

Selma, Alabama

Flood Risk Management Study
Integrated Feasibility Report and Environmental Assessment

APPENDIX G



US Army Corps
of Engineers
Mobile District

May 18, 2021



APPENDIX-G: Other Documentation

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G.1. Non-Federal Sponsor Documentation

G.1.1. Feasibility Cost Share Agreement (October 9, 2018)

AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
CITY OF SELMA ALABAMA
FOR THE
CITY OF SELMA, ALABAMA STUDY

THIS AGREEMENT is entered into this 9th day of October, 2018, by and between the Department of the Army (hereinafter the "Government"), represented by the District Commander for Mobile District (hereinafter the "District Commander") and the City of Selma, Alabama (hereinafter the "Non-Federal Sponsor"), represented by its Mayor.

WITNESSETH, THAT:

WHEREAS, on June 7, 1961, the Committee on Public Works of the House of Representatives adopted a resolution requesting the U.S. Army Corps of Engineers to review the report on the Alabama-Coosa Branch of the Mobile River, published as House Document 66, to determine the advisability of improvements for flood control on the Alabama River in Dallas County, Alabama (hereinafter the "Study");

WHEREAS, notwithstanding Section 105(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)), which specifies the cost-sharing requirements generally applicable to feasibility studies, Title IV, Division B of the Bipartisan Budget Act of 2018, Public Law 115-123, enacted February 9, 2018 (hereinafter "BBA 2018"), authorizes the Government to conduct the Study at full Federal expense to the extent that appropriations provided under the Investigations heading of the BBA 2018 are available and used for such purpose; and

WHEREAS, the Government and the Non-Federal Sponsor have the full authority and capability to perform in accordance with the terms of this Agreement.

NOW, THEREFORE, the parties agree as follows:

ARTICLE I - OBLIGATIONS OF THE PARTIES

A. In accordance with Federal laws, regulations, and policies, the Government shall conduct the Study using BBA 2018 funds. In the event that there are insufficient BBA 2018 funds to complete the Study, such completion shall be subject to cost-sharing otherwise applicable to the Study and amendment of this Agreement.

1. The Government shall conduct the Study consistent with the Project Management Plan, which specifies the scope, cost, and schedule for Study activities. In consultation with the Non-Federal Sponsor, the Government may modify the Project Management Plan as necessary.

2. The cost of the Study is limited to \$3 million in Federal funds, unless the Assistant Secretary of the Army (Civil Works) approves an exemption for the Study to exceed \$3 million.

3. To the extent practicable and in accordance with Federal laws, regulations, and policies, the Government shall afford the Non-Federal Sponsor the opportunity to review and comment on solicitations for contracts prior to the Government's issuance of such solicitations; proposed contract modifications, including change orders; and contract claims prior to resolution thereof. Ultimately, the contents of solicitations, award of contracts, execution of contract modifications, and resolution of contract claims shall be exclusively within the control of the Government.

B. In addition to the ongoing, regular discussions of the parties in the delivery of the Study, the Government and the Non-Federal Sponsor may establish a Study Coordination Team to discuss significant issues or actions. The Non-Federal Sponsor's costs for participation on the Study Coordination Team shall be paid solely by the Non-Federal Sponsor without reimbursement or credit by the Government.

C. The Non-Federal Sponsor shall not be entitled to any credit or reimbursement for any costs it incurs in performing its responsibilities under this Agreement.

ARTICLE II - TERMINATION OR SUSPENSION

A. Upon 30 calendar days written notice to the other party, either party may elect at any time, without penalty, to suspend or terminate future performance of the Study. Furthermore, unless an exemption is approved by the Assistant Secretary of the Army (Civil Works), the Study may be terminated if a Report of the Chief of Engineers, or, if applicable, a Report of the Director of Civil Works, is not signed for the Study within 3 years after the effective date of this Agreement.

B. If the Government determines at any time that BBA 2018 funds made available for the Study are not sufficient to complete the Study, the Government shall so notify the Non-Federal Sponsor in writing, and upon exhaustion of such funds, the Government shall suspend the Study until the parties execute an amendment to this Agreement that provides for cost-sharing of the remaining work.

ARTICLE III - DISPUTE RESOLUTION

As a condition precedent to a party bringing any suit for breach of this Agreement, that party must first notify the other party in writing of the nature of the purported breach and seek in good faith to resolve the dispute through negotiation. If the parties cannot resolve the dispute through negotiation, they may agree to a mutually acceptable method of non-binding alternative

dispute resolution with a qualified third party acceptable to the parties. Each party shall pay an equal share of any costs for the services provided by such a third party as such costs are incurred.

ARTICLE IV - RELATIONSHIP OF PARTIES

In the exercise of their respective rights and obligations under this Agreement, the Government and the Non-Federal Sponsor each act in an independent capacity, and neither is to be considered the officer, agent, or employee of the other. Neither party shall provide, without the consent of the other party, any contractor with a release that waives or purports to waive any rights a party may have to seek relief or redress against that contractor.

ARTICLE V - NOTICES

Any notice, request, demand, or other communication required or permitted to be given under this Agreement shall be deemed to have been duly given if in writing and delivered personally or mailed by certified or registered mail, with return receipt, as shown below. A party may change the recipient or address for such communications by giving written notice to the other party in the manner provided in this Article.

If to the Non-Federal Sponsor:

Mayor
City of Selma
P.O. Box 450
Selma, Alabama 36702-0450

If to the Government:

Commander
U.S. Army Corps of Engineers, Mobile District Attn:
CESAM-PM-C
P.O. Box 2288
Mobile, Alabama 36628

ARTICLE VI - CONFIDENTIALITY

To the extent permitted by the laws governing each party, the parties agree to maintain the confidentiality of exchanged information when requested to do so by the providing party.

ARTICLE VII - THIRD PARTY RIGHTS, BENEFITS, OR LIABILITIES

Nothing in this Agreement is intended, nor may be construed, to create any rights, confer any benefits, or relieve any liability, of any kind whatsoever in any third person not a party to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which shall become effective upon the date it is signed by the District Commander.

DEPARTMENT OF THE ARMY

CITY OF SELMA, ALABAMA

BY: Sebastien P. Joly
Sebastien P. Joly
Colonel, U.S. Army
District Commander

BY: Darrio Melton
Darrio Melton
Mayor

DATE: 9 OCT 18

DATE: 10-3-18

CERTIFICATION REGARDING LOBBYING

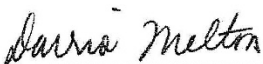
The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



Darrio Melton
Mayor
City of Selma, Alabama

DATE: 10-3-18



CITY OF SELMA, ALABAMA
OFFICE OF THE CITY ATTORNEY

JIMMY L. NUNN
City Attorney

Website:
www.selma-al.gov

Mailing Address:
222 Broad Street
Post Office Box 450
Selma, AL 36702-0450

Telephone: 334.874.2407
Fax: 334.874.2408
Email: jnunn@selma-al.gov

CERTIFICATE OF AUTHORITY

I, Jimmy Nunn, do hereby certify that I am the principal legal officer of the City of Selma, Alabama, that the City of Selma, Alabama is legally constituted public body with full authority and legal capability to perform the terms of the Agreement between the department of the Army and the City of Selma, Alabama in connection with the City of Selma, Alabama Study, and to pay damages, if necessary, in the event of the failure to perform in accordance with the terms of the Agreement, as required by Section 221 of the Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), and that the person who executed the Agreement on behalf of the City of Selma, Alabama acted within his statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this 3rd day of October 2018.

Respectfully yours,

CITY OF SELMA, ALABAMA

A Municipal Corporation

JIMMY L. NUNN, *City Attorney*

G.1.2. Self-Certification of Financial Capability

G.1.2.1. Signed August 16, 2018

**NON-FEDERAL SPONSOR'S
SELF-CERTIFICATION OF FINANCIAL CAPABILITY
FOR AGREEMENTS**

I _____ do hereby certify that I am the Chief Financial Officer of the CITY OF SELMA ALABAMA ; that I am aware of the financial obligations of the Non-Federal Sponsor for the CITY OF SELMA, ALABAMA, FLOOD RISK MANAGEMENT STUDY; and that the Non-Federal Sponsor has the financial capability to satisfy the Non-Federal Sponsor's obligations under the AGREEMENT BETWEEN THE DEPARTMENT OF THE ARMY AND CITY OF SELMA ALABAMA FOR THE CITY OF SELMA, ALABAMA, FLOOD RISK MANAGEMENT STUDY.

IN WITNESS WHEREOF, I have made and executed this certification this _____ day of _____.

BY: David Melton

TITLE: Mayor

DATE: 8/16/18

G.1.2.2. Signed May 14, 2021

**NON-FEDERAL SPONSOR'S
SELF-CERTIFICATION OF FINANCIAL CAPABILITY
FOR AGREEMENTS**

I, Sequita R. Oliver, do hereby certify that I am the Chief Financial Officer of the City of Selma, Alabama (the "Non-Federal Sponsor"); that I am aware of the financial obligations of the Non-Federal Sponsor for the City of Selma, Alabama, Flood Risk Management Project; and that the Non-Federal Sponsor has the financial capability to satisfy the Non-Federal Sponsor's obligations under the [Agreement between the department of the Army and City of Selma, Alabama for the City of Selma, Alabama, Flood Risk Management Project.

