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

JUN 09 2021

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

SUBJECT: Approval of the Review Plan for the Apoon Mouth of the Yukon River Disposition Study

1. References:

- a. Engineering Circular 1165-2-217, Review Policy for Civil Works, 20 Feb 18.
 - b. HQUSACE, CECW-CE memorandum, (Interim Guidance on Streamlining Independent External Peer Review (IEPR) for Improved Civil Works Product Delivery), 5 Apr 19.
 - c. Review Plan for the Apoon Mouth of the Yukon River Disposition Study, Norton Sound, Alaska, Alaska District, U.S. Army Corps of Engineers, April 21. (Encl)
2. The Review Plan for the Apoon Mouth of the Yukon River Disposition Study, Alaska District, U.S. Army Corps of Engineers, which does not include a Type I Independent External Peer Review, is approved.
3. The approved Review Plan is subject to change as circumstances require, consistent with project development under the Project Management Business Process. Subsequent significant revisions to this Review Plan or its execution require Division Commander written approval in accordance with ER 1165-2-217, Civil Works Review Policy, 1 May 21.
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.

Encl

A handwritten signature in black ink, appearing to read "Kirk E. Gibbs".

KIRK E. GIBBS
Colonel (P), USA
Commanding

REVIEW PLAN

**Disposition Study
Apoon Mouth of the Yukon River
Norton Sound, Alaska**

Alaska District

**MSC Approval Date: 09 June 2021
Last Revision Date: None**



**US Army Corps
of Engineers®**

REVIEW PLAN

June 2021

Project Name: Apoon Mouth of the Yukon River Disposition Study

P2 Number: 480931

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

Key Review Plan Dates

Date of Review Management Organization Endorsement of Review Plan: 09 June 2021

Date of POD Approval of Review Plan: 09 June 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: 10 June 2021

Date of Congressional Notifications: Pending

Milestone Schedule

	<u>Scheduled</u>	<u>Actual</u>	<u>Complete</u>
<u>Work Allowance Received</u>	N/A	01 April 2020	Yes
<u>MSC Decision Meeting</u>	24 Sep 2020	Sep 2020	Yes
<u>TSP Milestone</u>	30 Apr 2021	30 Apr 2021	Yes
<u>Final Report Submitted</u>	24 Sep 2021	TBD	No
<u>Final Report Approval</u>	01 Dec 2021	TBD	No

Project Fact Sheet

June 2021

Project Name: Apoon Mouth of the Yukon River 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 State Army Corps of Engineers (USACE) to undergo disposition studies with the intent to determine whether a Corps operated water resources development project should be deauthorized, and if the associated real property and Government-owned improvements should undergo disposal.

Original authorization for the Apoon Mouth of the Yukon River project came from the River and Harbor Act, 25 July 1912 (House Doc. 556, 62nd Congress, 2nd Session) as adopted and modified by the River and Harbor Act, 8 August 1917 (House Doc. 1932, 64th Congress, 1st Session), which provides for a channel dredged to 6 feet below MLLW and 150 feet wide through the bars of Apoon Mouth with suitable widening at the bends, and for a channel 250 to 300 feet wide and not less than 2-1/2 feet deep through the bar in Pastol Bay.

Sponsor: N/A

Type of Study: Disposition Study

SMART Planning Status: This study is currently between the Tentatively Selected Plan and Final Report Milestones.

Project Area: Apoon Mouth of the Yukon River is in the Norton Sound inlet of the Bering Sea on the western Coast of Alaska, south of the Seward Peninsula (Figure 1).

