



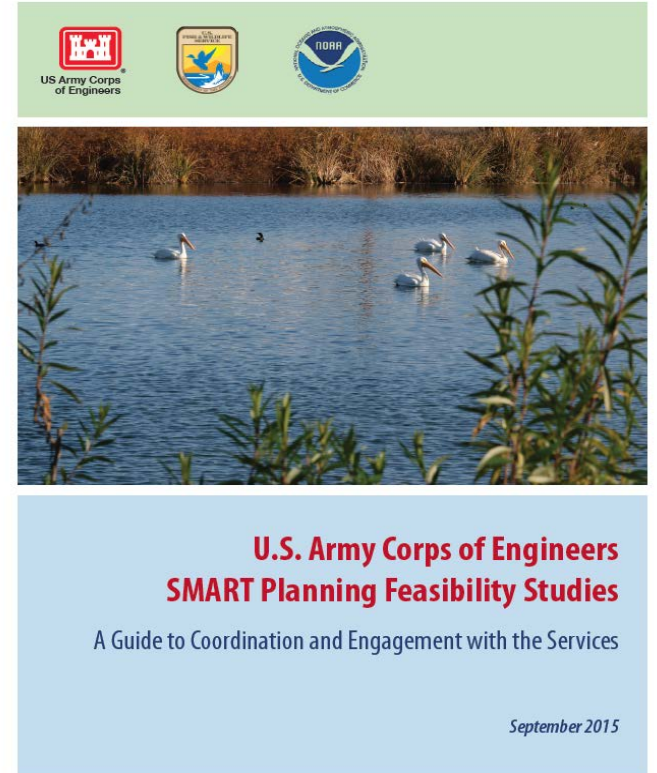
SMART Planning & USACE Feasibility Studies Guide to Coordination and Engagement with the Services

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Preview

- Agency Guide Overview
- SMART Planning – What is it?
- 3x3x3 Rule – What is it?
- SMART Planning and Coordination with the Services
- Lessons Learned
- Discussion / Questions



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Developed in Collaboration



**U.S. Army Corps of Engineers
SMART Planning Feasibility Studies**

A Guide to Coordination and Engagement with the Services

September 2015



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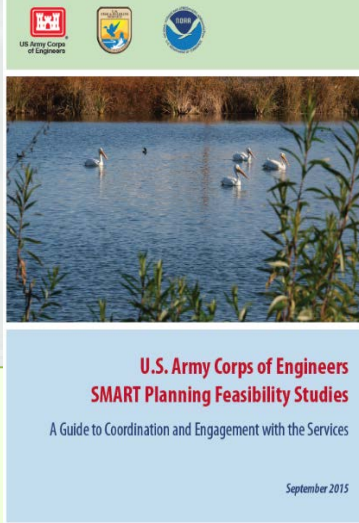
Have you seen this?

Nope

Saw it

Read it

Applied it



Put a green check mark in the box that best describes your knowledge of the topic presented today



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The Guide – What is it?

- A resource / tool for Corps and Services working on Corps feasibility Studies.
- Developed to assist field staff with the understanding of SMART Planning process (terminology, timelines, etc.).
- Highlights key differences in SMART Planning process.
- Emphasizes the need for earlier engagement and open communication.
- Demonstrates where / when Services activities occur in SMART Planning process.
- Identifies opportunities to improve efficiencies with coordination / consultation activities.





The Guide is not:

- A policy document or replacement of any current environmental policy.
- A detailed guide to executing feasibility studies.
- A comprehensive how-to for consultation or compliance.
- Not a substitute for any existing Services handbooks.



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A Feasibility Study

- Responds to a Congressional direction to evaluate and recommend solutions to a particular water resources problem.
- Establishes Federal Interest.
- Cost shared with a non-federal sponsor.
- Formulate and evaluate alternative plans.
- Describes in detail the recommended plan.
- Prepare a Feasibility Report and NEPA document.
- Chief's Report.



SMART Planning – What is it?

- S: Specific
- M: Measurable
- A: Attainable
- R: Risk Informed
- T: Timely

The process to improve **feasibility studies** while continuing to follow the traditional 6-step planning process required by the P&G.



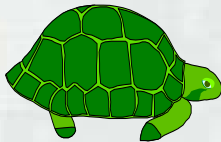
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WAIT!

