# DETAILED PROCESS BRIEFING FOR SUPPLEMENTAL STUDY TEAMS

Presented by Representatives of the PCX Guild:
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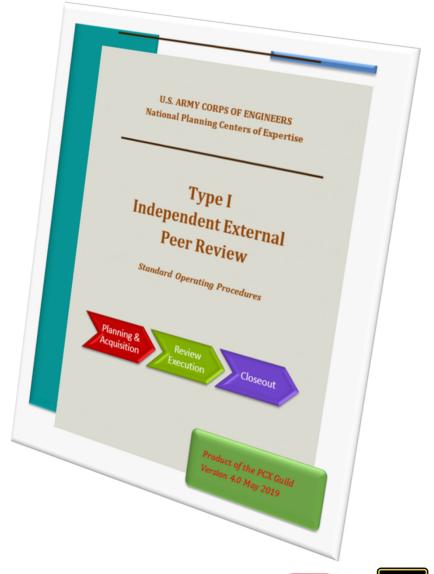
11 June 2019





#### **BOTTOM LINE UP FRONT**

- Recent guidance changed some of the IEPR processes
- 2016 IEPR SOP has been updated to reflect current guidance and policies
- Presentation will highlight noteworthy IEPR concepts for supplemental study teams
  - IEPR planning starts NOW!
  - Multiple levels of coordination
  - Legal requirement







#### **WEBINAR AGENDA**

- Recent References
- IEPR Streamlining Guidance
- SMART Planning & IEPR Timeline
- IEPR SOP
- IEPR Timeline
- IEPR Expenses
- Critical Aspects
- PDT Responses
- Agency Response
- Tool Box
- Contacts
- Questions





#### RECENT REFERENCES

- 2019-04-05: CECW Memo, Interim Guidance on Streamlining Independent External Peer Review (IEPR) for Improved Civil Works Product Delivery
- 2018-06-07: CECW Memo, Revised Delegation of Authority in Section 2034(a)(5)(A) of the Water Resources Development Act of 2007
- 2018-05-23: DAEN-ZA Memo, Revised Delegation of Authority in Section 2034(a)(5)(A) of the Water Resources Development Act of 2007
- 2018-02-20: U.S. Army Corps of Engineers: Engineer Circular: EC 1165-2-217 (Review Policy for Civil Works) (currently being revised)
- 2018-01-08: DAEN-ZA Memo, Delegation of Authority in Section 2034(a)(5)(A) of the Water Resources Development Act of 2007
- Planning Bulletin 2018-01 Feasibility Study Milestones
- America's Water Infrastructure Act of 2018
- Water Resources Reform and Development Act of 2014
- Water Resources Development Act of 2007





#### IEPR STREAMLINING GUIDANCE (2019-04-05 CECW MEMO)

- Mandatory Triggers\*:
  - Estimated total cost of the project, including mitigation, is greater than \$200 million\*\*
  - When the Governor of an affected state requests a peer review by independent experts
  - When the Chief of Engineers determines the study is controversial or the study requires an Environmental Impact Statement (EIS)

\*\* An exclusion from IEPR can still be granted if the \$200 million trigger is met

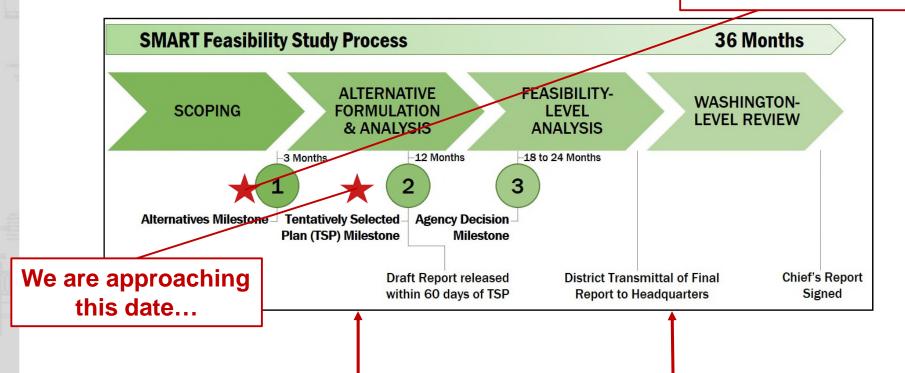




<sup>\*</sup> When no mandatory triggers are met, IEPR may still be conducted based on a risk-informed assessment

#### **SMART PLANNING & IEPR TIMELINE**

...but IEPR planning starts here.



