

Policy and Legal Compliance Review Manager Roles and Responsibilities

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INTRODUCTION

OBJECTIVE

This document is a guide on the specific roles and responsibilities of the Policy and Legal Compliance (P&LC) Review Manager (RM) throughout the duration of the feasibility study including the completion of the Chief's Report (CR) or Director's Memo/Report (DM/R). If an RM needs clarification on any of the items discussed in this document, they should contact any of the three Office of Water Project Review (OWPR) team leads with their questions.

ROLE OF THE POLICY & LEGAL COMPLIANCE REVIEW TEAM

The P&LCR team is assembled to provide decision quality assurance as part of the review of decision documents and all related supplemental reviews and requirements supporting a CR or DM/R. The P&LCR team's responsibilities include providing an independent review and facilitating collaborative and efficient issue resolution to confirm legal and policy compliance that culminates in the Documentation of Review Findings (DoRF) prepared by the RM that supports the recommendation of the Chief of Engineers (CG) or Director of Civil Works (DCW).

As well as being a reviewer, the P&LC RM serves as a unifying voice and representative of the P&LCR team and the Washington level review. Due to the need for a unified P&LCR voice, the RM plays a critical role in supporting issue resolution within and outside of the P&LCR team. Issue resolution requires an awareness and understanding of the details of the study, the policy and legal issues that have been raised, and the key comments brought up during the District Quality Control (DQC), Agency Technical Review (ATR), public reviews, and Independent External Peer Review (IEPR) (if applicable). If a resolution is not possible between the project delivery team (PDT) and P&LCR team, then the RM, through the Regional Integration Team (RIT) (coordinating with Major Subordinate Command [MSC] staff as needed), is responsible for quickly elevating conflicts to decision makers. Throughout the study timeline, the P&LC RM provides impartial and unbiased recommendations, advice, and support to decision makers that may require incorporating additional input from subject matter experts outside of the P&LCR team. The P&LC RM, as well as the rest of the P&LCR team, works collaboratively with, but should not be influenced by the District, MSC, and Headquarters (HQ) command structure, regardless of whether the RM responsibility is assigned to an OWPR or MSC staff member. The RM provides unfiltered, unedited, and expert views on policy and legal compliance concerns in preparation for the next level of administrative decision-making by the Assistant Secretary of the Army for Civil Works (ASA[CW]) and the Office of Management and Budget (OMB) (see EP 1105-2-61, Chapter 11, Policy & Legal Compliance Review).

QUALIFICATIONS NECESSARY FOR POLICY & LEGAL COMPLIANCE REVIEW MANAGER

At a minimum the P&LC RM should either be a senior plan formulator, economist, or environmental specialist at the MSC or member of the OWPR staff with experience guiding/participating in P&LCR on multiple studies.

All RMs at the time of their assignment will acknowledge that they have reviewed this document (Policy and Legal Compliance Review Manager Roles and Responsibilities), have sufficient previous experience as an RM or have been mentored by staff from OWPR as a reviewer or review manager prior to their assignment. The Chief of OWPR and the MSC Chief of Planning will consider candidates' knowledge and experience during their collaboration for a RM, however, the Chief of OWPR will have the ultimate decision on the qualifications and the selection of the RM.

TIMELINE

The general feasibility study timeline leading to a CR is shown in Figure 1 below with emphasis on requirements during the Washington level review. However, the RM and P&LCR team will be involved at the start and throughout the duration of the entire feasibility study. For a DM/R, the process is the same after the Final report package is logged in except steps 6, 7, and 9 are not required, and Step 7 would only occur if specifically requested by the DCW. For additional information, see EP 1105-2-61.

