

GETTING TO THE FINISH LINE – PREPARING FOR A SUCCESSFUL FINAL REPORT AND CHIEF’S OR DIRECTOR’S REPORT

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Judy McCrea (OWPR)
Fay Lachney (OWPR)
Charles Wilson (SPD RIT)

Date: 4 March 2021

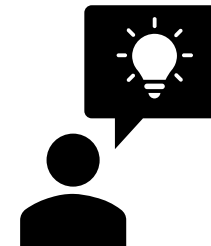


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WHY THIS WEBINAR NOW?



- 1) Prepare for large number of upcoming Chiefs reports.
- 2) Communicate tips for avoiding common final report issues that cause delays at the end of feasibility phase.
- 3) Clarify post-submittal processing so we are prepared to support what comes after final reports are submitted.



PRESENTERS AND ROLES



Quana Higgins
Senior Planner
NWD/POD Regional
Integration Team



Judy McCrea
Plan Formulation
Reviewer
Office of Water Project
Review



Fay Lachney
Plan Formulation Team
Lead
Office of Water Project
Review



Charles Wilson
Senior Planner
SPD Regional
Integration Team



WHAT ROLE DO YOU PLAY?

District / PDT

PCX

MSC

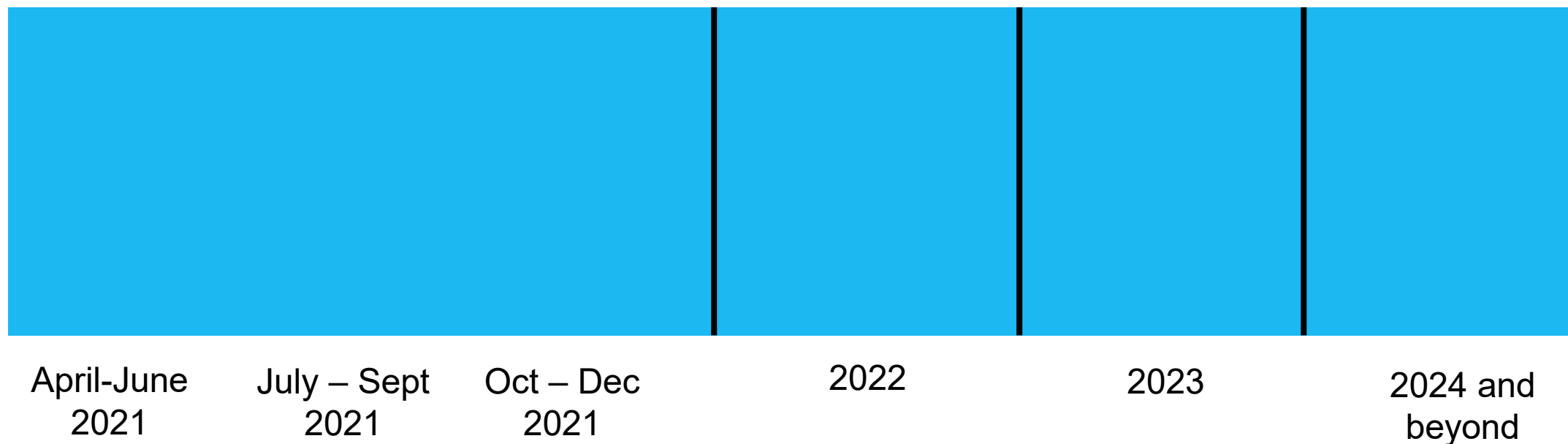
Headquarters

Policy & Legal Review Team

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WHEN IS YOUR CHIEF'S REPORT SCHEDULED TO BE SIGNED?



Click on the Annotation option *u* on the left side of your screen and then use the Pencil Tool or checkmark to mark your response.