Why change the process?

- Study process was slow / studies taking too long.
- Studies were costing too much.
- Studies were overly detailed.
- Frustration of stakeholders, sponsors, and Congress.





SMART Planning – What is it, What's Different?

- Risk informed; Risk based.
- Decision focused.
- Begins with information you have.
- Level of detail evolves through project duration; focuses in tighter as you go.
- Works collaboratively with Corps vertical team.
- *Relies on early and often resource agency coordination.*





3x3x3 Rule – What is it?

- Originated as a Corps policy directive in 2012.
- Studies are scoped to completion in 3-years or less; at a cost of no more than \$3 million; and with 3 tiers of Corps vertical team.
- Put into law as part of the Water Resources Reform and Development Act (WRRDA 2014).



Congress Passes Law

Water Resources Reform and Development Act of 2014

- Codifies the “3x3x3 Rule”.
- Established a process for exemption of 3-years and/or \$3 Million.
- Established a single phase study process – **No more reconnaissance phase.**



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3x3x3 Exemption Process

- Complex studies may require time and funds beyond 3-years and \$3 million.
- The exemption process exists specifically for these complex studies.
- It is the responsibility of the Corps District to develop a scope, schedule, and budget for a policy compliant study that adheres to the 3x3x3 rule, citing expected risks.
- If the risks are determined too great, the vertical team then participates in a re-scoping of the study.
- Exemptions require DCG-CEO or Assistant Secretary-level approval and notification of Congress.