IN WITNESS WHEREOF, I have made and executed this certification this 14th day of May, 2021.

BY: Sequita R. Oliver
TITLE: Interim Treasurer
DATE: May 14, 2021

G.1.3. Letter of Intent (August 20, 2018)



CITY OF SELMA

DARRIO MELTON
MAYOR

August 20, 2018

Colonel Sebastien P. Joly
U.S. Army Corps of Engineers
Mobile District
P.O. Box 2288
Mobile, AL 36228

RE: Letter of Intent for a General Investigation Study of City of Selma, AL Flood Risk Management

Dear Colonel Joly:

The City of Selma is willing and able to participate as the Sponsor for the City of Selma, Alabama Flood Risk Management (FRM) Study, in partnership with the U.S. Army Corps of Engineers (USACE), to cooperatively investigate and address water resources problems and opportunities previously identified from past and current study efforts in the City of Selma, AL.

City of Selma understands that the City of Selma, AL FRM Study effort cannot occur without the allocation of Federal funds provided through the annual Congressional appropriations process. However, if selected, we intend to sign a Feasibility Cost Sharing Agreement (FCSA) to participate in the study with the USACE. After signing the FCSA, a Project Management Plan that delineates the City's and the USACE's individual and collective responsibilities (including fiscal) would be developed and agreed upon by the City of Selma and the USACE. The study would be conducted and managed by the USACE. The cost-sharing for the study would be based on a contribution determined by the Federal government and agreed to by the City of Selma based upon Congressional guidelines for this type of study. The City would also anticipate some level of "In-Kind" non-monetary service contribution to offset any local match contribution would be considered.

The City of Selma is aware that this letter only constitutes an expression of intent to the USACE for a study to address the water resources problems associated with the Alabama River and is not a contractual obligation. We understand that work on the study cannot commence until it is included in the Administration's budget request, funds are appropriated by Congress, and an FCSA is signed. It is further understood that the City or the USACE may opt to discontinue the study at any time after the FCSA is signed but will commit to work together as partners from the scoping phase and subsequent decision points throughout the feasibility study, to include necessary support required to support risk-informed decision making. If it is determined that additional time or funding is necessary to support decisions to be made in order to complete the study, our agency will work with the USACE to determine the appropriate course of action.

Thank you for your every consideration to this request. If you require additional information, please contact Mayor Darrio Melton at (334) 874-2101.

Sincerely,

Darrio Melton, Mayor

City of Selma

POST OFFICE BOX 450 ■ 222 BROAD STREET ■ SELMA, ALABAMA 36702 ■ PHONE: 334.874.2101 ■ FAX: 334.874.2402 ■ www.selma-al.gov

G.1.4. Letter of Support (May 10, 2021)



OFFICE OF THE MAYOR
WE ARE TOGETHER.

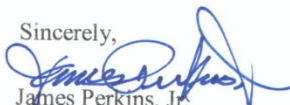
May 10, 2021

Sebastien P. Joly
Colonel, United States Army
District Commander
U.S. Army Corps of Engineers, Mobile District
Mobile, AL 36602

Dear Mr. Joly:

The City of Selma supports the recommended plan as presented in the Selma, Alabama Flood Risk Management study integrated feasibility report and environmental assessment. We understand the financial commitment as the non-federal sponsor for design and construction of the project including local service facilities and Land Easement, Rights-of-way, Relocation and Disposal areas (LERRD). It is our intention to enter into a Design Agreement for the project.

The City of Selma offers this letter indicating support for the recommended plan and as a letter of intent to fulfill the non-federal responsibilities for design and possible implementation of the recommended plan. We are eager to proceed to the next phase of this project. This letter of intent is not intended to be legally binding but to demonstrate our intent to move forward expeditiously with the project.

Sincerely,

James Perkins, Jr.
Mayor
City of Selma

selma-al.gov

(334) 874-2101 (office) | (334) 874-2402 (fax) | mayoroffice@selma-al.gov

G.2. Policy Exemption Documentation

G.2.1. Memorandum to the Chief of Planning and Policy Division at SAD (August 1, 2019)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, AL 36628-0001

CESAM-PD-FP (1105)

1 August 2019

MEMORANDUM FOR Commander, U.S. Army Corps of Engineer, South Atlantic Division, Mr. Eric Bush /CESAD-PDP, 60 Forsyth Street SW, Room 10M15, Atlanta, Georgia 30303

SUBJECT: Flood Risk Management Feasibility Study for Selma, Alabama – South Atlantic Division In-Progress Review

1. Purpose: An in-progress review (IPR) meeting was held on 26 June 2019 to provide an update on the comparison and screening of the alternatives that will be assessed ahead of the Tentatively Selected Plan (TSP) milestone scheduled for 4 October 2019. Several outstanding tasks, including identification of the existing conditions and future without project conditions, have been completed.

a. The team focused efforts on the evaluation and comparison of the remaining alternatives which include:

- (1) Levees
- (2) Buy-Out
- (3) Bankline Stabilization

b. Alternatives

(1) Levee(s) / Floodwall Alternative: It was determined by the Mobile District Project Delivery Team (PDT) that the levee alternative would not reduce damages to structures and would induce flooding in the adjacent town of Selmont, Alabama and have other downstream flooding within the study area. Additionally, the cost to construct and maintain the levee alternative would be cost prohibitive for the economically depressed City of Selma, Alabama which would impact study implementation and construction efforts. The induced damages and cost were deemed to be a high risk overall to the study and consequently this alternative was removed from further analysis.

(2) Buy Out Alternative: Much of the flooding in Selma, Alabama experienced in Ward 8. The PDT presented the base floor elevations and cost associated with frequent flood damages in low-laying areas. The whole areas was considered for the initial analysis and includes approximately 300 structures. However, not all of the homes experience frequent flooding/damages so a refinement of this alternative to include limited buy-outs are recommended for further analysis.

CESAM-PD-FP (1105)

1 August 2019

SUBJECT: Flood Risk Management Feasibility Study for Selma, Alabama – South
Atlantic Division In-Progress Review

(3) River Bank Stabilization: The PDT demonstrated the nexus between flooding and bankline erosion/failure by showing the repetitive damages during flood events that lead to destabilizing the bankline ridge, which also contribute to failure and further damages to property along the riverbank. These ingress/egress flood processes are active and ongoing over time with structures experiencing greater risk the longer the instability goes unchecked. The damages to the structures, while not quantified specifically for NED, can be addressed in RED due to their intricate historical value to the viewshed of Selma, Alabama the National Register of Historic Places district, and the ties to pivotal focal points during the Civil Rights Movement and North American history. Furthermore, this alternative is supported by the City of Selma, Alabama. Consequently the PDT recommends that this alternative continue for further analysis.

c. NED/OSE/RED Analysis: The PDT has conducted the economic analysis and completed Other Social Effects (OSE) analysis of the remaining alternatives. It is clear that there may not be a fully NED justified plan, however the team will consider other benefits that may help with the economic analysis per Vertical Team (VT) commendations (see 4F below). The OSE analysis was conducted and assessed based on five key factors. Each alternative was determined to be beneficial, detrimental or undetermined (i.e. buy-out) until further refinement of that alternative was completed. The spreadsheet developed was utilized as an organizing and comparison tool and does not need to undergo model certification. The PDT will develop an NED exclusion memo for the study and will describe the history/significance of Selma, Alabama show that results of the economic analysis and OSE analysis, and request NED exclusion waiver from the ASA (CW). Special authorizing language may also be developed by Congressional representatives to help Selma, Alabama construct the project.

