

CECW-A

DEPARTMENT OF THE ARMY  
U. S. Army Corps of Engineers  
Washington, D. C. 20314-1000

EC 1165-2-203

Circular  
No. 1165-2-203

15 October 1996

EXPIRES 30 September 1998  
Water Resource Policies and Authorities  
TECHNICAL AND POLICY COMPLIANCE REVIEW

1. Purpose. This circular provides guidance on technical review and policy compliance review of decision documents and implementation documents. Under the new procedures, technical review is a district function and policy compliance review is a HQUSACE function. This circular also provides guidance on the portions of the quality control (QC) and quality assurance (QA) process that are to be documented during the new technical and policy compliance review procedures.

2. Applicability. This circular applies to all HQUSACE elements, divisions, and districts having civil works responsibilities and pertains to all project decision and implementation documents produced by these organizations. This circular does not apply to:

a. Reports, memorandums, legal opinions, and other documents that are not an integral part of a Civil Works project document and that are the responsibility of and prepared by Real Estate (e.g., condemnation assemblies, non-standard estates, appraisals, deeds). Such documents shall be reviewed and approved in accordance with the procedures and guidance provided by the Directorate of Real Estate.

b. Legal opinions and other legal documents which are the responsibility of and are prepared by Counsel. Such documents shall be reviewed and acted upon in accordance with guidance and procedures provided by the HQUSACE Chief Counsel.

3. Background References.

a. CECW-A Policy Memorandum No.2, dated 6 April 1995, subject: Civil Works Decision Document Review -- Policy Compliance.

b. Report of the Task Force on Technical Review, dated December 1994.

c. ER 1110-1-12, Quality Management.

4. Definitions.

a. Project Documents. There are two basic types of project documents:

(1) Decision Documents. A decision document is any draft or final report, with associated National Environmental Policy Act (NEPA) documentation, prepared for the purpose of:

(a) Obtaining project authorization or modification (reauthorization) or Washington level approval, such as: reconnaissance reports; feasibility reports; general and limited reevaluation reports; post authorization change reports; general design memorandums; detailed project reports and section 1135 reports (where approval authority has not been delegated to major subordinate commands); major rehabilitation evaluation reports, section 202 reports, dam safety reports, design deficiency reports, reconstruction reports, and dredged material management plans; or,

(b) Obtaining the commitment of Federal funds for project implementation; i.e., to defend budgetary decisions or to move to construction such as; local cooperation agreements/project cooperation agreements with the latest supporting document; or,

(c) Obtaining approval to spend and/or receive money as a result of entering into agreements with other agencies or entities; i.e., water supply contracts, credit agreements, memorandums of agreement, feasibility cost sharing agreements, and other similar documents.

(2) Implementation Documents. An implementation document is any document prepared for purposes of implementing a project in accordance with its authorization. Examples of an implementation document are design memorandums (DM' s), feature design memorandums (FDM's), and plans and specifications. Implementation documents will not normally be reviewed at the Washington level.

b. Quality Control (QC) Plan. A quality control plan is a written plan prepared by the district for each product/project and describes the procedures that will be employed to insure compliance with all technical and policy requirements. The QC plan is to be a part of the project study plan (PSP) and project management plan (PMP.).

c. Quality Assurance (QA). Quality assurance is a process that provides oversight to quality control and involves an audit of the quality control process.

d. Technical Review. Technical review is the portion of the QC process which confirms the proper selection and application of established criteria, regulations, laws, codes, principles, and professional procedures to ensure a quality product. Technical review also confirms the

constructability and effectiveness of the product and the utilization of clearly justified and valid assumptions that are in accordance with policy.

e. Operating Divisions. For the purposes of this EC, the operating divisions are New England Division and Pacific Ocean Division.

f. Technical Review Certification and Findings. The technical review certification and findings is a document which certifies that the technical (including legal) reviews have been accomplished, cites the major issues that were raised and resolved, and identifies the technical review team leader and members. An example of a certification and findings is provided as Appendix A.

g. Policy Compliance Review. The policy compliance review is the HQUSACE level review of decision documents that involves analysis of decision factors and assumptions used to determine the extent and nature of Federal interest, project cost sharing and cooperation requirements, and related issues. Policy compliance review ensures that there is uniform application of established policy and procedures nationwide and identifies policy issues that must be resolved in the absence of established criteria, guidance, regulations, laws, codes, principles and procedures or where judgement plays a substantial role. Policy compliance also ensures that the proposed action is consistent with the overall goals and objectives of the Civil Works program. A list of policy compliance review considerations is provided as Appendix B.

h. Delegated Programs. Programs for which the Corps of Engineers regulations delegate responsibility to divisions and districts.

