# REVIEW PLAN

## Elim Subsistence Harbor Study
## Section 203 of the Water Resources Development Act of 2000
## Feasibility Report

## Alaska District

**MSC Approval Date: Pending**
**Last Revision Date: None**

US Army Corps
of Engineers ®

# REVIEW PLAN

## Elim Subsistence Harbor Study
## Section 203 of the Water Resources Development Act of 2000
## Feasibility Study

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**REVIEW PLAN**
**2 December 2019**

## 1. OVERVIEW

This Review Plan (RP) defines the scope and level of peer review for the following study:

- **Study Name:** Elim Subsistence Harbor Study – Section 203 of the Water Resources Development Act of 2000, Elim, Alaska.

- **P2 Number:** 468575.

- **Federal Project:** N/A.

- **Decision Document - Type:** Integrated Feasibility Report and Environmental Assessment (EA).

- **Project Type:** Single-Purpose Navigation (Small Boat Harbor).

- **Congressional Authorization Required (Yes/No)**: Yes.

- **District:** Alaska District (POA).

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

- **Review Management Organization (RMO):** Deep Draft Navigation Planning Center of Expertise (DDNPCX).

- **Review Plan Contacts:**

  - **District:** Lead Planner, 907-753-5632.

  - **MSC:** Chief, Planning and Regulatory, 808-835-4625.

  - **RMO Contact:** DDNPCX Review Manager, 251-694-3842.

## 2. KEY REVIEW PLAN DATES

| Action | Date - Actual[1] |
|---|---|
| RMO Endorsement of RP | 03 Dec 2019 |
| POD Approval of RP | 24 Apr 2020 |
| Independent External Peer Review (IEPR) Exclusion Approval | Pending |
| Has RP changed since DDNPCX endorsement? | N/A |
| Last RP revision[2] | N/A |
| RP posted on POA Website | Pending |
| Congressional notification[3] | Pending |

[1]*Date action occurred or 'pending' if not yet approved*
[2]*Enter 'none' if no updates have been made since approval*
[3]*Date RIT notified Congress of IEPR decisions*

## 3. MILESTONE SCHEDULE

| Action | Date - Scheduled | Date – Actual | Status – Complete? |
|---|---|---|---|
| Feasibility Cost Sharing Agreement Signed | | 23 Mar 2018 | Yes |
| Alternatives Milestone Meeting (AMM) | 7 Nov 2018 | 7 Nov 2018 | Yes |
| Tentatively Selected Plan (TSP) | 13 Dec 2019 | 16 Dec 2019 | No |
| Release Draft Report to Public | 12 Feb 2020 | 27 Apr 2020 | No |
| Agency Decision Milestone (ADM) | 23 Apr 2020 | | No |
| Final Report Transmittal to POD | 23 Oct 2020 | | No |
| Chief's Report | 12 Mar 2021 | | No |

## 4. BACKGROUND

- **Date of 'Background' Information**: December 2019.

- **RP References:**

  - Engineer Circular (EC) 1165-2-217, Review Policy for Civil Works (CW), 20 February 2018.

  - EC 1105-2-412, Assuring Quality of Planning Models, 31 March 2011.

  - Engineer Regulation (ER) 1105-2-100, Planning Guidance Notebook, Appendix H, Policy Compliance Review and Approval of Decision Documents, Amendment #1, 20 November 2007.

  - Director's Policy Memorandum (DPM) CW Programs 2018-05, Improving Efficiency and Effectiveness in USACE CW Project Delivery (Planning Phase and Planning Activities), 3 May 2018.

  - Director of CW (DCW) Memorandum, Delegation of Model Certification, 11 May 2018.

  - DCW Memorandum, Revised Delegation of Authority in Section 2034(a)(5)(A) of the Water Resources Development Act of 2007 (WRDA 2007), as amended (33 U.S.C. 2343), 7 June 2018.

  - Planning Bulletin (PB) 2018-01, Feasibility Study Guidelines, 26 September 2018.

  - DPM 2019-01, Policy and Legal Compliance Review (P&LCR), 9 January 2019.

  - DCW Memorandum, Revised Implementation Guidance for Section 1001 of the

Water Resources Reform and Development Act (WRRDA) of 2014, Vertical Integration and Acceleration of Studies as Amended by Section 1330(b) of WRDA 2018, 25 March 2019.

- DCW Memorandum, Interim Guidance on Streamlining IEPR for Improved CW Product Delivery, 5 April 2019.

- Elim Navigation Improvement Project, Elim, Alaska, Project Management Plan, Pending.

- POD Regional Quality Management Plan, 10 March 2017.

- **Authority**: This study is being pursued via Section 203 of WRDA 2000 as amended by Section 1031(a) of the WRRDA 2014, and Section 1121 of the Water Infrastructure Improvements for the Nation Act of 2016 (WIIN/WRDA 2016), which provide authority for the Corps in cooperation with Indian tribes and heads of other Federal agencies to carry out the Tribal Partnership Program, consisting of water-related planning activities, and activities related to the study, design, and construction of water resources development projects, that substantially benefit federally-recognized Indian Tribes and that are located primarily within Indian country or in proximity to Alaska Native Villages.

Section 1157 of WRDA 2018 further amended Section 203 to authorize the Secretary to undertake design and construction of a water resources development project formulated under the Tribal Partnership Program that the Secretary determines to be feasible if the Federal cost of the project or separable element is not greater than $12,500,000. If the Federal cost of the project or separable element is greater than $12,500,000, the Secretary may only carry out the project or separable element if Congress enacts a law authorizing the Secretary to carry out the project or separable element.

In accordance with Section 1156 of WRDA 1986, as amended, the Federal Government will waive up to the first $484,000 of study execution costs from study cost-share requirements. The waiver amount is excluded from shared study costs and funded with Federal funds. The excluded amount is included in calculating the maximum Federal study cost, which is $1.5 million absent approval of a higher amount.

Implementation guidance for Section 1031(a) of WRRDA 2014 and Section 1121 WRDA 2016, Tribal Partnership Program, was issued on 5 February 2018. Section 203 as originally enacted in WRDA 2000 provided that cost share agreements for such studies are subject to the ability of a Tribe to pay, as determined by the Secretary of the Army in accordance with procedures to be established by the Secretary. Consequently, after application of the Section 1156 waiver, the non-federal share will be further reduced by applying a factor of 25 percent to the regular non-federal share. Confirmation if the Native Village of Elim (Tribe) meets the ability to pay criteria is ongoing and will be determined between the Alternatives and TSP milestones.

If sufficient national economic development (NED) benefits for project justification are not identified, project justification via Section 2006 of WRDA 2007, Remote and Subsistence Harbors, as modified by Section 2104 of WRRDA 2014 and Section 1105 of WRDA 2016,

may be pursued.

