

POLICY & LEGAL COMPLIANCE REVIEW MANAGER ROLES AND RESPONSIBILITIES

Planning Community of Practice Webinar
13 February 2025

HQ Office of Water Projects Review
HQ Regional Integration Team

Presenters:

Hank Gruber, Quana Higgins, Jeff Lin,
Patrick O'Donnell, & Jennifer Ryan



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KNOW YOUR HEADQUARTERS TEAM

- Process & Procedure
- Involved from beginning to end
- "Battle Buddy" - your first contact at HQ
- Link to Headquarters (HQ) Leadership and Office of the Assistant Secretary of the Army for Civil Works (ASA(CW))
- Report Log-In Procedures

Regional
Integration
Team (RIT)



- Policy Experts
- May be Review Manager
- Will be members of the Policy & Legal Compliance Review (P&LCR) team
- HQ Advisor

Office of Water
Project Review
(OWPR)





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WHAT'S IN THE NEW REVIEW MANAGER SOP?

Role of the P&LCR team and Review Manager

Review Manager qualifications

Overarching tasks of the Review Manager throughout the study process

Tasks for the P&LCR team and Review Manager by process step

Incorporates an updated “Feasibility Study Vertical Team Coordination: Key HQ and Major Subordinate Command (MSC) Tasks” table

Full breakdown of State & Agency Review process

Report Log-In SOP



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FUNDAMENTAL ROLES & RESPONSIBILITIES

4

Point of Contact (POC)
for P&LCR Team

Management of Policy
Reviews

Assisting with
Resolution of Issues

Represent the P&LCR
Team

STEPS THROUGH THE STUDY PROCESS



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1 - FORMATION OF THE P&LCR TEAM

Follows EP 1105-2-61, Section 11-2

The MSC/Division Chief of Planning and the HQ Chief of Office of OWPR will collaborate to identify and endorse a Review Manager. HQ Chief of OWPR will have the ultimate decision as to selection of the Review Manager



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2 - BETWEEN STUDY INITIATION AND TSP

7

P&LCR kickoff meeting with PDT

P&LCR team responsible for reviewing cost, schedule, and scope established in Vertical Team Alignment Memo (VTAM)

Review Manager should work with the P&LCR team to identify policy issues that may arise during the study



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3 - REVIEW OF DRAFT DOCUMENT

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Integrated Draft report package will be sent to MSC and RIT within 60 days of Tentatively Selected Plan (TSP) milestone

Review Manager will make sure that all P&LCR team members are aware of deadlines and any relevant issues

Review Manager will capture comments in the Project Guidance Memorandum (PGM) and establish an understanding of all comments

Refer to ER 1165-2-217 – Civil Works Review Policy



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Common questions during draft report review



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WHEN IS THE START OF THE STANDARD REVIEW PERIOD AND HOW LONG DOES IT LAST?

10

Standard review period begins after complete document package has been logged in for review by the RIT.

- Report with integrated Environmental Assessment (EA) is generally 30 days
- Report with integrated Environmental Impact Statement (EIS) is generally 45 days
- Changes in review period need to be requested through appropriate channels



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HOW SHOULD A CHANGE IN REVIEW PERIOD BE¹ REQUESTED?

Should be requested by District Planning Chief via email to MSC Chief of Planning and/or the HQ Chief of OWPR as appropriate

Non-delegated study – shortening requires approval by HQ Chief of OWPR (through consultation with the HQ Chief of Planning

Delegated study – MSC Chief of Planning will approve any change in schedule but must consult with HQ Chief of OWPR

Review Manager and RIT should be closely involved in discussions on review period changes



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WHEN SHOULD A REQUEST TO CHANGE THE REVIEW PERIOD BE SUBMITTED?

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As early as possible – when schedules are originally being developed to support a VTAM or anytime a VTAM is being updated

Requests to shorten review schedule within 1 month of initiating review or during review *must* be coordinated with the HQ Chief of OWPR regardless of study delegation



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WHAT TASKS ARE COMPLETED DURING DRAFT ¹³

REPORT REVIEW?