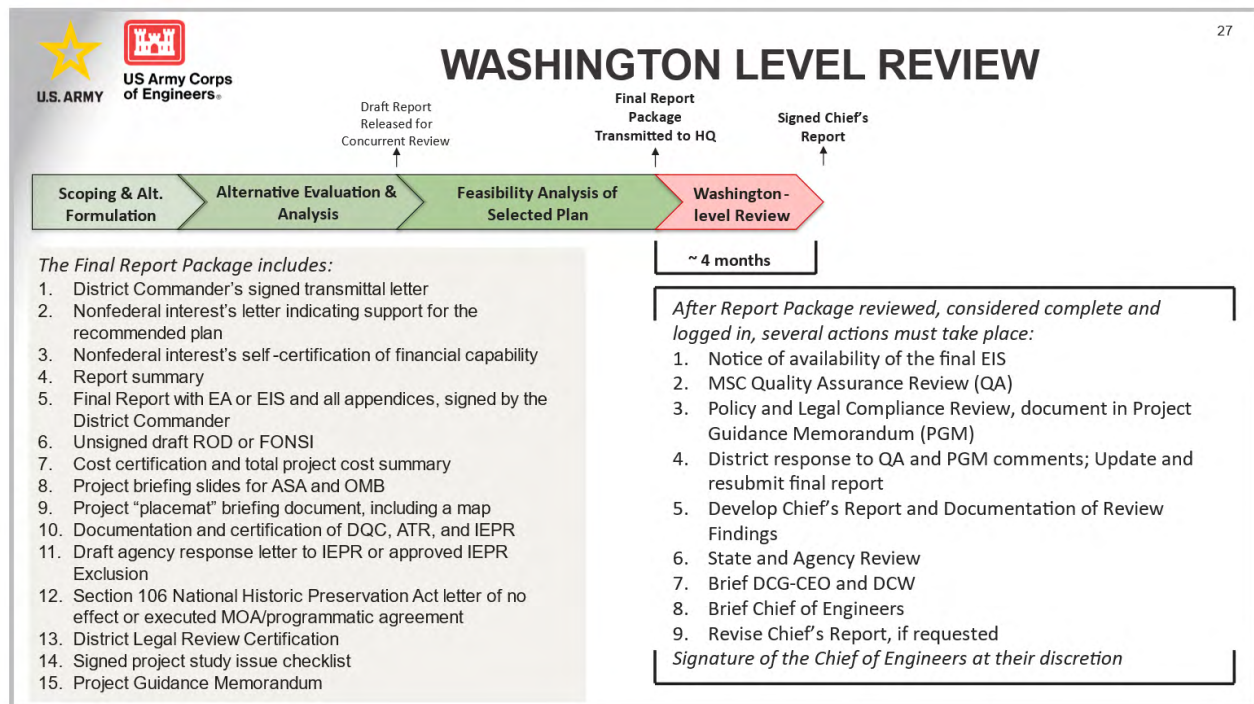


Figure 1: Feasibility Study Timeline leading to a Chief's Report

TASKS FOR POLICY & LEGAL COMPLIANCE REVIEW MANAGER THROUGHOUT THE FEASIBILITY STUDY PROCESS

Serve as a Point of Contact (POC) for the P&LCR team

This involves but is not limited to: keeping track of all assigned reviewers, attending all In Progress Reviews (IPR) and milestone meetings to understand progress being made by PDT, ensuring the proper P&LCR team members have been invited, and working with the RIT and/or MSC staff to coordinate communication between PDT and P&LCR team members if necessary. The RM should identify a substitute to attend in their place if they are unable to attend a meeting. The P&LC RM will be responsible for understanding the major policy and legal concerns that the PDT has worked through during the study.

Manage policy reviews

There will be multiple P&LC reviews throughout the study including reviews of the Vertical Team Alignment Memo (VTAM), draft, final and supplemental reports, policy exception requests (note – the RIT is the action officer for any policy exceptions, regardless of delegation status), and other documents such as Memoranda for Record (MFRs). During reviews, the P&LC RM will inform the P&LCR team of the review deadlines, sending reminders as needed to ensure timely and effective execution of the review. The RM will also review all comments provided, ensure the four-part comment structure is used when appropriate, work with reviewers to make sure comments are clearly stated and comments do not repeat and do not conflict. The RM must be able to speak to the substance and potential resolution of any P&LCR comment.

Assisting in the resolution of issues

Issues will likely arise during a P&LC review. For issues within the P&LCR team, the P&LC RM must coordinate between the cross disciplinary reviewers. If issues cannot be resolved within the P&LCR team, they will be raised to the functional discipline leads at HQ who will then attempt to resolve or determine if further elevation is needed. Ideas for working through issues between the P&LCR team and the PDT include setting up informal issue resolution meetings, summarizing the positions on issues, and identifying or facilitating a mutual path for resolution. If a comment remains unresolved after informal measures have been attempted, then the RM should set up an Issue Resolution Conference (IRC) through the appropriate RIT inviting other experts on the matter, for example the Planning Center of Expertise (PCX), with consideration of inviting the MSC Chief of Planning and the Chief of OWPR to work through the issue resolution process. The P&LC RM must communicate with the RIT and MSC POC, to ensure that the study is progressing as scheduled and to identify and resolve potential policy issues as early as possible.

Represent the P&LCR team

Occasionally, the P&LC RM will represent the P&LCR team in various meetings. These meetings may be with senior leaders, MSC personnel, or the PDT. The RIT should always be included in any communications with PDT, MSC, and senior leaders. The RM should be

prepared to brief, upon request, decision makers on the P&LCR team views prior to milestones or other senior leader meetings.

TASKS FOR POLICY & LEGAL COMPLIANCE REVIEW TEAM AND REVIEW MANAGER BY PROCESS STEP

The numbered list is not necessarily a sequential list as some tasks are done concurrently.

1. Formation of Policy and Legal Compliance Review Team

When a new study requires the assignment of a review team or a new reviewer needs to be assigned for an existing study, the process for the selection of review team members will follow EP 1105-2-61. The EP also specifies the process for the selection of one of the assigned reviewers to serve as the RM.

2. Between Study Initiation and Tentatively Selected Plan (TSP) Milestone

At the start of a study, the RM and P&LCR team should meet with the PDT either in the form of a study kickoff meeting with stakeholders or a simple presentation of the problems and opportunities. This meeting should be organized by either the PDT or the MSC. The P&LCR team will also be responsible for reviewing the cost, schedule, and scope established in the draft VTAM. During this time, the P&LC RM should focus on working with the P&LCR team to identify policy issues that may arise during the study. Potential issues may be identified via the appropriate study issue checklists (available at <https://planning.ercd.dren.mil/toolbox/tools.cfm?Id=137&Option=Templates%20and%20Checklists>) which should be completed by the PDT prior to the Alternatives Milestone Meeting (AMM) and Tentatively Selected Plan (TSP) milestone meeting. Prior to the TSP milestone, for studies that are not delegated, the RM will need to prepare a script for the Chief of OWPR to be used at the TSP meeting. An example script can be requested from the Chief of OWPR.

3. Review of Draft Document

Within 60 days after the TSP milestone, the PDT sends the draft report to the MSC and the RIT. As the action officer for all CRs and DM/Rs, the RIT will input reviewers and timelines into Project Monitor and send report documents to the RM or MSC POC. The process for the MSC/RIT to follow for logging in reports for reviews is contained in Attachment D. The RM will make sure all members of the review team are aware of the review deadline and any other relevant issues, capture comments in the Project Guidance Memorandum (PGM) and circulating the PGM to establish an understanding of all comments, and other tasks. There may be times when comments are provided by individuals who are not part of the P&LC review team (such as quality assurance (QA) comments provided by the MSC). While these comments should be coordinated with the RM they are not part of the P&LC review and should not be included in the PGM.

Review guidance (ER 1165-2-217) provides greater detail on the review process, but some questions that a RM may have are the following:

When is the start of the standard review period?