The Remote and Subsistence Harbors authority specifically states that in conducting a study of harbor and navigation improvements the Secretary may recommend a project without demonstrating that the improvements are justified solely by NED benefits, if the Secretary determines that the improvements meet specific criteria detailed in the authority. Following are the criteria outlined in the authority:

(1) The community to be served by the improvements is at least 70 miles from the nearest surface accessible commercial port and has no direct rail or highway link to another community served by a surface accessible port or harbor; or the improvements would be located in the State of Hawaii or Alaska, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, or American Samoa;

(2) The harbor is economically critical such that over 80 percent of the goods transported through the harbor would be consumed within the region served by the harbor and navigation improvement as determined by the Secretary, including consideration of information provided by the non-Federal interest; and

(3) The long-term viability of the community in which the project is located, or the long-term viability of a community that is located in the region that is served by the project and that will rely on the project, would be threatened without the harbor and navigation improvement.

Compliance with these criteria are as follows and will be further evaluated prior to the TSP milestone:

(1) The project is in Alaska and is at least 70 miles from the nearest surface accessible commercial port.

(2) It is expected that the majority of goods (over 80 percent) transported through the harbor under future with-project conditions will be consumed within the region. While some fish exports are expected, the majority of other goods passing through the harbor (e.g. fuel, freight, rock) would be consumed in the region.

(3) The cultural identity of Alaska Native Tribes is highly dependent upon subsistence activities tied to specific locations and deep historical knowledge of land and marine subsistence resources. Rural economies in Alaska, including that which exists in Elim, can be characterized as a mixed, subsistence-cash economy in which the subsistence and cash sectors are interdependent and mutually supportive. Access to resources and the opportunity to earn some form of cash income are foundational for continued viability. Without a safe and functioning harbor, access to resources and economic opportunities in Elim would continue to be hindered, and the costs of basic essential goods required to support a subsistence lifestyle would remain prohibitively high. Reductions in costs of such basic essential goods are essential to community viability. Given the social and cultural value of subsistence activities to tribal identities the inaccessibility of subsistence resources can endanger communities. While Elim's

population appears stable, limited access to resources and economic opportunities threatens community viability.

The authority also states that while determining whether to recommend a project under the criteria above, the Secretary will consider the benefits of the project to the following:

- Public health and safety of the local community and communities that are located in the region to be served by the project and that will rely on the project, including access to facilities designed to protect public health and safety;

- Access to natural resources for subsistence purposes;

- Local and regional economic opportunities; Welfare of the regional population to be served by the project; and

- Social and cultural value to the local community and communities that are located in the region to be served by the project and that will rely on the project.

Per Implementation Guidance for Section 1105 of WRDA 2016 issued on 6 July 2017, an NED analysis and identification of the NED Plan, if any, is required in conjunction with analyzing the criteria detailed above as related to the navigation improvements project. If there is no NED plan and/or selection of a plan other than the NED plan is based in part or whole on non-monetary units, then the selection will be supported by a cost effectiveness/incremental cost analysis (CE/ICA) consistent with ecosystem restoration evaluation procedures.

- **Sponsor**: The Native Village of Elim (Tribe) and the non-profit corporation Kawerak, Inc. are the cost-sharing, non-Federal sponsors of the feasibility study.

- **Specific, Measurable, Attainable, Risk-Inforned, and Timely (SMART) Planning Status**: The study is anticipated to be 3x3x3 compliant. The study is currently between the Alternatives and Tentatively Selected Plan milestones.

- **Project Area**: Elim is an Inupiat Eskimo village. In 2017, Elim was estimated to have a population of 296 people. Elim is located on the northwest shore of Norton Bay on the Seward Peninsula, 96 miles east of Nome (Figure 1). The community lies 460 miles northwest of Anchorage. The community is not on the road system and can be reached only by boat or plane; or by dog team, or snow machine during the winter season.

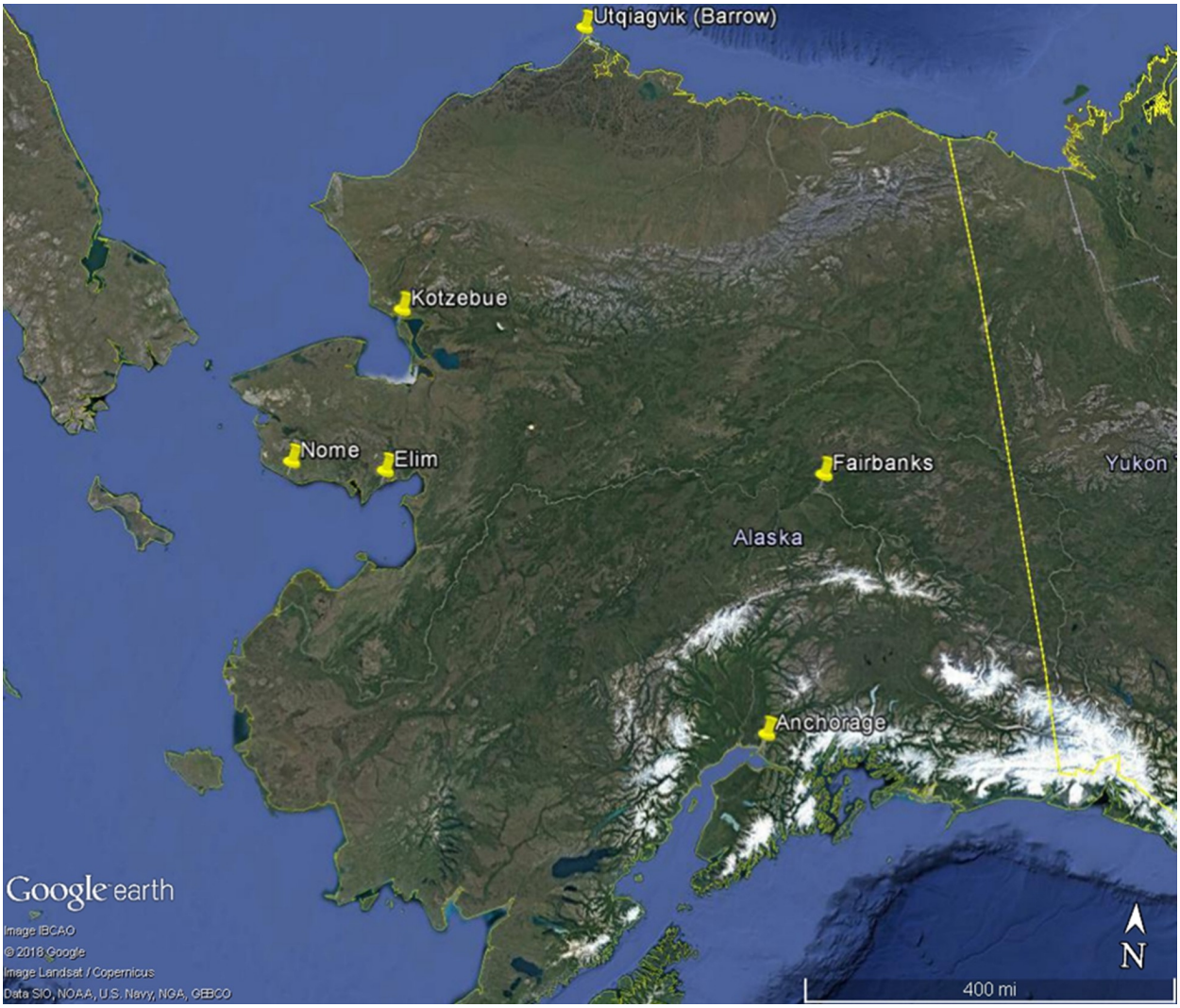

Figure 1. Location and Vicinity Map

Figure 2. Elim with Proposed Sites and Relevant Infrastructure

- **Problem Statement:** Currently, there is no Federal navigation project at Elim. The lack of marine infrastructure combined with limited approach depths results in vessel operational inefficiencies, vessel damages, decreased safety, navigational hazards, subsistence losses, and threatens the long-term viability of Elim and the region. Current conditions require light-loading barges to allow them to get close enough to shore to float hose or land on the beach to offload cargo resulting in an increased cost to the local and surrounding communities. These methods of cargo transfer are highly subject to rough seas and high winds, as both can cause excessive pressure where the barge contacts the beach, causing vessel damages that must be repaired, and increasing the total cost of deliveries. Costs are also increased by weather delays. Environmental consequences could occur from fuel and other contaminants being spilled due to these current methods.

