Maintaining our Credibility: An Overview of QC/QA and Policy & Legal Compliance Review Procedures
Planning CoP Webinar
April 4, 2019
Q&A Session

 The 4 April PCoP Webinar provided an overview of the review process which USACE has developed to address the Information Quality Act and the Office of Management and Budget Final Information Quality Bulletin for Peer Review. Ms. Karen Miller (Regional Technical Specialist, LRD/LRH) presented information on Quality Control and Quality Assurance, including some best practices. Ms. Fay Lachney (Plan Formulation Team Lead, Office of Water Project Review) provided an overview of the Legal and Policy Compliance and State and Agency reviews. The foundation of these reviews are EC 1165-2-217, Review Policy for Civil Works and ER 1105-2-100, Planning Guidance Notebook, establish the procedures to ensure the quality and credibility of USACE decision and implementation documents.

This summary of the Question / Answer session of the webinar is not a transcription; questions and responses have been edited and reordered for clarity.

Quality Control and Quality Assurance Reviews

What is Headquarters doing to ensure consistency between Division Quality Management Plans (QMPs)?
Headquarters has reviewed copies of all current Division QMPs and has provided a template to the Divisions to ensure they are addressing at least some of the same topics. This template will help to provide some consistency across the QMPs; that said, each MSC has unique challenges and set ups, and therefore should tailor their QMP to work best for their individual needs.

For Continuing Authorities Program (CAP) and other delegated feasibility studies or reports, are MSCs required to use Dr. Checks and the 4-part comment structure for policy reviews?
EC 1165-2-217 does not mandate the use of Dr. Checks for any type of review other than agency technical review (ATR); it is up to the MSCs how to collect and document comments for non-ATR reviews. The 4-part comment structure is also not mandated for non-ATR reviews, but the PCoP encourages that it be adopted for all reviews.

Review Team Roles and Responsibilities

How do you know who is on a specific Policy and Legal Compliance review team?
The Project Monitor database has all review teams and members identified; the MSC Review Manager has access to the platform. The Regional Integration Team (RIT) Planner is a good person to request information from on review team members, as they generally have specific knowledge about all of the studies in their area of responsibility.

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Are Review Managers always Office of Water Project Review (OWPR) representatives? Is there a go-to source to identify Review Managers for studies?

Review Managers are not always from OWPR; some MSCs assign Review Managers at the MSC level for both delegated and non-delegated studies, while others have made the decision that they want all of their Review Managers to come from OWPR, regardless of whether a study is delegated. MSC Planning Chiefs and the RIT Planners have access to Project Monitor and can see who all of the current Review Managers and review teams are.

What advice would you offer MSC Review Managers who don't necessarily feel comfortable with their newly delegated responsibility (i.e., deleting/consolidating review comments)?

OWPR recently developed an SOP that defines the roles and responsibilities of Review Managers to assist MSCs in this new-to-them role. The Review Manager role is a very important one; Districts greatly benefit by receiving a concise list of comments as opposed to a full-blown list. MSC Review Managers can always call OWPR reviewers for advice or coaching, but ultimately if a Review Manager doesn't feel comfortable in the position, he or she should hand it off to someone else.

The presentation stated that "In Progress Reviews (IPR), Issue Resolution Conferences (IRC), and milestone meetings should include members of the review team regardless of where they are located" -- whose responsibility is it to ensure this happens?

For policy and legal compliance reviews led by OWPR, the RIT Planner and the Review Manager generally work together to ensure that all review team members are invited to IPRs. For reviews led by the MSC, the MSC point of contact for meeting logistics (generally the District Support Team) should be responsible for inviting all required attendees; however, the Review Manager should always back check to make sure the entire review team is invited. Specific review roles, responsibilities, and processes should be spelled out in the MSC Standard Operating Procedure on reviews.

There is an expectation that project schedules will be met despite workload issues, holidays, annual leave, etc., with organizations expected to have back up when the primary team member is out of the office. How can we make sure MSCs, RITs, and Headquarters are able to fulfill their part of the schedule?

Review teams, including the policy and legal compliance review team and ATR teams, should also be staffed taking into account individual workload, holidays, and expected annual leave needs and availability to meet the study's schedule. OWPR tracks review schedules very closely and has developed internal SOPs that ensure certain tasks are worked on or completed by a certain time (e.g., so that requirements like State & Agency Review aren't completed at the last minute). This allows policy reviewers to be proactive and make sure that deadlines are met. One way that project delivery teams (PDTs) can assist to make sure that review schedules are adhered to is to conduct thorough District Quality Control (DQC); if DQC is done well, policy and legal compliance reviewers can work through reports much more quickly and avoid time wasted going back and forth. In addition, the more often PDTs and policy reviewers coordinate throughout the study process, the faster the policy and legal compliance review team can provide its review, since the reviewers will already be familiar with the study and the potential policy issues. Bottom line: a lot of work and coordination is needed on both sides to ensure

reviews are done in a timely manner, particularly for Supplemental studies for which a significant number of reviews are anticipated to land at the same time.

Legal and Policy Compliance Review

For Tribal Partnership Program (TPP) studies, and in particular for Ecosystem Restoration studies, is independent external peer review (IEPR) waived, or does the study have to seek an exemption?

Mr. Dalton is currently reviewing a memo to be released in the near future that will clarify several issues related to IEPR. Currently, the legal triggers for an IEPR include: controversy or the need for an environmental impact statement, an estimated total project cost (including mitigation costs) of over $200 million, or a state governor's request. The current IEPR triggers only apply to the feasibility-like TPP; other study types such as watershed studies under the TPP are not subject to the law.

Some MSCs are experiencing situations where the District is concerned that ATR and OWPR comments are "at odds." How should these conflicts be resolved?

Mr. Dalton has been very specific in stating that technical and policy review should be kept separate. Even when there is an overlap in comments, the focus of each review type is different. If a specific issue comes up that needs to be raised, the ATR lead should contact the Policy and Legal Compliance Review Manager to discuss potential solutions.

The recent "Revolutionize USACE" effort has a focus on streamlining processes and shortening timelines. The field has been receiving feedback to minimize reviews where appropriate. Is the PCoP going to provide any specific recommendations or guidance on aligning study review with this initiative?

Headquarters is asking teams to move at a very fast pace and accomplish a lot within short timeframes; however, Leadership has been clear that time needs to be built into the study process for quality reviews. Ultimately, shortening review time periods or "minimizing review" won't be effective if doing so means that errors are missed. The PCoP is currently working to figure out the best way to balance this fast pace with the need for thorough reviews and has discussed some potential approaches a study team might take to accelerate the pace of review, such as assigning dedicated ATR teams, having ATR teams meet face-to-face for a week to work through the review together with the PDT, etc.

In addition, OWPR has developed an SOP on streamlining review processes at Headquarters, which includes provisions for ensuring State & Agency review letters are ready to go the day they are approved to be sent, etc.

Why aren't policy reviewers allowed to use project funding?

Director's Policy Memorandum 2019-01, Policy and Legal Compliance Review dated 9 January 2019 prohibits the use of project funds for policy and legal compliance review.

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<u>State & Agency (S&A) Review</u>

Is there any indication that legislation may be introduced in Congress to remove the requirement for S&A Review?

There is no indication at this time that the S&A Review requirement will be dropped or altered. As a reminder, under S&A Review, USACE is required to contact not just the "resource agencies" (U.S. Fish and Wildlife Service and the National Marine Fisheries Service), but any federal or state agency that might be involved in NEPA-type responses (e.g., USACE is required to send a letter to the U.S. Coast Guard for navigation studies).