



**US Army Corps
of Engineers®**

PLANNING BULLETIN

No. PB 2018-01

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Subject: Feasibility Study Milestones

Applicability: Guidance.

1. References:

- a. Engineer Regulation 1105-2-100: Planning Guidance Notebook
- b. Engineer Regulation 200-2-2: Procedures for Implementing NEPA
- c. Engineer Circular 1165-2-217: Review Policy for Civil Works
- d. Consolidation of Studies. Updated Implementation Guidance for Section 1002 of the Water Resources Reform and Development Act of 2014. 17 May 2015.
- e. Director's Policy Memorandum Civil Works Program 2018-05, Subject: Improving Efficiency and Effectiveness in USACE Civil Works Project Delivery (Planning Phase and Planning Activities). 3 May 2018.
- f. Planning Manual Part II: Risk Informed Planning. IWR 2017-R-03. July 2017.
- g. ECB 2018-15: Technical Lead, August 2018.

2. This bulletin supersedes Planning Bulletin 2017-01: Feasibility Study Milestones. This bulletin supersedes specific sections of ER 1105-2-100 (Planning Guidance Notebook) that reference feasibility study milestones, including: Appendix G (30 June 2004) exhibits G-3, G-4, G-5, Appendix H (20 November 2007) section H-4 (discussion of Feasibility Scoping Meeting and Alternative Formulation Briefing), and Appendix H exhibits H-3, H-4, H-5, and H-7.

3. Applicability. This guidance applies to all feasibility studies where the USACE planning decision document could lead to a recommendation for project authorization or modification to a project authorization, including general re-evaluation studies, post authorization change reports, and other reports supporting project authorization or budget decisions that results in a Chief's Report or Director's Report. Studies and decision documents under the Continuing Authorities Program will follow the processes outlined in ER 1105-2-100, Appendix F. Watershed studies and reports will follow the processes outlined in Planning Bulletin 2016-03: Watershed Studies, or subsequent guidance.

4. Purpose. The purpose of this planning bulletin is to clarify procedures associated with the USACE feasibility study process including milestone decision meetings, report submittals and study approvals.

5. Product Milestones. There are four significant feasibility report milestones that will be used for notification and reporting purposes as required by the Water Resources Reform and Development Act of 2014, Section 1002. These four product milestones are: release of draft feasibility report for public comment and concurrent review; District transmittal of final feasibility report; Major Subordinate Command (MSC) transmittal of the approved final feasibility report (if applicable); and signed Chief's Report or signed Director's Report.

6. Decision Milestones. During the course of a feasibility study, three decision milestones mark the confirmation and endorsement of key planning decisions made by the project delivery team (PDT), acknowledgement and acceptance of identified study and implementation risks and uncertainties and the strategies to manage those risks including the PDT's proposed path forward, and confirmation of the scope, schedule and budget to complete the feasibility study. These decision milestone meetings underscore vertical team engagement from the beginning of the study and enable the PDT to proceed with the assurance that key study decisions were made with vertical team engagement. The three feasibility study milestones representing key planning decisions are: Alternatives Milestone meeting (AMM); Tentatively Selected Plan (TSP) milestone; and the Agency Decision milestone (ADM).

a. Logistics. Milestone meeting scheduling and logistics will be coordinated by the decision-making command (ref. paragraph 7). MSC-based milestone decision meetings will be coordinated by the MSC and inform the Regional Integration Team (RIT) Planner; HQ-based milestone decision meetings will be coordinated by the appropriate RIT. Teleconference and web meeting are the preferred methods for conducting milestone meetings. An in-person meeting can be held by exception, with the approval of the decision-maker.

b. Read Ahead Materials for Decision Milestones. The required read ahead materials for decision milestones are the report summary, the draft presentation slides, and the project study issue checklist. Final presentation slides are not expected to be submitted ahead of the milestone meeting. Though the risk register, decision log, and decision management plan are not required to be submitted as read aheads, it is assumed these tools, or similar, are utilized to inform the report summary and risk and uncertainty discussion at the milestone meetings and can be provided to the vertical team upon request. Read ahead materials will be provided to the coordinating MSC and RIT Planner no later than one week prior to the milestone meetings. Read ahead material is informational for the decision-maker and will not be reviewed for the purposes of requiring revisions, or comment and responses.