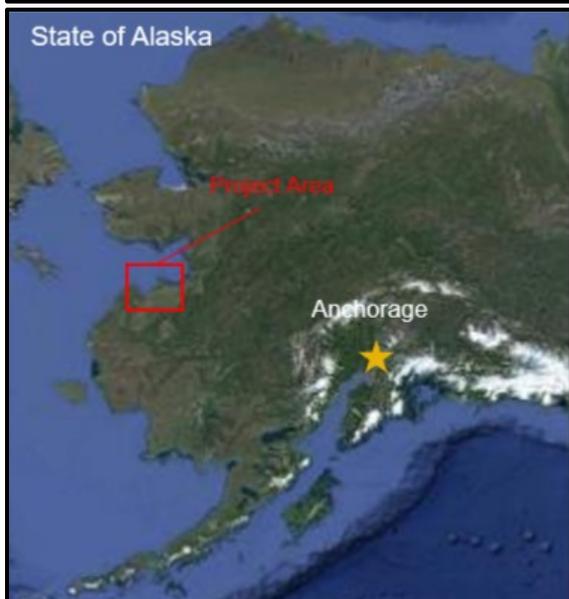


Figure 1: Location of Apoon Mouth of the Yukon River in Norton Sound, Alaska

Problem Statement: The purpose of the Apoon Mouth of the Yukon River project was to facilitate economic activity and the transport of goods into interior Alaska. Dredging through shoals and easing sharp bends in Apoon Pass enabled steamboats carrying supplies transshipped from St. Michael to navigate the Yukon delta. Following the widening of a bend near the Pastolik River mouth in 1915, no further work has been performed or planned for this project.

Given the construction of the Alaska Railroad in 1923, and then further modernization in automotive and airplane transportation, supplies no longer need to be shipped into the interior via the mouth of the Yukon. 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 is no expected change 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 the Corps of Engineers. This study is being conducted at 100% Federal cost. After completion and approval of the Disposition Study, Congressional authorization will be needed to determine whether the project should be deauthorized. 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. The servitude gives the Federal Government 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 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 Apoon Mouth of the Yukon River project include removing a legislative barrier for future Federal 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 Apoon Mouth of the Yukon River 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 Apoon Mouth is the main risk identified in this study. Currently, fuel is provided by barges to the Lower Yukon villages via the pass up to Emmonak as it is deeper than Apoon Mouth.

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 have been no project activity in over 100 years, nor are there any real property 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 the 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 action in the field 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 action in the field 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 action in the field or any transfer of property.

2. REVIEW EXECUTION PLAN

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

District Quality Control. 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 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). Type I 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 Type I 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. The MSC 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 home MSC 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

Product to undergo Review	Review Level	Start Date	End Date	Cost	Complete
Planning Model Review	N/A				
Draft Disposition Study and Environmental Assessment	District Quality Control	28-May-21	14-Jun-21	\$12,000	No
	POA Legal Review	15-Jun-21	28-Jun-21	N/A	No
	Concurrent Agency Technical Review and Policy Review	8-Jul-21	6-Aug-21	\$20,000	No
Final Disposition Study and Environmental Assessment	District Quality Control Finalize	1-Sep-21	10-Sep-21		No
	POA Legal Review after NEPA Public Comment	12-Sep-21	23-Sep-21	N/A	No

A. DISTRICT QUALITY CONTROL

POA shall manage DQC and will appoint a DQC Lead to manage the local review (see EC 1165-2-217, section 8.a.1). The DQC Lead should prepare a DQC Plan and provide it to the RMO and MSC prior to starting DQC reviews. Table 2 identifies the required expertise for the DQC team.

Table 2: Required DQC Expertise

DQC Team Disciplines	Expertise Required
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.
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 the MSC Quality Management Plan. An example DQC Certification statement is provided in EC 1165-2-217, on page 19 (see Figure F).

Documentation of completed DQC should be provided to the POD, RMO and 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 EC 1165-2-217, section 9).

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. An MSC manages ATR. 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 EC 1165-2-217, section 9(h)(1)). Table 3 identifies the disciplines and required expertise for this ATR Team.

Table 3: Required ATR Team Expertise

ATR Team Disciplines	Expertise Required
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. DrChecks 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 EC 1165-2-217 issue resolution process. Concerns can be closed in DrChecks by noting the concern has been elevated for resolution. The ATR Lead will prepare a Statement of Technical Review

(see EC 1165-2-217, Section 9), 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 Type I IEPR. Type I IEPR will not be required based on a risk-informed decision process referencing CECW-CE Memorandum dated 05 April 2019 (Subject: Interim Guidance on Streamlining Independent External Peer Review for Improved Civil Works Project Delivery). The project does not meet any of the three mandatory triggers for Type I IEPR outlined in the CECW-CE Memorandum: 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 MSC 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.