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APPENDIX H
POLICY COMPLIANCE REVIEW AND APPROVAL
OF DECISION DOCUMENTS

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Note: The HQUSACE, Civil Works Policy and Policy Compliance Division web site <http://www.usace.army.mil/cw/cecw-p/index.html> and the EKO web site should be consulted as needed for updated exhibits and other guidance.

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APPENDIX H

Policy Compliance Review and Approval of Decision Documents

H-1. Purpose. This appendix prescribes policy compliance review and approval procedures for the following decision documents: section 905(b) analyses, feasibility reports, limited and general reevaluation reports, post authorization change reports, and other reports supporting project authorization or budget decisions. This appendix applies to specifically authorized projects and programs, but does not supersede any requirements contained in the authorizing language for those projects and programs. Appendix F addresses requirements for the Continuing Authorities Program (CAP) projects. Separate guidance addresses the peer review requirements for the various decision documents and their supporting analyses (the phrase “peer review” in this appendix includes both Independent Technical Review and External Peer Review). ER 1165-2-502 addresses requirements for decision documents with review and approval authority delegated to the Major Subordinate Commands (MSCs).

H-2. General Requirements. Decision documents are prepared to document project evaluations and facilitate acceptance of the study conclusions and recommendations by the sponsor, public, state and local agencies, and the Federal government. Peer, policy, and legal compliance reviews are an integral part of the process for defining a justified and acceptable project and developing the appropriate and necessary decision and implementation documents. Approvals or decisions to forward recommendations to higher authorities occur only after peer, policy, and legal compliance reviews determine that the proposed study or project complies with existing professional practices, Administration policy, and Federal law.

a. Objective. The objective of policy compliance review is to: (1) confirm that the appropriate water resource problems and opportunities have been addressed; (2) confirm that the recommended solution warrants Corps participation, is in accord with current policies, can be implemented in accordance with environmental laws and statutes, and has a sponsor willing and able to fulfill the non-Federal responsibilities; and (3) appropriately represents the views of the Corps of Engineers, the Army, and the President. This review process is critical to achieve corporate agreement at all levels in the Corps of Engineers on the recommended project and to assure the non-Federal sponsor that the study will lead to District recommendations that HQUSACE will support and ASA (CW) and OMB will likely support. The review process is integrated with the report development process to avoid and minimize rework and delays that would likely occur if reviews were deferred to the tail end of the study phase.

b. Scope. Policy compliance review (1) determines the acceptability of the recommended plan and the supporting analyses, including the decision factors, criteria, assumptions, and methods used to select and define the recommended plan, the extent and nature of Federal interest, project implementation responsibilities, and related issues; (2) ensures a uniform application of policy and procedures nationwide; (3) identifies policy issues that must be resolved in the absence of established guidance or where judgment plays a substantial role; and

(4) ensures that the proposed action is consistent with the overall goals and objectives of the Civil Works program. Although policy compliance reviews do not routinely delve deeply into technical analyses, they may when necessary to determine the sources of apparent inconsistencies or counterintuitive results, or to simply confirm sensitive issues were handled appropriately.

c. Focus. Policy compliance review focuses primarily on the plan formulation, economic, environmental, social, cost sharing, legal, and real estate aspects of proposed solutions and significant alternatives. Engineering and life safety aspects are considered as well as other aspects known to be important to the decision-making process of the Chief of Engineers and the ASA(CW). The reviews consider the views expressed by interested parties at or in response to public reviews, meetings, and workshops. Reviews may also address the application of budget criteria and the appropriate approval of project implementation documents.

d. Roles and Responsibilities. Final policy and legal compliance reviews are performed by HQUSACE, unless this responsibility has been delegated. Policy and legal compliance are also critical parts of the District and Major Subordinate Command (MSC) QA/QC responsibilities. Each reporting officer is responsible for assuring that his/her decision document complies with all applicable statutory and policy guidance prior to forwarding the document to higher authority. General roles during the decision document review and approval process are described in the following paragraphs:

(1) Vertical Team. A key for success is early and continuous involvement by the entire vertical team, which includes key personnel from HQUSACE, MSC, District PDT, non-Federal sponsor, and ASA(CW). The District and MSC are encouraged to seek additional vertical team assistance or reviews whenever needed. Open, proactive, and positive communication enables early identification and resolution of concerns so delays may be avoided or minimized. Vertical teams are encouraged to communicate frequently with short and well-focused meetings, preferably face-to-face. Team members are encouraged to continually improve communication methods, such as more effective use of the internet, consistent with the needs and capabilities of the participating offices. The HQUSACE Planning Community of Practice (CoP) will develop and maintain the Planners Web Site to share key information, documents, and tools, such as the Civil Works Review Board (CWRB) schedule, CWRB After Action Report (AAR), and links to completed planning documents.

(2) Legal Review. District and Division Counsel are responsible for ensuring the legal sufficiency of each decision document. Legal review involves a critical examination of the decision document to ensure compliance with applicable laws, policies, and regulations. Legal review should begin early in the study process so that issues are identified and addressed promptly, with elevation to higher authority as appropriate. Legal certification is required prior to release of the draft decision document for public review, and legal review must continue as the final report is developed, with specific focus on changes in the decision document.

(3) Districts. Districts must ensure that their decision documents have been fully read by the project manager to ensure an integrated product wherein the main report is consistent with

the appendices. Districts review their products during product (report) development and engage independent and/or external reviews at key points to ensure technical, policy and legal compliance based on prior published guidance. The PDT is responsible for project success and for delivering a quality product in accordance with ER 5-1-11. District Engineers are responsible for ensuring the quality of their decision documents and fully documenting the quality control and quality assurance (QA/QC) actions, including technical, policy and legal compliance. Districts are responsible for developing documents in accordance with the procedures and policies set forth in all USACE engineering regulations and circulars. Districts are responsible for identifying policy-sensitive issues to the MSC for vertical team action as early as possible and, when warranted, will request waivers from policy and guidance through the MSC, Regional Integration Team (RIT) and ASA(CW) (see paragraph H-2g below). The leader of the District Planning CoP is responsible for certifying the policy compliance of each decision document by signing the peer review certification. District Counsel is responsible for the legal review of each decision document and signing a certification of legal sufficiency. Once the District submits a report to higher authority for review and approval, the District is responsible for providing briefings and supplemental information as needed to assist the review and approval process.

(4) Major Subordinate Commands (MSCs). MSCs (also referred to as Divisions) perform quality assurance and are responsible for vertical and horizontal coordination in accordance with ER 5-1-11. They provide on-going technical, policy and legal compliance support to their districts. Each MSC will establish a quality assurance program that ensures quality decision documents in accordance with technical, policy and legal requirements. Quality assurance is to be achieved through early, continuous involvement in the process. The MSCs will identify and refer policy-sensitive reports to the RIT and coordinate/facilitate the vertical team resolution of issues arising during the study, particularly in policy review actions. The MSCs generally host Feasibility Scoping Meetings (FSMs), Alternative Formulation Briefings (AFBs), other issue resolution conferences (IRCs) and in-progress reviews (IPRs). The MSC Planning Chiefs are responsible for documenting quality assurance for all planning phase products and for ensuring the resolution of all technical, policy, and legal issues. Division Engineers are responsible for ensuring policy and legal compliance, and documenting technical, policy and legal compliance for decision documents that have been delegated to MSCs for review and approval in accordance with ER 1165-2-502. MSC Counsel will support the District efforts to ensure the legal sufficiency of decision documents and help facilitate the early-on vertical team resolution of legal issues.

(5) HQUSACE. HQUSACE reviews products at various points in the planning phase to confirm policy and legal compliance, and ensure nationwide consistency. The HQUSACE team assists the MSC and PDT throughout the project delivery process. HQUSACE is responsible for establishing technical, policy, and legal compliance requirements for specific projects, and providing final compliance documentation for Washington-level decision makers, generally the Chief of Engineers, ASA(CW), OMB, and Congress. The HQUSACE team is responsible for confirming the policy and legal compliance planning products; supporting the resolution of issues requiring HQUSACE, ASA (CW) or OMB decisions; continuously evaluating the overall project development process, including the peer review and policy compliance processes

(including responsibilities delegated to MSCs); and recommending appropriate changes when warranted. Key HQUSACE roles include:

(a) Regional Integration Teams (RITs), Civil Works and Military Programs Directorates, HQUSACE. RITs, as project execution team leaders, serve as the designated point of contact for all civil works activities, represent the MSC and District in Washington, and receive all official correspondence. Each RIT is responsible for the various planning management actions necessary to process decision documents to the appropriate and ultimate decision maker, usually the Chief of Engineers, the ASA(CW), or the Congress. This includes facilitating timely Washington-level processing of decision documents, advising the field on Washington-level processes and the status of actions in Washington, leading the resolution of policy and planning issues, consulting with the field, coordinating ASA(CW) participation in issue resolution conferences, checking District and MSC submittals for completeness, and issuing project guidance memoranda.

(b) Office of Water Project Review (OWPR), Policy and Policy Compliance Division, HQUSACE. OWPR (aka CECW-PC) performs HQUSACE policy compliance reviews for decision documents for projects requiring new authorization or modification of existing authorizations, and other decision documents that MSCs can not approve under delegated authority (see ER 1165-2-502). OWPR assists vertical teams throughout the study process to identify and resolve issues early so that final reports can be approved or cleared in a timely manner by HQUSACE, ASA(CW), and OMB as needed. OWPR participates with the RITs in IRCs, IPRs and other efforts to resolve outstanding issues. OWPR is also responsible for documenting and/or ensuring that the Districts document the resolution of peer review issues. OWPR, with the RIT planner, also schedules and arranges the District Engineer presentations of final reports to the CWRB. HQUSACE policy compliance review teams include members from the HQUSACE Office of Counsel and the Real Estate, Engineering and Construction, and other CoPs as needed. The Policy Branch (CECW-PB) and the Planning CoP assist as needed to help resolve issues, clarify existing policies and procedures, and to adapt or develop policies and procedures when warranted. OWPR will appoint a review manager for each arriving decision document to lead the review team and serve as the team's point of contact. The review team's coordination with the vertical team will generally be conducted through the RIT planning manager.

(6) Office of the Assistant Secretary of the Army (Civil Works). ASA(CW) has oversight responsibility for assuring that the authorization, implementation, and budgeting of projects is consistent with applicable laws and policies. As appropriate, ASA(CW) will be involved in resolving policy issues and approving exceptions to or waivers of policy. For certain proposals ASA(CW) may be directly involved in the policy compliance review and may choose to participate in IRCs and IPRs.

e. Review, IRC and IPR Procedures. General procedures and requirements for HQUSACE policy/legal compliance reviews, IRCs and IPRs are presented in Exhibit H-1. Further requirements for FSM, AFB, and draft and final report reviews are addressed below.

f. Issue Papers. District planning elements are expected to be knowledgeable of water resources policies and procedures and to apply that knowledge, including basic research of USACE guidance, before elevating issues to higher authority. When a District or MSC identifies a policy or procedural issue or uncertainty during the planning phase that warrants HQUSACE assistance, the District will prepare an issue paper that concisely describes the issue, the desired outcome, and any pertinent background information; identifies applicable guidance, interprets the guidance; and recommends a solution or course of action, if possible, for HQUSACE review. Issue papers involving legal concerns should be supported by a legal opinion signed by District Counsel. The issue paper and any supporting legal opinion should be provided to the MSC and forwarded to the RIT to coordinate the issue resolution. Depending on the nature of the issue, the RIT, vertical team, OWPR, and HQUSACE Planning CoP will determine whether additional information, coordination, ASA(CW) involvement, or an IRC (see Exhibit H-1) is necessary to resolve an issue.

g. Policy Waivers. A District may request an exception to policy, preferably after informal vertical team coordination, in a memorandum to the MSC and RIT supported by an issue paper (see above) that explains the need and rationale for the exception. The RIT will coordinate the HQUSACE review of the request and, if warranted, forward the request to ASA(CW) to approve or disapprove. The District and/or MSC may be asked to brief HQUSACE and ASA(CW) staff regarding the request.

h. Compliance Memorandum. Each submittal for HQUSACE policy compliance review will include a memorandum that summarizes how the District complied with previous guidance issued by the MSC or HQUSACE specifically for the current project. The memorandum will reference the previous guidance memoranda, reference each required action, briefly describe the changes in the analyses and/or presentation to fulfill each required action, and state the location (paragraph and page number) within the submittal materials for each action taken. A useful compliance memorandum will allow reviewers and interested decision-makers to quickly find and confirm that appropriate actions were taken to resolve the concerns. It also provides key portions of the Documentation of Review Findings that OWPR forwards with the final Report of the Chief of Engineers.

