

South Atlantic Division

**CONTINUING AUTHORITIES PROGRAM
REGIONAL PROGRAMMATIC REVIEW PLAN
FOR
DECISION DOCUMENTS**

US Army Corps of Engineers

April 2015

1. Overview. This document serves as the South Atlantic Division (SAD) Review Plan for all documentation required for Continuing Authorities Program (CAP) decision documents as required by EC 1165-2-214 (Civil Works Review) that became effective 15 December 2012, and by the Director of Civil Works Policy Memorandum #1 (CECW-P memorandum, Subject: Continuing Authority Program Planning Process Improvements), 19 Jan 2011. The purpose of this Review Plan is to define the requirements of how reviews will be conducted for CAP decision documents. CAP Implementation Documents/Products are not addressed in this Review Plan.

2. Applicability. The Continuing Authorities Program (CAP) focuses on water resource related projects of relatively smaller scope, cost and complexity. Traditional USACE civil works projects are of wider scope and complexity and are specifically authorized by Congress. The Continuing Authorities Program is a delegated authority to plan, design, and construct certain types of water resource and environmental restoration projects without specific Congressional authorization. This Review Plan applies to all documentation required for review of CAP decision documents within SAD for the following CAP authorities:

2.1. Section 14 of the Flood Control Act of 1946, as amended, authorizes the US Army Corps of Engineers (USACE) to study, design and construct emergency streambank and shoreline works to protect public services including (but not limited to) streets, bridges, schools, water and sewer lines, National Register sites, and churches from damage or loss by natural erosion.

2.2. Section 107 of the River and Harbor Act of 1960, as amended, authorizes the Corps to study, adopt, construct and maintain navigation projects. .

2.3. Section 111 of the Rivers and Harbors Act of 1968, as amended, authorizes the US Army Corps of Engineers (USACE) to investigate, study, plan and implement measures (structural or nonstructural) to prevent or mitigate damage to shorelines attributable to Federal navigation projects.

2.4. Section 204 of the Water Resources Development Act of 1992, Public Law 102-580, provides the authority to carry out projects to reduce storm damage to property; to protect, restore and create aquatic and ecologically related habitats, including wetlands; and to transport and place suitable sediment, in connection with dredging for construction, operation, or maintenance by the Secretary of an authorized Federal water resources project.

2.5. Section 206 of the Water Resources Development Act of 1996, Public Law 104-305, authorizes the Secretary of the Army to carry out a program of aquatic ecosystem restoration with the objective of restoring degraded ecosystem structure, function, and dynamic processes to a less degraded, more natural condition considering the ecosystem's natural integrity, productivity, stability and biological diversity. This authority is primarily used for manipulation of the hydrology in and

along bodies of water, including wetlands and riparian areas. This authority also allows for dam removal.

2.6. Section 208 of the Flood Control Act 1954, as amended, authorizes the US Army Corps of Engineers (USACE) to study, adopt and construct in-stream clearing and snagging projects in the interest of flood risk management.

2.7. Section 1135 of the Water Resources Development Act of 1986, Public Law 99-662, provides the authority to modify existing Corps projects to restore the environment and construct new projects to restore areas degraded by Corps projects with the objective of restoring degraded ecosystem structure, function, and dynamic processes to a less degraded, more natural condition considering the ecosystem's natural integrity, productivity, stability and biological diversity. This authority is primarily used for manipulation of the hydrology in and along bodies of water, including wetlands and riparian areas.

2.8. Section 103 of the Rivers and Harbors Act of 1962, as amended, authorizes the US Army Corps of Engineers (USACE) to study, adopt and construct continuing authority beach erosion control (coastal storm damage reduction) projects.

2.9. Section 205 of the Flood Control Act of 1948, as amended, authorizes USACE to study, design and construct flood risk management projects.

Additional Information on this program can be found in Engineer Regulation 1105-2-100, Planning Guidance Notebook, Appendix F.

3. District Quality Control (DQC). DQC is required for all CAP decision documents in the feasibility phase and must be documented. All DQC documentation throughout the study process must be provided to the Agency Technical Review (ATR) team prior to their conduct of ATR, as described in Section 4 below. DQC means quality checks and reviews that occur during the document development process and are carried out as a routine management practice. Quality checks may be performed by staff responsible for the work, such as supervisors, work leaders, team leaders, designated individuals from the senior staff, or other qualified personnel. However, they should not be performed by the same people who performed the original work, including managing/reviewing the work in the case of contracted efforts. All DQC efforts will include the necessary expertise to address compliance with published Corps policy. The DQC documentation will be kept in the project files for internal and external Quality Assurance audits to check for proper DQC implementation.

