NAVIGATING POLICY AND LEGAL COMPLIANCE REVIEW

(REVIEW MANAGER SOP WEBINAR PART 3)

Planning Community of Practice Webinar 24 July 2025

Presenters:

Judy McCrea (OWPR)
Kendall Zaborowski (OWPR)
Chris Bouquot (OWPR)
Dan Hughes (NWD / POD RIT)
Jennifer Ryan (MVD)









US Army Corps of Engineers. WHICH BEST DESCRIBES YOU? (PICK ONLY ONE)

1

Review manager (past or present)

2

P&LCR team member (but never been RM) 3

I respond to P&LCR comments

4

I'm involved in other tasks in the RM SOP (not covered by 1-3) 5

I don't know
(yet) how the
SOP is
relevant to me

WEBINAR TOPICS

RM SOP Contents

1. Evolution of P&LCR roles and responsibilities

May 29

2. Dos and Don'ts - Study initiation → Final report submittal

July 24

- Dos and Don'ts Final report review → Chief's Report
 Additional best practices / pitfalls
 - 3. MSC review manager perspective



US Army Corps of Engineers. PRESENTERS AND ROLES

MAY 29

Judy McCrea Plan Formulation Reviewer Office of Water **Project Review**



Kendall Zaborowski Plan Formulation Reviewer Office of Water **Project Review**



Chris Bouquot

Economics Reviewer Office of Water **Project Review**





Dan Hughes Senior Planner NWD / POD Regional **Integration Team**



Jennifer Ryan Senior Archaeologist & Tribal Liaison Mississippi Valley Division



WHY DOES USACE CONDUCT THE POLICY AND LEGAL COMPLIANCE REVIEW?

PROVIDE DECISION QUALITY ASSURANCE (DQA) FOR THE RECOMMENDATIONS OF THE CHIEF OF ENGINEERS.

DQA = Process that ensures that decisions account for objectives, risks, implications, and agency and governmental regulations (NIH Office of Management, 2025).

For USACE, this means:

• The P&LC serves as an independent, unifying voice that validates that the work falls in line with laws, Executive Orders, and other directives governing the development of water resources solutions.

Why does USACE need a unifying voice?

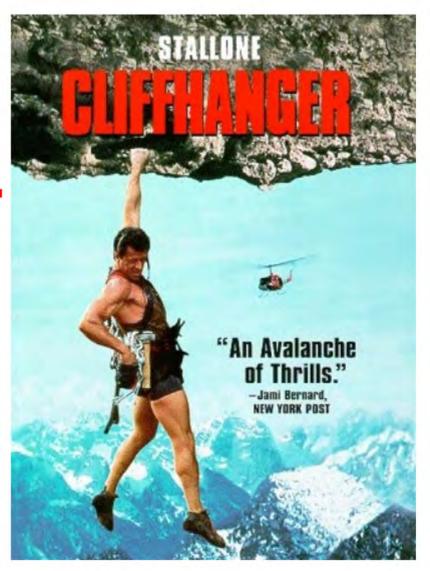
The Board of Engineers for Rivers and Harbors was created in 1902 by Congress to address inconsistent treatment of proposed river and harbor projects by Corps officers reporting from across the country and to ensure that all localities and projects were treated fairly before recommending approval or disapproval. The Board reviewed most of the Corps' planning studies for civil works projects until 1992.



WHEN WE LAST LEFT OUR HEROES....

- 1. Formation of the P&LCR Team
- 2. Between study initiation and TSP
- 3. Review of draft document
- 4. Between Draft and Final Report
- 5. During Command Validation Milestone
- 6. Between CVM and Final Report
- 7. Review of the Final Report
- 8. IEPR: Agency Response
- Chief's Report (CR) or Director's Memorandum/ Report (DM/DR)
- 10. State & Agency review
- 11. After State & Agency Review
- 12. After Chief's Report Signing

We are here





7 – REVIEW OF THE FINAL REPORT

Tasks are similar to those for draft report but include:

- Ensure P&LCR team review of the Draft Agency Response to the IEPR and facilitating finalization
- Owning the Chief's Report (CR) or Director's Memorandum / Report (DR)*
- Initiation of the State & Agency Review
- Coordinate with RIT on CR or DR schedule expectations.
- Drafting the Documentation of Review Findings (DoRF)



7 – REVIEW OF THE FINAL REPORT



DO:

- Become the "Master of the Comments"
- Contact the P & LC review team (e-mail, meeting, carrier pigeon, etc.) and follow up with anyone who does not respond.
 - Send out the documents, clearly list the deadline, and include four-part comment structure if team is new-ish.
- Continue drafting the Documentation of Review Findings (DoRF) (mentioned in Step 6). This will need to incorporate the S&A comment summary after S&A is complete.
- Ensure the report has the correct decision authority

DON'T:

- Close comments without checking with the reviewer.
- Don't refrain from making substantive comments on the Final Report if something is not correct (there is no shot clock on finding a substantive issue).



8 - IEPR: AGENCY RESPONSE

Remember that this is drafted by the District but written in the voice of the Chief of Engineers and USACE – not of the District or PDT. PCX IEPR Lead conducts QC.

RM and P&LC will work closely with the RIT – they will review responses for proper tone, technical level, and length. Audience is primarily congressional staffers, project stakeholders, and the public

Responses should clearly identify the actions taken or actions to be taken as well as where changes were made in Final Report documents

Agency responses must summarize the longer technical PDT responses

Draft Agency Response (not PDT's response to the panel) is provided with Final Report submittal package. Director of Civil Works or the Commanding General will approve and sign the Agency Response

Link to IEPR SOP: https://planning.erdc.dren.mil/toolbox/library/Misc/IEPR%20SOP_FINAL_2022-04-21.pdf

Remember to retain funding for finalizing Agency Response



Planning & Review Closeout Acquisition Execution Notice to IEPR Contract Project Initiation Closeout Formal Agency Review Plan Response Development Create IEPR Appendix Coordination Performance Complete IEPF Contract Award Respond to Senior Leader

Figure 2. IEPR Process Diagram

8 – IEPR: AGENCY RESPONSE

Do:

- Continue to be a Master of Comments. In other words, be aware and have in depth knowledge of the key issues brought up by the IEPR and the responses generated by the PDT.
- Incorporate IEPR comments into the Documentation of Review Findings (DoRF).
- Check out Appendix E of the Type I Independent External Peer Review – Standard Operating Procedures

Don't:

Work in a bubble

9 - CHIEF'S REPORT (CR) OR DIRECTOR'S US Army Corps of Engineers REPORT / MEMORANDUM / (DR / DM)

Until final routing to Chief/ DCW for approval, the P & LC RM owns the CR, DR, or DM.

RM should provide a "final" draft CR at least one day prior to the S&A Briefing. The draft will be fully reviewed by the P&LCR team, HQ Counsel, and Real Estate (RE). The RM should inform the Chief of OWPR if the final Draft Chief's Report is not ready time; the Chief of OWPR, at their discretion, may choose to delay the briefing.

The RIT is the action officer for any project leading to CR, DR, or DM and should always be included on any transmittals and discussions.

CHANGE NOTIFICATION

OWPR now recommends the PDT draft the initial CR, DR, or DM (this is different what is listed in the SOP). However, subsequent drafts are the responsibility of the RM / OWPR.



9 - CHIEF'S REPORT (CR) OR DIRECTOR'S REPORT / MEMORANDUM/ (DR/DM)

DO:

- Encourage the PDT to begin drafting the proposed CR or DR/M based on the appropriate template as early as possible. Templates for the CR, DR, or DM are available on the Planning Community Toolbox (https://planning.erdc.dren.mil/toolbox/index.cfm).
- Coordinate with PDT, P&LC Review Team, and every other acronym within USACE.
- Delve into all the review products (DQC, ATR, P&LCR, IEPR, S&A) to put the relevant concerns within the document.
- Ensure the CR/DM/DR details match the final report.

DON'T:

- Expect zero changes will be made to the draft.
- Assume changes are personal.

What document asks for new Congressional authorization?