c. Required milestone meeting participants include: the milestone decision maker (see Table 2); District Planning Chief (lead presenter); District lead planner; MSC Chief of Planning and Policy; Agency Technical Review (ATR) team lead; Outside Eligible Organization (OEO) Independent External Peer Review (IEPR) manager (if applicable); Planning Center(s) of Expertise (PCX) representative(s); Policy and Legal Compliance Review (P&LCR) team; RIT planner; and non-federal sponsor representative(s). Based on the needs of the study, additional invited participants to discuss details of study decisions and review may include: District PDT members; MSC planning staff; and representatives of the technical review teams. The Office of the Assistant Secretary of the Army (Civil Works) (ASA(CW)), other Federal agencies, and Tribal Nations may also be invited to the meeting. Any study involving the potential acquisition, modification, or operation and maintenance of specific Civil Works real property assets must include a representative from the appropriate business line and USACE Civil Works Asset Management.

d. Memorandum for the Record (MFR). All milestone meetings must conclude with a summary of the decisions reached and any required follow-up actions, documented and acknowledged by the decision-maker and the District and MSC Planning Chiefs before adjourning the meeting. The MFR will clearly document the milestone meeting decision,

including the agreed upon study scope, schedule and funding stream, and any other significant decisions affecting the study. This MFR will serve as the required support documentation for funding decisions, e.g., budget, work plan, re-programming, etc., and will inform the HQUSACE recommendation to ASA(CW) for schedule, cost exemptions to the 3x3x3 rule, or other policy waiver requests. The District is responsible for documenting the milestone meetings and finalizing the MFR within one week of the meeting.

e. Key Feasibility Study Tasks. Specific tasks are required to be completed prior to each feasibility study milestone. **Table 1** lists these key tasks.

Table 1: Key Feasibility Study Tasks (Not all-inclusive)

Milestone	Task
<i>To be completed before Alternatives Milestone</i>	<ul style="list-style-type: none"> Establishment of initial team, early engagement with other PDT disciplines (e.g., counsel, real estate, cultural resources, engineering and construction) Invite National Environmental Policy Act (NEPA) Cooperating Agencies Negotiate Scope of Work for Fish and Wildlife Coordination Act (FWCA) Report Develop species list and initiate informal consultation¹ for the Endangered Species Act (ESA)
	<ul style="list-style-type: none"> Initiate NEPA Scoping activities Conduct at least 1 iteration of risk-informed planning process (six steps); scoping and plan formulation activities resulting in screened array of alternatives, including developing preliminary “future without project” alternative Initiate coordination with the appropriate Planning Center of Expertise (PCX) or the Risk Management Center (RMC) to discuss the scope of reviews and any planning model review and approval/certification needs. Develop a project management plan (PMP), including the draft Review Plan, that generally describes how the study will be completed but with specific details to achieve the TSP milestone (documented scope and schedule to TSP Milestone).
<i>To be completed before TSP Milestone</i>	<ul style="list-style-type: none"> Publish NOI to develop an Environmental Impact Statement¹ IEPR Exclusion Request¹ Environmental Compliance Activities⁴: <ul style="list-style-type: none"> > National Historic Preservation (NHPA) Section 106 Effects Determinations > Coordination with State / Tribal Historic Preservation Office (SHPO/THPO) on Area of Potential Effects (Cultural Resources) > Draft Conceptual Mitigation Proposal > Prepare Draft Biological Assessment¹ > Prepare Essential Fish Habitat (EFH) Assessment¹ > Draft Fish and Wildlife Coordination Act (FWCA) Report
<i>Table continued on next page</i>	