2. The following questions and/or concerns were expressed by the Vertical Team:

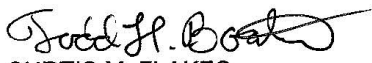
- a. How does benefit compare to without project damages?
 - Without project is \$9.8M average annual damages
 - With project \$9.2M damages
- b. What are the increment of damages being reduced by the levee alternative?
 - Benefit is \$398,000.00. The without project is about \$1.1M leaving about 60% residual damages

CESAM-PD-FP (1105)

1 August 2019

SUBJECT: Flood Risk Management Feasibility Study for Selma, Alabama – South
Atlantic Division In-Progress Review

- c. Were different levee heights and alignments considered?
- Yes. Different levee alignments include the 1968 levee alignment, shorter/straight levee alignment, and the current alignment presented. The PDT also looked at different levee heights based on flood elevations and there were no meaningful differences in damage reduction with those considerations included.
 - No meaningful differences in damage reduction with those considerations.
- d. Are the buildings in imminent danger of falling into the river? Could the district add costs should the buildings be left un-modified and allowed to fall into the river due to flood impacts?
- The city has already demolished one building due to its life/safety hazard to the public. The frequent flooding of the riverbank continue to actively impact the stability of the bankline and it is anticipated that more buildings will be threatened in the near future as the river continues to experience high river stages.
- e. Is there a limit to the residual risk that is acceptable?
- No, the team does not have a threshold of residual risk.
- f. Recommend that the PDT take advantage of environmental benefits in recreation within the floodplain and include those in NED/RED analysis.
- g. Recommend that the PDT present damage cost (which cannot be included in the NED analysis) and include them briefly in the RED analysis.
3. Vertical Team Decision: The PDT will continue to assess the remaining alternatives and will prepare an MFR of this IPR. The PDT is to continue to prepare for a pre-TSP IPR brief in September after submitting Read Ahead Material to SAD ahead of the October TSP Milestone. Absent VT members will review the IPR-MFR and will be briefed by attending VT members upon their return to address questions.
4. If you have additional questions please contact Ms. Jerica Richardson at (251) 690-3411 or email at Jerica.M.Richardson@usace.army.mil.

for 
CURTIS M. FLAKES
Chief, Planning and Environmental
Division

G.2.2. National Economic Development (NED) Exception Memo (January 10, 2020)



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

CESAM-PD-FP

10 January 2020

MEMORANDUM FOR, Mr. Eric Bush, CESAD-PDP, U.S. Army Corps of Engineers, South Atlantic Division (SAD), 60 Forsyth Street SW, Room 10M15, Atlanta, Georgia 30303

SUBJECT: Request Approval for an exception to the U.S. Army Corps of Engineers (USACE) National Economic Development (NED) Policy for the Selma, Alabama Flood Risk Management Study

1. References:

- a. Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies.
- b. Deputy for Programs and Projects Management (DPM) CW 2019-02 Director's Policy Memorandum, "Employing MSC and District Technical Expertise and Professional Judgment to empower enhanced delivery of the 2018 Emergency Supplemental Program," 24 January 2019.
- c. SAD Programs Director Memorandum, "Implementation Plan to Employ District Technical Expertise and Professional Judgment to empower enhanced delivery of the 2018 Emergency Supplemental Program," 14 February 2019.
- d. Director of Civil Works Memorandum Section 6, "Furthering Advancing Project Delivery Efficiency and Effectiveness of USACE Civil Works," 21 June 2017.

2. Purpose of this Memorandum: This Memorandum requests a policy exception for proposed buy-outs and bank stabilization in the City of Selma to the rule that plan selection be based on the greatest net economic benefit (the NED Plan).

3. Bipartisan Budget Act of 2018 and WRDA 2018: The Selma, Alabama Flood Risk Management Study was funded \$3 million dollars to conduct and complete the study under flood risk management within 3-years.

This study also utilized best professional judgment to expedite and enhance the efficiency and effectiveness of incorporating bank stabilization elements, per WRDA 2018, to complete delivery of a feasibility report using innovative approaches to solve the City of Selma's issues. Per SMART Planning guidelines, this study is expected to be compliant with 3x3x3 and includes three levels of review.

4. Exception Request: The Mobile District is requesting a policy exception for proposed buy-outs and bank stabilization in downtown Selma to the rule that plan selection be based on the NED Plan. This rule is provided in the Economic and Environmental Principles and Guidelines (P&G) for Water and Related Land Resources Implementation Studies. In accordance with this guidance, the Secretary may grant an exception to the rule.

CESAM-PD-FP

10 January 2020

SUBJECT: Request Approval for an exception to the U.S. Army Corps of Engineers (USACE) National Economic Development (NED) Policy for the Selma, Alabama Flood Risk Management Study

For the tentatively selected plan, USACE would not perform an incremental benefit-cost analysis to identify the recommended project, and would not make project recommendations based upon maximizing net national economic development benefits. Rather, plan selection would be based on a project that meets the four planning criteria of effectiveness, efficiency, completeness, and acceptability. Additionally, plan selection will address the P&G Four Accounts for National Economic Development, Regional Economic Development, Environmental Quality, and Other Social Effects (as it relates to cultural significance and historic preservation of national landmarks along the Alabama River shoreline).

5. Below is an assessment of the actions the District took to meet all other USACE Planning and Policy requirements. The attachment to this memo addresses the Four Accounts in detail. The NED and OSE assessments are listed below.

a. Historic and Cultural Significance: The city is best known for the 1960s Selma Voting Rights Movement which included the Selma to Montgomery marches, which began on 7 March 1965. This demonstration is remembered as “Bloody Sunday”, and was covered extensively by media outlets across the United States and around the world. The imagery of Bloody Sunday led to the iconic march of Civil Rights leaders – led by Dr. Martin Luther King, Jr. - across the Edmund Pettus Bridge and through downtown Selma. The downtown area was the center of a number of hotels and businesses housed in buildings that date from the Civil War. These historic buildings provide a significant backdrop to the Edmund Pettus Bridge with its colorful array of structures and views of the Alabama River. A second march through the area was again thwarted but precipitated President Lyndon B. Johnson’s introduction of the Voting Rights Act on 15 March 1965 and its ultimate passage in August of 1965. The Voting Rights Act is now a keystone of democracy in the United States.

b. Existing Flood, Erosion and Structure Conditions: Selma experiences frequent flooding due to river confluences from inland streams becoming impounded by high river flows, causing back flow into low-lying areas. Additionally, the employees, residents, and visitors to the historic structures along the riverbank, are exposed to public/life safety threats associated with potential sudden bank failure, caused by repetitive flooding along the riverbank and increased instability of substrates. While the riverbank structures do not experience direct flood impacts, and are not in immediate danger of those impacts, there are indirect flood impacts that pose a threat to the stability of the bank and thus the structures over time. A costly assessment of the stability of the structures and a geotechnical analysis of the substrate conditions would need to be conducted to determine failure probability and imminence, this assessment would exceed the current study cost. The structures in the area, even the historically significant ones, have low depreciated replacement values. Depreciated replacement value is the standard by which the USACE estimates NED benefits for implementation of flood reduction interventions and does not consider cultural or historic significance. It should be noted that the nonstructural buyouts in the residential area are not historic or of particular cultural significance as the structures are typical 1960s style shotgun housing, currently tenant or owner occupied.

USACE has formulated flood risk reduction alternatives that would reduce risk but the limited stream of benefits from the standard assessment of NED does not produce a benefit to cost ratio that would approach unity for any USACE measure. While the structures in Selma are assigned low financial value on the basis of their physical characteristics, they are obviously of high cultural and historical value to the region and Nation and thus should be considered under OSE.

c. Preliminary NED Assessment: While Selma has a rich history, the city is financially constrained. The median household income is \$24,223 compared to the Alabama average of \$46,472 and national average of \$57,652 according to the American Community Survey (ACS), 2013-2017 data. Since 2010,

CESAM-PD-FP 10 January 2020
SUBJECT: Request Approval for an exception to the U.S. Army Corps of Engineers (USACE) National Economic Development (NED) Policy for the Selma, Alabama Flood Risk Management Study

Selma’s population has declined approximately 14% (17,886 inhabitants), 80% of whom identify as Black or African American. The ACS estimates that 38.3% of Selma’s residents live in poverty. This severely limits the sponsor’s ability to effectively cost share construction of a selected plan. The solution to address the sponsor’s ability to cost-share would be to recommend during construction a 30-year loan program for repayment.

Removing a significant number of the population to reduce flood risk would have an adverse impact to the city’s tax base. To reduce these impacts, the study assessed a range of potential options for structural buy-outs to reduce flood damages which include 300, 150, and 30 structures. Moreover, to provide bank stabilization along the Selma historic riverfront, where historic structures adjacent to the bridge are located, a range of potential options for bank stabilization were also assessed. Preliminary Rough Order of Magnitude (ROM) first cost estimates were developed for each of the alternatives.

For comparison to the benefits, which are average annual flood damages reduced, the preliminary ROM first costs were stated in average annual terms using the current Federal discount rate of 2.75% for a 50-year period of analysis. Interest during construction was not included nor was the annual operation and maintenance included for these preliminary first costs.

The equivalent annual benefits were then compared to the average annual cost to develop net benefits and a benefit-to-cost ratio (BCR) for each alternative. There are no NED benefits derived for the alternatives that provide bank stabilization because these alternatives do not produce inundation reduction benefits (i.e. reduce average annual flood damages). The net benefits for each alternative were then calculated by subtracting the average annual costs from the equivalent average annual benefits, and a BCR was derived by dividing average benefits by average annual costs. The estimated net benefits and BCR based on preliminary first costs are as followed for the remaining alternatives:

Table 1: TSP Benefits and Costs Comparison (\$000)
December 2019 Price Levels

TSP	Bank Stabilization	Buyout	Bank Stabilization and Buyout
Project First Cost	\$21,408	\$5,800	\$27,208
Interest During Construction	\$441	\$160	\$601
Average Annual First Cost	\$809	\$221	\$1,030
Annual O&M Cost	\$8	\$0	\$8
Average Annualized Costs	\$817	\$221	\$1,038
Average Annualized Benefits	N/A	\$111	\$111
Net Benefits	N/A	(\$110)	(\$927)
BCR	N/A	0.5	0.1

As a result of the comparison of the alternatives, no alternatives could be identified as the NED Plan in accordance with the Federal objective. No alternative plan had positive net benefits; therefore, all alternatives were determined to have benefit-to-cost ratio less than 1 and would not yield an economically justified project.

d. Other Social Effects Assessment: The team also conducted an OSE analysis to determine the qualitative effects of the proposed alternatives on a number of factors that are typically considered in OSE assessments that address: historic importance, life and safety, social connectivity, and social vulnerability (see Table 2). The OSE analysis indicates that the combined alternatives of limited structural buy-outs in

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SUBJECT: Request Approval for an exception to the U.S. Army Corps of Engineers (USACE) National Economic Development (NED) Policy for the Selma, Alabama Flood Risk Management Study

combination with bank-line stabilization would provide some long-term benefits to the community and would help to maintain community resiliency and connectivity as well as maximize overall cultural and historical benefits to the City of Selma and to the Nation. While the structures along the riverbank do not have direct flood impacts, there are some benefits with a combination and complete alternative that would be realized.