5. Technical and Policy Compliance Review Responsibilities. All decision documents will receive an independent technical review, and a policy compliance review. All implementation documents will receive an independent technical review. This paragraph establishes the organizational responsibilities for these reviews. (For delegated programs see paragraph 7.)

a. Districts. Districts are responsible for the independent technical review of their products and will develop and implement a QC plan for each project. The QC plan will include the independent technical review of decision and implementation documents, consistent with established criteria, guidance, procedures, and policy; and will identify how the district plans to ensure compliance with technical and policy requirements. It is essential that the review strategy be developed early in the product development phase, and documented in the district's QC plan. Five review options are available to districts for conducting independent technical review. The review may be conducted (1) within the district, (2) by another district(s), (3) in centers of expertise, (4) by teams or individuals throughout USACE, or (5) by a contract team or consultant. For complex projects, technical experts or consultant review may be needed in addition to the normal review. Issues resulting from independent technical reviews should be

resolved at the district level, with assistance of divisions and HQUSACE as needed. As policy issues develop, if it is necessary to seek guidance from HQUSACE it should be obtained through the functional program manager, who will coordinate the issues with CECW-A. The district is responsible for the technical and policy content of all documents produced within the district and, as such, should seek to produce quality documents in order to minimize the HQUSACE review time required. The technical review team will document technical issues and concerns raised during the technical review process and document the resolution of these issues and concerns. The technical review documentation and certification for decision documents will accompany report submittals to CECW-AR as a separate document.

b. Divisions. (for Operating Divisions see paragraph 5.c.) Division QA responsibility is to evaluate and recommend changes to the district's QC process. The division QA process will assure that the QC plan for the project is appropriate. Through such QA mechanisms, the division assures that districts are able to plan, design, and deliver quality projects on schedule, within budget, that are acceptable to the customer and the Federal Government.

c. Operating Divisions. Operating divisions are responsible for the development and implementation of the QC plan and for independent technical review. Operating divisions must also provide independent QA to assure that projects are planned, designed and implemented in accordance with their authorizations and current laws and policies. The requirements discussed above in paragraphs 5.a. and 5.b. apply to operating divisions, who must structure their organization to accommodate these requirements.

d. HQUSACE. The Policy Review Branch (CECW-AR) of Policy Division (CECW-A) is responsible for policy compliance review of decision documents. CECW-AR through use of a policy compliance review team will manage, coordinate, and document district responses to policy compliance concerns, assess whether these responses resolve the concerns, and identify policy issues remaining to be resolved and the time frame for resolution. In addition to providing policy compliance review, CECW-A will be available on an "as needed" basis to consult on policy issues. During policy compliance review, if issues arise between the district and HQUSACE, resolution will be provided by the policy compliance review team. If the issue can not be resolved in this manner, CECW-A will provide an assessment to the appropriate functional program manager for resolution who, in concert with CECW-A will provide guidance to the district. CECW-A will also develop and/or clarify policy as needed. In addition, the HQUSACE functional program manager, in conjunction with division QA activities, has a continuing responsibility to evaluate the overall project development process including the independent technical review process and to recommend appropriate changes.

(1) The Policy Compliance Review Team may consist of representatives from the Policy Division; Planning Division; Engineering Division; Programs Management Division; Operations,

Construction and Readiness Division; Directorate of Real Estate; Office of the Chief Counsel; and other HQUSACE elements, as appropriate. CECW-AR will designate a review manager, under whose operational control the HQUSACE review team will function. CECW-AR team members will consider whether proposed projects conform with law and policy with regard to economics (benefits and costs), engineering, environmental, cost-sharing (including items of local cooperation), and plan formulation aspects. Team members representing other HQUSACE organizational elements are responsible for policy compliance review within their areas of responsibility.

(2) Functional Program Managers.

(a) The Planning Division (CECW-P), as the planning functional program manager, consults with the field; organizes, facilitates, and is responsible for reconnaissance and feasibility review conferences and alternative formulation briefings; prepares the project guidance memorandum (PGM) following the conferences; and completes action on all planning program decision documents after the HQUSACE policy compliance review is completed.

(b) The Operations, Construction and Readiness Division (CECW-O), as the rehabilitation functional program manager, completes action on and is responsible for major rehabilitation evaluation reports after HQUSACE policy compliance review is complete. CECW-O is also responsible for facilitating HQUSACE participation in meetings requested by the districts during the development of major rehabilitation evaluation reports.

(c) The Engineering Division (CECW-E), as the engineering functional program manager, completes action on and is responsible for dam safety reports, design deficiency reports, reconstruction reports, and general design memorandums after HQUSACE policy compliance review is complete. CECW-E is also responsible for facilitating HQUSACE participation in meetings during the development of dam safety, design deficiency, and other engineering related reports and in technical review conferences when requested by the district.

