

SUMMARY OF RECENT USACE PLANNING POLICY UPDATES: SEPTEMBER 2018 - MARCH 2019



US Army Corps
of Engineers®



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- USACE policy and guidance continues to evolve to reflect the most recent changes in law (WRDAs), Administration priorities, and USACE leadership.
- The following slides contain high level summaries and takeaways from new or revised Planning policy and guidance released between September 2018 and March 2019.
- Policy and guidance may be in the form of memoranda, bulletins (including Engineering and Construction Bulletins and Planning Bulletins), Engineer Circulars, Engineer Manuals, and Engineer Regulations.
- The Planning Community of Practice makes an effort to maintain a collection of all relevant and current guidance impacting USACE planning activities on the [Planning Community Toolbox's Planner's Library](#).



POLICY AND GUIDANCE ON THE PLANNING COMMUNITY TOOLBOX



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US Army Corps of Engineers

Home Planner's Library SMART Guide Project Delivery People Tools Processes Training Search/Index Contact Us

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Collection Shortcuts

- Chief's Reports
- Guidance Memos
- Planning Bulletins
- Other Bulletins
- Planning Engineer Circulars (ECs)
- Planning Engineer Manuals (EMs)
- Planning Engineer Pamphlets (EPs)
- Planning Engineer Regulations (ERs)
- Economic Guidance Memoranda (EGMs)
- Planning Guidance Letters (PGLs)
- Policy Guidance Letters
- USACE Reports and Manuals
- Lessons Learned
- Fact Sheets
- Archive of Policy
- WRDAs and Related Laws

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Guidance memoranda on the Planning Community Toolbox include signed guidance from the Administration, including the Assistant Secretary of the Army (Civil Works), and USACE civilian and military leadership (Chief of Engineers; Deputy Commanding General; Director of Civil Works; Chief of Planning & Policy, etc.) that is applicable to the Civil Works water resources planning process. Due to the interdisciplinary nature of Planning, other guidance memoranda may be applicable and can be found on the following resource sites:

- A collection of the Director of Civil Works' Director's Policy Memoranda is available on [Sharepoint](#).
- Regulatory Guidance Letters are available on the HQUSACE Regulatory Program [website](#).

Guidance Memos

2019

- National Environmental Policy Act Decision Documents Memo**
This memo addresses National Environmental Policy Act (NEPA) decision document requirements and provides guidance on how such documents must be processed. NEPA decision documents requiring ASA(CW) review and approval that will either be executed by the ASA(CW) or delegated to another office for execution, will be executed concurrent with the ASA(CW) determination that the Corps recommended plan (e.g., Chief of Engineers Reports and Director of Civil Works Reports) is feasible. For delegated NEPA decision documents, the Office of the ASA(CW) will notify the Corps when it is appropriate to sign the decision document. The templates associated with this memo can be found in the NEPA collection of the Planning Toolbox.
- Mitigation Planning and Adaptive Management**
This memorandum highlights clarifications that will be incorporated into the Mitigation Planning and Adaptive Management section of Appendix C (Environmental Evaluation and Compliance) of ER 1105-2-100 (the Planning Guidance Notebook) to better engage non-Federal sponsors in the mitigation planning process and the monitoring and adaptive management of mitigation plans.
- Real Estate Policy Guidance Letter No.31 - Real Estate Support to Civil Works Planning**
This Real Estate Policy Guidance Letter revises the interim policy and guidance for real estate efforts associated with feasibility studies (including those for Continuing Authorities Projects [CAP]) and to ensure conformance with reference c. as relates to operationalizing risk informed decision making. This memorandum supersedes and replaces Real Estate Policy Guidance Letter No. 31- Real Estate Support to Civil Works Planning Paradigm (3x3x3), 10 January 2013.
- Director's Policy Memorandum 2019-02: Employing MSC and District Technical Expertise and Professional Judgment to Empower Enhanced Delivery of the 2018 Emergency Supplemental Program**
This purpose of this Director's Policy Memorandum is to empower our highly trained and experienced MSC/District teams to use their technical expertise and professional judgement to make and document authoritative decisions regarding USACE policy and guidance which will enhance delivery of the 2018 Emergency Supplemental within the spirit and intent of USACE policy and guidance.
- Director's Policy Memorandum 2019-01: Policy & Legal Compliance Review**
This memorandum establishes procedures for implementing Director's Policy Memorandum, DPM Civil Works 2018-05: Improving Efficiency and Effectiveness in USACE Civil Works Project Delivery (Planning Phase and Planning Activities), 3 May 2018 to ensure consistency across USACE and all MSCs in the conduct of policy and legal compliance review. This memorandum is applicable to all specifically authorized planning studies supporting project authorization or budget decisions, or that require an action by the Chief of Engineers, the Secretary of the Army acting through the Assistant Secretary of the Army for Civil Works (ASA(CW)) or the Congress.