The review period begins after the complete document package has been logged in for review. The RIT or MSC equivalent member works with the RM to determine if the level of documentation provided by the PDT is sufficient for review to begin.

What is the standard review period for the draft report?

If the report has an integrated environmental assessment (EA), then the review period of draft feasibility document is generally 30 days (three weeks for P&LCR team to review and one week for consolidation and coordination of comments by the RM).

If the report has an integrated environmental impact statement (EIS), then the review period of draft feasibility document is generally 45 days (5 weeks of review with one week for consolidation and coordination of comments by RM).

The length of the review may be greater than standard period due to 1) complexity of the project; 2) extreme size of report; 3) need to include holidays or end-of-year use or lose. Changes in the review period need to be requested through appropriate channels, as explained below.

How should a change in the review period be requested?

A change in the standard review period should be requested by the District Planning Chief via an e-mail to the MSC Planning Chief and/or the Chief of OWPR as appropriate. For a non-delegated study, shortening the P&LC review period requires approval by the Chief of OWPR. Lengthening the review period also requires approval from the Chief of OWPR, who will consult with the HQ Chief of Planning and Policy as needed in these cases. On delegated studies, the MSC Planning Chief will approve any change in the schedule, however, they must consult with the OWPR Chief if any of the P&LC review team members are not from the home MSC (this includes OWPR and other functional area staff, or MSC reviewers from outside the home MSC). The RM and RIT should be intimately involved in any discussion on changes to the review period.

Reductions in review time must not compromise the quality and integrity of the P&LC review.

When should a request to change the review period be submitted?

A change to the review period should be made as early as possible, such as when schedules are originally being developed to support a VTAM, or anytime the VTAM is being updated. Requests to shorten the review schedule within one month of initiating a review or during the actual review MUST be coordinated through the Chief of OWPR, regardless of study delegation status, and will only be approved if directed by the HQ Chief of Planning and Policy.

What tasks are completed during the P&LC review of the Draft Report?

Please consult the list of tasks in the “TASKS FOR P&LC RM THROUGHOUT THE FEASIBILITY STUDY PROCESS” section above for some of the steps required during the

review of the draft report and be aware that this list is not all-inclusive. However, in general, the following tasks are completed during the draft review period:

- The RIT will coordinate with OWPR Program Analyst (PA) to ensure that the review date is updated in Project Monitor, coordinating with the OWPR PA as needed.
- Once comments are received, the RM will review the comments, working with team members to clarify any issues or discrepancies, including elevating issues to the functional team leads at HQ if necessary.
- If comments from more than one reviewer are similar or conflict, the RM will work with the reviewers to respectively consolidate or resolve the comments.

The RM consolidates comments into the PGM and drafts the transmittal memo (see Planning Community Toolbox for latest PGM and transmittal memo templates (<https://planning.erc.dren.mil/toolbox/index.cfm>) to be signed by the appropriate OWPR team lead for non-delegated studies (Plan Formulation (PF) for Flood Risk Management (FRM) and Coastal Storm Risk Management (CSR); Environmental for Aquatic Ecosystem Restoration (AER) and watershed; and Economics for navigation and water supply) or the MSC Chief of Planning for delegated studies. When consolidating comments in the PGM, the RM should make any proofreading edits if needed, and generally try to ensure that formatting of comments between the different reviewers is similar (e.g., consistent use of comment titles, font size and type, use of bold and underlining). Any changes made to comments by the RM beyond proofreading and simple formatting should be coordinated and agreed to by the original commenter. Comments will be organized by the RM based on the subject area of the comment, versus by reviewer. The intent is that the PGM appear as a unified “P&LC review” rather than a simple consolidation of comments by independent reviewers. Prior to finalizing the PGM, the RM shall give the entire P&LCR team a chance to review it and will work with review members to resolve any disputes within the team.

Is there a standard time frame for the backcheck of draft report comments?

Backcheck of the responses to the draft report PGM comments involves the P&LCR team’s initial assessment of PDT’s responses and proposed actions and does not require the PDT to submit revised documents or the P&LCR team to close out the comments. Closure typically occurs after the final report review. The backcheck time frame will depend on the level of complexity for the comments and responses, but the backcheck of the initial assessment of District responses should generally be completed no later than ten business days after receiving responses to comments. This timeframe does not include any additional rounds of vertical coordination after the P&LCR team submits the initial assessment.

4. Between Draft Report and the Agency Decision Meeting (ADM)

Prior to the Agency Decision Milestone (ADM) the RM will lead the P&LCR team in working with the RIT, MSC, and PDT to develop a path forward to resolve all policy and legal comments. This may include additional or modified actions after the review team has evaluated the PDT’s assessment of ATR, agency and public comments, and IEPR comments (if applicable) received during the review of the Draft Report. The RM will coordinate with the ATR lead as needed to

resolve any conflicts between those reviews. These discussions will be summarized by the PDT and captured in the PGM prior to the ADM. Written responses by the PDT to the PGM must be provided to the RIT or MSC POC in a sufficient amount of time prior to the scheduled ADM to ensure there is an agreed-upon path forward on all the comments (which may include elevating the issue to leadership at the ADM) and prevent any delays to the ADM. Reviewers will provide assessments of the PDT's responses and the RM will incorporate these assessments into the PGM and provide them to the PDT to ensure clarity on the path forward to resolving comments. Some comments may be provisionally resolved and closed (pending ultimate review of the Final Report). Others may require additional analyses and coordination during feasibility level of design, after the ADM. The RM **cannot** close out or resolve any comment without permission from the original commenter (or replacement). The RM should be invited to or included in any meetings or e-mail communications between the PDT and P&LCR team to resolve comments.

