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PACIFIC OCEAN DIVISION, U.S. ARMY CORPS OF ENGINEERS  
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CEPOD-PDC (1105)

SEP 14 2021

MEMORANDUM FOR Commander, Alaska Engineer District (CEPOA-PM-C/Erin Stockdale), P.O. Box 6898, JBER, AK 99506-0898

SUBJECT: Review Plan Approval for the Saint Michael Canal Disposition Study, Norton Sound, Alaska

1. References:

- a. Engineering Regulation 1165-2-217, Civil Works Review Policy, 1 May 21.
  - b. Saint Michael Canal Disposition Study, Norton Sound, Alaska Review Plan, August 2021 (Encl).
2. The Pacific Ocean Division is the lead office to execute this Review Plan. The Review Plan does not include Independent External Peer Review or Safety Assurance Review.
3. I hereby approve this Review Plan, which is subject to change as circumstances require, consistent with work product development under the Project Delivery Business Process. Subsequent revisions to this Review Plan or its execution due to significant changes in the study/scope or level of review will require Division Commander written approval.
4. POC is Mr. Russell Iwamura, Team Leader for Planning and Policy, Pacific Ocean Division, at 808-835-4625 or at [Russell.K.Iwamura@usace.army.mil](mailto:Russell.K.Iwamura@usace.army.mil).

Encl

A handwritten signature in black ink, appearing to read "K. Gibbs", is positioned above the printed name.

KIRK E. GIBBS  
Brigadier General, USA  
Commanding

# **REVIEW PLAN**

**Disposition Study  
Saint Michael Canal  
Norton Sound, Alaska**

**Alaska District**

**MSC Approval Date: 14 September 2021  
Last Revision Date: None**



**US Army Corps  
of Engineers ®**

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# REVIEW PLAN

September 2021

**Project Name:** Saint Michael Canal Disposition Study

**P2 Number:** 480932

**Decision Document Type:** Integrated Disposition Study

**Project Type:** Navigation

**District:** Alaska District (POA)

**District Contact:** Project Manager 907-753-5621 (David Williams); Plan Formulator 907-753-2503 (Erin Stockdale)

**Major Subordinate Command (MSC):** Pacific Ocean Division (POD)

**MSC Contact:** POD Planning and Policy Chief 808-835-4625

**Review Management Organization (RMO):** POD

## **Key Review Plan Dates**

**Date of RMO Endorsement of Review Plan:** 14 Sep 2021

**Date of POD Approval of Review Plan:** 14 Sep 2021

**Date of IEPR Exclusion Approval:** N/A

**Has the Review Plan changed since PCX Endorsement?** N/A

**Date of Last Review Plan Revision:** N/A

**Date of Review Plan Web Posting:** 15 Sep 2021

**Date of Congressional Notifications:** Pending

|                                       | <b><u>Milestone Schedule</u></b> |                      |                        |
|---------------------------------------|----------------------------------|----------------------|------------------------|
|                                       | <b><u>Scheduled</u></b>          | <b><u>Actual</u></b> | <b><u>Complete</u></b> |
| <b><u>Work Allowance Received</u></b> | N/A                              | 01 April 2020        | Yes                    |
| <b><u>MSC Decision Meeting</u></b>    | 24 Sep 2020                      | Sep 2020             | Yes                    |
| <b><u>TSP Milestone</u></b>           | 28 Jul 2021                      | 28 Jul 2021          | Yes                    |
| <b><u>Final Report Submitted</u></b>  | 22 Dec 2021                      | TBD                  | No                     |
| <b><u>Final Report Approval</u></b>   | 25 Feb 2022                      | TBD                  | No                     |

## **Project Fact Sheet**

August 2021

**Project Name:** Saint Michael Canal Disposition Study

**Location:** Norton Sound, Alaska

**Authority:** Section 216 of the Flood Control Act of 1970 (Public Law [P.L.] 91-611) authorizes the United States Army Corps of Engineers (USACE) to undergo disposition studies with the intent to determine whether a USACE operated water resources development project should be deauthorized, and if the associated real property and Government-owned improvements should undergo disposal.

Original authorization for Saint Michael Canal project came from the Rivers and Harbors Act, 2 March 1907 (Public Law 168, 59th Congress, 2nd Session) and modified by the Rivers and Harbors Act, 25 June 1910 (Public Law 264, 61st Congress, 2nd Session) which provides for dredging a channel 100 feet wide to a depth of 6 feet below mean lower low water (MLLW) from St. Michael Bay through the canal for a distance of 6-1/4 miles, and widening the channel at two sharp bends.