ACRONYMS USED THROUGHOUT THE PRESENTATION



ASA(CW) – Assistant Secretary of the Army for Civil Works

ATR – Agency Technical Review

BCR – Benefit-to-Cost Ratio

DCG-CEO – Deputy Commanding General for Civil and Emergency Operations

DCW – Director of Civil Works

DoRF – Documentation of Review Findings

DQC – District Quality Control

DST – District Support Team

IEPR – Independent External Peer Review

NEPA – National Environmental Policy Act

NHPA – National Historic Preservation Act

OMB – Office of Management and Budget

OWPR – Office of Water Project Review

PB – Planning Bulletin

PCX – Planning Center of Expertise

PDT – Project Delivery Team

PGM – Planning Guidance Memorandum

PGN – Planning Guidance Notebook

P&LCR – Policy and Legal Compliance Review

RIT – Regional Integration Team

S&A – State and Agency

TPCS – Total Project Cost Summary





REFERENCES & APPLICABLE LAWS



Helpful background:

- ER 1105-2-100, Planning Guidance Notebook (PGN)
- Director's Policy Memorandum 2019-01, Policy & Legal Compliance Review
- Policy and Legal Compliance Review Manager Roles and Responsibilities (19 March 2019) – currently being updated.

This webinar will focus on:

- PB 2018-01(S), "Feasibility Study Milestones"
- PGN Appendix H: "Review and Approval of Decision Documents"



WHERE ARE WE IN THE CW PROCESS?

