

Section 111

Shore Damage Mitigation Project

Camp Ellis Jetty

February 5th, 2019

7pm – 8pm

City Hall Auditorium

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What is Section 111?

- The 1968 River and Harbor Act provides authority for the Army Corps of Engineers (ACOE) to develop and construct projects for prevention or mitigation of damages caused by Federal navigation work. This applies to both publicly and privately owned shores located along the coastal shorelines of the United States.
- This act, further amended by other legislative bills limits each project to a Federal cost of not more than \$10 million without Congressional approval and shifts the burden of further required funding to the non-federal partner.

Saco is unique!

- Camp Ellis was considered a Section 111 project in the early 1990's. Many studies since that time have been conducted.
- In 2007, an additional allocation was permitted under federal law (WRDA Bill) to increase the allowed amount for this specific project from \$10 million to \$26.9 million.

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Saco's Section 111 Project

- In 2013, a decision document (report by the ACOE) was presented to Saco. The project stalled because a partnership agreement was never negotiated.
- As part of my recruitment to work for Saco, it was asked that I work to address this issue. In late 2015, we asked the ACOE to reconsider the decision document presented previously. Because of the delay since the last report, engineering/construction cost figures had to be recalculated.
- June 2017, Saco was presented with a draft document from the regional ACOE office estimating the project at \$67 million. Construction under the \$27 million and \$40 million for 50 years beach nourishment.

June 2017 Public Meeting

- Administration asked the Community for direction:
 - Forgo the 50 year nourishment – reducing the need to push the federal government to increase their allocation
 - Create a locally funded beach replenishment plan (annual) – special assessment district
 - State partnership on the nourishment plan
- If no action by end of summer 2017, should we:
 - Pursue legal action?
 - Let the market run its course?
 - Consider selective property acquisition?

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Continued efforts to see project through

- Regular meetings with representatives from Federal delegates to explore options in summer 2017 through November 2017.
- With local elections in November, a renewed interest from the Mayor and Councilor Copeland brought new energy and an ad-hoc working group began meeting in December – Saco Bay Erosion Working Group (SBEWG)
- Over the course of 2018, the working group has been meeting monthly to discuss the proposed project and work with our federal delegates to find a solution to the funding gap.

Continuing efforts...

- Summer 2018, the decision document had been placed back in the hands of the Saco community.
- At that time, we were asked to provide a letter of support for the ACOE District Office's Plan 6 project:
 - “ ... a 750-foot stone spur jetty with reinforcement of adjacent sections of the main north jetty, and beachfill of about 225,000 cubic yards of sand over the 3,250 feet of beach northward from the main jetty”.

