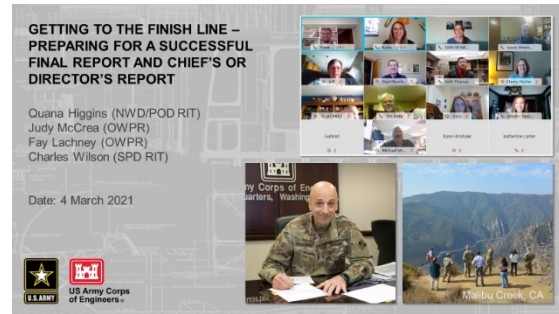


Preparing for a Successful Final Report  
March 4, 2021  
Q&A Session

*This webinar discussed common issues in final report submittal packages and Washington-level review and processing. Members of the Office of Water Project Review (OWPR) and the Regional Integration Teams (RITs) shared a list of final report content and processing problems that have caused significant delays for studies as they work towards approval and authorization, and provided observations and tips to help study teams avoid these pitfalls. The webinar was presented by Quana Higgins (NWD/POD RIT Planner), Judy McCrea (OWPR Plan Formulation Team member), Fay Lachney (OWPR Plan Formulation Team Lead), and Charles Wilson (SPD RIT Planner).*



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

### **Timing of Required Signatures**

#### **Who is required to have signed the National Historic Preservation Act (NHPA) Section 106 agreement at the time of final report submittal? Are such agreements necessary for every project?**

Executing signatories on Section 106 agreements are the executing Agency (USACE), the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO) if tribal lands are involved, and the Advisory Council on Historic Preservation (ACHP), if participating. These are the only signatories required to have completed the agreement for the submission of the final report to HQUSACE. Other signatures, including those of invited signatories and concurring parties, can be completed and added to the document prior to the signing of the Record of Decision (ROD) or Finding of No Significant Impact (FONSI).

A memorandum of agreement or programmatic agreement may not be required for all projects. For a project that will not have an adverse effect on historic properties, required documentation includes a letter to the SHPO documenting the USACE determination that there are either no historic properties present or there are historic properties present, but they are not adversely affected. The SHPO or THPO should provide a letter concurring with this determination within the 30-day timeframe indicated in [36 CFR 800.4\(d\)\(1\)\(i\)](#). Regardless, the final report submission should include evidence of completion of Section 106 requirements – either in the form of a determination letter and concurrence or an executed agreement document.

#### **Where does the timing of the Final Project Guidance Memorandum (PGM) signature fit in with policy and legal compliance review (P&LCR) comment resolution, the start of State & Agency review, and the P&LCR Documentation of Review Findings?**

The PGM is signed once all P&LCR team comments have been addressed and closed. For delegated studies, the final PGM is signed by the MSC Planning Chief prior to report approval by the MSC Commander. For HQUSACE approved reports, the PGM is signed by an Office of Water Project Review (OWPR) Team Leader.

The HQUSACE Chief of Planning and Policy can approve the release of the proposed Chief's Report for State & Agency review prior to the signed PGM. The MSC Commander report approval for delegated

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studies can occur during State & Agency review, but needs to be completed prior to the end of State & Agency review.

After comments from the State & Agency review are addressed, the Chief of OWPR signs the Documentation of Review Findings, which summarizes all reviews, including the State & Agency review, and includes the signed PGM as an enclosure.

### **Are all State & Agency response letters required to be signed by OWPR before the signing of the Chief's Report?**

Yes, any response letters must be sent prior to the signing of the Chief's report. Letters responding to state governors are signed by the HQUSACE Chief of Planning and Policy. All other response letters are signed by the Chief of OWPR.

### **Roles and Responsibilities**

#### **Who is responsible for ensuring representatives from the Office of the Assistant Secretary for Civil Works (OASA(CW)) are invited to agency decision milestone meetings?**

Study teams should work through the appropriate RIT to ensure that OASA(CW) is invited.

#### **Is there a timeline for when the review manager roles and responsibilities document will be updated and provided to the field?**

The draft updated review manager roles and responsibilities is currently under review and will be posted on the [Planning Community Toolbox Review page](#) as soon as it is finalized.

### **State & Agency Review Requirements**

#### **How long after the end of the 30-day State & Agency review period should the MSC review manager continue to check in with the OWPR program analyst regarding any additional comment letters received?**

The review manager should check in with the OWPR program analyst periodically throughout the 30-day review. The letters to the governors and agencies notify the recipients that if responses are not received within 30 days, USACE can assume that they have no comment. If comments come in late while the final report package is routing, the Chief of OWPR will make a decision on a case-by-case basis regarding how the comments need to be addressed.

