



New Jersey Marine Debris Emergency Response Guide: Comprehensive Guidance Document

NOAA Marine Debris Program
National Oceanic and Atmospheric Administration
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List of Acronyms

ACP	Area contingency plan
ADV	Abandoned and derelict vessel
BMP	Best management practice
C&D	Construction and demolition debris
CBRS	John H. Chafee Coastal Barrier Resources System
DoD	Department of Defense
ECP	Emergency Conservation Program (of FSA)
EFH	Essential fish habitat
EPA	U.S. Environmental Protection Agency
ERMA	Emergency Response Management Application
ESA	Endangered Species Act
ESF	Emergency support function
EWP	Emergency Watershed Protection (NRCS Program)
FEMA	Federal Emergency Management Agency
FOSC	Federal on-scene coordinator
FSA	Farm Service Agency
JCNERR	Jacques Cousteau National Estuarine Research Reserve
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NEPA	National Environmental Policy Act
NJDEP	New Jersey Department of Environmental Protection
NJDOT	New Jersey Department of Transportation
NJOEM	New Jersey Office of Emergency Management
NJSP	New Jersey State Police
NOAA	National Oceanic and Atmospheric Administration
NPS	National Park Service
NRC	National Response Center
NRCS	Natural Resources Conservation Service
NRT	Navigation response team (of NOAA)
NWR	National Wildlife Refuge (of USFWS)
RP	Responsible party
U.S.	United States
USACE	U.S. Army Corps of Engineers
USCG	U.S. Coast Guard
USFWS	U.S. Fish and Wildlife Service

Definitions

Abandoned vessel – (a) A vessel which has remained moored, grounded, docked, or otherwise attached or fastened to or upon any public land or waterway or any private property without such consent for a period of more than 30 days, or which is submerged partially or completely into the water for any period of time shall be deemed abandoned (N.J.S.A. § 12:7C-9-3(b)(1)).

(b) A flat-bottomed boat, barge, scow or raft which has remained moored, grounded or otherwise attached or fastened to or upon any public land or waterway or any private property without such consent for a period of more than 20 days (N.J.S.A. § 12:7C-1).

Area contingency plan (ACP) – Reference document prepared by an Area Committee for the use of all agencies engaged in responding to environmental emergencies in a defined geographic area. The purpose of the ACP is to define the roles, responsibilities, resources, and procedures necessary to address oil and hazardous substance incidents. For New Jersey, both U.S. Coast Guard District 5, Sector Delaware Bay and District 1, Sector New York have jurisdictional responsibilities in the state. *Sector Delaware Bay Area Contingency Plan* and *Sector New York Area Contingency Plan* are prepared by their respective Area Committees and maintained by their respective U.S. Coast Guard Sectors (U.S. Coast Guard [USCG], 2016, 2019).

Coastal area (under New Jersey Coastal Zone Management Program) – The inland limit of the coastal area defined in the Coastal Area Facility Review Act (N.J.S.A. 13:19-1 et seq.). This area includes

- portions of Middlesex, Monmouth, Ocean, Burlington, Atlantic, Cape May, Cumberland, and Salem Counties;
- the limits of the New Jersey Meadowlands District as defined by N.J.S.A. 13:17-4; and
- all areas containing tidal wetlands.

Coastal zone (Area Contingency Plan [ACP] coastal zone) – U.S. Coast Guard area of responsibility for response under the National Contingency Plan, with geographic boundaries defined in the *Sector Delaware Bay Area Contingency Plan* and the *Sector New York Area Contingency Plan* (USCG, 2016, 2019).

County seaward boundary – The territorial limits of each county or portion thereof fronting upon the open sea shall extend to a line parallel with the ocean shore line of the county, and distant, easterly, 3 nautical miles therefrom (N.J.S.A. § 40A:13-2).

Disaster – Any unusual incident resulting from natural or unnatural causes which endangers the health, safety or resources of the residents of one or more municipalities of the state, and which is or may become too large in scope or unusual in type to be handled in its entirety by regular municipal operating services (N.J.S.A. App.A:9-33.1(1)).

Discharge – Any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous substances into the waters or onto the lands of the state, or into waters outside the jurisdiction of the state when damage may result to the lands, waters or natural resources within the jurisdiction of the state (N.J.S.A. § 58:10-23.11b(3)).

Eligible applicant – Entities who may receive Public Assistance reimbursement funding from the Federal Emergency Management Agency under the Stafford Act. Eligible applicants include state

and local governments, federally recognized Indian tribal governments, and certain private nonprofits that serve a public function and have the legal responsibility to remove the debris (44 C.F.R. § 206.222).

Eligible debris – Debris that is a direct result of a major disaster declared by the president, in the designated disaster area, and whose removal is necessary to eliminate the immediate threat to life, public health and safety, or improved property (Federal Emergency Management Agency [FEMA], 2007).

Emergency –

- **National Oceanic and Atmospheric Administration** – A situation involving an act of God, disasters, casualties, national defense or security emergencies, etc., and includes response activities that must be taken to prevent imminent loss of human life or property (National Oceanic and Atmospheric Administration [NOAA], 2021a).
- **Stafford Act** – Any occasion or instance for which, in the determination of the president, federal assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States (42 U.S.C. § 5122(1)).
- **U.S. Army Corps of Engineers** – A situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures (33 C.F.R. § 325.2(e)(4)).

Emergency support function (ESF) – Used by the Federal Government and many state governments as the primary coordinating structures that group resources and capabilities into functional areas most frequently needed in a national response (U.S. Department of Homeland Security, 2019). ESFs most commonly applied during response to a marine debris incident are ESF-3, Public Works and Engineering, and ESF-10, Oil and Hazardous Materials Response.

Environmental sensitivity index map – Maps produced by the National Oceanic and Atmospheric Administration that provide a concise summary of coastal resources that are at risk if an oil spill occurs nearby. Examples of at-risk resources include biological resources (such as birds and shellfish beds), sensitive shorelines (such as marshes and tidal flats), and human-use resources (such as public beaches and parks; NOAA, 2019a).

Federally maintained waterways and channels – A waterway that has been authorized by Congress, and which U.S. Army Corps of Engineers operates and maintains for general (including commercial and recreational) navigation.

Hazard to navigation – An obstruction, usually sunken, that presents sufficient danger to navigation so as to require expeditious, affirmative action such as marking, removal, or re-definition of a designated waterway to provide for navigational safety (33 C.F.R. § 64.06).

Hazardous substance – (A) Any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution, or substance designated pursuant to 42 U.S.C. § 9602, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended

by Act of Congress), (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act, any hazardous air pollutant listed under section 112 of the Clean Air Act, and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas; 42 U.S.C. § 9601(14)).

Hazardous waste – Regulated under the Resource Conservation and Recovery Act and contains properties that make it potentially harmful to human health or the environment. A Resource Conservation and Recovery Act hazardous waste is a waste that appears on one of the four hazardous waste lists or exhibits at least one of the following four characteristics: ignitability, corrosivity, reactivity, or toxicity (FEMA, 2007).

Historic property – Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian Tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR § 800.16(l)(1)).

Improved property – Any structure, facility, or equipment that was built, constructed, or manufactured. Examples include buildings, levees, roads, and vehicles. Land used for agricultural purposes is not improved property, nor are vacant lots, forests, heavily wooded areas, and unused areas (44 C.F.R. § 206.221(d)).

Infectious waste – Waste capable of causing infections in humans and can include animal waste, human blood and blood products, medical waste, pathological waste, and discarded sharps (needles, scalpels, or broken medical instruments; FEMA, 2007).

Inland zone (Area Contingency Plan [ACP] inland zone) – U.S. Environmental Protection Agency area of responsibility for response under the National Contingency Plan, with geographic boundaries defined in the *Sector Delaware Bay Area Contingency Plan* and the *Sector New York Area Contingency Plan* (USCG, 2016, 2019).

Major disaster – Any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the president causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby (42 U.S.C. § 5122(2)).

Marine debris – Any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or Great Lakes (33 U.S.C. § 1956(3)). For purposes of this document, the term marine debris may also refer to vegetative material that enters a waterway following a natural or anthropogenic

incident and poses a threat to the natural or built environment. This also includes shoreline and wetland debris and debris in some inland, non-tidal waterways.

Municipal waterway – Any portion of a body of water located within a municipality or any portion of a body of water over which a municipality or harbor commission legally exercises jurisdiction (N.J. Rev Stat § 12:7C-8(h)).

National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan, NCP) – Federal Government’s blueprint for responding to both oil spills and hazardous substance releases (U.S. Environmental Protection Agency, 2021).

Navigable waterways (federal definition) – Navigable waterways include both those waterways which are federally maintained and those waterways which are not federally maintained. U.S. Army Corps of Engineers defines navigable waters of the United States as those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity (33 C.F.R. § 2.36; 33 C.F.R. § 329.4).

Navigable waters (state definition) – Waters that are deep enough and wide enough to afford passage to watercraft, including canoes or kayaks, at high tide. Navigability will also apply to areas upstream of obstructions (for example, culverts), provided that the water course is still tidally influenced in the upstream area (N.J.A.C. 7:7-1.5).

Obstruction – Anything that restricts, endangers, or interferes with navigation (33 C.F.R. § 64.06).

Oil – Oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil (33 U.S.C. § 1321(a)(1)).

Pollutant or contaminant – Includes, but is not limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring; except that the term “pollutant or contaminant” shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of 42 U.S.C. § 9601(14) and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas; 42 U.S.C. § 9601(33)).

Recoverable debris – Generally any documented vessel, vehicle, recreational vehicle, or shipping container traceable to an owner (U.S. Army Corps of Engineers, 2010).

Severe marine debris event – An atypically large amount of marine debris caused by a natural disaster, including a tsunami, flood, landslide, or hurricane, or other source (33 U.S.C. § 1956(6)).

Solid waste – Any garbage, refuse, sludge, processed or unprocessed mixed construction and demolition debris, including, but not limited to, wallboard, plastic, wood, or metal, or any other

waste material, except it shall not include the following: Dredged material, from New Jersey's coastal or tidal waters, which is regulated under the provisions of the following statutes: New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.), Waterfront Development Law (N.J.S.A. 12:5-3 et seq.), Riparian Interests (N.J.S.A. 12:3-1 et seq. and 18:56-1 et seq.), Clean Water Act of 1977 (33 U.S.C. § 1251), and Federal Coastal Zone Management Act (16 U.S.C. §§ 1451 et seq.), and/or other relevant statutes and implementing regulations (N.J.A.C. § 7:26-1.6).

Stafford Act – The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, provides the authorities and funding for federal support to state and local entities in responding to presidential major disaster and emergency declarations (U.S. Department of Homeland Security, 2019).

Submerged lands – Those lands that are situated below the mean low water line. They include the lands beneath the sea, tidal rivers and bays (New Jersey Department of Environmental Protection [NJDEP], 2006).

Tidelands – All those lands now or formerly flowed by the tide in a natural waterway including filled lands. The upper boundary of tidelands is the mean high water line and all lands seaward of this line are subject to the Public Trust Doctrine and are to be administered by the state in the public interest (NJDEP, 2006).

Vegetative debris – Whole trees, tree stumps, tree branches, tree trunks, and other leafy material. May be recyclable or have salvage value (FEMA, 2007).

Vehicles and vessels – Vehicles and vessels damaged, destroyed, displaced, or lost as a result of a disaster. These vehicles and vessels may eventually be abandoned because of the damage incurred or because the original owners have relocated. Vehicles and vessels may be classified as debris if they block public access and critical facilities (FEMA, 2007).

Vessel –

- Every description of watercraft or other contrivance that is practically capable of being used as a means of commercial transportation of hazardous substances upon the water, whether or not self-propelled (N.J.S.A. § 58:10-23.11b).
- A boat, ship, or any other watercraft, regardless of whether it is, or was, used for recreational, commercial, or industrial purposes, or any other purpose, other than a seaplane on the water, used or capable of being used as a means of transportation on the water, except a boat or watercraft which is subject to the provisions of P.L.1969, c.264 (C.12:7C-1 et seq.), and includes any trailer used to transport or store it (N.J.S.A. § 12:7C-8(a)).

