EBC Leadership Webinar:
Update from the U.S. Army Corps
New England District Leadership
Welcome

Daniel K. Moon

President and Executive Director
Environmental Business Council
EBC Committees & Chapters

Climate Change and Air Committee
Dam Management Committee
Energy Resources Committee
Infrastructure Committee
Ocean and Coastal Resources Committee
Site Remediation and Redevelopment Committee
TSCA & Emerging Contaminants Committee
Solid Waste Management Committee
Water Resources Committee
Ascending Professionals Committee

Connecticut Chapter
New Hampshire Chapter
Rhode Island Chapter
EBC Membership Benefits

- Programs
- Access
- Networking
- Leadership Development

Environmental Business Council of New England
Energy Environment Economy
1. Presentations will be posted to “ebcne.org”
   - Link to location of presentations in follow-up email

2. Contact information for speakers & moderators on agenda

3. Get involved in EBC Chapters and Committees
   - Join Leadership Teams

4. Use the chat box to ask questions
Christopher Barron, COL (RET)

Program Chair & Moderator
Senior Consultant, GEI Consultants Inc.
The views, opinions and findings contained in this report are those of the authors(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation.
AGENDA

• The US Army Corps of Engineers
• Outlook of our programs
• Our COVID-19 Response
VALUE TO THE NATION

- US Ports & Waterways convey > 2B Tons Commerce
- Foreign Trade alone creates > $160 B Tax Revenues

Recreation Areas
376M Visitors Annually
$15 B in economic activity
500,000 jobs

Stewardship of 11.7 Million Acres of Public Lands

1/4 of Nation’s Hydropower
$500 M + in power sales

299 Deep Draft Harbors

11,000 miles of Commercial Inland Waterways:
1/2 the cost of rail - 1/10 the cost of trucks

627 Shallow Draft Harbors

8500 Miles of Levees

Environmental Restoration

Emergency Operations

Regulatory Responsibility
Physical presence in 34 countries; engagement in 100+ countries

Northwestern Division (Portland)
North Atlantic Division (New York City)
South Atlantic Division (Atlanta)
North Atlantic Division (New York City)
Trans-Atlantic Division (Winchester, VA)
Pacific Ocean Division (Honolulu)
MISSION, VISION, & ORGANIZATION

USACE Mission
Deliver vital engineering solutions, in collaboration with our partners, to secure our Nation, energize our economy, and reduce risk from disaster.

USACE Vision
Engineering solutions for the Nation’s toughest challenges.

Headquarters
9 Divisions
43 Districts
9 Centers and Labs
1 Active Duty Unit
249th Prime Power Battalion
2 U.S. Army Reserve Theater Engineer Commands
412th and 416th

36,000 DA Civilians; 800 Military; $66 Billion Budget
New England District Overview

One of six districts in the North Atlantic Division that deliver a broad spectrum of programs/projects to New England and the Nation

- 6 Governors
- 12 Senators
- 21 Congressional Districts
- 13 million people

- 66,000 square miles
- 6,100 miles of coastline
- 11 deep draft commercial waterways
- 13 major river basins
- 171 Federal harbors
- 5 Military Bases

- 490 Employees
- 31 Dams; 5 Basin Offices
- 2 Area Engrs, 5 Resident Engr, and 2 Regulatory Offices
- 3 Hurricane Barriers
- Cape Cod Canal

- ~ 6,000 Permits issued annually
USACE MISSION AREAS

USACE Has a Diverse Mission Set Driven by Diverse Customers

Military Missions
- Military Construction
- COCOM Support, Overseas Contingency Operations (OCO)
- Installation Support, Environmental, Energy and Sustainability

Contingency Operations
- Life-Cycle Flood Risk Management
- Critical Infrastructure

Military Construction
- Contingency Operations

Civil Works

Real Estate
- Acquire, Manage and Dispose / DoD Recruiting Facilities / Contingency Operations

International and Interagency
- Federal / State / Local
- “Whole of USACE” Capabilities
- Capacity Development

“Whole of Government” Disaster Response and Recovery

Capacity Development
OUR CURRENT MISSION SET

DA

The Engineer Regiment
90,000 members of the Total Engineer Force

DA MILCON and Installation Support
$8.4B / 3 million service men and women / 287 Installations

Civil Works
$7B / ~1,000 projects
$17.4B Disaster Supplemental
$3.3B Disaster Relief (HR 2157)

DoD

COCOM Support
110 countries / $10B to COCOMS and Interagency

Missile Defense Agency
5 critical projects / $875M / Romania, Poland, Alaska

USAF / USN / DHA / DLA
$9.8B installation infrastructure for DoD and Sister Services

DOD/AF/Army/EPA/DOE
$1.5B in national environmental cleanup

IIS

CBP Southwest Border
Advise, design & construct 13 projects worth $15B
$5.1B=CBP $6.3B=284 $3.6B=2808

Veterans Affairs Program
Design and construct 15 medical facilities valued at $7.3B

Foreign Military Sales
Design, construction, and engineering services/training in 35 countries valued at $3.7 billion

Natural Disaster Response
$4.5B response to disasters in CA, TX, FL, PR, USVI, NC, SC