**Active IEPR Time Line** 





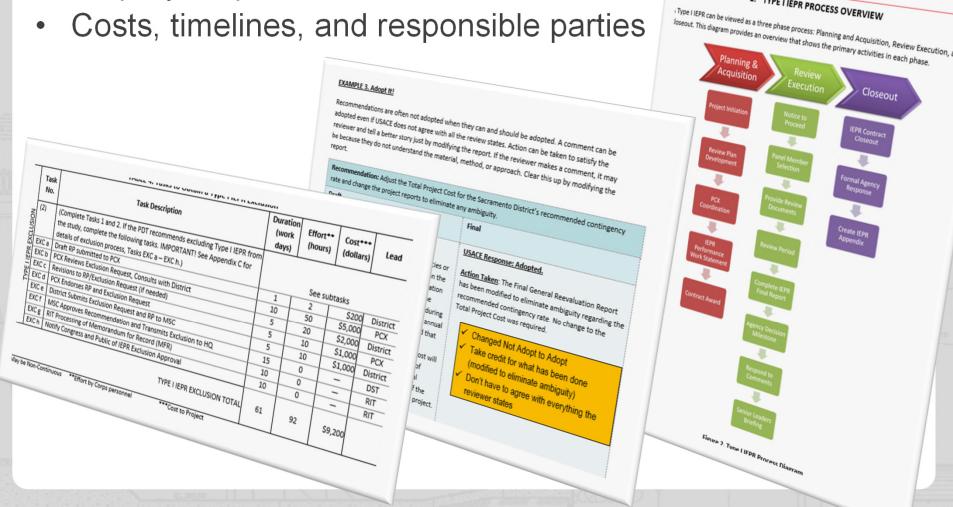
1. TYPE I IEPR PROCESS OVERVIEW

#### **IEPR SOP**

The SOP is the 'go-to' guide for all things IEPR!

Step-by-step instructions

Costs, timelines, and responsible parties



#### **IEPR TIMELINE**



• Project Development Team (PDT) contacts appropriate RMO (MSC, PCX, or RMC) to request IEPR support. RMO assigns a Lead.



 PCX IEPR Lead develops the IEPR performance work statement (PWS), independent government estimate (IGE), and charge questions; requests MIPR and submits to IWR.



• IWR awards IEPR contract to Outside Eligible Organization (OEO) & issues Notice to Proceed (NTP).

6 wks

• OEO identifies panel members and completes panel member subcontracts.

15 wks

• OEO completes IEPR Final Report documenting the final Panel comments.



 PDT develops responses to the IEPR Panel comments with OEO and Panel. OEO finalizes the Comment/Response Record.



• PDT prepares the written proposed USACE response to IEPR comments for processing through the appropriate Regional Integration Team (RIT).



• Total timeline minimum excluding Agency Response development/processing.





### ASSUMPTIONS: TSP MILESTONE DATE 15 OCT 2019 DRAFT REPORT RELEASE 13 DEC 2019

- Reach out to the PCX to request an IEPR
- PCX IEPR Lead assigned NLT 28 July 2019
- PDT should be thinking about:
  - Overall IEPR schedule in P2
  - Cost/labor resourcing:
    - PCX IEPR Lead
    - Institute for Water Resources (IWR)
    - Contracting Officer Representative (COR)
    - Subject Matter Expert (SME) situational
    - Contract Cost
    - PDT (cost to develop comment-responses, etc.)
  - Content and structure of the feasibility study documents