If a P&LCR comment cannot be resolved, then the comment is labeled as unresolved in the PGM and the issue is elevated. The initial elevation is a presentation of the issue or issues to the Chief of OWPR by the RM. The Chief of OWPR at their discretion can engage the MSC Chief of Planning but ultimately the Chief of OWPR will determine the path forward, which could include elevating the issue further at the ADM. In cases of issues where a policy exception is potentially needed, the ADM decision maker can determine whether or not an exception will be sought (instead of following a resolution that is compliant with current policy), however, in general, policy exceptions can only be granted at the HQ or ASA(CW) level.

5. During the ADM

The RM will participate in the ADM and shall be prepared to discuss the policy and legal review comments, the agreed upon path forward, and any risks to the scope, schedule, budget, and identified TSP. If the RM is unable to attend the ADM, they will identify someone else from the P&LCR team to fulfill the role and ensure that their designee is fully prepared to discuss these items. The ADM presentation developed by the PDT will be reviewed and coordinated with the review team in advance to highlight any policy related concerns being presented. If there are disagreements regarding policy matters, the RM is responsible for noting them at the ADM. The RM should be able to represent the views of the entire P&LCR team including any members who are unable to attend the ADM.

6. Between ADM and Final Report

Between the ADM and the submission of the final report, the RM will work with the vertical team to assist the PDT's timely completion of the final report based on the path forward agreed upon at the ADM. The PDT will update the draft report PGM based on feasibility level design by adding their updated responses (to include final actions taken and location of related changes in the report, to facilitate backcheck) to the P&LCR team assessments. The PDT sends the updated PGM as part of the final report transmittal package.

7. Review of the Final Report

Responsibilities for the P&LC RM for the final report include many assignments listed in the “TASKS FOR P&LC RM THROUGHOUT THE FEASIBILITY STUDY PROCESS” section. Additionally, during this time the P&LC RM will be responsible for the following:

- Ensuring review of the Draft Agency Response to IEPR by the P&LCR team and facilitating its finalization.
- Drafting the CR or DM/R and coordinating closely with the RIT regarding schedule expectations for completion of the CR or DM/R (see Section 9 below for specific steps).
- Initiating the State and Agency Review (S&A), if necessary (see Attachment C: “State and Agency Review” for specific steps).
- Drafting the DoRF (see the DoRF section below for specific steps).

Some questions the RM might have regarding the final report review include:

What is the process for submitting the final report package?

The process for submitting and logging in the final report package is outlined in Attachment D: “Report Review Log-In SOP”.

What does the PDT include in the final report package?

EP 1105-2-61 Chapter 12 lists the final report package requirements.

What is included in the final P&LC review?

Final review will involve examination of the following:

- The final report and all supporting documents to ensure changes were made according to P&LCR team comments.
- Any relevant project specific policy guidance from ASA(CW), HQ Chief of Planning and Policy, or other senior leaders
- All project briefing documents (ASA(CW)/OMB briefing slides, project placemat, Report Summary)
- All review documents including the ATR report, IEPR report, draft “final” unsigned Record of Decision (ROD)/ Finding of No Significant Impact (FONSI), and public comments to ensure that all comments are appropriately resolved and consistent with the review finding.
- The review team will pay particular attention to the IEPR comment resolution and the wording of the Agency’s responses to IEPR. The RM will work with the review team, RIT, MSC, PCX, and PDT to resolve any concerns. (See Section 8 below for more details.)

What is the standard review period for the final report?

The review period of final feasibility document is generally 30 days (three weeks for P&LC review and one week for consolidation and coordination of comments by the RM and producing a signed PGM by the appropriate OWPR team lead for non-delegated studies and by the MSC Planning Chief for delegated studies), regardless of whether the National Environmental Policy

Act (NEPA) document is an EA or EIS. The RM should bring unresolved comments immediately to the attention of the Chief of OWPR and MSC Planning Chief as well as hold an IRC.

8. Independent External Peer Review (IEPR)

As part of the final report submittal package, the district will provide draft Agency responses to IEPR comments. The RIT Planner is responsible for ensuring that the Agency responses are in the appropriate format and coordinating any changes needed to the response with the PDT. The RM, working with the review team and the RIT, will review responses to ensure they are understandable and appropriate, aligned with the decision document, and are the appropriate technical level, length, and tone. The final draft Agency Response will be part of the CR or DM/R package. The DCW (DM/Rs) or the CG (CRs) will approve and sign the Agency Response. The signed Agency Response will accompany the CR or DM/R package. For more information on the Agency Response document, see Appendix E of the Type I Independent External Peer Review – Standard Operating Procedures which can be found in the Planning Community Toolbox at

https://planning.erd.c.dren.mil/toolbox/library/Misc/IEPR%20SOP_FINAL_2022-04-21.pdf

9. Chief's Report or Director's Memo/Report

The RM should begin drafting the proposed DM/R or CR based on the appropriate template as early as possible once the Final Report is received. The current templates for the DM/R or CR are available on the Planning Community Toolbox (<https://planning.erd.c.dren.mil/toolbox/index.cfm>).

The RM will coordinate as needed with the PDT in preparation of the draft CR. This may include having the PDT providing many of the necessary factual details related to the project. The templates will not cover every situation and modifications may be required. Substantive deviations from the templates should be coordinated with the OWPR team leads. Once drafted, the RM will provide the proposed CR or DM/R to the full P&LCR team for their review, and based on their input will finalize the proposed CR and provide it to the RIT. The RIT is the action officer for any project leading to a DM/R or CR and should always be included on any transmittals and discussions related to the DM/R or CR. A “final” Draft CR (which has been fully reviewed by the P&LCR team and HQ Counsel and Real Estate (RE) offices if they are not already part of the P&LCR team), should be completed at least one day prior to the S&A Briefing. The RM is responsible for informing the Chief of OWPR if the final Draft CR is not ready at that time. The Chief of OWPR, at their discretion, may choose to delay the briefing if the final Draft CR is not ready prior to the briefing.