Waters (of the state) –

- The ocean and its estuaries to the seaward limit of the state's jurisdiction, all springs, streams and bodies of surface or groundwater, whether natural or artificial, within the boundaries of this state (N.J.S.A. § 58:10-23.11b).
- All waters within the jurisdiction of this State, both tidal and nontidal, and the marginal sea adjacent to this State to a distance of three nautical miles from the shoreline (N.J.S.A. § 12:7C-8(f)).

Wetlands – An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence

of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation (N.J.A.C. 7:8-1.2).

1 Introduction

1.1 Purpose

The purpose of this document is to improve preparedness for response and recovery operations following a disaster that generates marine debris in coastal New Jersey. This document outlines existing response structures at the local, state, and federal levels to facilitate a coordinated, well-managed, and immediate response to marine debris incidents impacting New Jersey's coastal counties.

Individual organization roles and responsibilities are presented in text form as well as in a consolidated one-page [flowchart](#) that functions as a decision tree for marine debris response. Additionally, organization jurisdictions are presented in a [map](#) in this document. A dynamic version of this jurisdiction map is also available [online](#) (NOAA, 2021b). The document also includes an overview of permitting and compliance requirements that must be met before debris removal work begins. This information is synthesized in a one-page reference [handout](#).

Determining responsibility for marine debris response and removal can be complicated and may involve multiple agencies and overlapping jurisdictions. Additionally, the lead organization may change depending on the type of incident and the debris location. Because all incidents are different, some aspects of marine debris response are subjective and not solely dependent on prevailing roles and authorities. This is especially true following a major, catastrophic, or unprecedented incident. This document seeks to capture the most likely response structure and actions with the understanding that flexibility is an inherent component of an effective response.

The New Jersey Marine Debris Emergency Response Guide: Comprehensive Guidance Document (Guide) serves as a complete reference for New Jersey marine debris response. The accompanying *Field Reference Guide* only includes the most pertinent information for quick reference in the field and during emergency response operations.

1.2 Scope of Guide

The *Guide* addresses both natural and man-made marine debris incidents affecting New Jersey's coastal area, as defined by the NJ Coastal Area Facility Review Act (N.J.S.A. 13:19-1 et seq.). In 33 U.S.C. § 1956(3), marine debris is defined as any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or Great Lakes. Although vegetative debris is not included in the legal definition for marine debris, stakeholders have identified it as a common debris stream of concern following natural disasters. Therefore, in this document, the term marine debris is used more generally and includes vegetative material and debris that could be exposed to or release oil, hazardous substances, pollutants, or contaminants that enters a waterway following an acute incident and poses a threat to the natural or built environment. This also includes shoreline and wetland debris and debris in some inland, non-tidal waterways. This *Guide* specifically addresses marine debris resulting from episodic incidents, such as disaster debris, and may not apply to chronic marine debris issues.

1.3 *Guide* Maintenance

The *Guide* is a living document and is subject to change as additional information becomes available and updates are needed. The *Guide* will be maintained by the National Oceanic and Atmospheric Administration's (NOAA) Marine Debris Program in coordination with federal, state, and local stakeholders. Contact information will be verified annually, and the *Guide* will undergo a formal review every five years, as needed. The *New Jersey Marine Debris Emergency Response Guide* and subsequent versions will be posted on the NOAA Marine Debris Program website at <https://marinedebris.noaa.gov/> (NOAA, 2021c).

2 Marine Debris Incidents in New Jersey

2.1 Disaster Incidents

New Jersey is one of the smallest states in the country by land area, but it is the most densely populated state, and the majority of its inhabitants live within 50 miles of the coastline (NJDEP, 2006). Its high population density and unique geography make New Jersey vulnerable to many threats that could generate marine debris.

The state of New Jersey is surrounded by water, with the Atlantic Ocean to the east, Delaware Bay to the south, and its tributary, the Delaware River, framing the entire western boundary. Flooding is a major hazard for the entire state, but the coastal zone is particularly vulnerable.

The coastal zone of New Jersey includes portions of eight counties and over 127 miles of coastline. Table 1 shows the calculated vulnerability, or risk, of the most common natural hazards in each of the coastal counties. Flooding is considered the highest threat to each coastal county, and flood events can carry debris into coastal waterways (New Jersey Office of Emergency Management [NJOEM], 2019). The Federal Emergency Management Agency’s (FEMA) Hazus Program estimates that a single flooding event in New Jersey could produce 1.3 million tons of debris (NJOEM, 2019).

Table 1. Vulnerability of New Jersey coastal counties to natural hazards rated as high (H), medium (M), low (L), not applicable (NA), or to be determined (TBD). Note that flooding poses the highest threat to New Jersey’s coast. Table adapted from data presented within the *New Jersey Hazard Mitigation Plan* (New Jersey Office of Emergency Management, 2019).

		Coastal Counties							
		Atlantic	Burlington	Cape May	Cumberland	Middlesex	Monmouth	Ocean	Salem
Hazards	Dam/Levee Failure	M	NA	H	M	H	L	NA	M
	Earthquake	M	M	L	L	L	L	M	M
	Flood	H	H	H	H	H	H	H	H
	Hurricane or Tropical Storm	H	NA	H	M	H	H	H	TBD
	Nor'easter	M	NA	H	NA	H	H	H	NA
	Severe Weather	H	H	H	H	M	M	M	H

Regardless of the type of hazard to affect the state of New Jersey, debris removal projects have high costs in relation to other types of projects eligible for reimbursement through FEMA following a presidentially declared disaster. Table 2 shows the total costs associated with debris response and removal for major disasters in New Jersey from 2010-2019. The last column indicates the number

of dollars reimbursed by FEMA through the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).

Table 2. Debris-generating major disasters and removal funds reimbursed through Federal Emergency Management Agency Public Assistance grants in New Jersey from 2010 through 2019. Note disaster number DR-4086, Hurricane Sandy, which resulted in the highest debris removal costs.

Table adapted from Federal Emergency Management Agency (2021).

Disaster Name	Disaster Number	Declaration Date	Total Obligated (Debris removal)
Severe Winter Storm and Snowstorm	DR-1889	03/23/2010	\$615,898.93
Severe Storms and Flooding	DR-1897	04/01/2010	\$8,178,192.64
Remnants of Tropical Storm Lee	DR-4039	10/13/2011	\$231,795.57
Severe Storm	DR-4048	11/29/2011	\$19,900,139.94
Severe Storms and Straight-Line Winds	DR-4070	07/18/2012	\$4,047,997.94
Hurricane Sandy	DR-4086	10/29/2012	\$466,839,999.60
Severe Storm	DR-4231	07/21/2015	\$10,055,224.52
Severe Winter Storm and Snowstorm	DR-4264	03/13/2016	\$945,605.36
Severe Winter Storm and Snowstorm	DR-4368	06/07/2018	\$17,294,650.53
Total			\$528,109,505.03

2.2 Prominent Debris Types

Some agency authorities are dependent on both the location and type of debris. Therefore, response to debris in New Jersey waterways may vary depending on the debris type to be removed. Primary debris types generated after a disaster as defined by FEMA (2007) include the following:

- Chemical, biological, radiological, and nuclear-contaminated
- Construction and demolition (C&D)
- Electronic waste (e-waste)
- Household hazardous waste/material
- Infectious waste
- Oil and hazardous substances

- Putrescent debris
- Soil, mud, and sand
- Vegetative debris
- Vehicles and vessels
- White goods

A description of key debris types is included in the [Definitions](#) section of this document. It is difficult to predict the exact mix of marine debris that will be generated after a disaster since different types of hazard incidents generally result in different debris types. Table 3 includes an overview of typical debris streams for several natural hazards. Although Table 3 only covers natural hazards, man-made hazards such as an accident during waterway commerce are also concerns. Man-made hazards are highly variable in both quantity and type of marine debris released.

Table 3. Typical debris streams for different types of hazard incidents. Data adapted from Federal Emergency Management Agency (2007).

		Typical Debris Streams								
		Construction and Demolition (C&D)	Hazardous Waste	Household Hazardous Waste	Personal Property/ Household Items	Putrescent	Soil, Mud, and Sand	Vegetative	Vessels and Vehicles	White Goods
Natural Hazards	Hurricanes/Tropical Storms	X	X	X	X	X	X	X	X	X
	Flooding	X	X	X	X	X	X	X	X	X
	Tornadoes/Wind Storms	X	X	X	X	X		X	X	X
	Earthquakes	X	X	X	X		X			X
	Winter/Ice Storms			X				X		
	Tsunamis	X	X	X	X	X	X	X	X	X

The type and quantity of marine debris generated after a disaster is dependent on land use and existing infrastructure along New Jersey’s waterways. For example, protected undeveloped areas within state forests are likely to generate vegetative debris, while developed properties near Newark or Woodbridge are likely to generate C&D debris. A land cover map for New Jersey is depicted in Figure 1 and illustrates the distribution of land use types in the state, including developed lands. Increased development in the floodplain will increase the likelihood of marine debris following a natural hazard event.

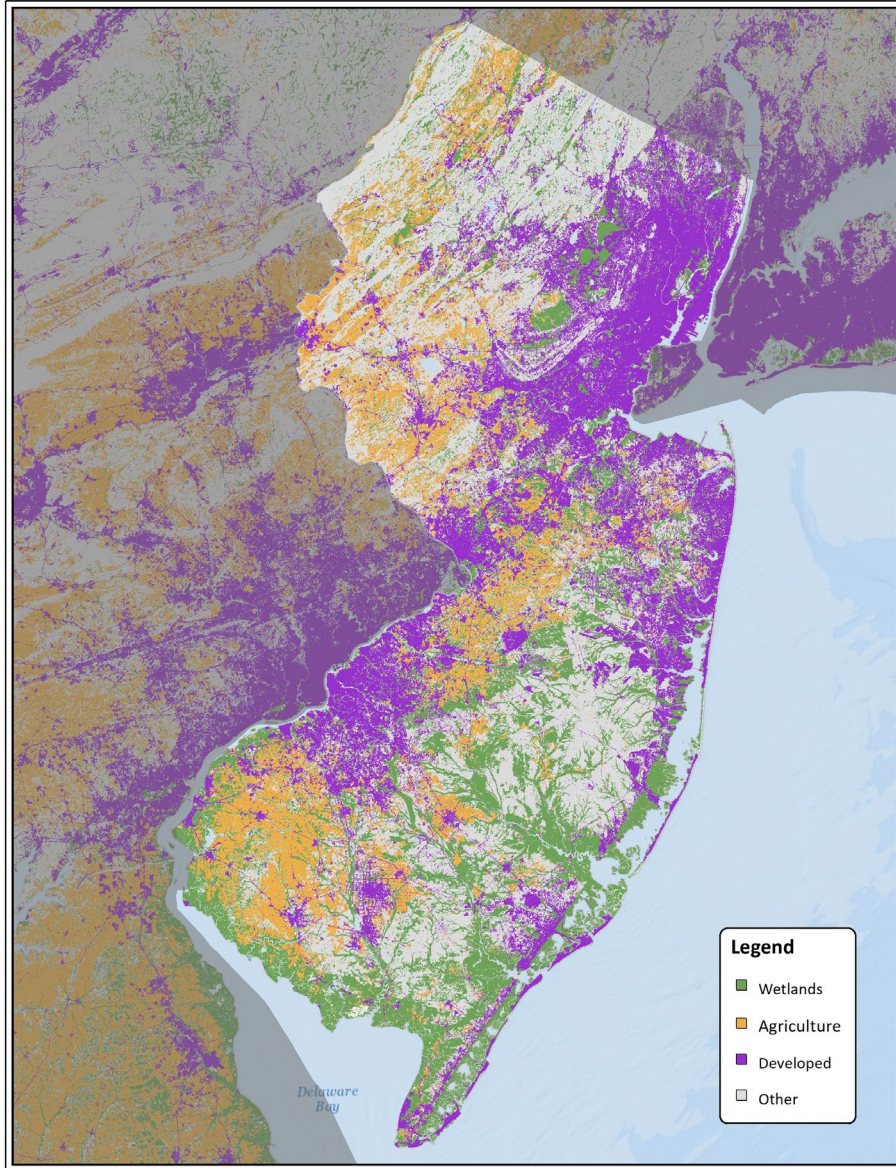


Figure 1. Land cover map for the state of New Jersey (National Oceanic and Atmospheric Administration, 2018).