#### IEPR CONTRACT CONSIDERATIONS

- Not to Exceed \$500,000
- Contracts range from \$90,000-\$200,000
  - Not included in the \$3M under SMART Planning
  - Studies exceeding \$3M due to contract costs do not need an exemption from the DCG





#### IEPR EXPENSES BREAKDOWN

#### Full Federal Costs

Contract Costs: \$90,000-\$200,000

#### **Cost-Shared Expenses**

PCX IEPR Lead: ~\$18,000

• IWR: ~\$4,900

• COR: ~\$3,000

• SME: ~\$3,000

• Total: ~\$26,000-\$30,000

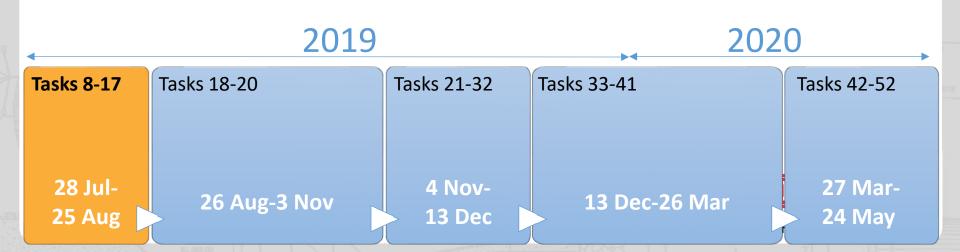
 PDT Costs: varies but important for study budgeting purposes (meetings, comment-responses, etc.)





#### 28 JUL – 25 AUG: DEVELOP PWS/IGE/CHARGE

 During this time the PDT Lead and PCX IEPR Lead are coordinating on development of the Performance Work Statement (PWS) and Charge. These documents form the basis of the scope that the Outside Eligible Organization (OEO) will bid on. The PCX IEPR Lead will also develop an Independent Government Estimate (IGE).



#### **CORRESPONDING SOP TASKS**

- Tasks 8-17
- Highlights:
  - Task 8: District Notifies PCX of IEPR Need
  - Task 9: PCX Assigns a PCX IEPR Lead
  - Task 12: District Provides Information about Draft Review Documents to PCX IEPR Lead
  - Task 16: PCX IEPR Lead Finalizes PWS, Review Charge, and IGE
  - Task 17: District Provides MIPR for IEPR Contract 2019



#### **PWS**

#### **DOCUMENTS DEVELOPED**

#### Charge

#### PERFORMANCE WORK STATEMENT PROJECT NAME DISTRICT NAME INDEPENDENT EXTERNAL PEER REVIEW

1. TITLE

ant External Peer Review (IEPR) for Project Name, County, State

scription of the study area. Be sure to include the objectives of the project. is, project map(s), etc. Be sure to describe the Tentatively Selected Plan

Name has been developed to reflect the United States Army Corps of (USACE) modernized planning initiative, in which project studies use a riskssessment, generally with only enough detail developed for each alternative to ive comparison, to determine the appropriate information to identify a TSP. his new process has altered the milestones and evaluation procedures in a study, the manner in which alternatives are developed from problems, ies, measures, and constraints remains the same.

SMART Planning paradigm, IEPR occurs during concurrent review of the Document, between the TSP Milestone meeting and the Agency Decision (ADM) meeting (steps 2 and 3 in the SMART Feasibility Study diagram; Figure p explain the results of the risk-informed assessment and alternative evaluation. ister and other risk management documentation will accompany the feasibility isson documents. A primary objective of IEPR is to evaluate whether adequate on was available and appropriate technical analyses were completed to support of a TSP within the context of the risk-informed decision-making process.

