

**Delaware Estuary Levee Group
Minutes
March 8, 2006**

Name	Affiliation
Dave Polk	Pennsville OEM
Jack Lynch	Pennsville Township
Joseph Ruggeri	NJDEP – Flood Control/Dam Safety
Victor DeVasto	Gloucester County SCD
Thomas Strong	Mayor, Pennsville
Len Clark	Gloucester County OEM
Rick Westergaard	Gloucester County Planning Division
Mona Peterson	Natural Resources Conservation Service
MaryBeth Sorrentino	Natural Resources Conservation Service
Rod Groff	Gloucester County Mosquito
Bob Drummond	Lower Alloways Creek Township
Jim Manski	Cumberland County OEM
Kathy Stuart	Senator Sweeney
Dick Gardella	Cumberland County Engineer
George B. Wright	Mannington Township
Dan Orr	Cumberland County Public Works
Patricia Griggs	FEMA
David L. Cadwallader	Mannington Meadow Bank Company
Kenneth A. DiMuzio	Solicitor, Greenwich Twp, Gloucester County
Zeyuan Qiu	New Jersey Institute of Technology
Shawn Monzies	Mantua Township
Michael Kerbowski	South Jersey RC&D Council
Joan Dermanoski	Congressman LoBiondo
Sam Reynolds	US Army Corps of Engineers
Brian Mulvenna	US Army Corps of Engineers
Kathleen “Micky” Mulvenna	US Army Corp of Engineers
KP Kirkpatrick	Earth Team, South Jersey RC&D Council
Ken Taaffe	Coordinator, South Jersey RC&D Council
Greg Westfall	Water Resource Planner, USDA NRCS

Welcome and Introductions

Ken Taaffe, Coordinator, South Jersey RC&D Council, welcomed attendees and asked each of them to introduce themselves and their affiliation.

Update on February 8, 2006 Subcommittee Meeting

Ken gave an update on the meeting and noted that there had been a decision to recommend to the whole group the name "Delaware Estuary Levee Group." It was noted that KP is currently working on a grant proposal for the levee inventory and this information will be required. KP asked why the group reflected not only New Jersey but also similar needs in Delaware and Pennsylvania. Len Clark noted that there was no need to limit this to New Jersey as there is a push toward regionalization. There was considerable discussion about whether the term "South Jersey" or "New Jersey" should be included in the group name. It was felt that "South Jersey" better represented the Group as it now stands but that politically the title "New Jersey" might gain more attention in pushing for action legislatively for a revised entity to replace meadow companies as well as obtaining funding at the State and National level for operation and maintenance as well as rehabilitation of levee structures. It was noted that levees and meadow companies exist in the New Jersey Meadowlands Commission vicinity in northern New Jersey. The consensus was to leave the title as "Delaware Estuary Levee Group."

Ken Taaffe noted that other tasks identified at this meeting were that there be a knowledge base developed with the respective groups/agencies identifying their expertise and contact information. Sam Reynolds noted that there should be a decision tree developed for long-term planning and assistance to groups with levee maintenance responsibilities. Rick Westergaard suggested that there be a catalog of available grants developed. Sam asked who has the time to do a number of these things as everyone is very busy. He suggested that contact be made with Rowan University where there is geographic information systems (GIS), government relations, etc. Kathy noted that in the past Rowan has had courses/internships which offer college credits. Len Clark stated that his office is working with Rowan and that they pay students \$10 per hour for these. He agreed to followup and get back to the Group with a contact for interns. Ken DiMuzio stated that approximately 10 years ago Rowan did a Repaupo Creek study. Zeyuan Qiu stated that New Jersey Institute of Technology would be interested in working through his Watershed Management class as they have GIS and could assist this Group in setting up a website.

Governors' Flood Mitigation Task Force Report

Joe Ruggeri, NJDEP, reported that the final draft of the Flood Mitigation Task Force report has been released and is on the following website: www.njflood.org He noted that the Task Force was formed by Acting Governor Codey following the September 2004 and April 2005 floods on the upper Delaware River. Comments are due back to the New Jersey Department of Environmental Protection soon. A public meeting is slated to take place but as of now no date and location have been set. Further information should be on the above website.

Association of State Dam Safety Officials Survey

Joe Ruggeri also reported that a survey of all 50 states was completed. One of the survey questions was whether a given state has regulatory authority over levees. Twenty four (24) states, including New Jersey, do not have regulatory authority over levees while twenty three (23) states do have such authority. Joe noted the definition of levees is variable with such states as Virginia saying that anything that holds water falls under their State Dam Safety law. David Cadwallader noted that there had been a dam broken in Mannington Township which allows saltwater into a formerly non-salt water area.