RIT will coordinate with OWPR Program Analyst to ensure review date is updated in Project Monitor

Review Manager will review comments received and will work with team members to clarify any issues including elevating issues to functional team leads at HQ if necessary

Review Manager will work with reviewers to consolidate similar comments or resolve conflicting comments

Review Manager drafts the PGM and transmittal memo to be signed by the appropriate OWPR team lead (non-delegated studies) or MSC Chief of Planning (delegated studies)



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WHAT TASKS ARE COMPLETED DURING DRAFT REPORT REVIEW?

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EC3. Hurricane and Storm Damage Risk Reduction System Design Guidelines (HSDDRS) use.

Concern: The report Storm Surge Barriers Sub-Appendix B2, Table 2-1, cites the HSDDRS Design Guidelines as a reference and it is unclear if or how the document and the guidelines are used in the NYNJHATS. The HSDDRS was specifically developed for the New Orleans Area and that the guidelines were not to be used outside of that region.

Basis of Concern: Applicability of the specific guideline for this study. I have not kept up with the design guidelines, but as one of the original document reviewers I recall the HSDDRS was specifically developed for the New Orleans Area and that the guidelines were not to be used outside of that region. I am not sure if that is still the case.

Significance of Concern: Low. Since it is unclear if or how the information was used in the guidelines, and at the early stages of design the alternatives/TSP are in any impacts are expected to be low.

Action Needed to Resolve Concern: If the HSDDRS Design Guidelines are intended to be used please confirm they are allowed for use outside of the New Orleans region. If not, but the PDT would like to use the guidelines then pursue approval for using them. The New Orleans area restriction may not be in place anymore.?



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IS THERE A STANDARD TIMEFRAME FOR BACKCHECK OF DRAFT REPORT COMMENTS?

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Backcheck of draft PGM comments involves P&LCR team's initial assessment of Project Delivery Team (PDT) responses and proposed actions; does not require the PDT to submit revised documents; does not require the P&LCR teams to close out comments

Timeframe depends on level of complexity for the comments and responses but should generally be completed no later than 10 business days after receipt of responses



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4 – BETWEEN DRAFT REPORT AND ADM

Lead the P&LCR team in working with the RIT, MSC, and PDT to develop a path forward to resolve all comments

Coordinate with Agency Technical Review (ATR) Lead to resolve any conflicts between reviews

Resolution discussions will be summarized by PDT and captured in PGM before Agency Decision Milestone – Review Manager should be included in these discussions

If a comment cannot be resolved, it will be elevated



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3 - REVIEW OF DRAFT DOCUMENT

PF1. Period of Analysis.

Concern: The period of analysis is stated to be from 2044 to 2093 in section 3.1.1, page 137, and other places in the report. Page 210 under 5.3 Economic Benefits states “Benefits were then amortized over a 50-year period (2045 – 2094)”, then two paragraphs later the description is “The plan’s first year of fully realized economic benefits would be 2045. Assuming a 50-year period of analysis, economic benefits were estimated from 2044 to 2093.” Under 3.1.2. page 142 describes it as the “50-year economic period”, and pages 144 and 145, and many other places, describe the temporal scale of NYNJHAT Study as “(i.e., over the next 50 years)”. A single date range must be used for the period of analysis. All project effects, positive and negative, are evaluated in the period of analysis, not just economics. The period of analysis is not “over the next 50 years” as that implies 50 years from the time the draft report is published into the future.

Basis of Concern: ER 1105-2-100, at 2-4.j., 2-4.o., and 2-4.b.(1).

Significance of Concern: Low. Assuming all effects analyzed use the same date range prior to completing the final report, it does not affect study recommendations, however consistency is required for clarity and compliance with plan formulation principles.

Action Needed to Resolve Concern: Throughout the report, consistently describe the 50-year period as the 50-year period of analysis and include the date range as 2044 to 2093, or 2044 to 2094 as the project delivery team decides. Do not describe it as an economic period as all project effects, positive and negative, are evaluated in the period of analysis.

Response: Concur. The Final Integrated Feasibility Report and Tier 1 Environmental Impact Statement will include consistent use of this information. The base year is 2044. The period of analysis is 2044 – 2093. The planning horizon is 2044 – 2043.