H-3. Reconnaissance Phase. Certification of the reconnaissance phase signifies that the proposed feasibility study would likely comply with current policies, the scope and nature of the water resource problem(s) warrant Federal participation in a feasibility study, and a non-Federal entity has the appropriate interest, authority and capabilities to fulfill non-Federal responsibilities for the feasibility, design, and construction phases. The Feasibility Cost Sharing Agreement (FCSA) may not be executed until the reconnaissance phase is certified and any requirements specified in a contingent certification are met. Reconnaissance phase certification should occur within six to twelve months of initiating the reconnaissance phase. FCSA execution concludes the reconnaissance phase. For reconnaissance studies recommending no further Federal action, see paragraph H-7.

a. Reconnaissance Study Schedule and Cost Changes. The MSCs are authorized to

approve study schedule and cost changes. Section 905(b) of WRDA 1986 states the duration of the reconnaissance study should normally be no more than twelve months, and in all cases limited to eighteen months.

b. Reconnaissance Phase Certification. Within six months, but no more than twelve months, of initiating the reconnaissance phase, the District Engineer will sign the Section 905(b) Analysis and provide it with the sponsor's letter of intent (LOI) to the MSC. MSCs are encouraged, but not required, to accept submittal materials informally and electronically, and should advise the Districts on acceptable methods of transmittal. The LOI should state that the sponsor is ready, willing, and able to execute the FCSA. The MSC will review the analysis and supporting materials to assess policy and legal compliance, and provide comments and/or guidance, as warranted, via e-mail to the district within thirty days of receiving the 905(b) analysis and LOI. The MSC will coordinate any aspect that does not clearly comply with law and/or policy with the RIT prior to certification. If warranted by the scope or impact of the issues, the MSC may request HQUSACE participation in an IRC to resolve those issues and establish any requirements that would allow certification (see the IRC procedures in Exhibit H-1). If the MSC determines that policy compliance can not be achieved, it must disapprove the analysis, defer certification, or, if warranted, seek an exception from policy from HQUSACE and ASA(CW). Once the MSC determines that the analysis and LOI are policy compliant, it may certify the reconnaissance phase. Certification may be contingent upon specific requirements. The MSC must forward the certification memorandum and analysis to the RIT, and release the analysis to the public or delegate the release to the District Engineer.

c. Project Management Plans (PMPs). The MSC will encourage the PDT to request PCX involvement early in the development of the PMP and subsequent PCX review of the PMP before FCSA negotiations are completed. The MSC, assisted by the PCX as needed, will ensure that the PMP is consistent with current guidance on policies and procedures for decision documents before the PMP is approved. The PMP does not need to be forwarded to HQUSACE unless specifically requested or as needed to assist the MSC and/or District. Following initial approval, each PMP should be posted on the District's website for access by the public or higher authority.

d. Feasibility Cost Sharing Agreement (FCSA). The authority to approve a FCSA, including any deviations thereto and the authority to execute such agreement, will follow the authorities and procedures outlined in the implementation memo for the model FCSA. The FCSA may not be executed until the reconnaissance phase is certified or the requirements specified in the contingent certification are met. A model FCSA is displayed on the CECW-P web page under the link titled, "Project Cooperation Agreement Models."

H-4. Feasibility Phase through the Draft Report Stage.

a. Feasibility Study Schedule and Cost Changes. The MSCs are authorized to approve study schedule and cost changes.

b. Project Study Issue Checklist. The Project Study Issue Checklist in Exhibit H-2

includes many of the more frequent and sensitive policy areas encountered in studies.

The checklist was created to emphasize the District's responsibility for achieving policy compliance and to facilitate the early identification and resolution of technical, policy and legal issues via the vertical team. The District will prepare a draft checklist early in the feasibility phase, preferably within the first three months of initiation and always prior to the FSM. The District will include an updated checklist in each submittal of study documents for policy compliance review (the FSM, AFB, draft report and final report) to help identify potential issues for resolution. When the District identifies an issue as sensitive, it should immediately engage the vertical team to resolve the concern. If an issue can not be resolved by simple coordination, the resolution effort should be supported with an issue paper in accordance with paragraph H-2.f.

c. Feasibility Scoping Meeting (FSM). The purpose of the FSM is to bring the vertical team, the non-Federal sponsor, and resource agencies together to agree on the problems and solutions to be investigated and the scope of analyses required. An FSM will address the problems, opportunities, and needs; refine study constraints; identify the key alternatives; and further define the scope, depth, and methods of analyses required. The FSM will use the IRC procedures outlined in Exhibit H-1. An FSM should normally occur upon completion of steps 1 and 2 of the planning process (see paragraphs 2-3a and 2-3b, ER 1105-2-100); after preliminary plan formulation, evaluation and screening (i.e., identification of the alternatives to be analyzed in detail); and after the NEPA scoping meeting (see ER 200-2-2). The FSM pre-conference submittal requirements are listed in Exhibit H-3. For overall study efficiency, PDTs are encouraged to begin writing their draft feasibility reports prior to the FSM, rather than creating separate documents for the FSM and AFB.

d. Alternative Formulation Briefing (AFB). The purpose of the AFB is to confirm that the plan formulation and selection process, the tentatively selected plan, and the definition of Federal and non-Federal responsibilities are consistent with applicable laws, statutes, Executive Orders, regulations and current policy guidance. The goal is to obtain a HQUSACE endorsement of the tentatively selected plan, to identify and resolve any legal or policy concerns that would otherwise delay or preclude Washington-level approval of the draft report, and to obtain HQUSACE approval to release the draft report and NEPA document to the public concurrent with the HQUSACE policy compliance review of the draft report. An AFB should be held when the District is prepared to present the formulation, evaluation and comparison of alternative plans (steps 3 through 5 of the planning process); the costs, benefits, and impacts of the final array of plans; the plan selection rationale; the tentatively selected plan; the cost apportionment; and any known significant issues. The AFB will use the IRC procedures outlined in Exhibit H-1. The AFB pre-conference submittal requirements are listed in Exhibit H-4. If an adequate draft report is available for review, the draft report review requirements below may be fulfilled in the AFB. The AFB and the resulting AFB PGM will address the policy compliance and public reviews of the draft report and NEPA document. The District will use the AFB PGM as a supplement to existing guidance to further complete the decision document.

e. Draft Report Submittal. HQUSACE policy compliance review and approval of the draft report and supporting materials is required prior to public release of the draft report and NEPA document unless a prior AFB PGM or other HQUSACE guidance approved concurrent

HQUSACE and public reviews, or deferred further compliance reviews to the final report. Review and approval prior to public release are necessary to ensure that resulting sponsor and public expectations regarding Federal support can be reasonably fulfilled. See Exhibit H-5 for the submittal requirements. The review and issue resolution process will use the procedures outlined in Exhibit H-1. The resulting PGM will specify the requirements for releasing the documents for public review if public release is still pending and completing the final report.

f. Draft Environmental Impact Statement (EIS) Filing. Following HQUSACE approval to release the draft report and supporting materials to the public, the District Engineer will circulate the draft report and preliminary draft EIS or draft Environmental Assessment (EA) and draft Finding of No Significant Impact (FONSI), as appropriate, to agencies, organizations and members of the public known to have an interest in the study. If an EIS is appropriate, five copies of the preliminary draft EIS and report will be mailed to Director, Office of Federal Activities (A-104), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 for filing after distribution has been accomplished. Review comments should be accepted from the public, agencies and others for a minimum of 45 days (for EIS, or 30 days for EA) after the Notice of Availability (NOA) is published in the Federal Register. Public hearings should generally be held during the public review to solicit the views of key stakeholders and others in areas likely to be impacted by the tentatively selected plan. The District Engineer should provide written responses to significant comments received in writing during the review. All significant comments and the Districts responses should be documented in the feasibility report. Since the NOA is generally published in the Federal Register on the Friday of the week after EPA receives the preliminary draft EIS, District schedules should allow two weeks for filing the draft EIS.

H-5. Feasibility Phase Final Report Stage. The Division Engineer's submittal of the final report initiates a series of Washington-level actions that would ideally culminate in the authorization of the recommended project. Requirements for the major actions are summarized in the paragraphs that follow. Key milestones with typical dates relative to the arrival of the MSC submittal in the RIT are listed in Exhibit H-12.

a. Submittal of Final Reports Requiring Authorization. Final decision documents recommending the authorization of new projects and/or modification of existing projects must be transmitted to HQUSACE for review and approval prior to the execution of design agreements or project cooperation agreements (PCAs), and the subsequent obligation and expenditure of funds for design or construction. The procedures below apply to the submittal of all final Corps of Engineers Civil Works feasibility reports and post authorization reports that require new authorization or the modification of existing authorization by the United States Congress. See paragraphs H-6 and H-7 for the processes for other types of reports.

(1) District Transmittal. Once the District Engineer signs the recommendations in the final decision document, the District should forward the final report, final NEPA document, and related materials (see Exhibit H-7) to the MSC. The District Engineer's signature is for the recommendation and does not constitute the project decision in accordance with ER 2-2-200. Therefore, the ROD or FONSI should not be signed at or before this time. The District should

retain between 12 and 50 copies of the report and NEPA documentation for the State and Agency (S&A) Review discussed in later paragraphs. The number of report copies will vary depending upon the project's purpose, features and location. Contact the RIT planner or CECW-PC to determine the number of copies that will be required. Note, although the EIS is identified as "final" at this stage of processing, it should be made clear to all those requesting a copy that it is an *"Interim Document under Agency Review - Subject to Revision"* and will become the agency's final EIS when it is filed after OWPR review.

(2) Final Report Submittal Package. The Division Engineer's Transmittal Letter will provide the submittal package to HQUSACE for review as described in paragraph 3 of Exhibit H-1 and will enclose the items listed in Exhibit H-7. A Division Engineer's Public Notice announcing the completion of the final feasibility report is no longer required, but may be used at the MSC's discretion. Model text for both the transmittal letter and notice are presented in Exhibit H-6. Note that models for the draft ROD and the draft Report of the Chief of Engineers are presented in Exhibits H-8 and H-9, respectively.

(3) Supporting Information. The Report Summary and briefing slides required in Exhibit H-7 should be updated annually and forwarded to the RIT by November 30 to reflect the October, current year, price level and other changes. The initial and updated versions are necessary to support various briefings, decision-related meetings, and hearings both within HQUSACE and with or before ASA (CW), OMB, other agencies, Congressional staff, and Congressional committees during the authorization process. The updates should continue until the project is authorized or is no longer pursued at the Washington-level. The report summary and slides should be provided and maintained in the current Corps of Engineers standard for electronic files, currently Microsoft Word and PowerPoint. Supporting maps, artwork, and photos can be provided in industry standard format (jpg or gif).

(a) Report Summary. The Report Summary will follow the standard outline in Exhibit H-11. The Report Summary will concisely and comprehensively summarize the feasibility study, the NEPA document, and the recommended plan. As such, the Report Summary should not exceed ten pages. It will provide insights to the key problems and opportunities, risks and uncertainties, assumptions and other important considerations that underlie the recommendation. The standard format will result in consistent reporting across studies, making cross-comparisons more possible. The Report Summary also replaces the Project Fact sheet, and serves as the basis for the District Engineer Briefing (below).

(b) ASA(CW)/OMB Briefing Slides. The District Engineer will e-mail a file of electronic (Microsoft PowerPoint) slides listed in Exhibit H-10 for feasibility-level reports which recommend Federal action to the HQUSACE RIT concurrent with the Division Engineer's transmittal of the final report to HQUSACE, and provide updated slides to the RIT when requested. The HQUSACE RIT will use the file primarily to brief ASA(CW) and OMB staffs as needed during the Washington-level processing of the final report, particularly for briefing OMB. The file will be a summary version of the District Engineer's Civil Works Review Board (CWRB) briefing slides with generally no more than a dozen slides.

b. Civil Works Review Board (CWRB). The MSC and District Engineers will present the final results and recommendations for all Civil Works feasibility and post authorization reports that recommend new or additional Congressional authorization to the CWRB in HQUSACE. The CWRB briefing is the corporate checkpoint for determining that the final decision and NEPA documents, and the proposed Report of the Chief of Engineers are ready to release for State and Agency (S&A) Review as required by the Flood Control Act of 1944, as amended (33 U.S.C. 701-1).

(1) Scheduling. Approximately six months before the final report package is submitted to HQUSACE, the District Engineer shall notify the MSC and RIT to schedule a briefing of the CWRB. The briefing will be held no less than 21 calendar days after HQUSACE receives the Division Engineer's Transmittal Letter and prior to issuance of the Final Report of the Chief of Engineers. The briefing will be held before the S&A Review process is initiated. For expediency, exceptions regarding the timing of the S&A Review process may be considered in cases where there are no outstanding review concerns and no known controversies associated with the project. To obtain such an exception, the District Engineer must submit a request through the MSC Division Engineer to the Director of Civil Works (DCW) for action.

(2) Members. The Deputy Commander will chair the CWRB. This level of involvement emphasizes to the Corps and the public the importance placed on the vertical team process in developing water resources projects. For each briefing, the CWRB will consist of five voting members. Three Board members will serve permanently on every panel: the CWRB Chair, the DCW, and the Leader of the Planning Community of Practice (CoP). Two additional Board members will be drawn specifically for each panel: one RIT leader (not from the presenting MSC); and one additional CoP leader from Engineering, Operations, Real Estate or another area as appropriate. The Office of the Chief Counsel will serve in an advisory role for all reports.

(3) Attendance. The appropriate HQUSACE, MSC, and District staff will attend. The project sponsor should attend and present its views on the project. The peer review team leaders (Independent Technical Review and External Peer Review) and other key stakeholders should be invited. Representatives from OWPR, the policy compliance review team, the RIT, and other HQUSACE offices will attend, as appropriate. Representatives from ASA (CW) and the Office of Management and Budget (OMB) will be invited. If travel is not practical, the MSC and/or District should contact OWPR regarding participation via video-teleconference.

(4) Agenda. Following presentations by the District Engineer, Division Engineer, OWPR, the non-Federal sponsor, and other guests, the CWRB will determine whether the report should be issued for S&A Review, and whether other instructions are warranted. A sample agenda is presented in Exhibit H-13.

(a) District Engineer Briefing. The District Engineer will address the report recommendations, the rationale for plan selection, the benefits and costs, NEPA compliance, cost sharing, and how all peer and policy review comments were addressed and resolved. The District Engineer will address the systems perspective and how risk and uncertainty were considered in the study. The District Engineer will also provide an overview of the public

involvement process, including any peer review, the major concerns expressed and how they were resolved. The District Engineer shall cover the topics listed in Exhibit H-14.

(b) Division Engineer Briefing. The Division Engineer will present the rationale for issuing the Division Engineer's Transmittal Letter, certification of legal and policy compliance, the expected response to the draft Report of the Chief of Engineers, and any MSC Quality Assurance or other observations. The Division Engineer and/or the HQUSACE RIT leader will summarize the QA/QC efforts, specifically the certifications of technical, legal and policy compliance. They should discuss the peer review process and results, including the involvement of the Planning Centers of Expertise, and any significant and/or unresolved technical, legal or policy compliance concerns.