10. State and Agency Review

If a study is leading to a CR, the RM is responsible for overseeing S&A review. The RM will coordinate with the RIT and District to determine which States, Tribes, and Federal agencies should review the proposed CR. Specific steps are in Attachment C: “State and Agency Review”.

Completing the Document of Review Findings (DoRF)

While the S&A review is being conducted, the P&LC RM should start drafting the DoRF. A template for the DoRF and transmittal memo is available on the Planning Community Toolbox (<https://planning.erd.dren.mil/toolbox/index.cfm>). Assuming all policy concerns have been resolved prior to the start of S&A review, the DoRF should be completed, (except for the S&A section) prior to the end of S&A review to ensure no delay in processing the CR. The P&LCR team should be given an opportunity to review the draft DoRF before submitting to the Chief of OWPR for review and transmittal memo signature.

11. After S&A Review

DCW and DCG-CEO Briefing

The RM, P&LCR team, and RIT attend the briefing either in person or virtually for the Deputy Commanding General for Civil and Emergency Operations (DCG-CEO) and/or DCW. The briefing is typically led by the District Commander and is considered a dry run for the CR briefing. The RIT is responsible for scheduling the briefing.

Chief of Engineer's Briefing

The CR briefing is coordinated by the RIT and scheduled by the Chief's office based on the approved P2 dates. The RM will usually attend the briefing virtually along with the Chief of OWPR. Members of the P&LCR team may be asked to attend. The District Commander conducts the briefing. The CR briefing may be scheduled before the end of the 30-day review of the Final Environmental impact Statement (FEIS) in the Federal Register if this review has not been completed.

12. After the Chief's Report Signing

After the Chief has signed the report, the RIT will send the relevant documents to ASA(CW) and Congress. The RIT will be responsible for addressing any questions from the ASA(CW), coordinating with the RM, P&LC review team and PDT as needed.

Any comment letters received from the public after the CR has been signed, for example after the Notice of Availability (NOA) of the final report has been published by the Environmental Protection Agency (EPA) for an EIS, will be part of the Administrative Record. Copies of the letters and a summary of any substantive comments received and how they were addressed will be transmitted by the RIT to the appropriate decisionmaker for further consideration. The RM will review the comments received and coordinate any needed responses with the appropriate members of the review team. In some cases, issues may need to be addressed in the ROD, which would require additional coordination with the ASA(CW).

ATTACHMENT A: ACRONYMS AND DEFINITIONS

ADM: Agency Decision Milestone

AER: Aquatic Ecosystem Restoration

AMM: Alternatives Milestone Meeting

ASA(CW): Office of the Assistant Secretary of the Army for Civil Works

ATR: Agency Technical Review

CG: Commanding General (Chief of Engineers)

CoP: Community of Practice

CR: Chief's Report

CSRM: Coastal Storm Risk Management

DCG-CEO: Deputy Commanding General for Civil and Emergency Operations

DCW: Director of Civil Works

Delegated study: A delegated study is one where approval of the decision document lies with the MSC.

DM/R: Director's Memo (DM) or Director's Report (DR)

DoRF: Documentation of Review Findings

DQC: District Quality Control

DST: District Support Team

EA: Environmental Assessment

EIS: Environmental Impact Statement

EPA: Environmental Protection Agency

FCSA: Feasibility Cost Sharing Agreement

FEIS: Final Environmental Impact Statement

FONSI: Finding of No Significant Impact

FRM: Flood Risk Management

Functional Team Lead: Head of a particular function at MSC or HQ (i.e., Plan Form, RE, OC, ENG)

H&H: Hydrology & Hydraulics

HQ: USACE Headquarters

IEPR: Independent External Peer Review

IPR: In Progress Review

IRC: Issue Resolution Conference

MFR: Memorandum for Record

MSC: Major Subordinate Command

NEPA: National Environmental Policy Act

NOA: Notice of Availability

OWPR: Office of Water Project Review

OMB: Office of Management and Budget

P&LCR: Policy and Legal Compliance Review

P&LC RM or RM: Policy and Legal Compliance Review Manager considered part of Review Team (unless role is specifically defined otherwise).

P&LC RT: Policy and Legal Compliance Review Team

P&P: Planning and Policy Division (at HQ or MSC)

PA: Program Analyst

PCX: Planning Center of Expertise

PDT: Project Delivery Team

PGM: Project Guidance Memorandum (4-part comment structure, MS Word document)

Project Monitor (PM): A database that assigns projects to reviewers; also used for tracking reviews, due dates, who is doing the reviews, etc.

QA: Quality Assurance

RE: Real Estate

RT: Review Team

RIT: Regional Integration Team (RIT Planner specifically)

RIT/MS: Action by either RIT or MSC based on decision authority of the milestone/task. In either case, the other will be kept informed/cc'd.

ROD: Record of Decision

S&A: State and Agency Review

SES: Senior Executive Service

TSP: Tentatively Selected Plan

Vertical Team: MSC, RIT, Review Manager and Review Team, others as needed (e.g., functional reps, PCXs)

VTAM: Vertical Team Alignment Memo

ATTACHMENT B: FEASIBILITY STUDY VERTICAL TEAM COORDINATION:
KEY HQ AND MSC TASKS

Task	Primary Responsibility	Supported by	Timeline
ASSIGNING POLICY AND LEGAL COMPLIANCE REVIEW TEAM			
Notify MSC of need for Review Team (RT)	District		As early as practicable; NLT when FCSA signed
Notify respective functional team leads of need for RT	OWPR Chief & MSC P&P Chief		
Coordinate to establish RT based on needs of study	HQ & MSC Functional team leads, including OWPR Chief and MSC P&P Chief		As early as practicable; within 30 days of FCSA signed
Approve RT and select RM, provide names to RIT	OWPR Chief & MSC Chief P&P		
Notification of RT of review responsibilities and projected timeline; document RT in the District Review Plan.	District		Identification of the team should occur within the first month of the study, other activities should occur as early as practicable, NLT AMM
Enter RT in Project Monitor	RIT		As early as practicable, NLT draft report release
THROUGHOUT STUDY			
Serve as District/Study POC	District Planning Chief		
Serve as MSC POC	MSC DST or equivalent		
Serve as HQ POC	RIT		
Serve as P&LCR team POC	RM		
Ensure list of potential reviewers is up to date (i.e. people listed in Project Monitor are current and correct)	Functional Leads/MS P&P Chief	RIT	