(d) The Programs Management Division (CECW-B), as the programs and project functional manager, is responsible for the overall efficient advancement of a project through the appropriations process, and thereby responsible for facilitating the completion of all actions bearing on such advancements.

(e) The Real Estate Directorate (CERE), as the real estate functional program manager, is responsible for reviewing real estate legal issues; developing, implementing, and reviewing real estate policy; and making real estate decisions.

(f) The Office of the Chief Counsel (CECC), as the Chief of Engineers legal officer, is responsible for counseling the civil works program and the real estate program on legal matters and resolving the legal issues of these programs.

e. OASA(CW) OASA(CW) will develop and articulate Administration policy goals and will work with HQUSACE in the development of the policy review process and in setting its performance goals, criteria, and indicators; and will monitor policy review performance. In policy compliance review, OASA(CW) will have oversight responsibility for assuring that the authorization, implementation, and budgeting of projects is consistent with applicable laws and policies. As appropriate, OASA(CW) will be involved in resolving policy issues and proposing changes to the policy review process. For certain proposals OASA(CW) may be directly involved in the policy review.

6. Technical and Policy Review Process. (For delegated programs see paragraph 7.) Technical and policy review is part of the overall development of implementation and decision documents and is the systematic execution of actions, decisions, and reviews taken during the concept development, formulation of alternatives, and project design phases to insure conformance with laws and Administration policy. An independent technical review shall be conducted for all decision and implementation documents and will be independent of the technical production of the project/product. The selected independent technical review methods will be identified in the QC plan. The technical review team members will be selected on the basis of having the proper knowledge, skills, and experience necessary to perform their task and their lack of affiliation with the development of the project/product. The technical qualifications of the review team should be commensurate with the level of risk (public safety and economic) associated with the non-performance of the project as well as the complexity of the project. The technical and policy review process is part of the QC/QA process which is applied to all studies, analysis, designs, cost estimates, and supporting data which are combined into products used to authorize, design, construct, and operate Corps projects. The QC/QA process will be fully documented. Documentation and certification of technical/legal review will accompany the reports that are submitted for HQUSACE policy compliance review. A policy compliance review will be conducted for all decision documents in accordance with the guidance provided in this EC.

a. Districts. Districts must apply all technical and policy guidance in developing their projects. Since the district is responsible for both conducting the work and providing the technical review of the work, the technical review must be independent. Independent review will include review of all the technical work and products from economics, engineering, environmental, cost estimating, real estate, counsel, and other disciplines that are essential to achieving quality products. A QC plan will be prepared for every project, although routine or minor projects may utilize generic QC plans consistent with overall QC/QA roles. The preparation of the QC plan will be documented in the PSP/PMP. As it applies to technical and policy reviews, the QC plan should include the following items:

- (1) Discussion of the selected independent technical review option which identifies the review team members, qualifications, and the rationale for selection.
- (2) Schedule of in-progress technical and/or policy reviews.
- (3) Description of the process for documenting decisions, issues, and issue resolution.
- (4) Discussion of the methods to be used to resolve significant technical and other policy issues.
- (5) Discussion of the lessons learned process to be used.
- (6) Legal review of all decision documents (except reconnaissance level reports and project study plans) and associated NEPA compliance documents by district or operating division counsel.
- (7) Issues that cannot be resolved within the district are to be forwarded in accordance with section 5.a. of this EC.

b. Divisions. The division's role in the technical and policy review process is one of oversight through the QA program. The QA responsibility involves conducting an evaluation of the district QC processes on a systematic basis using a selective sampling of products. QA audits should be conducted by a team including members with broad-based technical expertise in issues which are relevant to the specific problems and project/document being audited, in order that they may assess if proper processes were adequately defined and implemented and advise if corrective action is needed in the future. The QA program must be fully independent and should be performed by technically qualified personnel. As it applies to the technical and policy reviews, the QA program should include:

- (1) Evaluation of the independent technical review process.
- (2) Monitoring the development and execution of selected QC plans.
- (3) Approval of QC plans.
- (4) Assurance of customer involvement in technical review, as appropriate.
- (5) Assistance in resolving technical issues.
- (6) Selectively auditing overall effectiveness of the independent technical review process and recommending corrective actions.
- (7) Maintaining documentation of the QA activities related to technical review.