**Sponsor:** N/A

**Type of Study:** Disposition Study

**SMART Planning Status:** The Tentatively Selected Plan Milestone was achieved on 28 July 2021.

**Project Area:** Saint Michael Canal is on the southeastern end of the Norton Sound inlet of the Bering Sea on the western Coast of Alaska, south of the Seward Peninsula (Figure 1).



Figure 1: Location of Saint Michael Canal in Norton Sound, Alaska

**Problem Statement:** Prior to constructing the railroad from Seward to Fairbanks, all goods supplied to interior Alaska were carried by steamboats on the Yukon River. During the 19<sup>th</sup> and early 20<sup>th</sup> centuries, the town of St. Michael was an important hub for transporting supplies to the interior due to the discovery of gold and the continued fur trade demand. The purpose of the Saint Michael Canal project was to provide riverboats more protected navigation between St. Michael and the mouth of the Yukon, approximately 70 miles. The project was completed in 1911.

Following the completion of the Alaska Railroad from Seward to Fairbanks in 1923, nearly all Yukon River steamboat traffic ceased, with most of the freight transport utilizing the shorter and more affordable route via ocean steamer and railway from Seattle to Fairbanks. The Yukon Route continued to distribute freight upstream and downstream from Nenana, 55 miles southwest of Fairbanks, rather than starting at St. Michael and entering through the mouth of the Yukon. Modern transport now supplies areas along the coast and up the Yukon River to Marshall, 153 miles above Apoon Pass. Little use has been made of the project due to frequent bends beyond the project limits. Project abandonment was recommended in 1925 with House Document No. 467, 69th Congress, 1st Session.

USACE has not operated nor maintained this project since completion over a century ago. The project area has returned to natural conditions, and there are no expected changes under future conditions from the existing condition.

**Federal Interest:** Disposition Studies are intended to determine whether it is in the Federal government's best interest to deauthorize water resource projects maintained by USACE. This study is being conducted at 100% Federal cost. After completion and approval of the Disposition Study, Congressional authorization will be needed to deauthorize the project if that action is recommended. Disposal will not be necessary, as there are no government-owned property or improvements associated with this project.

The proposed study was conducted under the Federal Government's powers of navigational servitude, which emanates from the Commerce Clause of the Constitution of the United States, Article I, Section 8, Clause 3. Under these powers, the Federal Government has the right to use the navigable waters of the United States without compensation for navigation projects. These are non-transferrable rights and are not considered an interest in real property.

Initial review of the real estate and the initial authorizations of this project determined that there are no real estate interests that could be transferred from the Federal Government nor are there any constructed facilities associated with this project that could be transferred to another party. There were no other improvements associated with this project. There can be no economical or commercial value associated with this project because the Federal government did not acquire real property interest or construct any physical improvements.

Anticipated benefits of deauthorization of the Saint Michael Canal project include removing potential barriers to future Federal or private projects in the project area.

The Alternatives considered at this time include the Action Alternative and the No Action Alternative, as summarized below.

**Action Alternative:** Request to Congress for legislation that deauthorizes the Saint Michael Canal project.

**No Action Alternative:** Allow project to continue as an unmaintained water resources project.

**Risk Identification:** None of the risks identified to date appear to represent a significant risk to human health or the environment now or in the future. The primary source of study/project risk is summarized below:

- The future use of Saint Michael Canal is the main risk identified in this study. Currently, little use is made of the canal due to frequent bends beyond project limits that limit navigability for vessel traffic.

**Non-Federal Sponsor Contributions:** This Disposition Study is funded 100% at the Federal level. There are no in-kind contributions/services to be provided by a sponsor.

