

**REVIEW PLAN**  
**USING THE NWD MODEL REVIEW PLAN**  
for  
**Continuing Authorities Program**  
**Section 14, 107, 111, 204, 206, 208, 1135 and projects directed by guidance to**  
**use CAP procedures**

***Neah Bay Navigation Improvements Project***  
***Neah Bay, Washington***  
**Section 107**

***Seattle District***

**MSC Approval Date: 2 October 2018**  
**Last Revision Date: 11 September 2018**



**US Army Corps  
of Engineers®**

**REVIEW PLAN**

***Neah Bay Navigation Improvement Project, Neah Bay WA***  
**Section 107 Project**

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## 1. PURPOSE AND REQUIREMENTS

- a. Purpose.** This Review Plan defines the scope and level of peer review for the Neah Bay Navigation Improvements, Neah Bay, Washington (WA), Small Navigation Improvement Project decision document developed under Section 107, *River and Harbor Act of 1960*, as amended:

*Section 107 of River and Harbor Act of 1960, as amended, authorizes the Corps to study, adopt, construct and maintain navigation projects. This is a Continuing Authorities Program which focuses on water resource related projects of relatively smaller scope, cost and complexity. Unlike the traditional Corps' civil works projects that are of wider scope and complexity, the Continuing Authorities Program is delegated authority to plan, design, and construct certain types of water resource and environmental restoration projects without specific Congressional authorization.*

Additional Information on this program can be found in Engineering Regulation 1105-2-100, Planning Guidance Notebook, and Appendix F Amendment #2.

- b. Applicability.** This review plan is based on the NWD Model Review Plan for Section 14, 107, 111, 204, 206, 208, 1135 and authorities directed by guidance to follow CAP procedures, which is applicable to projects that do not require Independent External Peer Review (IEPR), as defined in EC 1165-2-214 Civil Works Review Policy.

### c. References

- (1) Engineering Circular (EC) 1165-2-217, Civil Works Review Policy, 28 February 2018
- (2) EC 1105-2-412 Model Certification, 31 May 2005
- (3) Engineering Regulation (ER) 1110-1-12, Quality Management, 30 Sep 2006
- (4) ER 1105-2-100, Planning Guidance Notebook, Appendix F, Continuing Authorities Program, Amendment #2, 31 Jan 2007
- (5) ER 1105-2-100, Planning Guidance Notebook, Appendix H, Policy Compliance Review and Approval of Decision Documents, Amendment #1, 20 Nov 2007
- (6) Continuing Authority Program Planning Process Improvements, Director of Civil Works' Policy Memorandum #1, 19 Jan 2011
- (7) Planning Bulletin No. PB 2016-02, CECW-P, 4 March 2016

## 2. REVIEW MANAGEMENT ORGANIZATION (RMO) COORDINATION

The RMO is responsible for managing the overall peer review effort described in this review plan. The RMO for Section 107 projects is the home MSC. The MSC will coordinate and approve the review plan and manage the Agency Technical Review (ATR). The home District will post the approved review plan on its public website and provide the appropriate NWD District Support Planner with the link. A copy of the approved review plan (and any updates) will be provided to the Small Boat Harbor Planning Sub-Center of Expertise (SBH-PSCX) to keep the PCX apprised of requirements and review schedules.

## 3. PROJECT INFORMATION

- a. Decision Document.** The Neah Bay Navigation Improvement Project, Neah Bay WA decision document will be prepared in accordance with ER 1105-2-100, Appendix F. The approval level of the

decision document (if policy compliant) is the home MSC. An Environmental Assessment (EA) will be prepared along with the decision document.

- b. Study/Project Description.** The project is located at the entrance channel to the Port of Neah Bay. Neah Bay is located at the northwest tip of the Olympic Peninsula in WA State, 170 miles northwest of Seattle, WA. It is separated from Vancouver Island, British Columbia by the Strait of Juan de Fuca and borders the Makah Indian Reservation. The current controlling depth of -19feet (ft.) Mean Lower Low Water (MLLW) and 200ft clear span of the entrance channel to Neah Bay restricts the size of vessels that can safely navigate the Port of Neah Bay. Current conditions allow only vessels with a maximum draft of 15ft or less, safe and efficient (minimal time restrictions) navigation, in the bay. In general, larger commercial and rescue vessels have a deeper draft and therefore cannot enter the bay or must wait for higher tides.