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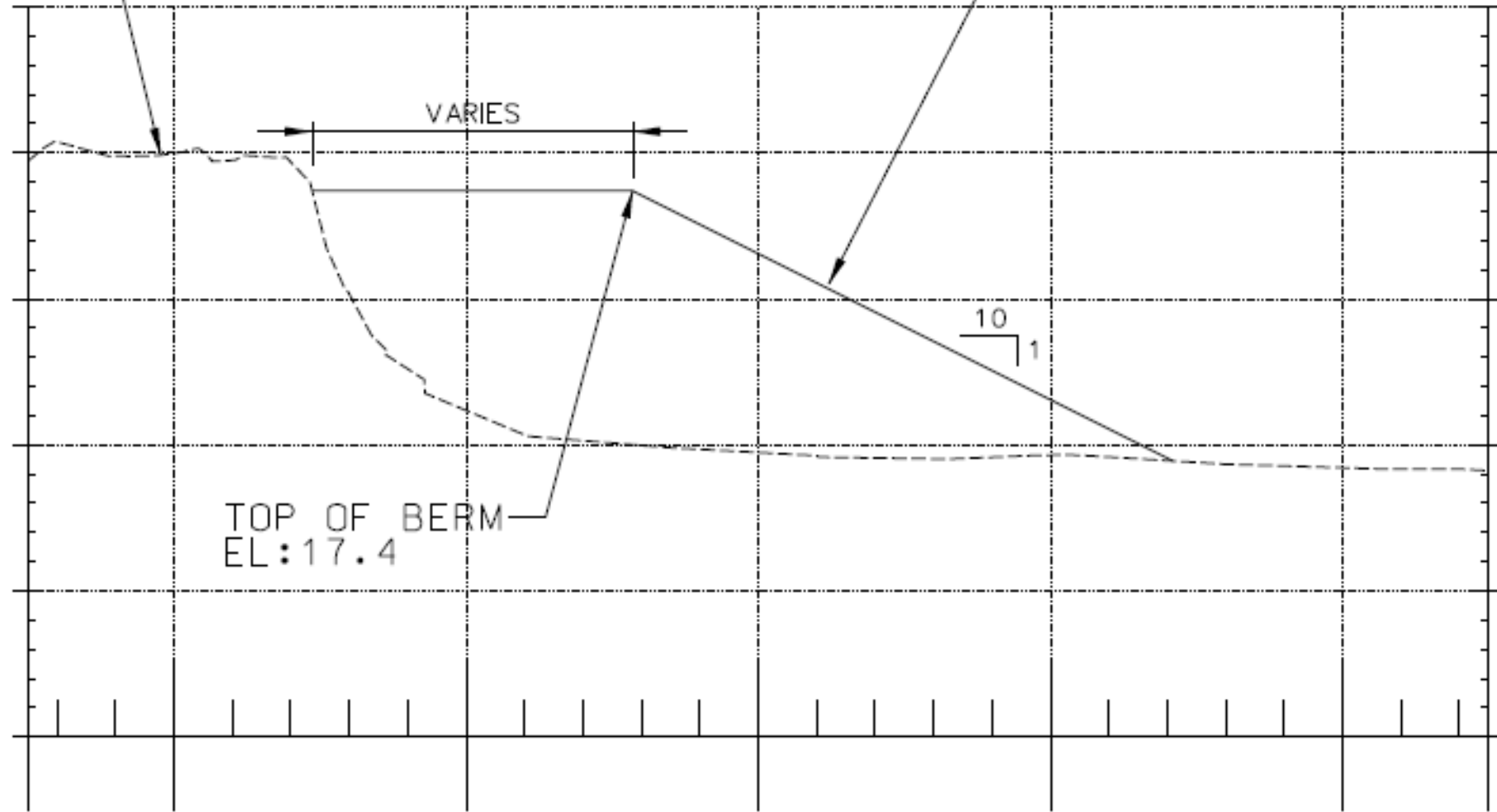
Plan 6



EXISTING
GRADE

Plan 6

TOTAL FILL
VOLUME
 $V=365,000$ CY



TOP OF BERM
EL: 17.4

10
1

BEACH ALTERNATIVE 6
TYPICAL SECTION
NOT TO SCALE

Plan 6



Continuing efforts...

- The Council met with members of the SBEWG in workshop on September 10th to review and discuss the status of the project and comment on the recommended response letter that administration was prepared to send to the ACOE.
- Link to: [Executive Summary](#)
- Link to: [Support Letter of 9/14/18](#)



Executive Summary (understood by ACOE)

1. “The City prefers that Plan 25A be implement in lieu of either the lesser-cost Plan 6 or the Federally Implementable Plan. Plan 25A includes two northerly offshore breakwaters, each about 400 feet long, in addition to a shorter 500 foot spur jetty and beachfill. The additional stone structures would reduce the volume and frequency of future [sic]nourishment required to maintain the beachfill.”

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Executive Summary (understood by ACOE)

2. “The City does not concur with the limitation on Federal cost authorized in WRDA 2007 as the City believes the USACE should bear the entire cost of mitigating shore damages.”



Executive Summary (understood by ACOE)

3. “The City does not concur that future [sic]nourishment efforts be either a non-Federal responsibility (as under the Federally Implementable Plan), or be cost-shared 50/50 as provided under Section 215 of Public Law 106-53 (WRDA 1999), especially where both Plan 6 and the FIP include more frequent and larger future [sic]nourishment as a substitute for initial construction of more extensive stone structures (Plan 25A) or a larger initial beachfill. The City believes that future nourishment should be solely a Federal responsibility.”



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September 14, 2018

William Conde, Colonel
District Engineer
US Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742

Re: Saco River and Camp Ellis Beach, Saco, Maine, Section 111: Shore Damage Mitigation Project

Dear Colonel Conde:

The Saco Bay Erosion Working Group, a collaborative of concerned Saco residents, City Council representation, the Mayor's office, and City staff have reviewed the Final Decision document for the Section 111: Shore Damage Mitigation Project at Camp Ellis in Saco, Maine.

Since the installation of the Camp Ellis Jetty in the late 1800s, the Camp Ellis community has experienced significant erosion. For the past 65 years, the City has cooperatively worked with the Federal Government to mitigate further erosion and future property loss. We have worked closely with the District Office to ensure our concerns are captured within the report and executive summary; however, we have additional points that we would like to review with the ACOE as outlined below.