## 1. FACTORS AFFECTING THE SCOPE AND LEVELS OF REVIEW

- Will the study likely be challenging? No, the project does not have any significant technical, institutional, or social challenges. The study consists of determining whether it is in the Federal government's best interest to deauthorize the project.
- Provide a preliminary assessment of where the project risks are likely to occur and assess the magnitude of those risks. A preliminary list of risks has been identified by the PDT, as noted in the section above. The magnitude of this risk is assumed to be low.
- Is the project likely to be justified by life safety or is the study or project likely to involve significant life safety issues? No, life safety is not expected to be substantially impacted.
- Has the Governor of an affected state requested a peer review by independent experts? No. There has been no request by the Governor of Alaska for peer review by independent experts, and such a request is not anticipated.
- Will the project likely involve significant public dispute as to the project's size, nature, or effects? No. The project is unlikely to involve significant public dispute as to its size, nature, or effects, as there has been no project activity in over 100 years, nor are there any real properties or improvements involved.
- Is the project/study likely to involve significant public dispute as to the economic or environmental cost or benefit of the project? No. The project is not likely to involve significant public dispute as to the economic or environmental cost or benefit of the project.
- Is the information in the decision document or anticipated project design likely to be based on novel methods, involve 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? No. The information in the decision document will be based on historical information and existing policy, and is unlikely to contain precedent-setting, unique, or change prevailing practices.
- Does the project design require redundancy, resiliency, and/or robustness, unique construction sequencing, or a reduced or overlapping design/construction schedule? The project will not require redundancy, resiliency, and/or robustness.
- Is the estimated total cost of the project greater than \$200 million? The action proposed by this study is not estimated to cost over \$200 million.
- Will an Environmental Impact Statement be prepared as part of the study? An Environmental Assessment (EA) will be prepared and a Finding of No Significant Impact (FONSI) is anticipated. The National Environmental Policy Act (NEPA) document is

anticipated to be an integrated EA that describes the project, provides the history, and identifies and evaluates the impact of alternatives.

- Is the project expected to have more than negligible adverse impacts on scarce or unique tribal, cultural, or historic resources? This project is expected to have little to no adverse impacts on cultural resources or historic property impact, as this project does not involve any construction or other on-site actions or any transfer of property.

- Is the project expected to have substantial adverse impacts on fish and wildlife species and their habitat prior to the implementation of mitigation measures? This project is expected to have little to no adverse impacts on fish, wildlife, or their habitat, as this project does not involve any construction or other on-site actions or any transfer of property.

- Is the project expected to have, before mitigation measures, more than a negligible adverse impact on an endangered or threatened species or their designated critical habitat? This project is expected to have no adverse impacts on endangered or threatened species or their habitat, as this project does not involve any construction or other on-site actions or any transfer of property.

- Will this project require a site visit for members of the ATR Team, IEPR Panel, or SAR Panel? No site visit is anticipated for any member of the PDT or review team.

## **2. REVIEW EXECUTION PLAN**

This section describes each level of review that may be conducted.

**District Quality Control (DQC).** All decision documents (including data, analyses, environmental compliance documents, etc.) undergo DQC. This internal review process covers basic science and engineering work products. It fulfills the project quality requirements of the Project Management Plan.

**Agency Technical Review (ATR).** ATR is performed by a qualified team from outside the home district that is not involved in the day-to-day production of the project/product. These teams will be comprised of certified USACE personnel. The ATR team lead will be from outside POD. If significant life safety issues are involved in a study or project a safety assurance review should be conducted during ATR.

**Independent External Peer Review (IEPR).** IEPR may be required for decision documents under certain circumstances. This is the most independent level of review and is applied in cases that meet criteria where the risk and magnitude of the project are such that a critical examination by a qualified team outside of USACE is warranted. A risk-informed decision is made as to whether IEPR is appropriate.

**Cost Engineering Review.** All decision documents shall be coordinated with the Cost Engineering Mandatory of Expertise (MCX). The MCX will assist in determining the

expertise needed on the ATR and IEPR teams. The MCX will provide the Cost Engineering certification. POD is responsible for coordinating with the MCX for the reviews. These reviews typically occur as part of ATR.

**Model Review and Approval/Certification.** EC 1105-2-412 mandates the use of certified or approved models for all planning work to ensure the models are technically and theoretically sound, compliant with USACE policy, computationally accurate, and based on reasonable assumptions.

**Policy and Legal Review.** All decision documents will be reviewed for compliance with law and policy. ER 1105-2-100, Appendix H provides guidance on policy and legal compliance reviews. These reviews culminate in determinations that report recommendations and the supporting analyses and coordination comply with law and policy, and warrant approval or further recommendation to higher authority by the POD Commander. These reviews are not further detailed in this section of the Review Plan.