(c) OWPR Briefing. Upon receiving the MSC submittal materials, the OWPR policy compliance review team will briefly assess the compliance of the materials with previous guidance (PGMs) to identify any obvious concerns that may warrant delaying the S&A Review. The OWPR review team manager will summarize these and any other significant policy and legal concerns to the CWRB, including their significance and the steps needed to resolve each one. The review manager will recommend whether or not the report and the proposed Chief's Report should be released for S&A Review. As indicated below, the full policy compliance review of the final report will continue concurrently with the S&A Review.

(5) CWRB Decision. If the CWRB decision is not a simple approval to release the final report for S&A Review and file the FEIS with EPA, OPWR will record the decision and, if necessary, the RIT will issue a guidance memorandum to the MSC and District. OWPR will include the CWRB decision and instructions, if any, in the Documentation of Review Findings.

(6) After Action Reports (AARs). To facilitate lessons learned, the District will prepare a brief AAR of the CWRB meeting on outcomes and decisions reached, and any follow-on actions required. The AAR will be furnished to the Division Engineer, the RIT, and OWPR within 30 calendar days of the CWRB briefing. CECW-PC will place the AAR in the Planners Web Site with a link to the presentations made at the briefing.

c. State and Agency Review. The S&A Review by pertinent agencies is required by Executive Order 12372, Public Law 78-534, as amended, and Public Law 85-624. HQUSACE shall administer the S&A Review with the assistance of the District. OWPR will provide a coordination package to the District to initiate the S&A Review as soon as possible after the CWRB briefing, consistent with the CWRB decisions. OWPR will provide a mailing list, signed transmittal letters, and the proposed Report of the Chief of Engineers to the District with instructions for mailing copies of the report to the State and Federal agencies for S&A Review. The District will date and mail the transmittal letters and enclosures according to the written HQUSACE instructions. (Keep copies to verify the dates.) The transmittal letters will explain the current status of the report and FEIS and direct any comments to the DCW. OWPR will contact any agencies or governor's offices that do not respond by the end of the review period. OWPR will identify any State or Agency comments that warrant a response and the RIT planner will coordinate with the MSC and District to draft response letters for signature by the Chief,

Planning and Policy Division at HQUSACE, CECW-P.

d. EIS Filing. Following CWRB approval, OWPR will provide signed transmittal letters for the District to circulate the final report, FEIS, and the proposed Report of the Chief of Engineers to interested parties for public review and to file these documents with EPA pursuant to regulations of the President's Council on Environmental Quality (CEQ) for implementing NEPA (see ER 200-2-2, paragraph 17, and 40 CFR Parts 1500-1508). (District should make copies of the transmittal letters before mailing.) The letter to interested parties explains the current status of the report and FEIS, directs comments to CECW-P, and states the official closing date for the receipt of comments is 30 days from the date that the notice of availability of the FEIS appears in the Federal Register, which may be somewhat later than 30 days from the date of the letter. The review period may be extended upon request (see paragraph 19a, ER 200-2-2). Concurrent with mailing the documents for S&A Review, the District will date the letter to interested parties with the day it is postmarked and distribute the documents to groups and individuals known to have an interest in the study or who provided comments on the draft EIS but were not included on the S&A Review mailing list. The report appendices circulated with the draft report and EIS need not be circulated with the final report and final EIS. After allowing adequate time for delivery to the interested parties, the District will date the second transmittal letter and file the documents with EPA. EPA generally publishes a notice of availability of the FEIS in the Federal Register on the Friday of the week following EPA's receipt of the FEIS. Due to the timing of the notice of availability in the Federal Register, the review of the FEIS generally ends a couple weeks after the S&A Review. The Division Engineer will issue any needed responses to comments received from interested parties.

e. Final Report Policy Compliance Certification.

(1) OWPR Review. The S&A review and filing of the FEIS, as appropriate, with the EPA shall be concurrent with OWPR's final policy compliance review. This review will confirm compliance and provide a basis for advising the Chief of Engineers about forwarding the recommendations to ASA(CW), OMB, and ultimately Congress. This will be a final checkpoint on the need for an ASA(CW) policy exception, and if needed an exception would be concurrently coordinated by OWPR. The final Chief's Report would not be signed until the exception is approved by ASA(CW). This review will concentrate on the compliance of the final report with the latest PGM and any changes in the documents since the previous OWPR review. Should policy issues be identified, OWPR will work with the RIT and reporting officers to resolve these issues to finalize the report. If the final decision document is not in compliance, an IRC may be requested to resolve remaining issues related to the project or supporting documentation. If, after an IRC or other discussions, compliance cannot be agreed upon, OWPR may advise the DCW to return the report with corrective guidance to the reporting officer. OWPR will issue the Documentation of Review Findings and certify policy compliance, when the final document adequately complies with policy. The Documentation of Review Findings will include a summary of the S&A and NEPA reviews.

(2) Final Report and FEIS Revisions. If the CWRB action or OWPR review requires minor revisions (with insignificant impacts) to the plan as recommended by the Division and

District Engineers, these changes and impacts shall be noted in the final feasibility report. If major revisions are necessary to the recommended plan and revisions are variants of the plan or are within the range of alternatives considered and discussed in the draft EIS, an addendum to the final report and FEIS will be prepared by the District, as required. It will be identified as an "*Addendum to the Final Feasibility Report and Final EIS - Environmental Consequences of the Modifications Recommended by the Headquarters, U.S. Army Corps of Engineers – (project name)*." The format shall include an abstract on the cover page; recommended changes to the Division/District Engineer's proposed plan; rationale for the recommended changes; environmental consequences of the recommended changes; and the name, expertise/discipline, experience, and role of the principal preparer(s) of the addendum. If the CWRB or OWPR requires a major revision or a new alternative to the recommended plan with significant impacts which were not discussed in the draft EIS, a supplement to the draft EIS will be required. After consultation with the RIT, OWPR, and the Division Engineer, the District Engineer will prepare and circulate the supplement to the draft EIS in accordance with CEQ implementing guidance (40 CFR 1502.9). The supplement together with incoming letters of comment and Corps responses to substantive issues shall be incorporated into the existing final report and EIS with a minimum of page changes or revisions to reflect the modified or new proposed plan. OWPR will review its proposed action in light of the comments received prior to taking final action on the report and EIS.

f. Final Report Recommendation Package. After the S&A review, FEIS review, and the final feasibility report policy compliance certification have been completed, the HQUSACE RIT will prepare a recommendation package for processing to obtain signature of the Report of the Chief of Engineers. The recommendation package will include the items listed in Exhibit H-15. OWPR will finalize the Chief of Engineers Report for the Chief's signature and the ROD for signature by the ASA (CW). The RIT will forward the package and schedule briefings for the Director of Civil Works and/or the Chief of Engineers, as needed. The RIT will notify the MSC and District of any briefings so that they have the opportunity to participate.

g. Chief of Engineers Approval. Once the Chief of Engineers signs the report signifying approval of the project recommendation, the Chief of Staff signs the notification letters forwarding the Report of the Chief of Engineers (Chief's Report) to the chairpersons of the Senate Committee on Environment and Public Works, and the House of Representatives Committee on Transportation and Infrastructure. The signed Chief's Report is then returned to the RIT. The RIT submits a copy of each of the following to ASA (CW): the Chief's Report, the final feasibility report and FEIS, the body of draft letters transmitting the report to OMB and Congress under the ASA(CW) signature, the unsigned draft ROD, all State and Agency review letters and any CECW responses to those letters, ASA(CW)/OMB briefing slides, Report Summary, and Documentation of Review Findings. In addition, the RIT will e-mail ASA(CW) staff the electronic versions (scanned signed documents and text files for unsigned letters) of each of these documents, except the final feasibility report and FEIS.

h. ASA(CW) Approval. The ASA(CW) will review the documents provided by the RIT to determine the level of administration support for the Chief of Engineers recommendation. The ASA(CW) will formally submit at least one copy of the report to OMB per Executive Order

12322, 17 September 1981. The submittal will include the report, NEPA documentation, draft ROD (if a final EIS has been filed), appendices, Documentation of Review Findings, and the draft transmittal letters to Congress. The submittal to OMB should normally occur within 180 calendar days of the Division Engineer's transmittal letter to HQUSACE. OMB will review the recommendation to determine its relationship to the program of the President. OMB will then provide a letter to ASA(CW) either clearing the release of the report to Congress subject to whatever changes OMB deems necessary or objecting to the release. If there are no OMB objections, the ASA(CW) will then provide guidance on necessary revisions and direct the DCW to prepare the report for transmittal to Congress. In accordance with OMB instructions, ASA(CW) will provide the DCW with guidance on necessary actions which could range from revising the recommendation, revising the final report, redoing part of the study, to terminating the study outright. The ASA(CW) and OMB may request briefings to aid their decision-making. The RIT normally provides these briefings and any other supplemental information that ASA(CW) or OMB may need, assisted as needed by the vertical team. If the needed information is not readily available in HQUSACE, the District may be asked to provide it. Note that paragraph G-8c.(9) of Appendix G, "Planning Reports and Programs," requires that the District retain adequate funding to support the Washington-level review activities.

i. Review of Changes to Report Recommendations. Depending on the extent of changes in the recommendations it may be necessary to provide an opportunity for the sponsor, state(s), interested Federal agencies, and other parties to review and comment on the changes prior to transmitting the report to Congress and signing the ROD. Changes involving significant environmental impacts may require additional NEPA documentation in accordance with 33 CFR 230. In such circumstances, HQUSACE or ASA(CW) may allow additional time for further comment before finalizing their respective recommendations. Notification and scheduling requirements will be determined on a case-by-case basis since the need for coordination will vary with the degree of change.

j. Transmittal to Congress. After OMB provides its views on the relation of the recommended project with the programs of the President, the ASA(CW) will sign the ROD if the project has not yet been authorized and will transmit with any modifications that may be needed the Report of the Chief of Engineers, the state and agency review letters, the ROD, and the final feasibility report/EIS to Congress. The District will then notify the sponsor, state(s), and interested agencies and other parties of the Report of the Chief of Engineers and the ROD. When Congress has authorized construction prior to receiving the ASA(CW) recommendations, the Director of Civil Works will sign the ROD and forward a copy to ASA(CW) to include in the transmittal to Congress. In this case the ROD should only address the project as authorized by the Congress and not attempt to provide any additional justification of the Congressional action.

H-6. Post-Authorization Decision Documents.

a. Modification of Existing Authorizations. Decision documents that recommend the modification of existing project authorizations, other than raising the cost limit established by Section 902 of WRDA 1986, or that lack delegated approval authority will utilize the review and approval process described above for feasibility reports. PAC reports recommending an increase

in a cost limit established by Section 902 of WRDA 1986 will follow the review and approval procedures outlined in ER 1165-2-502. The MSC will forward the final report, with the peer review and legal review certifications, to the RIT for submittal to ASA(CW) for review and coordination with OMB as appropriate for submission to Congress.

b. Projects Authorized without a Report. The requirements described above in paragraphs H-1 through H-5 apply to reports for projects or project modifications authorized without the benefit of a Secretary-approved feasibility-level report and without contingent actions, except that a Chief of Engineers Report and the S&A Review will generally not be necessary. The MSC submittal requirements in Exhibit H-7 will apply, except for the report mailing list and the Draft Proposed Report of the Chief of Engineers.

c. Projects Authorized Contingent upon Completion of a Chief of Engineers Report. The requirements described above in paragraphs H-1 through H-5 apply to reports for projects or project modifications authorized subject to the completion of a Chief of Engineers Report, except that the transmittal letters, Report Summary, Chief of Engineers Report and briefing slides will describe the contingent authorization language. The MSC submittal requirements in Exhibit H-7 will apply.

d. Projects Authorized Subject to a Determination by the Secretary of the Army. The requirements previously described in paragraphs H-1 through H-5 apply to reports for projects or project modifications authorized subject to a determination by the Secretary, except that a Chief of Engineers Report and S&A Review will generally not be necessary. A Report of the Director of Civil Works will recommend and forward the final report to the ASA(CW). The MSC submittal requirements in Exhibit H-7 will apply, except for the report mailing list and the Draft Proposed Report of the Chief of Engineers.

e. Delegated Post-Authorization Decision Document Approval Authorities. ER 1165-2-502 provides guidance on the delegated review and approval of post-authorization decision documents. The submittal of MSC approved documents to the RIT for budget clearance should comply with the annual budget guidance and include a copy of the Decision Document Checklist described in ER 1165-2-502. Submittal requirements to support PCA actions are addressed in ER 1165-2-131.

H-7. Reports Recommending No Further Federal Action.

a. The MSC or District, if delegated by the MSC, will release a public notice to all interested parties, including the Congressional delegation(s), the MSC, and the RIT, that the reconnaissance or feasibility-level study report recommends no further Federal action.

b. The public notice will include language stating, "If this study receives no additional funding for a period of five years, the Secretary will include it on the list of incomplete studies provided to Congress in accordance with Section 710 of WRDA 1986. Each study in the list will no longer be authorized if it is not funded within 90 days after the list is provided to the

Congress.”

c. Within 15 working days of receipt of the District Engineer's appraisal or report recommending no Federal action, the MSC will notify the RIT in writing of the intent to publish a public notice. This written notification will also include an evaluation of the reconnaissance report and recommendation(s) by the MSC and two copies of the 905(b) analysis or report for information.

d. In those cases where an IRC is held, the resulting guidance memorandum will address, if warranted, any additional specific report processing requirements.

e. HQUSACE will prepare an annual report for transmittal to Congress summarizing all reconnaissance and feasibility reports recommending no further Federal action for that year.