# easibility Study Process

#### **Full Study Name** INDEPENDENT EXTERNAL PEER REVIEW REVIEW CHARGE

The following Review Charge to Reviewers outlines the objectives of the Independent External Peer Review (IEPR) for the subject study and identifies specific items for consideration for the

The objective of the IEPR is to obtain an independent evaluation of whether the interpretations of analysis and conclusions based on analysis are reasonable for the subject study. The IEPR Review Panel is requested to offer a broad evaluation of the overall study decision document in addition to addressing the specific technical and scientific questions included in the Review Charge. The Review Panel has the flexibility to bring important issues to the attention of decision makers, including positive feedback or issues outside those specific areas outlined in the Review Charge. The Review Panel can use all available information to determine what scientific and technical issues related to the decision document may be important to raise to decision makers. This includes comments received from agencies and the public as part of the public review

The Panel review is to focus on scientific and technical matters, leaving policy determinations for USACE and the Army. The Panel should not make recommendations on whether a particular coact and the pathy. The mains shown how make recommendations of the path at the call alternative should be implemented or present findings that become "directives" in that they call atentistics should be implemented by present and processing and recommendations. In

f advisors as well as vide objective review.

el's intent by including ilure to address, and /ork Statement (PWS)

review of the decision

and intent relative to

quacy and acceptability

**IGE** 

Total Base + 3(1) Base + 3(2) Base + 6(1) Base 6(1) + 3(1) Base 6(1) + 3(2) \$12,734.72 \$12,734.72 \$10,346.96 \$10,346.96 \$198.96" \$198.96" \$198.96" \$198.96" \$154.74" \$10,346.96 \$6,459.20 \$152.62° \$13,055.32 \$9,127.76 \$0.00 \$0.00 \$12,540.40 \$6,560.2 \$6,850.74 \$2,450.20 mert employees familiar with the level of effort as well as previously away ded contracts. This estimate \$82,255.19 \$84,705.47





#### 26 AUG - 3 NOV: CONTRACT AWARD/NTP

- During this time the PCX IEPR Lead will transmit the PWS/IGE/Charge to IWR to develop a Request for Proposal. The OEO will submit a proposal in response to the solicitation, which will be reviewed and approved by the PCX IEPR Lead/COR. If the proposal is acceptable, a contract will be awarded and Notice to Proceed (NTP) will be issued.
- Important Congressional notification is also delivered at this time.



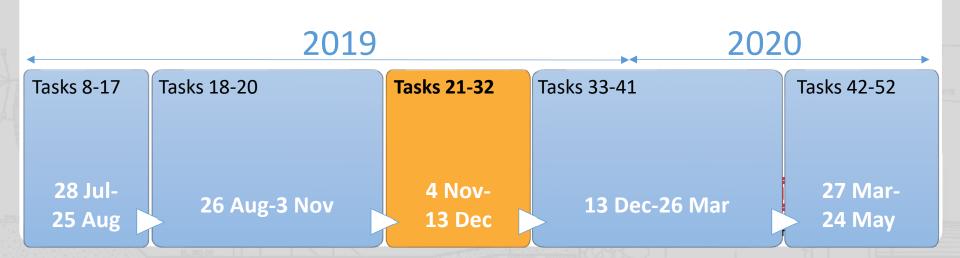
#### **CORRESPONDING SOP TASKS**

- Tasks 18-20
- Highlights:
  - Task 18: PCX IEPR Lead Provides PWS, Charge, IGE, and MIPR to IWR
  - Task 19: IWR Awards IEPR Contract
  - Task 20: Notify Congress and Public of Contract Award, IEPR Timelines, Panel, etc.



#### 4 NOV – 13 DEC: ESTABLISH IEPR PANEL/INITIATE REVIEW

 During this time there is a lot of coordination between the PCX IEPR Lead, PDT, and the OEO. The OEO is working to develop the work plan, establish overall schedule and review protocols, and identify the potential review panel members. Draft feasibility report documents are provided to the OEO at this time.



