



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
SOUTH PACIFIC DIVISION, CORPS OF ENGINEERS  
1455 MARKET STREET  
SAN FRANCISCO CA 94103-1399

CESPD-PDC

30 JUN 2015

MEMORANDUM FOR Commander, San Francisco District, ATTN: Mr. John Cheng  
(CESPN-OR-E), 1455 Market Street, San Francisco, CA 94103-1398

SUBJECT: South Pacific Division's approval of the District Procedural Review Plan for  
Low-Impact Alteration Requests Pursuant to 33 USC § 408

1. The enclosed District Procedural Review Plan for Low-Impact Alteration Requests Pursuant to 33 USC § 408, submitted to the South Pacific Division (SPD) in June 2015 (Enclosure 1), was prepared in accordance with EC 1165-2-216 (7) Procedures, (c) Step-by-Step procedures, (4) Step 4: District-Led Agency Technical Review, (a) District Review Plans, and EC 1105-2-214.
2. The review plan was coordinated with the District Support Team and Risk Management Center. The Risk Management Center signed off on the review plan on 5 June 2015.
3. Future review plans for section 408 low-impact alteration requests made to the San Francisco District will be prepared in accordance with the procedural review plan, EC 1165-2-216, and EC 1105-2-214.
4. With MSC approval, the review plan will be made available for public comment on the internet, and comments received will be incorporated into future revisions to the procedural review plan.
5. I hereby approve the enclosed procedural review plan, which is subject to change as circumstances require. Subsequent revisions to the review plan or its execution will require new written approval from this office.
6. For any additional information or assistance, contact Ms. Cynthia Jo Fowler, Acting District Support Team Lead, (415) 503-6870, [Cynthia.J.Fowler@usace.army.mil](mailto:Cynthia.J.Fowler@usace.army.mil).

**BUILDING STRONG *and Taking Care of People!***

Encl

  
R. MARK TOY  
Brigadier General, USA  
Commanding

CF:  
CESPD-PDC (Cynthia Jo Fowler)

## Enclosure 1

District Review Plan for Low-Impact Alternation Requests Pursuant to 33 USC § 408

San Francisco District

(Risk Management Center approved)

June 2015



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS  
RISK MANAGEMENT CENTER  
12596 WEST BAYAUD AVE., SUITE 400  
LAKEWOOD, CO 80228

REPLY TO  
ATTENTION OF

CEIWR-RMC

16 June 2015

MEMORANDUM FOR: Commander, San Francisco District, ATTN: CESPAN-OR-E

SUBJECT: Risk Management Center Endorsement – District Procedural Review Plan for Low-Impact Alteration Requests Pursuant to 33 USC § 408

1. The Risk Management Center (RMC) has reviewed the District Procedural Review Plan for Low-Impact Alteration Requests Pursuant to 33 USC § 408 and concurs that this RP complies with the current peer review policy requirements outlined in EC 1165-2-216 "Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408", dated 31 July, 2014.
2. This revised review plan was prepared by San Francisco District, reviewed by SPD, and the RMC, and all review comments have been satisfactorily resolved.
3. The RMC endorsed this document on 5 June 2015 and recommends it be approved by the MSC Commander. Upon approval of the RP, please provide a copy of the approved RP and a copy of the MSC Commander's approval memorandum to the RMC Senior Review Manager ([rmc.review@usace.army.mil](mailto:rmc.review@usace.army.mil)).
4. Thank you for the opportunity to assist in the preparation of this RP. Please coordinate all aspects of the Agency Technical Review (as appropriate) efforts defined in the RP. For further information, please contact me at 304-399-5217.