Rapid Watershed Assessment Grant Application Submission

Rick Westergaard reported that Gloucester County had submitted a Rapid Watershed Assessment proposal to the Natural Resources Conservation Service for a Watershed Profile and Assessment for the Repaupo Creek Watershed. If approved, the grant would provide \$50,000 to Gloucester County which they would match with \$50,000.

Ken Taaffe had previously encouraged this Group (all four counties) to submit a grant application for this to do the levee inventory. Due date for these applications was March 7th.

FEMA Flood Insurance Rate Map Modernization Program

Patricia Griggs of FEMA reported that this Program is a nationwide initiative. Congress has appropriated \$1 billion to FEMA to do this over a 5 year period. She noted that many maps are out of date. New Jersey is receiving \$9.1 million to do this. She noted the following features of this effort:

- All maps will be digitized and usable in a geographic information system environment
- All maps will be county-based (rather than the now municipal-based orientation)
- Some areas will have new hydrology and hydraulic studies completed to reflect changes due to development, weather patterns, etc.

She provided the following list of when various counties are to have their maps modernized:

<u>FY2004</u>	<u>FY2006</u>	<u>FY2008</u>
Bergen	Camden	Salem
Union	Hunterdon	<u>FY2009</u>
<u>FY2005</u>	Mercer	Atlantic
Essex	Morris	Cape May
Hudson	Middlesex	Cumberland
Ocean	<u>FY2007</u>	Gloucester
Somerset	Burlington	Sussex
	Monmouth	Warren
	Passaic	

A question was raised as to why all of the four counties in the Group were not having map modernization until 2008-2009. Pat responded that FEMA has worked with NJDEP and that NJDEP has prioritized the counties of the state on the basis of population density, flood events (eg. Hurricane Floyd, Burlington County dam breaks, etc). In answer to a question from George Wright regarding when Salem County would be completed (2008), Pat stated that FEMA brings out a preliminary map for county review and feedback. Mike Kerbowski asked whether adoption is the final step. Pat replied that adoption by the municipalities and county is required for individual municipal participation in the National Flood Insurance Program (NFIP). Individuals in a municipality which does not participate in the NFIP cannot obtain a mortgage due to the lack of flood insurance.

Ken DiMuzio asked whether the digitized (and current) maps show the location of the levees throughout southern New Jersey. Pat showed the Group the Logan Township Flood Insurance Rate Map (FIRM) and noted that the location of the levee is shown. She stated that if the levee is certified by another Federal agency (Corps or Natural Resources Conservation Service) then the people who live behind and are protected by the levee can purchase flood insurance at a lower premium rate. She noted that homeowners insurance does not cover flooding. She noted that, as a result of the New Orleans disaster, FEMA will allow a flood insurance rate map to show a levee giving protection if the following conditions are met:

- Protection from a 100 year flood event
- Operation and maintenance plan certified by a Professional Engineer

She noted that whoever has a levee in their municipality will have an issue on this. She stated that the modernized maps will incorporate a new storm surge model for the Cape May, Cumberland, Gloucester and Salem County area.

Kathy Stuart asked whose standards are used to determine whether a levee meets these conditions. Pat responded that it would probably be the Army Corps of Engineers standards (Freeboard, embankment slopes, etc.)

Ken DiMuzio asked if a dredged disposal area (eg. American Dredge in Logan Township) are required to maintain their levees (created for protection of the dredged spoil). He noted that over the past several years, Floodgate Road has flooded due to breaching in these levees. Sam Reynolds responded that the CDF (Dredge Disposal Facility) permit requires maintenance of the levees.

Mona Peterson asked whether the South Jersey streams have been chosen for the new hydrology and hydraulics studies. Pat indicated that this has not yet occurred and that it is dependent on the amount of available FEMA funding, outcome of scoping meetings with counties and municipalities and identification of where flooding has occurred. She noted that the recent work on updating the Burlington and Camden County maps (using LIDAR) came from FEMA Emergency funding. Sam Reynolds noted that the counties and municipalities in the four county area represented by the Group have two years to get ready for this.

Ken DiMuzio noted that everyone present and all the counties and municipalities in the Group who have inherited a levee will have an issue if their levee is not certifiable and cannot be shown on the modernized FEMA map. Sam Reynolds stated that some of the existing levees are not built to the necessary standards which would preclude them being certifiable. Micky Mulvenna asked whether the National Levee Certification Program, now proposed as S. 1832, would be an answer to this.

