



DEPARTMENT OF THE ARMY  
BALTIMORE DISTRICT, U. S. ARMY CORPS OF ENGINEERS  
P. O. BOX 1715  
BALTIMORE, MD 21203-1715

January 30, 2013

Real Estate Division  
Civil/IIS Projects Support Branch

Honorable George C. Nebel  
Mayor of the Borough of Mantoloking  
P.O. Box 4391  
Brick, New Jersey 08723

Dear Mayor Nebel:

This is in reference to the New Jersey Shore Protection Study, Manasquan Inlet to Barnegat Bay Hurricane Storm Damage Reduction Project. There is currently no Project Partnership Agreement (PPA) in place for this project between the New Jersey Department of Environmental Protection (NJDEP) and the Department of the Army, U.S. Army Corps of Engineers regarding the Manasquan Inlet to Barnegat Bay (Manasquan to Barnegat) Portion of the New Jersey Shore Protection Project, Ocean County, New Jersey.

In the event this project moves forward, this office would like to clarify information regarding the content of the *Deed of Dedication and Perpetual Storm Damage Reduction Easement* that would be required for the construction and maintenance of the Manasquan Inlet to Barnegat Bay (Manasquan to Barnegat) Portion of the New Jersey Shore Protection Project, Ocean County, New Jersey. Therefore, we are providing this letter to help better explain the rights requested under the easement. A copy of the final easement will be provided once finalized. This letter pertains to the section entitled "Grant of Easement."

The Grant of Easement section of this document specifically states what rights are being acquired. The New Jersey Department of Environmental Protection (NJDEP), the anticipated Non-Federal Sponsor for this project, would be acquiring ONLY the rights needed to construct and maintain the improvements to be authorized under the Manasquan Inlet to Barnegat Bay (Manasquan to Barnegat) Portion of the New Jersey Shore Protection Project.

Two of the most frequently asked questions pertain to the first phrase in the Granting clause and the terms "perpetual" and "assignable." Projects are specifically authorized for construction by Congress, and remain authorized until specifically de-authorized. As long as the project is authorized, the Non-federal Sponsor is required to maintain the project according to Operations and Maintenance Plans created for the project. The easements required for the Manasquan to Barnegat Hurricane Storm Damage Reduction Project are for the construction and maintenance of the Manasquan to Barnegat Hurricane Storm Damage Reduction Project only. As such, they

are only required as long as the project itself is authorized. Should Congress ever de-authorize this project, landowners may request the release of the project easement on their property.

The easement is assignable to allow the NJDEP and affected municipalities the flexibility to permit other parties to enter upon the lands covered under the easement to maintain the project as indicated in the Operations and Maintenance Plans for this project or, in the event of a merger of townships or other geo-political entities, allow the resulting entity to maintain the project as authorized. Regardless of who is assigned the right to enter upon these lands, no one can do anything other than what is specifically authorized under this easement and under the Manasquan to Barnegat Project as authorized by Congress.

Items a to i under the Grant of Easement Section explicitly state what rights are being acquired. Anything not included in this list of rights cannot be performed or constructed, including boardwalks, concession stands, boat rental locations, municipal storage facilities or restrooms. Besides not being included in the list of rights stated in this section, the construction of any of these items is not included in the project as authorized by Congress. If an action or item is not specifically authorized by Congress for the project, we cannot do or construct it. Per Items a to i, the easement grants the affected municipality and the State of New Jersey the right to:

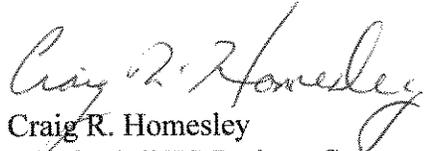
- a. Construct, preserve, patrol, operate, maintain, repair, rehabilitate, and replace a public beach, dune system, and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand, to accomplish any alterations of the contours on said land, to construct berms and dunes, and to nourish and re-nourish periodically;
- b. Move, temporarily store and remove equipment and supplies;
- c. Erect and remove temporary structures;
- d. Perform any other work necessary and incident to the construction, periodic renourishment, and maintenance of the Manasquan to Barnegat Storm Damage Reduction Project together with the right of public use and access;
- e. Post signs, plant vegetation on said dunes and berms;
- f. Erect, maintain, and remove silt screens and snow fences;
- g. Facilitate preservation of dune and vegetation through the limitation of public access to dune areas;

h. Trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures, and obstacles within the limits of the easement;

i. Implement the Public trust doctrine and ensure permanent public access, use, and enjoyment of the beach and ocean.

No other work, construction or maintenance may be conducted on lands covered by this easement.

Sincerely,

A handwritten signature in cursive script, appearing to read "Craig R. Homesley".

Craig R. Homesley  
Chief, Civil/IIS Projects Support Branch  
Real Estate Division