Task	Primary Responsibility	Supported by	Timeline
Invite ASA(CW) staff to milestone meetings	RIT		As needed
Schedule IPRs	RIT/MSC		As needed
Participate in IPRs	Vertical Team		As needed
Draft the VTAM	MSC	Vertical Team	Initial within 180 days of FCSA, then as needed
Schedule Milestone meetings	RIT/MSC	PDT	Target: 4 weeks in advance
Hold meeting to coordinate with District to ensure readiness for milestones	MSC P&P Chief	Vertical Team	
Distribute Read ahead materials to Milestone participants	District	RIT/MSC	NLT 1 week ahead of milestone meetings
Participate in Milestone Meetings	Vertical Team		
Development of MFR and related documentation	District	Vertical Team	1 week after milestone meeting
Distribute MFR to Milestone participants	RIT/MSC	District	2 weeks after milestone meeting
Processing HQ and ASA(CW) Policy Exceptions (including 3x3x3 exceptions)	<i>Can occur at any time during the study process; does not necessarily have to occur after ADM</i>		
Informal coordination and alignment on policy exception (including VTAM)	Vertical Team		
Formal policy exception request	MSC	Vertical Team	
Exception package completeness check	RIT	MSC	
Schedule panel briefing (for 3x3x3 exceptions)	RIT		As needed
Pre-brief Panel (for 3x3x3 exceptions)	RIT	Vertical Team	As needed
Brief Panel (for 3x3x3 exceptions)	District Commander	Vertical Team	As needed
Develop MFR with Panel decision (for 3x3x3 exceptions)	MSC	Vertical Team	As needed
Brief DCG-CEO (for 3x3x3 exceptions)	District Commander	MSC Commander, Vertical Team	As needed
Brief DCW/SES (for other policy exceptions)	RIT/MSC	Vertical Team	As needed
Prepare and route exception request for submittal to ASA(CW)	RIT		
ALTERNATIVES MILESTONE			
Schedule pre-brief of decision maker if requested	MSC		As needed

Task	Primary Responsibility	Supported by	Timeline
Add read-ahead materials to AMM meeting invite	MSC		
Pre-Brief decision maker	MSC	RIT, RM, RT	As needed
Brief decision maker	District Planning Chief	Vertical Team	
TSP MILESTONE			
Schedule pre-brief of decision maker if requested	RIT/MSC		As needed
Add read-ahead materials to TSP meeting invite	RIT/MSC		
Pre-Brief decision maker	RIT/MSC	RM, RT	As needed
Brief decision maker	District Planning Chief	Vertical Team	
DRAFT REPORT			
Ensure draft report submission is complete	RIT/MSC	RM	
Draft Report Log-in to Project Monitor	RIT		
Notify RT of review initiation	RIT/MSC		
Ensure coordination with RT	RIT/MSC	RM	
Manage Draft Report P&LCR	RM	RIT/MSC	
Develop PGM for the draft report	RM	RT	
Approve and sign transmittal of PGM and transmit to RIT.	Based on delegation and/or study authority. MSC Chief P&P or HQ Functional Leads (ENV for AER, PF for FRM & CSRM, ECON for NAV & WS)		
Transmit PGM to the field	RIT/MSC		
Transmit PGM responses to the RT	RIT/MSC		Prior to ADM
Coordinate P&LCR assessment of responses	RM	RIT/MSC	
Manage policy and legal compliance issue resolution	RM	RIT/MSC	
Participate in issue resolution	PDT, Vertical Team	RIT/MSC	
AGENCY DECISION MILESTONE			
Verify delegation authority	RIT/MSC		
Schedule milestone meeting	RIT/MSC		
Pre-Brief decision maker	RIT/MSC	RM & RT	As needed
Brief decision maker	District Commander	Vertical Team	
Develop MFR	PDT	Vertical Team	
FINAL REPORT			

Task	Primary Responsibility	Supported by	Timeline
Ensure final report package is complete (See EP 1105-2-61)	RIT/MSC	RM	NLT 5 business days after receipt
Final Report log-in to Project Monitor	RIT		Upon confirmation of completeness
Manage final report P&LCR	RM	RIT/MSC	
Development of Final Report PGM	RM	RT	
Approve and sign transmittal of PGM, transmit to RIT.	Based on delegation and/or study authority. MSC Chief P&P or HQ Functional Leads (ENV for AER & Watershed, PF for FRM & CSRM, ECON for NAV & WS)		
Transmit PGM to field	RIT/MSC		
Transmit PGM responses to RT	RIT/MSC		
Manage issue/comment resolution	RM	RIT/MSC	
Participate in issue resolution	PDT, Vertical Team	RIT/MSC	
Final Feasibility Report approval (when delegated, the Final Report is approved by MSC Commander and transmitted to HQ; when not delegated, Final Feasibility Report approval comes with S&A review release approval.)	MSC Commander/ OWPR Chief		
CHIEF'S REPORT/DIRECTOR'S REPORT			
* = For CR only; task not applicable for DR			
Develop Draft CR/DR	RM	RIT & RT, District	
Ensure quality and consistency of Draft Agency IEPR Responses (if IEPR was conducted)	RIT	MSC, RM	
Review IEPR responses for policy compliance	RM	RT	
Finalize Agency IEPR response document and memo for Chief of Engineers signature	RIT	RM, MSC	
Finalize State & Agency mailing list*	RM	RIT, District	
Prepare S&A letters*	OWPR PA	RM	For Tribal letters, coordinate with Senior Tribal Liaison
Review and staff S&A letters for signature by OWPR Chief	OWPR PA, RM	RIT	
Schedule OWPR Chief briefing*	RIT	RM	Scheduled for NLT 60 days after final report package logged in

