the U.S. Senate in December of 1987. The New Jersey Back Bays study area encompasses portions of five counties (Monmouth, Ocean, Atlantic, Burlington, and Cape May) and includes the network of interconnected tidal water bodies located landward of the New Jersey ocean coastline. The NJBB study area includes a total land and water area of 950 square miles with approximately 3,400 miles of shoreline.
3. Authority. Per Section 1001 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), U. S. Army Corps of Engineers (USACE) final feasibility reports are, to the extent practicable, to be completed in three years and have a maximum federal cost of \$3M. Section 1001 provides further that the Secretary of the Army may extend the timeline or approve federal costs greater than \$3M, subject to notification to the non-federal sponsor and the Senate Committee on Environment and Public Works and the House of Representatives Committee on Transportation and Infrastructure.
4. Summary. The Feasibility Cost Sharing Agreement was signed in April 2016 and the Alternatives Milestone was completed in December 2016. An Interim Draft Feasibility Report will be released in February 2019 to solicit feedback from the public, stakeholders, and other agencies. The Tentatively Selected Plan Milestone is scheduled for completion in January 2020, the ADM in July 2020, the final report completed by November 2021, and the Chief's Report completed by April 2022. The primary drivers of the increased cost and schedule requirements include the overall scope and complexity of the study area, requiring

CECW-SPD

SUBJECT: New Jersey Back Bays Coastal Storm Risk Management Study, 3x3x3 Rule Exemption

systems-level analysis of multiple alternatives, the magnitude of cost and impacts associated with the identified alternatives, and the anticipated level of public engagement and coordination required to recommend a federal action.

Headquarters USACE has completed its review of the 3x3x3 exemption request for the New Jersey Back Bays Study that was submitted on 05 October 2018. The Senior Leaders Panel recommended an interim extension of the study duration to the ADM, along with a funding increase to \$18.05M on 9 October 2018, with \$12.8M required to complete an ADM. Two additional months have been included in the interim exemption to account for processing of the final exemption after the ADM. Additional efforts will be made throughout the remaining duration of the study to realize schedule and cost savings in accordance with risk-based planning practices, with a vertical team Risk Panel being conducted after circulation of the Interim Draft Feasibility Report. The non-federal sponsor is supportive of the revised study schedule.

5. Funding Stream. Total study cost is \$18.05M (\$9.1M federal/\$8.95M non-federal). Additional Fiscal Year (FY) 2019 federal funds of \$3M (only \$852K remains in the DCG approved \$3M Fed or \$6M Total study cost), FY 2020 federal funds of \$3.551M, and FY 2021 federal funds of \$401K are required to complete the study.

6. Additional Requirements:

a. Risk Panel - With direction and oversight provided by the MSC, the district will conduct a Risk Panel within 30 days of receipt of comments on the Interim Draft Report. The Risk Panel will focus on identification and analysis of significant study risks, the plan to respond to those risks, and methods that will be employed to manage/control those risks. For the panel, the PDT will provide substantial detail on the strategy to identify a Tentatively Selected Plan and will analyze potential reductions in scope, schedule, and budget for the remainder of the study. The panel will include all pertinent members of the vertical team.

b. Communications and Outreach Plan (CoOP) - within 30 days of exemption approval, NAP will develop and submit an adequate Communications and Outreach Plan (CoOP) to the MSC for review and approval. As part of the CoOP, the district will develop and maintain an aggressive, robust public website that details study progress, communication opportunities, and solicitation of feedback. Stakeholder, Congressional, and public outreach opportunities will be delineated and dates for future meetings will be established.

c. Supplemental Governance Structure - The district will immediately implement a 3-tier supplemental governance utilizing the template in the Coastal Texas Protection and Restoration Feasibility Study, Addendum to Project Management Plan dated 06 January 2016.

d. Focus Area Evaluation (FAE) meetings will be organized by the MSC and will include the HQUSACE Regional Integration Team, the Policy Review Team, MSC staff, and Project Delivery Team. Meetings will be held quarterly or before critical project decisions,

CECW-SPD

SUBJECT: New Jersey Back Bays Coastal Storm Risk Management Study, 3x3x3 Rule Exemption

whichever is appropriate, and will detail recent plan evaluation results, decisions to be made, schedule and budget performance, and 6 month projection of activities.

e. Senior Executive Accountability - Written quarterly updates and a briefing by the Deputy District Engineer will be provided to the MSC Programs Director that detail the following:

- i. Graphical depiction of the project baseline;
- ii. Financial data indicating the status of funds obligated, expended, and anticipated;
- iii. A summary level update report on any outstanding issues identified;
- iv. An over-arching roll-up of the above items at the program level; and,
- v. A projected look at upcoming milestones, significant developments, outreach events, and FAE meetings.

7. Recommendation. I concur with the findings of the Senior Leaders Panel on the schedule extension request. I recommend you approve the request for New Jersey Back Bays Coastal Storm Risk Management Feasibility Study for a study extension to September 2020 (17 month extension) and \$18.05M total budget, and also forward the enclosed letters to the Authorization Committees.



SCOTT A. SPELLMON
Major General, USA
Deputy Commanding General
for Civil and Emergency Operation

3 Encls

1. NAP memo dtd 08 October 18
2. Draft House notification letter
3. Draft Senate notification letter

New Jersey Back Bays Coastal Storm Risk Management Study, 3x3x3 Rule
Exemption, Assistant Secretary of the Army (Civil Works) R. D. James
Memorandum



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108

31 OCT 2018

MEMORANDUM FOR THE DEPUTY COMMANDING GENERAL FOR CIVIL AND
EMERGENCY OPERATIONS

SUBJECT: New Jersey Back Bays Coastal Storm Risk Management Study, 3x3x3 Rule
Exemption

1. Reference memorandum, CECW-NWD, 23 October 2018, subject: New Jersey Back Bays Coastal Storm Risk Management Study, 3x3x3 Rule Exemption.
2. I am responding to your memorandum requesting that I grant an exemption to the requirement identified in section 1001(a) of the Water Resources Reform and Development Act of 2014 that feasibility reports are, to the extent practicable, to be completed in three years.
3. My staff has reviewed the memorandum and background information and I have determined that the time and funding to complete the study through the Agency Decision Milestone is warranted. I hereby grant an interim exemption for 17 months (53 months total) so that the Corps can complete the Agency Decision Milestone. If a final exemption for time is necessary to complete the feasibility study a request for additional time must be submitted in advance of September 2020. To ensure the study is funded in future budgets, I have approved the request for the \$9.1 million Federal funding.
4. I request your diligent attention on actively managing the study cost and schedule. I also request that you strive to submit the study in less than the proposed six year schedule, if practical. If there are any questions, please contact Mr. Mark Kramer, Project Planning and Review at (202) 761-0041.

A handwritten signature in blue ink, appearing to read "R. James", is positioned above the typed name.

R.D. James
Assistant Secretary of the Army
(Civil Works)