Relied upon to deliver a massive $66B portfolio of programs, projects, and support for others.
PROGRAM TRENDS

FY12 – FY21

$ Millions

FY11 FY12 FY13 FY14 FY15 FY16 FY17 FY18 FY19 FY20 FY21

IIS
Military
Civil Works

FY 20

Military: $123.2M
Civil Works $205.1M
IIS: $186.2M

Hanscom AFB
Natick Labs
Devens RFTA
Joint Base Cape Cod
Westover ARB
CRREL
Other Districts

EPA – New Bedford Harbor, MA; GE / Housatonic, MA
FDA – Winchester Engineering Lab
VA – Boston Campus/West Haven

Numerous Continuing Authorities, Boston and Portsmouth Harbors, Muddy River Phase 2
We can’t do this alone. Success depends on YOU!

U.S. ARMY CORPS OF ENGINEERS (AS OF: 06-MAY 0730)

COVID-19
CORONAVIRUS

ADMINISTRATIVE
MISSION ASSIGNMENTS 64 OPEN: 41 CLOSED: 23
CUMULATIVE FUNDING $1.8B MA: $1.8B NEPP FUNDING: $4.3M
ENGAGED PERSONNEL / DEPLOYED: 1,268 SUPPORTING: 15,000

ASSESSMENTS

<table>
<thead>
<tr>
<th>REQUESTED</th>
<th>COMPLETED</th>
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<tbody>
<tr>
<td>1,180</td>
<td>1,139</td>
</tr>
</tbody>
</table>

ALTERNATE CARE FACILITY CONSTRUCTION

- ARENA TO HEALTHCARE (A2HC)
  - 602 Assessments Complete
  - 22 Sites Selected
  - 12,244 Beds
  - 22 Contracts Awarded

- HOTEL/DORMS TO HEALTHCARE (H2HC)
  - 537 Assessments Complete
  - 15 Sites Selected
  - 2,815 Beds
  - 15 Contracts Awarded

ENGINEERED SOLUTION PLANS
Approved site adaptations must be accomplished in as little as 5 days and at most 2 weeks to align with state projected virus infection peaks.

STANDARD DESIGNS

- College Dorm
- Hotel
- Sports Arena
- Convention Center

All 4 designs can be adapted to serve COVID and NON-COVID patients.

PROJECT COMPLETION

27 OF 37 COMPLETE

BUILDING STRONG®
SIMPLE SOLUTIONS FOR A COMPLEX PROBLEM

For more information about what the Corps is doing in response to COVID-19 visit: https://www.usace.army.mil/coronavirus/

USACE works in conjunction with the entire federal eco-system during responses like COVID-19 through FEMA learn more about their mission here: https://www.fema.gov/coronavirus
WHERE ARE WE SUPPORTING FEMA/HHS?

Alternate Care Facilities

Pool of Contractors
Up to $90B in capacity across NAD
None used in New England

REGION 1:
26 Assessments
RI x 7
MA x 6
VT x 5
CT x 2
NH x 2
ME x 2
Penobscot x 2
ASSESSMENT AND DEVELOPMENT OF ARENA TO HEALTH CARE FACILITY

A2HC COVID ACUTE DEFINITIONS

NOTE: THE CONTAINED INFORMATION IS CONCEPTUAL ONLY AND NOT INTENDED TO BE FULL DESIGNS. LAYOUTS MUST BE COORDINATED WITH EACH RESPECTED SITE, CONOPS AND AVAILABLE SPACE NEEDS. MODULAR IN NATURE FOR ADAPTATION.
BUILD-OUT OF PODS – SPACING AND EQUIPMENT LAYOUT

UTILITY CHASE

PERIMETER WALL

HEADWall

POD STRUCTURE

SLIDING DOOR

E1 - VENTILATOR & STORAGE CABINET
E2 - TELEMETRY/PUMP / IV STAND
E3 - STOOL
E4 - OVER BED TABLE
E5 - MOBILE WORK STATION
E6 - LINEN HAMPER
E7 - SHARPS
E8 - GLOVES
E9 - HAND SANITIZER
E10 - WASTE
E11 - PATIENT BED
LOOKING FORWARD

Securing Our Nation’s Future Through Water

**Navigation - Moving goods to market**
USACE operates 13,000 miles of Commercial Inland Waterways; generates $18 B / 500,000 jobs, annually

**Flood and Disaster Risk Reduction**
USACE prevents > $6 in flood damages for every $1 invested

**Hydropower - Inexpensive and sustainable**
USACE is the Nation’s largest renewable energy producer

**Drinking Water**
USACE produces 6.5 billion gallons per day

**Quality of life**
USACE is the No. 1 Federal provider of outdoor recreation contributing > $16 B to local economies
Thank you
“The views, opinions and findings contained in this report are those of the authors(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation.”
AGENDA

• Why “Environmental” is Managed as a separate Mission/Program at New England District – Environmental Remediation

• Annual Program Amount

• Capabilities – Staff & Contracts

• Review larger Programs & Opportunities
“TYPICAL” USACE MISSION AREAS

Military Missions

- Military Missions
- Military Construction
- COCOM Support, Overseas Contingency Operations (OCO)
- Installation Support, Environmental, Energy and Sustainability

Contingency Operations

- Contingency Operations
- Whole of Government
- Disaster Response and Recovery
- Life-Cycle Flood Risk Management
- Critical Infrastructure

Civil Works

- Civil Works

International and Interagency

- International and Interagency
- Federal / State / Local
- “Whole of USACE” Capabilities
- Capacity Development

Real Estate

- Real Estate
- Acquire, Manage and Dispose / DoD Recruiting Facilities / Contingency Operations

USACE Has a Diverse Mission Set Driven by Diverse Customers
WHAT IS NAE’S ENVIRONMENTAL PROGRAM?