(8) Evaluation of independent technical review documentation and certification, as necessary.

c. HQUSACE. Procedures for HQUSACE policy compliance review and processing of all decision documents are as follows:

(1) General. Transmittal letters forwarding decision documents shall be submitted to the Director of Civil Works with a copy, including two sets of the decision document and all enclosures, to the appropriate functional program manager. Concurrently, the appropriate number of copies of the decision document, along with a copy of the transmittal letter, will be sent directly to the Policy Review Branch of Policy Division, CECW-AR, for initiation of the policy compliance review. (See paragraph 8.d.) Copies of the reconnaissance guidance memorandum (RGM) and PSP or project guidance memorandum (PGM) and other guidance memorandums if appropriate, and documentation and certification of the district's technical/legal review and the project guidance memorandum compliance document also will be provided to CECW-AR.

(2) Report Review Guidelines. Reviews will be conducted utilizing the policy compliance review considerations provided as Appendix B. Review comments will be developed from the perspective of adding value to the decision-making process and will focus on significant concerns. Comments will not be based on the personal opinion of the reviewer or unsupported by Corps policy or guidance. The HQUSACE review will provide written comments that affect the scope, scale, feasibility, implementability, sponsor capability, Federal interest, and cost-sharing for the proposed plan. For some decision documents, concerns relating to Corps budget criteria and ability to approve or sign project implementation documents will be addressed in the review. The review will only request the minimum amount of information that is needed to resolve the concern. In order to enhance communication of review comments, and to ensure that each expressed review concern is relevant to the decision to be made, all comments shall contain the following four elements:

(a) A clear statement of the concern. The information deficiency or incorrect application of policy or procedures in the report will be identified.

(b) The basis of the concern. The appropriate law, OASA(CW)/Corps policy, guidance, or procedure that has not been properly followed in the decision document will be referenced.

(c) The significance of the concern. The importance of the concern with regard to project implementability.

(d) The specific actions needed to resolve the concern. The actions that reporting officers must take to resolve the concern will be identified.

(3) Specific Decision Document Review Procedures.

(a) Reconnaissance Reports. The Chief, Policy Division will present review findings to the Chief, Planning Division prior to the reconnaissance review conference (RRC), and CECW-AR will actively participate in the RRC and identify policy issues that need to be addressed prior to certification. CECW-P arranges and facilitates the RRC and subsequently certifies the reconnaissance report and PSP after all issues have been satisfactorily addressed.

(b) Draft Feasibility Reports, General Reevaluation Reports, and Other Reports Supporting Project Authorization or Appropriation Decisions.

(i) The HQUSACE policy compliance review team's main role for feasibility and general reevaluation decision documents will occur during the conduct of the feasibility or general reevaluation study. Throughout the study period, the HQUSACE review team will be available for consultation to discuss, and elevate for resolution, policy issues that may arise during the course of the studies. An important milestone in policy review will normally occur at an alternative formulation briefing (AFB), which may be held if requested by the reporting officer. This would occur when the district is prepared to select the plan around which the draft feasibility report will be written. At the AFB, policy issues identified by the reporting officer and/or the HQUSACE review team will be addressed.

(ii) If approved during the AFB, the policy compliance review team will review the draft report concurrent with review by the public. During this review, issues that were not identified or not satisfactorily resolved during earlier consultation will be addressed. Any remaining policy concerns will be provided to the reporting officer and the HQUSACE functional program manager. A feasibility review conference (FRC) or general reevaluation review conference (GRC) will be held if the HQUSACE functional program manager concludes that it is necessary.

(iii) Planning Division arranges and facilitates an AFB and/or the FRC/GRC and is responsible for preparation of the resulting PGM. CECW-P will provide the review team assessment to the district in advance of the FRC/GRC. The district will respond to the issues raised and the need for additional technical work and subsequent reviews will be identified. The PGM will be the agreement between the reporting officers and HQUSACE for completing the final feasibility or general reevaluation report.

(c) Final Feasibility and General Reevaluation Reports.

(i) HQUSACE will provide the approval and coordination package to the district to initiate the state and agency (S&A) review as soon as possible after receipt of the document. HQUSACE will complete all other review actions necessary to process the report immediately after the S&A review period expires. The Chief, Policy Division, will recommend deferral of S&A review only if there are serious policy concerns that could change report recommendations. In such cases, the Director of Civil Works will decide whether the S&A review should be deferred.

(ii) HQUSACE policy compliance review of final feasibility and general reevaluation reports will concentrate on the adequacy of district compliance with the PGM. The review team also will consider new information in the final report that was not available during the FRC if the information impacts on the critical issues identified under policy compliance review considerations.

(iii) If the Chief of the Policy Division determines that the final document adequately complies with the PGM, no further revision of the report will be required. Any additional supporting information will be provided in an addendum.

