



# REVIEW OF DECISION DOCUMENTS

*Section 2034, WRDA 2007  
and EC 1105-2-410*

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## *Applicability*

- All feasibility, reevaluation reports, and project modifications that require an Environmental Impact Statement
  - all decision documents and supporting analyses
  - assess adequacy of economic, engineering, and environmental methods, models and analyses
- All Studies leading to Decision Document that requires a Chiefs Report or Congressional Authorization
- Includes projects with delegated authority
- CAP studies that require an Environmental Impact Statement
- Applies to all studies unless final reports submitted to approving office by EC publication date (8/22/2008).



## *Applicability (continued)*

- All feasibility studies and reports associated with modifications to a project that require an EIS are subject to the EC 1105-2-410. These studies include:

Feasibility Reports

Revaluation Reports

Major Rehabilitation Reports

Dredged Material

Management Programs

Dam Safety Modification  
Reports

Design Deficiency Reports

Local Sponsor Studies

Large Programmatic  
efforts and components

Other similar products

Reports requiring action by  
the ASA (CW)



## *Peer Review Philosophy*

- An extra set of eyes is good
- Review will be scalable, deliberate, life cycle, and concurrent with business processes
- Agency technical review will be done on all products, and performed outside the “home” district
- National Academy of Science (NAS) sets the standard for “independence” in review process and complexity in a national context;
- Consistent CW review policy for all work products;
- USACE Goal is to always provide the most scientifically sound, sustainable water resource solutions for the U.S.



## *Changes from Previous Guidance*

- WRDA 2007 Section 2034 provisions
  - Applicability beyond studies going to Congress – water resources actions with EIS
  - Specific triggers, including \$45 million threshold
  - Cost sharing for IEPR is full Federal up to \$500K
  - Defines organizations eligible to conduct IEPR
  - Reporting requirements
- Coordination with Cost Engineering DX (Walla Walla District)
- Flood studies and those with public safety concerns will undergo Safety Assurance Reviews per Sec 2035 (*implementation guidance is being prepared*).



## *Review Plans*

- are stand alone documents that complement the Project Management Plan (PMP).
- are living documents to be updated as the study progresses.
- are coordinated with the appropriate Planning Center(s) of Expertise (PCX).
- are approved by Division Commanders.
- identify the levels of review to be conducted.
- are posted on the home District public website.
- must afford the opportunity for public comment.



## *Types of Review*

- District Quality Control (DQC)
- Agency Technical Review (ATR)
- Independent External Peer Review (IEPR)
- Safety Assurance Review
- Legal and Policy Compliance Review





## *District Quality Control (DQC)*

- Review of basic science and engineering products focus on fulfilling quality requirements of the PMP.
- Managed and conducted in home District by staff not directly involved with the study.





## *Agency Technical Review (ATR)*

- Formerly Independent Technical Review (ITR).
- In-depth review to ensure proper application of regulations, laws, codes, principles and professional practices.
- Assess whether analysis presented is technically correct and complies with USACE guidance, policy and procedures.
- Review work products and assure all parts fit together and are presented in a clear manner for the public and decision makers.



## *Agency Technical Review (ATR)*

- Conducted by USACE outside of home District.
- For Planning reports, managed by PCX
- ATR Team Leader outside the home MSC and will participate in CWRB to address review concerns.
- ATR documentation (DrChecks) should accompany all submittals.
- ATR certification must be provided for Draft and Final Report submittals.
- Documentation of coordination with appropriate PCX and the Cost Engineering CX.



## *Independent External Peer Review (IEPR)*

- Conducted by an outside eligible organization (OEO)
  - IRS Code Section 501(c)(3).
- Scope of review covers all planning, engineering (including safety assurance), economics, and environmental analyses.
- Considers the adequacy of risk and uncertainty analyses.
- IEPR comments/responses will be discussed at the CWRB with an IEPR panel and/or OEO member present.



## *Factors Requiring Independent External Peer Review:*

- (1) Significant threat to human life
- (2) Total Project Cost greater than \$45 million
- (3) Request by the Governor of an affected state
- (4) Request by the head of Federal or state agency
- (5) Significant public dispute (size, nature, effects)
- (6) Significant public dispute (economics or environmental costs/benefits)
- (7) Complexity, novel or precedent-setting methods
- (8) If the Chief believes the circumstances warrant it



## ***IEPR Implementation***

- IEPR Administered by the PCX's
- Outside Eligible Organizations
  - National Academies
    - Pursuing Corps IDIQ
  - Via Army Research Office
    - Existing access to Battelle and LMI; can be used to contract with other eligible organizations
- CECW-P is working to identify more eligible organizations and establish contracting vehicles
  - Pursuing Corps IDIQ
- Funding – FY 08 (none); FY09 (\$1 million); FY10 & beyond – budgeted through normal process



## ***IEPR Waiver***

### **EC 1105-410, par 6 d.**

- “In limited cases where IEPR would be required, The Chief of Engineers may waive the requirement for IEPR.”
- The key word is “Limited” cases; i.e. waivers will be few and far between.
- PDT would work with MSC, PCX and HQ to develop a compelling argument to present to Chief for decision.





# *Policy and Legal Compliance Review*

- Washington-level determination that the recommendations and supporting analyses comply with law and policy.
- Technical reviews are meant to complement policy review.
- Policy Review conducted by the OWPR and facilitated by the RIT.
- Legal review must be undertaken for AFB, Draft Reports, and Final Reports.
- Legal certifications must be provided with Draft and Final Report submittals.





## Review Process

Milestones

PMP &  
RP

Feasibility  
Scoping  
Meeting

Alternative  
Formulation  
Briefing

Draft  
Report

- Final Report
- CWRB
- S&A Review
- Chief's Report

Review Process

DQC

ATR

IEPR

HQ Policy  
Review

Stars = Formal Review/Checkpoint

Building Strong!



## *Comment Structure*

- Nature of the Review Concern
- Basis for the Concern
- Significance of the Concern
- Action needed to resolve the Concern



## *IEPR Management*

- PCX contracts with Outside Eligible Organization (OEO)
- OEO selects qualified team of reviewers (balanced expertise, independence, free of conflicts-of-interest)
- Reviewers make comments, deliberate to resolve disagreements determine final IEPR team comments and entered them into DrChecks
- OEO completes and transmits report to USACE
- IEPR team also engaged to assess District PDT's proposed responses to comments in the IEPR report



## *USACE Response to IEPR*

- The law requires the Chief of Engineers to respond to IEPR comments:
  - Must state which recommendations were adopted, or not adopted and why
  - Written response will be posted on the Internet
- PDT prepares proposed responses and gets feedback from IEPR panel and PCX.
- IEPR comments and responses will be a topic at the CWRB, with IEPR team represented.
- Final agency response will be developed corporately and posted concurrently with the Chief's Report.



## *AAPA Questions*

- Where specifically IEPR could be applied?
- Why include dredged material management plans?
- What boundaries can be set on scope and timeframe of reviews?
- Will cost-risk analysis (“double jeopardy”) become SOP?



## *References*

- Section 515 of Public Law 106-554 (referred to as the "Data Quality Act")
- 2002 National Research Council Report: Water Resources Project Planning
- Dec 2004 OMB Guidelines: Final Information Quality Bulletin for Peer Review
- May 2005 EC 1105-2-408: Peer Review of Decision Documents
- Nov 2006 Memo: Support to Planning Centers of Expertise
- Mar 2007 MG Riley Memo: Peer Review Process
- Section 2034 and 2035 of WRDA 2007