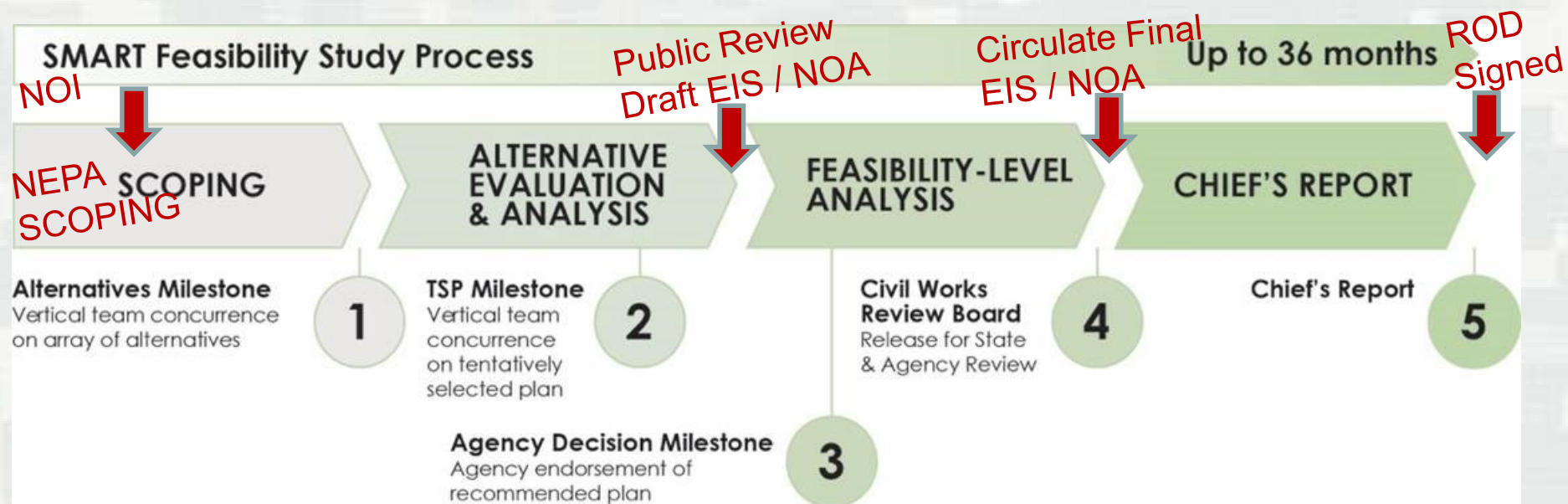
SMART Planning Process Diagram



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Consistent with NEPA

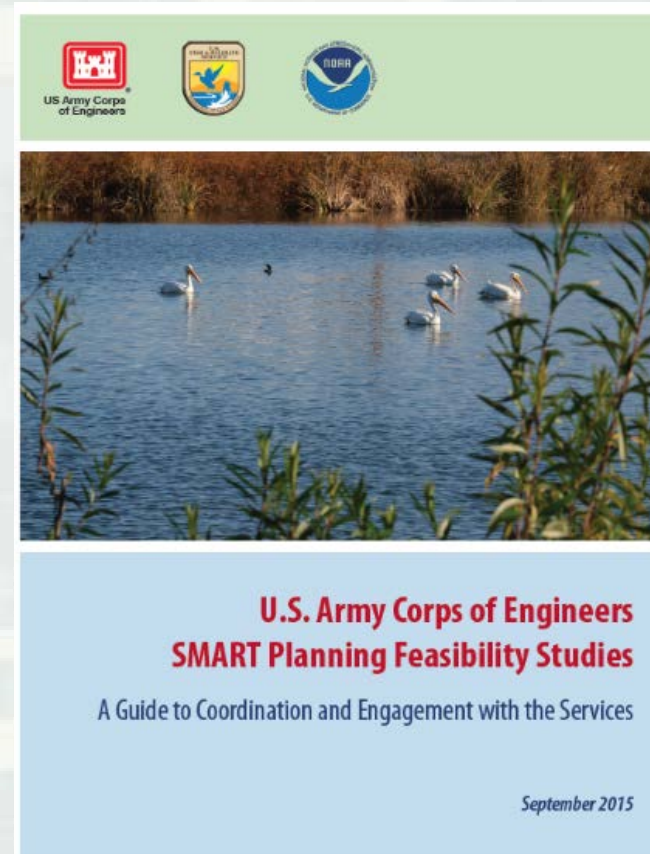
SMART Planning Feasibility Process and Principles are consistent with the spirit of NEPA and CEQ's direction on NEPA implementation.



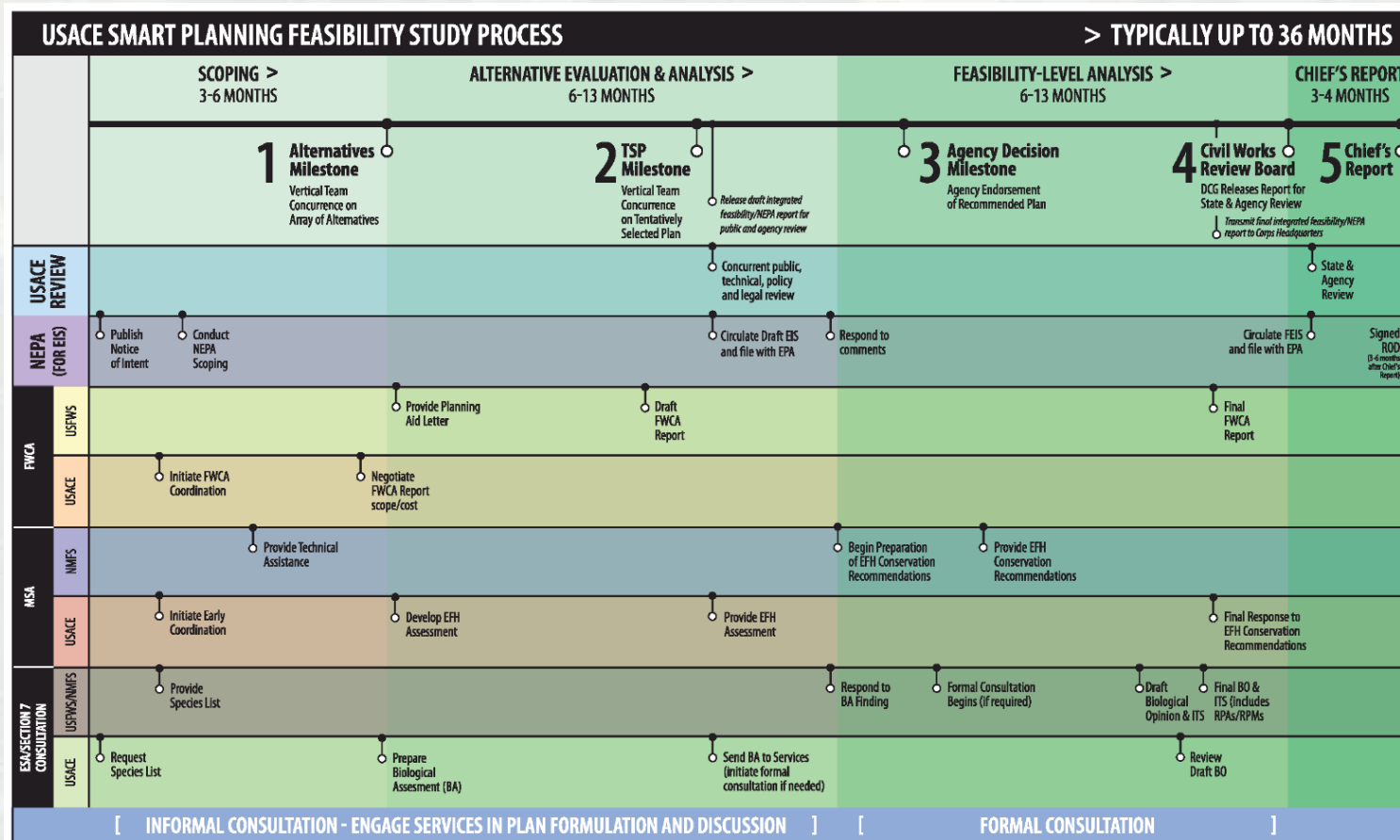
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Guide Focuses on Coordination Under Key Environmental Laws