(iv) If the Chief of the Policy Division determines that the final decision document does not comply with the PGM, the Director of Civil Works and appropriate HQUSACE functional program managers will be so notified. In such circumstances, the functional program manager or the reporting officer may request a meeting to discuss unresolved issues or problems relating to the project or supporting documentation. If after a meeting or other discussions compliance with the PGM cannot be agreed upon, the Director of Civil Works may return the report including corrective guidance to the reporting officer.

(d) Other Decision Documents. Decision documents other than reconnaissance, feasibility or general reevaluation reports, will be reviewed by the HQUSACE policy compliance review team to determine whether any significant policy concerns need to be addressed. If so, the Policy Division will provide an assessment to the reporting officer and the appropriate HQUSACE functional program manager and may also recommend that an issue resolution conference (IRC) be held. When an IRC is held, the responsibility for preparing the PGM or other conference guidance memorandum rests with the appropriate HQUSACE functional program manager. After the reporting officer has responded to the assessment or PGM, the Policy Division will furnish a documentation of review findings to the HQUSACE functional program manager.

(4) Feasibility Report Review Information Package. After completion of the state and agency review, and after HQUSACE has completed its review of a final feasibility report, the Policy Division will prepare a recommendation package for Planning Division submittal to OASA(CW). The recommendation package will include the following:

- (a) Summary of the feasibility report, assumptions, and data on the recommended plan.
- (b) Certification of compliance with the policy compliance review considerations.
- (c) Review documentation.
  - (i) Policy Compliance Review Documentation.
  - (ii) Technical/Legal Review Certification and Findings.

- (d) Summary of agency and public comments on the final document.
- (e) Correspondence received from State and Federal agencies during their comment period and draft responses to correspondence, when necessary.
- (f) Letters of commitment from the project sponsors and summary of financial analysis.
- (g) Feasibility report and appendices and/or supporting documentation. Addendum to report also should be provided, if required.
- (h) Draft report of the Chief of Engineers.

The above information package will be modified slightly for general reevaluation reports or other decision documents.

d. OASA(CW). OASA(CW) will perform its QA responsibility in policy compliance review through attendance at HQUSACE meetings in advance of issue resolution conferences which address policy review concerns; analysis of CECW-A policy review assessments, district responses to the assessments, and HQUSACE resolution of those concerns; informal consultation and/or attendance at HQUSACE and/or district meetings relating to the resolution of significant project policy issues; and review of data supporting requests for project authorizations or OASA(CW) approvals. In addition, OASA(CW) may elect to attend issue resolution conferences (IRC, FRC, AFB, etc.) to assess the performance of various HQUSACE and field level offices in policy review and monitor sponsor satisfaction with the policy review process. It is anticipated that OASA(CW) attendance at issue resolution conferences will be very limited.

7. Delegated Programs. The districts are responsible for the implementation of delegated programs consistent with established criteria, procedures, and policy. The districts are responsible for the development and implementation of the QC plan for the independent technical and policy review of documents prepared. Therefore, the process outlined in paragraphs 5 and 6 of this EC are the same at the district level for delegated programs. Divisions, in addition to having QA responsibilities for independent technical review (as further defined in paragraphs 5 and 6 of this EC) also have QC responsibilities for policy compliance review of delegated programs. In that regard divisions are responsible for policy compliance review of products submitted by districts for approval. When issues raised by districts are not within existing policy, divisions will elevate policy issues to the appropriate functional program manager for coordination with CECW-A. HQUSACE elements will provide policy QA of delegated programs for which they are the functional program manager.

8. Implementation.

a. The effective date of this EC is as shown above.

b. HQUSACE policy compliance review for projects for which approval has not been delegated will be the responsibility of CECW-A. Policy compliance review of delegated programs will be the responsibility of divisions effective with the date of this EC.

c. All decision and implementation documents initiated on or following the effective date of this regulation will fully comply with this EC.

d. Transmittal of decision documents to CECW-AR will be as follows:

(1) Final Feasibility Reports. Provide 15 copies with transmittal memorandum citing project work number (formerly CWIS). Each report will include the division engineer's endorsement, NEPA documentation, supporting appendices, documentation and certification of district's technical/legal review, and PGM compliance. Also provide 3 copies each of public notice, mailing list, and proposed Chief's report; and 1 copy each of the MCACES summary and detail pages (hard copy or E-mail to Ernie Hale, CECW-AR), project map, briefing slides, and fact sheet. In addition, the district should retain 65 copies of the report and NEPA documentation to mail to state(s) and agencies (S&A) for 90-day review. Once the report has been approved for coordination, CECW-AR will provide the district with S&A letters, copies of revised proposed Chief's report, mailing labels, and instructions. When an EIS is involved, CECW-AR will also provide letters to interested parties and to file the EIS with the Environmental Protection Agency.