Task	Primary Responsibility	Supported by	Timeline
Schedule DCG-CEO briefing	RIT		
Schedule Chief's briefing	RIT		
Prepare Chief of OWPR Read Ahead package*	RIT	RM	Target: 2 weeks ahead of briefing
Brief OWPR Chief (this decision is release of draft CR for S&A review)	RIT, RM	As needed or requested; MSC P&P Chief, District Planning Chief, RT	Target: NLT 45 days from receipt of final report
Letters signed by OWPR Chief	OWPR		
Transmittal of digital signed S&A letters to the District*	RIT		
Email signed S&A package (starts S&A review period)*	OWPR PA		
Coordinate draft response from field on S&A comments*	RIT	RM, District	
Review and finalize S&A comment response as needed*	RM	District, RT & RIT	Resolution of S&A comments signals the District to publish EIS/report on eNEPA.
Route S&A response letters for OWPR Chief signature*	RIT		
Finalize CR following S&A review*	RM	District, RT & RIT	
Develop DoRF	RM		Should be completed before routing CR/DR for signature
Approve and sign transmittal of DoRF, provide to RIT for distribution to MSC	OWPR Chief	RM	
Prepare CR/DR package	RIT	District, RM	
Brief DCG-CEO on Draft CR*	District Commander	Vertical Team	
Route CR/DR for signature	RIT		

Task	Primary Responsibility	Supported by	Timeline
Brief Chief of Engineers*	District Commander	RM, OWPR Chief, HQ Chief of P&P, RIT	
Sign Chief's/Director's Report	CG/DCW		
Transmit Committee notifications	RIT		Copies to CW Future Directions for distribution
Transmit interested Congressional notification	RIT		Copies to District for distribution
Provide original signed Report to OWPR Chief	RIT		
Notify MSC and District of signing of CR/DR	RIT		
Prepare ASA(CW) Transmittal Package	RIT		
Transmit to ASA(CW) via ETMS2	RIT	CW SACO	Follow up with email/DoD SAFE
Submit Package to ASA(CW)	RIT		
Answer ASA(CW) and OMB questions	RIT	RM, MSC, District (as needed)	
Assist ASA(CW) in OMB Briefing	RIT	RM, MSC, District (as needed)	

ATTACHMENT C: STATE AND AGENCY (S&A) REVIEW

If a study is leading to a CR, the RM is responsible for overseeing S&A review. The S&A review can be broken down into major tasks with sub-steps. Please read through all steps since several tasks can be done concurrently. For example, setting an appointment with the Chief of OWPR, resolving comments with the final report, and finalizing the S&A mailing can all be done at the same time.

PREPARATION FOR BRIEFING THE CHIEF OF OWPR

- Determine readiness to proceed within P&LCR team and RIT. This will depend on the status of final report and final report policy comments.
- The RIT will schedule the briefing with the Chief of OWPR. The entire P&LCR team should be invited to the briefing, as well as the MSC Planning Chief. Generally, the PDT or additional MSC who are not part of the P&LCR are not expected to be part of the briefing. The invite should not be forwarded without first coordinating with the RIT.
- The brief should have the following suggested structure:
 - The RIT provides basic study information and status,
 - The RM informs on the status of review,
 - Both RIT and RM make a recommendation as to whether the report is ready to be released.
 - The briefing may be led by the RM or the RIT, as determined by mutual agreement between them. The RM, if not leading the brief, will be responsible for reporting out on the status of the final P&LCR, including if there are any open issues still requiring resolution.

PREPARE THE FINAL REPORT PACKAGE

- The RIT preparation of the final report package can occur concurrent with preparing the brief for the Chief of OWPR.
- Complete review of final report (P&LCR team).
- Identify resolutions for outstanding policy comments (P&LCR team and district).
- After policy comments are resolved, the PDT will provide the revised final feasibility report to be used in S&A review.
- The RM will prepare draft CR using the appropriate template found on the Planning Community Toolbox (<https://planning.ercd.dren.mil/toolbox/index.cfm>). Be careful with version control. Information in the CR should match what is found in the final feasibility report. The RM will coordinate as needed with the PDT in preparation of the draft CR. This may include having the PDT providing many of the needed factual details related to the project. The RM will also ensure the draft CR is reviewed by the P&LCR team, as well as the assigned HQ Counsel and RE advisors for the study (if they are not already part of the P&LCR prior to the Chief of OWPR briefing). The RM and RIT should check all numbers in the CR for accuracy. The RIT has responsibility for the final edit, especially formatting.

PREPARING THE S&A PACKAGE

- Prepare S&A mailing list (RM and RIT with help from district and OWPR PA). This is NOT a NEPA mailing list. In general, you should try to work from a recent list for a similar project in your state and area, if at all possible. If RM is not from HQ they should check with their RIT for other similar projects. The PDT will need to provide contact info (name, address, email address) for all tribes and any other contacts needed for regional offices of federal agencies. The RM or RIT will work with the PDT to determine state clearinghouse policies and procedures for distributing S&A letters to their state agencies.
- The District should provide an internet link for where the S&A review documents (the draft CR and Final Feasibility Report) will be posted. The link should be checked by the RM to ensure it works prior to providing for inclusion in the S&A letters. The review documents are not for the general public, hence the link should only be accessible to the S&A reviewers and USACE staff (only available if you have the address, versus being able to search for it).
- The OWPR PA will set up an electronic mailbox to which S&A responses can be sent. The RM will coordinate with the PA to determine who will have access to that mailbox. This e-mail will be listed on the S&A letters.
- The OWPR PA will prepare the draft S&A letters for a 30-day review period. The PA will save the letters on the OWPR shared drive. If the RM does not sit in HQ, they will need to coordinate with the appropriate RIT to obtain the letters. The RIT and RM should review the letters for accuracy (check organizations, salutations, links, project name, etc.). This process will be started during the final review period to ensure that S&A letters are ready for signature at the time of the S&A Briefing. The RM should coordinate with the OWPR PA to ensure that there is adequate time to prepare the letters.
- Changes to the Final feasibility report may still be ongoing at the initiation of S&A. If this is the case, the feasibility report that is posted along with the draft CR will be clearly marked as a “DRAFT” Final report and dated to the month that the S&A review is being initiated. The RIT is ultimately responsible for version control of the Final feasibility report.
- Provide draft CR to district to upload onto their website to go along with the final report (RIT).
- PA provides S&A letters to the Chief of OWPR for signature.
- Chief of OWPR signs S&A letters and returns to the PA.