AGENDA

1. Final Report
Common Issues
➤ Step 11
2. Chief's Report
Processing &
Briefings
➤ Steps 12-14

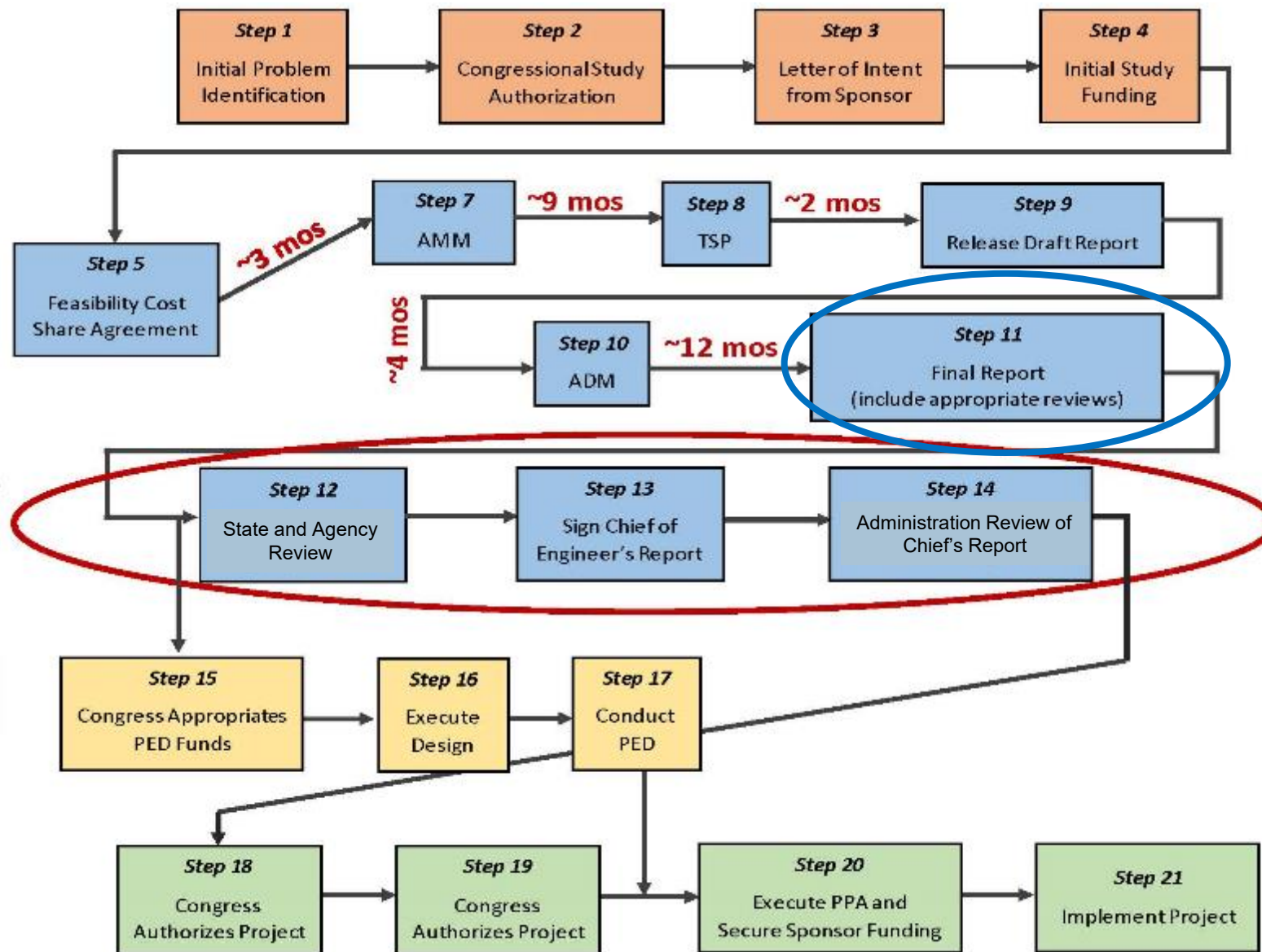
Study Initiation Phase

Feasibility Phase

Washington-level review and processing

PED Phase

Construction Phase





FINAL REPORT COMMON ISSUES



1. Incomplete submittals
2. Format / templates / Chief's Report package documents
3. Backcheck of draft report comments
4. Final report review issues
5. Coordination



INCOMPLETE SUBMITTALS



1. Signatures and Memos

- ☐ District Commander signature on Final Report
- ☐ Signed transmittal memo from District Commander
- ☐ Legal sufficiency memo

5. Environmental and Cultural Resources Compliance

- ☐ **Water quality cert** or letter of confirmation
- ☐ Executed **NHPA Section 106** agreement

2. Sponsor Financial Self-Certification

- ☐ Use “for decision documents” form, not agreements form
https://www.usace.army.mil/Missions/Civil-Works/Project-Partnership-Agreements/ppa_forms/

3. Mitigation or Monitoring and Adaptive Management Plans

- ☐ Include if needed
- ☐ Policy compliant
- ☐ Consistent with recommended plan

4. Agency Technical Review

- ☐ ATR report and certification for Final and Draft reports
- ☐ All issues resolved

6. Independent External Peer Review

- ☐ Provide IEPR waiver (if applicable)
- ☐ Provide **Draft Agency Response to IEPR, not PDT’s responses to the panel**
 - Describe **what** and **where** changes were made
- ☐ Retain District funding for finalizing the Agency response

TIP:

- ✓ Planning Bulletin 2018-01(S) has a list of products required for the final submittal. Triple check that you have these ready to go (and signed!) before you hit “send”.
- ✓ Completed Agency Response to IEPR can be found here:
<https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Completed-Peer-Review-Reports/>



FORMAT / TEMPLATES / CHIEF'S REPORT PACKAGE DOCUMENTS



1. Report Summary

- ☐ Use ER 1105-2-100, Exhibit H-11 format
- ☐ Include the most recent information
- ✓ *Provide in Word format!*

2. Finding of No Significant Impact / Record of Decision (FONSI/ROD)

- ☐ Use required ASA(CW) format
<https://planning.erdc.dren.mil/toolbox/library/Guidance/19Apr23-CG%20USACE%20-%20National%20Environmental%20Policy%20Act%20Decision.pdf>
- ✓ *Provide in Word format!*

3. Total Project Cost Summary (TPCS)

- ☐ Provide as a separate document
- ☐ Ensure it is signed

4. Project Placemats

- ☐ Coordinate with RIT and Review Manager
- ✓ Format is subject to Senior Leader input
- ✓ *Provide as a PowerPoint document*

5. Office of Management and Budget (OMB) Briefing Slides

- ☐ Refer to ER 1105-2-100, Exhibit H-10
- ☐ Include the most recent information
- ✓ *Provide in PowerPoint format!*

6. Ancillary Document Revision After Completing Policy Review

- ☐ Anticipate the need for additional District time and funding to revise and finalize Chief's/Director's Report, Report Summary, OMB Slides, Project Placemat...
- ✓ Lead Planner, RIT Planner, and Review Manager team effort
- ✓ Administration Review may identify need for errata sheets, if necessary.