• Supports a Combination of Military & IIES Mission Areas

• Such a significant amount of work for the District that it is Managed Separately

• History
  • CERCLA 1980 & SARA 1986
  • Designated Hazardous, Toxic, & Radiological Waste (HTRW) Design Center 1990
  • “Cut our Teeth” on FUDS in late 1980’s & early 1990’s
  • Superfund Assistance to EPA Region 1 Grew Significantly in early 1990’s
ENVIRONMENTAL PROGRAMS

- Military Funded
  - FUDS: Formerly used Defense Sites
  - Legacy BRAC
  - Joint Base Cape Guard – National Guard Bureau (NGB)
  - USACE CRREL, Hanover, NH – Army Environmental Command
  - NGB – CT & NJ Cleanup Compliance


- FUSRAP (technically Civil Works)
  Formerly Utilized Sites Remedial Action Program DOE

- Other – Other District Support
*Note – New Bedford Harbor Superfund Big Driver in FY17 – FY19
### FY20 PLANNED PROGRAM

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount ($000)</th>
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<tr>
<td>FUDS</td>
<td>$16,000</td>
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<tr>
<td>BRAC</td>
<td>$3,300</td>
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<tr>
<td>FUSRAP</td>
<td>$200</td>
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<tr>
<td>JBCC - NGB</td>
<td>$10,400</td>
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<tr>
<td>CRREL - AEC</td>
<td>$2,500</td>
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<tr>
<td>Superfund</td>
<td>$56,000</td>
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<tr>
<td>IIES – EPA Brownfields</td>
<td>$250</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$88,650</strong></td>
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~$70M in Contract Awards
USACE NEW ENGLAND DISTRICT CAPABILITIES

Full Service Engineering & Construction Organization

Staffed/Resourced to support all aspects of Environmental Remediation from PAs all the way through LTM/O&M
- Engineers
- Geologists
- Risk Assessors
- Hydrogeologists
- Chemists
- Biologists/Ecologists

Contracts Utilized Significantly to Support Programs
- AE IDIQ Contracts (Unrestricted, SB, DSB)
- Professional Service IDIQ Contracts
- Projects small or very large
  - Site Specific IDIQ Contracts
  - Significant utilization of 8(a) Sole Source

Excavation in Pierce Mill Cove New Bedford
# CONTRACT CAPACITY – CURRENT

## A-E Service HTRW IDIQs
- 2 Unrestricted (Wood & AECOM) $12M each*
- 2 Small Business (Avatar/Bluestone & Seres-Arcadis 8(a) JV $6M each
- 5 SDB $3M each (Mabbett, TI-SDC JV, Credere, & Renova-Sovereign JV)

* Will begin acquisition of new Unrestricted AE contracts sometime late this FY

## Professional Service
- AECOM Technical Services $25M New Bedford
- ATI FUDS Records Management $4.0M Records Management
- ATI – FUSRAP Records $4M FUSRAP Records Mgmt
- KGS -JBCC LTM & O&M $22.5M JBCC
- Seres-Arcadis 8(a) JV $20M Ft Devens BRAC IDIQ

## Remedial Action
- New Bedford Harbor RAC $350M
- Raymark RAC $99M
- E. Mine RAC $25M
- Callahan Mine RAC $45M
CHALLENGES

Contracting Process
- Many time consuming & labor intensive procurements
- Best Value Procurements Time & Labor intensive
- Rules/FAR constantly changing & NOT in favor of ease

Long-Term Planning for Program changes in out years >5 yrs
- Theoretically some programs will sunset (FUDS, BRAC, FUSRAP, CRREL)
- Support to Superfund may shift due to EPA Contracts

Maintaining qualified staff long-term, particularly technical
Enacted via CERCLA/SARA 1986

“Customer” is OSD (ESOH) & HQDA

Many Projects in the “Inventory” – Currently working ~70 Projects

Major Backlog - ~$4B  Yes, that’s a “B”.