SEND OUT THE S&A PACKAGE

- S&A letters will be sent via email by the OWPR PA to all appropriate parties. The District will be responsible for sending out any hard copy letters and accompanying reports if required. The S&A letters include an e-mail address where responses should be sent to. The RM will coordinate with PA to ensure that they, the RIT, and any others needed have access to the e-mail inbox.
- RM notifies P&LCR team and District that S&A has begun, with official start and end dates of the review.

- Letters may come in from various directions during the review period. Ensure all are shared between District, MSC, RM, and RIT.
- Near the end of the S&A review period, the OWPR PA will contact those agencies who generally would be expected to respond but have not yet done so to determine if a response will be sent.
- Any request for extending the S&A review period will immediately be brought by the RM to the attention of the HQ Chief of Planning and Policy for decision.

RESPOND TO S&A COMMENTS

- The RM and relevant PDT members should continue to check the study e-mail inbox for any responses for several days after the deadline.
- When review period ends verify all received comment letters (RM, RIT, PDT, MSC) and assign team members for responses, if required.
- The RM, with the support of the P&LC RT, assesses any comments received during the 30-day S&A review and determine which, if any, require a response. The RM will coordinate with the RIT and District on any letters needing a response. The District is responsible for drafting an initial response. All others will be signed by the Chief of OWPR. The RIT will forward the District's draft responses to the RM, who, with the support of the review team will assess the draft responses, making revisions as needed. The RM will provide the response letters to the appropriate person for signature (cc'ing the RIT). Letters responding to state governors will be signed by the HQ Chief of Planning and Policy.
- Once comments from the S&A review have been considered and resolved to the satisfaction of the person signing the response letter, and all necessary changes to the final feasibility report/NEPA document have been made, the district can then submit the FEIS (if applicable) to EPA for electronic publication in their NOA list in the Federal Register. The District may also provide a news release or notice on the district website, but such notices will request a review, not request comments unless the ASA(CW) has given an exception to this policy. The PDT will incorporate signed responses into the final report as appropriate (may require an addendum or errata sheet). If the final feasibility report/NEPA document that was included with the S&A review for information was clearly marked "DRAFT", any additional changes made prior to the NOA (for an EIS) or prior to signing of the CR (for an EA) can be made directly to the report, rather than through use of the errata sheet. However, if an errata sheet is not used, the District Planning Chief will have the responsibility of ensuring all needed changes are made directly to the report. If changes are required during this time solely for the purpose of updating benefits and costs resulting from change in the discount rate in a new fiscal year, the PDT should consult with the OWPR economics team to determine if an errata sheet or direct report update is more appropriate. An updated report should be dated to the current month when all changes have been finalized. Any changes to the report that are required following that time will be done via an errata sheet.
- The RM will notify the P&LCR team once S&A is complete and prepare a summary for the Administrative Record which will include the dates of the review, who letters were sent to, and who sent comments back.

- The RIT and RM will work with the PDT to ensure any needed changes to briefing documents or the draft CR as a result of the S&A review are made.
- The RM will write up a summary of the S&A review to be included in the DoRF and report summary, which will discuss if any substantive comments were received and how they were addressed.

ATTACHMENT D: REPORT REVIEW LOG-IN SOP

Reports, draft and final, should be logged for review within 24 hours of receipt, if the package is complete. This requirement applies regardless of the study's delegation status.

1. PDT submits report package for review to MSC District Support Team (DST) and RIT (this should be simultaneous).
2. MSC DST and RIT download report package to their respective files for reviewers to access (HQ staff have access to HQ RIT files, MSC P&LCR team members will have access to the MSC files). RIT provides file link to MSC DST.
3. MSC DST and RIT review package for completeness in accordance with EP 1105-2-61 (Section 4-8 for draft reports and Section 12-1 for final reports).
4. If package is deemed incomplete the MSC DST/RIT will inform the district by email of the missing package components. Return to 1.
5. If package is complete, the MSC DST and RIT will determine start date for review (if late in day when logging, start review the following day), the dates when reviewers are expected to provide comments to the RM (typically three weeks for an EA and 5 weeks for an EIS but can be longer due to holidays), and when the RM will provide a signed PGM to the MSC DST/RIT for dissemination to the district (typically one week after reviewers provide their comments to the RM). Deviation from the standard review duration requires approval by the Chief of OWPR.
6. RIT will officially log the report for review in Project Monitor. https://cwbi-int.sec.usace.army.mil/int/f?p=112:LOGIN_DESKTOP:7045179589675:::
7. MSC DST will send email indicating the review start date, date comments are due to the review manager, date comments are due to the district, and links to the files (both MSC and RIT) to the OWPR PA and the entire P&LCR team, with a cc to the RIT, the MSC Planning Chief, the Chief of OWPR, the OWPR team leads, Hydrology & Hydraulics (H&H) Community of Practice (CoP) lead, and the Climate CoP lead.
8. Log-in complete.