- **Study/Project Goals and Objectives:** Planning objectives for the study include the following:

  - Provide safe, reliable, and efficient waterborne transportation systems for the movement of commerce (including commercial fishing) and subsistence in Elim.

  - Support the long-term viability of Elim.

- **Description of Action and Federal Interest:** An initial array of alternative plans has been formulated through combinations of screened management measures. Four sites were originally identified for potential navigation improvements and have since been screened down to two sites during the course of the study. All alternatives were formulated by combining measures to benefit the full fleet of vessels anticipated to utilize each site. The remaining alternatives may be scaled down further during future iterations of the planning process as costs and benefits are evaluated.

Anticipated benefits of a navigation improvements project are improved efficiencies for commercial fishing and subsistence harvest activities and reduced damages and delays to vessels. There is also the potential of reduced fuel and freight costs if access and offloading operation conditions improve.

One or more alternatives were formulated for each site as summarized below.

**Alternative 1: No Action Alternative**
Existing conditions in Elim will remain the same without the development of navigation improvements. Fishermen would continue to incur losses due to boat damages and missed opportunities for subsistence and commercial fishing. Delays in offloading cargo and fuel will continue to result in high costs and pose the danger of a fuel spill that could cause environmental consequences. Response times to boats in distress will still be hampered by the need to travel to Moses Point prior to launching response vessels.

**Alternative 2: Elim Beach: Commercial and Subsistence Fleet**
This alternative consists of a harbor constructed at the beach in front of the school in Elim. The harbor would be sized to accommodate 25 commercial vessels and 25 subsistence skiffs. It is assumed that all vessels would raft two deep to removable floating docks. The mooring area would be approximately 1.8 acres with a dredged depth of -8.0 feet mean lower low water (MLLW) and a 400- foot breakwater. The entrance channel would also have a dredged depth of -8.0 feet MLLW with jetties on either side until it daylighted offshore. Local service facilities required would include uplands with an area of approximately 2.0 acres and a road connecting the uplands to Front Street. The road would be approximately 0.1 miles and relatively flat.

**Alternative 3: Elim Beach: Commercial and Subsistence Fleet with 1 Tender** This alternative consists of a harbor constructed in the same location as Alternative 2, but sized to accommodate a tender, 25 commercial vessels, and 25 subsistence skiffs. It is assumed that all vessels other than the tender would raft two deep to a removable floating dock. The mooring area would be approximately 2.0 acres with a dredged depth of -9.0 feet MLLW and a 400-foot breakwater. The entrance channel would also have a dredged depth of -9.0 feet MLLW with jetties on either side until it daylighted offshore. Local service facilities required would be the same as Alternative 2.

**Alternative 4: Elim Beach: Commercial and Subsistence Fleet with 2 Tenders**
This alternative would be the same as Alternative 3, but could accommodate 2 tenders with a mooring area of approximately 2.1 acres. Local service facilities required would be the same as Alternative 2.

**Alternative 5: Elim Beach: Commercial and Subsistence Fleet with 2 Tenders and Fuel and Freight Barge Access**
This alternative consists of a harbor constructed in the same location as Alternative 2. The harbor would be sized to accommodate one barge, two tenders, 25 commercial vessels, and 25 subsistence skiffs. It is assumed that all vessels other than the barge and two tenders would raft two deep to removable floating docks. A sheet pile dock will be installed to allow barges and tenders access to shore. The mooring area would be approximately 2.6 acres with a dredge depth of -9.0 feet MLLW and a 400-foot breakwater. The entrance channel and a barge landing area would have a dredged depth of -12.0 feet MLLW with jetties along the entrance channel until it daylighted offshore. Local service facilities required would be the same as Alternative 2.

**Alternative 6: Airport Point: Commercial and Subsistence Fleet**
This alternative consists of a harbor constructed at the headland west Elim Beach, below Elim Airport. The harbor would be sized to accommodate 25 commercial vessels and 25 subsistence skiffs. It is assumed that all vessels would raft two deep to removable floating docks. In addition the fuel header would be relocated from the Elim Beach area to the project site area. The mooring area would be approximately 1.8 acres with a dredged depth of -8.0 feet MLLW and a 400-foot breakwater. The entrance channel would also have a dredged depth of -8.0 feet with jetties on either side until it daylighted offshore.
Local service facilities required would include uplands with an area of approximately 2.5 acres and a road connecting the uplands to the existing fuel farm. The road would be approximately 0.5 miles and traverse 115 vertical feet.

**Alternative 7: Airport Point: Commercial and Subsistence Fleet with 2 Tenders and Fuel and Freight Barge Access**
This alternative consist of a harbor constructed in the same location at Alternative 6. The harbor would be sized to accommodate one barge, two tenders, 25 commercial vessels, and 25 subsistence skiffs. It is assumed that all vessels other than the barge and two tenders would raft two deep to removable floating docks. A sheet pile dock will be installed to allow barges and tenders access to shore. The mooring area would be approximately 2.6 acres with a dredged depth of -9.0 feet MLLW and a 400-foot breakwater. The entrance channel and a barge landing area would have a dredged depth of -12.0 feet MLLW with jetties along the entrance channel until it daylighted offshore. Local service facilities required would be the same as Alternative 6.

**Dredged Material Placement.** It is anticipated that initial construction and maintenance dredged sediments will be placed in an existing open water site located approximately 1 mile east of Airport Point. Sediment samples have been collected for surface materials; the Airport Point and Elim Beach sites both contain granular materials with few fines. Materials with appropriate characteristics may be used beneficially to build upland local service facilities or for other beneficial use options yet to be identified.

- **Risk Identification.** The primary sources of study/project risk are summarized below and explained in detail in the RP section that follows:

    - Project justification;

- TSP selection using existing data;

- Cultural resources within the study area; and

- Potential need for additional non-Federal sponsor for real estate requirements.

