



DEPARTMENT OF THE ARMY
MISSISSIPPI VALLEY DIVISION, CORPS OF ENGINEERS
P.O. BOX 80
VICKSBURG, MISSISSIPPI 39181-0080

REPLY TO
ATTENTION OF:

CEMVD-PD-L

6 JUN '16

MEMORANDUM FOR Commander, Vicksburg District

SUBJECT: Vicksburg District Section 408 Procedural Review Plan
(RP)

1. References:

a. Memorandum, CEMVK-DE, 18 April 2016, subject: Request for Approval of Vicksburg District Procedural Review Plan (encl 1).

b. Memorandum, CEMVD-RB-T, 11 May 2016, same subject as reference 1.a. above (encl 2).

c. EC 1165-2-214, 15 December 2012, subject: Civil Works Review Policy

2. The enclosed Vicksburg District Section 408 Procedural RP, endorsed by the Risk Management Center, has been prepared in accordance with EC 1165-2-214. The RP has been coordinated with the Lower District Support Team and the Regional Business Technical Division who concurred with the plan in reference 1.b.

3. MVD hereby approves this RP, which is subject to change as circumstances require, consistent with study development under the Project Management Business Process. Subsequent revisions to this RP or its execution will require new written approval from this office. Non-substantive changes to this RP do not require additional approval from this office. The district should post the approved RP to its web site.

4. The MVD point of contact for this action is [REDACTED]

2 Encls

MICHAEL C. WEHR
Major General, USA
Commanding



DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

REPLY TO
ATTENTION OF:

18 APR 2016

CEMVK-DE

MEMORANDUM FOR COMMANDER, Mississippi Valley Division, (ATTN: Jamie Triplett, CEMVD-PD-L)

SUBJECT: Request for Approval of Vicksburg District Procedural Review Plan

1. Submitted for approval is a Procedural Review Plan (PRP) (encl) to ensure quality reviews by the Vicksburg District (MVK) of requests to alter, use, or occupy USACE civil works projects within MVK's area of responsibility in accordance with 33 U.S.C. § 408. The PRP prescribes procedures for reviewing permission requests that are small in size, not complex, and have minimal or no impact on applicable projects.

2. The review of each alteration request covered by this PRP includes a District-led Agency Technical Review. Independent External Peer Review will not be required for these alteration requests.

3. Questions should be directed to [REDACTED]

Encl

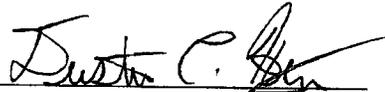

JOHN W. CROSS
COL, Corps of Engineers
Commanding

CF: (w/encl)
CEMVK-OD-MP (Pennington)

**U.S. Army Corps of Engineers
Mississippi Valley Division
Vicksburg District**

**Vicksburg District
Procedural Review Plan
Pursuant to 33 USC § 408**

ENDORSED
BY:

 5-9-16

USACE, Risk Management Center

DATE

APPROVED
BY:

 6 JUN 16

Michael C. Wehr
Major General, USA
Commanding

DATE

Contents

1. Introduction.....3
 a. Purpose of This Procedural Review Plan.....3
 b. Description and Information.....3
 c. References.....3

2. Review Requirements.....5
 a. Level of Review Required.....5
 b. Review Purpose.....5

3. District-Led Agency Technical Review Team.....6

4. Execution Plan.....7
 a. Review Procedures.....7
 b. Review Schedule.....9
 c. Review Cost.....9

5. Public Participation of Review Plan.....10

6. Review Plan Points of Contact.....10

EXHIBIT A: 11

1. Introduction

a. Purpose of This Procedural Review Plan

The purpose of this Procedural Review Plan (PRP) is to ensure quality reviews by the Vicksburg District (MVK) of requests to alter, use, or occupy (hereinafter collectively referred to as “alter” or “alteration”) US Army Corps of Engineers (USACE) civil works projects within MVK’s area of responsibility. Prepared according to Engineering Circular 1165-2-216 (hereinafter “EC”), “Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408,” this PRP prescribes procedures for reviewing permission requests that are small in size, not complex, and have minimal or no impact on affected USACE civil works projects, as per paragraph 7.c.(4)(a) of the EC.

b. Description and Information

This PRP covers the review process for alterations to USACE civil works projects that the potential hazards, as deemed by the Chief of Engineering, do not pose a significant threat to human life and do not generate a “yes” answer to any of the seven questions listed in paragraph 6.t of the EC. Typical and routine alterations to projects include, but are not limited to utility crossings, ramps, cattle gaps, gates, minor structures, pump houses, stairs, pipes, trails, sidewalks, fences, driveways, crown surfacing, power poles, closure structures, and various types of drilling.