2018

- Implementation Guidance for Section 1031 (a) of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), and for Section 1121 of the Water Resources Development Act of 2016 (WRDA 2016), Tribal Partnership Program**
Section 203 of WRDA 2000, as amended (33 U.S.C. 2269), authorizes the Secretary to carry out the Tribal Partnership Program, consisting of water-related planning activities, and activities related to the study, design, and construction of water resources development projects, that substantially benefit federally-recognized Indian Tribes and that are located primarily within Indian country (including lands within the jurisdictional area of an Oklahoma Tribe) or in proximity to Alaska Native Villages. The Secretary is also directed to consult with the Department of the Interior on any activity under the Program and to coordinate with Tribes, Department of the Interior and other federal agencies to consider their authorities in making recommendations. To meet this requirement, Districts, in collaboration with Tribal partners, shall implement appropriate coordination with the Department of Interior and other federal agencies during the study and document accordingly in the study report. This guidance supersedes the following guidance documents: Memorandum dated August 16, 2010, subject: "Delegated Review and Approval Authority for Reconnaissance Studies for Section 203 of WRDA 2000 Authority, Tribal Partnership Program"; Implementation Guidance for Section 203 of WRDA 2007, dated May 16, 2008; Implementation Guidance for Section 203 of WRDA 2000, dated January 8, 2002; and Implementation Guidance for Sections 203(d)(1) and 204 of WRDA 2000, dated February 27, 2001, but only insofar as it relates to Section 203.
- FY18 Emergency Supplemental Long-term Disaster Recovery Investment Program Performance Management Governance**
USACEHQ Civil Works Programs Integration Division has issued project performance management guidance for studies and projects funded under the Emergency Supplemental, which will be tracked under a new Performance Management System. The objectives of the Performance Management System are to drive aggressive project delivery, assist in proactive management, and minimize upward reporting. A final version of this guidance will replace this draft once complete.
- Changes to EPA's Environmental Review Rating Process**
This memorandum issued by the U.S. Environmental Protection Agency (EPA) discontinues EPA's practice of issuing an alphanumeric rating system along with its written comments on draft Environmental Impact Statements under the National



PROJECT EXECUTION: RISK INFORMED DECISION MAKING IN PLANNING PGN B PGN F



DPM 2018-01: IMPLEMENTATION OF EXECUTIVE ORDER (EO) 13807 AND ONE FEDERAL DECISION (OFD) WITHIN CIVIL WORKS PROGRAMS



- Establishes policy pertaining to Executive Order 13807 requires federal agencies to process environmental reviews and authorization decisions for "major infrastructure projects" as One Federal Decision.
- Districts are responsible for identifying which Civil Works actions are "major infrastructure projects" in the context of EO 13807 and then notifying the MSC and HQUSACE of the determination. Districts are also primarily responsible for monitoring and executing project schedules consistent with EO 13807 requirements and reporting the status of milestones through the appropriate MSC to HQUSACE.
- To consistently achieve the EO 13807 goal of reducing the time for environmental reviews and authorization decisions to an average of two years for all Federal agencies involved, Districts will incorporate risk-informed decision making processes in all phases of environmental review, including pre-application preparation, scoping, impact analyses and permit decisions. This means making decisions not to undertake detailed analyses that do not affect or relate to USAGE permit decision processes.
- *Available on the Planning Community Toolbox Website*
[Guidance Memos Collection in the Planner's Library](#)



PLANNING BULLETIN 2018-03: FURTHER CLARIFICATION OF EXISTING POLICY FOR USACE PARTICIPATION IN NONSTRUCTURAL FRM AND CSRM MEASURES



December 2018 publication; further clarifies PB 2016-01

- Existing policy in the PGN requires that USACE analyses, formulates, evaluates, and presents a plan that reasonably maximizes net NED benefits. Prior interpretation of this requirement with respect to nonstructural measures and plans was to formulate and evaluate plans at the individual structure level; due to numerous issues with this approach, the policy going forward is that “reasonably maximizing” does not require individual structure benefit-cost analysis.
- All future nonstructural analyses will formulate and then evaluate measures and plans using a logical aggregation method (e.g., grouping by structures' main floor elevation; census block or tract boundaries; neighborhoods or communities sharing common infrastructure, etc.)
- When calculating Interest During Construction for nonstructural measures or plans, the length of time will be based on construction duration for a specific measure and/or structure, and not the overall duration of construction for the entire project.