- Endangered Species Act – Section 7
- Fish & Wildlife Coordination Act
- Magnuson-Stevens Fishery Conservation and Management Act
- Marine Mammal Protection Act



SMART Planning Overlay with Key Laws



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How does engagement and coordination with the **Services** work as we climb through the SMART Planning process?



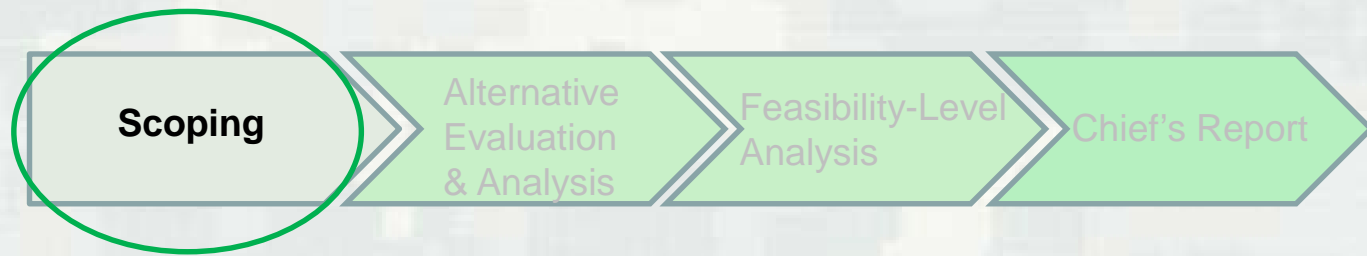
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Goal: Define problems and opportunities; Corps will develop preliminary alternatives and screening criteria, concluding the phase with a final array / **reasonable array** of alternatives to be carried forward for a **rigorous evaluation**.



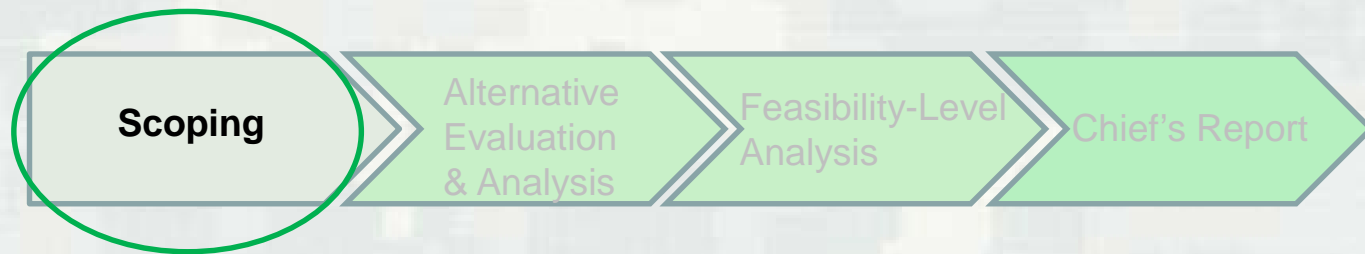
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What is happening under NEPA?