BACKCHECK OF DRAFT REPORT COMMENTS



1. DQC, ATR, IEPR

- ☐ Close all DQC, ATR, and IEPR comments; respond to all public comments
 - ✓ Diligent reviews and quality assurance by PDT, DQC, MSC, ATR, and IEPR will facilitate early issue identification, resolution, and if needed, elevation.
- ☐ IEPR – confirm that revisions were made in the final report

2. Policy and Legal Compliance Review / Project Guidance Memorandum (PGM)

- ☐ PGM district response should no longer state “will be addressed in the final report”
- ☐ Confirm that “action taken” was completed
- ☐ Provide a specific location for finding the changes made
- ☐ Ensure that revisions were made throughout the entire report and final report package
- ☐ District responses should incorporate information learned during feasibility-level design



FINAL REPORT REVIEW ISSUES



1. Document Consistency

A. Costs

- ☐ All documents should match cost certification
- ☐ New FY - cost and benefit update requires recertification and revisions throughout package
- ☐ <https://planning.erdc.dren.mil/toolbox/library/MemosandLetters/11sep12-DCWCostMemo.pdf>

B. Recommended Plan description

- ☐ Costs, outputs, BCRs, acreages, features, figures...
- ☐ Tips - develop a project fact sheet and list of locations where project is described; use search function

2. Real Estate Plan

- ☐ Consistency with the recommended plan and other documents
 - ✓ LERRDs, costs, easements,...
- ☐ ER 405-1-12, Chapter 12
- ☐ Signed

3. Appendices

- ☐ Check all main report references to appendices and vice versa
- ☐ Large compilations, use:
 - ✓ table of contents
 - ✓ bookmarks
 - ✓ appropriate page labeling
- ☐ NEPA document should not be an appendix

4. Plan Formulation Story

- ☐ Build the case for the recommendation
- ☐ No “travelogues” – don’t describe all iterations / reformulation



FINAL REPORT REVIEW ISSUES (CONTINUED)



5. Life Safety Analysis

- ☐ PB 2019-04 and ER 1105-2-101
- ☐ Include qualitative or quantitative analysis
- ☐ Consult with District dam/levee safety SMEs

6. Fish and Wildlife Habitat Mitigation

- ☐ ER 1105-2-100, Appendix C (Sec C-3.e)
 - ✓ Also see Sec C-4 of prepub. version
- ☐ Present range of alternatives, including least cost alternative
- ☐ Perform incremental cost analysis

7. OMRR&R

- ☐ Did it factor into plan selection?
- ☐ Include OMRR&R costs for recommended plan
 - ✓ Don't overlook repair, rehabilitation, replacement

8. Plan Implementation

- ☐ Main report: ER 1105-2-100 (Exhibit G-7);
- ☐ Report summary (ER 1105-2-100, Exhibit H-11)
- ☐ OMB slides (Exhibit H-10)
- ☐ Describe Fed/non-Fed costs and responsibilities, construction sequencing and special requirements.
- ☐ Items of Cooperation (updates coming):
<https://www.usace.army.mil/Missions/Civil-Works/Project-Partnership-Agreements/ioc/>



COORDINATION

1. Common Understanding of Final Report Submittal and Processing Requirements

- ☐ Consider a P&LCR kickoff meeting to discuss:
 - ✓ package components
 - ✓ submittal procedures and who's doing what (with backup POC's!)
 - ✓ review/response/backcheck process and timeframes.

2. File Sharing

- ☐ Determine (in advance) the mechanism(s) for distributing documents to RIT and a mixed P&LCR team comprised of MSC staff, OWPR, and other SMEs.

3. Senior Leader Coordination

- ☐ Work with RIT Planner to ensure project socialization with HQ Director-level reviewers (Office of Counsel, Real Estate, Engineering...) to prevent delays in Chief's Report routing/approvals at HQ.



CHECK YOUR UNDERSTANDING



Which item(s) are required for all Final Report packages?

**1. ATR
certification on
Draft Report**

**2. Final IEPR
Report**

**3. Signed FONSI
or ROD**

**4. Updated
Project Guidance
Memorandum**



CHIEF'S REPORT PROCESSING & BRIEFINGS



Congratulations! The final report has been signed and submitted! But are we **done**?