## 5. FACTORS AFFECTING THE SCOPE AND LEVEL OF REVIEW

**A. Is it likely that part(s) of the study will be challenging (EC 1165-2-217, paragraph 7.a.(1))?** No, the project does not have any significant technical, institutional, or social challenges. The study consists of evaluation of a range of small boat harbor alternatives to improve vessel efficiency and safety. The PDT has gathered most of the required data, except potential needs for Marine Mammal presence and density through specific time periods. A geophysical survey was performed during the summer of 2019, the results of which are being analyzed to determine the need for blasting at various sites and among alternatives. Marine mammal observations were done in summer 2019 with more observations planned for summer 2020. Consultations with locals revealed that marine mammals don't concentrate offshore during the ice-free season. If blasting is required for the project, Endangered Species Act (ESA) formal consultation and an incidental harassment authorization will be pursued. Current data suggest project activities are consistent with a "may affect, but not likely to adversely affect" determination.

**B. Provide a preliminary assessment of where the project risks are likely to occur and assess the magnitude of those risks (EC 1165-2-217, paragraph 7.a.(1)).** A Continuing Authorities Program (CAP) Section 107 study in 2012 resulted in a lack of NED benefits to justify the construction of navigation improvements at Elim. The current study resulted in the same determination (insufficient NED benefits to justify improvements); therefore, other benefits are being considered through the Remote and Subsistence Harbor study authority.

- There is a large level of uncertainty associated with PDT identification of the TSP. Bathymetric data was limited to the Airport Point site. Further, there was no existing geotechnical data or sedimentation analyses available for either project site. Lacking such information, the evaluation and selection of the TSP (including estimates of construction quantities, armor rock size, construction methods, and operation and maintenance needs) is preliminary in nature. Of particular concern is the potential presence of bedrock within proposed dredge areas, as evidenced by the many rock outcrops observed in the nearshore of the beaches at Elim Beach and Airport Point. To manage this risk, a geophysical survey was performed during the summer of 2019, and as study efforts progress, further refinement of the aforementioned estimates will be made using newly obtained data/analyses and could result in the identification/ recommendation of a plan different than the TSP.

- The community of Elim has had several cultural resources surveys conducted on it in the past and the community is listed in the Alaska Heritage Resources Survey (AHRS) as a potential historical site. However the eligibility for Elim's listing on the National Register

of Historic Places (NRHP) is listed as still pending further consultation between the Bureau of Land Management and the State Historic Preservation Officer (SHPO). Known areas with a higher potential for the presence of cultural resources to occur include landforms such as promontories, spits, and deltas. Consultation as required by Section 106 of the National Historic Preservation Act (NHPA) has been initiated for the original array of alternatives, following selection of a tentative plan consultation will continue. Initial letters detailing the original array of alternatives were sent to the SHPO and Kawerak Incorporated. In person discussions have been held with community members of Elim and Kawerak Inc. personnel regarding the presence of cultural resources in the project areas. Discussions have not indicated the presence of unknown subsurface cultural resources within the designated project boundaries along Elim's beachfront. The polygon boundary for the community of Elim listed in the AHRS is representational only, and although a large portion of Elim's beachfront is subsumed within this designated area there are not expected to be any adverse impacts to cultural resources associated with this undertaking. Several cabins are listed in the AHRS which are close proximity to the beach and the project area, however these areas can easily be avoided by construction personnel and equipment as these are standing structures. Therefore, the risk of cultural impacts from the project is low.

- The Native Village of Elim does not possess quick take/eminent domain authority. Identification of an additional project sponsor, such as the City of Elim, may be required to execute any required real estate actions. This represents a low risk as the Government's dominant right of navigational servitude will be exercised for project tidelands and the City of Elim is the principal landowner of adjacent project lands.

**C. <u>Is there a significant threat to human life associated with aspects of the study or with failure of the project or proposed project (Type I IEPR - EC 1165-2-217, paragraph 11.d(1)(a) and SAR - paragraph 12.h.)?</u>** No. While maintaining safety of commercial and subsistence fishermen is a priority, the project does not involve significant threat to human life nor would failure of the proposed project. The problems at Elim are getting fish, fuel, and freight from vessels to the shore, and sometimes fish from the shore out to tenders, and also obtaining safe mooring for vessels that home port at Elim. The POA Chief of Engineering, Construction, and Operations concurred that the project poses no significant threat to human life via email on 2 November 2018 (re-confirmed via email 26 November 2019).

**D. <u>Is the estimated total cost of the project greater than $200 million (EC 1165-2-217, paragraph 11.d(1)(b))?</u>** A CAP study conducted in 2012 identified a preliminary cost of $6 million for minimal navigation improvements at Elim. Accounting for 30% cost growth since 2012 and the increase in project scope, the total project cost is estimated to be in the $50-$150 million range.

**E. <u>Will the study/project require an environmental impact statement (EIS) (EC 1165-2- 217, paragraph 11.d(1)(b))?</u>** An EIS is not anticipated at this time. An EA is being prepared with an anticipated Finding of No Significant Impact (FONSI).

**F. <u>Has the Governor of an affected state requested a peer review by independent experts (EC 1165-2-217, paragraph 11.d(1)(c))?</u>** No. There has been no requestby the Governor of Alaska for peer review by independent experts and such a

request is not anticipated.

**G. Has the Chief of Engineers 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 (EC 1165-2-217, paragraph 11.d(1)(d))?** The project is not likely to involve significant public dispute as to its size, nature, or effects of the project due to the fact that improvements have community support. Harbor implementation will reduce the overall likelihood of fuel spills or contamination due to the anticipated reduction in light-loading and fuel handling practices.

**H. Is the study/project likely to involve significant public dispute as to the project's size, nature, or effects (EC 1165-2-217, paragraph 11.d(1)(e))?** No. The project is unlikely to involve significant public dispute as to its size, nature, or effects of the project due to the fact that harbor improvements have community support. Two public meetings were held in Elim, June 2018. No public dispute on the alternatives and harbor size was raised during these initial meetings. Additional public meetings would be held during the public comment period which will be concurrent with the first Agency Technical Review (ATR) (tentative February 2020).

**I. Is the study/project likely to involve significant public dispute as to the economic or environmental cost or benefit of the project (EC 1165-2-217, paragraph 11.d(1)(f))?** There is a history of contamination in the community (landside) that has increased the sensitivity of some community members to this issue. Due to the sensitivity of some community members to contamination issues, any project that increases economic activity and the potential for introducing contaminants into the local environment may not be socially acceptable. While a concern to the study, the team does not believe it to be a significant concern.

**J. Is the information in the decision document or anticipated project design likely to contain influential scientific information or be a highly influential scientific assessment – i.e., 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 (Type I IEPR - EC 1165-2-217, paragraph 11.d(1)(g); SAR paragraph 12.i.(1); and paragraph 15.d)?** No. Project design and implementation techniques will be based on similar small boat harbor projects in Alaska and are unlikely to be precedent setting, unique, or change prevailing practices.

**K. Does/will the study/project have significant interagency interest (EC 1165-2-217, paragraph 7.f(1))?** Initial coordination efforts included receiving species lists from NMFS and USFWS, submitting an ESA determination letter ("may affect, but not adversely affect") and preparation of EFH Assessment ("will not adversely affect"). USFWS has indicated they are unlikely to prepare a Coordination Act Report. Cultural coordination has been initiated with Bureau of Land Management and the SHPO. Based upon these coordination efforts, the project is not anticipated to have significant interagency interest. Further consultation with interested parties and stakeholders will help determine the presence of environmental and cultural resources in project areas. If resources are found in the study area, this assessment of the study/project not having significant interagency

interest will be re-evaluated, and the RP will be updated as appropriate.