All drilling requests (including drilling for power poles, instrumentation, third party utilities, relief wells, and geotechnical drilling, etc.) are required to prepare a drilling program plan (DPP) in accordance with ER 1110-1-1807 and are subject to approval by the District Dam Safety Officer (Dams) or Levee Safety Officer (Levees). A technical review of the DPP may determine a review is required by the Geotechnical and Materials Community of Practice (G&M CoP) Standing Committee on Drilling and Instrumentation. In such cases, the alteration request will require an Alteration-Specific Review Plan.

The following is a list of some of the references that MVK will commonly consider when reviewing covered permission requests.

- a) P.L. 84-99, as amended, flood emergencies; extraordinary wind, wave, or water damage to federally authorized hurricane or shore protective structures; emergency supplies of water; drought; well construction and water transportation
- b) 33 CFR 208.10, Local flood protection works; maintenance and operation of structures and facilities
- c) 44 CFR 65.10, Mapping of areas protected by levee systems
- d) EC 1110-2-6066, Design of I-Walls, 1 April 2011
- e) EC 1110-2-6072, Levee Safety Policy and Procedures, 19 November 2014

- f) EC 1165-2-214, Civil Works Review, 15 December 2012
- g) EC 1165-2-215, Use and Dissemination of Dam and Levee Inundation Map Data, 15 July 2013
- h) EC 1165-2-216, Change 1, Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408, 30 September 2015
- i) EM 1110-1-1005, Control and Topographic Surveying, 1 January 2007
- j) EM 1110-1-1804, Geotechnical Investigations, 1 January 2001
- k) EM 1110-1-1904, Settlement Analysis, 30 September 1990
- l) EM 1110-1-1905, Bearing Capacity of Soils, 30 October 1992
- m) ER 1110-1-1807, Drilling in Earth Embankment Dams and Levees, 31 December 2014
- n) EM 1110-2-1418, Channel Stability Assessment for Flood Control Projects, 31 October 1994
- o) EM 1110-2-1601, Hydraulic Design of Flood Control Channels, 1 July 1991
- p) EM 1110-2-1619, Risk-Based Analysis for Flood Damage Reduction Studies, 1 August 1996
- q) EM 1110-2-1902, Slope Stability, 31 October 2003
- r) EM 1110-2-1906, Laboratory Soils Testing, 20 August 1986
- s) EM 1110-2-1913, Design and Construction of Levees, 30 April 2000
- t) EM 1110-2-1914, Design, Construction, and Maintenance of Relief Wells, 29 May 1992
- u) EM 1110-2-2002, Evaluation and Repair of Concrete Structures, 30 June 1995
- v) EM 1110-2-2007, Structural Design of Concrete-Lined Flood Control Channels, 30 April 1995
- w) EM 1110-2-2100, Stability Analysis of Concrete Structures, 1 December 2005
- x) EM 1110-2-2104, Strength Design for Reinforced-Concrete Hydraulic Structures, 20 August 2003
- y) EM 1110-2-2502, Retaining and Flood Walls, 29 September 1989
- z) EM 1110-2-2504, Sheet Pile Walls, 31 March 1994
- aa) EM 1110-2-2902, Conduits, Culverts, and Pipes, 31 March 1988
- bb) ER 500-1-1, Civil Emergency Management Program, 30 September 2001
- cc) ER 1105-2-101, Risk Analysis for Flood Damage Reduction Studies, 3 January 2006
- dd) ER 1110-1-12, Change 2, Quality Management, 31 Mar 2011
- ee) ER 1110-2-1806, Earthquake Design and Evaluation for Civil Works Projects, 31 July 1995
- ff) ER 1110-2-1942, Inspection, Monitoring, and Maintenance of Relief Wells, 25 September 1998