Table 2: Other Social Effects Matrix

Factor	No Action	Buyouts	Retention Walls
Historic Importance	Direct Adverse impact due to loss of NRHPs along the riverfront No Change in Ward 8 due to no known historic properties within the area	No Change as there are no known historic properties within the proposed buyout areas	Direct Beneficial impact as threat to NRHP along riverfront is greatly reduced. Indirect Adverse impact to viewshed along historic Selma Riverfront.
Life and Safety	Indirect adverse impact due to threats to structural integrity of structures along the bank posing potential life and safety risk* Indirect adverse impact from inundation to structures in Ward 8.*	Direct beneficial impact as this alternative would remove people from the floodplain	Indirect Beneficial impact as this alternative would reduce the occurrence of structure and infrastructure collapse
Community Resiliency	Direct adverse impact due to city's financial difficulties in continued repairs to structures in Ward 8 and along the bank	Direct beneficial impact due to removal of flood prone structures	Direct beneficial impact due to reduced rehabilitation cost for threatened NRHP and roadways along the bank
Community Cohesion	Direct adverse impact as population decline is projected to continue	- Buyout 1A would be a direct adverse impact due to a huge reduction in the population - Buyout 1C would be no change due to a minimal relocation	Indirect beneficial impacts due to renewed revitalization and increased pride in residents, potentially leading to population retention
Social Vulnerability	Direct Adverse impact as low income, low employment, low population/business retention will continue	- Buyout 1A would be a direct adverse impact due to relocation of such a large number of residents* - Buyout 1C would be no change due to the relocation of such a low number of residents	Indirect beneficial impacts due to potential increase in income, employment, and population/business retention

It is the District's position that this study is significant to Alabama residents and the nation. The area is unique because it was the location of the first evidence of violent racial animus perpetrated on peaceful Civil Rights activist and served as tangible visual evidence of the mistreatment of a minority class of American citizens. This event galvanized the nation to address fundamental human and civil rights for people of color and diverse backgrounds, and lead to the historic landmark signing of the Civil Rights Voting Act of 1965 by then President Johnson.

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The historic landmark and structures along the Alabama River serve as the canvas backdrop to the famed Edmund Pettus Bridge, much like the immediately recognizable New York City skyline prior to the destruction of the Twin Towers, the loss of which has forever changed the face of the famed view-scape of that city, diminishing in some respects its intrinsic value. Similarly, Selma's historic structures are indelibly linked to the bridge and the other historic structures which forms the historic context and view shed of this national/international landmark and are invaluable in their scope and breadth when it comes to their importance to the nation. Preservation of the shoreline and historic building structures ensures that the more than 200,000 world-wide visitors, which has included the last seven Presidents of the United States, that walk across the famed Edmund Pettus Bridge for commemorative events, have the opportunity to walk the same path early activist marched, reflect on their courage, respect their endurance, and protect the sacrifices many made to ensure that the nation lived up to its guiding principles of equal rights and protections for all Americans by showcasing this nation's commitment to democratic ideologies highlighted by the right to vote.

These events generate opportunities for local residents to showcase their art, share their rich culture, and reaffirm the standing principles that changed the lives of many and solidified this nations place as a beacon of hope for many world-wide. The TSP addresses the study problems and provides opportunities for the City of Selma to build on his historic legacy in educating the region, nation, and world as it relates to addressing civil rights and equality for all. It also presents an opportunity for the agency to provide support and strengthen ties to vulnerable, small town communities that are the heart-beat of this nation.

As a standalone plan and even as a combined plan, the TSP does not yield a justified project, however considering other accounts in the justification process constructing this alternative would ensure the continued preservation of Selma's historic landmarks and view-shed structures, provides intrinsic value to the nation in solidifying its role in our civil rights history through it's contribution to standing landmark legislation, and in the stability and quality of the natural and human environment.

To address the Four Planning Criteria, a discussion of the TSP is listed below. A more detailed discussion will be included in the draft report and appendices with supportable data.

- *Acceptable:* Agencies such as the U.S. Park Service, Department of Transportation, and the City of Selma support the plan actions of preserving the historic landmarks along the Alabama River and reinforcement of the areas adjacent to the Edmund-Pettus Bridge. The plan is feasible from a technical perspective as it relates to engineering constructability, has minimal environmental impacts, is legal as there are no policies that restrict consideration of including bank stabilization measures in a flood risk management study, and with ASA(CW) approval of the NED exception to policy would be justified. Additionally, it is institutionally supported by local colleges/universities and other state/local agencies, and the limited buy-out with bank stabilization is socially acceptable to the public.
- *Effective:* The plan addresses the specific flood risk management problems by removing structures inland that receive repetitive flood damages within the flood zone. Additionally, it provides protection of historic structures that sit along the riverbank by armoring the shoreline and providing stability to weakened structural foundations that occur as a result of frequent riverine flooding and inundation processes that can lead to shear bank failure over time. This plan also reduces shoaling downstream by slowing down erosion rates of the bank, for this reach of Alabama River.

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SUBJECT: Request Approval for an exception to the U.S. Army Corps of Engineers (USACE) National Economic Development (NED) Policy for the Selma, Alabama Flood Risk Management Study

- Efficient: The plan is not identified as a cost effective or justified plan. It does however, provide specific opportunities for regional economic development by providing jobs and a boost to the local economy, considers other social effects by assessing community cohesion and other impacts to the residents of Selma, and protects the Nation’s natural environment along the Alabama River. This plan also provides a good/service by reducing erosion and sediment inputs into the Alabama River, thus potentially reducing the need for frequent dredging activities downstream. There is a need for an ASA(CW) approved NED exception to policy.
- Complete: Regardless of the evaluated benefits, structural buy-out and protection of the bank in Selma, AL is complete and in the public interest and not dependent on any other actions by other entities. The plan addresses the study goals and objectives to reduce flood damages to structures receiving frequent flooding and to provide protection of historic landmarks/structures along the Alabama River by armoring the river shoreline and slowing down potential shear bank failure as a result of natural riverine flood and inundation processes. The plan provides and accounts for necessary investments and actions to ensure realization of the planned flood risk management goals and objectives specific to the TSP.

e. Programs Assessment: From a programming perspective, there is a very low risk associated with the exception request. It does not impact study milestones or the Office of Management and Budget approved list of studies that have approved funding in the amount of \$3 million. The total project cost for construction is approximately \$21,055,000.

f. Real Estate Assessment: Based on the existing study schedule, this request also carries a low risk associated with the completion of a Real Estate Plan. In accordance with 49 CFR § 24.205, relocation assistance shall be planned in such a manner that the problems associated with the displacement of individuals, families, businesses, farms, and nonprofit organizations are recognized and solutions are developed to minimize the adverse impacts of displacement. Such planning, where appropriate, shall precede any action by an Agency which will cause displacement, and should be scoped to the complexity and nature of the anticipated displacing activity including an evaluation of program resources available to carry out timely and orderly relocations.

g. Office of Counsel View: Due to existing and pending Congressional language and intent, specific study authority is not required. While the process of calculating benefits and solutions for damages under an FRM study and that for streambank erosion is different, there appears to be no explicit prohibition to including streambank erosion measures in an FRM study.

The policy for which an exception is being sought was developed by USACE Headquarters Office (HQ). Specifically, in the case of the HQ guidance that directs districts to include appropriate WRDA language and assessment of applicable Planning Accounts (i.e. OSE analysis via national, cultural, and historic significance) to justify projects; and provide recommendations to the ASA (CW)) for exception request for policy waivers.

6. Specific “Policy” Requested to Be Waived: Using the direction provided in Section 6 of the 21 June 2017 Memorandum from the Director of Civil Works entitled, “Furthering Advancing Project Delivery Efficiency and Effectiveness of USACE Civil Works” and inclusion of bank stabilization per WRDA 2018, the District is seeking an exception policy waiver from the (ASA(CW)) to complete the feasibility study as described in paragraph 5 above.