**L. <u>Are there any other circumstances that would lead the Chief of Engineers to determine Type I IEPR is warranted (EC 1165-2-217, paragraph 11.d(1)(h))?</u>** No, there does not appear to be any circumstances that would lead the Chief of Engineers to determine a Type I IEPR is warranted.

**M. <u>Is the project expected to have more than negligible adverse impacts on scarce or unique tribal, cultural, or historic resources (EC 1165-2-217, paragraph 11.d(4)(a))?</u>** The community of Elim has had several cultural resources surveys conducted on it in the past, and the community is listed in the AHRS as a potential historical site. However the eligibility for Elim's listing on the NRHP is listed as still pending further consultation between the Bureau of Land Management and the SHPO. Known areas with a higher potential for the presence of cultural resources to occur include landforms such as promontories, spits, and deltas. Consultation as required by Section 106 of the NHPA has been initiated for the original array of alternatives, following selection of a tentative plan consultation will continue. Initial letters detailing the original array of alternatives were sent to the SHPO and Kawerak Incorporated. In person discussions have been held with community members of Elim and Kawerak Inc. personnel regarding the presence of cultural resources in the project areas. Discussion have not indicated the presence of unknown subsurface cultural resources within the designated project boundaries along Elim's beachfront. The polygon boundary for the community of Elim listed in the AHRS is representational only, and although a large portion of Elim's beachfront is subsumed within this designated area there are not expected to be any adverse impacts to cultural resources associated with this undertaking. Several cabins are listed in the AHRS which are close proximity to the beach and the project area, however these areas can easily be avoided by construction personnel and equipment as these are standing structures.

**N. <u>Is the project expected to have substantial adverse impacts on fish and wildlife species and their habitat prior to the implementation of mitigation measures (EC 1165-2-217, paragraph 11.d(4)(a))?</u>** Yes, the PDT is assuming that blasting is necessary for project construction; therefore, prior to the implementation of mitigation measures, substantial adverse impacts to wildlife species (e.g., marine mammals) are expected. Impacts would cease post implementation. Environmental windows would be established and avoided as appropriate. Mitigation items will be outlined in the EA. Avoidance measures to be taken during project implementation will be included, if applicable, under the mitigation section of the EA. As noted, the PDT is assuming that all alternatives will require blasting until the analysis to inform this decision is complete (geophysical survey noted in 5.A.). If the analysis determines that blasting is not necessary, substantial adverse impacts on fish and wildlife and their habitat are not expected. As such, this RP and subsequent planning documents will continue to be revised as more geotechnical analysis becomes available.

**O. <u>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 (EC 1165-2-217, paragraph 11.d(4)(a))?</u>** Yes, the PDT is assuming that blasting is necessary for project construction; therefore, prior to the implementation of mitigation measures, the project is expected to have more than a

negligible adverse impact on endangered or threatened species or their designated critical habitat. Impacts would cease post implementation. Environmental windows would be established and avoided as appropriate. Avoidance measures to be taken during project implementation will be included, if applicable, under the mitigation section of the EA. As noted, the PDT is assuming that all alternatives will require blasting until the geotechnical analysis to inform this decision is complete. If the analysis determines that blasting is not necessary, more than negligible adverse impacts to ESA-listed species or their critical habitat are not expected. As such, this RP and subsequent planning documents will continue to be revised as more geotechnical analysis becomes available.

**P. Does the project study pertain to an activity for which there is ample experience within the USACE and industry to treat the activity as being routine (EC 1165-2-217, paragraph 11.d(4)(b))?** The final feasibility report and supporting documentation will contain standard engineering, economic, and environmental analyses and information. The project is for an activity, dredging and small boat harbor improvements, for which there is ample experience within the USACE to treat the activity as being routine. Novel methods will not be utilized and methods, models or conclusions will not be precedent setting or likely to change policy decisions.

**Q. Does the project study have minimal life safety risk (EC 1165-2-217, paragraph 11.d(4)(b))?** This project is considered a standard navigation improvement project with no known life safety risks.

**R. Does the project design require redundancy, resiliency, and/or robustness, unique construction sequencing, or a reduced or overlapping design/construction schedule (EC 1165-2-217, paragraph 12.i.(2))?** The project is unlikely to require redundancy, resiliency, and/or robustness. Project design will need to be robust enough for maritime storms and ice conditions experienced in the Arctic; however, these considerations are typical of projects in this region and are considered standard requirements.

**S. Will the project have unique construction sequencing or a reduced or overlapping design construction schedule (e.g., significant project features will be accomplished using the Design-Build or Early Contractor Involvement delivery systems) (EC 1165- 2-217, paragraph 12.i.(3))?** The project is unlikely to have unique construction sequencing or overlapping design construction schedule. The relatively short construction season may require additional mobilizations to complete project construction; however, these considerations are typical of projects in this region and are considered standard requirements.

## 6. REVIEW EXECUTION PLAN

This RP section provides a general description of each type of review and identifies the reviews anticipated for this study/project.

### A. Types of Review

(1) District Quality Control (DQC). DQC is an internal review process of basic science

and engineering work products focused on fulfilling the project quality requirements of the project management plan. All DQC reviewers, including Office of Counsel, must be involved at key decision points and should be included throughout project development. Key decision points for DQC review include all decision documents (including data, analyses, environmental compliance documents, etc.) as well as milestone submittals (as required by PB 2018-01).

(2) Agency Technical Review (ATR). ATR is performed to assess whether study/project analyses are technically correct and comply with USACE guidance and whether documentation explains the analyses and results in a clear manner. Further, the ATR team will ensure that proper and effective DQC has been performed (as assessment of which will be documented in the ATR report) and will ensure that the product is consistent with established criteria, guidance, procedures, and policy. If significant life safety issues are involved in a study or project, a safety assurance review should be conducted during ATR. At a minimum, ATR of the draft and final decision documents and supporting analyses is required (EC 1165-2-217, paragraph 9.i.(3)); however, targeted reviews may be scheduled as needed.

(3) Independent External Peer Review (IEPR). Type I IEPR may be required for decision documents under certain circumstances. IEPR is the most independent level of review and is applied in cases that meet criteria where the risk and magnitude of the proposed 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 Type I IEPR is appropriate. If the POA anticipates requesting an exclusion from Type I IEPR, that effort should be coordinated with the RMO for assessment prior to submitting to the POD for approval. Should IEPR be required, the RMO should be contacted at least three months in advance of the anticipated start of the concurrent review period to allow sufficient time to obtain contract services. If required, Type I IEPR will be managed by an Outside Eligible Organization, external to USACE. Neither the public nor scientific or professional societies would be asked to nominate potential external peer reviewers.

(4) Cost Engineering Review. All decision documents will be coordinated with the Cost Engineering Mandatory Center of Expertise (MCX). The MCX will provide the cost engineering expertise needed on the ATR team and will provide certification of cost estimates. The RMO is responsible for coordinating with the MCX for cost reviews. Cost reviews may occur as part of the draft/final report ATRs but the schedule for specific reviews may also vary. Accordingly, the PDT should coordinate closely review related needs with both the MCX and RMO.