3 New Jersey Marine Debris Response Flowchart

The “New Jersey Marine Debris Response Flowchart” included in this section provides a visual one-page representation of organization roles and responsibilities. The flowchart functions as a decision tree for marine debris response with color-coded endpoints. Yellow endpoints represent response to marine debris that is exposed to or has the potential to release oil, hazardous substances, pollutants, or contaminants. Blue endpoints represent response to debris that is not exposed to and does not have the potential to release oil, hazardous substances, pollutants, or contaminants. Endpoints within the green shaded area indicate that response may occur under Stafford Act authorities and/or funding.

For detailed information regarding individual organization roles, responsibilities, and authorities, see [Section 4](#).

New Jersey Marine Debris Response Flowchart

Purpose

The flowchart functions as a decision tree for marine debris response with color-coded endpoints. It is designed to inform response to debris that enters a waterway following a natural or anthropogenic incident and poses a threat to the natural or built environment. This may include shoreline and wetland debris and debris in some inland, non-tidal waterways.

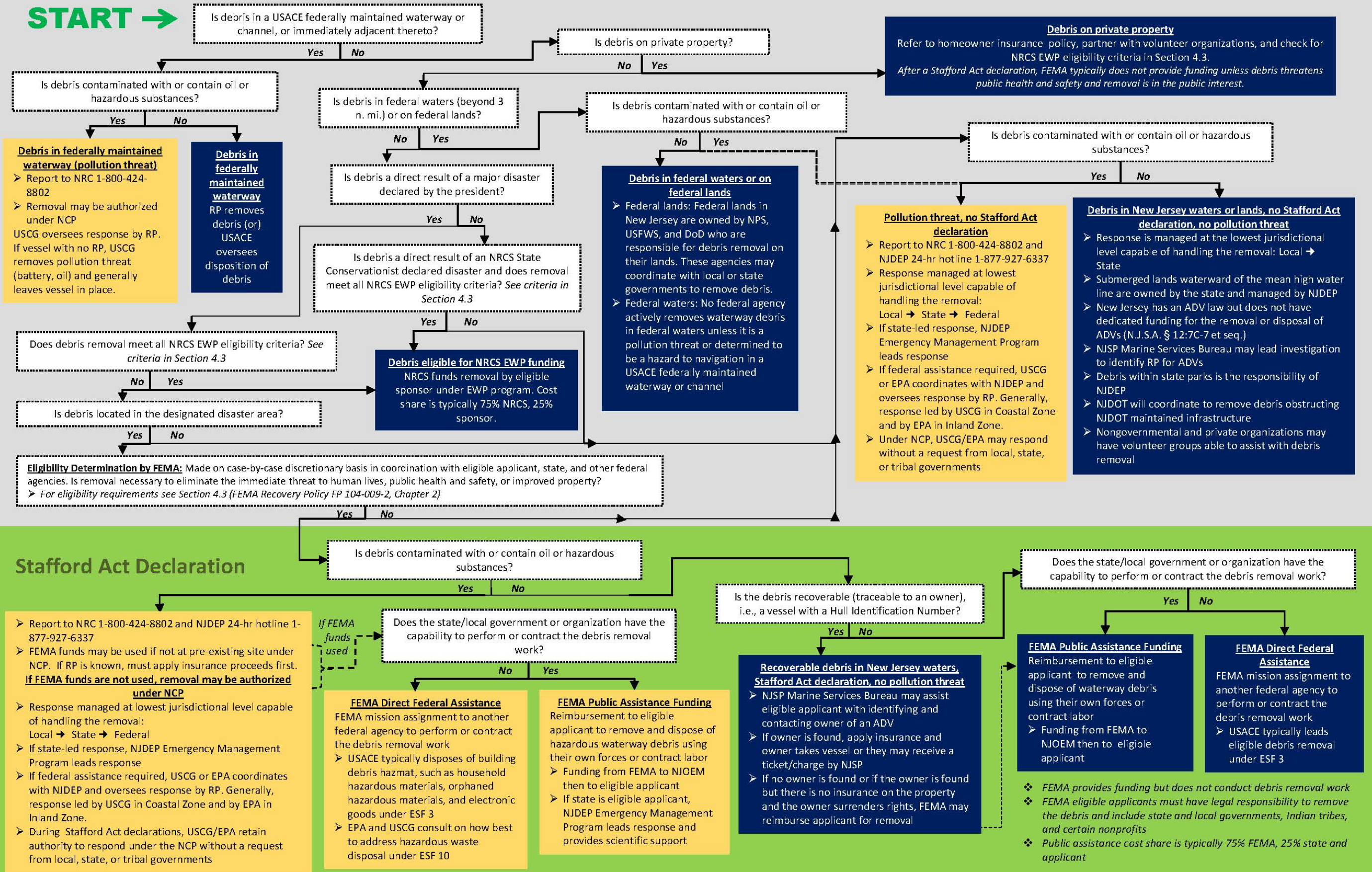
Acronyms

- ADV – Abandoned and derelict vessel
- DoD – U.S. Department of Defense
- EPA – U.S. Environmental Protection Agency
- ESF – Emergency support function
- EWP – Emergency Watershed Protection Program
- FEMA – Federal Emergency Management Agency
- NCP – National Oil & Hazardous Substance Contingency Plan
- NJDEP – New Jersey Department of Environmental Protection
- NJDOT – New Jersey Department of Transportation
- NJOEM – New Jersey Office of Emergency Management
- NJSP – New Jersey State Police
- NPS – National Park Service
- NRC – National Response Center
- NRCS – Natural Resources Conservation Service
- RP – Responsible party (Owner, Operator, Lessee)
- USACE – U.S. Army Corps of Engineers
- USCG – U.S. Coast Guard
- USFWS – U.S. Fish and Wildlife Service

Flowchart Key

- Response to debris that is exposed to or has the potential to release oil, hazardous substances, pollutants, or contaminants
- Response to debris that is not exposed to and does not have the potential to release oil, hazardous substances, pollutants, or contaminants
- Response occurring under Stafford Act authorities and/or funds

START →



Stafford Act Declaration

➤ Report to NRC 1-800-424-8802 and NJDEP 24-hr hotline 1-877-927-6337

➤ FEMA funds may be used if not at pre-existing site under NCP. If RP is known, must apply insurance proceeds first.

If FEMA funds are not used, removal may be authorized under NCP

- Response managed at lowest jurisdictional level capable of handling the removal: Local → State → Federal
- If state-led response, NJDEP Emergency Management Program leads response
- If federal assistance required, USCG or EPA coordinates with NJDEP and oversees response by RP. Generally, response led by USCG in Coastal Zone and by EPA in Inland Zone.
- During Stafford Act declarations, USCG/EPA retain authority to respond under the NCP without a request from local, state, or tribal governments

FEMA Direct Federal Assistance

FEMA mission assignment to another federal agency to perform or contract the debris removal work

- USACE typically disposes of building debris hazmat, such as household hazardous materials, orphaned hazardous materials, and electronic goods under ESF 3
- EPA and USCG consult on how best to address hazardous waste disposal under ESF 10

FEMA Public Assistance Funding

Reimbursement to eligible applicant to remove and dispose of hazardous waterway debris using their own forces or contract labor

- Funding from FEMA to NJOEM then to eligible applicant
- If state is eligible applicant, NJDEP Emergency Management Program leads response and provides scientific support

Recoverable debris in New Jersey waters, Stafford Act declaration, no pollution threat

- NJSP Marine Services Bureau may assist eligible applicant with identifying and contacting owner of an ADV
- If owner is found, apply insurance and owner takes vessel or they may receive a ticket/charge by NJSP
- If no owner is found or if the owner is found but there is no insurance on the property and the owner surrenders rights, FEMA may reimburse applicant for removal

FEMA Public Assistance Funding

Reimbursement to eligible applicant to remove and dispose of waterway debris using their own forces or contract labor

- Funding from FEMA to NJOEM then to eligible applicant

FEMA Direct Federal Assistance

FEMA mission assignment to another federal agency to perform or contract the debris removal work

- USACE typically leads eligible debris removal under ESF 3

- ❖ FEMA provides funding but does not conduct debris removal work
- ❖ FEMA eligible applicants must have legal responsibility to remove the debris and include state and local governments, Indian tribes, and certain nonprofits
- ❖ Public assistance cost share is typically 75% FEMA, 25% state and applicant

4 Roles and Responsibilities

Determining responsibility for marine debris response and removal can be complicated and may involve multiple agencies and overlapping jurisdictions. The response lead may change depending on the type of incident, the magnitude of the incident, and the debris location. Generally, response to a marine debris incident in New Jersey is managed at the lowest jurisdictional level capable of handling the response and removal. Initial response operations may begin with local jurisdictions working with county or city emergency management agencies. Assistance from the state may be provided once local resources are exhausted, resources are needed that the jurisdiction does not possess, or response falls under state jurisdiction.

The Federal Government may supplement state and local response efforts when their resources have been exceeded or when unique capabilities are needed. Like the Federal Government, New Jersey uses the emergency support function (ESF) concept to apply state resources and assign state agency responsibilities. ESF-3, Public Works and Engineering, to coordinate the removal and disposal of debris from public property and ESF-10, Hazardous Materials Response, are the two most commonly applied ESFs during response to a marine debris incident.

Local, state, and federal agency roles and responsibilities as they relate to marine debris response are outlined in the following sections followed by responsibilities of private landowners, volunteer organizations, and nongovernmental organizations. For a visual one-page representation of agency roles and responsibilities, see “New Jersey Marine Debris Response Flowchart” in [Section 3](#). For a map defining agency jurisdictional authorities, see [Section 4.6](#). Additionally, agency contact information can be found in [Appendix 8.1](#).

4.1 Local Agency Responsibilities

- May act as first responders to reports of marine debris incidents that impact any of the eight coastal counties
- City and county emergency management agencies are the lead local agencies for emergency planning, preparedness, response, and recovery
- Counties and municipalities are encouraged by the state to develop their own debris management plans
- May remove abandoned and derelict vessels (ADV) from municipal waterways in accordance with the Abandoned or Sunken Vessels Disposition Law (N.J.S.A. § 12:7C-7 et seq.)

4.2 State Agency Responsibilities

New Jersey Department of Environmental Protection (NJDEP)

- In coordination with New Jersey Department of Transportation (NJDOT), serves as the lead state agency for ESF-3, Public Works and Engineering
- Serves as the lead state agency for ESF-10, Hazardous Materials Response
- Following a Stafford Act declaration, may serve as eligible applicant and receive technical assistance or Public Assistance reimbursement funding from FEMA to perform or contract debris removal
 - Coordinates with NJOEM to request Public Assistance funding
 - As applicant (subgrantee), responsible for identifying debris locations, types, and quantities; demonstrating the pre-disaster condition and capacity of waterways;

determining ownership of recoverable debris; and providing a staging area for temporary storage of recoverable debris (FEMA, 2020)

Coastal Management Program

- Comprised of a network of offices within NJDEP that share responsibilities that influence the state's coastal areas
- Responsible for the management of state-owned submerged lands waterward of the mean high water line
- Serves as the lead agency for implementing the Coastal Zone Management Act of 1972 and the New Jersey Coastal Area Facility Review Act to ensure proper management of New Jersey's coast and watersheds through local, regional, and state agency partnerships

Division of Fish and Wildlife

- Preserves the diversity of fish and wildlife habitats in New Jersey
- Manages the state's wildlife management areas, which include over 358,000 acres of land and water

Division of Land Resource Protection

- Provides permitting services for activities in New Jersey's wetlands, bays, rivers, streams, lakes, and other waterways that might require a permit under state law. These activities may include the construction of docks and piers, dredging, filling, or debris removal projects that affect New Jersey's waters or wetlands.
- For additional information on NJDEP permit and compliance requirements, see [Section 5](#)

Division of Parks and Forestry

- Manages 51 parks and forests in the state of New Jersey
- Leads removal efforts for debris located within a state park

Emergency Management Program

- Comprised of a network of offices within NJDEP that put into action the Department's responsibilities outlined in the *Emergency Operations Plan of the State of New Jersey*
- Acts as the state on-scene coordinator when incidents involve multiple jurisdictions
- Leads state response to debris that is a pollution threat
- Maintains a 24-hour emergency hotline for reporting environmental incidents that impact New Jersey. See [Appendix 8.1](#) for contact information.
- Develops and implements plans and resources for counties and municipalities to prepare for marine debris incidents (NJDEP, 2018)
- Provides information for counties and municipalities to assist with siting and obtaining approval for temporary debris management areas

Historic Preservation Office

- Reviews proposed debris removal activities for compliance with the National Historic Preservation Act and effects to historic properties that involve federal agencies directly or through cooperative activities with state agencies such as funding and/or issuance of permits or licenses
- For additional information on Historic Preservation Office compliance requirements, see [Section 5](#)

New Jersey Department of Transportation (NJDOT)

- Serves as the lead agency for transportation systems in New Jersey
- Coordinates the removal of debris from all NJDOT-maintained transportation facilities and infrastructure
- Following a Stafford Act declaration, may serve as eligible applicant and receive technical assistance or Public Assistance reimbursement funding from FEMA to perform or contract debris removal
 - Coordinates with NJOEM to request Public Assistance funding
 - As applicant (subgrantee), responsible for identifying debris locations, types, and quantities; demonstrating the pre-disaster condition and capacity of waterways; determining ownership of recoverable debris; and providing a staging area for temporary storage of recoverable debris (FEMA, 2020)

Office of Maritime Resources

- Coordinates with NJDEP to remove marine debris in New Jersey
- In coordination with NJDEP, serves as the lead for federal ESF-3, Public Works and Engineering

New Jersey Motor Vehicle Commission

- Administers the Abandoned Vessel Disposition Law, which provides property owners a mechanism for legal acquisition and disposition of vessels abandoned on their property (N.J.S.A. 12:7C-7 et seq.)