The City does see the ACOE preferred Option 6 as an immediate erosion mitigation benefit, however, if all future nourishments are the responsibility of the City, our City Council and community cannot support this project.

Below are our responses to the four points outlined on page 15 in the Executive Summary.

1. There are no lands, easements, rights-of-way, or disposal areas that the Corps will require of the City other than easements over City lands for access to the project. The City will execute any easements necessary for project completion.
2. If the City will be responsible for the maintenance of the engineered components of Option 6, that is not feasible on the local level. If the ACOE requires the City to maintain the engineered components of the project, the City requests a partnership of determining that scope and that the performance of this

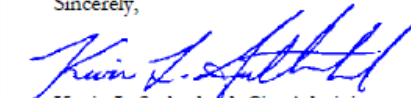
alternative does not make the City of Saco liable should the spur fail with the agreed upon inspection and maintenance.

3. In June of 2018, the Council approved a Beach Management Agreement that could be signed by both parties. On September 4th, the City Council further amended ordinances that needed to be changed to comply with the Beach Management Agreement. Saco will be in compliance with this requirement.
4. The City understands that Federal funding for this project is currently limited by WRDA2007 to \$26.9 million which is the current estimate for the Federally Implementable Plan recommended in the report. The City understands that it would be responsible for any costs above that Federal limit. Since the Federally Implementable Plan will not provide the full cost of the initial design beach fill originally included in Plan 6, the City requests that any cost savings identified during project design or resulting from the contracting/bidding process be applied to increasing the initial sand fill volume, and or towards the Federal 50% share of future nourishment events. The City also intends to continue to work with its Congressional delegation to increase the \$26.9 million Federal funding limit to levels that would permit Federal funding to complete the initial beach fill volume and participate in future nourishment.

Based on additional analysis performed by City staff and supported by the City Council, we believe Option 25A could optimize the allocation of resources and maximize the impact of mitigation. Were the ACOE to restructure the funding allocation of Option 25A, such that the City as the Non-Federal sponsor delivered the beach nourishment portion of the project, Option 25A would then fit within the allocated funding of Section 3085 of the WRDA2007, specifically \$26.9 million allocated to Camp Ellis. We believe that this would reduce the burden of future nourishment costs.

The City and its elected officials understand this may delay action for FY19, but we ask that the ACOE consider our Locally Preferred Plan in their decision-making process and work with the City of Saco to find a way to provide the best value option at the lowest cost.

Sincerely,


Kevin L. Sutherland, City Administrator

CC: Mayor Marston Lovell, City of Saco
Senator Angus King, United States Senate
Senator Susan Collins, United States Senate
Representative Chellie Pingree, United States House of Representatives

Saco supports the ACOE moving forward

Third paragraph in the letter:

The City is in support of the ACOE moving forward with their preferred Option 6 as an immediate erosion mitigation benefit. The City of Saco has the financial capability to satisfy the Non-Federal Sponsors obligations for the project.

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Executive Summary (expected of the city)

1. There are no LERRD requirements for the City necessary for construction other than easements over City lands.
2. The City will be responsible for future inspection, maintenance and repair of the stone spur jetty including the reinforcement of adjacent sections of the main north jetty.
3. The City will be responsible for future beach monitoring and management consistent with the requirements for protecting listed shorebird species to be determined by the City in consultation with the U.S. Fish and Wildlife Service.
4. The City will be responsible for all project costs in excess of the \$26.9 million Federal cost limit specified in WRDA2007 (P.L. 110-114).

Executive Summary (expected of the city)

1. There are no LERRD requirements for the City necessary for construction other than easements over City lands.

Our 9/14/18 response:

There are no Land, Easements, Rights-Of-Way, Relocation, and Disposal Areas that the City will require of the Army Corps for this project and will sign any easements necessary to get a project completed.

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Executive Summary (expected of the city)

2. The City will be responsible for future inspection, maintenance and repair of the stone spur jetty including the reinforcement of adjacent sections of the main north jetty.

Our 9/14/18 response:

- If the City will be responsible for the maintenance of the engineered components of Option 6, that is not feasible on the local level. If the ACOE requires the City to maintain the engineered components of the project, the City requests a partnership of determining that scope and that the performance of this alternative does not make the City of Saco liable should the spur fail with the agreed upon inspection and maintenance.