#### **Are hard copies of the final report package still required for State & Agency review?**

Hard copies are no longer sent to the states or agencies. An email is sent to the applicable state(s) and agencies, with an electronic copy of the proposed Chief's Report and the letter to the state or agency attached. The State & Agency letter includes a link to the final report on the District's web page.

Due to COVID and until further notice, hard copies of the final report are NOT being required for Administration Review (ASA(CW) and Office of Management and Budget [OMB]), but will likely resume once maximum telework policies end. Please coordinate through your vertical chain to the RIT as you get closer to a signed Chief's Report regarding the status of hard copy requirements as this evolves.

### **Document Format**

#### **Is there a required or recommended format for the environmental justice analysis?**

No. The USACE environmental justice guidance is currently on hold, with further information from the Biden Administration on environmental justice anticipated to be received soon. Until that time, study teams should reference the [U.S. EPA website regarding requirements for environmental justice analysis](#).

#### **Where should the letter of support from the appropriate Water Board be included in the final report package, if water quality certification is being pushed to the preconstruction engineering and design (PED) phase?**

The letter of support or confirmation should be placed in the final report's environmental appendix. It should provide documentation that the certifying authority acknowledges coordination with the study team and include studies or designs needed in PED to issue water quality certification and the potential preliminary findings or intent to issue at the time of final report submittal. A statement that water quality certification will be obtained in PED will be included in the FONSI/ROD and the environmental compliance section of the environmental assessment/environmental impact statement/main report while referencing the letter of confirmation.

### **Miscellaneous**

#### **Are there graphic design resources available to study teams to help them better communicate the project story in the final report?**

ACE-IT staffs visual information specialists who can be engaged to provide graphics support.

#### **How much labor funding should a study team reserve for work required after the final report submittal?**

The labor funding needed to pay for tasks after the final report submittal, like the length of time to conduct the tasks, varies depending upon the extent of work that is needed to complete such tasks as resolving any outstanding policy or legal compliance issues, updating the final report, providing input to the Chief's Report package documentation, and responding to State and Agency, final environmental impact statement, OASA(CW), or OMB letters and questions.

An estimated average range would be between \$50,000 – \$75,000, which is compliant with [Engineer Regulation \(ER\) 1105-2-100 \(Planning Guidance Notebook\), Appendix G – Planning Reports and Programs](#). Appendix G limits a study team's funding for Washington-level review to five percent of the total study cost or \$50,000, whichever is less. Using annual federal salary increases since the date of the guidance publication (2004), \$50,000 escalates to present day costs of approximately \$75,000. However, problems with the final report submission could result in additional costs to the project.

#### **When costs and benefits are updated to reflect a new fiscal year, are they also required to use the new interest rate provided by OMB?**

The annual interest rate used for USACE decision documents is provided by the Department of Treasury in an annual interest certification, as required by law in the Water Resources Development Act of 1974. HQUSACE publishes this rate at the beginning of each fiscal year in an [Economic Guidance Memorandum \(EGM\)](#). This rate is used in decision documents and should be current to the same year the document is finalized (i.e., current to the year the Chief's Report or Director's Report is signed).

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**Are site visits by the Chief of Engineers still required before the signing of a Chief's Report despite the pandemic and maximum telework environment? This may be difficult for study teams working on studies on behalf of other Districts, as air travel would be required for staff to facilitate site visits.**

The Chief of Engineers, the Deputy Commanding General-Civil and Emergency Operations, or the Director of Civil Works will still require a site visit prior to allowing a Chief's Report briefing to be scheduled.

**Are there any plans to provide an outline or checklist to non-federal sponsors regarding the final report submittal process to help them better understand the process?**

The final report submittal package contents and process are described in [Planning Bulletin 2018-01\(S\) – Feasibility Study Milestones Supplemental Guidance](#) dated 20 June 2019. Additionally, [ER 1105-2-100, Appendix H – Policy Compliance Review and Approval of Decision Documents](#), which is currently being updated, describes the process for approving decision documents.

**Is there any workaround to electronic signatures disappearing when documents are OCR'ed or combined into a portfolio following the signature?**

Issues related to this particular issue would be best answered by ACE-IT. However, it has been suggested that the PDF be printed before document is signed to help avoid this issue.