- NEPA Scoping
 - ▶ Invite participation of affected agencies, tribes, others.
 - ▶ Determine scope and significant issues to be studied.
- Notice of Intent (EIS only)
- Invite Cooperating Agencies





What is happening between the Corps and Services?

- Corps engages Services.
- Communicate early / often.
- Together ID existing information and data for study.
- ID significant resources to consider early mitigation strategies.
- Develop environmental screening criteria.
- FWCA - Corps Initiates coordination.
- ESA – Corps requests species list / Services provide species list and technical assistance.



SMART Feasibility Study Process

Up to 36 months

SCOPING

ALTERNATIVE EVALUATION & ANALYSIS

FEASIBILITY-LEVEL ANALYSIS

CHIEF'S REPORT

1

TSP Milestone
Vertical team
concurrence
on tentatively
selected plan

2

Agency Decision Milestone
Agency endorsement of
recommended plan

3

**Civil Works
Review Board**
Release for State
& Agency Review

4

Chief's Report

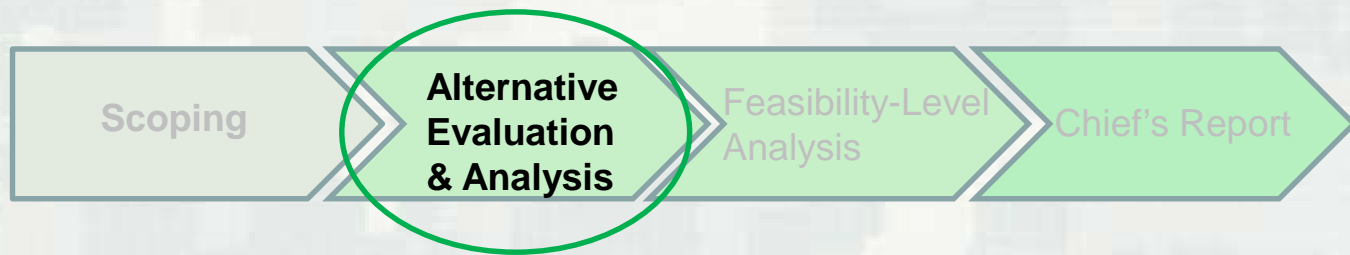
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Duration +/- 1-year

Goal: Narrow scope from **reasonable array of alternatives** to a tentatively selected plan (TSP); Corps confirms TSP (**agency's preferred alternative**); Corps draft integrated feasibility/NEPA report is released for public / agency review.



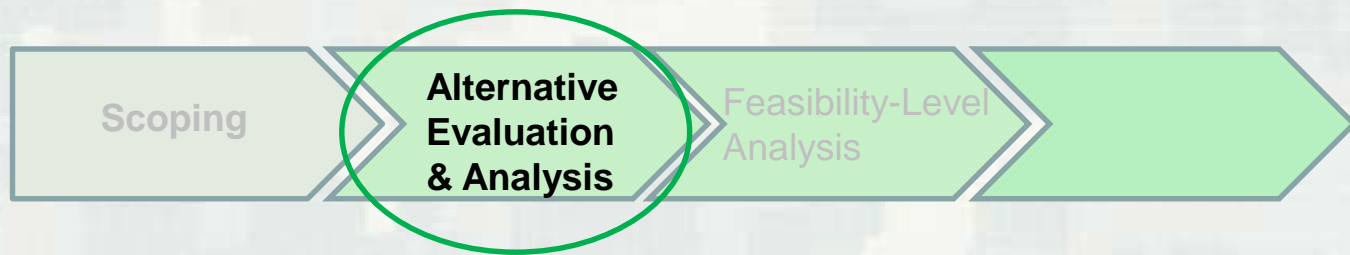
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What is happening under NEPA?