Also lead projects in NY & NJ
FUDS PHOTOS

UST Removal Ft Tilden Queens, NY

BD/DR Project Ft Knox Prospect, ME
Former NIKE Battery PR-58
North Kingstown, RI

Issue: TCE in GW including Fractured bedrock

Remedy:

- Thermal Treatment w/SVE In Source Area
- Reductive Dechlorination
- MNA
- ILUCs
FUDS FORMER NIKE BATTERY PR-58
ACQUISITION STRATEGY

• In-Situ Thermal Treatment
  • Best Value Stand Alone “C” Contract
  • Small Business Set Aside
  • NAICS 562910 Environmental Remediation Services
  • Value Range - $10M - $20M
  • Solicitation issued – 2nd Qtr FY21 ~ March

• Reductive Dechlorination & LTM
  • IDIQ SATOC 5-Year $20M - $30M
  • Solicitation issued – FY 22/23
  • Perform Market Research in FY22
MK 23 OR MK 5 @ CAPE POGE
BRAC
BASE REALIGNMENT AND CLOSURE

Three Programs/Projects
- Ft Devens – Ayer, MA
- AMTL – Watertown, MA
- Stratford Army Engine Plant – Stratford, CT

“Customer” is Army BRAC Office. Funds sent from Army.

Ft. Devens longest involvement, since 1990.
- PFAS is the focus lately. 3 RI’s underway & TCRA
Tidal Flat & Outfall-008 Remediation
STRATFORD ARMY ENGINE PLANT
PROJECT INFO

Flats:
- ~140K CY sediment removal PCB & metals contamination
- Mechanical dredge to mechanical off-load
- dewater and solidify
- mechanical backfill for restoration
- on-site beneficial reuse everything < 1ppm PCB
- off-site disposal - Sediments > 1ppm PCBs
- 18 month allowable “dredge/excavate” window due to environmental resource impacts/windows

Outfall:
- Isolate & dewater area for mechanical dredge
- truck transport to sediment processing
- on-site beneficial reuse or off-site disposal
- includes mechanical backfill and restoration.
- ~5k CY onsite disposal
Firm Fixed Price Stand Alone “C” contract

Best Value Acquisition Process

NAICS 562910 Environmental Remediation Services

Small-Business Set-aside

Estimated Value: $50M - $100M

Solicitation Issued: 1st Qtr FY21
EPA issued Administrative Orders to NGB under authority of the Safe Drinking Water Act. A bit unusual.

Cape Cod Sole Source Aquifer contaminated from Munitions Constituents. Chemicals leaching from explosive residue and unexploded ordnance.

Program involves UXO Investigation & Removal, contaminated soil removal, GW Pump & Treatment (11 systems), & significant annual GW monitoring and reporting.

Another steady Program for past + Decade.
METAL MAPPER - GEOPHYSICAL CLASSIFICATION
SUPERFUND

Long standing (since late 80’s) support to EPA Region 1.

Most work in the Remediation/Construction Phase, followed by Remedial Design & Contract Prep, & then Technical Assistance.

Typically high dollar value projects. New Bedford ($365M), Raymark ($99M), E. Mine ($100M), etc

Contract procurement intensive for the District.
NEW BEDFORD HARBOR PHOTOS

Mechanical Dredging in the Upper Harbor

Transporting 100CY Scow to CAD Cell

Performing Filter Press Drops

Stabilizing sediment from Pierce Mill Cove
ELIZABETH MINE SUPERFUND SITE – VT

South Mine May 2018
ENVIRONMENTAL BUSINESS COUNCIL LEADERSHIP WEBINAR
MAY 12, 2020

U.S. ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
REGULATORY DIVISION

TAMMY R. TURLEY
CHIEF, REGULATORY DIVISION
AGENDA

• Regulatory Authorities
• NAE Regulatory Updates
• National Initiatives
AUTHORITIES

• Section 10 - Rivers and Harbors Act of 1899
  o Regulate work in, over or under navigable waters of the U.S.
• Section 404 - Clean Water Act of 1972
  o Regulate discharges of dredged & fill material in waters of the U.S.
• Section 103 - Marine Protection, Research & Sanctuaries Act
  o Regulate transportation of dredged material for ocean disposal.

Tammy Turley, May 12, 2020
RELATED LAWS & REGULATIONS

• National Environmental Policy Act
• National Historic Preservation Act
• Endangered Species Act (ESA)
• Magnuson-Stevens Fishery Conservation & Management Act (EFH)
• Fish and Wildlife Act of 1956
• Wild and Scenic Rivers Act
REGULATORY MISSION AND DESIRED END STATE

Mission:
To protect the Nation’s aquatic resources and navigation… while allowing reasonable development through fair and balanced decisions…. While striving to be more efficient.

End State: Balanced permit decisions that are timely, predictable, consistent, transparent, rooted in sound science and compliant with applicable laws.

Science & Technology Initiatives
Technical & Leadership Training
Program Efficiencies
Transparency (ORM & Public Website)

Public Feedback
SME Input
Reg CoP Feedback
REGULATORY DIVISION PROFILE

- 6 New England states
- 45 member interdisciplinary staff: biologists, civil & env. engineers, planners, physical scientists, admin
- Actions completed: 5000+ (GPs, SPs, compliance, enforcement, NPR, mods, preapps, JDs)
- Permit actions: 3000+
### REGULATORY COMPLETED/PENDING ACTIONS

**FY 20: 1 OCT 19 - 1 MAY 20 (8 MONTHS)**

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<tr>
<th>Action Type</th>
<th>FY 20 Completed</th>
<th>FY 20 Pending</th>
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<tr>
<td>Pre-App Consultations</td>
<td>666</td>
<td>88</td>
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<tr>
<td>Jurisdictional Determinations</td>
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<tr>
<td>Standard Permits</td>
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<td>Letter of Permission</td>
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<td>Permit Modification</td>
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NAE REGULATORY UPDATES
NEW ELECTRONIC CORRESPONDENCE PROCEDURES

• 24 Mar 2020: Published a public notice and launched a webpage.
• Submit correspondence to state-specific emails or via DOD SAFE file exchange, or mail CD/DVD or USB flash drive.
• Positive feedback from staff and public.

https://www.nae.usace.army.mil/Missions/Regulatory/
February 2020: Planning Division, Environmental Resources Section (ERS) conducts all dredge material analysis (sampling plans, suitability determinations, etc.)