Reviewer Assessment: Comment closed.



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3 - REVIEW OF DRAFT DOCUMENT

Action Needed to Resolve Concern: Include in the final report what state and local concerns were and explain how the study objectives are responsive to national, state, and local concerns. The inclusion of life safety as an objective meets the requirement, however the report does not specifically state that it is related not just to national objectives but also to state and local concerns.

Response: **Coordination Needed.** The District will create a comprehensive benefits objective, and the Final Integrated Feasibility Report and Tier 1 Environmental Impact Statement will explain how the study objectives are responsive to national, state, and local concerns.

This comment complements North Atlantic Division Quality Assurance Comment PF-5 and PF-6, for which the District requests further guidance on how to identify the Comprehensive Benefits Plan. For this reason, this comment response is marked “Coord Needed” to ensure alignment with the North Atlantic Division Quality Assurance team.

Reviewer Assessment: Comment partially resolved. The intent of the comment is simply to ensure that the report describes that state and local concerns were considered when creating study objectives, not to require a new comprehensive benefits objective. For coordination with NAD QA comments, note that NAD QA comment PF2 states “January 5th, 2021, Comprehensive Benefits memo states the NED Plan, Net Total Benefits Plan, Nonstructural Only Plan (and LPP, if necessary) should be explicitly identified and compared side-by-side.” A Nonstructural plan is only required for flood risk management studies, not for coastal storm risk management studies.



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3 - REVIEW OF DRAFT DOCUMENT

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ECON2. Lifecycle Spreadsheet

Concern: The economic analysis applies a “Lifecycle Spreadsheet” to assess the impacts of different climate change scenarios on planning alternatives.

Basis of Concern: See ER 1105-2-412 and associated addendum regarding delegation of model certification to Planning Centers of Expertise. It does not appear that there has been any determination made of whether the Lifecycle Spreadsheet constitutes a model and, if so, what level of review would be required for its approval for use.

Significance of Concern: Medium as spreadsheet results appear to be appropriate. Mostly documentation concern.

Action Needed to Resolve Concern: The team should add evaluation of Lifecycle Spreadsheet to Review Plan and discuss appropriate level of review with Planning Center of Expertise.

- ▲ **Response:** Concur. The lifecycle spreadsheet is a straightforward tool to post-process the output of results from other analytical tools (HEC-FDA) that are certified USACE national models, and hence not subject to the model certification process. This will be noted in the Final Integrated Feasibility Report and Tier 1 Environmental Impact Statement.

Reviewer Assessment: Comment Not Resolved. The point of the comment is to confirm that the appropriate PCX is aware of and approves the use of the lifecycle spreadsheet. This type of lifecycle analysis may have been used previously but subjected to more rigorous ATR.



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5 – DURING AGENCY DECISION MILESTONE

The Review Manager will participate in the ADM and discuss P&LCR comments, agreed upon path forward, any risks to scope, schedule, and budget as well as the identified TSP

ADM presentation will be reviewed and coordinated with the P&LCR team

The Review Manager should be able to represent the views of the entire P&LCR team



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6 – BETWEEN ADM AND FINAL REPORT

Work with the Vertical Team to assist PDT's timely completion of Final Report based on path forward agreed upon at ADM

PDT will update draft report PGM by adding updated responses (including their final actions and location of related changes in report)

PDT will send updated PGM as part of the Final Report Transmittal Package



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7 – REVIEW OF THE FINAL REPORT

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Task are
similar to
those for
Draft
Report but
additionally:

- Ensure P&LCR team review of the Draft Agency Response to the IEPR and facilitating finalization
- Draft the Chief's Report or Director's Memorandum/Report
- Initiation of the State & Agency Review
- Drafting the Documentation of Review Findings (DoRF)



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8 - IEPR

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Final draft Agency Response will be part of the Chief's Report or Director's Memorandum/Report Package

Review Manager, working with the review team and the RIT, will review responses

Director of Civil Works or the Commanding General will approve and sign the Agency Response



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9 – CHIEF'S REPORT (CR) OR DIRECTOR'S MEMORANDUM/REPORT (DM/DR)

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The Review Manager should begin drafting the proposed Chief's Report as early as possible once the Final Report is received

The Review Manager will coordinate with the PDT in preparation of the draft Chief's Report (or Director's Report/Memorandum, as appropriate)



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10 – STATE & AGENCY REVIEW

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If the study leads to a Chief's Report, the Review Manager is responsible for overseeing the S&A Review process.