FEMA Funding for Levee Inventory

Pat Griggs reviewed two grant programs that could provide funding as part of a mitigation plan. She noted that risk assessments are needed whenever a mitigation plan is developed. The two programs described were the Flood Mitigation Assistance Program (FMA) and the Pre-Disaster Mitigation Program (PDM-c). These programs provide up to 75% of the cost from the Federal government with a required 25% local match (State, County and/or municipal) which can be 100% in-kind services. She noted that Hudson, Essex and Burlington Counties currently are working on PDM-c Mitigation Plans. Joe Ruggeri noted that Cape May had submitted an application for this Program and was considered to be among the top five in the state.

Criteria for Corps of Engineers For Rehabilitation and Inspection

Micky Mulvenna gave a Power Point presentation on the PL84-99 Emergency Program that the Corps of Engineers can provide rehabilitation assistance following a disaster.

Rehabilitation and Inspection Program (RIP)
Public Law 84-99
Flood Control and Coastal Emergencies

Rehabilitation and Inspection Program (RIP) Agenda

- Authorities
- What is the RIP?
- Who can join?
- Active Status
- Engineering and Maintenance Criteria
- Initial/Continuing Eligibility Inspections
- Rehabilitation Assistance – After the Flood/Storm
- Federal Disaster Assistance

Authorities

- Public Law 84-99
- 33 CFR Part 203: Emergency Employment of Army and Other Resources, Natural Disaster Procedures
- Engineer Regulation 500-1-1: Natural Disaster Procedures

What is RIP?

The RIP is the program authorized by PL 84-99 and administered through 33 CFR part 203 and ER 500-1-1 that provides rehabilitation assistance to sponsors of flood control works (FCW) projects that are damaged by floods and coastal storms.

Projects Eligible to Join the RIP

Non-federally constructed:

- Levees
- Channels
- Floodwalls
- Floodways
- Corps authorized additions to federal projects
- Pump station integral to the FCW

Federal Projects

- Those constructed by the Corps, and operated and maintained by the local sponsor**
- Are automatically in the RIP
- In addition to those projects mentioned for non-federal construction, also included are Federally constructed hurricane and beach protective structures

** The Natural Resources Conservation Service has a similar program for rehabilitation for all PL83-566 Projects which it has assisted. It is known as the Emergency Watershed Program and has been used on several occasions for repairs/rehabilitation to structures (levees, etc) damaged by flood or storm events. See the following website for further information: <http://www.nj.nrcs.usda.gov/programs/watersheds/ewp.html>

Ineligible to Join the RIP

Structures not defined as flood control works, e.g. Structures built for:

- Channel alignment
- Navigation
- Recreation
- Fish and wildlife
- Land reclamation
- Drainage/interior drainage
- Erosion protection/bank protection

Active Status

FCW must meet Corps criteria:

- Public sponsor with financial capability
- Required level of protection (10 year – urban)
- Meets and maintains engineering and maintenance standards (Corps inspections)

Public Sponsor

Must be a public entity, such as:

- Legal subdivision of a state or state government
- Local unit of government (e.g., city, county)
- Qualified Indian tribes
- State chartered organization, e.g.
 - Levee District
 - Drainage District

Engineering Criteria (Levees)

Evaluated for Initial Eligibility Inspection

- Level of Protection
- Erosion Control (Riprap)
- Embankment (Fill Material)
- Foundation
- Structures

Maintenance Criteria (Levees)

- Depressions/drainage
- Erosion
- Slope stability
- Animal control
- Control of vegetation growth
- Encroachments
- Riprap, Embankments, Banks
- Concrete Structures/Surfaces
- Structural Foundations
- Culverts/pipes/closure structures

Initial Eligibility Inspections

- Inspection must be request by Public Sponsor
- Determines whether the FCW meets minimum requirements for RIP
- Establishes the current performance of non-Federal FCW
- Identifies deficiencies that will require correction
- Eligibility disagreements require pertinent engineering data for review

Continuing Eligibility Inspections

- For active projects, the Corps will conduct periodic continuing eligibility inspections (CEI's) of the FCW – Every two years
- Inspections will be coordinated by the Corps with the local sponsor of the project
- The local sponsor may invite landowners at the sponsor's discretion
- Ratings: Acceptable, Minimally Acceptable, Unacceptable

- If Unacceptable – Project placed in Inactive Status
- Deficiencies must be corrected by sponsor within one year

Rehabilitation After a Flood Event: Overview

- Notice to Public Sponsors issued following event
- Written request for assistance by sponsor within 30 days
- Active Projects are Eligible: Acceptable or Minimally Acceptable rating on last inspection
- The damage must have been caused by the flood event, and be considered beyond the normal maintenance responsibilities of the sponsor.
- Threshold is \$15,000.
- Repairs must meet economic criteria (Benefit/Cost Ratio)
- Sponsor provides traditional a-b-c's
- Cost share: 80% Federal, 20% Local Sponsor

Tradition A-B-C Provisions

- A: Sponsor furnishes all lands, easements, rights of way, and borrow material needed for the project
- B: Sponsor holds and save the United States free from damage
- C: Sponsor agrees to operate and maintain project after completion of rehabilitation work

Cost Sharing

- Non-Federal sponsor is responsible for providing a 20% cost share of the rehabilitation project.
- Cost sharing items are construction costs (to include contingencies), and supervision and administration costs. Corps of Engineers funds all engineering and design work.
- Work in kind is acceptable for part or all of local share. Work is valued at what it would cost the Corps to do the same work.