Several alternatives ranging from “no action” to dredging to 35ft MLLW were identified in the reconnaissance study. The estimated total project costs for these alternatives range from \$5 million to \$7 million. The cost-sharing non-Federal sponsor is the Makah Tribe.

A section 107 Fact Sheet was submitted to Northwest Division US Army Corps of Engineers (NWD) in March 2011. The Federal Interest Determination (FIDR) was approved 10 Apr 2013. A Feasibility Cost Share Agreement was prepared and executed on 29 Oct 2015.

There are no existing or anticipated policy waivers at this time.

- c. In-Kind Contributions.** Products and analyses provided by non-Federal sponsors as in-kind services are subject to District Quality Control (DQC) and ATR, similar to any products developed by USACE. The in-kind products and analyses to be provided by the non-Federal sponsor include, but are not limited to, the following:

- Cultural resources
- Environmental assessment data
- Public Outreach

#### **4. DISTRICT QUALITY CONTROL (DQC)**

All decision documents (including supporting data, analyses, environmental compliance documents, etc.) shall undergo DQC prior to ATR. The home district shall manage DQC according to the requirements described in EC 1165-2-217.

#### **5. AGENCY TECHNICAL REVIEW (ATR)**

One ATR is mandatory for all decision documents (including supporting data, analyses, environmental compliance documents, etc.), however additional ATRs may be performed if deemed warranted. ATR is managed within USACE by the designated RMO and is conducted by a qualified team from outside the home district that is not involved in the day-to-day production of the project/product. ATR teams will be comprised of senior USACE personnel. The ATR team lead will be from outside the home MSC.

- a. Required ATR Team Expertise.** The ATR is anticipated to include at least 10 agency reviewers from outside of Seattle District. The number of reviewers is based on the following number and types of

disciplines required to develop the decision documents. It is recommended that reviewers should have a minimum of 5 years of experience working in the field of coastal engineering or navigation in their respective discipline, and be a GS 12 or GS 13. The disciplines and expertise required for the ATR team are:

ATR Team Members/Disciplines	Expertise Required
ATR Lead	The ATR lead should be a certified ATR reviewer and senior professional with experience in preparing <b>Section 107</b> decision documents and conducting ATR. The lead should also have the necessary skills and experience to lead a virtual team through the ATR process. The ATR lead will also serve as a reviewer for planning and economics.
Planning	The Planning reviewer should be a certified plan formulation ATR reviewer and senior water resources planner with experience with navigation studies, Section 107 study requirements and feasibility reports. In this case a junior reviewer being mentored by the ATR lead will conduct planning review.
Economics	The economic reviewer should be a certified ATR reviewer for small boat harbors and/or deep draft navigation and senior economist with experience with cost/benefit analysis for navigation improvement projects. In this case a junior reviewer being mentored by the ATR lead will conduct economics review.
Environmental and Cultural Resources	The environmental reviewer should be a certified ATR reviewer for environmental compliance and senior biologist with knowledge of Northwest biology, specifically knowledge of endangered coastal species and experience on coastal projects. The environmental review should also have adequate familiarity with Sec 106 coordination requirements to review a straightforward cultural resources coordination package and report text.
Coastal Engineering & Dredge Materials	The coastal engineering reviewer should be a certified ATR reviewer for Coastal Engineering and a senior H&H engineer with experience designing navigation improvement projects including channel deepening projects. The reviewer should also have knowledge of Section 107 requirements for coastal engineering as well familiarity with requirements for placement of dredged materials.
Cost Engineering	The cost engineering reviewer should be a certified ATR reviewer for cost engineering and senior cost engineers with MCACES Second Generation experience. The reviewer should also experience with coastal navigation improvement, dredging, and coastal waste disposal.
Real Estate (Waived)	The requirement for real estate ATR has been waived by the RMO due to the fact that Navigational Servitude will be applied to lands to which DNR claims ownership. The Real Estate Plan is subject to change during project implementation.

- b. **Charge Document.** The RMO, in coordination with the ATR lead, will prepare the charge document which clearly identifies the review requirements. This document must be completed prior to requesting an ATR team.
- c. **Documentation of ATR.** *DrChecks review* software will be used to document all ATR comments, responses and associated resolutions accomplished throughout the review process. Comments should be limited to those that are required to ensure adequacy of the product. *If an ATR concern cannot be satisfactorily resolved between the ATR team and the PDT, it will be elevated to the vertical team for further resolution in accordance with the policy issue resolution process described in either ER 1110-2-12 or ER 1105-2-100, Appendix H, as appropriate. Unresolved concerns can be closed in DrChecks with a notation that the concern has been elevated to the vertical team for resolution.*

## 6. POLICY AND LEGAL COMPLIANCE REVIEW

All decision documents will be reviewed throughout the study process for their compliance with law and policy. Guidance for policy and legal compliance reviews is addressed in Appendix H, ER 1105-2-100. These reviews culminate in determinations that the recommendations in the reports 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. DQC and ATR augment and complement the policy review processes by addressing compliance with pertinent published Army policies, particularly policies on analytical methods and the presentation of findings in decision documents.