<i>To be completed before TSP Milestone</i>	<ul style="list-style-type: none"> • Planning Model Approval or Certification¹ • As many additional iterations of risk-informed planning process (six steps) as necessary to distinguish among alternatives and communicate level of uncertainty with the TSP; plan formulation activities resulting in identification of the TSP (and potential Locally Preferred Plan (LPP)) • Identify potential policy waivers required by ASA(CW), including 3x3 exemption, LPP Waiver, etc.^{1, 3} • PMP and Review Plan updated; document scope and schedule to Final Report Transmittal
<i>To be completed before the draft feasibility report is released</i>	<ul style="list-style-type: none"> • Legal Sufficiency Review of Draft Feasibility Report / NEPA document • DQC of Draft Feasibility Report / NEPA document
<i>To be completed before Agency Decision Milestone</i>	<ul style="list-style-type: none"> • ATR of Draft Feasibility Report / NEPA document • Public/Agency Review of Draft Feasibility Report / NEPA document • IEPR of Draft Feasibility Report / NEPA document^{1,2} • Legal and Policy Compliance Review of Draft Feasibility Report / NEPA document (District) • Review comments compiled, assessed, and actions to resolve determined (documented in a review summary) • PMP and Review Plan updated; document scope and schedule including proposed level of detail to Final Report Transmittal • Any required policy waivers submitted to ASA(CW), including 3x3 exemption, LPP Waiver, etc.^{1, 3}
<i>To be completed before Final Report Package</i>	<ul style="list-style-type: none"> • Any required policy waivers from ASA(CW) signed, including 3x3, LPP Waiver, etc.^{1, 3} • Additional iteration(s) of Risk Informed Planning process (six steps); engineering, real estate, economics, and environmental analysis to complete feasibility report and decision document for recommended plan. • DQC of Final Feasibility Report / NEPA Document • Legal Sufficiency Review of Final Feasibility Report / NEPA document • Environmental Compliance Activities⁴: <ul style="list-style-type: none"> > Formal ESA Consultation¹ > Response to EFH Conservation Recommendations > Final FWCA Report > Review Draft Biological Opinion > Programmatic Agreement approved by SHPO/THPO (Cultural Resources)
<i>Table continued on next page</i>	

<p><i>To be completed before Final Report Package</i></p>	<ul style="list-style-type: none"> > Clean Water Act Water Quality Certification or Letter of Concurrence from State Water Quality Agency regarding Section 401(c) Water Quality Certification > Consistency Determination from State Coastal Zone Management Agency under Coastal Zone Management Act • Cost Certification and Total Project Cost Summary • Documentation and certification of DQC, ATR, and IEPR¹ • Draft agency response to IEPR¹ • Signed Project Study Issue Checklist
<p>Notes</p> <ol style="list-style-type: none"> 1. If applicable. 2. The IEPR panel has up to 60 days after the end of the public review of the draft report to submit the Final IEPR Report, and longer at the discretion of the Chief, therefore, the final IEPR report may not be completed by the ADM. 3. The District Commander will submit a policy exemption package as needed after the TSP milestone but in all cases no less than 60 days before the end of the 36 month time frame. The package will consist of the Project Management Plan, Report Summary, Risk Register Summary, summary slides showing comparison of cost and schedule changes, and the most recent milestone MFR. Documentation of the vertically aligned scope, schedule, and budget should be included and submitted to the RIT for processing. 4. This list is not inclusive of all environmental requirements. 	

7. Milestone Decision Making. Decision-making authority for the milestones is outlined in **Table 2**. In all cases read ahead submittals will go from the District to the decision-making authority and the RIT without an intervening review beyond that outlined in the quality management plan. HQUSACE may delegate its milestone meeting decision-making authority to the MSC. The MSC cannot delegate its milestone meeting decision-making authority. If the study meets any of the following three criteria, the milestone decision-making authority will reside at HQUSACE:

a. The draft feasibility report / NEPA document has been released before 3 May 2018 (ref: Director's Policy Memorandum Civil Works Program 2018-05, Subject: Improving Efficiency and Effectiveness in USACE Civil Works Project Delivery (Planning Phase and Planning Activities); or

b. A policy waiver from the Assistant Secretary of the Army for Civil Works (ASA(CW)) is identified to complete the study, including ASA(CW) approval to exceed 3 years or \$3 million or the three levels of vertical coordination, Federal; or

c. The vertical team makes a mutual decision based on the study complexity and risks.