Sincerely,

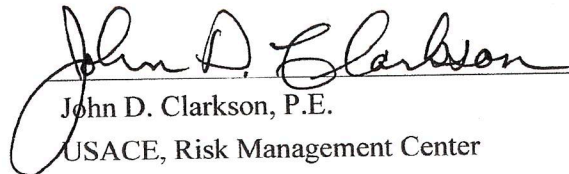
  
JOHN D. CLARKSON, P.E.  
Senior Review Manager  
Risk Management Center

CF:  
CEIWR-RMC (Mr. Snorteland)  
CESPD-RBT (Division Quality Manager)

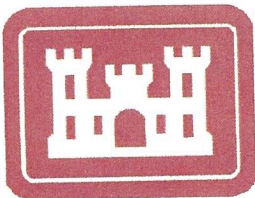
**U.S. Army Corps of Engineers  
South Pacific Division  
San Francisco District**

**District Procedural Review Plan for  
Low-Impact Alteration Requests  
Pursuant to 33 USC § 408**

ENDORSED  
BY:

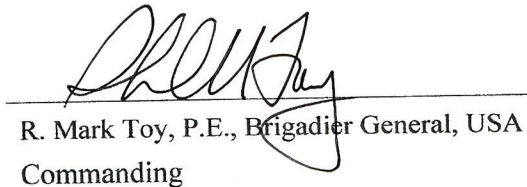
  
John D. Clarkson, P.E.  
USACE, Risk Management Center

6/5/15  
DATE



**US Army Corps  
of Engineers®**

APPROVED  
BY:

  
R. Mark Toy, P.E., Brigadier General, USA  
Commanding

30 Jun 2015  
DATE

**Contents**

- 1. Introduction..... 1**
  - a. Purpose of This Procedural Review Plan ..... 1
  - b. References ..... 1
  - c. Review Management Organization (RMO)..... 2
  - d. Description and Information..... 3
- 2. Review Requirements ..... 3**
  - a. Level of Review Required..... 3
  - b. Review Purpose ..... 3
- 3. District-led Agency Technical Review Team..... 4**
- 4. Execution Plan ..... 5**
  - a. Review Procedures ..... 5
  - b. Public Comment ..... 7
  - c. Review Schedule..... 7
  - d. Review Cost..... 7
- 5. Review Plan Points of Contact ..... 7**

Attachments:

- 1. Section 408 Coordination Checklist
- 2. Certification of Agency Technical Review

## 1. Introduction

### a. Purpose of This Procedural Review Plan

This Procedural Review Plan is intended to ensure quality of reviews by the San Francisco District for requests to alter US Army Corps of Engineers (USACE) civil works projects within the San Francisco District's area of responsibility. This Procedural Review Plan was prepared in accordance with Engineer Circular (EC) 1165-2-216, "Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408." This Procedural Review Plan provides the review guidelines associated with the alteration requests pursuant to 33 USC 408 (Section 408) that are similar in nature and are typically of small size, not complex, and have minimal to no impacts to the USACE civil works project (reference paragraph 7.c.(4)(a) in EC 1165-2-216).

### b. References

The following is a list of references that the San Francisco District will consider in the review of alteration requests covered by this procedural review plan. Other references that are not listed may be considered if needed.

- 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) ER 500-1-1, Civil Emergency Management Program, 30 September 2001
- e) EC 1110-2-6072, Levee Safety Policy and Procedures, 19 November 2014
- f) ER 1110-2-1806, Earthquake Design and Evaluation of Civil Works Projects, 31 July 1995
- g) ER 1110-2-1942, Inspection, Monitoring, and Maintenance of Relief Wells, 29 February 1988
- h) EM 1110-1-1005, Control and Topographic Surveying, 1 January 2007
- i) EM 1110-1-1804, Geotechnical Investigations, 1 January 2001
- j) EM 1110-1-1904, Settlement Analysis, 30 September 1990