New Jersey State Police (NJSP)

Marine Services Bureau

- Provides law enforcement services for all of New Jersey's waterways
- Conducts search and rescue operations on all state waterways, responds to emergency calls, and enforces boating safety laws
- May lead or assist investigation to identify an owner of an ADV
- May issue tickets or penalties for derelict vessels

Office of Emergency Management (NJOEM)

- Maintains a comprehensive statewide system of emergency management and coordinates with federal, state, county, and municipal governments; nonprofit organizations; and private agencies that have a role in emergency management
- Following a Stafford Act declaration, serves as coordination point between FEMA and state and local eligible applicants
 - Serves as FEMA grantee and administers Public Assistance funding to eligible applicants
 - Assists state agencies and local governments in the preparation and submission of federal disaster assistance applications
- Provides subject matter expertise for governmental and nongovernmental debris response operations
- Activates and staffs the state emergency operations center when an emergency or disaster situation develops
- Conducts comprehensive assessments of threats to the state to eliminate or reduce risk and vulnerability (NJOEM, 2019)
- Maintains the *New Jersey State Hazard Mitigation Plan* and the *Emergency Operations Plan for the State of New Jersey* (NJOEM, 2019)

Rutgers University

- Manages, in partnership with state and federal agencies, the Jacques Cousteau National Estuarine Research Reserve (JCNERR)
- May work with land owners and management partners to coordinate debris removal within JCNERR boundaries
- Conducts education and outreach to promote public awareness of estuarine ecosystems and wetlands

4.3 Federal Agency Responsibilities

Animal and Plant Health Inspection Service

- Veterinary Services Program provides for removal and burial of diseased animal carcasses
- Manages Plant Protection and Quarantine Program to reduce the risk of introduction and spread of invasive species through planning, surveillance, quick detection, and containment

Bureau of Safety and Environmental Enforcement

- Manages a Marine Trash and Debris Program to eliminate debris associated with oil and gas operations on the outer continental shelf
- Regulates marine trash and debris for oil and gas operations and renewable energy development on the outer continental shelf
- Enforces requirement that items be clearly marked to identify the owner and items lost overboard be recorded, reported, and retrieved if possible
- Requires annual training of offshore oil and gas workers to reduce marine debris

Farm Service Agency (FSA)

- Emergency Conservation Program (ECP) helps farmers repair damage to farmland caused by natural disasters, such as
 - debris removal from farmland
 - grading, shaping, or leveling damaged land
- Up to 75% of the cost to implement emergency conservation practices can be provided to farmers. Qualified limited resource producers may earn up to 90% cost-share.
- Locally-elected FSA county committee is authorized to implement ECP and determine if land is eligible for ECP
 - Farmers should inquire with their local FSA county office regarding ECP enrollment periods, which are established by FSA county committees

Federal Emergency Management Agency (FEMA), Region II

- Under the Stafford Act, provides reimbursement funding for eligible debris removal from navigable waterways (non-federally maintained) or wetlands during presidential major disaster declarations when another federal agency does not have authority to fund the activity
 - Provides funding to eligible applicants at a typical cost share of 75% FEMA, 25% state and eligible applicant
 - Issues mission assignments to other federal agencies for technical assistance, federal operations support, or to perform or contract debris removal when local and state capabilities are exceeded

- Makes eligibility determinations for debris removal on a case-by-case discretionary basis in coordination with the eligible applicant, state, and other federal agencies
 - Debris removal must be necessary to eliminate the immediate threat to life, public health and safety, or improved property (FEMA, 2020)
 - For navigable waterways, debris removal is limited to a max depth of 2 feet below the low tide draft of the largest vessel that utilized the waterway prior to the incident. Any debris below this zone is not eligible unless it is necessary in order to remove debris extending upward into an eligible zone (FEMA, 2020).
 - For non-navigable waterways, including natural waterways, debris removal is only eligible to the extent that it is necessary to eliminate an immediate threat including the following: if the debris obstructs, or could obstruct, intake structures; if the debris could cause damage to structures; or if the debris is causing, or could cause, flooding to property during the occurrence of a 5-year flood (a flood that has a 20% chance of occurring in any given year; FEMA, 2020)
- Employs debris specialists that can be mobilized to assist eligible applicants with debris management
- May reimburse costs for use of side-scan sonar that identifies eligible submerged debris and sunken vessels
 - The applicant is responsible for identifying debris deposited by the incident that poses an immediate threat. Random surveys to look for debris, including surveys performed using side-scan sonar, are not eligible. However, if the applicant identifies an area of debris impacts and demonstrates the need for a survey to identify specific immediate threat, FEMA may provide Public Assistance funding for the survey in that location, including the use of side-scan sonar.
- FEMA must ensure compliance with federal laws, regulations, and executive orders prior to funding debris removal work. For additional information on permitting and compliance requirements, see [Section 5](#).

National Oceanic and Atmospheric Administration (NOAA)

National Marine Fisheries Service (NOAA Fisheries)

Office of Habitat Conservation and Office of Protected Resources

- Reviews proposed debris removal activities that involve a federal agency (directly or through funding and/or issuance of a federal permit) for compliance with Magnuson-Stevens Fisheries Conservation and Management Act and Endangered Species Act (ESA)
- For additional information on NOAA Fisheries compliance requirements, see [Section 5](#)

National Ocean Service

Office of Coast Survey

- Mobilizes navigation response teams (NRT) to survey ports and near-shore waterways for sunken debris, changes in water depth, and hazards to navigation following a disaster

Office of National Geodetic Survey

- Acquires and rapidly disseminates a variety of spatially-referenced remote-sensing datasets to support national emergency response. Imagery is obtained using high resolution digital cameras, film-based aerial camera systems, LIDAR, and thermal and hyperspectral imagers.

Office of Response and Restoration

- Manages the Environmental Response Management Application (ERMA), a web-based geographic information system that includes an [online](#) dynamic version of the “New Jersey Marine Debris Response Map” (NOAA, 2021b)
- Serves as scientific support coordinators to coordinate application of NOAA assets and services during emergencies to help the federal on-scene coordinator (FOOSC) make timely operational decisions
- Provides scientific support for debris response planning and operations, including baseline information, debris behavior, debris impact, debris survey and detection protocols, removal best management practices (BMPs), disposal guidance, and information management
- May provide onsite support to internal and external partners at an incident command post or joint field office if there is a need for marine debris or NOAA expertise
- Funds marine debris assessment and removal projects through grants or congressional supplemental funding
- Facilitates interagency planning and coordination for responses to marine debris events
- Develops external communications such as talking points appropriate for the public, informational graphics, etc., to ensure the public and partner agencies understand and act on sound science and information critical to response and recovery operations
- For events determined by the NOAA Administrator to be severe marine debris events, may develop interagency plans, assess composition volume and trajectory of associated marine debris, and estimate potential impacts to the economy, human health, and navigation safety

National Weather Service

- Predicts, forecasts, and issues official watches and warnings of severe weather
- Provides operational tools and briefings to federal and territorial officials for emergency management awareness and decision support

National Park Service (NPS)

- Responsible for debris assessment and cleanup within NPS-managed lands and waters
- May coordinate with partners to conduct marine debris assessment and cleanup
- Provides BMPs to protect NPS-managed areas and associated resources
- For a map of areas managed by NPS in New Jersey, see [Section 4.6](#)

Natural Resources Conservation Service (NRCS)

- When funding is available, provides emergency financial and technical assistance through the Emergency Watershed Protection (EWP) Program for the following: to protect from additional flooding or soil erosion; to reduce threats to life and/or property from a watershed impairment, including sediment and debris removal in floodplains and uplands; and to restore the hydraulic capacity to the natural environment to the maximum extent practical
 - Help communities address watershed impairments that pose imminent threats to lives and property as a result of natural disasters
 - Typical cost share is 75% NRCS and 25% project sponsor
 - Public and private landowners are eligible for assistance but must be represented by a project sponsor, including state government; legal subdivisions of the state, such as a city, county, water management district, or drainage district; or any Native American tribe or tribal organization
 - EWP Program eligibility criteria include the following:

- Debris is a direct result of either a major disaster declared by the president or of an NRCS State Conservationist declared natural disaster
- Debris is a threat to life and/or property
- Imminent threat was created by the event
- Recovery measures are for runoff retardation or soil erosion prevention
- Event caused a sudden impairment in the watershed
- Economic, environmental, and social documentation are adequate to warrant removal action
- Proposed removal action is technically viable and environmentally defensible

U.S. Army Corps of Engineers (USACE), New York and Philadelphia Districts

- May issue emergency contracts for debris removal when necessary
- May request assistance from NOAA NRT to survey ports and near-shore waterways

Emergency Operations

- Serves as lead federal agency in support of FEMA under ESF-3, Public Works and Engineering
- Following a Stafford Act declaration, may lead eligible debris removal from navigable waterways (non-federally maintained) and wetlands if FEMA mission assigns another federal agency to perform or contract debris removal and surveying

Navigation

- Serves as lead federal agency for conducting surveys within federally authorized channels for changes in water depth and hazards to navigation for commercial, recreational, and military use
- Responsible for operation and maintenance of federally maintained waterways and channels within respective Districts, including debris removal or overseeing removal by responsible party (RP). For a map of USACE federally authorized and maintained waterways and channels in New Jersey, see [Section 4.6](#).

Regulatory Program

- Philadelphia and New York Districts issue permits for debris removal within waterways and wetlands within their respective jurisdictions. For additional information on USACE permitting and compliance requirements, see [Section 5](#).