Table 2: Milestone Decision-Making Delegation

Ongoing	Feasibility Decision Milestone	Decision-Making Delegated to MSC	Decision Making Resides at HQ (ref. paragraph 7)
Vertical Team Engagement	Alternatives Milestone	MSC Planning & Policy Chief	MSC Planning & Policy Chief
	Tentatively Selected Plan Milestone	MSC Planning & Policy Chief	Chief, OWPR
	Agency Decision Milestone	MSC Programs Directorate Chief (SES)	HQ Chief, Planning and Policy

8. Alternatives Milestone. The AMM marks the decision maker's acknowledgement and acceptance of identified study and implementation risks and the strategies to manage those risks. The decision maker affirms the PDT's preliminary analysis of the Federal interest, and the projected scope, schedule and budget for the study.

a. Timing of the Alternatives Milestone. The AMM will be held after the PDT has completed at least one full iteration of the risk informed six-step planning process (Ref. Planning Manual Part II: Risk Informed Planning) and has a clear path forward (scope, schedule, cost) to the TSP milestone. The Project Management Plan and draft Review Plan have been developed; the PDT has a projected scope, schedule and budget for completion of the feasibility study; and the nonfederal sponsor has been notified of the schedule of key product milestones (paragraph 5). The PDT has engaged the vertical team as needed for in-progress reviews and has completed DQC review of milestone read aheads. The District Planning Chief, in consultation with the MSC Planning and Policy Chief, determines the readiness for conducting the milestone meeting. In a 3-year study, the AMM would be expected within approximately the first 90 days of the study. The PDT will engage the vertical team via in-progress reviews or other means to identify and remove obstacles to move the study forward.

b. Decision-Maker. The decision-maker for the Alternatives milestone meeting is the MSC Planning and Policy Chief.

c. Decision at the Alternatives Milestone meeting. The decision maker at the AMM will acknowledge and evaluate identified study and implementation risks and uncertainties and the District's strategies to manage those risks. The decision maker affirms the soundness of PDT's preliminary analysis of the Federal interest, the (rough order of magnitude) costs, benefits, and environmental impacts of the focused array of alternatives, and the projected scope, schedule and budget for the study. The decision-maker will affirm whether the PDT is prepared to move forward with a clear path to identify the TSP, with an appropriate scope, schedule and budget to the TSP milestone. The decisions made at the milestone meeting will be documented in the MFR.

d. To support the decision, the District Planning Chief (lead presenter) will describe the PDT's scoping process to ensure significant decision-making factors are addressed, unnecessary analyses are avoided, risks are identified, and meaningful and efficient analysis and selection of alternative plans can occur. The presentation and discussion will include:

- A concise description of the problem;
- Study authorization;

- The understanding of future without project conditions, including uncertainty;
- The study objectives and constraints;
- The formulation of a representative array of distinctly different solutions, and how that array will be evaluated to reduce uncertainties and identify the TSP. If there is a likely LPP, that should be identified and discussed;
- The Federal interest in the problem;
- Status of environmental compliance activities;
- Study scope, schedule and funding stream; and
- Likelihood the study will be completed within 3 years and \$3 million total study cost. If the study is unlikely to meet these constraints, the PDT's next steps for the exemption process will be discussed. The participants in the meeting must indicate additional measures that could be taken within acceptable risk to lower study costs and/or shorten the study schedule.

e. Post-Meeting Activities. If the decision-maker supports moving ahead with the study, the PDT will proceed with reducing uncertainties and identifying the TSP. Feasibility study activities will include, but are not limited to: conducting further analyses of the Future Without Project Condition to enable appropriate comparison with alternatives; evaluating and comparing the focused array of alternatives, including NEPA analysis; selection of a TSP; identification of a LPP, if applicable; continuing environmental and cultural compliance documentation and activities (NEPA, FWCA, ESA, NHPA, etc.); and developing the draft feasibility report in preparation for concurrent review.