- X** The work isn't done after the final report is submitted to HQ.
- X** The work isn't done after a Chief's Report (or Director's Report) is signed.



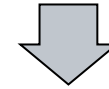
Step 11: Final Report Review & Processing



Step 12: State & Agency Review



Step 13: Sign Chief of Engineer's Report



Step 14: Administration Review of Chief's Report

~ 4-5 months



WHAT HAPPENS AFTER A FINAL REPORT?



- Review of the final report
 - Complete review of the entire document and appendices
 - Backcheck of open draft report comments
 - Review of ATR, IEPR, and public comments
 - Finalize and backcheck final report
- State and Agency Review and FEIS Review (if applicable)
 - District may be asked to provide information or draft responses
- Finalize Chief's Report Package
 - Reach back to district as needed
- Staffing of Chief's Report Package
- Brief Civil Works Senior Leaders
- Chief's Report briefing (District Commander)

TIPS:

- ✓ Remove "will do before the end of the study" language from documents
- ✓ Update cost and economics to current FY across ALL products, not just the final report
- ✓ Be prepared to respond to requests for information as things can move quickly at this stage.





REPORT PACKAGE CONTENTS



CHIEF'S REPORT PACKAGE:

- ☐ Final integrated feasibility / NEPA report with appendices
- ☐ Report summary (include map, schedule with accurate dates, congressional delegations for study area, BCR at 7% discount rate, ER 1105-2-100, Exhibit H-11).
- ☐ Project Briefing slides for OMB (ER 1105-2-100, Exhibit H-10)
- ☐ Placemat
- ☐ Unsigned ROD or FONSI (in required format)
- ☐ Peer and Legal Review certifications (and reports)
- ☐ Cost certification and Total Project Cost Summary
- ☐ Agency Response to IEPR (or waiver)
- ☐ State and Agency review summary and letters
- ☐ Documentation of Review Findings
- ☐ Any applicable project specific implementation guidance or policy waivers
- ☐ Non-federal sponsor's signed letter of support and financial self-certification
- ☐ Draft Chief's Report
- ☐ Committee Chairs and Congressional notification letters

DIRECTOR'S REPORT PACKAGES:

- ☐ Includes the same information as the Chief's Report Package except:
 - ☐ It does not include State and Agency review summary and letters
 - ☐ Includes draft Director's Report

Tip:

Documents are read by Senior USACE leaders, OASA(CW), and OMB. Make sure that documents are consistent, accurate, and concise. These leaders and Agencies are making decisions concerning your project.