- Applicants maintain coordination with Regulatory PM but could also engage with ERS PM regarding data submissions.
- States and EPA review/concur with sampling plans and suitability determinations.
- Dredging Quality Management (DQM) automated tracking system monitors & reports dredge & disposal comp.

Current Key Regulatory PMs:
- MA/NH - Norm Farris
- CT/RI - Diane Ray
- ME - Jay Clement
### FY20 EFFICIENCY INITIATIVES

**NAE-Led Initiatives**

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Partners</th>
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<tbody>
<tr>
<td>1. Modify NAE EFH Programmatic Consultation (PC) to include other NAD districts</td>
<td>Corps &amp; NMFS</td>
</tr>
<tr>
<td>2. Create USFWS ESA NLAA PC to provide faster consultations</td>
<td>Corps &amp; USFWS</td>
</tr>
<tr>
<td>3. Create NMFS ESA formal PC &amp; BO for small dam removal</td>
<td>Corps &amp; NMFS</td>
</tr>
<tr>
<td>4. Improve NMFS NLAA Form</td>
<td>Corps &amp; NMFS</td>
</tr>
<tr>
<td>5. Enhance GIS Viewer to include all geospatial data for permit reviews</td>
<td>Corps</td>
</tr>
</tbody>
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**Tammy Turley, May 12, 2020**
WHAT ELSE ARE WE WORKING ON…

• Stream Visual Assessment Protocol 2.0:
  o Function-based stream assessment

• N.E. Wetland Functional Assessment Method:
  o Interagency effort, field testing has begun.

• WRDA 214 Funding Agreements:
  o MOAs with Mass DOT/FHWA, 1 FTE (Aug ‘12) and National Grid, .25 FTE (Mar ’17)
  o MOA with CT DOT pending
OFFSHORE WIND FARMS

BOEM Lease Areas

Tammy Turley, May 12, 2020
NATIONAL INITIATIVES
NAVIGABLE WATERS PROTECTION RULE (NWPR)

- Executive Order 13778, “Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule.”
- EO 13778 directed EPA and Army (Agencies) to rescind or revise the 2015 Clean Water Rule defining WOTUS under the Clean Water Act. The Agencies are doing this in a 2-Step process:
  - Step 1: Recodify pre-2015 regulations (Dec 23, 2019)
  - Step 2: Revise definition of WOTUS

- Apr 21, 2020: EPA and Corps published the NWPR: Definition of “Waters of the United States” (WOTUS)
- Jun 22, 2020: Final rule becomes effective.
- Division Implementation Team
NAVIGABLE WATERS PROTECTION RULE (NWPR)

- Includes 4 simple categories of jurisdictional waters:
  - Territorial seas and traditional navigable waters - (a)(1)
  - Tributaries - (a)(2)
  - Lakes and ponds, and impoundments of jurisdictional waters - (a)(3)
  - Adjacent wetlands - (a)(4)
MITIGATION RULE

- Corps HQ and EPA initiative to update 33 CFR 332 “Compensatory Mitigation for Losses of Aquatic Resources; Final Rule,” 2008, aka “Mitigation Rule.”
- Late summer/early fall 2020: Public notice requesting comment
- Key Considerations….
  - Framework for mitigation/in-lieu fee banking approvals
  - Alternatives to the IRT
  - Proposing changes to stream credits (area vs linear foot based)
  - Revising provisions for multipurpose banks
  - Updating accounting and auditing requirements
  - ILF program account
THIRD PARTY MITIGATION TIMELINES

Mean Intervals in FY 2018

Banks

ILFs

All

-100  400  900  1400

Mean Number Days

Begin to Complete Prospectus
Prospectus Phase
Preparation of draft Instrument (after IEL)
Draft Instrument Phase
Preparation Final Instrument (Sponsor)
Final Instrument Phase

USACE
Sponsor
USE OF COMPENSATORY MITIGATION SOURCES (2010-2018)

Percent of authorizations

Year

Mitigation bank credits
In-lieu fee program credits
Permittee-responsible on-site

Tammy Turley, May 12, 2020
NAE THIRD-PARTY MITIGATION

• Wetlands & waters impacts typically require compensatory mitigation (restore, enhance, establish or preserve wetlands elsewhere).
• Combining mitigation into large contiguous sites is ecologically and logistically preferable to creating small, isolated wetlands.
• Entrepreneurial mitigation banks are not economically viable in N.E. so we focus on non-profit or public sector in-lieu fee (ILF) programs.
• 33 CFR 332 establishes procedures and preference for “third-party” over “permittee-responsible” mitigation.
• ILF programs in 5 of 6 N.E. states and mitigated for 100s of acres of aquatic resources.
• $ collected in millions: CT $2.8, MA $3.8, ME $19, NH $15.7, VT $4