Review Manager should begin drafting the Documentation of Review Findings (DoRF) while S&A Review is being conducted.



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STATE & AGENCY REVIEW – STEPS

Preparation for Briefing the Chief of OWPR

Preparation of the Final Report package

Preparation of the State & Agency Review Package and mailing

Responses to comments received



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STATE & AGENCY REVIEW – STEP 1

Preparation for Briefing the Chief of OWPR

- P&LCR team and RIT will determine readiness to brief – RIT schedules
- P&LCR team and MSC Chief of Planning will attend

Briefing

- Recommended structure:
 - RIT provides basic study information and status
 - Review Manager will inform on the status of review
 - RIT and Review Manager will make a recommendation as to whether the proposed Chief's Report is ready for release
 - Can be led by either the Review Manager or the RIT and is supported by the P&LCR team, as needed



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STATE & AGENCY REVIEW – STEP 2

Prepare Final Report Package

- RIT preparation of the final report package can occur concurrent with S&A briefing
- P&LCR team and District identify resolutions for outstanding comments
- After resolution, PDT will provide revised final report to be posted concurrently during State & Agency review



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STATE & AGENCY REVIEW – STEP 3

Preparing the State & Agency Package

- RM & RIT finalize State & Agency mailing list with support from the District
- District will provide internet link for posting
- OWPR Program Analyst will set up electronic mailbox and prepare draft State & Agency letters for 30-day review period
- RIT provides draft Chief's Report to District to upload onto their website along with the Final Feasibility Report



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STATE & AGENCY REVIEW – STEP 4

Mailing of State & Agency Review Package

- Letters will be sent via e-mail by the OWPR Program Analyst to all appropriate parties
- Districts are responsible for mailing out any hard copies of the letters and associated reports
- Review Manager will notify the P&LCR team and District that State & Agency Review has begun – providing official start and end dates of the review



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STATE & AGENCY REVIEW – STEP 5

Respond to State & Agency Review Comments

- Verify all received comments and assign team members for responses, if required
 - Any requests to extend the S&A review period must be coordinated by the Review Manager with the Chief of Planning and Policy
 - Review Manager will coordinate with the RIT and District on letters needing a response – District drafts initial response
 - Draft responses will be assessed by the P&LCR team
 - Review Manager provides response letters to appropriate official for signature



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STATE & AGENCY REVIEW – STEP 5

Respond to State & Agency Review Comments - EIS

- Once comments have been resolved and necessary changes to the Final Report/National Environmental Policy Act document are made, District can submit Final EIS to Environmental Protection Agency for Notice of Availability
- Review Manager prepares summary of the S&A review for the Administrative Record
- RM must add a summary of S&A to the DoRF – what comments were received and how they were addressed
- RM and RIT will work with PDT to update all briefing documents and proposed Chief's Report as a result of the S&A review



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11 – AFTER STATE & AGENCY REVIEW

Director of Civil
Works and Deputy
Commanding
General for Civil and
Emergency
Operations Briefing

- Typically led by the District Commander
- RIT is responsible for scheduling
- Review Manager, P&LCR team and RIT attend

Chief of Engineer's
Briefing

- Conducted by the District Commander
- Coordinated by the RIT and scheduled by the Chief's office based on approved P2 dates
- Review Manager will attend along with the Chief of OWPR



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12 – AFTER CHIEF'S REPORT SIGNING

RIT will send relevant documents to ASA(CW) and Congress

RIT will address any questions from ASA(CW) and/or OMB, coordinating with the Review Manager, P&LCR team and PDT as needed



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QUESTIONS & DISCUSSION

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