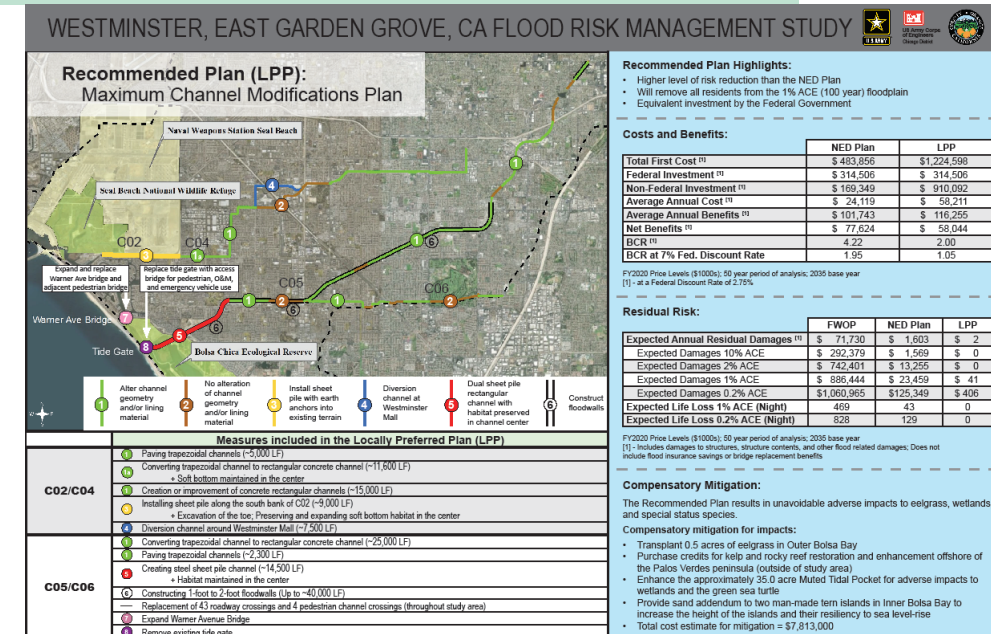
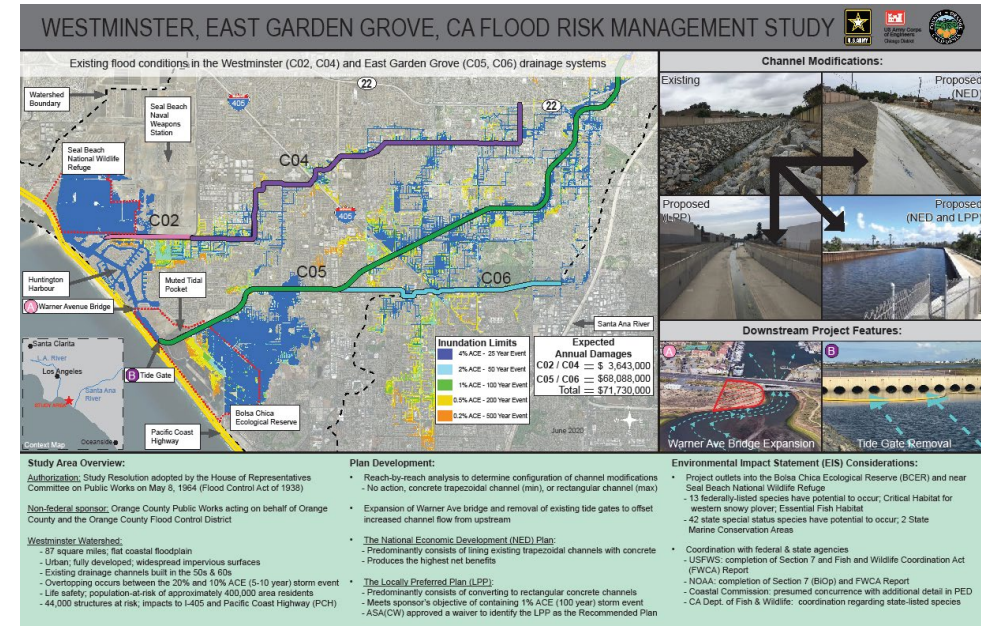
PROJECT PLACEMATS

Self-briefing, stand-alone product:

- What is the problem being addressed?
- Why does the problem need to be fixed?
- What is the solution?
- Compelling reasons OMB should support the project – be clear!
- Clearly label and number project features

TIPS:

- ✓ Make sure the numbers are consistent with other Chief's Report documents
- ✓ Do not provide planning details (e.g., opportunities, and constraints; alternatives analysis).
- ✓ Use clear images and label features!
- ✓ **Effective project placemats featuring compelling reasons will greatly help your projects get through these reviews!!!**
- ✓ Request examples from your RIT planner or review manager.





COORDINATION LEADING TO A CHIEF'S REPORT

State & Agency Review:

- Chief of Planning and Policy signs State and Agency review letters (districts will support the RIT and Review managers in developing lists and providing POCs and addresses).
- 30-day State and Agency Review begins after all policy and legal compliance review comments are resolved, the final report has been revised, and permission to release the proposed Chief's report is received from the Chief of Planning and Policy.

Review Manager
briefs HQUSACE
Chief of Planning
and Policy

State & Agency Review of Proposed
Chief's Report

Chief's Report Signing

TIP:

- ✓ Civil Works Leadership or the Chief would like to visit the project before signing the Chief's Report (work with your RIT!)



Briefings for DCW
& DCG-CEO

District
Commander briefs
Chief of Engineers



TEST YOUR KNOWLEDGE



You submitted your final report in July. Will you need to update costs and benefits before you are finished?