The schedules and costs for reviews are displayed in Table 1. The specific expertise required for the teams is identified in later subsections covering each review. These subsections also identify requirements, special reporting provisions, and sources of more information. Based upon the factors discussed in Section 1, this study will undergo the following types of reviews:

**Table 1: Levels of Review**

| <b>Product to undergo Review</b>                            | <b>Review Level</b>  | <b>Start Date</b> | <b>End Date</b>  | <b>Cost</b>     | <b>Complete</b> |
|---|--|-------------------|------------------|-----------------|-----------------|
| <b>Planning Model Review</b>                                | <b>N/A</b>   |                   |                  |                 |                 |
| <b>Draft Disposition Study and Environmental Assessment</b> | <b>District Quality Control</b>  | <b>25-Aug-21</b>  | <b>09-Sep-21</b> | <b>\$9,000</b>  | <b>No</b>       |
|   | <b>POA Legal Review</b>  | <b>10-Sep-21</b>  | <b>23-Sep-21</b> | <b>N/A</b>      | <b>No</b>       |
|   | <b>Concurrent Agency Technical Review and Policy &amp; Legal Compliance Review</b> | <b>5-Oct-21</b>   | <b>3-Nov-21</b>  | <b>\$15,000</b> | <b>No</b>       |
| <b>Final Disposition Study and Environmental Assessment</b> | <b>District Quality Control</b>  | <b>29-Nov-21</b>  | <b>8-Dec-21</b>  | <b>\$3,000</b>  | <b>No</b>       |
|   | <b>Agency Technical Review</b>   | <b>9-Dec-21</b>   | <b>21-Dec-21</b> | <b>\$5,000</b>  | <b>No</b>       |
|   | <b>POA Legal Review after NEPA Public Comment</b>                                  | <b>9-Dec-21</b>   | <b>21-Dec-21</b> | <b>N/A</b>      | <b>No</b>       |
|   | <b>Policy &amp; Legal Compliance Review</b>  | <b>9-Dec-21</b>   | <b>21-Dec-21</b> | <b>N/A</b>      | <b>No</b>       |

## A. DISTRICT QUALITY CONTROL

POA shall manage DQC and will appoint a DQC Lead to manage the local review (see ER 1165-2-217, paragraph 4.4.2). The DQC Lead should prepare a DQC Plan and provide it to POD prior to starting DQC reviews. Table 2 identifies the required expertise for the DQC team.

**Table 2: Required DQC Expertise**

| <b>DQC Team Disciplines</b>          | <b>Expertise Required</b>   |
|--------------------------------------|---|
| DQC Lead                             | A senior professional with extensive experience preparing Civil Works decision documents and conducting DQC. The lead may also serve as a reviewer for a specific discipline (such as planning, economics, environmental resources, etc.).  |
| Planning                             | A senior water resources planner with experience in navigation and SMART Planning.  |
| Economics                            | A senior economist with experience with navigation projects.  |
| Environmental and Cultural Resources | Expert in applying environmental coordination, NEPA requirements and Endangered Species Act (ESA) requirements to disposition studies. Must also be familiar with National Historic Preservation Act (NHPA) requirements relative to expectations of USACE disposition studies, as there are no anticipated impacts to cultural resources at this time. |
| Construction/Operations              | Must be familiar with Operations/Maintenance of navigational improvements. Familiarity with disposition studies preferred.  |
| Real Estate                          | The real estate reviewer will be experienced in Federal Civil Works real estate law, policy, and guidance, development of Real Estate Plans for Civil Works studies, particularly the Real Estate Disposition Study Guidance as outlined in PGL 33- Interim Guidance on Disposition Studies.  |
| Office of Counsel                    | Legal expert with experience reviewing planning documents to ensure legal sufficiency.  |

**Documentation of DQC.** Quality Control should be performed continuously throughout the study. A specific certification of DQC completion is required at the draft and final report stages. Documentation of DQC should follow the District Quality Manual and POD Quality Management Plan. An example DQC Certification statement is provided in ER 1165-2-217, Appendix D.

Documentation of completed DQC should be provided to POD and the ATR Team leader prior to initiating an ATR. The ATR team will examine DQC records and comment in the ATR report on the adequacy of the DQC effort. Missing or inadequate DQC documentation can result in delays to the start of other reviews (see ER 1165-2-217, Appendix D).

## **B. AGENCY TECHNICAL REVIEW**

The ATR will assess whether the analyses are technically correct and comply with guidance, and that documents explain the analyses and results in a clear manner. POD as the RMO is responsible for the overall management of the ATR effort. The review is conducted by an ATR Team whose members are certified to perform reviews. Lists of certified reviewers are maintained by the various technical Communities of Practice (see ER 1165-2-217, paragraph 5.5.3). Table 3 identifies the disciplines and required expertise for this ATR Team.