9. TSP Milestone. The TSP Milestone marks the PDT's selection of, and the decision-maker's endorsement of, a TSP (and LPP, if applicable), and that the PDT is prepared to release the draft feasibility report and draft NEPA documentation for concurrent public, technical, legal and policy review and IEPR (if applicable).

a. Timing of the TSP Milestone. The PDT has completed enough full iterations of the risk-informed planning process (Ref. Planning Manual Part II: Risk Informed Planning) to reduce uncertainties and identify a TSP. The PDT has completed the evaluation and comparison of a focused array of distinctly different strategies for achieving the water resources objectives in the study area, identified a TSP and possibly a LPP to carry forward, and prepared a scope to develop sufficient cost and design information for the final feasibility-level analysis and feasibility report. The draft feasibility report / NEPA documentation will be largely complete by the milestone meeting and will be ready to release for concurrent review within 60 days of the successful TSP milestone. The Project Management Plan and Review Plan have been updated; the PDT has a projected scope, schedule and budget for completion of the feasibility study. The PDT has engaged the vertical team as necessary and completed DQC review of milestone read-aheads. The District Planning Chief, in consultation with the MSC Planning and Policy Chief, determines the readiness for conducting the TSP Milestone meeting. In a 3-year study, the TSP Milestone would be expected within the first 12 months of the study.

b. Decision Maker. The decision maker for the TSP milestone meeting is the MSC Planning and Policy Chief. When decision-making authority has been retained by Headquarters (Paragraph 7), the Chief, Office of Water and Project Review (OWPR) is the decision maker.

c. Decision at the TSP Milestone. At the TSP Milestone meeting, the decision maker either: supports the selection of the TSP (and LPP, if applicable), the proposed way forward, and the release of the draft feasibility report / NEPA documentation for concurrent public, technical, legal and policy review and IEPR (if applicable); requests additional information required to support a decision; or terminates the study. If the decision maker requires additional work before a decision regarding the release of the draft feasibility report, the release will follow confirmation of the adequacy of the work using agreed upon quality control/quality assurance practices and approval of release by the decision maker. The decision maker at the TSP Milestone meeting will acknowledge and evaluate identified study and implementation risks and the District's strategies to manage those risks. The decision maker will affirm whether the PDT is prepared to move forward with an appropriate scope, schedule and budget to the ADM and for the full study. The decisions made at the milestone meeting will be documented in an MFR.

d. The presentation and discussion will include the PDT's alternative evaluation, comparison and selection process to ensure significant decision-making factors are addressed, unnecessary analyses are avoided, and risks and uncertainties are identified. The District Planning Chief will describe the results of the qualitative risk assessment of the TSP, including study risks and implementation risks and uncertainties. The Planning Chief will also discuss the likelihood the study will be completed within 3 years and \$3 million total study cost. If the study is unlikely to be meet these constraints, the PDT's next steps for the exemption process will be discussed. The participants in the meeting must indicate additional measures that could or shall be taken within acceptable risk to lower study costs and/or shorten the study schedule.

e. Locally Preferred Plans. The PDT should notify the vertical team of a likely LPP prior to the TSP milestone, present the likely LPP at the TSP milestone meeting, and ensure NEPA compliance documentation in the draft feasibility report is broad enough to address the impacts of any potential LPP. HQUSACE will alert the ASA(CW) of the potential for a LPP and the Office of the ASA(CW) will be invited to the TSP Milestone meeting. The formal request of the ASA(CW) to waive the requirement for USACE to recommend the National Economic Development (NED) or National Ecosystem Restoration (NER) Plan will be required prior to the ADM.