– *Available on the Planning Community Toolbox Website*
[Planning Bulletins Collection in the Planner's Library](#)



PLANNING BULLETIN 2019-02: INCORPORATION OF EXTERNAL REPORTS INTO STUDIES AND DECISION DOCUMENTS



- Reiterates requirements of the PGN and other USACE guidance with respect to use of externally developed data, information and reports
- Non-Corps sources of data and Information can be used; however, the underlying data and analysis must be scientifically and procedurally sound.
- The information and reports utilized must be summarized and referenced in the appropriate principles and guidelines account, *or if more appropriate in a section of the decision document summarizing the views of the public, project partner, and other government and non-government entities*. The summary must include both the positive and negative effects associated with any alternative or recommended plan.
- *Available on the Planning Community Toolbox Website*
[Planning Bulletins Collection in the Planner's Library](#)



PGN APPENDIX B: STAKEHOLDER ENGAGEMENT, COLLABORATION, AND COORDINATION



August 2018 “Pre-Publication” Draft / Revision of 2000 Appendix B

- Explains the benefits of, and requirements for, stakeholder engagement, collaboration, and coordination in Civil Works planning studies.
- Provides guidance for Districts on developing a stakeholder engagement strategy, including information on how to conduct stakeholder assessment, levels of engagement, information exchange, and communication methods.
- *Available on the Planning Community Toolbox Website*
[Planning Guidance Notebook Page in the Planner’s Library](#)



PGN APPENDIX D: ECONOMIC, SOCIAL AND REGIONAL CONSIDERATIONS



April 2019 “Pre-Publication” Draft / Revision of 2004 Appendix D

- Addresses policies and procedures for economic and social considerations not covered by Appendix E
 - Covers aspects of economic evaluation common to every mission area
 - Covers social considerations common to mission areas
 - Includes example cost tables, by mission area, to be included in Chief’s Reports and Project Partnership Agreements.
-
- *Available on the Planning Community Toolbox Website*
[Planning Guidance Notebook Page in the Planner’s Library](#)



PGN APPENDIX F: CONTINUING AUTHORITIES PROGRAM



August 2018 “Pre-Publication” Draft / Revision of 2007 Appendix F

- This appendix provides policy and procedural guidance for planning, design, and implementation of projects pursued under the legislative and administrative provisions of the Continuing Authorities Program (CAP).
- Outlines plan formulation, evaluation, and selection principles for CAP, as well as CAP review policy requirements.
- Includes statutory Federal participation limits updated for latest WRDA requirements.
- Covers the process for converting CAP studies into other study types and vice versa.
- *Available on the Planning Community Toolbox Website*
[Planning Guidance Notebook Page in the Planner’s Library](#)



ECB 2019-03: RISK INFORMED DECISION MAKING FOR ENGINEERING WORK DURING PLANNING STUDIES



- Outlines concepts, goals and provides interim guidance for E&C components associated with planning studies under DPM 2018-05, “Improving Efficiency and Effectiveness in USACE Civil Works Project Delivery (Planning Phase and Planning Activities).”
- **A maxim of execution is that expedience is not to be prioritized over sound engineering judgment.**
- Defines role of engineering technical lead in planning activities and in defining the risks associated with alternatives, the TSP and the recommended plan
- The District Chief of Engineering is responsible for the quality, including scope and scale, of the engineering information needed to inform decision making in the planning study.
- In cases where a risk informed decision leads to deferral of some design details or analysis to later design phases, this must be clearly and specifically documented in the project Risk Register.
- Outlines level of effort / detail for cost estimating activities during planning / project development.
- *Available on the Planning Community Toolbox Website*
[“Other Bulletins” Collection in the Planner’s Library](#)