#### **CORRESPONDING SOP TASKS**

- Tasks 21-32
- Highlights:
  - Task 22: Kickoff Meeting #1 with PCX IEPR Lead/PDT/OEO
  - Task 23: OEO Requests input from USACE on COI Form
  - Task 28: OEO Submits Final Work Plan
  - Task 30: USACE Reviews Selected Panel Members
  - Task 32: PCX IEPR Lead Provides Final Review Documents to OEO



### 13 DEC – 27 MAR: CONDUCT REVIEW/PREPARE FINAL IEPR REPORT

- This period of time is largely focused on the panel review of the draft feasibility report documents. There will be a kickoff meeting whereby the PDT will provide an overview of the study to the panel and the panel develops and finalizes their comments. The panel will provide a IEPR Final Report, there is no draft report provided to USACE.
- Public comments must be provided to the Panel for review (drives timely delivery of the IEPR Final Report)
- The ADM should be scheduled no sooner than two weeks after the delivery of the Final IEPR Report.



#### **CORRESPONDING SOP TASKS**

- Tasks 33-41
- Highlights:
  - Task 34: Kickoff Meeting #2 with Review Panel and PCX IEPR Lead/PDT/OEO
  - Task 36: Panel Members Complete Individual Reviews
  - Task 37: PDT Provides Public Comments to OEO
  - Task 39: OEO Submits IEPR Final Report to USACE
  - Task 40: TYPE I IEPR Discussion During ADM
  - Task 41: HQ and Congressional Notification 2019



### 27 MAR – 24 MAY: PREPARE RESPONSES/CONDUCT BACKCHECK

 This period of time focuses on the PDT draft evaluator responses to the final panel comments and backcheck/close out of comments. The PCX IEPR Lead will review the draft evaluator responses for adherence to established protocols and proper formatting. A template is available for PDTs to better understand examples of good and not so good responses.



#### **CORRESPONDING SOP TASKS**

- Tasks 42-52
- Highlights:
  - Task 43: OEO Provides Final Panel Comments Response Template to USACE
  - Task 45: PCX IEPR Lead Conducts QC of Draft Evaluator Responses & Clarifying Questions
  - Task 49: USACE Inputs Final Evaluator Responses in DrChecks
  - Task 52: PCX IEPR Lead Transmits Panel Backcheck of the PDT Responses to the District



#### **CRITICAL ASPECTS**

- PDT/OEO/Panel Meetings:
  - Task 34: PDT/Panel establish understanding of the study area & report
  - Task 43: important for PDT to understand how to respond to comments
- Draft Evaluator Responses:
  - Tasks 44-47: these steps are critical for responding to comments appropriately and for establishing the basis for the agency response
- Draft Agency Response:
  - SOP Appendix E: provides multiple examples of how to develop the agency response from the initial evaluator responses

### DRAFT EVALUATOR RESPONSES

#### SOP – App. E

#### Template

Comment (statement and Basis for Comment) should be addressed and will not revise the document or conduct other activities in response to this issue.

X Concur X Non-Concur

The Corps concurs that specifics regarding mitigation requirements for biological, wetland, and cultural resources are necessary for completeness of the assessment. The public review draft Feasibility Report/EIS included specifics regarding mitigation requirements for biological, wetland, and cultural resources for the TSP and all alternatives evaluated.

2. For each recommendation, please indicate whether the PDT will 'adopt' or 'not adopt' the recommendation and provide an explanation. If 'adopt', please provide information on how this recommendation will be adopted. If 'not adopt', what please explain why.

Recommendation #1: Add the cultural resources survey (primary report) as an appendix to the EIS.

Explanation

The cultural resources survey was not included as an appendix to the EIS due to its size, but was

Recommendation #2: Develop the Wetlands and Waters Mitigation Plan and add as an appendix to the X. Adopt X Not adopt

Explanation: K 464(b)(1) analysis was prepared which indicated that compensatory mitigation would not be required for the TSP or the recommended Alternative 2, as with implementation of the TSP by Itself, or continuation with the rest of the Alternative 2 as with implementation of the TSP by Itself, or be required for the TSP or the recommended Alternative Z, as with implementation or time it on by times, it is combination with the rest of the BVP/IDP elements. The plans would increase both the acreage and declarate and state of the BVP/IDP elements.