ILF Sponsors

Tammy Turley, May 12, 2020
MITIGATION SOP

- Sep 7, 2016: Last updated.
- Apr 14, 2020: Published a 2nd public notice warranted by comments and considerable changes.
- May 14, 2020: Comment period ends.
- Changes include two new additions:
  - Minimum thresholds to resources for when mitigation is required
  - Examples on how to apply the SOP in different scenarios (coming later)

Before

After

Great Dam, Exeter River, NH
NATIONWIDE PERMITS 2020

E.O. 13783 (Promoting Energy Independence and Economic Growth), modify NWPs to further streamline and reduce burdens on the public for activities related to energy production, transmission, or use

New England General Permits (GPs)
• Close coordination with each state
• Reissued every 5 years
• ~22 activities/state, each similar to NWPs
• ~2942 authorizations last 12 months (1104 SV, 1838 PCN)

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<th>General Permit</th>
<th>Self-Verification</th>
<th>Pre-Construction Notification</th>
<th>Individual Permit</th>
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<tbody>
<tr>
<td>Massachusetts</td>
<td>&lt;5000 SF</td>
<td>5000 SF - 1 Ac.</td>
<td>&gt; 1 Acre</td>
</tr>
<tr>
<td>Maine</td>
<td>&lt;15000 SF</td>
<td>15000 SF - 3 Ac.</td>
<td>&gt; 3 Acres</td>
</tr>
<tr>
<td>Connecticut</td>
<td>&lt;5000 SF</td>
<td>5000 SF - 1 Ac.</td>
<td>&gt; 1 Acre</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>&lt;5000 SF</td>
<td>5000 SF - 1 Ac.</td>
<td>&gt; 1 Acre</td>
</tr>
<tr>
<td>Vermont</td>
<td>&lt;3000 SF</td>
<td>3000 SF - 1 Ac.</td>
<td>&gt; 1 Acre</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>&lt;3000 SF</td>
<td>3000 SF - 3 Ac.</td>
<td>&gt; 3 Acres</td>
</tr>
</tbody>
</table>
SYNCHRONIZATION OF SECTION 10/404/408

Section 408: Permanent or temporary actions that build upon, alter, improve, move, occupy, or otherwise could affect an authorized USACE Civil Works project.

- Dredging to widen/deepen channels and harbors
- Non-federal hydropower
- Road or utility crossing of levees and channels
- Armoring or modifications to beach fill
- Levee raises and improvements
SYNCHRONIZING REGULATORY & 408 PROGRAMS

NEPA and other environmental & cultural compliance is integrated & concurrent
INCREASING TRANSPARENCY – ORM2 PUBLIC

Map view also available!
• RGL 18-01 - Determination of Compensatory Mitigation Credits for the Removal of Obsolete Dams and Other Structures from Rivers and Stream (25 September 2018)
• RGL 19-01 - Mitigation Bank Credit Release Schedules and Equivalency in Mitigation Bank and In-Lieu Fee Program Service Areas (Issued 22 February 2019)
• RGL 19-02 Timeframes for Clean Water Act Section 401 Water Quality Certification and Clarification of Waiver Responsibility
• DRAFT RGL - Provide clarity regarding level of analysis and alternatives review for projects requiring an individual permit.
• DRAFT RGL - Clarifying expiration dates for JDs and Permits
• DRAFT RGL aligning CWA and mined lands reclamation requirements
The views, opinions and findings contained in this report are those of the authors(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation.
Letter to Corps District Office

Sponsor Contacts Member of Congress

"High Priority" Missions:
- Flood Damage Reduction
- Commercial Navigation
- Ecosystem Restoration

Environmental Infrastructure Needs

Navigation

Water Supply

Environmental Infrastructure Needs

Wetland Losses

Beach Erosion/Hurricane Protection

CORPS CIVIL WORKS MISSIONS
WRRDA 2014 SECTION 7001 OVERVIEW: ANNUAL REPORT ON FUTURE WATER RESOURCES DEVELOPMENT

Identifies proposals for:
- new study authorizations
- new project authorizations
- modifications to existing project or feasibility study authorities

Based, in part, on annual requests from non-Federal interests

Secretary certifies proposals meet five WRRDA criteria:
1. Related to USACE authorities and one or more of the core missions
2. Required to have specific Congressional authorization
3. Has not been previously congressionally authorized
4. Has not been included in a previous annual report (under 7001), AND
5. Is able to be carried out by the USACE, if authorized

Proposals that don’t meet criteria are included in an appendix
INITIAL STUDY FUNDING

- Budget EC
- 3 Year USACE Budget Cycle
- Budget
- NFS
- FCSA
- Signed by District & NFS 50/50 Cost Share
- Initiate Feasibility Study
CW PROJECT DELIVERY PROCESS

Request for Federal Engagement
- Problem Identification
- Congress Authorizes Study
- Congress Appropriates Study Funds
- Willing Non-Fed Sponsor Identified

Feasibility Phase
- Execute FCSA
- Conduct SMART Study (3 years)
- Stakeholder/OFA Engagement
- Chief's Report Approval

Preconstruction Engineering & Design (PED)
- Congress Appropriates PED Funds
- Execute DA
- Perform Requisite Design, Environmental Update, etc.