(2) Other Decision Documents.

(a) Final Reports. Provide 15 copies with transmittal memorandum citing project work number. Each report shall include supporting NEPA documentation and other supplemental documentation, documentation and certification of the district's technical/legal review, and the PSP, RGM, AFB, or PGM compliance document as appropriate. Also provide 1 copy each of the MCACES summary and detail pages (hard copy or E-mail to Ernie Hale, CECW-AR), project map, briefing slides, and fact sheet.

(b) Draft Report. Provide 10 copies with transmittal memorandum citing project work number, along with supplemental documentation, documentation and certification of the district's technical/legal review, and the PSP, RGM, AFB, or PGM compliance document as appropriate. Also provide one copy of the MCACES summary and detail pages (hard copy or E-mail to Ernie Hale, CECW-AR).

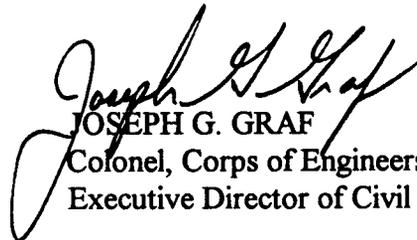
(3) Send directly to the Policy Review Branch at the following address:

Policy Review Branch (CECW-AR)  
US Army Corps of Engineers  
7701 Telegraph Road  
Alexandria, VA 22315-3861

e. Send 2 additional copies of each report with supporting documentation to the HQUSACE functional program manager.

FOR THE COMMANDER:

2 Appendices  
APP A - Statement of Technical  
and Legal Review  
APP B - Policy Compliance  
Review Considerations

  
JOSEPH G. GRAF  
Colonel, Corps of Engineers  
Executive Director of Civil Works

**APPENDIX A  
STATEMENT OF TECHNICAL AND LEGAL REVIEW  
SAMPLE**

**COMPLETION OF INDEPENDENT TECHNICAL REVIEW:**

The District has completed the (type of study) of (project name and location). Notice is hereby given that an independent technical review has been conducted that is appropriate to the level of risk and complexity inherent in the project, as defined in the Quality Control Plan. During the independent technical review, compliance with established policy principles and procedures, utilizing justified and valid assumptions, was verified. This included review of assumptions; methods, procedures, and material used in analyses; alternatives evaluated; the appropriateness of data used and level of data obtained; and reasonableness of the results, including whether the product meets the customer's needs consistent with law and existing Corps policy. The independent technical review was accomplished by (an independent district team/personnel from XX District/by AE contractor).

\_\_\_\_\_  
(Signature)  
Technical Review Team Leader and Team Members

\_\_\_\_\_  
(Date)

**CERTIFICATION OF INDEPENDENT TECHNICAL REVIEW:**

Significant concerns and the explanation of the resolution are as follows:

(Describe the major technical concerns, possible impact, and resolution)

As noted above, all concerns resulting from independent technical review of the project have been considered. The report and all associated documents required by the National Environmental Policy Act, have been fully reviewed.

\_\_\_\_\_  
(Signature)  
Chief, Planning Division

\_\_\_\_\_  
(Date)

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\_\_\_\_\_  
(Signature)  
Chief, Engineering Division

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)  
Chief, Operations Division

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)  
Chief, Real Estate Division

\_\_\_\_\_  
(Date)

**CERTIFICATION OF LEGAL REVIEW:**

The report for \_\_\_\_\_, including all associated documents required by the National Environmental Policy Act, has been fully reviewed by the Office of Counsel, \_\_\_\_\_ District and is approved as legally sufficient.

\_\_\_\_\_  
(Signature)  
District Counsel

\_\_\_\_\_  
(Date)

## **APPENDIX B**

### **POLICY COMPLIANCE REVIEW CONSIDERATIONS**

All decision documents will receive a policy compliance review. Policy compliance review involves consideration of the development and application of decision factors and assumptions that are used to determine the extent and nature of Federal interest, project cost sharing and cooperation requirements, and related issues. Policy compliance review ensures that there is uniform application of clearly established policy and procedures nationwide and identifies policy issues that must be resolved in the absence of clearly established criteria, guidance, regulations, laws, codes, principles and procedures or where judgement plays a substantial role. Policy compliance also ensures that the proposed action is consistent with the overall goals and objectives of the Civil Works program. Items that will be considered during this review include the following:

1. Formulation.

- (a) Will alternatives function safely, reliably, and efficiently, and are they engineeringly sound?
- (b) What is the without-project condition and what are the assumptions upon which it is based?
- (c) Are the key assumptions underlying the predicted with-project conditions documented and justified as the most likely parameters?
- (d) What alternatives, including different performance levels, have been considered?
- (e) What is the rationale for screening out the alternatives that were not selected for implementation?
- (f) What beneficial and adverse effects have been evaluated for the alternative plans that are studied in detail?
- (g) Does risk and/or uncertainty inherent in the data or in the various assumptions of future economic, demographic, social, and environmental trends, have a significant effect on plan formulation?
- (h) What are the assumptions regarding future conditions associated with the alternatives?
- (i) What coordination has occurred with State, local, and Federal agencies, and how have their views been considered in formulating the recommended plan?