- A) Director's Memo
- **B) Chief's Report**
- C) Director's Report
- D) Tiddlywinks Report





10 - STATE & AGENCY REVIEW

If the study leads to a Chief's Report, the Review Manager is responsible for overseeing the S&A Review process.

Review Manager should begin drafting the Documentation of Review Findings (DoRF) while S&A Review is being conducted.



10 - STATE & AGENCY REVIEW

DO:

- Ensure the PDT / District has set up a website for the state and agencies to find the documents.
- Encourage PDT to work with the Public Affairs Office and notify Commanders of posting.
- Talk to District tribal liaison to ensure Tribal contact list is correct and not overwhelming tribal contacts.
- Coordinate the S&A mailing list with the RIT and Office of Project Water and Review (OWPR)
 - Suggestion: Work from list for recent project if possible

DON'T

- Use a NEPA mailing list for the state and agency mailing list
- Forget to check the e-mail account set up by OWPR Programming Assistant throughout the S&A review period!



11 – AFTER STATE & AGENCY REVIEW

- If comments are received-draft responses and route for signature.
 - Work with District to incorporate any needed changes to the report.
- Lead IPR if significant comment received to discuss path forward.
- Finalize the PGM if not already complete
- Develop the Documentation of Review Findings (DORF)
- Chief of OWPR will sign the DORF.
- Finalize the DORF and Send to the RIT.
- Finalize Chief's Report and send to RIT.

Don't:

 Procrastinate. Final Documents are #1 priority.

TIPS:

- ✓ The sooner we get all this finalized the sooner the RIT can start routing.
- ✓ While routing at HQ be prepared to participate in ad hoc Senior Leader meetings to clarify questions or concerns.
- ✓ All materials to be completed 30 days before Chief's report signing.



AFTER STATE & AGENCY REVIEW

- Final report package will start routing at HQ.
 - Additional comments may come in from reviewers.
- While routing of Chief's Report Package
 - Request for additional briefing to Senior Leaders.
- Brief DCG
- Chief's Report briefing (District Commander)

TIPS:

- ✓ Update cost and economics to current FY across <u>ALL</u> products, not just the final report
- ✓ Be prepared to respond to requests for information as things can move quickly at this stage.



COORDINATION LEADING TO A CHIEF'S REPORT

Review

Manager/RIT

briefs OWPR

Chief

Post State & Agency Review:

- Continue to work Final report package.
- Finalize the DORF
- Finalize the Chief's report.
- Review all materials!

4 months from final report to Chief's Report.

State & Agency Review of Proposed Chief's Report

Chief's Report Signing



✓ Stay connected with your RIT Planner.

Briefings for DCW & DCG-CEO

District Commander briefs Chief of Engineers





US Army Corps REPORT PACKAGE CONTENTS

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CHILF 3 KLFOKT FACKAGE.
Final integrated feasibility / NEPA report with appendices
Report summary (include map, schedule with accurate dates,
congressional delegations for study area, BCR at 7% discount
rate.
Project Briefing slides for OMB.
Placemat
Unsigned ROD or FONSI (in required format)
Peer and Legal Review certifications (and reports)
Cost certification and Total Project Cost Summary
Agency Response to IEPR (or waiver)
State and Agency review summary and letters
Documentation of Review Findings
Any applicable project specific implementation guidance or
policy waivers
Non-federal sponsor's signed letter of support and financial
self-certification
Final Chief's Report
Committee Chairs and Congressional notification letters

DIRECTOR'S REPORT PACKAGES:

- Includes the same information as the Chief's Report Package except:
 - ☐ It does not include State and Agency review summary and letters
 - ☐ Includes draft Director's Report

Tip:

Documents are read by Senior USACE leaders, OASA(CW), and OMB. Make sure that documents are consistent, accurate, and concise. These leaders and Agencies are making decisions concerning your project.