- gg) ETL 1110-2-583, Engineering and Design: Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures, 30 April 2014
- hh) ETL 1110-2-575, Evaluation of I-Walls, 1 September 2001
- ii) Memorandum, CECW-HS, 29 November 2011, subject: Policy for Development and Implementation of System-Wide Improvement Frameworks (SWIFs)
- jj) Memorandum, CEMVD-RB-T, 27 May 2015, subject: Alterations to Federally Constructed Projects Within the Mississippi Valley Division

c. Review Management Organization (RMO)

The Review Management Organization (RMO) is responsible for managing the overall peer review effort described in this PRP. The RMO for this PRP is the Mississippi Valley Division (MVD). The Risk Management Center (RMC) Senior Reviewer will endorse this PRP, and the MVD Commander will approve the plan.

2. Review Requirements

a. Level of Review Required

The review of each alteration requested covered by this PRP shall include a district-led Agency Technical Review (ATR), reference paragraph 7.c. (4) in the EC. Quality Control is the responsibility of the sponsor/requester. All submitted documents (including supporting background data, analyses, environmental compliance documents, etc.) shall undergo Quality Control (QC). QC is an internal review process of basic science and engineering work products focused on fulfilling the project quality requirements. Basic quality control tools include seamless review, quality checks and reviews, supervisory reviews, Project Delivery Team (PDT) reviews, etc. The sponsor/requester is responsible for submitting QC documentation.

b. Review Purpose

The review of all proposed alterations will be in accordance with the guidelines established within this review plan. The purpose of this review is to ensure the integrity of the project is not compromised. Reviews will be conducted in accordance with applicable regulations, laws, codes, and best management practices.

For the purposes of Section 408, the ATR team will make the following determinations:

- 1) Impair the Usefulness of the Project Determination. The objective of this determination is to ensure that the proposed alteration will not limit the ability

of the project to function as authorized and will not compromise or change any authorized project condition, purposes or outputs.

- 2) Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks.
- 3) Legal and Policy Compliance Determination. A determination will be made as to whether a proposed alteration meets all legal and policy requirements.

3. District-Led Agency Technical Review Team

The District-led Agency Technical Review Team is comprised of reviewers with the appropriate experience and expertise to conduct a comprehensive review in a manner commensurate with the type of proposed alterations described in Section 1.b of this review plan.

The ATR Team will be comprised entirely of MVK employees.

The MVK ATR team expertise required for this review plan are listed below:

- 1) ATR Lead: The ATR team lead will be the Section 408 Coordinator or a designated ATR team leader as identified by the Section 408 Coordinator. The Section 408 Coordinator is an individual appointed by the District Engineer as having the appropriate expertise in the EC comprehension and possesses the ability to adequately scale a review in accordance with paragraph 7.b. of the EC. The ATR team leader will determine which area of expertise from the list below are necessary to perform the review.
- 2) ATR Area of Expertise Team Members: Levee or Dam Safety Program Managers and Section Chiefs of the designated area of expertise or their assigned staff member will serve as the ATR team member. A Section Chief, by nature of their position, is considered an expert in their designated area of responsibility and possesses the skills necessary to either review or assign the appropriate ATR team member. Possible areas of expertise include, but are not limited to,
 - Technical Disciplines: Geotechnical, Hydraulics, Structural, Electrical, Mechanical
 - Levee Safety and Dam Safety Program Managers
 - Real Estate
 - Environmental
 - Regulatory
 - Operations

- Flood Area Engineer
- Flood Risk Management (expertise related to EO 11988 compliance)
- Planning (expertise related to the public interest determination)
- Other specific subject matter experts based on the type of USACE project involved, such as dam safety, levee safety, hydropower, and/or navigation.

4. Execution Plan

a. Review Procedures

Reviews will be conducted in a manner which promotes dialogue regarding the quality and adequacy of the required documentation. The ATR team will review the documents provided. Reviews will be conducted in accordance with the following procedures.