**Table 3: Required ATR Team Expertise**

| <b>ATR Team Disciplines</b>          | <b>Expertise Required</b>  |
|--------------------------------------|--|
| ATR Lead                             | A senior professional with extensive experience preparing Civil Works decision documents and conducting ATR. The lead should have the skills to manage a virtual team through an ATR. The lead may serve as a reviewer for a specific discipline (such as planning).                         |
| Planning                             | A senior water resources planner with experience in navigation and SMART Planning.   |
| Economics                            | A senior economist with experience with navigation projects.   |
| Environmental and Cultural Resources | Expert in applying environmental coordination, NEPA requirements and ESA requirements to disposition studies. Must also be familiar with NHPA requirements relative to expectations of USACE disposition studies, as there are no anticipated impacts to cultural resources at this time.    |
| Construction/Operations              | Must be familiar with Operations/Maintenance of navigational improvements. Familiarity with disposition studies preferred.   |
| Real Estate                          | The real estate reviewer will be experienced in Federal Civil Works real estate law, policy, and guidance, development of Real Estate Plans for Civil Works studies, particularly the Real Estate Disposition Study Guidance as outlined in PGL 33- Interim Guidance on Disposition Studies. |

**Documentation of ATR.** ProjNet will be used to document all ATR comments, responses and resolutions. Comments should be limited to those needed to ensure product adequacy. If a concern cannot be resolved by the ATR team and PDT, it will be

elevated to the vertical team for resolution using the ER 1165-2-217 issue resolution process. Concerns can be closed in ProjNet by noting the concern has been elevated for resolution. The ATR Lead will prepare a Statement of Technical Review (see ER 1165-2-217, Appendix D), for the draft and final reports, certifying that review issues have been resolved or elevated. ATR may be certified when all concerns are resolved or referred to the vertical team and the ATR documentation is complete.

### **C. INDEPENDENT EXTERNAL PEER REVIEW**

**Decision on IEPR.** IEPR will not be required based on a risk-informed decision process referencing ER 1165-2-217, Chapter 6. The project does not meet any of the three mandatory triggers for IEPR outlined in the Regulation: The estimated project cost is well under \$200 million; the Governor of Alaska has not requested peer review; and the Chief of Engineers has not determined that the project study is controversial due to significant public dispute over the size, nature, or effects of the project or the economic or environmental costs or benefits of the project. In addition, given the considerations relating to the scope of review in paragraph 1 above, an IEPR would not add value to this study and is not warranted.

### **D. MODEL CERTIFICATION OR APPROVAL**

EC 1105-2-412 mandates the use of certified or approved models for all planning activities to ensure the models are technically and theoretically sound, compliant with USACE policy, computationally accurate, and based on reasonable assumptions. Planning models are any models and analytical tools used to define water resources management problems and opportunities, to formulate potential alternatives to address the problems and take advantage of the opportunities, to evaluate potential effects of alternatives and to support decision making. The use of a certified/approved planning model does not constitute technical review of a planning product. The selection and application of the model and the input and output data is the responsibility of the users and is subject to DQC, ATR, and IEPR.

At this time, the use of Planning Models is not anticipated for the economic analysis, as there are no quantifiable benefits associated with this Disposition study.

### **E. POLICY AND LEGAL REVIEW**

Policy and legal compliance reviews for draft and final planning decision documents are delegated to POD (see Director's Policy Memorandum 2018-05, paragraph 9).

#### **(i) Policy Review.**

The policy review team is identified through the collaboration of the POD Chief of Planning and Policy and the HQUSACE Chief of the Office of Water Project Review. The team is identified in Attachment 1 of this Review Plan. The makeup of the Policy

Review team will be drawn from Headquarters (HQUSACE), the MSCs, the Planning Centers of Expertise, and other review resources as needed.

- The Policy Review Team will be invited to participate in key meetings during the development of decision documents as well as SMART Planning Milestone meetings. These engagements may include In-Progress Reviews, Issue Resolution Conferences or other vertical team meetings plus the milestone events.
- The input from the Policy Review team should be documented in a Memorandum for the Record (MFR) produced for each engagement with the team. The MFR should be distributed to all meeting participants.
- In addition, teams may choose to capture some of the policy review input in a risk register if appropriate. These items should be highlighted at future meetings until the issues are resolved. Any key decisions on how to address risk or other considerations should be documented in an MFR.

#### **(ii) Legal Review.**

Representatives from the Office of Counsel will be assigned to participate in reviews. Members may participate from the District, MSC and HQUSACE. The POD Chief of Planning and Policy will coordinate membership and participation with the office chiefs.

- In some cases, legal review input may be captured in the MFR for the particular meeting or milestone. In other cases, a separate legal memorandum may be used to document the input from the Office of Counsel.
- Each participating Office of Counsel will determine how to document legal review input.