f. Release of Draft Feasibility Report. The draft feasibility report should be released within 60 days of the TSP Milestone meeting. If the decision maker supports moving ahead with the study, the PDT will finalize the draft feasibility report and draft NEPA documentation and prepare to release for concurrent public, technical, legal and policy review and IEPR (if applicable). Release of the draft feasibility report is contingent on confirmation of the adequacy of the work following agreed upon quality control and quality assurance practices (including ATR); legal sufficiency review of the draft feasibility report is required before release. Unless otherwise specified in the Review Plan, no materials are required to be part of a draft feasibility report "package" beyond the draft feasibility report with all appendices, draft NEPA documentation and DQC documentation. If the draft feasibility report has not been released within 60 days of the TSP Milestone meeting and release beyond 60 days was not agreed to at the TSP milestone meeting, the District DPM and/or the District Commander, the District Chief of Planning, the MSC Chief of Planning and Policy, HQ Chief of Planning and Policy and the RIT must meet via phone with the TSP Milestone meeting decision-maker to reconfirm the TSP and the schedule, and secure re-approval of the release of the draft feasibility report.

g. Post-Meeting Activities. The PDT will finalize the draft feasibility report / NEPA documentation and prepare to release for concurrent public, technical, legal and policy review and IEPR (if applicable). If the District Commander, in accordance with part 19.a. of ER 200-2-2: Procedures for Implementing NEPA and Section 2045 of the Water Resources Development Act of 2007, as amended, extends the public review period for the draft feasibility report and NEPA documentation beyond the initial 60-day period, the district shall notify the HQ Chief of Planning and Policy of the change in schedule in writing through their RIT prior to the end of the original review period. After concurrent review, the PDT will prepare a Review Summary that highlights significant comments and potential risks associated with agency endorsement of the TSP in preparation for the Agency Decision Milestone meeting. The PDT will provide draft responses to the P&LCR Manager to comments in the Project Guidance Memorandum. If significant changes to the TSP presented in the draft feasibility report are likely after concurrent review, the PDT may be required to address the comments and repeat the concurrent review process prior to the ADM.

10. Agency Decision Milestone. The ADM marks the corporate endorsement of the recommended plan and proposed way forward to complete feasibility-level design and the feasibility study report package.

a. Timing of the Agency Decision Milestone. The ADM occurs after completion of the concurrent public, technical, legal, and policy review of the draft feasibility report / NEPA document. In the event that the study requires IEPR, the milestone will be scheduled to follow receipt of the IEPR panel's findings, which could be up to 60 days after the public comment period, or longer if an extension is approved by the Chief of Engineers. Upon completing an assessment of all comments, the PDT will work to address outstanding issues (technical, policy, or legal) raised during the concurrent review that can be addressed without additional technical analyses or design; issues requiring additional technical analyses or design may be discussed at the ADM meeting but will be addressed after the Milestone meeting. The Project Management Plan and Review Plan have been updated; the PDT has a projected scope, schedule and budget for completion of the feasibility study. The District Planning Chief, in consultation with the MSC Planning and Policy Chief, confirms the readiness for the ADM meeting, including that the analyses in the draft feasibility report and the recommendations as a result of the concurrent reviews are expected to be compliant with policy and that there is a capable non-Federal sponsor(s) ready to support project implementation. If any outstanding technical, policy or legal issues preclude confirmation or raise doubts as to the identification of the TSP, the decision maker may require that certain technical analyses be completed to address those issues prior to holding the ADM. In a 3-year study, the ADM would be expected within the first 18-24 months of the study. If the ADM meeting has not been held within 24 months of the date of the FCSEA signing, the PDT is expected to engage the vertical team via in progress reviews or other means to identify and remove obstacles to move the study forward.