US Army Corps of Engineers. PROJECT PLACEMATS

Self-briefing, stand-alone product:

- What is the problem being addressed?
- Why does the problem need to be fixed?
- What is the solution?
- Compelling reasons OMB should support the project – be clear!
- Clearly label and number project features

TIPS:

- ✓ Make sure the numbers are consistent with other Chief's Report documents
- Do not provide planning details (e.g., opportunities, and constraints; alternatives analysis).
- ✓ Use clear images and label features!
- ✓ Effective project placemats featuring compelling reasons will greatly help your projects get through these reviews!!!
- Request examples from your RIT planner or review manager.

Akutan Harbor Navigational Improvements Feasibility Study

Akutan, Alaska



Project Overview



Existing Conditions at Akutan



THE RECOMMENDED PLAN - ALTERNATIVE 4

Restoration and Recreation Features of the Recommended Pla



- Engineering with nature principles will be applied, including engineered riffle structures for grade control and fish passage, and root wads from existing trees will be integrated into the engineered structures in the waterway for

Alternative 4 was identified as the National Ecosystem Restoration (NER) Plan and the Comprehensive Benefits Plan

- Most efficiently achieves restoration and connectivity goals while maintaining sediment transport capacity resulting in lower operation and maintenance (O&M) costs. Lower risk than other alternatives of impacting FRM performance
- More compatible with existing land use with fewer traffic and real estate impacts

FRM PERFORMANCE:



include detailed sediment transport modeling to refine the design. Subsurface investigations relies on existing data and is at 20% design maturity. Survey data relies on existing LiDAR and City data and is at 40% design maturity. Aggregate

COST & SCHEDULE RISKS:

- Defined Acquisition Strategy: Estimate assumes a two-step Invitation for Bid (IFB). Changes to the strategy may impact cost estimates.

- is required to perform as a creditable LERRD or pay USACE in advance. Construction Schedule: A detailed construction schedule was developed

PROJECT COSTS

roject First Costs (FY25, 80% confidence interval): \$78,449,000



11 - AFTER STATE & AGENCY REVIEW

Director of Civil Works and Deputy Commanding General for Civil and Emergency Operations Briefing

- Typically led by the District Commander
- RIT is responsible for scheduling
- Review Manager, P&LCR team and RIT attend

Max 30 days between both briefings

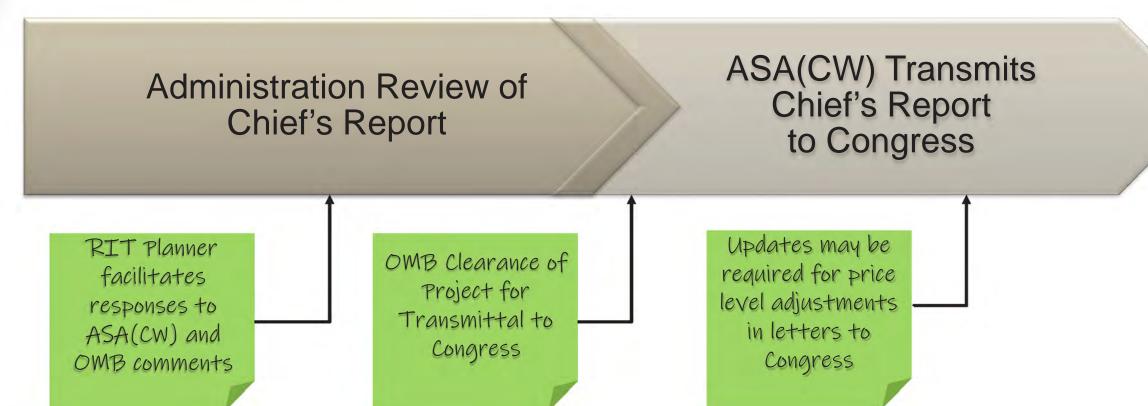
- Chief of Engineer's Briefing
- Conducted by the District Commander
- Coordinated by the RIT and scheduled by the Chief's office based on approved P2 dates
- Review Manager will attend along with the Chief of OWPR



US Army Corps of Engineers. NOW YOU HAVE A SIGNED CHIEF'S REPORT

Administration Review:

- Approximately 4-5 months after final feasibility study is submitted for review.
- Final Chief's Report submitted to ASA(CW) for review and OMB clearance.
- ASA(CW) approves signing of the Record of Decision (ROD) or Finding of No Significant Impact (FONSI).
- Errata Sheets may be required if edits are required.



