



**US Army Corps  
of Engineers®**

# PLANNING BULLETIN

**No. PB 2018-01(S)**

**Issuing Office: CECW-P**

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Subject: Feasibility Study Milestones Supplemental Guidance

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.
- h. Planning Bulletin (PB) 2018-01 Feasibility Milestones. 26 September 2018.

2. This bulletin supplements Planning Bulletin 2018-01: Feasibility Study Milestones. Updates include:

- a. Updated meeting participants and decision-makers to include their designated alternates and the DST planner to eliminate delays scheduling milestone meetings and included the District Support Team (DST) planner.
- b. Updated Post-Meeting Activities for all milestones to include Memorandum for Record and Vertical Team Alignment Memo.
- c. Revisions to Table 1 to clarify activities to assist the teams to stay on schedule.
- d. Added language to TSP Milestone section to include requirements for Locally Preferred Plans.
- e. Revision to Table 3 to eliminate the requirement for the Study Issue Checklist and the Report Mailing list.
- f. Clarified language on the role of the Review Manager during Final Policy and Legal Compliance Review.
- g. Clarified language to include the development of a Chief's Report or a Director's Report.

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 Engineering Pamphlet EP 1105-2-58. 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 indicate to the vertical team the following three core risk-informed decisions:

- the confirmation and endorsement of key planning decisions made by the project delivery team (PDT),
- the 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
- the confirmation of the scope, schedule and budget to complete the feasibility study.

Beginning with study initiation, vertical team engagement is required throughout the study to provide assurance to the PDT that key study decisions reflect vertical team engagement from all functional areas.

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). Designated decision-makers for study milestones may designate an alternate to replace them if they are unable to participate in a scheduled milestone decision meeting. Study milestone meetings should not be delayed due to the lack of availability of the decision-maker or other members of the vertical and review teams.

All feasibility studies result in either a Director's Report or a Chief's Report, or a memorandum documenting a decision to terminate the study.

In addition to the requirements in paragraph 6 of PB 2018-01, the following products are required for each milestone.

a. Memorandum for Record (MFR): After each milestone meeting or other in-progress review or issue resolution meeting involving the vertical team, a MFR will be produced documenting meeting participants, key items discussed, actions directed, and decisions made. Production of the MFR is mandatory (no exceptions). The MFR should also include, as appropriate, documentation of study scope including any agreed-upon changes, the study

schedule, funding (including funds sources), and resources. The MFR will serve as the source document for the vertical team alignment memo which is the required support documentation for future budget requests and funding decisions. The proponent for the meeting is responsible for preparing the MFR, which should be finalized no later than 7 calendar days after the meeting takes place. For milestone meetings, the District executing the study is responsible for preparing and coordinating the MFR.

b. Support Documentation: Using the milestone MFR, the MSC Planning Chief will provide the RIT and CECW-P a signed Vertical Team Alignment Memorandum (VTAM) documenting the aligned scope, funding stream and schedule of the study which will either verify the study is within 3x3x3 or explain the need and path ahead for an exemption request. If the study's scope, schedule and funding stream does not change throughout the study then no additional VTAMs are needed. However, changes in the scope, schedule and funding stream must be coordinated within the vertical team for alignment and captured in an updated Project Management Plan and Decision Management Plan. The MSC Planning Chief will provide the RIT and CECW-P a new signed VTAM documenting the aligned scope, funding stream and schedule of the study and will either verify the study is within 3x3x3 or explain the need and path ahead for an exemption request. The VTAM is required for future funding requests and funding decisions, and will subsequently be used to inform HQUSACE recommendations to the ASA(CW) regarding the study schedule and budget and exemption requests from the 3x3 rule or other exceptions to policy, if needed.

7. Key Feasibility Study Tasks. Table 1 has been updated to incorporate more detail of tasks to be completed prior to each feasibility study milestone to assist the team of making timely progress of the study. See below for revised Table 1.