(5) Model Review and Approval/Certification. EC 1105-2-412 established the process and requirements for ensuring the quality of planning models. The EC mandates use of certified or approved planning models for all planning activities to ensure that planning products are technically and theoretically sound, compliant with USACE policy, computationally accurate, and based on reasonable assumptions regarding the availability of data, transparent, and described in sufficient detail to address any limitations of the model or its use.

(6) Policy and Legal Compliance Reviews**.** All decision documents will be

reviewed throughout the study process for compliance with law and policy. ER 1105-2-100, Appendix H, and DPM CW/DCW memos, provide guidance on P&LCRs. These reviews culminate in determination whether report recommendations, supporting analyses, and coordination comply with law and policy and whether the decision document warrants approval or further recommendation to higher authority by the POD Commander.

(7) Public Review. The POA will post the RMO endorsed and POD approved RP on the POA's public website. Internet posting of the RP provides opportunity for the public to comment on that document. It is not considered a formal comment period, and there is no set timeframe for public comment. The PDT should consider any comments received and determine if RP revisions are necessary. During the public comment period, the public will also be provided with the opportunity to review and comment on the draft and final reports. Should IEPR be required, public comments will be provided to the IEPR panel for consideration.

## B. Anticipated Project Reviews and Estimated Costs

Table 1 provides the estimated schedule and cost for reviews anticipated for this studyTable 1: Elim Subsistence Harbor Study, Elim, Alaska – Anticipated Reviews

| Product to undergo Review | Review | Start Date | End Date | Cost | Complete |
|---|---|---|---|---|---|
| Economic Model (Economic benefits spreadsheet and CE/ICA) | Model Approval (Single Use) | 15 Oct 2019 | 16 Dec 2019 | $10,000 | No |
| Pre-AMM Milestone Submittals | DQC | 08 Oct 2018 | 26 Oct 2018 | $25,000 | Yes |
| Pre-TSP Milestone Submittals | DQC | 09 Dec 2019 | 10 Dec 2019 | N/A | No |
| Draft Feasibility Report and Environmental Assessment | DQC | 8 Jan 2020 | 28 Jan 2020 | $36,000 | No |
| | ATR | 12 Feb 2020 | 17 Mar 2020 | $61,880[1] | No |
| | P&LCR | 12 Feb 2020 | 17 Mar 2020 | N/A | No |
| Pre-ADM Milestone Submittals | DQC | 31 Mar 2020 | 07 Apr 2020 | $22,000 | No |
| Final Feasibility Report and Environmental Assessment | DQC | 16 Jun 2020 | 06 Aug 2020 | $36,000 | No |
| | ATR | 20 Aug 2020 | 17 Sep 2020 | $51,480[2] | No |
| | District Legal Review | 16 Nov 2020 | 23 Nov 2020 | N/A | No |
| | P&LCR | 23 Nov 2020 | 24 Dec 2020 | N/A | No |
| In-kind Products[3] | N/A | N/A | N/A | N/A | N/A |

[1] Estimated cost for Draft and Final Report ATRs does not include the cost of ATR Team Lead participation in milestone meetings or other engagement/coordination beyond that directly related with those ATRs. The estimated cost for ATR of the Draft Report is based upon the following assumptions. The total cost could be higher or lower depending upon the quality of DQC review performed, the quality of documents submitted, etc.:

- ATR Team Lead – 32 hours, $130/hour
- ATR Team – 10 Technical Disciplines, 40 hours/discipline, average $130/hour
- RMO – 40 hours, $143/hour

[2] The estimated cost for ATR of the Final Report is based upon the following assumptions. The total cost could be higher or lower depending upon the quality of DQC review performed, the quality of documents submitted, etc.:

- ATR Team Lead – 32 hours, $130/hour
- ATR Team – 10 Technical Disciplines, 32 hours/discipline- average, average $130/hour
- RMO – 40 hours, $143/hour

[3]Products and analyses provided by non-Federal sponsors as in-kind services are subject to DQC, ATR, and IEPR. No in-kind products or analyses will be developed by the non-Federal sponsor.

## C. District Quality Control

The POA shall manage DQC and will appoint a DQC Lead to oversee that review (see EC 1165-2-217, section 8.a.1).

(1) Review Team Expertise**.** Table 2 identifies the required DQC team expertise.

**Table 2: Required DQC Expertise**

| DQC Team Disciplines | Expertise Required |
|---|---|
| DQC Lead | A senior professional with extensive experience preparing CW decision documents and conducting DQC. The lead may also serve as a reviewer for a specific discipline (such as planning, economics, environmental resources, etc.). |
| Plan Formulation | A senior water resources planner with experience in small boat harbors and SMART Planning. |
| Economics[1] | A senior economist with experience with small boat harbors, CE/ICA, and mixed subsistence-cash economies. The reviewer should also have familiarity with the economic models identified in Table 4. |
| Environmental Resources | Expertise in evaluating the impacts associated with small boat harbors and dredged material placement and beneficial use options. Should also be experienced with environmental coordination, National Environmental Policy Act (NEPA) requirements, ESA requirements, Marine Mammal Protection Act (MMPA) and the unique needs and lifestyles of subsistence communities. |
| Cultural Resources | Expertise in evaluating the impacts associated with small boat harbors and dredging, as well as familiarity with environmental coordination and NEPA/NHPA. |
| Hydrology and Hydraulics (H&H) Engineer | Expert in the field of coastal hydraulics and have a thorough understanding of analyses of winds, waves, currents, hydrodynamic-salinity, small boat harbor/channel design, and breakwater construction. A registered professional engineer is recommended. The reviewer should also have familiarity with the hydrology, hydraulics, and coastal (HH&C) model identified in Table 5. |

| | |
|---|---|
| Geotechnical Engineer | Experienced in geotechnical investigation practices including soil classification, the design of breakwater foundations, and the classification of rip rap and core materials for suitability in use of breakwater construction. A registered, professional engineer is recommended. |
| Cost Engineering | Familiar with cost estimating using the Microcomputer Aided Cost Engineering System (MCACES) model and preparation of an MII Cost Estimate. The reviewer will be Certified Cost Technician, Certified Cost Consultant, or Certified Cost Engineer. The reviewer should also have familiarity with the cost engineering models identified in Table 5. |
| Real Estate | The real estate reviewer will be experienced in Federal CW real estate law, policy, and guidance, development of Real Estate Plans for CW studies, particularly in regards to application of navigational servitude. |
| Office of Counsel | Legal expert with experience reviewing planning documents to ensure legal sufficiency. |

[1]The economics DQC team member will be identified by the DDNPCX (OPORD 2012-15).

(2) Documentation of DQC. Quality Control should be performed continuously throughout the study. Certification of DQC completion is required at the draft and final report stages. Documentation of DQC should follow the POA Quality Manual and the POD Quality Management Plan. An example DQC Certification statementis provided in EC 1165-2-217 (Figure F). DrChecks software will be used to document DQC review (comments, responses, and issue resolution).