4. Agency Technical Review (ATR)

ATR is mandatory for all CAP decision documents (including supporting data, analyses, environmental compliance documents, etc.); which is typically the draft and final feasibility report. ATR of the final feasibility report should normally only require

backcheck of the draft report ATR comments to ensure they were addressed. Study Initiation Reports (SIR) are conducted prior to the feasibility phase and do not require ATR. Federal Interest Determination (FID) submittal packages are provided early in the feasibility phase and do not constitute a decision document; therefore they do not require ATR. The objective of ATR is to ensure consistency with established criteria, guidance, procedures, and policy. The ATR will assess whether the analyses presented are technically correct and comply with published USACE guidance, and that any document explains the analyses and results in a reasonably clear manner for the public and decision makers. ATR review must include a review of DQC documentation. ATR for CAP decision documents is managed by SAD, which is the designated Review Management Organization (RMO). SAD will seek advice from the Planning Centers of Expertise (PCXs) as needed and may request that a PCX perform the RMO function on a particular study. Guidance on conducting ATR can be found in EC 1165-2-214, Civil Works Review.

- a. DrChecks must be used to document ATR comments and responses.
- b. ATR certification will be documented using Attachment C-1 in Appendix C of EC 1165-2-214.
- c. The ATR will be conducted by a qualified team from outside the home district that is not involved in the day-to-day production of the project/product.
- d. ATR teams will be comprised of senior USACE personnel and may be supplemented by outside experts as appropriate.
- e. The disciplines represented on the ATR team should mirror the significant disciplines involved in the generation of the decision document.
- f. ATR teams must include a reviewer with knowledge of and experience with any models used during the conduct of the study.
- g. ATR of the cost estimate may be conducted by pre-certified district cost personnel within the region as designated by the Walla Walla Cost MCX. The precertified list of cost personnel has been established and is maintained by the Cost MCX. The cost ATR member will coordinate with the Cost MCX for execution of cost ATR and cost certification. The Cost MCX will be responsible for final cost certification and may be delegated at the discretion of the Cost MCX.

5. Independent External Peer Review (IEPR)

There are two types of IEPR:

- Type I IEPR. Type I IEPR panels assess the adequacy and acceptability of the economic and environmental assumptions and projections, project evaluation data, economic analysis, environmental analyses, engineering analyses,

formulation of alternative plans, methods for integrating risk and uncertainty, models used in the evaluation of environmental impacts of proposed projects, and biological opinions of the project study. Type I IEPR will cover the entire decision document or action and will address all underlying engineering, economics, and environmental work, not just one aspect of the study. For decision documents where a Type II IEPR (Safety Assurance Review) is anticipated during project implementation, safety assurance shall also be addressed during the Type I IEPR per EC 1165-2-214.

- Type II IEPR. Type II IEPR, or Safety Assurance Review (SAR), are managed outside the USACE and are conducted on design and construction activities for hurricane, storm, and flood risk management projects or other projects where existing and potential hazards pose a significant threat to human life.

CAP studies that do not require a Type I IEPR are not envisioned by the District Chief of Engineering, as the Engineer-In-Responsible-Charge, to need a Type II IEPR Safety Assurance Review during the feasibility phase. This specific determination for the CAP project is documented by completing **Enclosure B**. A risk-informed decision concerning the timing and appropriate level of reviews for the project implementation phase will be prepared and submitted for approval in an updated Review Plan prior to initiation of the design/implementation phase of the project.

5.1. Section 14, 107, 111, 204, 206, 208 and 1135 project decision documents, implementation documents and other CAP products do NOT typically require Type I Independent External Peer Review (IEPR), as defined in EC 1165-2-214 Civil Works Review. There may be rare cases where a Section 14, 107, 111, 204, 206, 208 or 1135 CAP product does not meet all of the IEPR exclusion criteria listed in section 5.2.1 below. When that is the case, follow the guidance in Section 5.2 below. Districts will complete **Enclosure B** indicating that they have reviewed the criteria and either (a) Type I IEPR does not apply, or (b) not all Type I IEPR exclusion criteria are met and a written risk-informed decision analysis will be conducted to determine whether a Type I IEPR is appropriate. Districts do not submit Enclosure B to SAD for any CAP studies under Sections 14, 107, 111, 204, 206, 208 and 1135. Instead, districts only submit the completed enclosure B to SAD when the district determines that the Type I IEPR exclusion criteria in 5.2.1 below are not met.