Recommendation #3: Prepare a cultural resources mitigation plan and add as an appendix to the EIS or the street of the street of

As opposed to a stand-alone cultural resources mitigation plan being prepared and added to an appendix in the EIS, the magration requirements were included in Chapter 7, Recommended Plan and Resources tem states. "Migration Actions, as an item in the Migration and Monitoring Measures Section 7.2.2. [The state of the required. Prior to modification of the realizes." Impact Minimization Actions, as an item in the Mitigation and Monitoring Measures Section 7.2.2. The startes: \*Megation impacts to cultural resources shall be required. Prior to modification of the pump stations, \*HABSHAER Level II written documentation and high quality client products and the properties of the pump stations. \*Additionally\*, mitigation for impacts under the BVP will include the bridge and demolision of the pump stations, HABS/HAER Level III written documentation and high quality digital photography will be completed. Additionally, mitigation for impacts under the BVP will include the distribution of 37st bent-bound routes of a resident surroun of the 37st bent-bound routes of a resident surroun of the 37st bent-bound routes of a resident surroun of the 37st bent-bound routes of a resident surroun of the 37st bent-bound routes of a resident surround digital photography will be completed. Additionally, mitigation for impacts under the BVP will include the distribution of 200 hard-bound copies of a revised version of the 2010 Infansive Engineering (inventory and bound copies of this book will be distributed to all branches of the XXXXX Public Library avstern. Mitigation of the XXXXIII of the Additional Copies of this book will be distributed to all branches of the XXXXIII of the XXXIII of the Additional Copies of this book will be distributed to all branches of the XXXIII of the XXIIII of the Additional Copies of the XXIII of the XXIII of the Additional Copies of the XXIII of the XXII Analysis of the historic project. The report will be revised to meet Public History standards. The hard-bourd copies of this book will be distributed to all branches of the XOOK Public Library system. Meligation of any srchaeological sites discovered during construction will be determined on a resource-specific basis. bound copies of this book will be distributed to all branches of the XXXX Public Library system. Minigation of any archaeological sites discovered during construction will be determined on a resource-specific basis.

This sounds like the information is in the repor and therefore the Corps doesn't need to do anything. If this is true, then this is a Non-

How? This response should clarify that the survey would be available upon request in the

This sounds like a Not-Adopt. There isn't any text indicating that the plan will be added as a

Same comment as previous recommendation.
This sounds like a Not-Adopt. There isn't any text indicating that the plan will be added as a

Strategy for Streamlining Agency Response (begin this during Task 44 of the IEPR process)

Begin with the end in mind. PDTs should consider the

drafting initial responses to IEPR 44 of the IEPR SOP). This will help to t of rewriting responses for the Agency

When drafting the initial IEPR

he PDT members should begin EACH response with a concise and complete summary that requirements for the final Agency Responses. If a more detailed technical explanation is satisfy the IEPR review, this detail can be added after the summary.

y is key. Conduct a PDT meeting prior to any responses being drafted and decide on a format for referencing the report and the appendices within responses. For example: "the t can be found in section 4.2.5 of the Final Feasibility Report."

in in charge. Early on, assign one PDT member to be responsible for preparing the Agency to IEPR document to ensure consistency. It makes most sense for this person to be someone a good overall understanding of the study and most technical disciplines. Good examples the Lead Planner, the Engineering Technical Lead, the Economist or the Project Manager.

<u>it all possible</u>. When evaluating a recommendation read it carefully and always ask, "Is there that we can adopt this?" Many times, the reviewer will only ask for something to be ed, but not require it. Recommendations for consideration should always be adopted. its that are not concurred with and recommendations that are not adopted will continue to urther scrutiny throughout the rest of the approval process. To the extent possible, always lat action has been taken or will be taken as a result of the IEPR Panel's comment. This can uld be done whether a comment is adopted or not. Remember the action can be adding a ce, rewording a paragraph, or adding text to the document to tell the story in a way that can understand. After all, if the reviewer had the question, others will too. Identifying the s critical in the Agency Response to IEPR comments, if written during the initial responses to R panel, it will save the team from having to identify or document actions later.