2. Plan Selection.

- (a) Is the selected plan the NED (or most cost effective) plan?
- (b) If a departure from the NED (or most cost effective) plan is being recommended, what is the rationale to support the recommended departure?
- (c) How do the benefits and costs of the NED (or most cost effective) plan compare to other candidate plans?
- (d) Are there any international implications of the project, and if so, how have they been addressed?
- (e) Are there any legal or institutional obstacles to project implementation, and if so, how have they been addressed?
- (f) Does the Federal Power Agency indicate the marketability of the power produced based on the selected plan?

3. Economic Feasibility.

- (a) What discount rate, price level, and amortization period were used to determine annual benefits and costs?
- (b) What procedures were used to evaluate NED benefits?
- (c) What are the bases for the economic projections?
- (d) What separable features have been incrementally economically evaluated, and what are the separable B/C ratios?
- (e) Have all anticipated project outputs, monetary and non-monetary, positive and negative, been included in the economic evaluation? If not, what outputs were omitted and why?
- (f) What is the B/C ratio of the project and separable elements based on existing benefits?
- (g) What contingency allowances were used for major cost items and what is the basis for them?

(h) What engineering and design, and supervision and administration charges were included in the estimate, and what is the basis for them?

(i) What items are included in annual OMRR&R costs, and how were they developed?

(j) Was interest during construction documented?

4. Environmental Evaluation.

(a) What studies and coordination were conducted in accordance with National Environmental Policy Act of 1969 (NEPA) and other applicable environmental laws?

(b) What studies were conducted to determine if there are potential or actual contaminated lands (hazardous and toxic wastes, pollutants, etc.) included in the land requirements?

(c) What preservation, conservation, historical, and scientific agencies and interests were consulted, what were their views, and how were their views considered during plan formulation?

(d) What incremental analysis was performed to determine the scope of the fish and wildlife mitigation plan?

5. Environmental Design Considerations.

(a) Is the project designed to be in concert with the environment and the sponsor and public views concerning the environment?

(b) Overall, is this project environmentally sound? To what degree does this project add or detract from the environment?

6. Engineering Appendix.

(a) Is there an engineering appendix to the feasibility report or similar section in other decision documents in accordance with ER 1110-2-1150?

(b) Does the report document that the cost estimate will remain relatively stable based on the engineering effort contained in the engineering appendix?

(c) Does the report document the design with clear references and assumptions?

(d) Has design criteria for the project been established and does it include functional requirements, local sponsor requirements, technical design, and environmental engineering considerations?

(e) If appropriate, has the U.S. Coast Guard been contacted to determine requirements for permits for any structures to be constructed or relocated over a navigable waterway?

(f) If no DM is to be prepared, does the engineering appendix provide a comprehensive discussion and complete documentation of the completed design?

#### 7. Hydrology and Hydraulics.

(a) Is the analysis based on current hydraulic, hydrologic, and climatic data?

(b) Does the report provide the hydraulic and hydrologic studies necessary to establish channel capacities, structure configurations, interior flood control requirements, residual or induced flooding, etc.?

(c) Have required physical and numerical modeling, including ship-simulation investigations, been performed in accordance with current guidance? If numeric modeling or other studies required by regulation are not to be performed, is the rationale for omitting these efforts documented and has the appropriate approval been obtained?

#### 8. Surveying and Mapping.

(a) Does the report provide topographic maps to support the level of detail required to eliminate possibility of large quantity errors?

(b) Has suitable site-specific mapping been accomplished during PED?

(c) Has the report met the requirements listed in the table of required actions in ER 1110-1-8156 (Policies, Guidance, and Requirements for Geospatial Data and Systems) ?

#### 9. Geotechnical.

(a) Does the report document that a site investigation, subsurface explorations, testing and analysis been accomplished and present geotechnical information to support the type of project, foundation design, structural components and availability of construction materials?

(b) Does the report address any special construction features or procedures (dewatering, stage construction, etc.) and are they included in the estimate?

(c) Does the report provide the level of design necessary to document the cost estimate?