12 - AFTER CHIEF'S REPORT SIGNING

RIT will send relevant documents to ASA(CW) and Congress

RIT will address any questions from ASA(CW) and/or OMB, coordinating with the Review Manager, P&LCR team and PDT as needed



US Army Corps ADMINISTRATION REVIEW

ASA(CW) Review

- > ASA(CW) will review the entire report!
- RM and RIT may be asked questions on Chief's/ Director's report.
- > Errata Sheets may be required.
- District Commander may be given the goahead to execute FONSI upon completion of their review.
- ASA(CW) submits the entire report to OMB for review.

OMB Review

- > Review the entire report
- May or may not request a briefing (OMB briefing slides and placemat very important).
- Sends questions to ASA(CW) who transmits them to the RIT – District assists with response if needed.

Remember ASA Staff should be invited to all milestone meetings. This helps with project review in the end.



TIP:

- ✓ The ASA(CW) and OMB review

 the entire report clean, clear reports help!!!
- ✓ District should reserve funding to respond to comments



12 – AFTER CHIEF'S REPORT SIGNING

Do:

- Clean up all files.(i.e. version control and decisional emails)
- Coordinate with RIT to ensure all signed documents are stored at HQ.
- Ensure final documents are posted properly.
 - Final ROD or FONSI will be posted after signing.

Don't:

- Do NOT assume that we will remember a decision on project.
- Do not toss out or delete the official record of the project.



TIP:

✓ Consistent file storage is key for future inquiries!



WHAT HAPPENS IF YOU HAVE A DIRECTOR'S REPORT?

US Army Corps of Engineers

HQ Review and Processing:

- Approximately 2-4 months after final feasibility study is submitted for review.
- No S&A Review required.
- 30-day NEPA cooling off period if EIS.
- Director of Civil Works may or may not request a briefing.
- Director of Civil Works signs the Director's Report.

Administration Review:

- Signed Director's Report submitted to ASA(CW) and then OMB for review.
- ASA(CW) approves signing of the Record of Decision (ROD) or Finding of No Significant Impact (FONSI).
- ASA(CW) transmits to Congress.



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

CECW-POD

29-Nov-2022

MEMORANDUM FOR Assistant Secretary of the Army (Civil Works)

SUBJECT: Final Report for the American Samoa Post-Disaster Watershed Plan, dated July 2022

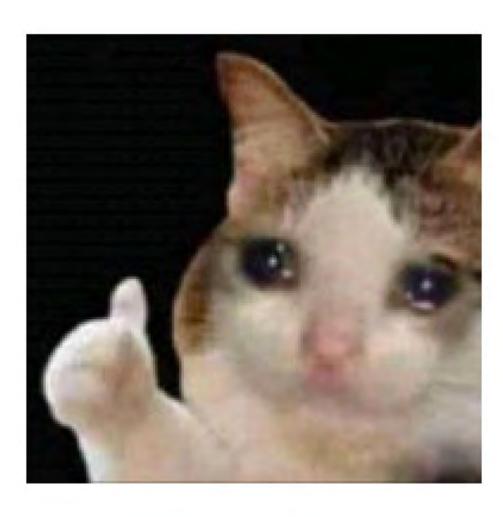
- Reference CEPOD-PDC memorandum (American Samoa Post-Disaster Watershed Plan), 13 October 2022.
- 2. The purpose of this memorandum is to notify the Assistant Secretary of the Army for Civil Works of the American Samoa Post-Disaster Watershed Plan and conclusions. In response to the study authority, I am requesting that the watershed plan be transmitted to Congress for information. The final water shed study is posted on the public website. https://www.poh.usace.army.mii/American-Samoa-Watershed-Assessment-Plan/
- 3. The study was completed under Section 729 of the Water Resources Development Act of 1986. The study is a comprehensive study that applies watershed planning concepts to provide recommendations both within and outside of United States Army Corps of Engineers (USACE) authorities that will help to rehabilitate and improve the resiliency of damaged infrastructure and natural resources, reducing risks to human life and property from future natural hazards in American Samoa. The study assessed the drivers of economic, social, and environmental risks through engagement with the public and other federal and territorial agencies, subject matter expert consultation, and research with the most recent reports available.
- All policy and legal compliance concerns have been addressed. Please address
 questions to Steven Kopecky, Deputy Chief, Pacific Ocean Division Regional Integration
 Team, at (202) 761-4527 or steven.kopecky@usace.army.mil.

