

MEMORANDUM FOR RECORD

SUBJECT: Civil Works Review Board (CWRB) Briefing, Mid-Chesapeake Bay Island Restoration, Maryland

Date of CWRB: 17 July 2008

CWRB Members: MG Don Riley (DCG); Steven Stockton (DCW); Robyn Colosimo (Planning CoP); Lawrence Lang (Operations and Regulatory CoP); and Michael Fallon (Programs, Southwestern Division).

Key Participants:

HQUSACE: CWRB Members, NAD RIT (Mohan Singh, Chief; Wesley Coleman, Dep; Cynthia Jester, Planner), Office of Water Project Review (Ken Clasemen, Mark Matusiak, Charles Ware), Policy and Policy Compliance Division (Raleigh Leef), Office of Counsel (Susan Greenwood).

NAD: BG Todd Semonite; Joe Vietri, Chief, Planning and Policy; Pete Blum.

NAB: COL Peter Mueller; Robert Pace, Chief, Planning Division; James Jones, Chief, Programs and Project Management Division; Kevin Brennan; Dan Bierly; Angela Sowers; Donald Snyder; Harvey Johnson.

ASA(CW): Marianne Matheny-Katz

OMB: William Feezle, Nicole Carter, Jeremy Block

Sponsor: Cathy Broadwater, Deputy Executive Director and Frank Hamons, Deputy Director for Harbor Development (Maryland Port Administration)

USFWS: Leo Miranda-Castro, Field Supervisor, Chesapeake Bay Field Office; Suzanne Baird, Refuge Manager, Blackwater National Wildlife Refuge

OWPR Recommendation: Approval of the report for release for State and Agency review.

CWRB Decision Made: Approval of release of the report for State and Agency review and filing in the Federal Register. The district will provide a draft plan for turning over project features to the Sponsor for funding as OMRR&R prior to issuance of the final Chief's Report.

Vote: Unanimous.

Key Issues/Questions Raised by the CWRB (in no particular order):

1. The district was asked why there was an objection to new island creation. *It was explained that there was a better opportunity to restore/replicate what was already there. And also environmental impacts would become major issues.*
2. Did we incorporate sea level rise in any of the future conditions and project recommendation? *Sea-level rise is inherent in the calculation of how quickly the islands will erode and when they will disappear. As for the recommended plan, the Engineering team is recommending that the dikes have wider bases than would otherwise be needed so that future*

raisings can be accommodated. The team is also considering the ratio of high marsh to low marsh to mudflat under the assumption that rising levels may alter the mix. Wetlands naturally accrete, so it will be determined over the life of the project whether the constructed wetlands can survive through natural function or if a program of thin-layer placement or other techniques would need to be applied. More detailed plans will be determined during PED and throughout the construction process.

3. Who was used for external peer review (EPR) and what was their expertise? *Battelle was used to conduct the EPR. They assembled a team of four experts in the fields of engineering, estuarine ecology, economics and plan formulation, and hydrology. They ultimately made 14 comments, of which two were determined to be of high significance. All were resolved. The process confirmed the recommended plan.*
4. The slide shows a ROD completion date of December 2008, is there a political commitment? *The date of December 2008 was identified under the possibility that there would be a WRDA 2008 bill. This date would allow for a possible contingent authorization as is frequently done. Under the latest assumption that there will not be a WRDA 2008, this date would not be critical to the interested Congressional representatives.*
5. How were construction costs calculated? *The Mid-Bay project is a beneficial use of dredged material project. As such it is cost shared above the level of the base plan, or Federal Standard. The cost of maintenance dredging for the channels to be serviced by the project is to be funded as it currently is through the Corps' O&M budget. The cost of transportation beyond the Federal Standard, placement in the project, operation of the project, and so on, is to be funded by the project through the Construction, General Program.*
6. What is the base plan? *For the channels that are maintained currently by Baltimore District, which yields approximately 2 million cubic yards (Mcy) of material per year, the base plan is overboard placement in an area south of the Bay Bridge known as the Deep Trough. For the channels maintained by the Philadelphia District, the base plan is overboard placement near Pooles Island. The Philadelphia District dredges approximately 1.2 Mcy per year.*
7. Are the differences in the costs per unit for this project compared to Poplar Island a function of transportation? *Yes, that is the primary difference. However, due to the size and layout of the James Island project component, there are some economies of scale that have been realized.*
8. Were fuel costs considered in the cost risk analysis? *Yes*
9. Why are the two islands linked? *This was the result of the formulation process. The benefits of each are considered and used to justify the overall project. The project is considered more advantageous than two large islands or a stand-alone Barren Island project, which were the original best buy alternatives. The two islands together also help to maintain and restore the critical chain of islands along the Chesapeake Bay's Eastern Shore, which is heavily used by most of the birds along the Atlantic flyway as well as migrating fish species.*