H-8. Decision Documents Prepared by Sponsors. For a decision document prepared by a non-Federal interest, such as under the authority of Section 211 of WRDA 1996, the District should encourage the non-Federal interest to utilize the review and approval processes described in this appendix in order to receive timely input on the adequacy of their report and maximize the opportunity for approval by the Secretary. If the non-Federal interest chooses some other path, the District should expect to conduct peer, policy and legal reviews of the final decision document, or possibly some interim product, and to provide the results of their reviews to the MSC and RIT along with advice on whether the report should be approved. The MSC will endorse the District's findings with its own views on approval and advise the RIT regarding the adequacy of the District's reviews. The RIT will engage an OWPR policy and legal compliance review, and forward the results to ASA(CW) with summary advice regarding the consistency of the document with technical, policy and legal requirements, and a recommendation to approve or not approve the report. The District will retain responsibility for fulfilling the NEPA requirements, including any necessary scoping meetings, public reviews, filings with EPA, executing a FONSI, and/or providing the draft ROD for HQUSACE or ASA(CW) signature, as appropriate. A report prepared by non-Federal interests may still require a Chief's Report (i.e., Section 203 reports), so a CWRB and follow-on procedures may be necessary.

This amendment was approved by Mr. Raleigh H. Leef, CECW-P, (202)761-1380.

Exhibit H-1
Issue Resolution Conference Procedures

1. Exhibit Purpose. This exhibit describes procedures and requirements for conducting In-Progress Reviews (IPRs) and Issue Resolution Conferences (IRCs) in conjunction with feasibility and post-authorization studies generally covered in ER 1105-2-100. IRCs include the Reconnaissance Review Conference (RRC), Feasibility Scoping Meeting (FSM), the Alternative Formulation Briefing (AFB), and Feasibility Review Conference (FRC).

2. General.

a. IRC/IPR Purpose. The primary purpose of an IRC is to involve the vertical team (non-Federal sponsor, District, MSC, HQUSACE and, when needed, ASA(CW)) to identify, discuss and resolve issues to ensure an orderly completion of the study and Washington-level acceptance of the final report recommendations. Issues can involve existing and potential technical, policy, legal, and procedural concerns. The purpose of an IPR is to update the vertical team and others on study findings and progress.

b. Participation. The District, Division, and HQUSACE will participate in all IRCs and many IPRs. HQUSACE may invite ASA(CW). The District should invite the peer review team leader. The District should strongly encourage the non-Federal sponsor, resource agencies, and major stakeholders to participate in all IRCs and IPRs.

c. Timing/Scheduling.

(1) Meetings. IRCs and IPRs can be held at any time during the study process at the request of any vertical team member. The FSM and AFB are held at particular times in the study process as described in subparagraphs H-4.c and H-4.d. An RRC or FRC will only be held when there are extraordinary concerns with the reconnaissance appraisal or draft feasibility report, respectively. Upon submittal of read-ahead or review materials for an IRC or IPR, the MSC will coordinate with the District and the HQUSACE RIT to select the appropriate forum and propose potential dates. The RIT will coordinate within HQUSACE and with ASA(CW) as needed to confirm the date, forum, and Washington-level participation. The date will be contingent upon complete submittals, timely review, and timely responses to review concerns. Review and other pre-conference materials should generally be provided to HQUSACE a minimum of about six weeks before the conference (see paragraph 4 below).

(2) HQUSACE Reviews. Policy compliance review actions at HQUSACE should generally be scheduled for a minimum of 30 days, unless an alternate period is specifically approved by the RIT and OWPR. The 30-day period begins when OWPR receives the appropriate number (see below) of complete reports and accompanying document copies, and ends when OWPR presents the policy review concerns in a memorandum to the RIT. About a week should be allowed for the PDT to receive the comment memorandum, prepare responses to

the comments, and provide those responses to the RIT. About three to five days should be allowed for the HQUSACE review team to assess the responses prior to the issue resolution conference (IRC).

d. Forum. The forum of the IRC or IPR may be a telephone conference, videoconference, or a face-to-face meeting as appropriate. The forum selection should, consider the need for a project site visit. A project site visit should normally occur with the FSM or AFB. If a site visit would be useful but is not practical, slides and/or a video of the site should be presented.

3. Pre-Conference Submittals. Prior to each conference, the District will simultaneously provide the MSC and RIT with a memorandum that identifies the conference objectives, notes any concerns that warrant special attention, and lists and encloses the required pre-conference submittal materials. To ensure a focused, productive and conclusive meeting, the pre-conference materials will include the background and facts appropriate to the purpose and scope of the requested IRC or IPR. The vertical team will use the information to identify the staff that should participate and to help set the agenda.

a. Review and Report Submittal Memorandum. The transmittal memorandum forwarding pre-conference materials and decision documents for HQUSACE policy compliance support or review shall be addressed as shown below and shall cite the six-digit Project Work Item (PWI) number assigned by the financial management system. Copies of supporting materials will be cited in and copies enclosed with the transmittal memorandum. The District will furnish a copy of the transmittal memorandum and all enclosures concurrently to the MSC. The PDT should coordinate with the MSC District Support Team lead to determine the MSC submittal requirements. Mail report submittals for HQUSACE to:

Director of Civil Works
ATTN: CECW-xxD (or CEMP-xxD) (identify the appropriate RIT)
US Army Corps of Engineers
441 G. Street, N.W.
Washington, D.C. 20314-1000

To avoid the radiation requirement for all incoming mail to the HQUSACE office building and for a quicker delivery, use the mailing location below:

7701 Telegraph Road
Alexandria, Virginia 22315-3860

b. **Submittal Materials.** See paragraph H-4.c and the exhibits referenced therein for the required submittal materials for FSMs, AFBs, and draft report reviews. The MSC should coordinate the submittal content for other IRCs with the HQUSACE RIT. The content will depend on the scope and nature of the issues to be resolved. For any issue warranting MSC or HQUSACE involvement, the District should analyze and document the issue and proposed solution in an issue paper in accordance with paragraph H-2.f. Materials prepared specifically for an IRC should be concise and focused on the items requiring discussion and/or agreement.

c. **IPR Submittal Materials.** Pre-conference IPR documentation should include background information on the study; the status of major study activities, including peer, policy and legal reviews; and issue papers on any significant policy, process, or other issues that could affect the outcome of the study.

d. **Peer Review of Submittal Materials.** Peer review appropriate to the stage of the study should be completed and documented prior to an IRC. Technical work products that support the submitted documentation (e.g.; surveying & mapping, hydraulics & hydrology, average annual damage computations, etc.) should have been subject to peer review to confirm technical/analytical adequacy and compliance with policy. Early in the study phase, all peer review issues may not have been fully resolved. In this situation, a status report discussing significant peer review concerns and how these concerns have been or will likely be resolved must be submitted. Later in the study when Washington-level acceptance of the selected plan or draft report, the peer review activities should be generally completed for all supporting technical work products, including the documentation of those investigations and analyses. All peer review activities should be fully completed before a final report is submitted. District certification of peer review should include the certification of internal supervisory review of the report (i.e., branch chief signatures of technical and policy compliance) as well as the review team certification of technical and policy compliance.

4. **HQUSACE Policy Compliance Review.** OWPR will provide the HQUSACE policy compliance review, unless approval authority has been delegated to an MSC. MSCs will generally not conduct substantive policy compliance review of documents submitted for OWPR review, unless there is a need to address unusual and significant QA/QC issues. Following receipt of the District's complete submittal package for review, OWPR will assign a review manager and team. OWPR may assign the review manager role to an MSC when appropriate, but would retain responsibility for issuing review documents. The team may include subject matter experts from a District (usually outside the home District), MSC, or Planning Centers of Expertise, subject to need and availability. An incomplete submittal package will generally delay the initiation of review until all required items are provided by the District. (The RIT planner will check the submittal for completeness and facilitate follow on actions at HQUSACE.) OWPR will issue a comment memorandum within 30 calendar days to the RIT, which will transmit the review comments simultaneously to the District and MSC along with any additional instructions for achieving issue resolution. The District will provide a written response for each comment stating how the issue will be resolved. The District will forward the responses simultaneously to the MSC and the RIT, generally within a week, and no less than

three working days before the conference. The review team will immediately assess the responses in order to identify: (1) concerns that require further consultation within HQUSACE prior to the conference; (2) issues that must be included in the conference agenda for discussion and/or resolution; and (3) reviewers who should attend the conference. FSM procedures will differ slightly in that the comments and responses will be exchanged informally.

5. Conference. The next step is to convene the IRC to address and resolve any concerns remaining after OWPR's assessments of the responses. The MSC will normally host and chair IRCs and IPRs. The meetings should encourage a full discussion and understanding of the various concerns and their eventual resolution. The sponsor and appropriate Federal and State agencies should be encouraged to participate fully. The District participants should be prepared to address the policy issues raised by the HQUSACE review. The MSC will designate someone to record major discussion points and all required actions during the conference as electronic text, summarize all required actions before the end of the conference, and e-mail the text to the HQUSACE and MSC participants immediately after the conference. If possible, a draft PGM or MFR should be provided to participants before they leave the meeting in order to ensure a common understanding of the required actions and facilitate the timely completion of the conference PGM or MFR. FSM procedures will differ somewhat in that the FSM will generally follow a site visit and consist of a PDT briefing with issues addressed in a workshop format.

6. Post-Conference Guidance. The final product of an IRC and IPR will be a project guidance memorandum (PGM) from the HQUSACE RIT or a memorandum for the record (MFR) from the MSC. PGMs generally approve advancing the study, subject to specific District actions and sometimes further determinations by the MSCs. PGMs may deny or defer approval until adequate information is provided to resolve specific issues. In general, the HQUSACE RIT will issue a PGM for an AFB, FRC, or other IRC with significant policy or procedural issues. The MSC, subject to HQUSACE concurrence, will generally issue an MFR for a FSM, IPR, or IRC with less significant issues. The PGM or MFR should be issued within two weeks of the IRC or IPR, and will document the review comments and issues, significant discussion points, actions required to resolve the issues, and other decisions. The District will forward the PGM or MFR to the peer review team and will revise the PMP as needed to incorporate changes resulting from actions required in the PGM or MFR. In general, actions required in the PGM or MFR should be completed before subsequent products are forwarded to HQUSACE.

During the final report review and approval process, OWPR will compile all PGMs and the final report policy compliance assessment results into the Documentation of Review Findings that will be forwarded to ASA(CW) with the final report. The Documentation of Review Findings will demonstrate that the decision document has received policy and legal compliance review and that the document complies with all legal and policy requirements. Documentation of Review Findings will normally not include the FSM or IPR MFRs.

Exhibit H-2 - Project Study Issue Checklist

This list includes sensitive policy areas that require vertical team coordination – preferably, early in the study process. The list should be filled out based on knowledge available at the time about the selected or most likely selected plan. Any items that will not be known or addressed until later in the study should be marked as “Pending.” For items that are not applicable, such as questions about existing project aspects when there is no existing Federal project, enter “NA” for not applicable. Any non-pending response with an asterisk (*) requires coordination and issue resolution through the vertical team using an issue paper as outlined in paragraph H-2.f. All issues need to be resolved before requesting approval of the decision document.

(Insert Name of Study or Project)

1. Will the report clearly articulate how the selected plan will be consistent with each of the Chief of Engineers Actions for Change for Applying Lessons Learned during Hurricanes Katrina and Rita issued 24 August 2006? YES___ NO___*.
2. Will the report clearly articulate how the selected plan will be consistent with each of the USACE Environmental Operating Principles? YES___ NO___*.
3. Has a NEPA document been completed? YES___ NO___*.
4. Will the NEPA Documentation be more than 5 years old at the time of PCA signing or construction initiation? YES___* NO___.
5. Will the ESA Findings be more than 3 years old at the time of PCA signing or construction initiation? [Note: Findings refers to Corps documentation and/or US Fish and Wildlife Service’s opinions and recommendations] YES___* NO___.
6. Is ESA coordination complete? YES___ NO___*.
7. If an EIS/EA was completed for the selected plan, will anything prevent signing the Record of Decision (ROD) or Finding of No Significant Impact (FONSI)? YES___* NO___.
8. Is the selected plan consistent with the ROD/FONSI? YES___ NO___*.
9. Have there been any changes in Federal environmental laws or Administration or Corps policy since original project authorization that make updating necessary; e.g., change to the Clean Air Act status for the project area...going from attainment to non-attainment? YES___* NO___.
10. Are the feasibility-level planning, selection and justification of mitigation plans for fish and wildlife, induced flood damages, cultural or historic preservation, or recreation incomplete or deferred to the PED Phase? YES___* NO___.
[Issue papers must describe what is being mitigated, the likely mitigation plan, the likely cost of mitigation, and why the analyses are being deferred.]
11. For reevaluations that conclude further authorization is unnecessary, are the proposed mitigation plan(s) for fish and wildlife, induced flood damages, cultural or historic preservation, or recreation the same as the previously authorized plan? YES___ NO___*

12. Is there an incremental analysis/cost effectiveness analysis of proposed fish and wildlife mitigation features based on an approved method and using an accepted model?
YES ___ NO ___*.
13. Were cost risk analysis methods applied to develop contingencies for the estimated total project costs (see Engineering and Construction Bulletin issued 10Sep07)? YES ___ NO ___*
14. Was the peer (technical) review of the cost estimates duly coordinated with the cost estimate center of expertise and addressed in the review documentation and certification?
YES ___ NO ___*
15. Would the selected plan cause the previously authorized project's fully funded cost to exceed the cost limit of Section 902 of WRDA 1986? [Note: for coastal storm damage reduction projects there are two separate 902 limits, one for initial project construction and one for periodic renourishment] YES ___* NO ___ [Issue paper must provide the authorized project cost, price level, and current and fully funded project cost estimates and price levels].
16. Does the selected plan involve HTRW clean-up? YES ___* NO ___.
17. Does the selected plan involve CERCLA covered materials? YES ___* NO ___.
18. Are the proposed project purposes different than the previously authorized project? [Note: different than specifically noted in authorization or noted in Chief's report and is it measured by project outputs] YES ___* NO ___.
19. Are there any scope changes proposed for the previously authorized project? YES ___* NO ___ [Issue paper must describe the authority that would enable the project to proceed without additional Congressional modification].
20. If the selected plan includes crediting a non-Federal entity for in-kind services provided either before or after authorization, has a request for a Secretary determination of credit eligibility been forwarded to HQUSACE? [Note: In order to credit a non-Federal sponsor for in-kind services, the credit must be based upon a particular Congressional authority and ASA(CW) must approve a credit eligibility request before the services are provided. The issue paper must describe the scope of the in-kind services, the schedule for providing the services, the authority for providing credit, the status of the request for ASA(CW) approval, and the resulting elements of the non-Federal cost-share (LERRD, cash and credit). If the credit is based on an existing authority, the issue paper must include a copy of the authority if it is not a general authority such as Sec 215. If there is no existing authority to credit the in-kind services, as determined by Counsel, the issue paper should present the rationale for recommending such credit in the decision document for specific Congressional authorization.] YES ___ NO ___*.
21. Would the project cost sharing involve reimbursement to the sponsor? [Note: The issue paper must identify the circumstances and authority for recommending reimbursement.] YES ___* NO ___.
22. Is an Ability to Pay cost sharing reduction included in the selected plan? [If yes, fully describe the proposal in the issue paper, citing how this authority is applicable. Include a table showing the cost sharing by project purpose and expected Ability to Pay reductions.] YES ___* NO ___.