Documentation of the completed DQC review (i.e., all comments, responses, issue resolution, and DQC certification) will be provided to the POD, RMO, and ATR Team leader prior to initiating an ATR/subsequent reviews. The ATR team will assess the quality of the DQC performed and provide a summary of that assessment in the ATR report. Missing or inadequate DQC documentation can result in the start of subsequent reviews being delayed (see EC 1165-2-217, Section 9).

## D. Agency Technical Review

ATR will be performed on the draft and final decision documents and supporting analyses (EC 1165-2-217, paragraph 9.i.(3)). The RMO will manage the ATR. ATR will be performed by a qualified team from outside the POA that is not involved in the day- to-day production of the project/product. ATR will be performed by a team whose members are certified or approved by their respective Communities of Practice (CoPs) to perform reviews. The RMO will identify an ATR lead and ATR team members.

Neither the POA nor POD will nominate review team members. The ATR team lead will be from outside POD. The ATR team lead is expected to participate in the study's milestone meetings (PB 2018-01), the cost of which is not included in the estimates provided in Table 1.

(1) Review Team Expertise. Table 3 identifies the anticipated disciplines and ATR team expertise required for study efforts.

**Table 3: Required ATR Team Expertise**

| ATR Team Disciplines | Expertise Required |
|---|---|
| ATR Lead | The ATR lead will be a senior professional with extensive experience preparing CW 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 (e.g., plan formulation, economics, etc.). |
| Plan Formulation | A senior water resources planner with experience in small boat harbors and SMART Planning. |
| Economics | Two economic reviewers will be required, one for reviewing the report and supporting analyses and the other for reviewing economic modeling. The former should be a senior economist with experience with small boat harbors, CE/ICA, and mixed subsistence-cash economies. The second reviewer should have expertise with the types of economic models identified in Table 4. |
| Environmental Resources | Expertise In evaluating the impacts associated with small boat harbors and dredged material placement/ beneficial use options. Should also be experienced with environmental coordination, NEPA requirements, ESA requirements, MMPA, and the unique needs and lifestyles of subsistence communities. |
| Cultural Resources | Expertise in evaluating the cultural impacts associated with small boat harbors and dredging, as well as familiarity with environmental coordination and NEPA/NHPA. |
| HH&C Engineer | Expert in the field of coastal hydraulics and have a thorough understanding of analyses of winds, waves, currents, hydrodynamic-salinity, small boat harbor/channel design, and breakwater construction. A registered professional engineer is recommended. The reviewer should also have expertise with the HH&C engineering model identified in Table 5. |
| Geotechnical Engineer / Geologist | Experienced in geotechnical investigation practices including soil classification, the design of breakwater foundations, the classification of rip rap and core materials for suitability in use of breakwater construction, and dredged material placement, including beneficial use. A registered professional engineer is recommended. |
| Cost Engineer | Familiar with cost estimating using the MCACES model and preparation of an MII Cost Estimate. The reviewer will be Certified Cost Technician, Certified Cost Consultant, or Certified Cost Engineer. Coordination with the Cost Engineering MCX will be required for their selection of the cost engineering reviewer and to obtain Cost Engineering MCX certification of the cost estimate. The reviewer should also have expertise with the cost engineering models identified in Table 5. |
| Real Estate | The real estate reviewer will be experienced in Federal CW real estate law, policy, and guidance, development of Real Estate Plans for CW studies, particularly in regards to application of navigational servitude. |
| Climate Preparedness and Resilience/ HH&C Reviewer | A member of the Climate Preparedness and Resiliency CoP or a HH&C Climate reviewer will participate on the ATR team. |

(2) Documentation of ATR. DrChecks will be used to document ATR comments,

responses, and issue resolution. Comments should be limited to those needed to ensure product adequacy. All members of the ATR team should use the four part comment structure (EC 1165-2-217, Section 9(k)(1)). If a concern cannot be resolved by the ATR team and PDT, it will be elevated to the vertical team for resolution using the issue resolution process identified in EC 1165-2-217. The comment(s) can then be closed in DrChecks by noting the concern has been elevated for resolution. The ATR Lead will prepare a Statement of Technical Review Report (see EC 1165-2-217, Section 9), for both draft and final decision documents. Any unresolved issues will be documented in the ATR report prior to certification. The Statement of Technical Review (ATR completion) should always include signatures from the ATR lead, project manager, and RMO, and the Certification of ATR should always include signatures from the District's Chiefs of Engineering and Planning Divisions.

### E. Independent External Peer Review

(1) Decision on Type I IEPR. Type I IEPR reviews are managed outside the USACE and are conducted on project studies. 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.

Based upon the criteria identified in EC 1165-2-217 and the scope of the study, *the PDT's risk informed assessment is that the study does not require Type I IEPR*.

The PDT's risk informed decision that Type I IEPR is not warranted was based on consideration of the following:

The decision document does not meet any of the mandatory triggers for Type I IEPR (paragraph 11.D.(1) of EC 1165-2-217 and the 5 April 2019 DCW memorandum) as described in detail in Section 5 of this RP: the estimated total cost of the project is approximately $50-$150 million, which is less than the $200M trigger; the Governor of Alaska has not requested peer review by independent experts; and the Chief of Engineer's has not determined that the project study is controversial due to significant public dispute over either the size, nature, or effects of the project or the economic or environmental costs or benefits of the project.

Additionally, the decision document also meets exclusion option "b" as identified in the DCW memorandum: The project is for an activity for which there is ample experience within USACE and industry to treat the activity as being routine and the project study has minimal life safety risk.

(2) Decision on Type II IEPR. Type II IEPR, Safety Assurance Review, is managed outside of the USACE and is performed on design and construction activities for any project where potential hazards pose a significant threat to human life. For Type II IEPRs, a panel is convened to review the design and construction activities before construction begins and

periodically thereafter until construction activities are completed.

As presented in Section 5 of this RP, the PDT has assessed this single purpose small boat harbor project and determined that it DOES NOT meet the criteria for conducting Type II IEPR:

- The Federal action is not justified by life safety and failure of the project will not pose a significant threat to human life;

- The project does not involve the use of innovative materials ortechniques where the engineering is based on novel methods, it does not present complex challenges for interpretations, does not contain precedent-setting methods or models, and does not present conclusions that are likely to change prevailing practices;

- The project design does not require redundancy, resiliency, or robustness; and

- The project does not have unique construction sequencing or a reduced or overlapping design construction schedule.

### F. 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 study area problems and take advantage of 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 assessment of input and output data is the responsibility of the users and is subject to DQC, ATR, and IEPR (if required). The following models may be used to develop the decision document.

**Table 4: Planning Models**

| Model Name and Version (discipline to apply) | Brief Model Description and How It Will Be Used in the Study | Certification / Approval |
|---|---|---|
| Regional Economic System (RECONS) (Economics) | RECONS is a regional economic impact modeling tool that estimates jobs, income, sales and value added associated with Corps CW spending and additional economic activities. The model will be used to estimate the regional economic impacts of project implementation. | Certified |

| | | |
|---|---|---|
| IWR-Planning Suite 2.0 (Economics) | IWR-Planning Suite is a water resources investment decision support tool originally built for the formulation and evaluation of ecosystem restoration alternative plans; however, it is now more widely used by all USACE business lines for evaluation of actions involving monetary and non-monetary cost and benefits. This model will be utilized to conduct CE/ICA, if needed. | Certified |
| Economics (CE/ICA metric) | The PDT will work with DDNPCX on approval for a single-use spreadsheet model that will quantify the CE/ICA metric to be used. The model will be approved for use prior to the Tentatively Selected Plan milestone meeting. | One-time use approval required[4] |

[4]Review is currently underway (18 November 2019).