U.S. Coast Guard (USCG) District 1, Sector New York and District 5, Sector Delaware Bay

- USCG's authority in New Jersey is shared between District 1, Sector New York and District 5, Sector Delaware Bay. Geographic boundaries are defined in the *Sector New York Area Contingency Plan* and the *Sector Delaware Bay Area Contingency Plan* (ACP; USCG, 2016, 2019) and illustrated below in Figure 2.
- In most cases, removal of marine debris by USCG is not authorized
- Oversees response to debris exposed to or with the potential to release oil or hazardous substances that poses a threat within the coastal zone as defined in each Sector's ACP (USCG, 2016, 2019)
 - Removal actions generally limited to removing oil and other hazardous substances while leaving vessels in place
 - May coordinate with state or local agencies to have vessel removed after abating pollution threat

- Oversees response to pollution threats in coastal zone waterways and federally maintained waterways and channels in coordination with USACE
- Serves as lead FOSC under ESF-10, Hazardous Materials Response, in the ACP coastal zone
 - Directs response in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP)
 - Coordinates with state and local governments and oversees response by RP. If there is no RP, USCG may federalize an oil spill response.
 - Unlike response under a Stafford Act declaration, USCG may respond without a request from local, state, or tribal governments under the NCP. During Stafford Act declarations, USCG retains the authority to take action under the NCP.
- Maintains a year-round, 24-hour telephone watch through the National Response Center (NRC) for reporting of oil and hazardous material releases. For contact information, see [Appendix 8.1](#).
- Establishes a safety zone around hazards to navigation and broadcasts maritime safety warnings including the broadcast notice to mariners and the local notice to mariners to warn of debris obstructing watercourses or creating hazards to navigation within federally maintained waterways. USCG also notifies USACE of any hazards to navigation within federally maintained waterways.
- Following a Stafford Act declaration, may lead eligible debris removal from navigable waterways (non-federally maintained) and wetlands if FEMA mission assigns another federal agency to perform or contract debris removal and surveying
- May request assistance from NOAA NRT to survey ports and near-shore waterways
- For a map of USCG sector boundaries and the ACP coastal-inland zone boundary in New Jersey, see [Section 4.6](#)

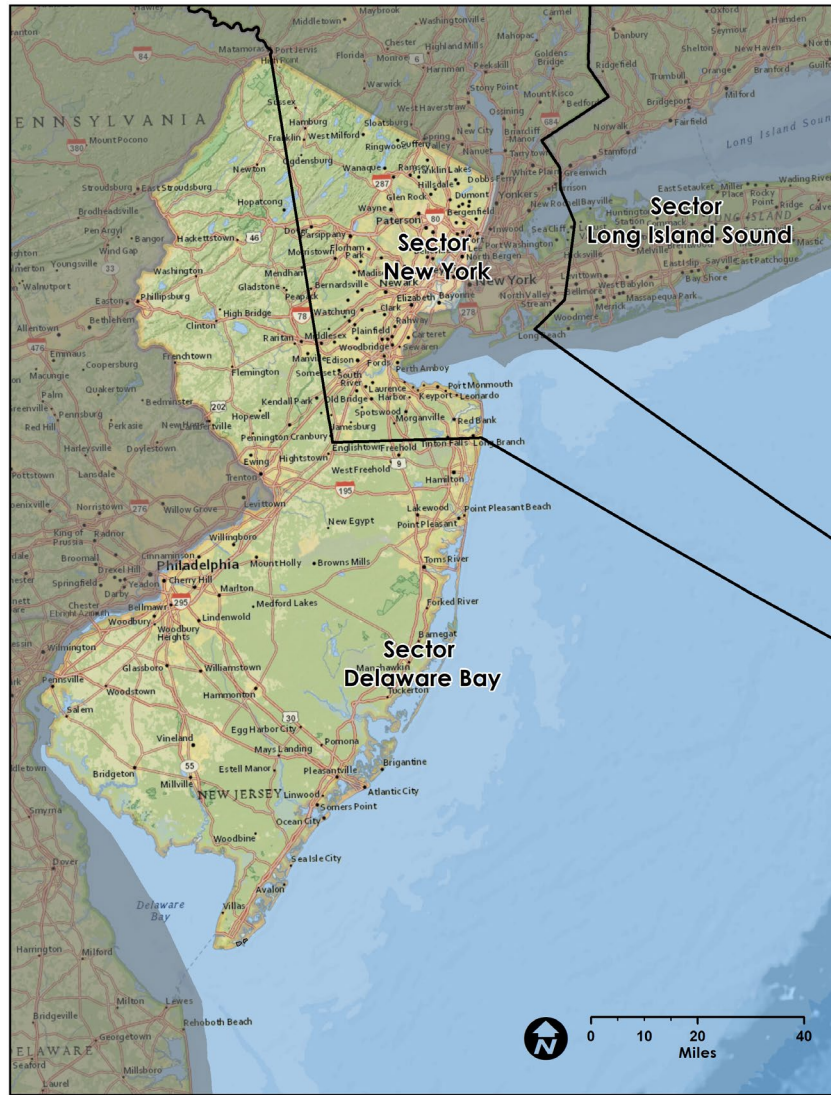


Figure 2. Map of U.S. Coast Guard Sector boundaries for the state of New Jersey

U.S. Department of Defense (DoD)

- Responsible for debris assessment and cleanup within DoD-managed lands and waters
 - For a map of areas managed by DoD, see [Section 4.6](#)
- See [U.S. Army Corps of Engineers \(USACE\)](#) and [U.S. Navy](#) for a description of individual agency roles

U.S. Environmental Protection Agency (EPA), Region II

- Responds to oil and hazardous substance releases or threats of release in waterways within the inland zone as defined in the *Sector Delaware Bay Area Contingency Plan* and the *Sector*

New York Area Contingency Plan (USCG, 2016, 2019). For a map of the ACP coastal-inland zone boundary in New Jersey, see [Section 4.6](#).

- Serves as lead FOSC under ESF-10, Hazardous Materials Response, in the ACP inland zone and in incidents affecting both inland and coastal zones
 - Directs response in accordance with the NCP
 - Coordinates with state and local governments and oversees response by RP
 - Unlike response under a Stafford Act declaration, EPA may respond without a request from local, state, or tribal governments under the NCP. During Stafford Act declarations, EPA retains the authority to take action under the NCP.
- Following a Stafford Act declaration, may lead removal of contaminated debris under a FEMA mission assignment to perform or contract the work
- Organizes, in coordination with other partners, the Regional Response Team in Region II, which allows state and federal agencies to exchange information about their abilities to respond to an incident
- Administers general ocean disposal permit for the ocean disposal of steel-hulled vessels (40 C.F.R. § 229.3)
 - Ocean Dumping Management Program provides guidance regarding derelict vessel disposal, emergency disposal permits, and removal authorities

U.S. Fish and Wildlife Service (USFWS)

Ecological Services Program

New Jersey Field Office

- Reviews proposed debris removal activities that involve a federal agency (directly or through funding and/or issuance of a federal permit) for compliance with ESA and Coastal Barrier Resources Act
- For additional information on USFWS compliance requirements, see [Section 5](#)

National Wildlife Refuges (NWR)

- Manages five NWRs in New Jersey
- Coordinates and manages debris assessment and cleanup in NWRs
- May coordinate with federal, state, and local partners to remove marine debris within their jurisdiction
- Provides BMPs to protect listed threatened or endangered land and freshwater species, certain marine species, and their critical habitat
- For a map of NWRs in New Jersey, see [Section 4.6](#)

U.S. Navy

Supervisor of Salvage and Diving

- Manages and provides technical assistance for salvage, deep search and recovery, towing, and oil spill response operations
- Accesses and coordinates the U.S. Navy's hydrographic survey assets and capabilities
- Maintains an array of remotely operated vehicles, oil spill response, and salvage equipment
- Exercises and manages regional standing emergency salvage contracts to quickly draw upon the required resources of the commercial salvage industry (U.S. National Response Team, 2020)

4.4 Private Landowners

- After a Stafford Act declaration, debris removal from private property or privately-owned waterways is generally the responsibility of the property owner and not eligible for FEMA funding unless its removal is necessary to mitigate a health and safety threat and is in the public interest (FEMA, 2020)
- May be eligible for debris removal funding from the NRCS EWP Program if represented by a project sponsor and specific criteria are met. See [Section 4.3 Natural Resource Conservation Service](#) for EWP Program eligibility criteria.
- Homeowner insurance policy may cover debris removal from private property, and property owners may partner with volunteer organizations
- May complete right-of-entry agreements with entities conducting private property debris removal or using private property as an access point

4.5 Volunteer and Nongovernmental Organizations

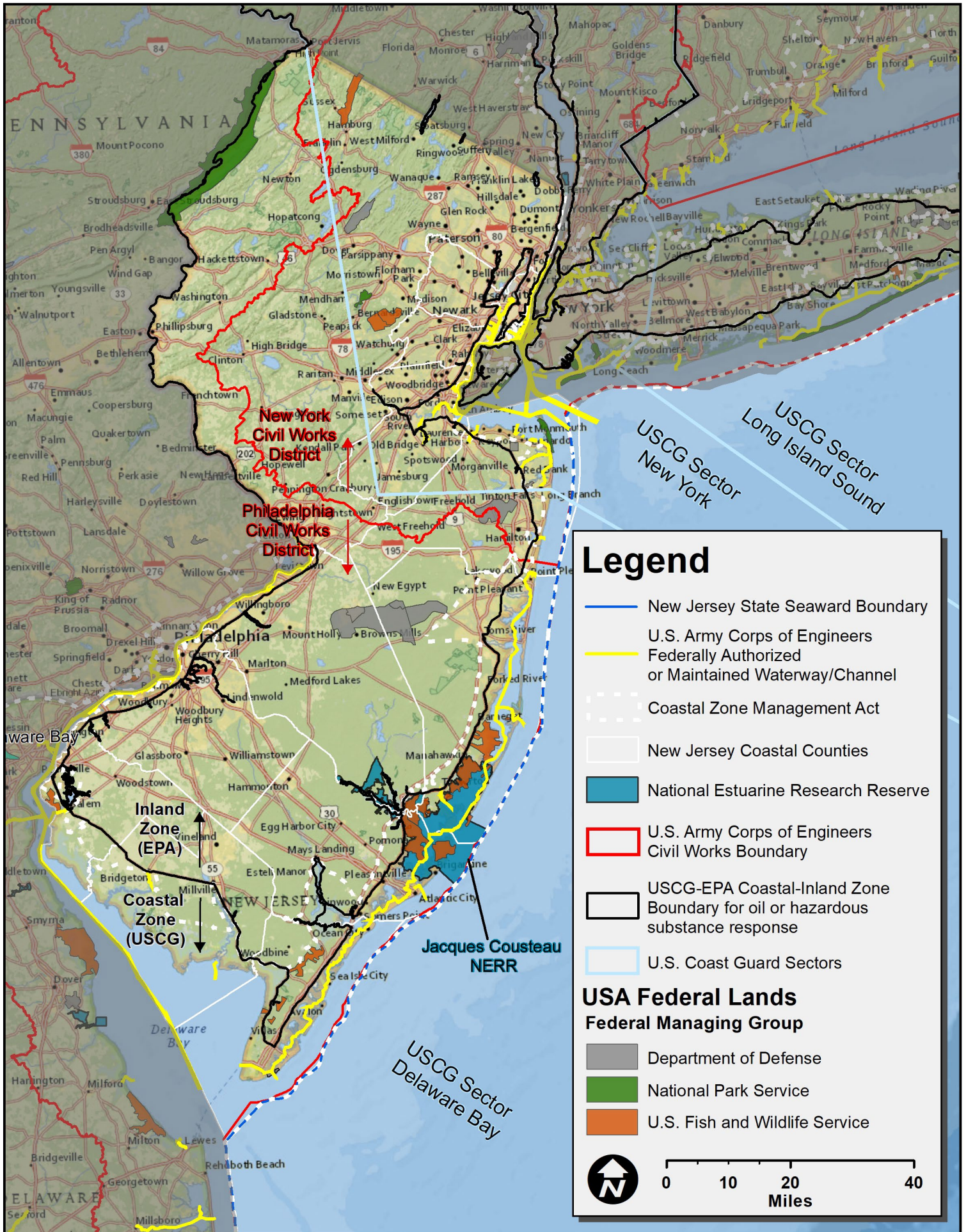
- Certain private nonprofit organizations that serve a public function and have the legal responsibility to remove the debris may serve as an eligible applicant and receive Public Assistance reimbursement funding from FEMA to perform or contract debris removal following a Stafford Act declaration (FEMA, 2020)
- May provide debris removal assistance or logistical support through funded projects and programs

4.6 New Jersey Marine Debris Response Map

The “New Jersey Marine Debris Response Map” on the following page displays relevant agency jurisdiction boundaries. After a marine debris incident, the agency (or agencies) responsible for removing debris will vary depending on where the debris is located. This map includes information that stakeholders identified as important in determining jurisdiction within the state. A dynamic version of this map is also available [online](#) in ERMA (NOAA, 2021b).

For detailed information regarding local, state, and federal agency roles and responsibilities, see Sections [4.1](#), [4.2](#), and [4.3](#), respectively. For a visual one-page representation of agency roles and responsibilities, see [Section 3](#).