Construction Phase
- Congress Authorizes Project
- Congress Appropriates Construction Funds
- Willing Sponsor
- Execute PPA
- NFS Acquires LERRDs
- Initiate Construction
- Congress Appropriates Funding to Complete Construction (multi-year)

Operation & Maintenance
- NFS Assumes OMRR&R
NEW HAVEN HARBOR, CT

RECOMMENDED

General Navigation Features

Deepen Channel & Turning Basin
- from -35 feet to -40 feet MLLW

Widen the channel
- inner channel from 400 to 500 feet
- entrance channel from 500 to 600 feet

Widen Bend at Breakwater
- from 560 to 800 feet

Turning Basin
- maintain existing location and expand 200 feet to north

Quantities
- 4.27 million cy of ordinary material
- 43,500 cy of rock

October 2019 Price Level Cost Apportionment

- Project Cost $72,311,000
- BCR 2.0

- Federal Cost $53,489,000
- Sponsor Cost $18,822,000

Sponsor also pays additional 10% GNF over 30 years

*Includes beneficial use of dredged material
NEW HAVEN HBR BENEFICIAL USE

ADDITIONAL BENEFICIAL USE OPPORTUNITY BEYOND THE BASE PLAN - SALT MARSH CREATION OPPORTUNITY

Opportunity for Salt Marsh Creation at Sandy Point ~70 acres, ~845,000 cy of Dredged Material
NEW HAVEN (LONG WHARF) STUDY
AREA HISTORY
• Augments existing 1-95 embankment with 5,950 linear feet of floodwall (top elevation 15' NAVD88)
• 5 road closure structures (2 major, 3 minor), 2 pump stations
PAWCATUCK COASTAL, RHODE ISLAND

LOCATION MAP  FLOOD HAZARD MAP  Storm Damages

Project Area Key Facts
- Study area is a narrow coastal floodplain 28 miles long in 4 coastal Rhode Island communities
- Well over 4,000 primarily residential structures in the study area
- Many properties in study area very susceptible to storm surge with elevations at 3’ to 9’ (1% chance elevations range from 11’ to 17’)
- Full-time residents in the floodplain (2015): 12,331
- No critical infrastructure; early evacuation times and redundant evacuation routes have helped eliminate loss of life during more recent storms
- Super Storm Sandy resulted in $39 million in property damage statewide

Recommended Plan (Locally Preferred Plan)
Non-Structural - Elevation of 247 structures
- Flood Proofing 21 structures
- $54.7 million

Locally Preferred Plan
- 247 residential structures across four communities of Westerly (49), Charlestown (45), South Kingstown (72) and Narragansett (81) to be elevated
- 21 commercial structures (6 in Westerly, 4 in South Kingstown, and 11 in Narragansett) are also included in the LPP for flood proofing
- Target elevation FEMA base flood elevation + 1’ + 0.8’ of sea level rise
- Of the estimated $531,372,000 in total damages in the study area, the proposed LPP eliminates $236,556,000 of those damages or 45% of the total by applying non-structural flood risk management measures to only 7% of the properties in the study area.

Non-Federal Project Sponsor
Rhode Island Coastal Resources Management Council

US Army Corps of Engineers.
CONTINUING AUTHORITY PROGRAM (CAP)

What is CAP?
- A collection of nine water resource authorities contained in several different laws
- Most CAP authorities have statutory limits of $10,000,000 on Federal participation, known as per-project limits

What is the purpose of CAP?
- To plan, design, and construct projects of limited scope and complexity.
CW (CAP) PROJECT DELIVERY PROCESS

Request for Federal Engagement
- Problem Identification
  - Congress Authorizes Study
- Congress Appropriates Program Funds
- Willing Non-Fed Sponsor Identified

Feasibility Phase
- Execute FCSA
- Conduct SMART Study (3-years)
- Stakeholder/OFA Engagement
  - Chief’s Report Approval HQ/MSC

Preconstruction Engineering & Design (PED)
- Design/Construction Funds Provided
- Execute PPA
- Perform Requisite Design, Environmental Update, etc.

Construction Phase
- Congress Authorizes Project
- Congress Appropriates Construction Funds
- Willing Sponsor
- Execute PPA
- NFS Acquires LERRDs
- Initiate Construction
- Congress Appropriates Funding to Complete Construction (multi-year)

Operation & Maintenance
- NFS Assumes OMRR&R
FEATURES OF CAP

Both Study and Construction Authority delegated to Major Subordinate Command (MSC)

One-Stage Study Process
– Cost-shared 50/50 percent after the first $100,000
– In-kind services allowed

Design cost-shared at same percentage as Construction
– Sponsor Required to provide Real Estate; credit given against Non-Federal Cost Share

Requires Only Written Request from State/Local Official to Initiate

Major non-profit organizations can serve and the non-Federal Sponsor for environmental restoration projects