Procedures to Request Rehabilitation Assistance

- After the flood event, sponsor should advise local USACE district of damage and request joint inspection with the Corps
- Sponsor requests assistance in writing to the local District Commander within 30 days
- Corps prepares a Project Information Report and submits to Headquarters for approval and funding

After Report Approval

- Project Cooperation Agreement is signed by the sponsor and the Corps prior to award of contract
- Details of 20% local share are determined, i.e., Sponsor provides cash, agrees to work-in-kind, or a combination
- Land, easements, rights of way, and borrow sources are obtained
- Contracting/award process

Reminders

- Deferred/deficient sponsor maintenance must be done prior to or concurrent with rehabilitation assistance. Deferred/deficient maintenance is at 100% sponsor cost.
- Betterments may be done, but at 100% sponsor cost.
- Corps must select the “least cost to the government” alternative. Incremental cost of a sponsor-preferred alternative is considered a betterment, at 100% sponsor cost.

Disaster Assistance

- Public Law 84-99 is used to rehabilitate an eligible flood control project – WITHOUT A PRESIDENTIAL DECLARATION!
- FEMA Disaster Assistance is TEMPORARY
- FEMA will not authorize repairs to a project covered by another Federal agency's authorities.
- National Levee Certification Program?

Questions

- For Additional Information, Contact:
Micky Mulvenna
Chief, Emergency Management Office
Philadelphia District
Kathleen.a.mulvenna@usace.army.mil
215-656-6757

Currently the only project in the entire state of New Jersey under this program is the Repaupo Creek levee and tidegates. The cost share rate for the rehabilitation assistance is 80% Federal and 20% by the sponsor. The Repaupo Creek levee system has had two different needs that have been met through this Program, as follows:

1999 funding – repair tidegate structure
2004 funding – replace tidegate hinges

Len Clark noted that unless a levee structure is publicly owned, it is not eligible for public assistance funding under FEMA Disaster Assistance.

Ken DiMuzio asked whether a non-profit corporation/organization would be eligible for assistance under PL84-99? Micky responded that she will run this question to the District office and to their national headquarters.

Ken DiMuzio described such a non-profit organization as having voting members which would include public representatives (counties and municipalities), private representatives (private landowners, meadow bank companies and industries) and advisory members including representatives of NJDEP, Corps of Engineers and the Natural Resources Conservation Service.

Importance of Regional Representation at these Meetings

It was noted that there were no county representatives from either Cape May or Salem Counties. The Mayors of the 25 Bayshore municipalities and County Freeholders and other county representatives had been invited to this meeting both by e-mail (where an e-mail address was available) and a special U.S. mailing. A similar U.S. mailing and outreach effort was made for the November 2005 meeting. Ken DiMuzio noted that it was extremely important that all counties and municipalities be on board as the purpose of the Group was to organize a common effort which would benefit all. KP offered that the South Jersey RC&D Council would be willing to send a letter to all the Freeholders, Mayors, etc.

Internships for Doing Levee Inventory

Len Clark will look into what Rowan University can do to help.
Zeyuan Qiu will do the same for New Jersey Institute of Technology.
Rick Westergaard will do the same with Drexel University. Ken DiMuzio offered to make available the 10 year old Repaupo Creek study to Zeyuan Qiu.

Mannington Meadow Bank Company

David Cadwallader mentioned that the Mannington Meadow Bank Company had been dropped from their liability insurance by their insurance company. He noted that fisherman can be particularly vulnerable at an impoundment located off County Route 540 which they own/control. Kathy Stuart suggested that he speak with Joe Ruggeri, NJDEP Dam Safety.

Future Meeting Schedule

The Delaware Estuary Levee Steering Committee will meet on Wednesday, April 12, 2006 at the Gloucester County Planning Division conference room. County and/or county-designated municipal representatives for Cape May, Cumberland and Salem Counties are needed for the Steering Committee meeting so that the entire region is well-represented.

Future meetings of the entire group will take place at the Cumberland County Extension Center location on the following dates:

May 11
July 12
September 13
November 8