Executive Summary (expected of the city)

3. The City will be responsible for future beach monitoring and management consistent with the requirements for protecting listed shorebird species to be determined by the City in consultation with the U.S. Fish and Wildlife Service.

Our 9/14/18 response:

In June of 2018, the Council approved a Beach Management Agreement that could be signed by both parties. On September 4th, the City Council further amended ordinances that needed to be changed to comply with the Beach Management Agreement. Saco will be in compliance with this requirement.

Executive Summary (expected of the city)

4. The City will be responsible for all project costs in excess of the \$26.9 million Federal cost limit specified in WRDA2007 (P.L. 110-114).

Our 9/14/18 response:

Understanding the project is estimated to cost \$26.9 million along with a portion of the first sand nourishment, we'd ask that any cost savings realized during the project implementation and resources further allocated by Congress be allowed to put toward the remaining portion of the first sand nourishment and the 50% share of the Federal government for all future sand nourishments.

Item in letter that may have stalled things...

The report indicates that Saco will assume responsibility for all future nourishment as well as maintenance of the federal structure going forward. The selection of Alternative 6, while a step in the right direction, does not provide the same level of value that Option 25A as beach fill could be frequent and extensive.

Based on additional analysis performed by City staff, we believe Option 25A could optimize the allocation of resources and maximize the impact of mitigation. Were the ACOE to restructure the funding allocation of Option 25A, such that the City as the Non-Federal sponsor delivered the beach nourishment portion of the project, Option 25A would then fit within the allocated funding of Section 3085 of the Water Resources Development Act of 2007, specifically \$26.9 million allocated to Camp Ellis. This would allow for the City's nourishment investment to reach a more sustainable level.

Council action in September

- “Be it Resolved that the City will seek to find a resolution to the damage being caused by the federal navigation structure at Camp Ellis and that the City will not incur responsibility for the federal navigation structure nor the effort undertaken by the federal government to remedy this disaster.”
- Council also supported a budget amendment of \$25,000 for legal analysis, engineering analysis, and potentially lobbying efforts to better understand our risks and position to get the best project possible.

January 2019 Meeting

- Meeting with Colonel Conde, Commander of the New England Division of the ACOE and his staff, representatives from Senator King, Senator Collins, and Congresswoman Pingree's office, and members of the SBEWG.
- Emphasis was on the crucial piece of the executive summary (see next slide).
- A response to the ACOE is due by mid-February.
- This is a take it or shelve it scenario.



Executive Summary (crucial piece)

- The City, State or other non-Federal interests may and are encouraged, **but are not required,** to fund completion of the initial beachfill, perform future monitoring of beach performance and beach management, and undertake future beach renourishment as necessary. While a Project Partnership Agreement between the Federal government and the City has yet to be drafted it will include the following minimum requirements for non-Federal participation:

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Next steps (option 1)

- A letter of support for Plan 6.
- A Project Partnership Agreement (PPA) would be the next step. This would be the binding document to move the project to the appropriations stage with Congress.
- There are still has some concerns that would need to be addressed before a PPA were signed
- There would be some challenges because this would be a rushed process to meet ACOE deadlines.

Next steps (option 1, cont...)

- We would want an attorney to review required vs. recommended language as it would be a part of the PPA (This is an ethical obligation to Saco's other beaches, our neighboring communities, and what that would mean for the City of Saco.)
- We would likely be left in the dark on other potential funding sources (as some of the earmarked \$25,000 is meant to research pathways for additional federal money)
- We still believe there are cost effective measures to reduce wave energy coming out of the northeast that could be mitigated by additional islands (option 25A) and this could be done less expensively and save money in the long-term. Again, not a feasible request for an independent study before the ACOE deadline.

Next steps (option 2)

- A letter of opposition for Plan 6 or no letter and let the 9/14/18 letter stand.
- Colonel Conde will shelve the project.
- Saco would still look at the three avenues with the funding allocated by Council (legal, additional federal funding pathways, and project research/third party cost estimates), but have additional time to pursue these efforts and clarify our concerns.
- We come back to Congress and the ACOE in a year with more knowledge and ready solutions that are more fitting for Saco.

Looking Forward

- What we discuss tonight will be provided to the Council for discussion at the February 11th Council Workshop.
- Open discussion with attendees (and FB Live)
- Show of hands:
 - Option 1: letter of support for Plan 6 - 750 foot jetty spur.
 - Option 2: shelve the ACOE project and explore other options.
 - Other?