YES

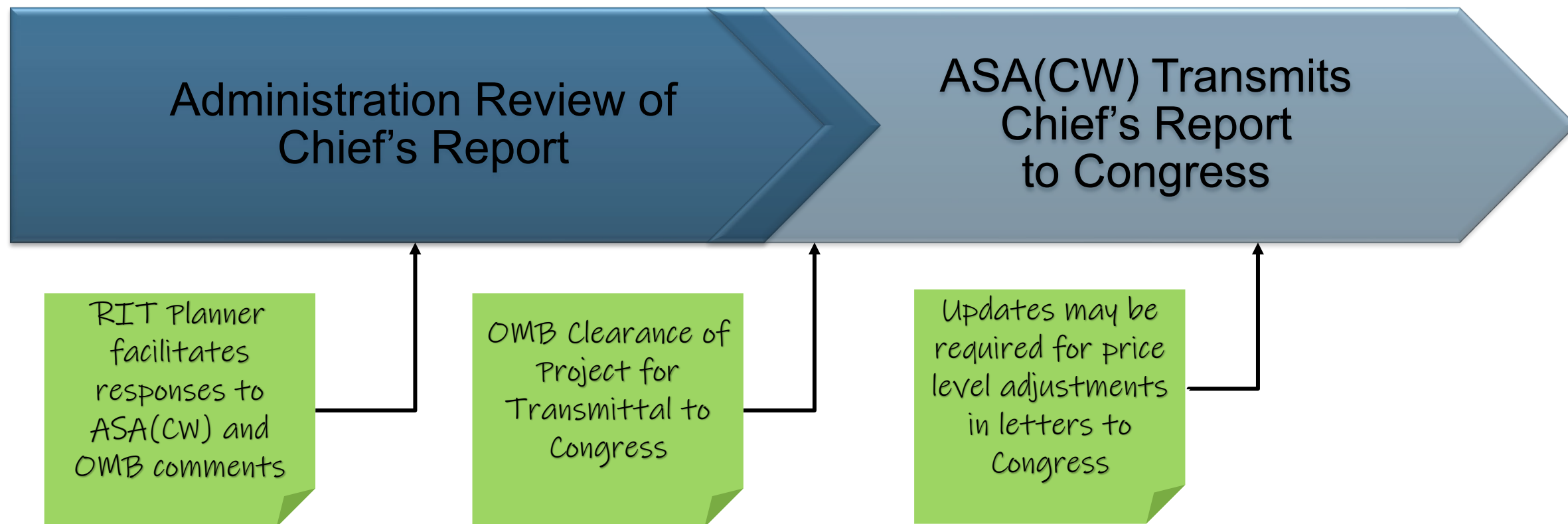
NO



NOW YOU HAVE A SIGNED CHIEF'S REPORT

Administration Review:

- Approximately 4-5 months after final feasibility study is submitted for review.
- Final Chief's Report submitted to ASA(CW) for review and OMB clearance.
- ASA(CW) approves signing of the Record of Decision (ROD) or Finding of No Significant Impact (FONSI).





WHAT HAPPENS IF YOU HAVE A DIRECTOR'S REPORT?



HQ Review and Processing:

- Approximately 2-4 months after final feasibility study is submitted for review.
- HQUSACE Chief of Planning and Policy may or may not request a briefing from the review manager.
- No S&A Review required.
- 30-day NEPA cooling off period if EIS.
- Director of Civil Works may or may not request a briefing from review manager.
- Director of Civil Works signs the Director's Report.

Administration Review:

- Signed Director's Report submitted to ASA(CW) and then OMB for review.
- ASA(CW) approves signing of the Record of Decision (ROD) or Finding of No Significant Impact (FONSI).
- ASA(CW) transmits to Congress.