5.2. Section 103 and Section 205 CAP products may require a Type I IEPR. Based on a review of the Type I IEPR criteria set forth in Section 5.2.1. below, the home district must complete Enclosure B for all Section 103 and Section 205 CAP products, which is a written risk-based decision analysis on whether a Type I IEPR is applicable, and submit the analysis to SAD for review and concurrence. SAD encourages, but does not require, districts to consult with the appropriate Planning Center of Expertise (PCX). For Section 103 the PCX is the Coastal Storm Risk Management PCX (CSRMPGX). For Section 205 the PCX is the Flood Risk Management PCX (FRMPGX).

5.2.1. As set forth in EC 1165-2-214, the specific Type I IEPR exclusion criteria are as follows:

- The project does not involve a significant threat to human life/safety assurance;
- The total project cost is less than \$200 million;
- There is no request by the Governor of an affected state for a peer review by independent experts;
- The project does not require an Environmental Impact Statement (EIS),
- The project/study is not likely to involve significant public dispute as to the size, nature, or effects of the project;
- The project/study is not likely to involve significant public dispute as to the economic or environmental cost or benefit of the project;
- The information in the decision document or anticipated project design is not likely to be based on novel methods, involve the use of innovative materials or techniques, present complex challenges for interpretation, contain precedent-setting methods or models, or present conclusions that are likely to change prevailing practices;
- The project design is not anticipated to require redundancy, resiliency, and/or robustness, unique construction sequencing, or a reduced or overlapping design construction schedule; and
- There are no other circumstances where the Chief of Engineers or Director of Civil Works determines Type I IEPR is warranted.

5.3 If the district's risk-informed decision analysis recommends a Type I IEPR exclusion, and SAD concurs based upon its review of the analysis, SAD will provide a concurrence memo signed by the SAD Commander to the home district. The district may then apply this CAP regional programmatic review plan. If SAD determines that Type I IEPR is applicable, SAD will provide a non-concurrence memo signed by the SAD Commander to the home district, and a study specific review plan must be prepared by the home district utilizing **Enclosure A**. The specific review plan must be coordinated with the appropriate Planning Center of Expertise (PCX) and submitted to SAD for approval by the SAD Commander. The home district will submit the review plan, cover memo, and PCX endorsement memo to SAD for approval. Approval must be by the SAD Commander. Because Type 1 IEPR typically will be applicable for Section 205 documents, Districts should expect to create a study-specific review plan until it is determined otherwise. Approval not to conduct Type 1 IEPR for Section 205 documents is expected to be rare.

6. Model Certification And Approval

As stated in the Director of Civil Works Policy Memorandum #1 (CECW-P memorandum, Subject: Continuing Authority Program Planning Process Improvements), 19 January 2011, approval of planning models is not required for CAP projects. MSC commanders remain responsible for assuring the quality of the analysis used in these projects. ATR will be used to ensure that models and analyses are compliant with Corps policy, theoretically sound, computationally accurate, transparent,

described to address any limitations of the model or its use, and documented in study reports.

7. This CAP Regional Programmatic Review Plan is hereby approved for implementation.

Districts shall reference this CAP Regional Programmatic Review Plan as part of the Quality Management Plan section in each Project Management Plan submitted to SAD as part of the Federal Interest Determination (FID) package. The PMP must show the estimated cost and schedule for conducting DQC and ATR. For projects that will conduct Type I IEPR and therefore will have individual Review Plans, the PMP will cite the project specific Review Plan and will include the estimated cost and schedule for Type I IEPR.

8. Updates and Approvals of this Review Plan.

Modifications to this CAP Regional Programmatic Review Plan may be made by submitting a request through the SAD CAP Manager to the MSC Commander.

C. DAVID TURNER
Brigadier General, USA
Commanding

Date

Enclosure A- Review Plan Template

Enclosure B- Risk Based IEPR Decision Analysis/CAP Regional Programmatic Review Plan Applicability Determination