23. Is a Locally Preferred Plan recommended without an exception granted by ASA(CW) to recommend plan different from the NED, NER or NED/NER Plan prior to the release of the draft decision document for public review? [Note: if this answer is yes, then a series of questions arise that will need to be addressed in the issue paper...is plan less costly than NED plan, is the plan more costly with the same cost sharing the same as NED plan (exception), is plan more costly with all costs exceeding the cost of the NED plan at 100% non-Federal cost, or has ASA(CW) already granted an exception] YES ___* NO ____. Remarks:

24. Was a standard accepted Corps methodology/model used to calculate NED benefits? YES ___ NO ___*.

25. Are non-standard benefit categories used to select or justify the recommended plan? YES ___* NO ___.

26. Was the planning effort conducted in a systems/watershed context and was this reflected in the presentation of the without-project conditions, problem and opportunity statements, and the plan formulation, evaluation and selection? YES ___ NO ___*.

27. Were the alternatives formulated, evaluated, and selected using the four P&G evaluation accounts – NED, EQ, RED, and Other Social Effects? YES ___ NO ___*.

28. Did the planning effort collaborate with other Federal, state, Tribal, and local entities to develop solutions that integrate expertise, policies, programs, and projects across public entities? YES ___ NO ___*.

29. Were the types and degrees of risk and uncertainty clearly characterized for the selected plan and were the various adjustments included in the selected plan to reduce risk and uncertainty also described clearly? YES ___ NO ___*.

Navigation Component (Inland or Harbor)

30. Is there a navigation component (inland or harbor) in the selected plan? YES ___ NO ____. If Yes, answer each of the following questions for the selected plan:

31. Is there land creation? YES ___* NO ___.

32. Is there a single owner and/or beneficiary which are not a public body? [Public body as defined by Section 221 of WRDA 1970] YES ___* NO ___.

33. Are there proposals for Federal cost sharing of Local Service Facilities [e.g., dredging of non-Federal berthing areas] work? YES ___* NO ___.

34. Is there sediment remediation proposed under Sec. 312 authority? [i.e., Section 312 of WRDA 1990 as amended by Section 205 of WRDA 1996] YES ___* NO ___.

35. Is there dredged material placement on beaches where the use is not the least costly environmentally acceptable plan? YES ___* NO ___.

36. Will the dredged material be used for ecosystem restoration where the recommended plan is not the least costly environmentally acceptable plan? YES ___* NO ___.

37. Are there recreation navigation benefits? YES ___* NO ___.

38. Does the selected plan involve inland navigation harbor development? YES ___* NO ___.

39. Can the resale or lease of lands used for disposal of excavated material recover the cost of the selected improvements? YES ___* NO___.

40. Will acquisition of land outside the navigation servitude be necessary for construction of the proposed improvements (either the project or non-Federal facilities that will use or benefit from the project) and will this permit local entities to control access to the project? [The latter case is assumed to exist where the proposed improvement consists of a new channel cut into lands.] YES ___* NO___.

Flood Damage Reduction Component

41. Is there a flood damage reduction component in the selected plan? YES___ NO___. If Yes, answer each of the following questions for the selected plan:

42. Is the selected plan for protection of a single property or beneficiary? YES ___* NO___.

43. Would the selected plan produce land development opportunities/benefits? [Issue paper must describe whether special cost sharing should apply.] YES ___* NO___.

44. Is there any recommendation to cost share any interior drainage facilities? YES ___* NO___.

45. Are there any windfall benefits that would accrue to the project sponsor or other parties? [Issue paper must describe whether special cost sharing should apply.] YES ___* NO___.

46. Are there non-structural buyout or relocation recommendations? YES ___* NO___.

47. Is the selected plan likely to change the existing allocated storage in lake projects? YES ___* NO___.

48. Do the proposed changes to the project include any significant risks to public safety related to uncontrolled flooding? YES ___* NO___.

49. Have all the public safety issues related to uncontrolled flooding been fully resolved with the district/MSC Dam Safety Officers? YES___ NO___*.

50. Have all the changes in residual public safety risks related to uncontrolled flooding been communicated to the public and incorporated into their emergency response plan? YES___ NO___*.

Coastal Storm Damage Reduction Component

51. Is there a coastal storm damage reduction component in the selected plan? YES___ NO___. If Yes, answer each of the following questions for the selected plan:

52. Does the selected plan protect privately owned shores? YES ___* NO___.

53. Does the selected plan protect undeveloped lands? YES ___* NO___.

54. Does the selected plan protect Federally owned shoreline at Federal cost? [If yes, describe what is to be protected and who bears the Federal cost.] YES ___* NO___.

55. Does the selected plan involve tidal or fluvial flooding; i.e., is it clear what the project purpose is and has the project been formulated as a coastal storm damage reduction project or flood damage reduction project? YES ___* NO___.

56. Is there any recommendation to cost share any interior drainage facilities?
YES ___* NO___.
57. Is recreation more than 50% of total project benefits needed to justify the project?
YES ___* NO___.
58. Are there any parking or public access issues [no public access or none provided within 1/2 mile increments]? YES ___* NO___.
57. Are easements being provided to ensure public use and access? YES___ NO___*.
59. Is there a Sec. 934 of WRDA 1986 extension of the period of authorized Federal participation? YES ___* NO___.
60. Are there any Sec. 111 of Rivers and Harbors Act of 1958, as amended proposals?
YES ___* NO___.
61. Do the proposed changes to the project include any significant risks to public safety related to uncontrolled flooding? YES ___* NO___.
62. Have all the public safety issues related to uncontrolled flooding been fully resolved with the district/MSC Dam Safety Officers? YES___ NO___*.
63. Have all the changes in residual public safety risks related to uncontrolled flooding been communicated to the public and incorporated into their emergency response plan?
YES___ NO___*.

Aquatic Ecosystem Restoration Component

64. Is there an aquatic ecosystem restoration component of the selected plan? YES___ NO___.
If Yes, answer each of the following questions for the selected plan:
65. Has the selected plan been formulated using cost effectiveness and incremental analysis techniques? YES___ NO___*.
66. Was "IWR Plan" used to do cost effectiveness/incremental analysis?
YES___ NO___*.
67. Are the restoration features justified by aquatic habitat restoration benefits (exclude preservation and enhancement benefits, and terrestrial habitat benefits)? YES___ NO___*.
68. Is the project purpose for restoration of cultural or historic resources as opposed to ecosystem restoration? YES ___* NO___.
69. Is mitigation authorized or recommended? YES ___* NO___.
70. Are there recommendations for other than restoring a degraded aquatic ecosystem [e.g., creating new habitat where it has never been]? YES ___* NO___.
71. Is the significance of the habitat clearly identified using the categories and criteria defined in Section 3.4.3 of Principles and Guidelines and in paragraph 16.b of EP 1165-2-502? YES___ NO___*.
72. Has the restoration project been formulated for biological/habitat values as opposed to, for example, water quality? YES___ NO___*.

73. Is the selected plan on non-public lands? YES ___* NO ___.
74. Does the selected plan involve land acquisition where the value exceeds 25% of total project cost? YES ___* NO ___.
75. Are all the proposed recreation features in accord with ER 1105-2-100, Appendix E, Exhibit E-3? YES ___ NO ___*.
76. Are there recommendations to include water quality improvement? YES ___* NO ___.
77. Is the monitoring & adaptive management period proposal beyond 5 years after completion of construction? YES ___* NO ___.
78. Does the selected plan involve land acquisition in other than fee title? YES ___* NO ___.
74. Are there recommendations for non-native species? YES ___* NO ___.
79. Does the selected plan propose the use of navigation servitude? YES ___* NO ___.
80. Does the recommendation include monitoring costs greater than 1% of the total first cost of aquatic ecosystem restoration? YES ___* NO ___.
81. Does the recommendation include adaptive management costs greater than 3% of the total first cost of aquatic ecosystem restoration, excluding monitoring costs? YES ___* NO ___.

Recreation Component

82. Is there a recreation component of the selected plan? YES ___ NO ___. If Yes, answer each of the following questions for the selected plan:
83. Is the cost of proposed recreation development more than 10 % of the Federal project cost without recreation [except for nonstructural flood damage reduction and coastal storm damage projects]? YES ___* NO ___. [Issue paper must describe the proposal and whether ASA(CW) approval has been granted.]
84. Are there recreation features located on other than project lands? YES ___* NO ___.
85. Does the selected plan involve/provide for waterfront development? YES ___* NO ___.
86. Does the selected plan involve the need to reallocate authorized storage (see Section III, Appendix E, ER 1105-2-100)? YES ___* NO ___.
87. Does the selected plan include non-standard recreation facilities (refer to ER 1105-2-100, Appendix E, Exhibit E-2)? YES ___* NO ___.

Water Supply Component

88. Is there a water supply component of the selected plan? YES ___ NO ___. If Yes, answer each of the following questions for the selected plan:
89. Does the component include features other than Corps reservoir storage space for M&I water supply? YES ___* NO ___.
90. Do the outputs meet other needs other than M&I water supply, such as agricultural water supply? YES ___* NO ___.
91. Does the selected plan use non-standard pricing for reallocated storage? YES ___* NO ___.

92. Are there exceptions to model contract/agreement language? YES ___* NO___.

Concurrences

Project Manager	_____	Date:_____
District Planning and Policy CoP leader	_____	Date:_____
District Counsel	_____	Date:_____
DDE (PM)	_____	Date:_____
MSC Planning and Policy CoP Leader	_____	Date:_____
MSC Counsel	_____	Date:_____

Exhibit H-3. Feasibility Scoping Meeting Pre-Conference Submittals

The FSM submittal materials should include the following:

1. Report Text. Present a complete outline of the anticipated decision document (see Appendix G, Exhibit G-4, Feasibility Report Content). Include preliminary drafts of report text for all items in the outline from item 1 through item 5.d.(4) in Exhibit G-4. The analyses for items 5.d.(2), (3), and (4) should be complete through the preliminary screening of alternatives, i.e.; a tentative identification of the plans for more detailed analysis. The District should describe the future work that will be accomplished to develop and evaluate preliminary plans. In addition, the District should include draft text for item 8 that covers the results of the NEPA Scoping Meeting and the results of other preliminary coordination and public involvement efforts. Additional report outline topics may be presented depending on the availability of information. Identify any information gaps in the above items and note the status of pending analyses and results. The draft document sections should address the respective general evaluation guidelines presented in Appendix G, Exhibit G-1 to the extent possible at this stage of the study.
2. Documentation. The following documentation should be concise and focus on issues requiring HQUSACE buy-in:
 - a. Policy and Procedure Issues. The District will complete and include the Project Study Issue Checklist shown in Exhibit H-2. The submittal will identify checklist and other issues that need to be resolved, and present an analysis of options and proposed solutions in an issue paper (see paragraph H-2.g.). The District may include issue papers to address any other concerns related to the study or project implementation.
 - b. Peer Review. Describe the status of peer review activities and present the peer review documentation completed to date, including the status of unresolved issues and the most likely resolution.
 - c. Schedule. List the future study/project milestones and completion dates.
 - d. Project Guidance Memoranda. Provide a copy of the most recent PGM issued by the MSC or HQUSACE, even if it is from the Reconnaissance Phase or an IPR.
 - e. Compliance Memorandum. Include the reconnaissance approval or guidance memorandum, and a memorandum documenting the District's compliance with any PGMs resulting thus far from feasibility phase IRCs (see paragraph H-2.f).
 - f. Other Information. Include other information pertinent to understanding the topics above or other issues that may affect the project.
3. Copies. Provide eight (8) hard copies of the draft report text (item 1 above) and one (1) hard copy of each of the other items listed above to the HQUSACE RIT. Contact the DST for MSC submittal requirements.