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET NW
WASHINGTON, DC 20314-1000

CECW-SAD

2 December 2020

MEMORANDUM FOR the Assistant Secretary of the Army (Civil Works)

SUBJECT: Wrightsville Beach, North Carolina Integrated Validation Report and Environmental Assessment

1. Purpose: To revise the cost sharing presented in paragraph 6 of my 2 July 2020 memorandum requesting review and approval of the subject Validation Report. A report developed for the sole purpose of seeking congressional authorization to increase the Section 902 maximum cost limit of an authorized project does not result in a "reauthorization" or "new" authorization for the project. Accordingly, the cost-share applicable to the project as authorized and included in the Local Cooperation Agreement for the Wrightsville Beach project dated 27 June 1990 (65 percent federal and 35 percent non-federal) will continue to apply. This is a revision from the 50 percent federal and 50 percent non-federal cost sharing presented in my previous memorandum, which was incorrectly based on cost sharing requirements under Section 215 of WRDA 1999 that do not apply to projects authorized before 1999. The subject validation report has been revised with an errata sheet to correct this.

2. Project Cost Sharing: The Town of Wrightsville Beach is the non-federal cost-sharing sponsor for the project. The federal and non-federal shares of the total project cost are \$60,068,050 and \$18,485,950, respectively, in accordance with multiple authorities. In accordance with Section 103(c)(5) of WRDA 1986, as amended (33 U.S.C. 2213(c)(5)), the \$22,604,000 of sunk costs for the coastal storm risk management (CSRM) project to date are shared 65 percent federal (\$14,692,000) and 35 percent non-federal (\$7,911,400). Also, in accordance with the cost sharing provisions of Section 103(c)(5) of WRDA 1986, as amended (33 U.S.C. 2213(c)(5)), the \$30,213,000 required for the remaining authorized periodic nourishment of the CSRM project is shared 65 percent federal (\$19,638,450) and 35 percent non-federal (\$10,574,000). In accordance with Section 111 of the River and Harbor Act of 1968 (PL 90-483) the estimated cost of \$25,737,000 to mitigate damages to the Wrightsville Beach shoreline caused by the Masonboro Inlet North Jetty navigation project is a federal cost. The estimated cost for operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the project is \$75,000 per year. OMRR&R is a 100% non-federal cost and responsibility.

3. Conclusion and Recommendation: I have reviewed the revised Validation Report and concur with the increase of the authorized cost to \$78,554,000 (October 2020 price level). I recommend that the enclosed Validation Report as revised be transmitted to Congress as a basis for increasing the authorized project cost of the Wrightsville Beach CSRM project.

Encl

ALVIN B. LEE
Director of Civil Works



ADMINISTRATION REVIEW



ASA(CW) Review

- Limited, informal review manager and RIT coordination prior to ASA(CW) receiving final report (e.g., policy exceptions)
- ADM meeting is typically the ASA(CW)'s introduction to the study; report summary and other read-aheads are very important.
- ASA(CW) will review the entire report! District needs funding to respond to comments.
- DE may be given the go-ahead to execute FONSI upon completion of their review.
- ASA(CW) submits the entire report to OMB for review.

OMB Review

- Review the entire report
- May or may not request a briefing (OMB briefing slides and placemat very important).
- Sends questions to ASA(CW) who transmits them to the RIT – District assists with response if needed.



TIP:

- ✓ *The ASA(CW) and OMB review the entire report – clean, clear reports help!!!*
- ✓ *District should reserve funding to respond to comments*





ADMINISTRATION REVIEW



Major Themes:

- Residual risk.
- Is it possible to construct a smaller portion of the project?
- If there is a low BCR at 7%, what are other project benefits or compelling reasons to help OMB relay project support prior to transmittal to Congress?

From Recent ASA(CW) Reviews:

- Economic methodology (content to structure ratios).
- Why are levees needed in a particular area (can there be a smaller project?).
- Adaptive management costs.
- Policy minutia.

From Recent OMB Reviews:

- Multipurpose projects – BCR when only one purpose.
- Did the Corps cause the problem? What is the federal interest?



SO... WHAT DOES THIS ALL MEAN?



- Early issue resolution facilitates timely final report reviews.
- Quality and consistency of products are key in finishing your study.
- Districts play a role in the final processing of Chief's and Director's Reports and Administration Review.
- Review activities must be closely coordinated with the review manager and RIT planner to ensure timely completion.
- District must reserve adequate funding and time to complete these activities, and support ASA(CW) and OMB reviews.
- Specific actions and processes may vary on a case-by-case basis, depending on the situation. Just because something successfully happened on one or more occasions, does not mean it will always be that way – BE FLEXIBLE!



QUESTIONS?



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