7. Coordination: This request has been coordinated with all appropriate functional offices and subject matter experts.

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10 January 2020

SUBJECT: Request Approval for an exception to the U.S. Army Corps of Engineers (USACE) National Economic Development (NED) Policy for the Selma, Alabama Flood Risk Management Study

8. The District point of contact for this action is Ms. Jerica Richardson, Chief of Plan Formulation Team at (251) 690-3411 or email at jerica.m.richardson@usace.army.mil.



TODD NETTLES
Acting Chief, Planning and Environmental
Division

G.2.3. NED South Atlantic Division Exception Memo (January 22, 2020)



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SOUTH ATLANTIC DIVISION
60 FORSYTH STREET SW, ROOM 10M15
ATLANTA, GA 30303-8801

CESAD-PD

22 January 2020

MEMORANDUM FOR Chief, Planning and Policy Division, HQUSACE, US Army Corps of Engineers, 441 G Street, NW, Washington DC 20314-1000

SUBJECT: Request Approval for an Exception to the U.S. Army Corps of Engineers National Economic Development Policy for the Selma, Alabama, Flood Risk Management Study

1. References:

- a. Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies, 10 March 1983.
- b. Memorandum, CESAM-PD-FP, 10 January 2020, subject as above.
- c. Selma, Alabama, Flood Risk Management Feasibility Study, Tentatively Selected Plan Report Summary, 13 November 2019.

2. Purpose: The purpose of this memorandum is to request your concurrence with releasing a draft feasibility report that recommends a plan that is not economically justified; and, due to unique circumstances, includes in the flood risk reduction plan critical streambank erosion measures recommended to reduce the risk of damages to historic properties.

3. Background: Selma, Alabama, with a population of about 18,000 residents, is known for its historical links to the Civil Rights Movement and the Civil War. The downtown contains three historic districts and historic properties such as the Edmund Pettus Bridge, an icon of the Civil Rights Movement. Selma has received 31 moderate or major floods since 1886 and has 1,436 structures located in the 500-year floodplain. The feasibility study is particularly focused on two parts of the city, the historic downtown adjacent to the Alabama River and the 8th Ward residential neighborhood, also adjacent to the Alabama River. The downtown is situated on high ground and does not flood. However, flood-induced streambank erosion threatens a row of historic buildings lining the Alabama River on Water Street.

4. Selma is among the more economically depressed cities in the United States. Median household income is \$24,223 compared to Alabama's median household income of \$46,472. Low property values throughout the city, including in the 8th Ward, limit the possibility of obtaining positive benefit to cost ratios. Consequently, Mobile District is requesting an exception to the USACE National Economic Development policy for the Selma, Alabama, Flood Risk Management Study because the proposed alternatives have a benefit to cost ratio less than one. The District evaluated the benefits and costs of several

CESAD-PD

SUBJECT: Request Approval for an Exception to the U.S. Army Corps of Engineers National Economic Development Policy for the Selma, Alabama, Flood Risk Management Study

alternatives including both structural and non-structural measures. These alternatives consisted of the buy-outs of residential parcels frequently flooded in the 8th Ward (including options to purchase about 30, 150 or 300 parcels), a levee to reduce the risk of flooding in the 8th Ward, and a retention wall at the base of the bluff overlooking the Alabama River to reduce the risk of flood-induced streambank erosion that threatens historic buildings in downtown Selma adjacent to the Edmund Pettus Bridge.

5. Mobile District reports that there are unique circumstances within Selma supporting inclusion of streambank stabilization measures in a flood risk management project to help preserve historically significant structures. The District states that there is no legal prohibition to studying streambank erosion in the Selma flood risk management study, if there is a sufficient nexus between the erosion and flood risk. Periodic flood events saturate the soils of the river embankment in downtown Selma resulting in sloughing and destabilization of the embankment, threatening adjacent historic structures.

6. For the Tentatively Selected Plan (TSP), Mobile District proposes a buy-out of about 30 parcels in the 8th Ward of Selma, along with river embankment stabilization via a retaining wall to protect historic buildings in the downtown area adjacent to the Edmund Pettus Bridge. The benefit to cost ratio for the TSP is 0.1.

7. Assuming a successful TSP Milestone meeting, South Atlantic Division (SAD) supports releasing the draft report describing the Tentatively Selected Plan for concurrent public, agency, policy, and technical reviews. Appropriate caveat language vetted with the Vertical Team will be incorporated in the draft report. SAD also endorses further consideration by the Vertical Team of the requests for policy exceptions.

8. Additionally, South Atlantic Division directed Mobile District to further evaluate and include in the draft report the feasibility of a structural (levee) alternative plan in lieu of the proposed buy-outs. Although the levee alternative would have a significantly greater cost than the buy-out of about 30 parcels, this alternative may offer a more complete flood-risk-management solution and also meeting a primary objective of maintaining community cohesion.

9. The point of contact for this action is Mr. Eric Bush, telephone (404) 562-5220, email Eric.L.Bush@usace.army.mil.



LARRY D. MCCALLISTER, PhD, PE, SES
Director of Programs

G.2.4. Director of Civil Works Exception Memo to Assistant Secretary of the Army for Civil Works (ASA(CW)) (May 15, 2020)



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

CECW-SAD

May 15, 2020

MEMORANDUM FOR the Assistant Secretary of the Army for Civil Works (ASA(CW))
(Attn Mr. David Leach)

SUBJECT: Selma, Alabama, Flood Risk Management Study, National Economic Development (NED) Exception Request

1. Reference. CESAD-PD Memorandum dated 22 January 2020, Subject: Request Approval for an Exception to the U.S. Army Corps of Engineers National Economic Development Policy for the Selma, Alabama, Flood Risk Management Study (enclosed).
2. Authority. The study is being performed under the authority of House Resolution No.66 adopted 07 June 1961 and Section 1203 of the Water Resources Development Act (WRDA) of 2018 (Public Law (P.L.) No. 115-270). The study is funded through the Bipartisan Budget Act of 2018 (P.L. No. 115-123).
3. Purpose. To submit for your consideration an exception to the requirement for the U.S. Army Corps of Engineers (Corps) to recommend the NED plan, and instead allow a recommended plan based on contributions to the Other Social Effects (OSE) account.
4. Background. Selma is among the more economically depressed cities in the United States, and is known for its historical link to the Civil Rights Movement and the Civil War. The feasibility study is focused on two parts of the city, both adjacent to the Alabama River: 1) the historic downtown and 2) the 8th Ward residential neighborhood. The historic downtown and the 8th Ward residential neighborhood are hydraulically separable. The downtown is situated on high ground and does not flood, but flood-induced stream bank erosion threatens a row of historic buildings lining the Alabama River. Per the referenced Memorandum, the South Atlantic Division (SAD) and the Mobile District are requesting an exception to the NED policy for the subject study because the proposed alternatives have a benefit-to-cost ratio (BCR) less than one.
5. The 8th Ward Residential Neighborhood. Median household income in Selma is \$24,223 compared to Alabama's median of \$46,472. Low property values throughout the city, including in the 8th Ward, limit the possibility of obtaining positive BCRs. The Mobile District evaluated the benefits and costs of several alternatives including buyouts of residential parcels frequently flooded in the 8th Ward (including options to purchase about 30, 150 or 300 parcels) and a levee to reduce the risk of flooding. For the tentatively selected plan (TSP), the Mobile District proposes a buy-out of about 30

CECW-SAD

SUBJECT: Selma, Alabama, Flood Risk Management Study, National Economic Development (NED) Exception Request

parcels in the 8th Ward. The non-structural plan has a BCR of 0.5. The exception request seeks to use OSE benefits to support the proposed TSP because the structures that would be bought would be removed from the floodplain and thus a reduction in life safety risk. Additionally, SAD would like the Mobile District to further evaluate and include the feasibility of a structural (levee) alternative plan in the draft report, potentially in lieu of the proposed buyouts. Although the levee alternative would have a significantly greater cost than the buyout of about 30 parcels, SAD believes the alternative may offer a more complete flood risk management solution and meets a primary objective of maintaining community cohesion.

The exception request lacks a qualitative evaluation on the likelihood of loss of life or any documentation supporting historical floods that could have led to loss of life (i.e., flood fighting activities). In addition, the exception request does not discuss the residual risk and how that would be managed through the floodplain management plan. Both factors result in an incomplete formulation of plans needed to identify the least cost alternative to address the OSE consequences, in accordance with the 1983 Principles and Guidelines for Water and Land Related Resources Implementation Studies. Based on a qualitative assessment of the velocity and depth of flooding from inundation maps and the nature of the floodplain, the review team believes evacuation may be the least cost option if given reasonable warning times. The review team believes that an evaluation of Selma's floodplain management plan/emergency evacuation plan could result in identifying cost effective alternatives to reduce OSE through evacuation planning.

6. The Historic Downtown. The proposed TSP includes river embankment stabilization via a retaining wall to protect historic buildings in the downtown area adjacent to the Edmund Pettus Bridge. The stabilization cost is estimated to be \$21.4 million with a BCR of 0.1. Stream bank stabilization can be considered in the formulation of a project for Selma in accordance with Section 1203 of WRDA 2018. The district is formulating alternatives to prevent erosion that would impact historic properties linked to the National Park Service historic trail and view shed. The exception request makes a case that the community effort to sustain the historic fabric of Selma is a worthy local, state and federal goal that allows the continuation of celebrations commemorating historic events during the civil rights movement in Selma. The exception request proposes that the historic districts and trail and their significance to the community of Selma are significant enough to justify an investment decision.