b. Decision-Maker. The decision maker for the Agency Decision Milestone meeting is the MSC Programs Directorate Chief (SES). When decision-making authority has been retained by Headquarters (Paragraph 7), the decision-maker for the Agency Decision Milestone meeting is the HQUSACE Chief of Planning and Policy. The decision makers will assemble a panel of senior leaders to inform their decision. Headquarters Senior Executives invited to participate on

the panel will include: the HQUSACE Chief of Planning and Policy; the HQUSACE Chief of Engineering and Construction Division; the HQUSACE Director of Real Estate; the HQUSACE Chief of Operations and Regulatory Division; and the HQUSACE Director of Contingency Operations. The MSC Programs Directorate Chief (SES) will convene a similar panel to include MSC Directorate chiefs to inform their decision; inclusion of a Headquarters representative of a discipline with high potential impact to the study/project is encouraged (e.g., real estate, engineering & construction, dam and levee safety, operations, planning). The decision-maker can solicit feedback from invited members of the panel in advance of the meeting if they are not available to attend. It is encouraged that a Senior Leader from the appropriate PCX be part of the MSC panel.

c. Decision at the Agency Decision Milestone meeting. At the Agency Decision Milestone meeting, the decision maker affirms the recommended plan and proposed way forward, acknowledging remaining uncertainties and the study and project risk management strategies that will be used in development of feasibility-level cost and design for inclusion in the final feasibility report. If the recommended plan and path forward is not endorsed, the decision maker will identify required actions of the PDT and the study will not proceed into the feasibility-level analysis phase until the decision maker endorses the recommended plan. The ADM marks the decision maker's acknowledgement and acceptance of identified study and implementation risks and the strategies to manage those risks.

d. To support the decision, the DE or Deputy DE along with the District Planning Chief will present the recommended plan. The presentation and discussion will focus on the recommended plan and a qualitative risk assessment of the key uncertainties and study and implementation risk associated with the recommended plan; the objective evaluation of the significant public, technical, legal and policy comments; the PDT's plan to address or resolve significant comments; and the path forward to develop sufficient cost and design information on the recommended plan (and LPP, if applicable) for the final feasibility study report. The presentation and discussion will consider high or significant risks and uncertainties and management of those risks related to both the conduct of the study and the recommended plan.

e. If, by the ADM meeting, the estimated project costs of the potential recommended plan (agency supported plan or locally preferred plan) exceed the estimated project benefits when calculated using a real discount rate of 7 percent, the District will inform the non-federal sponsor that the Office of Management and Budget review required by Executive Order 12322, Water Resources Projects, may advise the ASA(CW) that the project is not consistent with the policy and programs of the President and that as a result, the project may not receive Administration support for authorization after the completion of the feasibility study and reports of the Chief of Engineers and follow-on project funding. The benefit to cost ratio at the 7 percent discount rate is used only to inform the sponsor and provide transparency; it is not to be included in the feasibility study or Report of the Chief of Engineers.

f. Post-Meeting Activities. If the decision maker supports moving ahead with the study, the PDT will develop sufficient cost for authorization purposes and design information on the recommended plan (and LPP) and continue environmental and cultural compliance documentation and activities (NEPA, FWCA, ESA, NHPA, etc.) for the final feasibility study report / NEPA document. If there are significant changes to the TSP presented in the draft

feasibility report, the public review (NEPA) may need to be repeated. The final feasibility report / NEPA document will be completed and all appropriate reviews completed and documented, including DQC, ATR, IEPR, QA, legal review. The final policy review will be the last review, conducted after District transmittal of the final Report package.

11. District Transmittal of Final Report Package for Final Policy Review. Following current guidance in ER 1105-2-100 Appendix H, and Civil Works Review policy, the District Commander provides the signed feasibility report and required components of the final report package for final policy review. The Final Report Submittal package includes the items listed in **Table 3**.