10. Is this a system, with different purposes there would be different cost sharing? *Originally, once the final plan was developed, the team realized that the James Island component was primarily the beneficial use of dredged material, whereas the Barren Island component was more of an ecosystem restoration project. The team recommended Section 207 of WRDA 1996 for implementation of the James Island component and the standard GI/CG process for Barren. WRDA 2007, however, obviated the need for this when the cost sharing for Section 207 was changed from 75/25 to 65/35. Since there was no advantage to be realized through Section 207, the project components were recommended for authorization together under the GI/CG process. It should also be noted that Section 207 allows for authorization by the ASA(CW), which was considered unlikely due to the cost.*
11. How certain is the need for 3.2 mcy? *This is an average and there will be fluctuation from year to year. The 3.2 mcy figure has been developed over 30 years of maintenance dredging history, so the team is confident that it is a sound estimate for the future.*
12. What else is being done to alleviate the problem of ecosystem degradation in the Bay? *The Chesapeake Bay is a major area of focus by many agencies and governments. The Chesapeake Bay Program was established as a partnership among Federal, state, and local agencies and stakeholders. It provided guidance, goals and objectives for the restoration of the Bay's critical resources. The landmark Chesapeake Bay 2000 Agreement (the second such agreement that the Program has issued) includes 10 keystone commitments and 5 focus areas (pillars) that all the signatories have agreed to pursue. The State of Maryland and Commonwealth of Virginia have instituted many programs and passed many laws for Bay restoration, from limiting crab harvests, to critical areas protection, to forested buffers, to reduced nutrient and pollution inputs. Many agencies are interested in producing projects to help the Bay, and many others are tightening regulations to protect the resources that remain. There is no way to adequately discuss all the efforts that are going on, but the Chesapeake Bay community is one of the most pro-active and energetic such groups in the nation. The Bay is a national and international resource in a league with Coastal Louisiana, the Great Lakes, and the Everglades.*
13. How were ICUs developed; Island Community Units need explanation. *The Island Community Unit concept developed from the necessity to develop a way to adequately calculate and sum the benefits that could be anticipated from the restoration of diverse remote island habitat. Unlike HEP, which utilizes one or a handful of indicator species, the ICU concept groups all of the species benefitting from island restoration within 9 guilds and ranks and values their likely usage of the various habitat types. The 9 guilds include shorebirds, waterfowl, forage fish, etc. The habitats that were analyzed were intertidal, low marsh, high marsh and upland. The index also reflects how the habitat evolves over time and the changing guild usage. To determine the importance, and therefore the ranking, of each habitat type to each guild a team of experts from several agencies with jurisdiction over Chesapeake Bay was assembled to form the Plan Formulation team. The USFWS-developed Delphi Method was used to obtain consensus from the various areas of expertise. The level of importance of each habitat to each guild was influenced by requirements during their life cycle, such as nesting or foraging, along with the uniqueness and scarcity of the habitat in question. Inherent in the analysis is the ever increasing losses in remote island habitat*

(scarcity) and the importance of Chesapeake Bay as an aquatic resource of national importance and a key linkage in the mid-Atlantic flyway for migratory avian species traveling between the northern and southern hemispheres (uniqueness). The report has much more information on this topic including a plan formulation appendix. This question was discussed at the meeting to the general satisfaction of the Board. The important points were that the method has been used successfully on Poplar Island and the process has undergone intensive ITR and was found to be appropriate for this application.

14. The remaining issue from the OWPR was OMRR&R. The OWPR considered this issue unresolved but must be resolved prior to issuance of the Final Chief's Report. The concern raised was that the Feasibility report does not lay out a specific timetable for transfer of completed project components to the non-Federal sponsor. Once project components are transferred, they become a 100-percent non-Federal cost and are no longer cost-shared as they are during construction. The Board would like the District to develop a schedule for turn-over of project components that can be used to better determine the appropriate responsibilities and cost-sharing. *The PDT will recommend a plan to turn over project features to the sponsor during construction of the project as proposed by the Board.*

Other Issues of Note:

1. Some discussion about what an Island Community Unit was and what it represented was undertaken. It was agreed that while the metric may be technically valid, it would not mean much to the public nor to those in the Administration. As a result, the district would be well advised to make sure that the report includes narrative that explains the project benefits in a way that others could come to the same conclusions. *This issue is well-discussed in the report and was the focus of the model ITR. The CWRB presentation gave a good overview of the issue, but the matter is too complex for a full review in the time allotted to the Board.*
2. Marrying of the CG and O&M appropriations may be problematic in the current performance based budgeting system and will require careful attention by the district. *Concur.*

Attachments: Powerpoint handouts (including District Engineer, Division Engineer, Sponsor and Office of Water Project Review briefs); Project Summary; DE Transmittal Letter; Draft Chief of Engineers Report; USFWS Letter of Support; and MPA Statement of Support.