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

Milestone	Task
<p><i>To be completed before Alternatives Milestone</i></p>	<ul style="list-style-type: none"> <li>• Establishment of initial team, early engagement with other PDT disciplines (e.g., counsel, real estate, cultural resources, engineering and construction)</li> <li>• Invite National Environmental Policy Act (NEPA) Cooperating Agencies</li> <li>• Negotiate Scope of Work for Fish and Wildlife Coordination Act (FWCA) Report</li> <li>• Develop species list and initiate informal consultation<sup>1</sup> for the Endangered Species Act (ESA)</li> <li>• Initiate habitat model to inform CEICA for ecosystem restoration or mitigation and initiate certification activities with PCX, as necessary.</li> <li>• Initiate NEPA Scoping activities</li> <li>• Initiate Section 106 National Historic Preservation Act (NHPA) literature and records search and identification of the Area of Potential Effects (APE).</li> <li>• 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</li> </ul>

<p><i>To be completed before Alternatives Milestone</i></p>	<ul style="list-style-type: none"> <li>• Develop preliminary future without project conditions</li> <li>• 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.</li> <li>• 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).</li> </ul>
<p><i>To be completed before TSP Milestone</i></p>	<ul style="list-style-type: none"> <li>• Publish NOI to develop an Environmental Impact Statement<sup>1</sup></li> <li>• Initiate IEPR contract process or prepare an IEPR Exclusion Request<sup>1</sup></li> <li>• Environmental Compliance Activities<sup>4</sup>:                         <ul style="list-style-type: none"> <li>&gt; Initiate consultation under Section 106 (NHPA) with State Tribal Historic Preservation Officer (SHPO/THPO)</li> <li>&gt; Define Section 106 APE; identify and evaluate historic properties within the APE.)</li> <li>&gt; Coordination with State / Tribal Historic Preservation Office (SHPO/THPO) on Area of Potential Effects (Cultural Resources)</li> <li>&gt; Draft Conceptual Mitigation Proposal</li> <li>&gt; Prepare Draft Biological Assessment<sup>1</sup></li> <li>&gt; Prepare Essential Fish Habitat (EFH) Assessment<sup>1</sup></li> <li>&gt; Draft Fish and Wildlife Coordination Act (FWCA) Report</li> </ul> </li> <li>• Develop draft 404(b)(1) report</li> <li>• Obtain habitat and other Planning Model Approvals or Certification<sup>1</sup></li> <li>• 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))</li> <li>• Identify potential policy waivers required by ASA(CW), including 3x3 exemption, LPP Waiver, etc.<sup>1, 3</sup></li> </ul> <p>PMP and Review Plan updated; document scope and schedule to Final Report Transmittal</p>
<p><i>To be completed before the draft feasibility report is released</i></p>	<ul style="list-style-type: none"> <li>• Conduct appropriate surveys to support Section 106 NHPA to assess and determine effects of TSP and initiate, as applicable, consultation on determination of effects, to include preliminary agreement document to resolve adverse effects.</li> <li>• Legal Sufficiency Review of Draft Feasibility Report / NEPA document</li> <li>• DQC of Draft Feasibility Report / NEPA document</li> </ul>