REAL ESTATE POLICY GUIDANCE LETTER NO. 31- REAL ESTATE SUPPORT TO CIVIL WORKS PLANNING

12



- Revises the interim policy and guidance for real estate efforts associated with feasibility studies
- Replaces RE PGL 31 from 2013
- **The policy offers more flexibility as it relates to gross appraisals and attorney's opinions of compensability**
- In order to effectively and appropriately manage risk, Real Estate must utilize the risk register to highlight areas where real estate costs have been increased to account for increased risk, where there are risks affecting project implementation and/or schedule and/or where other real estate related uncertainties introduce greater risk to either the recommended plan or project implementation.
- It is essential that Real Estate be involved early and become familiar with the project authority and purposes to make a determination of the extent and character of the minimum interests and estate(s), both standard and non-standard, necessary as projects are scoped and alternatives evaluated.
- *Available on the Planning Community Toolbox Website*
[Policy Guidance Letters Collection in the Planner's Library](#)



MEMO: REVISED DELEGATION OF AUTHORITY IN SECTION 2034(A)(5)(A) OF THE WATER RESOURCES DEVELOPMENT ACT OF 2007 (WRDA 2007), AS AMENDED (33 U.S.C. 2343)



- Section 2034 of WRDA2007, as amended, requires Independent External Peer Review (IEPR) of studies or projects with an estimated total cost or more than \$200 million unless the Chief of Engineers determines that the study is exempt from an IEPR.
- This memo puts into effect the delegation of authority to the MSC Commanders to determine if a study is excluded from IEPR. This authority may not be further delegated.
- Section 2034(a)(3)(A)(iii) requires IEPR when the Chief of Engineers determines that the project study is controversial. This determination is not delegated, but the MSC Commander can proceed with an IEPR exclusion if a risk-informed decision can be made regarding the potential for public controversy.
- Section 2034(a)(3)(8) gives the Chief of Engineers discretionary authority to conduct IEPR if the head of a federal or state agency charged with reviewing the project study requests an IEPR. When such requests are received, the MSC Commander is encouraged to collaborate with the head of a federal or state agency to resolve the agency's concerns.
- *Available on the Planning Community Toolbox Website*
[Guidance Memos Collection in the Planner's Library](#)



POLICY AND LEGAL COMPLIANCE REVIEW



DPM 2019-01: POLICY & LEGAL COMPLIANCE REVIEW



- Establishes procedures for legal and policy compliance reviews delegated to MSCs
- Defines roles and responsibilities for a single team of policy and legal experts:
 - Advise and support PDTs
 - Engage at MSC and HQ / Vertical Teaming
 - Guide PDTs through project development, identifying policy and legal issues as early as possible
 - Provide impartial and unbiased recommendations, advice and support to decision makers
- Establishes minimum Policy and Legal compliance review procedures and requirements for review team selection, review management, review team funding, review team oversight and responsibility for the review plan vis-à-vis policy and legal compliance review.

- *Available on the Planning Community Toolbox Website*
[Guidance Memos Collection in the Planner's Library](#)



ENVIRONMENTAL EVALUATION AND COMPLIANCE



PGN APPENDIX C: ENVIRONMENTAL EVALUATION AND COMPLIANCE



April 2019 “Pre-Publication” Draft / Revision of 2000 Appendix C

- This appendix addresses the integration of environmental evaluation and compliance requirements
 - Is not intended to address ecosystem restoration formulation (see Appendix E)
 - Covers compliance with multiple environmental and cultural resources laws impacting project development / planning
- Includes mitigation planning policy and procedures updated for latest WRDA requirements.
- *Available on the Planning Community Toolbox Website*
[Planning Guidance Notebook Page in the Planner’s Library](#)



MEMO: NATIONAL ENVIRONMENTAL POLICY ACT DECISION DOCUMENTS



March 2019 guidance memo from ASA(CW)

- Updates procedures for NEPA decision documents including Records of Decision (RODs) and Findings of No Significant Impact (FONSI).
- NEPA decision documents requiring ASA(CW) review and approval that will either be executed by the ASA(CW) or delegated to another office for execution, will be executed concurrent with the ASA(CW) determination that the Corps recommended plan (e.g., Chief of Engineers Reports and Director of Civil Works Reports) is feasible. For delegated NEPA decision documents, the Office of the ASA(CW) will notify the Corps when it is appropriate to sign the decision document.
- Example ROD and FONSI templates have been developed by OASA(CW)
- *Available on the Planning Community Toolbox Website*
[Guidance Memos Collection in the Planner's Library](#)