New Jersey Marine Debris Response Map



5. Permitting and Compliance Requirements in New Jersey

Before marine debris removal work can begin, organizations responsible for removal must meet certain permitting and compliance requirements. While the organization or individual conducting the debris removal work is responsible for obtaining necessary permits—such as a U.S. Army Corps of Engineers (USACE) permit—it is the responsibility of the lead federal agency to ensure compliance with the National Environmental Policy Act (NEPA) and to consult with state resource agencies including the New Jersey Department of Environmental Protection (NJDEP), U.S. Fish and Wildlife Service (USFWS), and National Oceanic and Atmospheric Administration (NOAA).

During response after a Stafford Act declaration, the Federal Emergency Management Agency (FEMA) provides funding to applicants for debris removal and is therefore considered the lead federal agency responsible for resource agency coordination. Federal emergency support function (ESF) 11, Agriculture and Natural Resources, may be activated for Stafford Act incidents requiring a coordinated federal response to protect natural and cultural resources and historic properties (FEMA, 2008). If a permit is required, but there is no federal funding and there are no federal agencies involved in debris removal activities, then as the permitting agency USACE is considered the lead federal agency.

A description of individual agency requirements and authorities is outlined below and is summarized in the “Permitting and Compliance for Marine Debris Removal in New Jersey” handout in [Section 5.3](#). Organization contact information can be found in [Appendix 8.1](#), and select agency authorities are presented in [Appendix 8.2](#).

5.1 State Agency Requirements

New Jersey Department of Environmental Protection (NJDEP)

Division of Land Resource Protection

- Issues permits for projects that may negatively impact tidal wetlands or tidal and non-tidal waters
- A tidelands and/or coastal areas permit may be required for debris removal projects that involve excavating, dredging, the discharge of fill or dredge material, or involves structures or work impacting wetlands
 - New Jersey does not have a joint permit application process with USACE. If a permit is needed, applications should be sent to both NJDEP and USACE separately.
- Reviews federal permit applications for compliance and consistency with federally approved laws and policies of the New Jersey Coastal Zone Management Program

Historic Preservation Office

- Reviews proposed debris removal activities for compliance with the National Historic Preservation Act and effects to historic properties that involve federal agencies directly or through cooperative activities with state agencies such as funding and/or issuance of permits or licenses

5.2 Federal Agency Requirements

Federal Emergency Management Agency (FEMA)

- Serves as lead federal agency responsible for resource agency coordination when providing funding to applicants for debris removal under a Stafford Act declaration
 - Ensures applicant's debris removal operations avoid impacts to floodplains, wetlands, federally listed threatened and endangered species and their critical habitats, and historic properties (including maritime or underwater archaeological resources)
 - Requires applicant to stage debris at a safe distance from property boundaries, surface water, wetlands, structures, wells, and septic tanks with leach fields
 - May require site remediation at staging sites and other impacted areas upon completion of debris removal and disposal

National Environmental Policy Act (NEPA)

- NEPA requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions
- If a debris removal project involves a federal agency (directly or through funding and/or issuance of a federal permit), it is the responsibility of the lead federal agency to ensure NEPA compliance. If multiple federal agencies play a major role in the debris removal, then there may be joint lead agencies that share responsibility for management of the NEPA process (Council on Environmental Quality, 2007).
 - FEMA is provided with statutory exclusions under Section 316 of the Stafford Act, which exempts debris removal from the NEPA review process
 - Therefore, the NEPA review process is not required when FEMA is providing funding for debris removal under a Stafford Act declaration. However, compliance with all other federal, state, and local environmental laws and regulations is still required, even when a project is statutorily excluded from NEPA review.
- For marine debris removal operations, the impact of removal must be evaluated to minimize environmental and ecological damage to the maximum practical extent. In some cases, debris removal may be more environmentally damaging than leaving the debris in place.

National Oceanic and Atmospheric Administration (NOAA)

National Marine Fisheries Service (NOAA Fisheries)

- If a debris removal project involves a federal agency (directly or through funding and/or issuance of a federal permit), it is the responsibility of the lead federal agency to coordinate with NOAA Greater Atlantic Regional Fisheries Office prior to beginning debris removal work to ensure compliance with the Endangered Species Act (ESA) and Magnuson-Stevens Fisheries Conservation and Management Act
 - ESA directs all federal agencies to ensure the actions they take, including those they fund or authorize, do not jeopardize the continued existence of any listed endangered or threatened species or result in the destruction or adverse modification of designated critical habitat unless an exemption has been granted. Generally, NOAA Fisheries manages marine and anadromous species while USFWS manages land and freshwater species and certain marine species such as manatees. If a federal agency determines their activities or actions will affect listed species or designated critical habitat—even if the effects are expected to be beneficial—they must consult with NOAA Fisheries or USFWS. See NOAA Fisheries' endangered

species [web page](#) for an up-to-date New Jersey ESA-listed marine species list (NOAA, n.d.).

- Magnuson-Stevens Fisheries Conservation and Management Act directs all federal agencies to ensure the actions they take, including those they fund or authorize, do not adversely affect essential fish habitat (EFH). If a federal agency determines their activities or actions may adversely affect EFH, they must consult with NOAA Fisheries. See NOAA's online [Essential Fish Habitat Mapper](#) to view maps for EFH (NOAA, 2020).
- Consultation during emergencies can be expedited so federal agencies can complete their critical missions in a timely manner while still providing protections to listed species and EFH. Steps to complete the emergency response consultation process are outlined on NOAA's emergency consultation website (NOAA, 2021a).
- Additional information on ESA and EFH consultations during non-emergencies can be found on the NOAA Fisheries Section 7 [website](#) (NOAA, 2021a) and EFH assessment [website](#) (NOAA, 2019b), respectively

U.S. Army Corps of Engineers (USACE), New York and Philadelphia Districts

- USACE permit may be required for debris removal within waterways and wetlands if the activity involves dredging, the discharge of dredged or fill material, or involves structures or work impacting the navigability of a waterway. One or more permits may be needed depending on the scope of work to be conducted.
- The state of New Jersey is divided between two USACE districts, New York District and Philadelphia District. Permit applications are submitted to the district where the debris removal project will occur. For a map of USACE district boundaries, see Figure 2.
- Permits that may be required include:
 - **State Programmatic General Permit 18.** For maintenance of existing non-commercial structures and discharge of fill material between existing bulkheads
 - **Nationwide Permit 3: Maintenance.** Authorizes repair, rehabilitation, or replacement of structures or fills destroyed or damaged by storms, floods, fires, or other discrete events. This permit may be issued for removal or maintenance of culverts, sediments, or debris accumulated around outfalls, bridges, etc.
 - **Nationwide Permit 22: Removal of Vessels.** Authorizes temporary structures or minor discharges of dredged or fill material required for the removal of wrecked, abandoned, or disabled vessels, or the removal of man-made obstructions to navigation
 - **Nationwide Permit 33: Temporary Construction, Access, and Dewatering.** Issued for temporary structures, work, and discharges necessary for construction activities or access fills
 - **Nationwide Permit 37: Emergency Watershed Protection and Rehabilitation.** Issued for work conducted under the Natural Resources Conservation Service (NRCS) Emergency Watershed Protection (EWP) Program
 - **Nationwide Permit 38: Cleanup of Hazardous and Toxic Waste.** Issued for the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with legal or regulatory authority, other than activities undertaken entirely on a Superfund site
 - **Nationwide Permit 45: Repair of Uplands Damaged by Discrete Events.** Issued for activities associated with the restoration of upland areas damaged by storms, flood, or other discrete events

- In emergency situations, permitting procedures may be expedited and resource agency coordination may occur “after the fact” as opposed to before a permit is issued. This may result in additional work by the applicant once the emergency and immediate threat has been mitigated.
- Navigation Section reviews permit applications when activities intersect with federally maintained waterways and channels, including levee systems

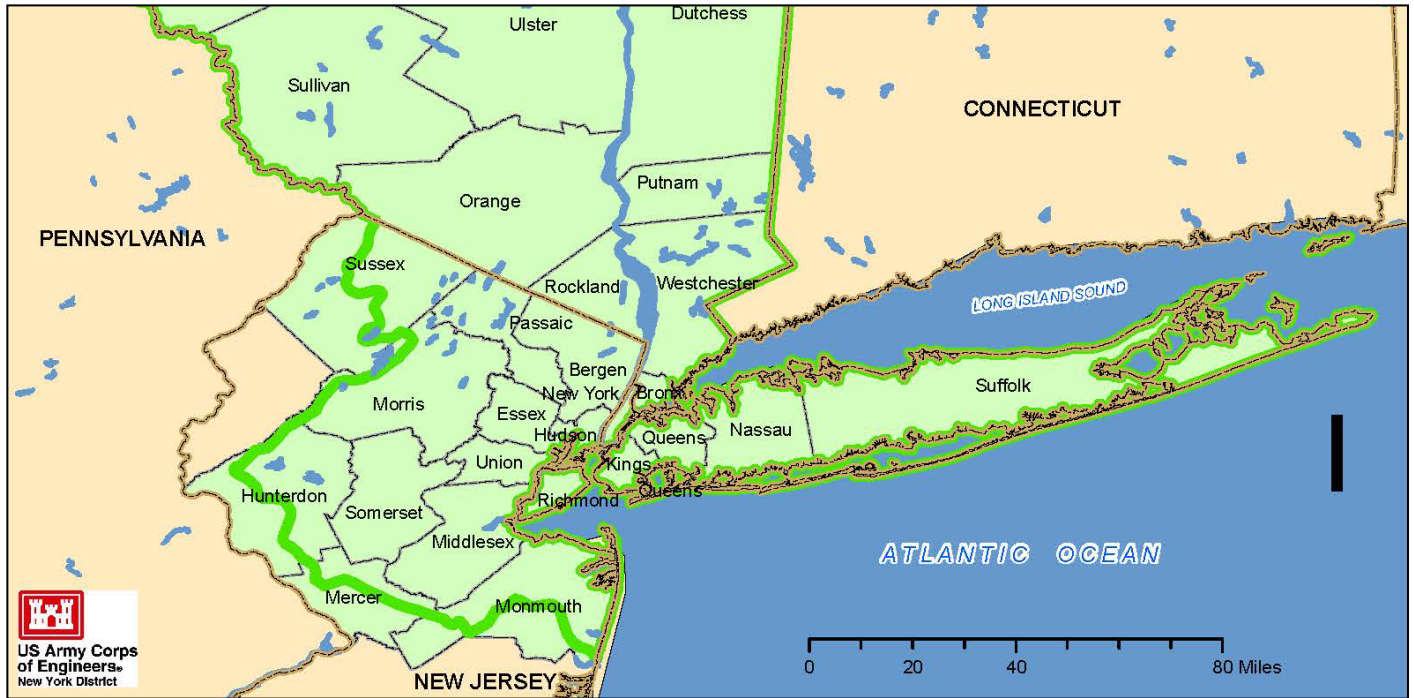


Figure 2. U.S. Army Corps of Engineers New York District Regulatory Boundary for New Jersey. Green shaded areas denote counties falling within New York District Regulatory Boundary while the thick green line shows the regulatory boundary. All New Jersey areas falling outside of the green boundary line will require consultation with U.S. Army Corps of Engineers Philadelphia District Regulatory Program. Map retrieved from New Jersey Department of Environmental Protection (2021).

U.S. Fish and Wildlife Service (USFWS) Ecological Services Program

- If a debris removal project involves a federal agency (directly or through funding and/or issuance of a federal permit), it is the responsibility of the lead federal agency to coordinate with USFWS New Jersey Field Office prior to beginning debris removal work to ensure compliance with ESA and the Coastal Barrier Resources Act
 - ESA directs all federal agencies to ensure the actions they take, including those they fund or authorize, do not jeopardize the continued existence of any listed endangered or threatened species or result in the destruction or adverse modification of designated critical habitat unless an exemption has been granted. Generally, USFWS manages land and freshwater species and certain marine species such as manatee, while NOAA Fisheries manages marine and anadromous species. If

a federal agency determines their activities or actions may affect listed species or designated critical habitat—even if the effects are expected to be beneficial— they must consult with USFWS or NOAA Fisheries. See USFWS’s Information for Planning and Consultation [website](#) for an up-to-date list of New Jersey’s threatened and endangered land and freshwater species (U.S. Fish and Wildlife Service [USFWS], 2021).