7. The review team believes that if the Mobile District can demonstrate that the plan to mitigate the erosion is the least cost plan, an exception request could be supportable. The Mobile District has not completed that analysis and it was not discussed in the exception request. The approach to formulating a project under Section 14 of the Flood Control Act of 1946, as amended, could be applicable to the Selma study. For Section 14 projects, the formulation and evaluation focus on the least cost alternative solution and that alternative plan is considered to be justified if the total costs of the proposed

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SUBJECT: Selma, Alabama, Flood Risk Management Study, National Economic
Development (NED) Exception Request

alternative is less than the costs to relocate the threatened facility. Relocation of the structures and the potential degradation of the historic view shed that would occur if they were moved was not discussed in the exception request. Such an analysis could justify a project and render the need for an exception moot.

8. Recommendation. Considering the above, the review team believes that a project for the 8th Ward residential neighborhood would require a NED exception and a project for the Historic Downtown may need a NED exception. Both separable parts of a TSP for Selma require additional analyses to identify the least cost alternative. It is my recommendation that a NED exception be granted for the Selma Flood Risk Management Study.



ALVIN B. LEE
Director of Civil Works

Encl
1. SAD Memo, 22 Jan 20



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SOUTH ATLANTIC DIVISION
60 FORSYTH STREET SW, ROOM 10M15
ATLANTA, GA 30303-8801

CESAD-PD

22 January 2020

MEMORANDUM FOR Chief, Planning and Policy Division, HQUSACE, US Army Corps of Engineers, 441 G Street, NW, Washington DC 20314-1000

SUBJECT: Request Approval for an Exception to the U.S. Army Corps of Engineers National Economic Development Policy for the Selma, Alabama, Flood Risk Management Study

1. References:

- a. Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies, 10 March 1983.
- b. Memorandum, CESAM-PD-FP, 10 January 2020, subject as above.
- c. Selma, Alabama, Flood Risk Management Feasibility Study, Tentatively Selected Plan Report Summary, 13 November 2019.

2. Purpose: The purpose of this memorandum is to request your concurrence with releasing a draft feasibility report that recommends a plan that is not economically justified; and, due to unique circumstances, includes in the flood risk reduction plan critical streambank erosion measures recommended to reduce the risk of damages to historic properties.

3. Background: Selma, Alabama, with a population of about 18,000 residents, is known for its historical links to the Civil Rights Movement and the Civil War. The downtown contains three historic districts and historic properties such as the Edmund Pettus Bridge, an icon of the Civil Rights Movement. Selma has received 31 moderate or major floods since 1886 and has 1,436 structures located in the 500-year floodplain. The feasibility study is particularly focused on two parts of the city, the historic downtown adjacent to the Alabama River and the 8th Ward residential neighborhood, also adjacent to the Alabama River. The downtown is situated on high ground and does not flood. However, flood-induced streambank erosion threatens a row of historic buildings lining the Alabama River on Water Street.

4. Selma is among the more economically depressed cities in the United States. Median household income is \$24,223 compared to Alabama's median household income of \$46,472. Low property values throughout the city, including in the 8th Ward, limit the possibility of obtaining positive benefit to cost ratios. Consequently, Mobile District is requesting an exception to the USACE National Economic Development policy for the Selma, Alabama, Flood Risk Management Study because the proposed alternatives have a benefit to cost ratio less than one. The District evaluated the benefits and costs of several

CESAD-PD

SUBJECT: Request Approval for an Exception to the U.S. Army Corps of Engineers National Economic Development Policy for the Selma, Alabama, Flood Risk Management Study

alternatives including both structural and non-structural measures. These alternatives consisted of the buy-outs of residential parcels frequently flooded in the 8th Ward (including options to purchase about 30, 150 or 300 parcels), a levee to reduce the risk of flooding in the 8th Ward, and a retention wall at the base of the bluff overlooking the Alabama River to reduce the risk of flood-induced streambank erosion that threatens historic buildings in downtown Selma adjacent to the Edmund Pettus Bridge.

5. Mobile District reports that there are unique circumstances within Selma supporting inclusion of streambank stabilization measures in a flood risk management project to help preserve historically significant structures. The District states that there is no legal prohibition to studying streambank erosion in the Selma flood risk management study, if there is a sufficient nexus between the erosion and flood risk. Periodic flood events saturate the soils of the river embankment in downtown Selma resulting in sloughing and destabilization of the embankment, threatening adjacent historic structures.

6. For the Tentatively Selected Plan (TSP), Mobile District proposes a buy-out of about 30 parcels in the 8th Ward of Selma, along with river embankment stabilization via a retaining wall to protect historic buildings in the downtown area adjacent to the Edmund Pettus Bridge. The benefit to cost ratio for the TSP is 0.1.

7. Assuming a successful TSP Milestone meeting, South Atlantic Division (SAD) supports releasing the draft report describing the Tentatively Selected Plan for concurrent public, agency, policy, and technical reviews. Appropriate caveat language vetted with the Vertical Team will be incorporated in the draft report. SAD also endorses further consideration by the Vertical Team of the requests for policy exceptions.

8. Additionally, South Atlantic Division directed Mobile District to further evaluate and include in the draft report the feasibility of a structural (levee) alternative plan in lieu of the proposed buy-outs. Although the levee alternative would have a significantly greater cost than the buy-out of about 30 parcels, this alternative may offer a more complete flood-risk-management solution and also meeting a primary objective of maintaining community cohesion.

9. The point of contact for this action is Mr. Eric Bush, telephone (404) 562-5220, email Eric.L.Bush@usace.army.mil.



LARRY D. MCCALLISTER, PhD, PE, SES
Director of Programs



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

CESAM-PD-FP

10 January 2020

MEMORANDUM FOR, Mr. Eric Bush, CESAD-PDP, U.S. Army Corps of Engineers, South Atlantic Division (SAD), 60 Forsyth Street SW, Room 10M15, Atlanta, Georgia 30303

SUBJECT: Request Approval for an exception to the U.S. Army Corps of Engineers (USACE) National Economic Development (NED) Policy for the Selma, Alabama Flood Risk Management Study

1. References:

- a. Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies.
- b. Deputy for Programs and Projects Management (DPM) CW 2019-02 Director's Policy Memorandum, "Employing MSC and District Technical Expertise and Professional Judgment to empower enhanced delivery of the 2018 Emergency Supplemental Program," 24 January 2019.
- c. SAD Programs Director Memorandum, "Implementation Plan to Employ District Technical Expertise and Professional Judgment to empower enhanced delivery of the 2018 Emergency Supplemental Program," 14 February 2019.
- d. Director of Civil Works Memorandum Section 6, "Furthering Advancing Project Delivery Efficiency and Effectiveness of USACE Civil Works," 21 June 2017.

2. Purpose of this Memorandum: This Memorandum requests a policy exception for proposed buy-outs and bank stabilization in the City of Selma to the rule that plan selection be based on the greatest net economic benefit (the NED Plan).

3. Bipartisan Budget Act of 2018 and WRDA 2018: The Selma, Alabama Flood Risk Management Study was funded \$3 million dollars to conduct and complete the study under flood risk management within 3-years.

This study also utilized best professional judgment to expedite and enhance the efficiency and effectiveness of incorporating bank stabilization elements, per WRDA 2018, to complete delivery of a feasibility report using innovative approaches to solve the City of Selma's issues. Per SMART Planning guidelines, this study is expected to be compliant with 3x3x3 and includes three levels of review.

4. Exception Request: The Mobile District is requesting a policy exception for proposed buy-outs and bank stabilization in downtown Selma to the rule that plan selection be based on the NED Plan. This rule is provided in the Economic and Environmental Principles and Guidelines (P&G) for Water and Related Land Resources Implementation Studies. In accordance with this guidance, the Secretary may grant an exception to the rule.

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SUBJECT: Request Approval for an exception to the U.S. Army Corps of Engineers (USACE) National Economic Development (NED) Policy for the Selma, Alabama Flood Risk Management Study

For the tentatively selected plan, USACE would not perform an incremental benefit-cost analysis to identify the recommended project, and would not make project recommendations based upon maximizing net national economic development benefits. Rather, plan selection would be based on a project that meets the four planning criteria of effectiveness, efficiency, completeness, and acceptability. Additionally, plan selection will address the P&G Four Accounts for National Economic Development, Regional Economic Development, Environmental Quality, and Other Social Effects (as it relates to cultural significance and historic preservation of national landmarks along the Alabama River shoreline).