The scope and complexity of the proposed project alteration will dictate the extent of the review. Complex proposals may require early coordination between the requestor and MVK prior to the formal submittal. Review of a request for permission will begin when all required documentation has been received. The ATR team leader will determine if enough information has been provided to start a review. The requestor will be notified via letter, e-mail, meeting, or phone conversation if their proposal is missing any documentation.

Proposed alteration submittal packages may be submitted by the civil works project sponsor, their agent, or a third party. Where the easement is federally-owned, the ATR Lead will coordinate directly with the applicant. Alteration proposals may be submitted via hard copy or electronic format. The proposal must contain all applicable documentation as outlined in EC 116-2-216. The ATR team leader will be the responsible party for tracking and coordinating the ATR.

Each submittal will undergo a thorough MVK ATR. The Section 408 Coordinator and designated MVK Section Chiefs will be members of the ATR team unless they delegate this responsibility to one of their staff members who has specific expertise required for the project. Upon completion of their review, the designated Section Chiefs or their designated reviewers will make review comments on the Alteration Permission Request Form (example attached as Exhibit A) and submit it to the ATR team leader. Each review comment should address four key parts.

The four key parts of a review comment will normally include:

- 1) The review concern – identify the deficiency or incorrect application of policy, guidance, or procedures.
- 2) The basis for the concern – cite the appropriate law, policy, guidance, or procedure that has not been properly followed.

- 3) The significance of the concern – indicate the importance of the concern with regard to its potential impact on the district’s ability to make a decision as to whether to approve or deny the Section 408 request.
- 4) The probable specific action needed to resolve the concern – identify the action(s) that the requestor must take to resolve the concern.

In some situations, especially addressing incomplete or unclear information, comments may seek clarification in order to then assess whether further specific concerns may exist. The ATR documentation must include the text of each ATR concern, a brief summary of the pertinent points in any discussion, including any vertical coordination, and the agreed upon resolution. Coordination with the applicant or the vertical team should be performed by or through the ATR team leader. Coordination can take place via letter, e-mail, meeting, or phone conversation, and it is recommended that minutes be recorded when a meeting or phone conversation is held.

In addition to the review comments, the Alteration Permission Request Form will indicate if the proposed alteration generates a “yes” answer to any of the seven questions listed in paragraph 6.t. of the EC. This review plan will not be used for any proposed alteration that generates a “yes” answer to any of the seven questions, as determined by the Section 408 Coordinator or ATR team., If a “yes” answer is generated, a separate alteration-specific review plan which is distinct to that proposed alteration will be written and submitted to the Risk Management Center and the Mississippi Valley Division for approval.

When there is a disagreement as to the appropriate authorization level, complexity, or uniqueness of an alteration, a Review Advisory Team meeting will be held. Members of this team may include the District Engineer, Chief of Engineering and Construction, Section Chiefs, Levee/Dam Safety Program Managers, Flood Area Engineer, District Counsel and Section 408 Coordinator. To help facilitate the meeting, the Section 408 Coordinator shall be responsible for providing the Review Advisory Team with an overview of the project and review comments. At the conclusion of this meeting the team should have made a determination as to the appropriate level of review, and it shall be agreed to by the Levee/Dam Safety Officer (LDSO). If no conclusion can be made at the end of the meeting, vertical coordination through the chain of command will be required.

The ATR is complete when the ATR team is satisfied that the proposed alteration will not be injurious to the public interest, will not impair the usefulness of the project, and is not in conflict with any known laws and/or regulations. If the proposed alteration does not adequately address the above statements then the ATR team should recommend the proposed alteration be denied.

Upon notification by the ATR team leader to the LDSO that the ATR has been satisfactorily completed, and, when applicable, the Mississippi Valley Division has determined the alteration is acceptable, the LDSO and Chief of Engineering and

Construction will perform a final review of all documents prior to issuing any letter of permission or denial.

The District Counsel will be responsible for performing the legal and policy review in accordance with the EC. This review will be completed after the ATR is completed and the LDSO and Chief of Engineering and Construction have reviewed and signed the alteration documents, but prior to the District Engineer's determination.

The District Engineer will make the final determination as to whether or not the proposed alteration should be permitted or denied. Categorical permission may be granted for proposed activities that meet the conditions of a simplified process enacted pursuant to EC 1165-2-216, Section 6(s). A letter of permission will be sent to the non-federal sponsor (if applicable) and/or the requestor indicating MVK's final determination.