3X3 AND EXEMPTIONS



PLANNING BULLETIN 2018-01: FEASIBILITY STUDY MILESTONES

September 2018 publication; supersedes PB 2017-01 and specific sections of ER 1105-2-100 (Planning Guidance Notebook) that reference feasibility study milestones

- Clarifies procedures associated with the USACE feasibility study process including milestone decision meetings, report submittals and study approvals.
- Decision milestone meeting scheduling and logistics will be coordinated by the decision - making command (i.e., 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).
- Decision-making authority for the milestones is outlined in Table 2 of PB 2018-01. HQUSACE may delegate its milestone meeting decision-making authority to the MSC. The MSC cannot delegate its milestone meeting decision-making authority.
- Table 3 of PB 2018-01 provides a list of all required documents for the Final Report submittal package.

– *Available on the Planning Community Toolbox Website*
[Planning Bulletins Collection in the Planner's Library](#)



PLANNING BULLETIN 2018-02: EXEMPTION PROCEDURES FOR PLANNING STUDIES EXCEEDING COST AND SCHEDULE LIMITS



December 2018 publication; supersedes and rescinds PB 2015-01: Vertical Team Alignment in Study Scoping and PB 2012-04: 3x3x3 Rule Exemption Process

- Clarifies procedures associated with study cost and schedule exemptions from the “3x3x3 rule” as defined in Section 1001 WRRDA 2014 (33 U.S. Code §2282c).
- On cost shared studies, the DCG-CEO may approve study cost increases where the total study cost is between \$3 million and \$6 million (Federal costs are between \$1.5M and \$3M); ASA(CW) may approve study costs if total Federal cost will exceed \$3 million
- The three year study limit is mandatory by law; There is no mechanism to stop the clock once a FCSA is signed. Only the ASA(CW) can approve exemptions that exceed the three year study limit.
- Once an exemption request has been made, delegated approval of the document is rescinded and the report is approved at HQ.
- *Available on the Planning Community Toolbox Website*
[Planning Bulletins Collection in the Planner's Library](#)



WRRDA SECTION 1001 IMPLEMENTATION GUIDANCE



March 2019 guidance memorandum; supersedes April 2015 IG

- Establishes procedural requirements for requesting exemptions to the 3 year / \$3 million study limit, engaging OASA throughout the study, and notifying of decisions impacting study cost and duration
- Identifies what is in / out for “study funds” in determining total federal costs:
 - Study coordination costs and costs of audits are included
 - Federally-funded IEPR are not included in the calculation of total federal cost
- Clarifies the milestones that mark the beginning and end of 3 year study duration
- DCG-CEO may approve increases in federal costs up to \$3 million
- Reiterates that any feasibility study that has been initiated since WRRDA 2014 that is not completed within the approved time frame, including exemptions approved by the ASA(CW), will be terminated immediately.

- *Available on the HQUSACE WRDA / Legislative Links Website*
<https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll5/id/35383>



WATERSHED STUDIES



PLANNING BULLETIN 2019-01: WATERSHED STUDIES



April 2019 “Pre-Publication” Draft / Replaces 2016 Watershed Study PB

- Provide clarification of procedures associated with the USACE-led single phase watershed studies, integrating recent updates in law and advancing the concepts of watershed planning described in EC 1105-2-411, Watershed Plans.
 - Updates milestone nomenclature, submittal requirements, and vertical team alignment.
 - Little changed from previous PB besides procedural to accommodate delegation and milestone nomenclature.
 - Current EC is being updated
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- *Available on the Planning Community Toolbox Website*
[Planning Bulletins Collection in the Planner’s Library](#)



COMING SOON



NEW/REVISED PLANNING GUIDANCE COMING SOON ON....



- Study Termination
- Project Partnership Kit
- Study Issue Checklist (June 2019)
- Project Management
- EGM for Tribal Ability to Pay
- EP For Tribal Partnership Program (June 2019)
- Inspection of Completed Environmental Projects Program
- Refined Ecosystem Restoration Metrics/Benefits
- Civil Works Mitigation Database Entry
- PGN Appendices G&H
- PGN Main Chapters