Exhibit H-4. Alternative Formulation Briefing Pre-Conference Submittals

The AFB submittal materials should provide all information that is pertinent to the formulation, evaluation, comparison, and selection of the tentatively recommended plan. The AFB documentation will address the general evaluation guidelines presented in Appendix G, Exhibit G-1. Conceptually, AFB documentation would be comparable to a draft report that is about 75 percent complete. Specifically, the submittal materials should include the following:

1. Report Text. Present a complete outline of the anticipated decision document (see Appendix G, Exhibit G-4, Feasibility Report Content). Include drafts of report text for outline items 1 through 5.g, 7.b, 7.c, and 8 in Exhibit G-4. Except for items 7.c and 8, the supporting analyses should be complete. The sponsor and agencies views will be preliminary, pending the upcoming public review. The draft text for item 8 would cover the results of the NEPA Scoping Meeting and the results of other coordination and public involvement efforts to date. Additional report outline items may be presented if available. The outline should identify any information gaps in the above items and note the status and expected results of any pending analyses. The full draft report, if available, it should be submitted in lieu of the outline and text listed above.

2. Documentation. The following documentation should be concise and focus on issues requiring HQUSACE buy-in:

a. Policy and Procedure Issues. The District will complete and include the Project Study Issue Checklist shown in Exhibit H-2. The submittal will identify checklist and other issues that need to be resolved, and present an analysis of options and proposed solutions in an issue paper (see paragraph H-2.f.). The District should include issue papers to address any other concerns related to the study or project implementation.

b. Environmental Compliance. Present the status of environmental compliance actions, coordination, and any NEPA or other documentation that has been drafted (see Exhibit G-8).

c. Peer Review. Describe the status of peer review activities and present the review documentation completed to date, including the status of unresolved issues and the most likely resolution. Technical work products that support the submittal materials (e.g.; surveying & mapping, hydraulics & hydrology, environmental/NEPA documentation, average annual damage and benefit computations, cost estimates, etc.) should have been subjected to peer review. The documentation should address the PCX and Cost Engineering Directory of Expertise (DX) coordination and the application of the Cost Engineering DX technical review checklist. It should also address the heightened review of real estate costs.

d. Legal Review. Identify any legal issues and status of legal review certification.

e. Status of Engineering Activities. In general, sufficient engineering analysis should be complete to have a reasonably certain estimate of project scope, benefits, and costs. Identify any incomplete items of work that could cause significant risks/uncertainties for the project scope, benefits, or costs, and assess the likely consequences. Describe the status of the M-CACES cost

estimates, cost risk analysis, and project risk management plan.

f. Status of Real Estate. Identify any LERRD issues and the status of real estate activities, and include a copy of the draft Real Estate Plan (REP), even if it is incomplete. In general, the REP (ER 405-1-12, Chapter 12) should be sufficiently complete so as to have a reasonably certain estimate of project LERRD requirements and, for cost shared projects, a reasonably certain description of the nature and scope of the non-Federal sponsor's responsibilities and estimated LERRD credit amount. Identify any incomplete items of work that could cause significant risks/uncertainties for the project scope, benefits, or costs, and assess the likely consequences.

g. Schedule. List the future study/project milestones and completion dates.

h. Project Guidance Memoranda. Provide a copy of pertinent PGMs or MFRs.

i. Compliance Memorandum. Include the FSM MFR and a memorandum documenting the District's compliance with any PGMs resulting from feasibility phase IRCs or IPRs (see paragraph H-2.f). If no FSM was held, provide the reconnaissance approval or guidance memorandum.

j. Other Information. Include other information pertinent to understanding the topics above or other issues that may affect the project.

3. Copies. Provide eight (8) hard copies of the draft report text (item 1 above) and one (1) hard copy of each of the other items listed above to the HQUSACE RIT. Contact the DST for MSC submittal requirements.

Exhibit H-5. Draft Report Policy Compliance Review Submittals

The draft report submittal materials should include the draft decision document and preliminary draft NEPA document. Specifically, the submittal materials should include the following:

1. Draft Decision Document and Preliminary Draft NEPA Document. Provide the draft decision document and the preliminary draft NEPA document. Both documents and the appendices should be essentially complete, except for the results of the pending public review. The report will address the general evaluation guidelines presented in Exhibit G-1. The sponsor and agencies views will be preliminary, pending the upcoming public review. The report text for public and agency involvement should cover the results of the NEPA Scoping Meeting and the results of other coordination and public involvement efforts to date. Supporting analyses should be complete.

2. Documentation. The following documentation should be concise and focused on issues requiring HQUSACE buy-in:

a. Policy and Procedure Issues. The District will complete and include the Project Study Issue Checklist shown in Exhibit H-2. The submittal will identify checklist and other issues that need to be resolved, and present an analysis of options and proposed solutions in an issue paper (see paragraph H-2.f.). The District should include issue papers to address any other concerns related to the study or project implementation.

b. Environmental Compliance. Present the status of environmental compliance actions and related coordination (see Appendix G, Exhibit G-8).

c. Peer Review. Provide the peer review certification(s) and the review documentation for the draft decision document, preliminary draft NEPA document, and the supporting analyses. Peer review should be complete for all supporting technical work products. Identify any unresolved review issues and the expected path to resolve these issues. The documentation should address the PCX and Cost Engineering Directory of Expertise (DX) coordination and the application of the Cost Engineering DX technical review checklist. It should also address the heightened review of real estate costs.

d. Legal Review. Provide the District counsel's legal review certification. Identify any unresolved legal issues.

e. Engineering Activities. Provide the engineering documentation, including the M-CACES cost estimate, cost risk analysis, and project risk management plan.

f. Schedule. List the future study/project milestones and completion dates.

g. Project Guidance Memoranda. Provide a copy of pertinent PGMs or MFRs.

h. Compliance Memorandum. Include a memorandum documenting the District's compliance with the AFB PGM and/or subsequent PGMs resulting from feasibility phase IRCs or IPRs (see paragraph H-2.h).

i. Other Information. Include other information pertinent to understanding the topics above or other issues that may affect the project.

3. Copies. Provide eight (8) copies of the draft decision document and preliminary draft NEPA document to HQUSACE. Provide one (1) copy of each of the other items listed above to HQUSACE. Contact the DST for MSC submittal requirements.

Exhibit H-6. Model Division Engineer's Transmittal Letter and Notice

Text for Division Engineer's Transmittal Letter

(Salutation)

I hereby submit the (subject report, specify) and concur with the findings and recommendations of the District Engineer (specify name). In addition, I confirm that the report complies with all applicable policy and laws in place at the time of its completion.

Division Engineer Signature Block

Attachments

Subject Report (15 copies)
Report Summary
Documentation and certification of Peer Review
Certification of legal review
PGM compliance document
(Any other pertinent supplemental documentation)

Text for Division Engineer's Notice

The text below is suggested for the body of a Division Engineers Notice to interested parties announcing the completion of a final feasibility report. Note that such notices are optional. The notice should not indicate that the public will be notified prior to final action, should HQUSACE materially modify the recommendation contained in the report.

The _____ District Engineer has completed the _____ feasibility report. I find the District Engineer's conclusions and recommendations to be in accord with current policy. I have submitted the District Engineer's report for Washington-level review. Comments on the report may be submitted during the next 30 days to the Director of Civil Works, 441 G Street, N.W., Washington D.C. 20314-1000. The report and the final NEPA document will soon be made available to the public.

Exhibit H-7. MSC Final Report Submittal Package

The MSC's final report submittal package will include one hard copy of each of the following items unless otherwise noted:

- Division Engineer's Transmittal Letter
- Division Engineer's Notice (if applicable)
- Final report with EIS or EA and appendices (15 copies)
- Draft ROD or draft FONSI (see Exhibit H-8) ¹
- Report mailing list
- Project Study Issue Checklist ¹
- Documentation and certification of peer review and, if applicable, EPR (10 copies) ²
- Legal review certification
- Value Engineer (VE) Statement (see ER 11-1-321)
- Sponsor's signed letter indicating support for the recommended plan
- Non-Federal Sponsor's Self-Certification of Financial Capability for Agreements
- Draft Proposed Report of the Chief of Engineers (see Exhibit H-9) ¹
- PGM Compliance Memorandum ¹
- Report Summary (see Exhibit H-11) ¹
- M-CACES cost estimate summary, cost risk analysis, and project risk management plan
- Project map (3 copies)
- ASA(CW)/OMB Briefing Slides (see Exhibit H-10) ¹

¹ E-mail electronic versions (Microsoft © WORD or POWERPOINT compatible) to the HQUSACE RIT when the paper copies are mailed.

² The documentation should address the PCX and Cost Engineering Directory of Expertise (DX) coordination and the application of the Cost Engineering DX technical review checklist. It should also address the heightened review of real estate costs.

Exhibit H-8. Model Record of Decision

RECORD OF DECISION

**WETWATER RIVER AT BIG CITY, STATE¹
FLOOD DAMAGE REDUCTION AND ECOSYSTEM RESTORATION²**

The final feasibility report and final Environmental Impact Statement (EIS), dated April 20XX, for the Wetwater River, Flood Damage Reduction and Ecosystem Restoration Feasibility Study addresses flood damage reduction and restoration opportunities in Big City, State. Based on the report, the reviews of other Federal, State, and local agencies, input from the public, and the review by my staff, I find that the plan recommended by the Chief of Engineers to be technically feasible, economically and environmentally justified, cost effective, in accordance with environmental statutes, and in the public interest^{3,4}.

The Final Feasibility Report and FEIS evaluated various structural and non-structural alternatives to address the flood damage reduction and ecosystem restoration needs of the Big City, State area. The recommended plan is the National Economic Development/National Ecosystem Restoration (NED/NER) plan and consists of a levee system and aquatic habitat with adaptive management. Specific flood damage reduction features include:

- Construction of 7.2 miles of raised and new levees;
- Construction of new discharge pipes for six existing pump stations; and,
- Construction of 12 sets of 6-foot by 6-foot concrete box culverts through the levees;

Ecosystem Restoration features include:

- Creation of 10 acres of aquatic habitat; and,
- Adaptive management of the aquatic habitat for a period of ten years to ensure outputs, as needed.

Mitigation features include:

- Creation of 10 acres of wetlands; and,
- Monitoring mitigation performance and impacts to wetlands for corrective action, if needed⁵.

In addition to a “no action” plan, six structural and two non-structural alternatives⁶ for flood damage reduction and six alternatives for ecosystem restoration are identified and discussed in the Corps of Engineers reports⁷. The flood damage reduction structural alternatives included levees of various heights and alignments with water control structures of various sizes. Nonstructural alternatives included relocation of structures and raising structures. The ecosystem restoration alternatives include three sizes of aquatic habitat at two sites. The North Levee alternative to protect against a flood event with a 0.02 percent chance of exceedence with 95 percent reliability with the restoration of 10 acres of aquatic habitat along the Wetwater River

is the NED/NER plan and is identified as the environmentally preferable alternative⁸.

The Draft Feasibility Report and DEIS were circulated for public review for 45 days on September 13, 20XX. A meeting was held October 6, 20XX to address agency comments. All comments submitted were responded to in the FEIS dated March 20XX. Additional comment letters were received on the FEIS. No objections to the project were expressed.

The Corps modified the FEIS to satisfy four of five Essential Fish Habitat conservation recommendations provided by National Marine Fisheries Service. The Corps did not concur with the recommendation to mitigate adverse impacts to freshwater marsh by creating at least two acres of new marsh for each acre destroyed. The selected plan will mitigate impacts by providing an equal or greater habitat value of damaged marshes, rather than trying to achieve a fixed ratio of acreages.

Consistent with reducing flood damages in an environmentally sustainable manner, the project will be designed, constructed and operated to avoid impacts to anadromous fish by limiting work in the Wetwater River to non-migratory periods and through the installation of screens on water control discharge facilities. The specific designs and operating plans will be formulated in consultation with an interagency fishery resource evaluation team. All practicable means to avoid or minimize adverse environmental effects have been incorporated into the recommended plan⁹.

Technical and economic criteria used in the formulation of alternative plans were those specified in the Water Resource Council's Principles and Guidelines. All applicable laws, executive orders, regulations and local government plans were considered in the evaluation of alternatives¹⁰. Based on review of these evaluations, I find that the (monetary and non-monetary) benefits outweigh the costs and any adverse effects. This Record of Decision completes the National Environmental Policy Act process.

Date

John Paul Woodley, Jr.
Assistant Secretary of the Army
(Civil Works)

Model ROD Instructions. Each ROD should include the minimal amount of information necessary to comply with 40 CFR Section 1505.2. Notes for the model include:

¹ The Final Feasibility Report, FEIS, Report of the Chief of Engineers, and the ROD should all use the identical project title

² Include all project purposes cited in the Report of the Chief of Engineers

³ The ROD must have a clear approval statement

⁴ The ROD must state what the decision is

(Footnotes continued from previous page)

⁵ If the selected plan includes monitoring, the ROD should state it; if it is required for mitigation, the ROD must state it

⁶ The ROD must identify all of the alternatives considered

⁷ The ROD should reference the decision document that discusses the alternatives in greater detail.

⁸ The ROD must identify the environmentally preferable alternative

⁹ The ROD must state whether all practicable means to avoid or minimize environmental harm have or have not been adopted, and if not, why

¹⁰ The ROD must state the considerations addressed in arriving at the decision

Exhibit H-9. Model Proposed Report of the Chief of Engineers

Proposed Report¹

CECW-PC (1105-2-10a)

SUBJECT: Wetwater River at Big City, State²

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on flood damage reduction and ecosystem restoration along the Wetwater River in the vicinity of Big City, State³. It is accompanied by the report of the XXX District Engineer and the Northwestern Division Engineer. These reports are in final response to a resolution by the Committee on Transportation and Infrastructure of the House of Representatives, adopted 19 May 2003⁴. The resolution requested a review of "the report of the Chief of Engineers on the Wetwater River, State and other pertinent reports, with a view to determining whether modifications of the recommendations contained therein are advisable in the interest of flood control, fish and wildlife conservation and restoration, and other related water resources purposes in the vicinity of Big City, State⁵." The Big City Levee, Wetwater River project was authorized by the Flood Control Act of 1936. Project construction of the Big City Levee was completed in 1968⁶. Preconstruction engineering and design activities, if funded, would be continued under the authority provided by the resolution cited above.