5. Below is an assessment of the actions the District took to meet all other USACE Planning and Policy requirements. The attachment to this memo addresses the Four Accounts in detail. The NED and OSE assessments are listed below.

a. Historic and Cultural Significance: The city is best known for the 1960s Selma Voting Rights Movement which included the Selma to Montgomery marches, which began on 7 March 1965. This demonstration is remembered as “Bloody Sunday”, and was covered extensively by media outlets across the United States and around the world. The imagery of Bloody Sunday led to the iconic march of Civil Rights leaders – led by Dr. Martin Luther King, Jr. - across the Edmund Pettus Bridge and through downtown Selma. The downtown area was the center of a number of hotels and businesses housed in buildings that date from the Civil War. These historic buildings provide a significant backdrop to the Edmund Pettus Bridge with its colorful array of structures and views of the Alabama River. A second march through the area was again thwarted but precipitated President Lyndon B. Johnson’s introduction of the Voting Rights Act on 15 March 1965 and its ultimate passage in August of 1965. The Voting Rights Act is now a keystone of democracy in the United States.

b. Existing Flood, Erosion and Structure Conditions: Selma experiences frequent flooding due to river confluences from inland streams becoming impounded by high river flows, causing back flow into low-lying areas. Additionally, the employees, residents, and visitors to the historic structures along the riverbank, are exposed to public/life safety threats associated with potential sudden bank failure, caused by repetitive flooding along the riverbank and increased instability of substrates. While the riverbank structures do not experience direct flood impacts, and are not in immediate danger of those impacts, there are indirect flood impacts that pose a threat to the stability of the bank and thus the structures over time. A costly assessment of the stability of the structures and a geotechnical analysis of the substrate conditions would need to be conducted to determine failure probability and imminence, this assessment would exceed the current study cost. The structures in the area, even the historically significant ones, have low depreciated replacement values. Depreciated replacement value is the standard by which the USACE estimates NED benefits for implementation of flood reduction interventions and does not consider cultural or historic significance. It should be noted that the nonstructural buyouts in the residential area are not historic or of particular cultural significance as the structures are typical 1960s style shotgun housing, currently tenant or owner occupied.

USACE has formulated flood risk reduction alternatives that would reduce risk but the limited stream of benefits from the standard assessment of NED does not produce a benefit to cost ratio that would approach unity for any USACE measure. While the structures in Selma are assigned low financial value on the basis of their physical characteristics, they are obviously of high cultural and historical value to the region and Nation and thus should be considered under OSE.

c. Preliminary NED Assessment: While Selma has a rich history, the city is financially constrained. The median household income is \$24,223 compared to the Alabama average of \$46,472 and national average of \$57,652 according to the American Community Survey (ACS), 2013-2017 data. Since 2010,

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SUBJECT: Request Approval for an exception to the U.S. Army Corps of Engineers (USACE) National Economic Development (NED) Policy for the Selma, Alabama Flood Risk Management Study

Selma’s population has declined approximately 14% (17,886 inhabitants), 80% of whom identify as Black or African American. The ACS estimates that 38.3% of Selma’s residents live in poverty. This severely limits the sponsor’s ability to effectively cost share construction of a selected plan. The solution to address the sponsor’s ability to cost-share would be to recommend during construction a 30-year loan program for repayment.

Removing a significant number of the population to reduce flood risk would have an adverse impact to the city’s tax base. To reduce these impacts, the study assessed a range of potential options for structural buy-outs to reduce flood damages which include 300, 150, and 30 structures. Moreover, to provide bank stabilization along the Selma historic riverfront, where historic structures adjacent to the bridge are located, a range of potential options for bank stabilization were also assessed. Preliminary Rough Order of Magnitude (ROM) first cost estimates were developed for each of the alternatives.

For comparison to the benefits, which are average annual flood damages reduced, the preliminary ROM first costs were stated in average annual terms using the current Federal discount rate of 2.75% for a 50-year period of analysis. Interest during construction was not included nor was the annual operation and maintenance included for these preliminary first costs.

The equivalent annual benefits were then compared to the average annual cost to develop net benefits and a benefit-to-cost ratio (BCR) for each alternative. There are no NED benefits derived for the alternatives that provide bank stabilization because these alternatives do not produce inundation reduction benefits (i.e. reduce average annual flood damages). The net benefits for each alternative were then calculated by subtracting the average annual costs from the equivalent average annual benefits, and a BCR was derived by dividing average benefits by average annual costs. The estimated net benefits and BCR based on preliminary first costs are as followed for the remaining alternatives:

Table 1: TSP Benefits and Costs Comparison (\$000)
December 2019 Price Levels

TSP	Bank Stabilization	Buyout	Bank Stabilization and Buyout
Project First Cost	\$21,408	\$5,800	\$27,208
Interest During Construction	\$441	\$160	\$601
Average Annual First Cost	\$809	\$221	\$1,030
Annual O&M Cost	\$8	\$0	\$8
Average Annualized Costs	\$817	\$221	\$1,038
Average Annualized Benefits	N/A	\$111	\$111
Net Benefits	N/A	(\$110)	(\$927)
BCR	N/A	0.5	0.1

As a result of the comparison of the alternatives, no alternatives could be identified as the NED Plan in accordance with the Federal objective. No alternative plan had positive net benefits; therefore, all alternatives were determined to have benefit-to-cost ratio less than 1 and would not yield an economically justified project.

d. Other Social Effects Assessment: The team also conducted an OSE analysis to determine the qualitative effects of the proposed alternatives on a number of factors that are typically considered in OSE assessments that address: historic importance, life and safety, social connectivity, and social vulnerability (see Table 2). The OSE analysis indicates that the combined alternatives of limited structural buy-outs in

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combination with bank-line stabilization would provide some long-term benefits to the community and would help to maintain community resiliency and connectivity as well as maximize overall cultural and historical benefits to the City of Selma and to the Nation. While the structures along the riverbank do not have direct flood impacts, there are some benefits with a combination and complete alternative that would be realized.

Table 2: Other Social Effects Matrix

Factor	No Action	Buyouts	Retention Walls
Historic Importance	Direct Adverse impact due to loss of NRHPs along the riverfront No Change in Ward 8 due to no known historic properties within the area	No Change as there are no known historic properties within the proposed buyout areas	Direct Beneficial impact as threat to NRHP along riverfront is greatly reduced. Indirect Adverse impact to viewshed along historic Selma Riverfront.
Life and Safety	Indirect adverse impact due to threats to structural integrity of structures along the bank posing potential life and safety risk* Indirect adverse impact from inundation to structures in Ward 8.*	Direct beneficial impact as this alternative would remove people from the floodplain	Indirect Beneficial impact as this alternative would reduce the occurrence of structure and infrastructure collapse
Community Resiliency	Direct adverse impact due to city's financial difficulties in continued repairs to structures in Ward 8 and along the bank	Direct beneficial impact due to removal of flood prone structures	Direct beneficial impact due to reduced rehabilitation cost for threatened NRHP and roadways along the bank
Community Cohesion	Direct adverse impact as population decline is projected to continue	- Buyout 1A would be a direct adverse impact due to a huge reduction in the population - Buyout 1C would be no change due to a minimal relocation	Indirect beneficial impacts due to renewed revitalization and increased pride in residents, potentially leading to population retention
Social Vulnerability	Direct Adverse impact as low income, low employment, low population/business retention will continue	- Buyout 1A would be a direct adverse impact due to relocation of such a large number of residents* - Buyout 1C would be no change due to the relocation of such a low number of residents	Indirect beneficial impacts due to potential increase in income, employment, and population/business retention

It is the District's position that this study is significant to Alabama residents and the nation. The area is unique because it was the location of the first evidence of violent racial animus perpetrated on peaceful Civil Rights activist and served as tangible visual evidence of the mistreatment of a minority class of American citizens. This event galvanized the nation to address fundamental human and civil rights for people of color and diverse backgrounds, and lead to the historic landmark signing of the Civil Rights Voting Act of 1965 by then President Johnson.

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The historic landmark and structures along the Alabama River serve as the canvas backdrop to the famed Edmund Pettus Bridge, much like the immediately recognizable New York City skyline prior to the destruction of the Twin Towers, the loss of which has forever changed the face of the famed view-scape of that city, diminishing in some respects its intrinsic value. Similarly, Selma's historic structures are indelibly linked to the bridge and the other historic structures which forms the historic context and view shed of this national/international landmark and are invaluable in their scope and breadth when it comes to their importance to the nation. Preservation of the shoreline and historic building structures ensures that the more than 200,000 world-wide visitors, which has included the last seven Presidents of the United States, that walk across the famed Edmund Pettus Bridge for commemorative events, have the opportunity to walk the same path early activist marched, reflect on their courage, respect their endurance, and protect the sacrifices many made to ensure that the nation lived up to its guiding principles of equal rights and protections for all Americans by showcasing this nation's commitment to democratic ideologies highlighted by the right to vote.

These events generate opportunities for local residents to showcase their art, share their rich culture, and reaffirm the standing principles that changed the lives of many and solidified this nations place as a beacon of hope for many world-wide. The TSP addresses the study problems and provides opportunities for the City of Selma to build on his historic legacy in educating the region, nation, and world as it relates to addressing civil rights and equality for all. It also presents an opportunity for the agency to provide support and strengthen ties to vulnerable, small town communities that are the heart-beat of this nation.