10. Structural Design.

(a) Does the report clearly present the results of alternatives needed to support the selected project site, configuration, and features, including main structures and major appurtenances?

(b) Does the report document the comparison of alternatives in sufficient detail to establish a realistic comparison of costs?

(c) Have appropriate additional studies or tests planned for later phases of the design been identified?

11. Hazardous, Toxic, and Radioactive Waste.

(a) Have HTRW areas been identified and the project designed to avoid HTRW?

(b) If HTRW cannot be avoided, have investigations been conducted by an approved HTRW design district to establish the type and extent of HTRW contamination and the impact and cost of needed response action?

12. Construction Materials and Procedures.

(a) Have potential sources and suitability of construction material for concrete, earth and rock borrow, stone slope protection; and for disposal sites been identified?

(b) Have preliminary construction procedures, construction sequence and duration, and a water control plan for each step of the proposed plan, been developed?

(c) Have construction equipment and production rates been determined for major items, in support of the work schedule and cost estimate?

13. Operation, Maintenance, Repair, Replacement, and Rehabilitation (OMRR&R).

(a) Has an OMRR&R plan been developed for the project, and does it include detailed estimates of the Federal and non-Federal costs?

(b) Are budgets and schedules for the preparation of the necessary OMRR&R manuals included?

(c) Does the report include a discussion of primary and emergency power supplies based on local availability and reliable sources?

14. Cost Estimate and Schedule.

(a) Has the current working estimate supporting the NED plan been prepared using MCACES software and is it in Civil Works Breakdown Structure?

(b) Is the baseline estimate the fully funded project cost estimate and is it developed for the recommended scope and schedule established in the report?

(c) Does the estimate include all Federal and non-Federal costs for lands and damages, all construction features, planning, engineering and design and supervision and administration along with the appropriate contingencies and inflation associated with each of these activities through project completion?

(d) Do the contingencies reflect the risks related to the uncertainties or unanticipated conditions identified by the data and design detail available at the time the estimate was prepared?

(e) Is the final product a reliable, accurate cost estimate that defines the local sponsors obligations and supports project authorization within the established laws and regulations?

15. Value Engineering (VE).

(a) For projects with estimated cost of \$2,000,000 or greater, has a Value Engineering Study been completed or is there a cost estimate and schedule for the study?

(b) If the district determines a VE study is not cost effective, has a formal waiver request been approved by the division commander, and has a copy of the approved waiver been forwarded to CEMP-EV?

16. Real Estate.

(a) Does the decision document contain a comprehensive Real Estate Plan (REP) that describes the real estate requirements needed to support all project purposes?

(b) Does the report provide a complete real estate cost estimate?

(c) Does the report document the thorough investigation of facility/utility relocations?

(d) Does the report provide the "Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability" checklist of the Non-Federal Sponsor's legal and professional capability to acquire and provide all project lands, easements and rights-of-way in a timely fashion?

(e) Does the report provide a suitable acquisition and related real estate schedule?

17. Cost Sharing and Local Cooperation Requirements.

(a) What project purposes are addressed by the selected plan and how have costs been allocated to them?

(b) If recreation or fish and wildlife enhancement are included in multiple-purpose projects, has the appropriate letter of intent from the non-Federal sponsor been obtained in accordance with Public Law 89-72?

(c) What documentation is available to assure that local interests fully understand and are willing and capable of furnishing the local cooperation specified?

(d) How was the apportionment of cost to local interests calculated?

(e) Who are the beneficiaries of the project and are there special circumstances associated with the project that warrant consideration of increased non-Federal cost sharing?

(f) If the non-Federal sponsor is relying on non-guaranteed debt (e.g. a particular revenue source or limited tax, or bonds backed by such a source) to obtain remaining funds, what information is available to demonstrate the financial capability of the non-Federal sponsor and that the projected revenues or proceeds are reasonably certain and are sufficient to cover the sponsor's stream of costs through time?

(g) If the non-Federal sponsor is relying on third party contributions, is data available from the third party to insure financial capability and its legal commitment to the sponsor?

(h) Does the decision document contain a complete list of relevant Items of Local Cooperation?

18. Project Authorization. If the document is pre-authorization, have all elements necessary for congressional authorization been included in the report? If the decision document is post-authorization, is it in keeping with the project authorization? If not, is further authorization to be requested of Congress?

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19. Technical and Legal Review.

(a) Has documentation of significant issues and possible impact; and their resolution been provided?

(b) Has certification of technical / legal review been provided?

20. Budget and Appropriation Decision. Is the document consistent with previous Washington-level decisions on the budget and on Congressional adds; including decisions on project or study scope, non-Federal participation, and cost-sharing?