Table 3: Final Report Submittal Package

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| <ul style="list-style-type: none">• District Engineer's Signed Transmittal Letter• Non-Federal Sponsor's signed letter indicating support for the recommended plan• Non-Federal Sponsor's Self-Certification of Financial Capability for Decision Documents• Report summary• Final report with Environmental Impact Statement (EIS) or Environmental Assessment (EA) and appendices, signed by District Commander• Unsigned draft Record of Decision (ROD) or draft Finding of No Significant Impact (FONSI)• Draft Proposed Report of the Chief of Engineers or Director's Report• Cost Certification and Total Project Cost Summary• Project Briefing Slides for ASA(CW)/OMB• Project "Placemat" briefing document, including a map of the study area• Documentation and certification of DQC, ATR and, if applicable, IEPR• Draft agency response to IEPR (if applicable) or approved IEPR Exclusion• District Legal Review Certification• Signed Project Study Issue Checklist• Project Guidance Memorandum• Report mailing list |
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12. Final Policy and Legal Compliance Review. Final feasibility report packages will be transmitted from the District to the RIT without an intervening review beyond that outlined in the quality management plan when the decision-making authority rests at HQUSACE. The policy review team will conduct the final policy compliance review and complete documentation of review findings.

a. 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 applicable law and regulation, including but not limited to environmental requirements, 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 USACE on the recommended project.

b. The policy review team will provide documentation of review findings to Washington-level decision makers, generally the Director of Civil Works, Chief of Engineers, and ASA(CW) to inform the proposed Chief's Report or Director's Report.

13. Report Approval. If the study meets any of the three criteria listed in Paragraph 7, Delegation of Milestone Decision Making, the final report will be approved at HQUSACE by the Director of Civil Works. If the study does not meet any of the three criteria listed in Paragraph 7, the final report will be approved at the MSC by the Division Commander. This approval authority cannot be further delegated.

a. Development of the Chief's Report or Director's Report. Consult ER 1105-2-100 Appendix H for actions that occur after transmittal of the final feasibility report package to HQUSACE. Required activities include: State and Agency Review (30 days), final legal and policy compliance review and preparation of the Documentation of Review Findings, final NEPA Review, and preparation of the final Agency Response to IEPR (if applicable).

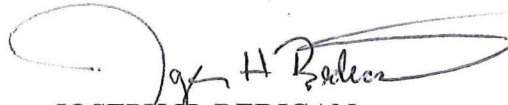
b. Final decision documents recommending the authorization of new projects and/or modification of existing projects must be approved by the appropriate decision maker prior to the execution of design agreements or project partnership agreements, and the subsequent obligation and expenditure of funds for design or construction.

14. State and Agency Review. The Deputy Commanding General for Civil and Emergency Operations (DCG-CEO) and/or Director of Civil Works (DCW) will approve the release of the proposed Report of the Chief of Engineers and the accompanying final decision and NEPA documents for State and Agency Review as required by the Flood Control Act of 1944, as amended (33 U.S.C. 701-1). The HQUSACE team will process the documents for State and Agency Review. The DCG-CEO and/or DCW may request a deskside briefing to inform his/her decision, coordinated via the RIT Planner and the Policy and Legal Compliance Review Manager.

15. Signed Chief's Report or Director's Report. The feasibility study is complete with the signature of the Chief's Report or Director's Report. The Chief, Office of Water Project Review (OWPR), will certify policy compliance after completion of the State and Agency responses to comment letters received and final NEPA reviews. HQUSACE team will finalize the Chief's Report for the Chief's signature and the ROD or FONSI for signature by the ASA(CW). After the policy compliance certification has been completed, the RIT Planner will process the Chief's Report for signature and will schedule a briefing for the Chief of Engineers, if needed. After policy compliance certification for the Director's Report has been completed, the RIT Planner will process the Director's Report for signature. A briefing for the Chief of Engineers is not needed for a Director's Report.

16. This Planning Bulletin will be incorporated in the next update of Appendices G and H of ER 1105-2-100, the Planning Guidance Notebook, and rescinded at that point.

17. Point of contact for feasibility study procedures is Mr. Joseph H. Redican, 202-761-4523.

A handwritten signature in black ink, appearing to read "Joseph H. Redican", with a large, stylized loop at the end.

JOSEPH H. REDICAN
Acting Chief, Planning and Policy Division
Directorate of Civil Works