- Evaluate reasonable array of alternatives.
- Describe the environment of area(s) to be affected by the alternatives under consideration.
- Describe environmental impacts of alternatives.
- Describe mitigation, if appropriate.
- Circulate draft NEPA document.
- Hold public meeting

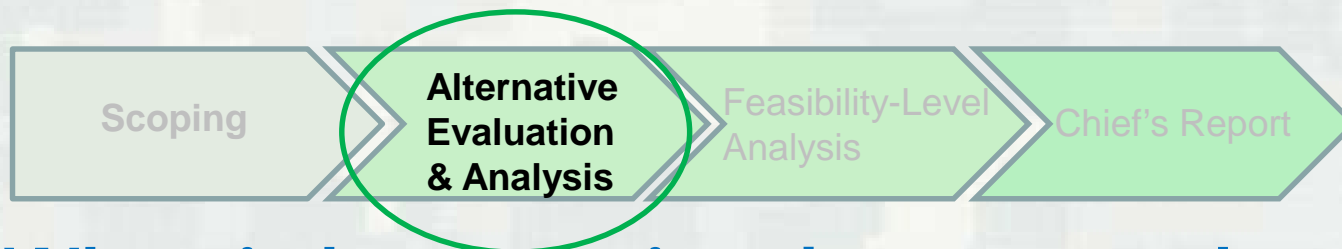




What is happening between the Corps and Services?

- Fish and Wildlife Coordination Act
 - ▶ Together develop SOW / Corps MIPR funds.
 - ▶ Produce Planning Aid Letter / Planning Aid Report / draft Fish and Wildlife Coordination Act Report.
 - ▶ Corps integrates F&W considerations into NEPA analysis.
 - ▶ Corps includes letters or reports in draft NEPA document.
- Endangered Species Act – Section 7
 - ▶ Corps completes biological evaluation /assessment (if required).
 - ▶ Corps makes determination of effects.
 - ▶ FWS / NMFS respond to determinations / assessment (concur/non-concur – 30 days)





What is happening between the Corps and Services?

- Marine Mammal Protection Act
 - ▶ Apply practical efforts to **avoid taking** of marine mammal.
 - ▶ While rare on Corps projects, if taking is unavoidable, then NMFS and/or FWS will be contacted as early as practicable to begin process of obtaining an incidental take authorization (ITA).
 - ▶ ITA process could take upwards of 1-year. Coordinate Early!
- Magnuson-Stevens Fishery Conservation and Management Act
 - ▶ Corps engages NMFS
 - ▶ NMFS provides technical assistance and early coordination regarding EFH.
 - ▶ Corps develops EFH Assessment / provides to NMFS with draft feasibility / NEPA report.
 - ▶ NMFS *begins* preparation of EFH Conservation Recommendations.



SMART Feasibility Study Process

Up to 36 months

SCOPING

ALTERNATIVE EVALUATION & ANALYSIS

FEASIBILITY-LEVEL ANALYSIS

CHIEF'S REPORT

Duration: +/- 1 year

Alternatives Milestone
Vertical team concurrence
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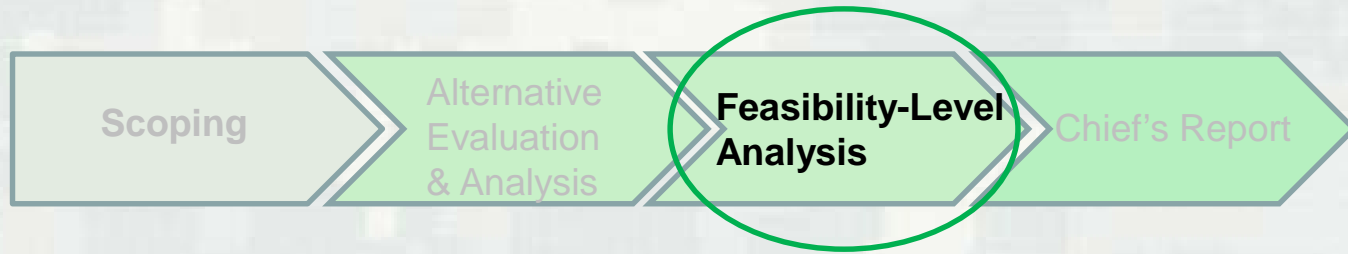
Chief's Report

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Goal: After public / agency review, Corps holds senior level meeting to endorse recommended plan (preferred alternative); finish feasibility level analysis / design on the preferred alternative; complete final feasibility report and NEPA report and ALL compliance requirements.