#### **IEPR AGENCY RESPONSES**

#### **Best Practices:**

- 1. Take the time to prepare thorough Draft "Evaluator" Responses to provide a solid foundation for the Final Agency Response.
- Appendix E just provides guidelines. Check with your RIT before developing the Final Agency Response for any updates or refinements to process. For recently approved Final Agency Response examples: <a href="http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Completed-Peer-Review-Reports/">http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Completed-Peer-Review-Reports/</a>
- 3. Coordinate with your MSC and RIT early, especially if any Draft Responses might be sensitive or controversial in nature.
- 4. The Final Agency Response process occurs prior to and concurrent with delivery of the Final Feasibility Report to HQUSACE.

\*IEPR SOP Reference: Tasks #55-65 and Appendix E: Type 1 IEPR Agency Response Process

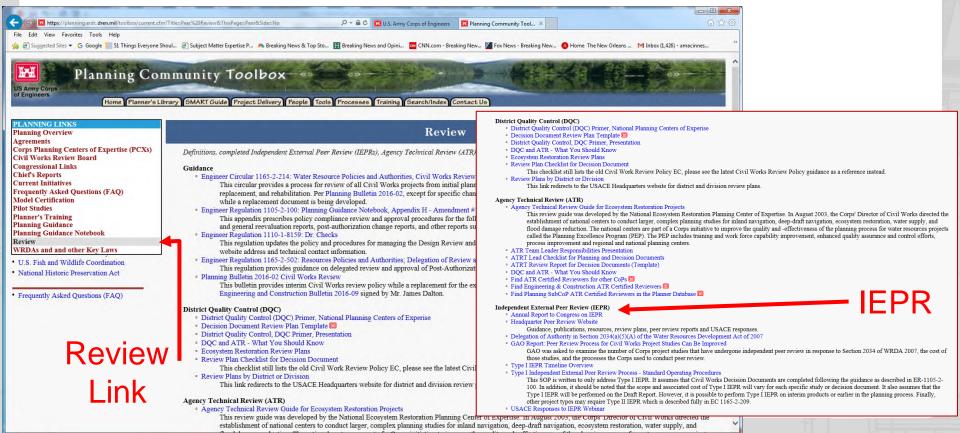




#### **SOP & TEMPLATES POSTING**

# The SOP and all Templates can be found on the Planning Community Toolbox at:

https://planning.erdc.dren.mil/toolbox/current.cfm?Title=Peer%20Review&ThisPage=Peer&Side=No



### **CONTACTS**

PCX	POC
Coastal Storm Risk Management PCX	Deputy Director: Larry Cocchieri (NAD)
Deep Draft Navigation PCX	IEPR Lead: Kim Otto (SAM)
Ecosystem Restoration PCX	Operating Director (on detail): Greg Miller (MVD)
Ecosystem Restoration PCX	IEPR National Technical Specialist: Andrew MacInnes (MVN)
Flood Risk Management PCX	Deputy Director: Eric Thaut (SPD)
Water Management & Reallocation Studies PCX	Technical Director: Cherilyn Plaxco (SWL)
Inland Navigation PCX	Senior Planner (on detail): Beth Cade (LRH)
Nationwide PCX Support	IEPR National Technical Specialist: Anastasiya Kononova (NAB)





#### LIST OF ACRONYMS

**PWS: Performance Work Statement** 

OEO: Outside Eligible Organization

MIPR: Military Interdepartmental Purchase Request

IGE: Independent Government Estimate

IWR: Institute for Water Resources

NTP: Notice to Proceed

COI: Conflict of Interest

ADM: Agency Decision Milestone

EIS: Environmental Impact Statement

IEPR: Independent External Peer Review

PDT: Project Delivery Team

PCX: Planning Center of Expertise

SOP: Standard Operating Procedure





### Questions?

Type questions in the chat box. We will answer as many as time allows.

This webinar will be posted to the Planning Community Toolbox: http://www.corpsplanning.us