2. The reporting officers recommend authorizing a plan to reduce flood damages by increasing the height of the Big City Levee and restore the ecosystem by improving habitat for fish, wildlife and waterfowl in the vicinity of Big City, State. The recommended plan for reducing flood damages includes increasing the height of approximately 9,140 linear feet of levee about 5 feet, replacing stoplog structures, modifying drainage structures, replacing or modifying 3 pump stations, and relocating 4 utility crossing relocations. Unavoidable environmental impacts would be fully compensated for by the creation of approximately 1.2-acres of emergent wetland⁷. This mitigation feature would be monitored for up to five years to ensure its performance⁸. The recommended plan to restore the ecosystem consists of dredging 55 acres to create aquatic habitat and using the dredged material to create an island with 21 acres of riparian habitat in the Wetwater River above Memorial Bridge⁹. The recommended plan also includes post-construction monitoring and adaptive management for a period of ten years to ensure project performance⁸. Since the recommended plan would not have any significant adverse effects, no mitigation measures (beyond management practices and avoidance) or compensation measures would be required⁷. The recommended plan is the national economic development and national ecosystem restoration plan¹⁰. All features are located in State.

3. The Big City Flood Control District is the non-Federal cost-sharing sponsor for all features. Based on October 2006 price levels, the estimated total first cost of the plan is \$52,900,000, including \$32,900,000 for flood damage reduction and \$20,000,000 for ecosystem restoration^{11,12}. The Federal share of the total project cost would be about \$34,400,000 (65 percent) and the non-Federal share would be about \$18,500,000 (35 percent).

a. In accordance with the cost sharing provisions of Section 103 of the Water Resources Development Act (WRDA) of 1986, as amended by Section 202 of WRDA 1996, the Federal share of the first costs of the flood damage reduction features would be about \$21,400,000 (65 percent) and the non-Federal share would be about \$11,500,000 (35 percent). The cost of lands, easements, rights-of-way, relocations, and dredged or excavated material disposal areas is estimated at \$3,100,000. The total cost includes \$1,200,000 for environmental mitigation, \$200,000 for environmental monitoring, and \$1,000,000 for adaptive management¹³. Big City would be responsible for the operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the project after construction, a cost currently estimated at about \$190,000 per year. The OMRR&R estimate includes \$15,000 for monitoring and adaptive management beyond the construction phase¹⁴. In addition to the above, Big City would be fully responsible for performing the investigation, cleanup and response of hazardous materials on the project site. The cost of hazardous material work is estimated at approximately \$900,000 and is a non-Federal responsibility¹⁵. Also in addition to the above, Big City would be fully responsible for removing and relocating utilities and discharge pipelines on the project site that are non-compensable, at a cost estimated at approximately \$1,900,000.

b. In accordance with the cost sharing provisions of WRDA 1986, as amended by Section 210 of WRDA 1996, the Federal share of the first costs of the ecosystem restoration features would be about \$13,000,000 (65 percent) and the non-Federal share would be about \$7,000,000 (35 percent). The cost of lands, easements, rights-of-way, relocations, and dredged or excavated material disposal areas is estimated at \$1,100,000. The total cost includes \$300,000 for environmental monitoring, and \$900,000 for adaptive management. Big City would be responsible for the operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the project after construction, a cost currently estimated at about \$140,000 per year. The OMRR&R estimate includes \$60,000 for monitoring and adaptive management beyond the construction phase.

4. Based on a 4.875-percent discount rate and a 50-year period of analysis, the total equivalent average annual costs of the project are estimated to be \$3,170,000, including OMRR&R¹⁶.

a. The total equivalent average annual flood damage reduction costs are estimated to be \$1,960,000, including OMRR&R. The selected plan is estimated to be 99 percent reliable in protecting portions of Big City, State from a flood which has a one percent chance of occurrence in any year (100-year flood). The selected plan would reduce average annual flood damages by about 81 percent and would leave average annual residual damages estimated at \$3,500,000. The equivalent average annual benefits are estimated to be \$18,200,000 with net average annual benefits of \$14,700,000. The benefit-cost ratio is approximately 7.5 to 1¹⁷.

b. The total equivalent average annual aquatic ecosystem restoration costs are estimated to be \$1,210,000, including OMRR&R. Cost effectiveness and incremental cost analysis techniques were used to evaluate the alternative plans to ensure that an efficient ecosystem restoration plan was recommended. The cost of the recommended aquatic ecosystem restoration features is justified by restoring 380 average annual habitat units on 55 acres of aquatic habitat and 120 average annual habitat units on 21 acres of riparian habitat. The plan would restore the habitats in the most cost-effective manner. The restored aquatic habitat would increase the habitat for the fall chinook salmon listed as endangered under the Endangered Species Act and would improve the aquatic habitat for other species in the Wetwater River for several miles downstream. The restored riparian habitat would increase scarce resting, nesting, feeding, and rearing habitat for migratory waterfowl, shorebirds, and neotropical migrant birds using the internationally significant Western Flyway¹⁸.

5. I concur in the findings, conclusions, and recommendations of the reporting officers. Accordingly, I recommend that the plan to reduce flood damages and restore the ecosystem for the Wetwater River at Big City, State be authorized in accordance with the reporting officers' recommended plan at an estimated cost of \$52,900,000 with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of Federal and State laws and policies, including Section 103 of WRDA 1986, as amended by Section 202 of WRDA 1996, and WRDA 1986, as amended by Section 210 of WRDA 1996. The non-Federal sponsor would provide the non-Federal cost share and all LERRD. Further, the non-Federal sponsor would be responsible for all OMRR&R. This recommendation is subject to the non-Federal sponsors agreeing to comply with all applicable Federal laws and policies.

6. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects¹⁹. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to Congress, the sponsor, the State, interested Federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.

ROBERT L. VAN ANTWERP
Lieutenant General, U.S. Army
Chief of Engineers

Instructions. The order, structure, content, and level of detail of each sentence in the model serves a specific purpose and should be replicated to the extent possible. Other instructions are noted in the footnotes below.

¹ “Proposed Report” only appears on unsigned copies circulated for S&A Review and in conjunction with filing the final report and FEIS with EPA

² The Final Feasibility Report, FEIS, Report of the Chief of Engineers, and the ROD should all use the identical project title

³ State each recommended project purpose and the general project or study area

⁴ State whether the reports are an interim or final response to the study authorization, and identify the study resolution or section and act and its date that authorized the study

⁵ Quote the purpose and scope stated in the study authorization, unless it is a general authority; e.g., These reports were prepared under the authority of Section 216 of the 1970 Flood Control Act, which authorizes the Secretary of the Army to review the operation of projects constructed by the Corps of Engineers when found advisable due to significantly changed physical, economic or environmental conditions.

⁶ If the recommendation involves modifying an authorized project, state the project authorization, including modifications, and the status of implementation.

⁷ If mitigation is required, state the mitigation plan with a simple measure of scale of each significant feature; if mitigation is not required, state that mitigation is not required; the typical language is presented here even though mitigation normally would not be part of an NED/NER Plan.

⁸ All monitoring and adaptive management measures should be presented as feature and state the purpose and duration.

⁹ Summarize the features for each project purpose separately; also summarize features separately for work recommended under different authorities (such as design deficiency corrections under existing authority).

¹⁰ State whether the recommended plan is the NED, NER, NED/NER or Locally Preferred Plan.

¹¹ Present the total first costs and, if multipurpose, the first cost for each purpose.

¹² Present more than 2 or 3 significant digits for any first or annual cost/benefit estimate. Round all estimates under \$1 million to at least the nearest \$1,000, estimates under \$10 million to the nearest \$10,000; under \$100 million to the nearest \$100,000; under \$1 billion to the nearest \$1 million, etc.

¹³ Present the estimated costs for any construction phase mitigation, monitoring and adaptive management.

¹⁴ Present the rounded estimated costs for any OMRR&R monitoring and adaptive management.

¹⁵ Present any associated costs that are not included in the cost shared amount.

¹⁶ Paragraphs 3 and 4 are usually combined for single purpose projects.

¹⁷ Present the BCR to the nearest hundredth if it is between 0.90 and 1.10, otherwise only to the nearest tenth.

¹⁸ Present the significance of non-monetary outputs used to justify the recommended plan.

¹⁹ Following the completion of the policy, S&A and NEPA Reviews, and the resolution of all review issues, OWPR will edit this document as needed, add a paragraph addressing the reviews, and add the items of local cooperation.

Note: Paragraphs regarding the results of the Washington-level review (including environmental compliance) and the items of local cooperation are not included until after the completion of the final NEPA and State and Agency reviews.

Exhibit H-10. OMB Briefing Slides

The OMB Briefing slide file should include separate slides depicting:

- Study Title - Include the full project name and state. If the report recommends more than one project, furnish a project title slide and a set of the following slides (only one on the legislative authority is needed) for each project.
- Legislative Authority - Identify the study authority. If report is an interim, so state.
- Project Purpose
- Non-Federal Sponsor – Identify the sponsor.
- State Map and Project Location - State boundaries, state capital, and the location of project and major water features should be conspicuous. Nearby major population centers should also be indicated.
- Problem - An illustration, preferably a photograph, should depict the major water resources problems to be solved by the report recommendation. A list or graphical representation of significant problem and/or opportunity statements is acceptable if a photo is not available.
- Alternatives Considered. Include a word slide that lists structural and non-structural alternatives considered.
- Project Map - Provide a simple, multicolor map of the entire project. Schematics are acceptable, even preferable if done well.
- Recommended Plan Features - One or more slides of the significant project features (conceptual level) if they can not be illustrated on the Project Map.
- Economic Summary - Include total project cost, average annual costs, average annual benefits and the BCR (if applicable). Round all costs and benefits to the nearest \$1,000, and the BCR to one decimal place unless between 1.0 and 1.05. Show the price level and discount rate.
- Cost Apportionment – A simple table using the same format in the project summary.
- Deviation from NED Plan – If an LPP is recommended, show the incremental costs, benefits, and impacts.
- Environmental Compliance – Show whether an EA or EIS was prepared, the date of the FONSI or ROD if signed, and any significant environmental compliance issues.
- Public Involvement – Summarize the extent of public involvement and note any major public controversies or issues.
- Artist's Rendition - Annotate a photo to show the project design or an artist's rendition of completed project (optional).
- Project Implementation – List the remaining milestones such as the month and year for the design agreement execution, PCA execution, contract award, and construction completion.
- CWRB – Show the date, summarize the decision, and list any OMB attendees.

The project name and date should appear on each slide.

Exhibit H-11. Model Report Summary

REPORT SUMMARY
(Specify Study Name)

Feasibility Scoping Meeting:	DD MMM YYYY
Alternative Formulation Briefing:	DD MMM YYYY
AFB Guidance Memorandum:	DD MMM YYYY
Draft Report Guidance Memorandum:	DD MMM YYYY
Division Engineer Transmittal:	DD MMM YYYY
Received at CECW-PC:	DD MMM YYYY
CWRB Briefing:	DD MMM YYYY
30-Day S&A Review start:	DD MMM YYYY
30-Day S&A Review end:	DD MMM YYYY
FEIS filed with EPA:	DD MMM YYYY

STUDY INFORMATION

Study Authority. Include the full text of principal resolutions(s) or other authority.

Study Sponsor. Include the name(s) of the study sponsor(s).

Study Purpose and Scope. State whether the report is an interim or final response to the study authority. Succinctly identify the study purpose and scope.

Project Location/Congressional District. Include a concise description of the study area and project location (including clear maps with all key features identified) and identify the Congressional District(s).

Prior Reports and Existing Water Projects. Include a concise discussion of relevant prior studies, reports, NEPA documents and Endangered Species Surveys, existing water projects, and other key related activities. Also include relevant documents and projects undertaken by entities other than the Corps.

Federal Interest. Define the Federal interest, consistent with Army policies, based on an appraisal of the costs, benefits and environmental impacts of the recommended project alternative.

STUDY OBJECTIVES

Problems and Opportunities. Specify the key problems being addressed and the opportunities for alleviating them.

Planning Objectives. Statement of the intended purposes of the planning process; what alternatives are intended to achieve.

Planning Constraints. Restrictions that limit the extent of the planning process.

ALTERNATIVES

Plan Formulation Rationale. Strategies and approaches used to develop alternative plans.

Management Measures and Alternative Plans. Discussion of the measures, scales, and combinations used to develop alternative plans, and reformulation to refine the performance of alternatives (Tabular presentations to supplement discussion may be appropriate).

Final Array of Alternatives. Describe the plans that qualified for the final comparison, including the NED, NER or Combined Plan, and any Locally Preferred Plan. Discuss the rationale for eliminating alternative plans.

Comparison of Alternatives. Describe how the plans in the final array of alternatives compare in meeting the planning objectives and constraints. Cite key risks and uncertainties associated with the plans, and explain how these factors have been treated. Identify key tradeoffs among the alternatives (could be among outputs and effects, or against risks and uncertainties).

Key Assumptions. Identify key assumptions that underlie the analysis. Consider hydrologic, environmental, economic, and other assumptions key to the formulation and recommendation, including those related to analytic models used in the study.

Recommended Plan. Identify the selected plan, and describe the rationale supporting the selection. List the significant features with one or two measures of scale for each one.

Systems / Watershed Context. Describe how the Recommended Plan is integrated with other watershed purposes. Discuss agency partnerships and cooperation. Include which other agencies were invited to be formal Cooperating Agencies and those which accepted, and identify the responsible lead agency.

Environmental Operating Principles. Describe how the recommendation supports the USACE Environmental Operating Principles.