Projects turned over to sponsor for O&M
<table>
<thead>
<tr>
<th>Sect.</th>
<th>Authority</th>
<th>Purpose</th>
<th>Cost Share % (Fed/NF)</th>
<th>Fed. Project/Annual Program Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>Emergency Streambank and Shoreline Erosion Protection</td>
<td>Protection for public and nonprofit facilities</td>
<td>65/35</td>
<td>$5,000,000/$20,000,000</td>
</tr>
<tr>
<td>103</td>
<td>Beach Erosion and Hurricane/Storm Damage Reduction</td>
<td>Protection of public shorelines</td>
<td>65/35</td>
<td>$10,000,000/$37,500,000</td>
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<tr>
<td>107</td>
<td>Small Navigation Projects</td>
<td>Small river and harbor improvements</td>
<td>Varies by depth</td>
<td>$10,000,000/$62,500,000</td>
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<tr>
<td>111</td>
<td>Mitigation of Shoreline Erosion Caused by Federal Nav Projects</td>
<td>Shore Protection</td>
<td>Varies</td>
<td>$12,500,000/$50,000,000</td>
</tr>
<tr>
<td>204</td>
<td>Beneficial Use of Dredged Material for Ecosystem Restoration</td>
<td>Aquatic habitat improvement, flood/storm damage reduction</td>
<td>65/35</td>
<td>$10,000,000/$62,500,000</td>
</tr>
<tr>
<td>205</td>
<td>Flood Risk Management</td>
<td>Small flood control projects</td>
<td>65/35</td>
<td>$10,000,000/$68,750,000</td>
</tr>
<tr>
<td>206</td>
<td>Aquatic Ecosystem Restoration</td>
<td>Restore degraded aquatic ecosystems in the public interest</td>
<td>65/35</td>
<td>$10,000,000/$62,500,000</td>
</tr>
<tr>
<td>1135</td>
<td>Project Modifications for Improvement of the Environment</td>
<td>Restore a degraded ecosystem that resulted from Corps project operations</td>
<td>75/25</td>
<td>$10,000,000/$50,000,000</td>
</tr>
</tbody>
</table>
Section 205: Flood Damage Reduction and
Section 103: Hurricane and Storm Damage Reduction

- $10 Million Federal Per-project Limit
  • Projects must be Economically Justified
- Design & Construction are Cost-Shared (65% Fed, 35% Non-Federal)
  • O&M is Non-Federal Responsibility

Section 14: Emergency Streambank Protection

- $5 Million Federal Per-project limit
  • Limited Economical Justification- compare cost to relocation
- Public Infrastructure and/or Publically Owned Structures Design & Construction are Cost-Shared (65% Fed, 35% Non-Federal)
  • O&M is Non-Federal Responsibility
EXAMPLES OF CAP PROJECTS

Section 205 – Flood Risk Management

Black Rocks Creek, Salisbury, MA

Section 103 – Storm Damage Reduction

Enders Island, Mystic, CT
CAP – NAVIGATION

Section 107: Flood Damage Reduction
- $10 Million Federal Per-project Limit
  • Projects must be Economically Justified based on Commercial Benefits
- Design & Construction are Cost-shared (varies by depth)
  • O&M is Non-Federal Responsibility

Section 111: Mitigation of Shoreline Erosion Caused by Federal Navigation Project
- $12.5 Million Federal Per-project Limit
  • Requires Economic Justification
  • Must Demonstrate Impact
  • O&M is Non-Federal Responsibility

Section 204: Beneficial Use of Dredged Material
- $10 Million Federal Per-project Limit
  • Environmental or Shore Protection purposes
- Design & Construction are Cost-shared (varies by purpose)
  • O&M is Non-Federal Responsibility
Section 206: Aquatic Ecosystem Restoration
- $10 Million Federal Per-project Limit
  - Justification Based on a Comparison of Alternatives – Most Effective
  - Design & Construction are Cost-shared (65% Fed, 35% Non-Fed)
    - O&M is Non- Federal Responsibility

Section 1135: Mitigation of Shoreline Erosion Caused by Federal Navigation Project
- $10 Million Federal Per-project Limit
  - Justification Based on a Comparison of Alternatives – Most Effective
  - Design & Construction are Cost-shared (75% Fed, 25% Non-Fed)
    - O&M is Non- Federal Responsibility
Current CAP PROJECT HIGHLIGHTS

• Pleasant Point, Perry, ME Coastal Erosion (Section 14) – FY 2020 Construction
• Winnapaug Pond, Westerly, RI Eel Grass Restoration (Section 206) – FY 2020 Construction
• Plum Island North Point, Newburyport, MA Coastal Erosion/O&M Dredging (Section 204) – FY 2021 Construction (?)
• Cape Cod Canal – Sandwich, MA Coastal Erosion (Section 111) – FY 2020 Report
PLEASANT POINT, PERRY, ME
PLUM ISLAND NORTH POINT EROSION

Boat docks #3 and #4

#2 split borrow site

Federal Navigation Channel

204 project area

Placement site

Spur

North

#1 borrow site

South Jetty
Massachusetts CZM Shoreline Change Maps depict pre- and post-Canal shorelines.