EC 1105-2-412 does not address engineering models used in planning. The responsible use of well-known and proven USACE developed and commercial engineering software will continue. The professional practice of documenting the application of the software and modeling results will be followed. The USACE Scientific and Engineering Technology Initiative has identified many engineering models as preferred or acceptable for use in studies. These models should be used when appropriate. The selection and application of the model and the input and output data is the responsibility of the user and is subject to DQC, ATR, and IEPR (if required). The following models may be used to develop the decision document.

**Table 5: Engineering Models**

| Model Name and Version (discipline to apply) | Brief Model Description and How It Will Be Used in the Study | Model Certification / Acceptance Status |
|---|---|---|
| Steady State Spectral WAVE (STWAVE) (HH&C Engineer) | STWAVE simulates depth-induced wave refraction and shoaling, current-induced refraction and shoaling, depth- and steepness-induced wave breaking, diffraction, parametric wave growth because of wind input, and wave-wave interaction and white capping that redistribute and dissipate energy in a growing wave field. It will be used to characterize the wave climate and identify the design wave. | CoP Preferred |
| Microcomputer Aided Cost Engineering System (MCACES), MII (Cost Engineer) | MCACES is the cost estimating software program tools used by cost engineering to develop and prepare Class 3 CW cost estimates. | CW Cost Engineering MCX mandatory |

| | | |
|---|---|---|
| Abbreviated Risk Analysis, Cost Schedule Risk Analysis (Cost Engineer) | Cost risk analyses identify the amount of contingency that must be added to a project cost estimate and define the high risk drivers. The analyses will include a narrative identifying the risks or uncertainties.<br>During the alternatives evaluation, the PDT will assist the cost engineer in defining confidence/risk levels associated with the project features within the abbreviated risk analysis. For the Class 3 estimate, an evaluation of risks will be performed using Crystal Ball Cost Schedule Risk Analysis for construction costs over $40 million or the Abbreviated Risk Analysis for projects under $40 million. | CW Cost Engineering MCX mandatory |
| Total Project Cost Summary (TPCS)<br>(Cost Engineer) | The TPCS is the required cost estimate document that will be submitted for either division or HQUSACE approval. The Total Project Cost for each CW project includes all Federal and authorized non-Federal costs represented by the CW Work Breakdown Structure features and respective estimates and schedules, including the lands and damages, relocations, project construction costs, construction schedules, construction contingencies, planning and engineering costs, design contingencies, construction management costs, and management contingencies. | CW Cost Engineering MCX mandatory |
| Corps of Engineers Dredge Estimating Program (CEDEP)<br>(Cost Engineer) | CEDEP is the required software program that will be used for dredging estimates using floating plants. CEDEP contains a narrative documenting reasons for decisions and selections made by the cost engineer. Software distribution is restricted as it is considered proprietary to the Government. | CW Cost Engineering MCX mandatory |

## G. Policy and Legal Compliance Reviews

In accordance with DPM CW 2018-05, P&LCRs for draft and final planning decision documents are delegated to the MSC responsible for the execution of the study.

With input from POD and Headquarters, USACE (HQUSACE) functional leaders and through collaboration with the Chief of Office of Water Project Review (OWPR), the POD Chief of Planning and Policy is responsible for establishing a competent interdisciplinary P&LCR team (DPM 2019-01). The composition of the policy review team will be drawn from HQUSACE, the POD, the PCX, and other review resources as needed. The identification of Counsel Members will follow the procedures set forth by the HQUSACE Chief Counsel, as coordinated by HQUSACE and POD Counsel functional leaders. The POD Chief of Planning and Policy and the Chief of OWPR will collaborate to identify and endorse a P&LCR Manager from among the P&LCR team identified for the study. The manager may be a POD, PCX, or HQUSACE employee. The team is identified in Attachment 1 of this RP. The P&LCR team will:

- Provide advice and support to the PDT and decision makers at the POA, POD, HQUSACE, and Assistant Secretary of the Army for CW levels.

- Engage at both the POD and HQUSACE levels, ensuring that the vertical teaming aspect of SMART planning is maintained.

- Help guide PDTs through project development and the completion of policy and legally compliant documents, identifying policy and legal issues as early as possible such that issues can be addressed while minimizing impacts to study and project costs and schedules.

- Provide impartial and unbiased recommendations, advice, and support to decision makers.

## ATTACHMENT 1: REVIEW PLAN REVISIONS

| Revision Date | Description of Change | Page / Paragraph Number |
|---|---|---|
| | | |
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## ATTACHMENT 2: ACRONYMS AND ABBREVIATIONS

| Term | Definition | Term | Definition |
|---|---|---|---|
| ADEC | Alaska Department of Environmental Conservation | LRR | Limited Reevaluation Report |
| ADM | Agency Decision Milestone | MCACES | Microcomputer Aided Cost Engineering System |
| AMM | Alternative Milestone Meeting | MSC | Major Subordinate Command |
| ATR | Agency Technical Review | MLLW | Mean Lower Level Water |
| CAP | Continuing Authorities Program | NED | National Economic Development |
| CE/ICA | Cost Effectiveness/Incremental Cost Analysis | NEPA | National Environmental Policy Act |
| CoP | Community of Practice | NHPA | National Historic Preservation Act |
| CW | Civil Works | NRHP | National Registry of Historic Places |
| DCW | Director of Civil Works | OWPR | Office of Water Project Review |
| DDNPCX | Deep Draft Navigation Planning Center of Expertise | P&LCR | Policy and Legal Compliance Review |
| DQC | District Quality Control/Quality Assurance | PB | Planning Bulletin |
| DPM | Director's Policy Memorandum | PCB | Polychlorinated Biphenyl |
| EA | Environmental Assessment | PCX | Planning Center of Expertise |
| EC | Engineer Circular | PDT | Project Delivery Team |
| EIS | Environmental Impact Statement | POA | Alaska District |
| ER | Engineering Regulation | POD | Pacific Ocean Division |
| ESA | Endangered Species Act | RMO | Review Management Organization |
| FONSI | Finding of No Significant Impact | RP | Review Plan |
| FUDS | Formerly Used Defense Site | SAR | Safety Assurance Review |
| H&H | Hydrology and Hydraulics | SMART | Specific, Measurable, Attainable, Risk Informed, and Timely |
| HH&C | Hydraulics, Hydrology and Coastal | TBD | To Be Determined |
| HQUSACE | Headquarters, U.S. Army Corps of Engineers | TSP | Tentatively Selected Plan |
| IEPR | Independent External Peer Review | USACE | U.S. Army Corps of Engineers |
| ITR | Independent Technical Review | WRDA | Water Resources Development Act |