BELK.EDWA Digitally signed by BELK.EDWARO.E.JR.1 230784031 Distr. 2022.11.29 0843:21-0500

EDWARD E. BELK, JR. P.E. Acting Director of Civil Works



TIPS FOR EVERYONE



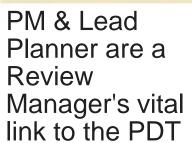


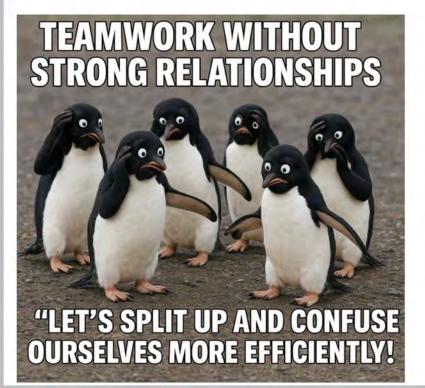


RELATIONSHIPS FOR REVIEW MANAGERS



PDT







MSC

Chief

DST is your main MSC POC, so get to know them – don't forget to include them on correspondence and meetings
MSC Planning



HQ – RIT & OWPR

RIT is the guide to process and will be your Battle Buddy throughout; coordinate <u>often</u> with RIT

OWPR = Policy Experts



ATR Lead

Working on comment discrepancies

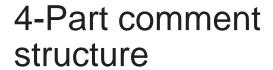




BEST PRACTICES: COMMENTS & RESPONSES



Reviewers



Substantive comments on the Final Report

Proposed a path(s) to resolution

Back-checking



Review Managers

Combine duplicative comments

High significance comments

Reviewing comments and ensure you understand them



PDT

Avoid defaulting to non-concur Full comment response



BEST PRACTICES – ISSUE RESOLUTION

Best practice to have the following IPRs facilitated by the RM:

- before the CVM
- before submittal of the revised final report

Make calls - if there seems to be a misunderstanding of a comment or a response, a call can often resolve it.

Don't be afraid to elevate

Document due-outs; know who has the ball in their court and what the next steps will be – don't get caught in decision/resolution limbo



DISCUSSIONS CAN RESOLVE ISSUES

Reviewer

- When: Prior to writing a comment.
- Why: To seek clarification or additional information to better identify or describe a potential concern.

PDT Member

- When: Prior to writing a response.
- Why: To seek clarification about a comment OR if the PDT member does not agree with the comment.

Reviewer

- When: During comment backcheck.
- Why: To seek clarification about the response or to resolve disagreement.



BEST PRACTICES: STAYING ORGANIZED

Spreadsheets are helpful in organizing lists of team members and can also organize comments and responses, steps taken & dates, email traffic and dates, S&A information, etc.

Create an email contact that includes P&LCR members, PCX, RIT, DST, pertinent OWPR