## 7. COST ENGINEERING DIRECTORY OF EXPERTISE (DX) REVIEW AND CERTIFICATION

For CAP projects, ATR of the costs may be conducted by pre-certified district cost personnel within the region or by the Walla Walla Cost DX. The pre-certified list of cost personnel has been established and is maintained by the Cost DX. The cost ATR member will coordinate with the Cost DX for execution of cost ATR and cost certification. The Cost DX will be responsible for final cost certification and may be delegated at the discretion of the Cost DX.

## 8. MODEL CERTIFICATION AND APPROVAL

Approval of planning models under EC 1105-2-412 is not required for CAP projects. MSC commanders remain responsible for assuring the quality of the analyses used in these projects. ATR will be used to ensure that models and analyses are compliant with Corps policy, theoretically sound, computationally accurate, transparent, described to address any limitations of the model or its use, and documented in study reports.

- a. **EC 1105-2-412.** This EC does not cover engineering models used in planning. The responsible use of well-known and proven USACE developed and commercial engineering software will continue and the professional practice of documenting the application of the software and modeling results will be followed. As part of the USACE Scientific and Engineering Technology (SET) Initiative, many engineering models have been identified as preferred or acceptable for use on Corps studies and

these models should be used whenever appropriate. The selection and application of the model and the input and output data is still the responsibility of the users and is subject to DQC and ATR.

- b. Planning and Engineering Models.** The following models are anticipated to be used in the development of the decision document:

<b>Model Name and Version</b>	<b>Brief Description of the Model and How It Will Be Applied in the Study</b>	<b>Certification / Approval Status</b>
<b>Planning</b>		
Economics	Simple Excel Spreadsheet Model for Transportation Cost Savings Benefit Evaluation	Not certified
Cost Estimating	MCACES Second Generation	Certified
Project Scheduling	Primavera	Certified
Visualization	ArcGIS	Certified
Environmental	Not Expected	N/A
<b>Engineering</b>		
GenCade	Used for rough estimate of the long term transport of the beach nourishment material disposal site capacity analysis	COP Preferred

## 9. REVIEW SCHEDULES AND COSTS

### ATR Schedule and Cost.

<b>Task</b>	<b>Date</b>	<b>Estimated Cost</b>
Draft Decision Document/EA	– 15 October 2018	\$23,000
Total:		

## 10. PUBLIC PARTICIPATION

State and Federal resource agencies may be invited to participate in the study covered by this review plan as partner agencies or as technical members of the PDT, as appropriate. Agencies with regulatory review responsibilities will be contacted for coordination as required by applicable laws and procedures. The ATR team will be provided copies of public and agency comments. The public will be invited to comment through public review and comment on the draft Decision Document and EA. Public input will be available to the ATR team to ensure public comments have been considered in development of the final DPR and EA.

Once approved by NWD, this Review Plan and the accompanying PMP (approved by NWS) will be posted to the District web site for public review.

## **11. REVIEW PLAN APPROVAL AND UPDATES**

The NWD Planning Chief has been delegated responsibility for approving this review plan and ensuring that use of the NWD Model Review Plan is appropriate for the specific project covered by the plan. The review plan is a living document and may change as the study progresses. The home district is responsible for keeping the review plan up to date. Minor changes to the review plan since the last NWD Planning Chief approval are documented in Attachment 2. Significant changes to the review plan (such as changes to the scope and/or level of review) should be re-approved by the NWD Planning Chief following the process used for initially approving the plan. Significant changes may result in the NWD Planning Chief determining that use of the NWD Model Review Plan is no longer appropriate. In these cases, a project specific review plan will be prepared and approved in accordance with EC 1165-2-217. The latest version of the review plan, along with the Chief's approval memorandum, will be posted on the home district's webpage.

## **12. REVIEW PLAN POINTS OF CONTACT**

Public questions and/or comments on this review plan can be directed to the following point of contact:

NWSCivilWorks@usace.army.mil