

Quality Partnership Initiative
American Association of Port Authorities and the U.S. Army Corps of Engineers
Communication/Collaboration Best Practices

Port Name: NY & NJ

POC:

Corps District: New York

POC: Jenine Gallo

Best Practice: Establishment of the Endangered Species Act - Regional Working Group (RWG)

Purpose: The RWG convenes to review the status of projects and programs compliance with the Endangered Species Act, as pertains to aquatic protected species under the jurisdiction of National Oceanic and Atmospheric Administration (NOAA)- National Marine Fisheries Service (NMFS), such as marine turtles, whales and (Atlantic and shortnose) sturgeon, within the Port of New York and New Jersey/ New York and New Jersey Bight.

Explanation: The RWG is comprised of an interdisciplinary team of technical and subject matter experts, policy experts and leaders from New York District, the PANYNJ Port Commerce Department and NOAA-NMFS. The group convenes monthly to review the status of ongoing navigation projects (including deepening and maintenance projects); recently, the scope of project or program review has been expanded to include Coastal and Flood Programs, especially Hurricane Sandy projects.

Examples of Results: The RWG provides a necessary and supportive framework to the District and the PANYNJ in which to ensure that the Navigation Program, comprised of the largest deep-draft New York and New Jersey 50' Harbor Deepening Navigation Project, including the predecessor projects (Arthur Kill, Kill Van Kull and Port Jersey projects), will continue to meet the compliance requirements of the ESA under NOAAs jurisdiction. Specifically, the RWG identified a critical obstacle to completing the 50' project on schedule or within budget when a petition to list Atlantic sturgeon (AS) by Natural Resources Defense Council (NRDC) triggered the formal listing of 5 distinct population segment (DPS) of AS within both the New York Bight and Delaware Bay port operations. This stakeholder-compelled listing resulted in the requirement for USACE to reinitiate formal consultation for all programs/projects within the areas of occurrence or utilization of/by any of the 5 AS DPSs. As the first program to be adversely affected, the Navigation Program team hastily convened an interagency working group to facilitate coordination, communication and collaboration that would be required so as not to adversely affect the ongoing construction projects in the navigation (deepening and maintenance) programs. Issue identification and resolution, with ongoing partnering and management of any potential barriers to successful execution of the Navigation program, led to the projects being completed on schedule and under budget, while ensuring continued protection of ESA species. Additionally, the coastal and flood programs have recently been incorporated onto the RWG agenda in order to ensure successful execution of the restoration and rehabilitation of the Hurricane Sandy damaged coastline on both shores of Long Island, NY southerly through Delaware Bay. As a result of the efforts of the RWG, efficiencies, such as "bundling or batching" projects by similar geographic region or action have been identified, which also serves to ensure to effective and efficient use of human and financial resources.

Why this Process is Important to the Port and the Corps: The RWG provided a streamlined, functional and precedent-setting forum within which stakeholders, regulators and other interested parties could convene to identify obstacles to success. Specifically, the benefit to the PANYNJ and the federal government was the on-schedule, within budget completion of the regionally-significant deep-draft

navigation program, while concurrently ensuring protection of ESA-protected resources throughout their northeast range.

Attachments (if any)