Spread knowledge – regular meetings with fellow Review Managers

Develop a standard method for yourself to help with version control





TRES RIOS - SCHEDULE TO DIRECTOR'S

US Army Corps of Engineers REPORT

TRES RIOS VALIDATION REPORT STUDY SCHEDULE		
	START	FINISH
Complete Draft Report for DQC	9/18/2023	11/10/2023
Complete DQC of Draft Report	11/6/2023	11/24/2023
Submit Draft Report Package for Concurrent SPD QA, ATR, & P&LCR *	11/27/2023	11/27/2023
Concurrent SPD QA, ATR, P&LCR Review of Draft Report (1) -	11/27/2023	1/12/2024
Hold Review Kick Off Meeting for ATR & P&LCR Teams	11/27/2023	11/27/2023
Review Period/Submit Comments (4 Weeks for PGM)	11/27/2023	12/21/2023
PDT Response Period	12/22/2023	1/5/2024
Backcheck/Comment Close Out (1 Week)	1/8/2024	1/12/2024
Complete Additional Analysis & Updates for Final Report Submittal	1/15/2024	1/19/2024
Complete DQC of Draft Final Report (Includes DQC Cert)	1/22/2024	1/26/2024
Submit Draft Final Report Package for ATR (2)	1/29/2024	1/29/2024
Review Period/Submit Comments	1/29/2024	2/9/2024
PDT Response Period	2/12/2024	2/16/2024
Backcheck/Comment Close Out/ATR Certification (Incl Cost Cert)	2/19/2024	2/28/2024
Submit Final Report Package for SPD QA & P&LCR ** (3)	2/29/2024	2/29/2024
Review Period/Submit Comments (4 Weeks for PGM)	3/1/2024	3/29/2024
PDT Response Period (4)	4/1/2024	4/5/2024
Backcheck/Comment Close Out (2 weeks) (5)	4/8/2024	4/19/2024
MSC Transmittal of Final Report Package to HQUSACE (2 weeks) (6)	4/22/2024	5/3/2024
HQ Final Report/Director's Report Processing (7)	4/22/2024	5/31/2024
DCW Signs Director's Report (Needs to be signed by 31 May 24)		5/31/2024

*	* Draft Report Submittal Items				
	Draft feasibility report with all appendices				
	DQC documentation				
	List of District Quality Control (DQC) team members with description of what they reviewed				
	List of any significant DQC issues and/or comment-response records				
	Legal Sufficiency review/cert				
	Confirmation that no new NEPA was required/conducted for this validation study				

** Final Repor	rt Submittal Items	
District Co	mmander's Transmittal Memo	
Final Repo	rt signed by District Commander	
Cost Cert a	nd TPCS	
Document	ation and certification of DQC and ATR	
District Leg	gal Cert	
Briefing Sli	des	
Placemat		
PGM	ADD: NFS LOS, NFS Self Cert of Financial Capability (4/23/24)	
Report Sur	nmary	
Signed Fina	al Report Checklist	- 7

- (1) Need Review Plan Approval prior to Initiating ATR of Draft Report. RP will ID required reviews, durations, and review disciplines. SPD as the RMO is identifying an ATR lead at this time.
- (2) ATR for the Final Report may be limited/focused based upon those elements of the report that were changed from the Draft Report
- (3) Recommend IPR with P&LCR Team prior to Final Report review to go over changes made to address comments on Draft Report
- (4) May need more than 1 week for PDT response, since response needs to include any required report revisions (not just a response).
- (5) Time required depends on whether substantial report revisions required by response to comments. One week for Initial Backcheck for Responses. Additional week for review of any revisions.
- (6) Intiate after completion of Backcheck/Close Out of P&LCR. Completes two weeks after initiation.
- (7) Includes time to complete/review/route DORF & Director's Report. Need signed DORF and MSC Approval memo before routing of Director's Report.



BRIEFINGS AND MILESTONE MEETINGS

Don't get caught off guard <u>- you will likely get</u> <u>called on during</u> milestone meetings!

Pre-briefs for decision makers

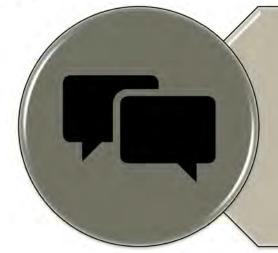
CVM: Review Manager is required participant

Design Maturity Sensitivity Analysis Aggregation Modeling RE Easements

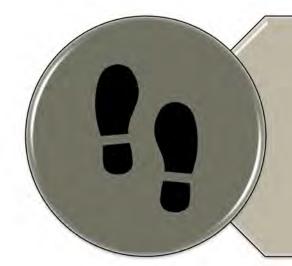
The Review Manager represents the P&LCR team.



WRAPPING UP / IN THE CHAT BOX...



Share something you learned today



Identify something that needs more clarity

DISCUSSION