Peer Review. Describe how the plan and associated analyses were reviewed for quality, as well as any substantive peer review comments and their resolution.

EXPECTED PROJECT PERFORMANCE

Project Costs. Present all project costs by category (including construction elements by project purpose, LERRD, PED, construction management (E&D and S&A), deferred (periodic nourishment), associated non-Federal costs, and any other as applicable), and detail any cost allocation as applicable. Specify price level and discount rate applied. Follow the sample Table 1 format and level of detail. Separate “elements” should be presented for each project purpose.

Table 1 (Sample)

Cost Summary
 “Subject Study”
 (October 200x Price Levels)

<u>Construction Item</u>	<u>Cost</u>
Lands & Damages	\$ 900,000
Elements	
Relocations	\$ 6,600,000
Locks	163,100,000
Fish & Wildlife Mitigation	5,100,000
Channel Improvements	10,100,000
Cultural Resources Preservation	100,000
Monitoring	200,000
Buildings, Grounds, & Utilities	5,200,000
Permanent Operating Equipment	<u>2,500,000</u>
Subtotal	\$ 192,900,000
Preconstruction Engineering & Design (PED)	34,800,000
Construction Management (E&D, S&A)	<u>10,700,000</u>
 Total First Cost	 \$ 239,300,000
 HTRW Remedial Action*	 \$ 500,000

* Associated financial costs that are not part of the recommended Federal project but are a necessary non-Federal responsibility.

Equivalent Annual Costs and Benefits. List all project costs and benefits computed to an annual equivalent basis, including results of risk and uncertainty analyses. Distinguish between major categories of benefits (both within and between the four accounts, as appropriate: NED, RED, EQ, OSE), monetary and non-monetary benefits, and primary versus incidental benefits. Present net benefits and benefit/cost ratios where applicable. (Include benefit/cost ratio evaluated at a 7 percent discount rate per Executive Order 12893.) Follow the sample Table 2A and B formats to the extent possible. Benefits from Ecosystem Restoration studies do not require monetization, and should be displayed in the units used in the evaluation. Benefit/cost ratios are not required for NER projects. Combined Plans should list both NED and NER benefits and costs associated with the recommended plan:

Table 2A (sample NED)
Equivalent Annual Benefits and Costs
“Subject Study”
(October 200x Price Level, 50-Year Period of Analysis, 4.875 Percent Discount Rate)

Investment Costs	
Total Project Construction Costs	\$ 239,400,000
Interest During Construction	<u>36,600,000</u>
Total Investment Cost	\$ 276,000,000
Average Annual Costs	
Interest and Amortization of Initial Investment	\$ 17,800,000
<i>(additional annual costs, if applicable)</i>	1,600,000
OMRR&R	<u>2,600,000</u>
Total Average Annual Costs	\$ 22,000,000
Average Annual Benefits	\$ 35,600,000
Net Annual Benefits	\$ 13,600,000
Benefit-Cost Ratio	1.6 to 1
Benefit-Cost Ratio (computed at 7%) ¹	1.3 to 1

¹ Per Executive Order 12893

Table 2B (Sample Combined Plan) “Subject Study” Economic Costs And Benefits Of Recommended Plan ¹ (\$1,000)						
Item	FDR		Ecosystem		Total Costs	
	Allocated Costs	Benefits	Allocated Costs	Benefits	Allocated Costs	Benefits
Investment Cost						
First Cost	4,260		40,446		44,706	
Interest During Construction	271 ³		3,066 ⁴		3,337 ⁴	
Total	4,531		43,512		48,043	
Annual Cost						
Interest and Amortization	272		2,615		2,887	
OMRR&R ²	47		8		55	
Subtotal	319		2,623		2,942	
Annual Benefits						
Monetary (FDR)		577				577
Non-monetary (Ecosystem)				888 AAHU's		888 AAHU's
Net Annual FDR Benefits		258				258
FDR Benefit-Cost Ratio						1.8 to 1
FDR Benefit-Cost Ratio (at 7%) ⁵		x.x to 1				x.x to 1

¹Based on October 200x price levels, 5 5/8 percent rate of interest, and a 50-year period of analysis.

²Operation, Maintenance, Repair, Replacement, and Rehabilitation

³Two year period of construction assumed for J levee removal and construction of setback levee

⁴Three year period construction assumed for overall project

⁵Per Executive Order 12893

Cost Sharing. Show the apportionment of the first costs, including associated costs, between the Federal government and the non-Federal sponsor(s) using the format displayed in Table 3. Present all financial costs of the Project and describe how such costs will be shared with the non-Federal sponsor, including in-kind services, LERRDs, other credits, and any other applicable considerations.

Table 3 (Project Name) - Cost Sharing (October 200x Price Level)			
Item	Federal Cost	Non-Federal Cost	Total Cost
<u>Ecosystem Restoration (ER)</u>			
PED ¹	\$ xx,xxx,000 (65)	\$ x,xxx,000 (35)	\$ xx,xxx,000
LERR&D	\$ 0	\$ xx,xxx,000	\$ xx,xxx,000
<u>Ecosystem Restoration</u>	<u>xx,xxx,000</u>	<u>xx,xxx,000</u>	<u>xxx,xxx,000</u>
Subtotal	\$ xxx,xxx,000 (65)	\$ xxx,xxx,000 (35)	\$ xxx,xxx,000
ER Subtotal	\$ xxx,xxx,000 (65)	\$ xxx,xxx,000 (35)	\$ xxx,xxx,000
<u>Flood Damage Reduction (FDR)</u>			
PED	\$ x,xxx,000 (65)	\$ x,xxx,000 (35)	\$ x,xxx,000
LERR&D	\$ 0	\$ x,xxx,000	\$ x,xxx,000
Flood Damage Reduction ^{2,3}	xx,xxx,000	x,xxx,000	xx,xxx,000
Section xxx Credit	<u>x,xxx,000</u>	<u>(x,xxx,000)</u>	<u> </u>
Subtotal	\$ xx,xxx,000 (65)	\$ x,xxx,000 (35)	\$ xx,xxx,000
FDR Subtotal	\$ xx,xxx,000 (65)	\$ xx,xxx,000 (35)	\$ xx,xxx,000
Associated Costs ⁴		\$ x,xxx,000	
<u>Recreation</u>			
PED	\$ x,xxx,000 (50)	\$ x,xxx,000 (50)	\$ x,xxx,000
LERR&D	\$ 0	\$ xx,xxx,000	\$ xx,xxx,000
<u>Recreation</u>	<u>xx,xxx,000</u>	<u>-xx,xxx,000</u>	<u>xx,xxx,000</u>
Subtotal	\$ xx,xxx,000 (50)	\$ xx,xxx,000 (50)	\$ xx,xxx,000
Recreation Subtotal	\$ xx,xxx,000 (50)	\$ xx,xxx,000 (50)	\$ xx,xxx,000
Total Project	\$ xxx,xxx,000 (xx)	\$ xx,xx,000 (xx)	\$ xxx,xxx,000
Associated Costs	\$ 0 (0)	\$ x,xxx,000	\$ x,xxx,000
Total with Associated Costs	\$ xxx,xxx,000 (xx)	\$ xx,xx,000 (xx)	\$ xxx,xxx,000

¹Sponsor contributes 25% during the design phase and the remaining 10% the construction phase

²Non-Federal amount must be 5 percent or more in accordance with Section 103 of WRDA 1986

³If the Sponsor constructs a portion of the project under Section 104 of WRDA 1986, show separate lines for the completed Section 104 work and for the remaining work

⁴Non-creditable realocation, HTRW cleanup, or other costs

Project Implementation. Identify the non-Federal sponsor(s) for project implementation. Briefly state the institutional arrangements, the responsibilities of the various partners, and other information pertinent to implementation. Include plans for adaptive management and resource monitoring if applicable.

Operation, Maintenance, Repair, Rehabilitation, and Replacement (OMRR&R). Present summary of OMRR&R actions, costs, and responsibilities.

Key Social and Environmental Factors. Identify key social and environmental factors and consequences associated with the plan, and the influence these key factors had on the formulation of the alternatives and on the selection process. Describe cumulative effects where appropriate. Describe any mitigation actions associated with the plan, efforts taken to avoid/minimize adverse impacts, and commitments related to monitoring and management of mitigation actions.

Stakeholder Perspectives and Differences. Describe public involvement, review and consultation actions; describe key perspectives and differences among stakeholders based on comments received on the draft report and responses to those comments. Describe the views of Resource agencies and how concerns were addressed. Note actions that have been taken to resolve issues, and actions proposed to address any unresolved issues.

Environmental Compliance. Identify whether the NEPA document is an EA or EIS. State the status of the NEPA document and the FONSI or ROD. Identify any other significant, non-routine compliance controversies and the final resolution. Summarize the significant responses to the filing of the FEIS, if applicable, and the final resolution of issues. (The District should include a draft statement initially and provide a final version for HQUSACE to insert after the public/agency review of the FEIS is completed.)

State and Agency Review. Identify the dates S&A review began and ended. Identify the states and agencies that responded, identify any objections or issues that they expressed, and summarize the final resolution of any objections or issues. (To be inserted by HQUSACE after the S&A Review ends.)

Certification of Peer and Legal Review. State the dates of the certifications of the technical and legal adequacy of the final feasibility report. Summarize the involvement of the Cost Engineering DX in the approval of the total project cost estimate and similar efforts in the approval of the real estate cost estimates.

Policy Compliance Review. Summarize the final results of the HQUSACE policy compliance review process. (To be inserted by HQUSACE when the Documentation of Review Findings are completed.)

Exhibit H-12 . Washington-Level Milestones

<u>Action</u>	<u>Date*</u>
OWPR Preliminary Assessment	1 week
CWRB District Engineers Briefing	2 weeks
S&A Review, Interested Party, & EIS filing letters signed and sent to District	2.5 weeks
District sends letters/reports to State/agencies & files EIS	3 weeks
Notice of availability appears in Federal Register**	5 weeks
OWPR policy assessment	4 weeks
District responses to policy assessment concerns	5 weeks
IRC, if necessary (telephone or video)	6 weeks
S&A Review period ends (30 days)	7 weeks
NEPA review period ends (30 days)	9 weeks
District provides RIT draft responses to significant S&A Review comments	10 weeks
RIT issues response letters for significant S&A Review comments	10.5 weeks
MSC issues response letters for significant NEPA review comments	10.5 weeks
OWPR completes Documentation of Review Findings	11 weeks
OWPR provides final report package to RIT	11 weeks
RIT forwards final report package to DCW and Chief of Engineers	12 weeks
Chief signs Report of the Chief of Engineers	13-15 weeks
RIT forwards Report of the Chief of Engineers to ASA(CW)	14-16 weeks

* Typical cumulative durations relative to OWPR receipt of a complete final report package.

** The notice of availability is published in the Federal Register no earlier than the Friday of the week after EPA receives the FEIS, final report and proposed Report of the Chief of Engineers. The notice is the official start of the NEPA review of the FEIS.

Exhibit H-13. Sample Agenda for District Engineer's Briefing

- Welcome (RIT leader representing the presenting district)
- Introductions
- Project Briefing: District Engineer
- Division Engineer Briefing
 - Rationale for project support (transmittal letter)
 - Expected response to draft Report of Chief of Engineers
 - Other observations
- QA Briefing: Division Engineer / RIT SES
 - Certifications of technical, legal and policy compliance
 - Significant and/or unresolved technical, legal and policy compliance concerns
- Sponsor support: Local sponsor
- Policy Review Assessment: OWPR
- Summary of Project Briefing: District Engineer
- Lessons Learned / After Action Report: District Engineer
 - What was supposed to happen?
 - What did happen?
 - Why did it happen that way?
 - How will we improve next time?
- Lessons Learned (others, as applicable): MSC, OWPR, Local Sponsor, others
- Action: Director of Civil Works
- Close: CWRB Chair

Exhibit H-14. District Engineer's Briefing

- An overview of the report including the rationale for plan selection and the recommended plan (and the NED, NER or combined NED/NER plan if different);
- Description of how the plan is integrated with other watershed purposes;
- Description of how the recommendation supports the Environmental Operating Principles;
- How the Actions for Change for applying the lessons learned from Hurricanes Katrina and Rita were incorporated, particularly those dealing with robust design, risk and reliability;
- The district's compliance actions from the PGMs;
- The highlights and results of the District-level peer, legal and policy compliance reviews, including:
 - The substantive comments and responses and their resolution; and
 - The cost engineering and real estate cost estimate reviews;
- Substantive OWPR policy compliance review comments and responses and their resolution;
- An overview and the general outcome of the Public Involvement process, including any independent outside review, the major concerns that came about, and how they were resolved;
- Public and agency comments and responses on the draft NEPA documents;
- An assessment of the project delivery process, including:
 - The PDT membership and performance;
 - Type and frequency of meetings;
 - Lessons learned from the PDT and vertical team;
 - Recommended improvements and what will be done differently in the future; and,
- What would you do differently? (Anywhere in the process).

Exhibit H-15. Report of the Chief of Engineers Signature Package

The package recommending signature of the Report of the Chief of Engineers will include the following items:

- Report Summary
- OWPR Documentation of Review Findings
- Project map.
- Peer and legal review certifications
- Summary of agency and public comments
- Letter signed by the sponsor indicating support for the recommended plan
- Correspondence received from S&A Review and related CECW-P responses
- Mailing list-for the S&A Review
- Feasibility report, FEIS or EA/FONSI, appendices, and/or supporting documentation (addendums)
- Signature-ready Report of the Chief of Engineers
- Unsigned letters to the Chairman, Committee on Environment and Public Works, U. S. Senate, and the Chairman, Committee on Transportation and Infrastructure, U. S. House of Representatives, enclosing a copy of the Report of the Chief of Engineers in response to their requests for advance information for examination by their respective committees (to be signed by the Chief of Staff)