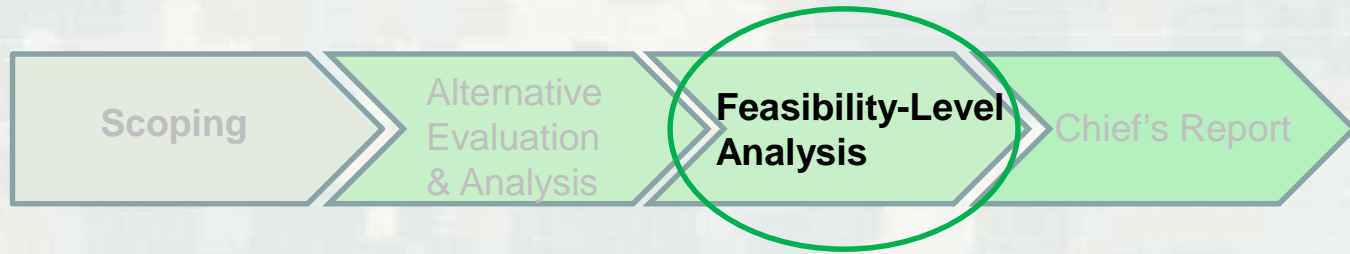
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What happens under NEPA?

- Corps incorporates / addresses public and agency comments on draft feasibility report and NEPA document.
- Finalize NEPA document.

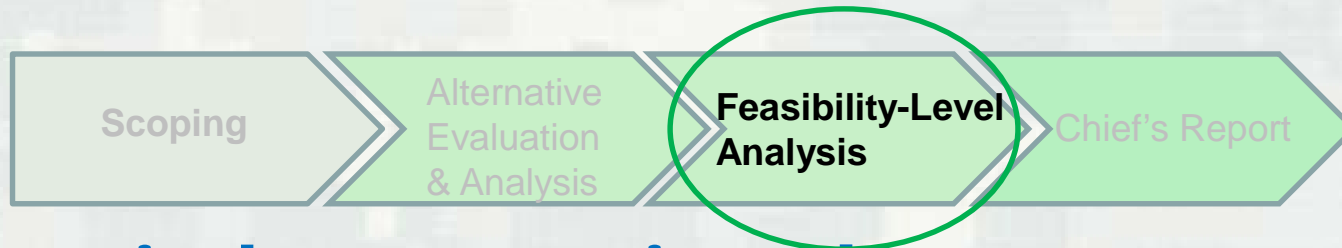




What is happening between the Corps and Services?

- Fish & Wildlife Coordination Act
 - ▶ Corps gives full consideration to recommendations.
 - ▶ Draft Coordination Act Report is finalized and provided to Corps.
- Marine Mammal Protection Act
 - ▶ If marine mammal taking is unavoidable, Corps and NMFS/FWS continue to coordinate.
 - ▶ NMFS issues Incidental Take Authorization, if applicable.

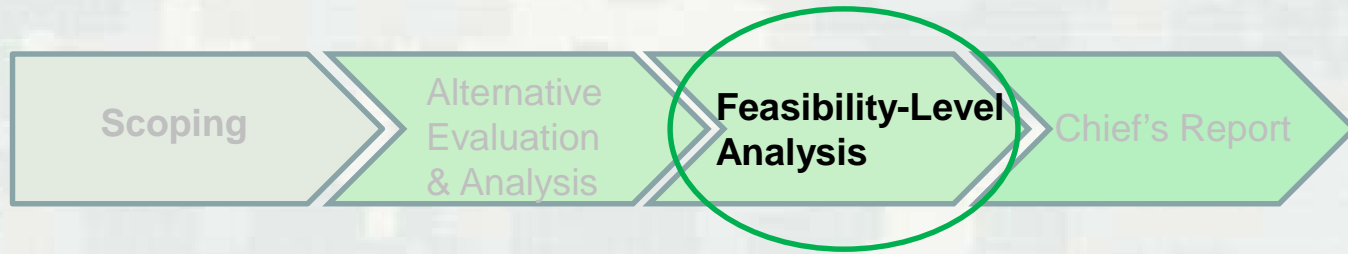




What is happening between the Corps and Services?