<p><i>To be completed before Agency Decision Milestone</i></p>	<ul style="list-style-type: none"> <li>• ATR of Draft Feasibility Report / NEPA document</li> <li>• Public/Agency Review of Draft Feasibility Report / NEPA document</li> <li>• IEPR of Draft Feasibility Report / NEPA document <sup>1,2</sup></li> <li>• Legal and Policy Compliance Review of Draft Feasibility Report / NEPA document (District)</li> <li>• Receive concurrence from SHPO/THPO on NHPA Section 106 determination of effect and continue consultation on agreement document, if applicable.</li> <li>• Review comments compiled, assessed, and actions to resolve determined (documented in a review summary)</li> <li>• PMP and Review Plan updated; document scope and schedule including proposed level of detail to Final Report Transmittal</li> <li>• Any required policy waivers submitted to ASA(CW), including 3x3 exemption, LPP Waiver, etc.<sup>1,3</sup></li> </ul>
<p><i>To be completed before Final Report Package</i></p>	<ul style="list-style-type: none"> <li>• Any required policy waivers from ASA(CW) signed, including 3x3, LPP Waiver, etc.<sup>1,3</sup></li> <li>• 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.</li> <li>• DQC of Final Feasibility Report / NEPA Document</li> <li>• Legal Sufficiency Review of Final Feasibility Report / NEPA document</li> <li>• Environmental Compliance Activities<sup>4</sup>:             <ul style="list-style-type: none"> <li>&gt; Formal ESA Consultation<sup>1</sup> to include a review of final BO</li> <li>&gt; Response to EFH Conservation Recommendations</li> <li>&gt; Final FWCA Report and response to comments/recommendations</li> <li>&gt; Review Draft Biological Opinion</li> <li>&gt; Conclude consultation with SHPO/THPO, ACHP, if participating, and consulting parties with either concurrence of no adverse effect or, for adverse effect, an executed Memorandum of Agreement or Programmatic Agreement; include requirements in FONSI/ROD.</li> <li>&gt; Clean Water Act Water Quality Certification or Letter of Concurrence from State Water Quality Agency regarding Section 401(c) Water Quality Certification</li> <li>&gt; Consistency Determination from State Coastal Zone Management Agency under Coastal Zone Management Act</li> </ul> </li> <li>• Cost Certification and Total Project Cost Summary</li> <li>• Documentation and certification of DQC, ATR, and IEPR<sup>1</sup></li> <li>• Draft agency response to IEPR<sup>1</sup></li> </ul>

Notes

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.

8. 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). In addition to the requirements already provided in paragraph 9 of PB 2018-01, the following supplemental requirements regarding Locally Preferred Plans are provided:

a. 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 for the ASA(CW) to waive the requirement for USACE to recommend the National Economic Development (NED) or National Ecosystem Restoration (NER) Plan is required prior to the ADM.

9. 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**. A Study Issue Checklist and the State and Agency mailing list will not be required in the Final Report Submittal package. See below for revised Table 3.

10. 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 (DoRF).

**Table 3: Final Report Submittal Package**

- 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
- Project Guidance Memorandum

The following language supplements paragraph 12 of PB 2018-01:

The policy review team will conduct the final policy compliance review and the Review Manager will complete the DoRF. When the decision making authority rests with the MSC, the district will provide the final report including all annexes and appendices to the appropriate MSC POC who will coordinate with the P&LC review team.

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 Review Manager will provide the DoRF to the RIT planner prior to the signing of the Chief’s Report or Director’s Report. The DoRF will be provided to Washington-level decision makers, generally the DCW, Chief of Engineers, and ASA(CW) to inform the proposed Chief’s Report or Director’s Report.

11. Final decision documents recommending the authorization of new projects and/or modification of existing projects must be approved by the appropriate decision maker and have a signed Chief’s Report or Director’s Report prior to the execution of design agreements or project partnership agreements, and the subsequent obligation and expenditure of funds for design or

construction. Regardless of the report approval level, the final action for the completion of a feasibility report is the signing of a Chief's Report or a Director's Report.

The following paragraphs supplement PB 2018-01 after paragraph 14 of PB 2018-01 State and Agency Review:

**Development of the Chief's Report.** The Review Manager, working with the RIT, review team, and PDT, edits and finalizes the Chief's report, incorporating any changes from the State and Agency and final NEPA reviews. The Review Manager will provide copies of the Chief's Report, DoRF, draft FONSI/ROD, and Agency responses to IEPR (if applicable) to the review team for a final review. Once completed, the DoRF and transmittal memo will be forwarded to the Chief of OWPR for approval and transmittal to the RIT. The RIT planner will incorporate the documents into the Chief's Report package.

**Development of a Director's Report.** The process for development is similar to development of a Chief's Report except for a few differences. A Director's Report does not require S&A review. Once the review team has confirmed that the final report is policy and legally compliant and review of the Final EIS is completed (if applicable), the Review Manager will provide the RIT with the Director's Report, DoRF (approved and signed by the Chief, OWPR), Record of Decision or FONSI, and the Agency Responses to IEPR (if applicable). Similar to the Chief's Report package, the above documents will be provided to the review team for review and input prior to being provided to the RIT. The RIT will compile the Director's Report package for staffing. The Review Manager and review team may be asked to participate in the briefing of the DCW.

12. 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.

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



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