- The Coastal Barrier Resources Act restricts federal expenditures and financial assistance that encourage development of coastal barriers so that damage to property, fish, wildlife, and other natural resources associated with the coastal barrier is minimized. The John H. Chafee Coastal Barrier Resources System (CBRS) is a collection of specific units of land and associated aquatic habitats that serve as barriers protecting the Atlantic, Gulf, and Great Lakes coasts. After a Stafford Act declaration, costs for debris removal and emergency protective measures in designated CBRS units may be eligible for reimbursement under FEMA’s Public Assistance Program provided the actions eliminate an immediate threat to lives, public health and safety, or protect improved property. A map of CBRS units in New Jersey can be downloaded from USFWS’s [website](#) (USFWS, 2016).
- For projects that do not involve federal permits or funding, USFWS consultation is not required, but is recommended. Harassing or harming (“taking”) an endangered or threatened species or significantly modifying their habitat is still prohibited under ESA regardless of federal nexus involvement.
- Reviews may be expedited in emergencies, and USFWS staff may embed in response teams
- Each debris removal project is reviewed individually unless USFWS prepares a programmatic consultation. Under a programmatic consultation, all parties agree on certain conservation measures that must be implemented. If a debris removal project arises that does not fit the programmatic measures, then it must be reviewed individually.
- USFWS may provide best management practices (BMPs) that provide necessary protections while allowing projects to go forward
- If the proposed debris removal project will not impact listed threatened or endangered species, or if the federal consulting agency agrees to implement USFWS’s recommendations, the consultation process is completed at the “informal” stage. However, if debris removal operations will adversely affect a listed species or critical habitat, the federal consulting agency must initiate a “formal” consultation, a process which typically ends with the issuance of a biological opinion by USFWS (or NOAA Fisheries, if the ESA-listed species affected is under NOAA Fisheries’ purview).

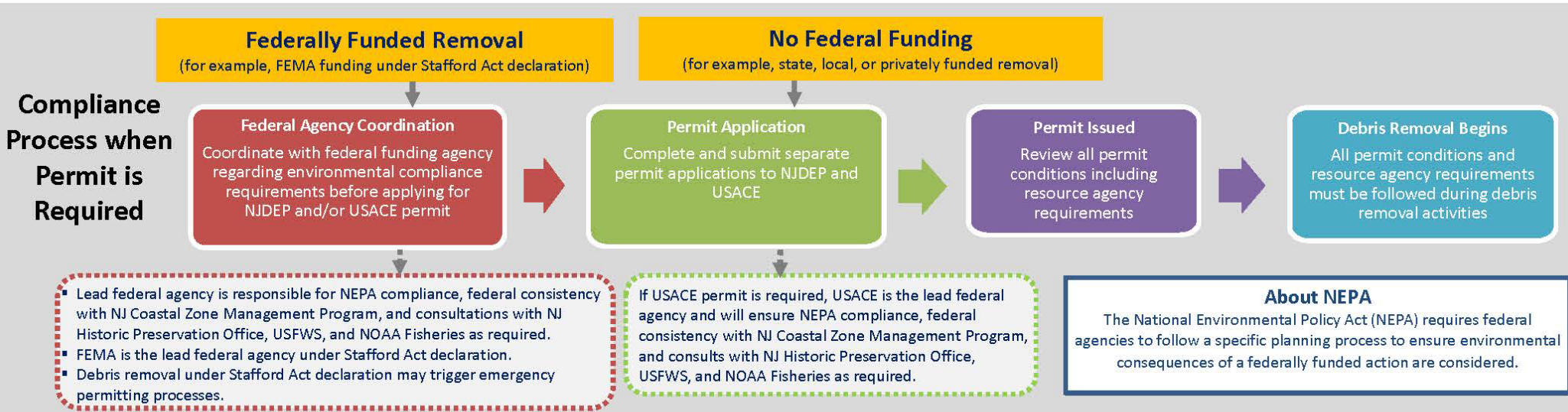
5.3 Permitting and Compliance for Marine Debris Removal in New Jersey Handout

The “Permitting and Compliance for Marine Debris Removal in New Jersey” handout on the following page synthesizes permitting and compliance requirements that must be met before debris removal operations begin. The top portion of the handout outlines the process to follow to stay in compliance, while the bottom portion highlights specific state and federal agency requirements with general contact information.

For detailed information regarding individual state and federal requirements, see Sections [5.1](#) and [5.2](#), respectively.

Permitting and Compliance for Marine Debris Removal in New Jersey

- In New Jersey, a New Jersey Department Environmental Protection (NJDEP) permit and/or a U.S. Army Corps of Engineers (USACE) permit may be required if debris removal involves excavating, dredging, the discharge of fill or dredge material, or involves structures or work impacting navigable waterways or wetlands.
- NJDEP and USACE do not have a joint permit application process. Applicants must apply through both NJDEP and USACE separately.
- The **lead federal agency** is responsible for compliance with National Environmental Policy Act (NEPA), federal coastal consistency, and consulting with resource agencies including New Jersey Historic Preservation Office, U.S. Fish and Wildlife Service (USFWS), and National Oceanic and Atmospheric Administration (NOAA) Fisheries as required.



Agency Requirements and Legislation Details

<p>U.S. Army Corps of Engineers (USACE) Philadelphia District Regulatory Program 215-656-6728</p> <p>New York District Regulatory Program 917-790-8511</p>	<p>▪ Permit(s) that may be required for debris removal work within waterways and wetlands:</p> <ul style="list-style-type: none"> ▪ SPGP-19 for maintenance of existing non-commercial structures and discharge of fill material between existing bulkheads ▪ NWP-3 Maintenance for removal/maintenance of culverts, sediments, or debris accumulated around outfalls, bridges, etc. in wetland areas ▪ NWP-22 Removal of Vessels for removal of wrecked, abandoned, or disabled vessels or other man-made obstructions to navigation ▪ NWP-33 Temporary Construction, Access, and Dewatering for temporary structures, work, and discharges necessary for construction activities or access fills ▪ NWP-37 Emergency Watershed Protection and Rehabilitation for work done under Natural Resources Conservation Service's Emergency Watershed Protection program ▪ NWP-38 Cleanup Hazardous/Toxic Waste for containment, stabilization, or removal of hazardous or toxic waste not under Superfund ▪ NWP-45 Repair of Uplands Damaged by Discrete Events for activities associated with the restoration of upland areas damaged by storms, floods, or other discrete events 	<p>NJ Department of Environmental Protection (NJDEP) Division of Land Use Regulation 606-633-2289</p>	<ul style="list-style-type: none"> ▪ Issues permits for projects that may negatively impact tidal wetlands or tidal and non-tidal waters ▪ A tidelands and/or coastal areas permit may be required for debris removal projects that involve excavating, dredging, the discharge of fill or dredge material, or involves structures or work impacting wetlands
<p>National Oceanic and Atmospheric Administration (NOAA) NOAA Fisheries ESA: 978-281-9306 EFH: 978-281-9102</p>	<ul style="list-style-type: none"> ▪ Consultation required if debris response involves federal permits and/or funding (USACE permit, FEMA funding, etc.) to comply with: <ul style="list-style-type: none"> ▪ Endangered Species Act (ESA) to ensure actions do not adversely affect listed threatened or endangered species or critical habitat for marine species ▪ Magnuson-Stevens Fisheries Conservation and Management Act to ensure actions do not adversely affect essential fish habitat 	<p>NJ Department of Environmental Protection (NJDEP) Historic Preservation Office 609-984-0176</p>	<ul style="list-style-type: none"> ▪ Assists state and federal agencies in compliance with the National Historic Preservation Act ▪ Consultation required if debris response involves a state or federal agency directly or through funding and/or issuance of permits or licenses (NJDEP or USACE permits, FEMA funding, etc.) and has potential to affect historic properties
		<p>U.S. Fish and Wildlife Service (USFWS) New Jersey Field Office 609-646-9310</p>	<ul style="list-style-type: none"> ▪ Consultation with New Jersey Field Office required if debris response involves federal permits and/or funding (USACE permit, FEMA funding, etc.) to comply with: <ul style="list-style-type: none"> ▪ ESA to ensure actions do not adversely affect listed threatened or endangered species or critical habitat for land and freshwater species and certain marine species such as manatee ▪ Coastal Barrier Resources Act to ensure actions do not encourage development on coastal barriers along the Atlantic coast

6. New Jersey Marine Debris Response Challenges

Marine debris response challenges identified by stakeholders are outlined below, along with associated recommendations. These identified challenges will serve as future points of discussion and action for the New Jersey marine debris response community. Potential opportunities for addressing response needs include table-top activities to exercise this *Guide*, response exercises that incorporate debris scenarios, and coordination meetings associated with this document's formal review.

6.1 Response Challenges and Recommended Actions

The following challenges and recommendations are compiled based on stakeholder input to improve preparedness for response and recovery operations following a marine debris incident in New Jersey. Recommended actions include logistics, policy, communication, and roles and responsibility actions to address response challenges and meet pre- and post-event data needs.

6.1.1 Response Logistics

- **Challenge:** Incidents are infrequent, so there is a need to stay updated on procedures in between occurrences
 - **Actions:**
 - Plan a coordination meeting to increase communication prior to a storm
 - Coordinate with JCNERR to develop a lessons-learned workshop
- **Challenge:** It is difficult to process and remove ADVs
 - **Actions:**
 - Establish a memorandum of understanding between USCG and the state
 - Identify requirements needed and potential organizations to involve in establishing a state ADV program
- **Challenge:** There is a scarcity of debris removal contract assets and established emergency contracts prior to an event
 - **Action:**
 - Establish pre-disaster debris removal contracts

6.1.2 Policy

- **Challenge:** There are limitations on what work can be done during federally funded debris removal projects
 - **Actions:**
 - Use resources from NJOEM to better understand Public Assistance Program applicant eligibility
 - FEMA has a private property standard operating procedure that could be disseminated and used in training
 - Research local legal authorities and responsibilities
- **Challenge:** There are no regulations that address lost containers from container ships
 - **Action:**
 - Research New Jersey state codes of law for clarification on legal authorities

- **Challenge:** There is a lack of designated funding for marine debris removal
 - **Actions:**
 - Establish partnerships with private and nongovernmental organizations to assist with fundraising and contracting for debris removal in emergency situations
 - Develop a list of potential funding sources in the state of New Jersey
 - Review requirements and eligibility for Public Assistance funding through NJOEM during declared disasters

6.1.3 Communication

- **Challenge:** There is a need to enhance procedures for reporting debris quantities after disasters
- **Challenge:** There is a need to increase interagency coordination
 - **Actions:**
 - Establish plans and processes for how to coordinate between agencies during marine debris response
 - Maintain a clear and updated contact list
 - For a list of current response contacts, see [Appendix 8.1](#)
- **Challenge:** There is a need for increased communication between resource agencies and responders prior to removing debris
 - **Action:**
 - Increase communication and introductions to resource agencies via meetings prior to a storm

6.1.4 Roles and Responsibilities

- **Challenge:** There is ambiguity in roles and responsibilities of agencies at various levels of government
 - **Actions:**
 - Expand the audience list for table-top exercises to include agencies who are not typically involved
 - Create a map or other visual that shows specific waterway ownership and jurisdiction of agencies
 - For a jurisdictional map of federal and state response agencies, see [Section 4.6](#)
 - Develop a region-wide list of available assets and resources that may be shared during an event

6.2 Additional Resources

National Oceanic and Atmospheric Administration. (2014). *Best management practices for removal of debris from wetlands and other intertidal areas*. Retrieved from https://marinedebris.noaa.gov/sites/default/files/MDP_Debris_Removal_Intertidal_Areas.pdf