- Endangered Species Act – Section 7 Coordination / Consultation
 - ▶ Informal consultation concludes prior to, or at beginning of, this study phase, i.e. “no effect” or “not likely to adversely affect” a listed species or critical habitat.
 - ▶ Formal consultation - Corps makes formal request
 - Services determine completeness. If additional information / data is requested, **all must communicate** clearly what is relevant and required.
 - Establish timelines for start / finish formal consultation.
 - ▶ Biological Opinion / Incidental Take Statement (as appropriate)
 - Formal consultation concludes; Service(s) prepares / delivers draft biological opinion; Corps reviews; final biological opinion delivered.





What is happening between the Corps and Services?

■ Magnuson-Stevens Act

- ▶ NMFS provides EFH recommendation (if not already).
- ▶ Corps responds to EFH recommendations.
 - Incorporates recommendations.
 - Provide acknowledgement letter to NMFS.
- ▶ NMFS responds to acknowledgement letter and concludes consultation.



SMART Feasibility Study Process



Goal: To release final feasibility / NEPA report /draft Chief's Report for State & Agency review. Chief of Engineers signs report and submits to Assistant Secretary of the Army (Civil Works) for review / coordination with Office of Management & Budget (OMB) and formally submits reports to Congress. **END OF FEASIBILITY**



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What happens under NEPA?

- Release final feasibility report and NEPA document.
- File EIS with EPA-Notice of Availability in Federal Register.
- Update draft ROD to include responses to any substantive comments received.





What is happening between the Corps and Services?

- Corps provides final feasibility report and NEPA document to Services.
- Services review final report.



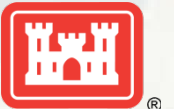
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End of Feasibility Process!



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How does it work real time?



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Lessons Learned

- Seattle Harbor Deep Draft Navigation Study
 - ▶ Presented by: Rachel Mesko - Corps Seattle District.
 - ▶ FY14 New Start Study (final year for recons).
 - ▶ One of the first official studies to go through SMART process from beginning to draft report.



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Seattle Harbor Navigation Improvement Project Area



West Waterway

East Waterway

Study Overview

- Reconnaissance phase laid foundation for study
- Relatively straightforward study area; limited variation in alternatives
- Existing channel is highly altered and already deep
- Highly engaged sponsor



Tips for Success:

General Advice for All Agencies

- Initial Outreach
 - ▶ Host / participate in project kick-off meeting - take advantage of virtual capabilities
 - ▶ Identify what is low concern and does not require detailed analysis
 - ▶ Good opportunity for Tribal engagement
- Ongoing Communication & Collaboration
 - ▶ Share information: data, maps, study assumptions, quantities, etc.
 - ▶ Reality check on due dates; confirm or adjust schedule
- Follow-Up
 - ▶ Host /participate in a follow-up meeting before draft feasibility/NEPA report is released for public review



Present summary of environmental impacts analysis
Refine impacts analysis based on feedback



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Tips for Success: Corps Teams

- Initiate FWCA scope, budget, and MIPR as early as possible
- Communicate changes to alternatives as needed; planning is iterative!
- Create an environmental compliance tracking spreadsheet and keep it updated
- Use Guide to help standardize P2 schedules with appropriate processes



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Seattle Harbor: Environmental Compliance Activities

- **Endangered Species Act**
 - ▶ Pre-TSP Milestone: Initial agency outreach/coordination
 - ▶ Post-TSP Milestone: Biological Assessment to NMFS and USFWS

- **Magnuson-Stevens Fishery Conservation and Management Act & Marine Mammal Protection Act**
 - ▶ Consultation with NMFS occurs in conjunction with ESA Section 7 consultation
 - ▶ Pre-TSP Milestone: Initial agency outreach/coordination
 - ▶ Post-TSP Milestone: Biological Assessment will include analysis of effects to ESA-listed species, essential fish habitat, and marine mammals



Environmental Compliance Activities (Continued)

- **Fish & Wildlife Coordination Act**
 - ▶ Pre-TSP Milestone: Draft PAL and draft CAR received
 - ▶ Post-TSP Milestone: Final CAR prior to finalization of FR/EA



Credit: Don Wilson



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Questions / Comments



SMART Planning Guidance and the Guide can be found at: (<http://planning.usace.army.mil>)



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