If the proposed alteration requires a regulatory action, the letter of permission will indicate that the Regulatory Permit process must be completed prior to beginning work.

It will be the ATR team leader's responsibility to follow up with the sponsor after the letter of permission has been issued. They will coordinate with the Area Engineer and Operations Division for field monitoring during construction. In addition, the ATR team leader will make sure that all as-built drawings are submitted and filed accordingly. If at any time it is observed that an applicant has constructed an unapproved alteration, or is deviating from an approved-submission, a cease and desist letter will be issued by MVK to the applicant and local sponsor (if applicable). The letter will be signed by the District Engineer and will inform the person or entity that they are in violation of 33 USC § 408. MVK will examine the unauthorized alteration for impacts to the integrity of the civil works project and will utilize 33 USC § 408 to its full potential to remedy the situation.

This review plan and the procedures outlined above will be updated upon the receipt of new policy guidance pertaining to 33 USC § 408 from either Headquarters USACE or the Mississippi Valley Division. It will also be reviewed, at a minimum, annually by the Section 408 Coordinator for compliance with MVK specific procedures. Significant changes to the plan will require a new endorsement by the Risk Management Center and the Mississippi Valley Division.

b. Review Schedule

Per the Water Resources Reform and Development Act of 2014, Section 1007 (c) (2) (B) (I), the benchmark for approving or disapproving a request for permission is 45 days. The process begins once an alteration package has been submitted. Incomplete information or complexity of the project may extend the review process past 45 days.

c. Review Cost

Review costs will be paid using Operations and Maintenance or other funds, as per the EC. Costs associated with the reviews will be tracked by the Section 408 Coordinator.

5. Public Participation of Review Plan

To ensure that the peer review approach is responsive to the wide array of stakeholders and customers, both within and outside the Federal Government, this Review Plan will be published on the district's public Internet site following approval by NWD. This is not a formal comment period and there is no set timeframe for the opportunity for public comment. If and when comments are received, the PDT will consider them and decide if revisions to the review plan are necessary. The public is invited to review and submit comments on the plan as described at:

<http://www.mvk.usace.army.mil/Missions/CivilWorks/PeerReviewPlans.aspx>.

6. Review Plan Points of Contact

Name/Title	Organization	Email/Phone
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

EXHIBIT A: Alteration Permission Request Form

208 / 408 Alteration Permission Request Form

208 408 Proposed Alteration Date

Location Information State County Town

Levee Station Decimal Degree Latitude Decimal Degree Longitude

Levee Owner Information Non Federal Sponsor

Levee System Levee Segment

Requester Information Name Phone #

Address E-mail

Proposed Permission Holder Information Name Phone #

Address E-mail

Provide a Detailed Description of the Proposed Alteration in the space provided below.

- Levee District Screening of Permission Request:
- | | |
|---|---|
| <input type="checkbox"/> Aerial Image of proposed alteration included | <input type="checkbox"/> Decimal Degree Coordinates at levee centerline |
| <input type="checkbox"/> Distance from levee toe identified | <input type="checkbox"/> Applicants borrow area identified |
| <input type="checkbox"/> Cross-section including levee included | <input type="checkbox"/> Correct standard drawings included |

Permission Review Comments: The proposed alteration has been reviewed by our levee district and we are submitting the proper documentation for review by the Vicksburg District.

Levee District Authorized Representative Date

MVK-OD-F Reviewer Date

Reviewer Date

Reviewer Date

Reviewer Date

Reviewer Date

- Alteration does not appear to threaten system integrity. Alteration does not appear to be injurious to the public interest.
 Project should continue to function as designed. Alteration requires OC Concurrence.
 Requirements of EO11988 met for 408 review.

Levee Safety Officer Concurrence Date

MVK E&C Chief Concurrence Date

Office of Counsel Concurrence Date

- Agency Technical Review is complete and all concerns have been properly addressed.
 Proposed alteration does not generate a "yes" answer to any of the seven questions listed in paragraph 6.t. of EC 1165-2-216.

408 Coordinator Concurrence Date