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8 Appendices

8.1 Contact Information

State Agencies

Agency	Division	Topic	Point of Contact	Phone	Email
New Jersey Department of Environmental Protection (NJDEP)	-	Environmental Emergencies	Environmental Emergency 24-hr hotline	1-877-927-6337	-
	Division of Land Resource Protection	Debris Removal	Colleen Keller, Assistant Director	609-984-0846	colleen.keller@dep.nj.gov
	Division of Solid and Hazardous Waste	Debris Removal	Suzanne Biggins, State Contract Manager	609-433-0741	suzanne.biggins@dep.nj.gov
	Emergency Management Program	Emergency Management	Robert VanFossen, Director	609-780-6899	robert.vanfossen@dep.nj.gov
			Anthony Carl, Emergency Response Specialist	201 954-6283	anthony.carl@dep.nj.gov
	Historic Preservation Office	Historic Preservation	General Contact	609-984-0176	-
Office of Natural Resource Restoration	Environmental Restoration	Josh Hitchner, Environmental Specialist	609-458-5188	joshua.hitchner@dep.nj.gov	
		Tony Lavarone, Project Manager	609-575-9254	tony.iavarone@dep.nj.gov	
New Jersey Department of Transportation (NJDOT)	Office of Maritime Resources	Debris Management	William Henderson, Project Engineer	609-963-2107	william.henderson@dot.nj.gov
			Jasmin Molina, Program Specialist	609-963-1480	jasmin.molina@dot.nj.gov
New Jersey Motor Vehicle Commission	Abandoned Title Unit	Abandoned Vessel Disposition	General Contact	888-486-3339 or 609-292-6500	-
New Jersey State Police (NJSP)	New Jersey Office of Emergency Management (NJOEM)	Public Assistance Funding	Lt. Sean Talty, State Public Assistance Officer	201-874-2434	sean.talty@njsp.org
			Rosa Karina Torres Verges, Public Assistance Unit Compliance Specialist	609-649-7819	rosa.torres-verges@njsp.org
Rutgers University	Jacques Cousteau National Estuarine Research Reserve (JCNERR)	Debris within JCNERR	Lisa Auermuller, Assistant Manager	609-249-8820	auernull@marine.rutgers.edu

Federal Agencies

Agency	Division	Topic	Point of Contact	Phone	Email
Bureau of Safety and Environmental Enforcement	Marine Trash and Debris Program	Planning and Coordination	James Sinclair, Marine Ecologist	504-736-2789	james.sinclair@bsee.gov
Federal Emergency Management Agency (FEMA)	Region II	Recovery Division	Jennifer DiLorenzo, Branch Chief	202-805-8866	jennifer.dilorenzo@fema.dhs.gov
			Reginald Thomas, Acting Deputy Branch Chief	908-249-3373	reginald.thomas@fema.dhs.gov
		External Affairs	General Contact	-	FEMA-R2-ExternalAffairs@fema.dhs.gov
National Oceanic and Atmospheric Administration (NOAA)	National Marine Fisheries Service or NOAA Fisheries	EFH Consultation	Karen Greene, Chief, Mid-Atlantic Branch	978-559-9871	karen.greene@noaa.gov
			Jessie Murray, Marine Habitat Resource Specialist	732-872-3316	jessie.murray@noaa.gov
		ESA Consultation	General Contact	978-281-9306	nmfs.gar.esa.section7@noaa.gov
			William Barnhill, Fishery Biologist	978-282-8460	william.barnhill@noaa.gov
	National Ocean Service, Office of Response and Restoration, Emergency Response Division	Emergency Response	Frank Csulak, USCG District 5 Scientific Support Coordinator	732-371-1005	frank.csulak@noaa.gov
			John Tarpley, Regional Operations Branch Chief	206-526-6338	john.tarpley@noaa.gov
	National Ocean Service, Office of Response and Restoration, Marine Debris Division	Response Capabilities and Coordination	Katie Morgan, Mid-Atlantic Regional Coordinator	240-215-7047	katie.morgan@noaa.gov
National Ocean Service, Office of Coast Survey	Navigation and Preparation Response	Ryan Wartick, Mid-Atlantic Navigation Manager	571-305-0995	ryan.wartick@noaa.gov	
Natural Resources Conservation Service (NRCS)	Emergency Watershed Protection (EWP) Program	EWP Information	Hilary Trotman, Civil Engineer	732-537-6071	hilary.trotman@usda.gov

Federal Agencies Continued

Agency	Division	Topic	Point of Contact	Phone	Email
U.S. Army Corps of Engineers (USACE)	Philadelphia District	Emergency Management	James V. Monsu, Chief	215-656-6757	james.v.monsu@usace.army.mil
		Regulatory Program	Michael Yost, Biologist	267-240-5278	michael.d.yost@usace.army.mil
			Robert Youhas, Biologist	267-854-2049	robert.youhas@usace.army.mil
	New York District	Operations	Reggie Eakins, Acting Deputy Chief	913-306-7946	reggie.l.eakins@usace.army.mil
		Physical Support	Richard Thorsen, Chief	201-309-2350	richard.thorsen@usace.army.mil
		-	William Lyness, Marine Superintendent	201-309-2360	william.f.lyness@usace.army.mil
U.S. Coast Guard (USCG)	-	Oil or Hazardous Material Release	National Response Center (NRC)	800-424-8802	-
	District 1		Sector New York Command Center	718-354-4120	-
			LCDR Mike Persun, Sector New York Incident Management	978-354-4346	michael.m.persun@uscg.mil
			Cornell Rosiu, Northeast Region Environmental Protection Specialist	617-223-8434	cornell.j.rosiu@uscg.mil
			Elisha Cook, Mid-Atlantic Region Environmental Protection Specialist	757-398-7780	elisha.fs.cook@uscg.mil
	District 5		Sector Delaware Bay Command Center	215-271-4807	-
U.S. Environmental Protection Agency (EPA)	Region II	Regional Response Teams	Steve Touw, Regional Response Team Coordinator	908-420-4458	touw.steve@epa.gov
		Potential to release oil or hazardous substance	National Response Center (NRC)	800-424-8802	-
			Region 2 Regional EOC	732-906-6850 732-321-4370	-
U.S. Fish and Wildlife Service (USFWS)	Ecological Services Program	Delaware Bay Estuary Project	Main Line	302-653-9152	-

8.2 Select Agency Authorities

8.2.1 State Agency Authorities

New Jersey Department of Environmental Protection (NJDEP)

- Application procedure for encroachment authorization (N.J.A.C. § 7:4-7.1 et seq.)
- Cleanup and removal of hazardous substances (N.J.S.A. § 58:10-23.11f)
- Coastal Area Facility Review Act (N.J.S.A. 13:19-1 et seq.)
- Coastal Zone Management Act of 1972 (16 U.S.C. § 1451 et seq.)
- Coastal Zone Management Rules (N.J.A.C. 7:7)
- Flood Hazard Area Control Act (N.J.S.A. § 7:13)
- Hazardous Waste Regulations (N.J.A.C. 7:26G-1 et seq.)
- New Jersey Adopt a Beach Act (N.J.S.A. § 13:19-22 et seq.)
- Solid Waste (N.J.S.A. § 7:26)
- Spill Compensation and Control Act (N.J.S.A. 58:10-23.11 et seq.)
- Stormwater Management (N.J.A.C. 7:8)

New Jersey Department of Transportation (NJDOT)

- I Boat NJ Program (N.J.A.C. 16:63)
- Roadside, Drainage, Unusual, and Disaster Maintenance (N.J.A.C. 16:38)
- Transportation of Hazardous Materials (N.J.A.C. 16:49)

New Jersey Motor Vehicle Commission

- Abandoned or Sunken Vessels Disposition Law (N.J.S.A. 12:7C-7 et seq.)

New Jersey Office of Emergency Management (NJOEM)

- Department of Law and Public Safety (N.J.A.C. 13:1E)
- Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121 et seq.

8.2.2 Federal Agency Authorities

Animal, Plant and Health Inspection Service

- Animal Health Protection Act, 7 U.S.C. § 8301 et seq.
- Plant Protection Act, 7 U.S.C. § 7701 et seq.

Federal Emergency Management Agency (FEMA)

- Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121 et seq.
 - Debris Removal, 42 U.S.C. § 5173
 - Essential Assistance, 42 U.S.C. § 5170b
 - Federal Emergency Assistance, 42 U.S.C. § 5192

National Oceanic and Atmospheric Administration (NOAA)

- Coastal Zone Management Act of 1972, 16 U.S.C. § 1451 et seq.
- Endangered Species Act, 16 U.S.C. § 1531 et seq.
- Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. § 1801 et seq.
- Marine Debris Research, Prevention, and Reduction Act, 33 U.S.C. § 1951 et seq.
- Marine Mammal Protection Act of 1972, 16 U.S.C. § 1361 et seq.

- Marine Protection, Research, and Sanctuaries Act (Ocean Dumping Act), 33 U.S.C. § 1401 et seq.
- National Marine Sanctuaries Act, 16 U.S.C. § 1431 et seq.
- National Marine Sanctuary Program Regulations, 15 C.F.R. § 922

Natural Resources Conservation Service (NRCS)

- Emergency Watershed Protection Program, 7 C.F.R. § 624

U.S. Army Corps of Engineers (USACE), New York and Philadelphia Districts

- Authority for snagging and clearing for flood control (Section 208), 33 C.F.R. § 263.24
- Federal Water Pollution Control Act (commonly known as Clean Water Act) as amended by the Oil Pollution Act of 1990, 33 U.S.C. § 1251 et seq.
 - Permits for dredged or fill material (Section 404), 33 U.S.C. § 1344
- Flood Control and Coastal Emergency Act, 33 U.S.C. § 701n (Public Law 84-99)
- Permits for Structures or Work in or Affecting Navigable Waters of the United States, 33 C.F.R. § 322
- Removal of snags and debris, and straightening, clearing, and protecting channels in navigable waters, 33 U.S.C. § 603a
- Removal of Wrecks and Other Obstructions, 33 C.F.R. § 245
- Rivers and Harbors Appropriation Act of 1899 and 1945, 33 U.S.C. § 401 et seq.
 - Obstruction of navigable waters generally; wharves; piers, etc.; excavations and filling in (Section 10), 33 U.S.C. § 403
 - Taking possession of, use of, or injury to harbor or river improvements, 33 U.S.C. § 408
 - Obstruction of navigable waters by vessels; floating timber; marking and removal of sunken vessels, 33 U.S.C. § 409
 - Removal by Secretary of the Army of sunken water craft generally; liability of owner, lessee, or operator, 33 U.S.C. § 414
 - Summary removal of water craft obstructing navigation; liability of owner, lessee, or operator, 33 U.S.C. § 415
 - Collection and removal of drift and debris from publicly maintained commercial boat harbors and adjacent land and water areas (Water Resources Development Act, Section 202), 33 U.S.C. § 426m
- Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121 et seq.

U.S. Coast Guard (USCG), Sectors Delaware Bay and New York

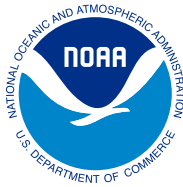
- Abandoned Barge Act of 1992, 46 U.S.C. § 4701-4705
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601 et seq.
- Federal Water Pollution Control Act (commonly known as Clean Water Act) as amended by the Oil Pollution Act of 1990, 33 U.S.C. § 1251 et seq.
 - Oil Pollution Liability and Compensation, 33 U.S.C. § 2701 et seq.
- Marking of structures, sunken vessels and other obstructions, 33 C.F.R. § 64
- National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. § 300
- Ports and Waterways Safety Act, 33 U.S.C. §1221 et seq.
- Saving life and property, 14 C.F.R. § 88

U.S. Environmental Protection Agency (EPA), Region II

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601 et seq.
- Federal Water Pollution Control Act (commonly known as Clean Water Act) as amended by the Oil Pollution Act of 1990, 33 U.S.C. § 1251 et seq.
- National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. § 300

U.S. Fish and Wildlife Service (USFWS)

- Coastal Barrier Resources Act, 16 U.S.C. § 3501 et seq.
- Endangered Species Act, 16 U.S.C. § 1531 et seq.
- Fish and Wildlife Coordination Act, 16 U.S.C. § 661 et seq.
- Marine Mammal Protection Act of 1972, 16 U.S.C. § 1361 et seq.
- Migratory Bird Treaty Act, 16 U.S.C. § 703 et seq.
- National Wildlife Refuge System Administration Act of 1966, 16 U.S.C. § 668dd et seq.
- National Wildlife Refuge System Improvement Act of 1997



Gina M. Raimondo
United States Secretary of Commerce

Dr. Richard W. Spinrad
Under Secretary of Commerce for Oceans and Atmosphere
and NOAA Administrator

Nicole R. LeBoeuf
Assistant Administrator for Ocean Services
and Coastal Zone Management