As a standalone plan and even as a combined plan, the TSP does not yield a justified project, however considering other accounts in the justification process constructing this alternative would ensure the continued preservation of Selma's historic landmarks and view-shed structures, provides intrinsic value to the nation in solidifying its role in our civil rights history through it's contribution to standing landmark legislation, and in the stability and quality of the natural and human environment.

To address the Four Planning Criteria, a discussion of the TSP is listed below. A more detailed discussion will be included in the draft report and appendices with supportable data.

- *Acceptable:* Agencies such as the U.S. Park Service, Department of Transportation, and the City of Selma support the plan actions of preserving the historic landmarks along the Alabama River and reinforcement of the areas adjacent to the Edmund-Pettus Bridge. The plan is feasible from a technical perspective as it relates to engineering constructability, has minimal environmental impacts, is legal as there are no policies that restrict consideration of including bank stabilization measures in a flood risk management study, and with ASA(CW) approval of the NED exception to policy would be justified. Additionally, it is institutionally supported by local colleges/universities and other state/local agencies, and the limited buy-out with bank stabilization is socially acceptable to the public.
- *Effective:* The plan addresses the specific flood risk management problems by removing structures inland that receive repetitive flood damages within the flood zone. Additionally, it provides protection of historic structures that sit along the riverbank by armoring the shoreline and providing stability to weakened structural foundations that occur as a result of frequent riverine flooding and inundation processes that can lead to shear bank failure over time. This plan also reduces shoaling downstream by slowing down erosion rates of the bank, for this reach of Alabama River.

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- Efficient: The plan is not identified as a cost effective or justified plan. It does however, provide specific opportunities for regional economic development by providing jobs and a boost to the local economy, considers other social effects by assessing community cohesion and other impacts to the residents of Selma, and protects the Nation’s natural environment along the Alabama River. This plan also provides a good/service by reducing erosion and sediment inputs into the Alabama River, thus potentially reducing the need for frequent dredging activities downstream. There is a need for an ASA(CW) approved NED exception to policy.
- Complete: Regardless of the evaluated benefits, structural buy-out and protection of the bank in Selma, AL is complete and in the public interest and not dependent on any other actions by other entities. The plan addresses the study goals and objectives to reduce flood damages to structures receiving frequent flooding and to provide protection of historic landmarks/structures along the Alabama River by armoring the river shoreline and slowing down potential shear bank failure as a result of natural riverine flood and inundation processes. The plan provides and accounts for necessary investments and actions to ensure realization of the planned flood risk management goals and objectives specific to the TSP.

e. Programs Assessment: From a programming perspective, there is a very low risk associated with the exception request. It does not impact study milestones or the Office of Management and Budget approved list of studies that have approved funding in the amount of \$3 million. The total project cost for construction is approximately \$21,055,000.

f. Real Estate Assessment: Based on the existing study schedule, this request also carries a low risk associated with the completion of a Real Estate Plan. In accordance with 49 CFR § 24.205, relocation assistance shall be planned in such a manner that the problems associated with the displacement of individuals, families, businesses, farms, and nonprofit organizations are recognized and solutions are developed to minimize the adverse impacts of displacement. Such planning, where appropriate, shall precede any action by an Agency which will cause displacement, and should be scoped to the complexity and nature of the anticipated displacing activity including an evaluation of program resources available to carry out timely and orderly relocations.

g. Office of Counsel View: Due to existing and pending Congressional language and intent, specific study authority is not required. While the process of calculating benefits and solutions for damages under an FRM study and that for streambank erosion is different, there appears to be no explicit prohibition to including streambank erosion measures in an FRM study.

The policy for which an exception is being sought was developed by USACE Headquarters Office (HQ). Specifically, in the case of the HQ guidance that directs districts to include appropriate WRDA language and assessment of applicable Planning Accounts (i.e. OSE analysis via national, cultural, and historic significance) to justify projects; and provide recommendations to the ASA (CW)) for exception request for policy waivers.

6. Specific “Policy” Requested to Be Waived: Using the direction provided in Section 6 of the 21 June 2017 Memorandum from the Director of Civil Works entitled, “Furthering Advancing Project Delivery Efficiency and Effectiveness of USACE Civil Works” and inclusion of bank stabilization per WRDA 2018, the District is seeking an exception policy waiver from the (ASA(CW)) to complete the feasibility study as described in paragraph 5 above.

7. Coordination: This request has been coordinated with all appropriate functional offices and subject matter experts.

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SUBJECT: Request Approval for an exception to the U.S. Army Corps of Engineers (USACE) National Economic Development (NED) Policy for the Selma, Alabama Flood Risk Management Study

8. The District point of contact for this action is Ms. Jerica Richardson, Chief of Plan Formulation Team at (251) 690-3411 or email at jerica.m.richardson@usace.army.mil.



TODD NETTLES
Acting Chief, Planning and Environmental
Division

G.2.5. NED Exception Approval from ASA(CW) (June 10, 2020)



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON, DC 20310-0108

SACW

10 June 2020

MEMORANDUM FOR THE COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Selma, Alabama, Flood Risk Management Study, National Economic Development (NED) Exception Request

1. Reference memorandum, CECW-SAD, 15 May 2020, subject as above.
2. I am responding to CECW-SAD memorandum requesting an exception to the policy requiring the recommendation of the plan that maximizes net NED benefits.
3. I approve the requested policy exemption to complete the report based upon criteria under the Other Social Effects account. Upon receipt of the Chief's Report, I will provide my review and recommendation to Congress.
4. If there are any questions, your staff may contact Ms. Andrea Walker, Project Planning and Review at (202) 761-0027.

A handwritten signature in blue ink, appearing to read "R. James".

R.D. JAMES
Assistant Secretary of the Army
(Civil Works)

CF:
DCG-CEO, USACE
DCW, USACE
CECW-SAD

G.2.6. NED Exception Endorsement from Headquarters to SAD (July 16, 2020)



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, D.C. 20314-1000

CECW-SAD RIT

16 July 2020

MEMORANDUM FOR Commander South Atlantic Division (CESAD-PD/
Dr. McCallister), 60 Forsyth Street SW, Atlanta, GA 30303-8801

SUBJECT: Approval for the Selma, Alabama, Flood Risk Management Study, National Economic Development (NED) Exception Request

1. Reference Memorandum from the Assistant Secretary of the Army for Civil Works (ASA(CW)) dated 10 June 2020, subject: Selma, Alabama, Flood Risk Management Study, National Economic Development (NED) Exception Request.
2. Per the referenced Memorandum, the ASA(CW) approved the requested policy exception to complete the report based upon criteria under the Other Social Effects (OSE) account. The following analyses are required to inform plan formulation and to support the selection of a least cost plan as the tentatively selected plan (TSP).
3. The 8th Ward Residential Neighborhood. The exception request lacked a qualitative evaluation on the likelihood of loss of life or any documentation supporting historical floods that could have led to loss of life. The exception request did not discuss residual risk and how that would be managed through the floodplain management plan. Both factors result in an incomplete formulation of plans needed to identify the least cost alternative and address the OSE consequences, in accordance with the 1983 Principles and Guidelines for Water and Land Related Resources Implementation Studies. Based on a qualitative assessment of the velocity and depth of flooding from inundation maps and the nature of the floodplain, the review team believes evacuation may be the least cost option if given reasonable warning times. The review team believes that an evaluation of Selma's floodplain management plan/emergency evacuation plan could result in identifying cost effective alternatives to reduce OSE through evacuation planning.
4. The Historic Downtown. The proposed TSP includes river embankment stabilization via a retaining wall to protect historic buildings in the downtown area adjacent to the Edmund Pettus Bridge. Stream bank stabilization can be considered in the formulation of a project for Selma in accordance with Section 1203 of WRDA 2018. It needs to be demonstrated that the recommended plan is the least cost plan to mitigate the erosion. That analysis has not been completed and it was not discussed in the exception request. The approach to formulating a project under Section 14 of the Flood Control Act of 1946, as amended, could be applicable to the Selma study. For Section 14 investigations, the formulation and evaluation of alternatives focus on the least cost alternative solution. The least cost plan is justified if the total costs of the proposed

CECW-SAD RIT

SUBJECT: Request Approval for the Selma, Alabama, Flood Risk Management Study,
National Economic Development (NED) Exception

alternative are less than the costs to relocate the threatened facility. The monetary cost of relocation of the structures, and the potential impacts to historic resources including the view shed should be analyzed at an appropriate level of detail to determine the costs of relocation.

5. In accordance with Planning Bulletin 2018-01, Feasibility Study Milestones, dated 26 September 2018, the milestone decision making authority for the Selma study and the approval of the feasibility report will now reside at Headquarters, U.S. Army Corps of Engineers. Questions regarding this matter may be directed to Wesley E. Coleman, Jr., Chief, Office of Water Project Review, at (202) 761-4102.

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Date: 2020.07.16 14:48:06 -0400

STACEY E. BROWN, PMP
Chief, Planning and Policy Division
Directorate of Civil Works