- k) EM 1110-2-1418, Channel Stability Assessment for Flood Control Projects, 31 October 1994
- l) EM 1110-2-1601, Hydraulic Design of Flood Control Channels, 1 July 1991
- m) ER 1105-2-101, Risk Analysis for Flood Damage Reduction Studies, 3 January 2006
- n) EM 1110-2-1619, Risk-Based Analysis for Flood Damage Reduction Studies, 1 August 1996
- o) EM 1110-2-1902, Slope Stability, 31 October 2003
- p) EM 1110-2-1906, Laboratory Soils Testing, 20 August 1986
- q) EM 1110-2-1913, Design and Construction of Levees, 30 April 2000
- r) EM 1110-2-1914, Design, Construction, and Maintenance of Relief Wells, 29 May 1992
- s) EM 1110-2-2002, Evaluation and Repair of Concrete Structures, 30 June 1995
- t) EM 1110-2-2007, Structural Design of Concrete-Lined Flood Control Channels, 30 April 1995
- u) EM 1110-2-2100, Stability Analysis of Concrete Structures, 1 December 2005
- v) EM 1110-2-2104, Strength Design for Reinforced-Concrete Hydraulic Structures, 20 August 2003
- w) EM 1110-2-2502, Retaining and Flood Walls, 29 September 1989
- x) EM 1110-2-2504, Sheet Pile Walls, 31 March 1994
- y) EM 1110-2-2902, Conduits, Culverts, and Pipes, 31 March 1988
- z) EC 1110-2-6066, Design of I-Walls, 1 April 2011
- aa) 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
- bb) ETL 1110-2-575, Evaluation of I-Walls, 1 September 2011
- cc) U.S. Army Corps of Engineers, Policy for Development and Implementation of System-Wide Improvement Frameworks (SWIFs), CECW-HS memorandum, 29 November 2011

**c. Review Management Organization (RMO)**

The Review Management Organization (RMO) is responsible for managing the overall peer review effort described in this review plan. The RMO for Section 408 Procedural Review Plans is the Risk Management Center (RMC). The RMC will endorse the review plan and the South Pacific Division (SPD) will approve the plan.

#### **d. Description and Information**

This Procedural Review Plan covers requests for low-impact alterations to levee, floodwall, or flood risk management channel projects. Examples of low-impact alterations could be:

- Repair, replacement, or removal of discharge pipes or utility lines
- Construction of new discharge pipes or utility lines
- Removal of culverts
- Removal of bridges (road and pedestrian)
- Construction of new or replacement bridges (road and pedestrian)
- Changes to channel riprap to accommodate fish passage
- Replacement of existing low-impact project features using similar design
- Installation of trails, ramps, lighting, boat docks and other recreational, operational, or decorative features

The determination of whether or not an alteration is low-impact will depend upon the scope of the alteration, i.e., any alteration where potential hazards do not pose a significant threat to human life as determined by the District Chief of Engineering. For Section 408 requests that may require HQ USACE approval, the District will develop an alteration-specific review plan for that request.

## **2. Review Requirements**

### **a. Level of Review Required**

The review of each low-impact alteration request covered by this Procedural Review Plan shall include a district-led Agency Technical Review (ATR), reference paragraph 7.c.(4) in EC 1165-2-216.

### **b. Review Purpose**

The review of all work products will be in accordance with the guidelines established within this review plan. The purpose of this review is to ensure the proper application of established criteria, regulations, laws, codes, principles and professional 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 conditions, 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 the 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 independence and expertise to conduct a comprehensive review in a manner commensurate with the types of proposed alterations described in Section 1.b of this review plan.

The San Francisco District ATR team expertise required for this review plan is listed below:

ATR Lead: The ATR team lead is a professional with experience in reviewing Section 408 alteration requests and conducting ATRs. The ATR lead has the necessary skills and experience to lead a team through the ATR process. The ATR lead may also serve as a reviewer for a specific discipline.

Other potential areas of expertise may include, but are not limited to,

- Technical Disciplines: Geotechnical, Hydraulics, Structural, Risk Assessments
- Real Estate
- Environmental
- Cultural Resources
- Regulatory
- Counsel
- Levee Safety
- Flood Risk Management (expertise related to EO 11988 compliance)
- Emergency Management
- Planning (expertise related to the public interest determination)

- Other specific subject matter experts based on the type of USACE project involved

For each alteration request, the District Section 408 Coordinator will determine the areas of expertise needed to participate in ATR.

## **4. Execution Plan**

### **a. Review Procedures**

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

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 requester 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.

The review may require the following information, at a minimum, to determine whether the proposed alteration will impair the usefulness of the project or be injurious to the public interest. The detail required is scalable to the complexity of the proposed alteration.

1. Technical Analysis and Design. The minimum level of detail will be 60% complete plans and specifications and supporting analysis.

2. Hydrologic and Hydraulics System Performance Analysis. The District will determine if such an analysis is needed and, if so, determine the appropriate scope of analysis based on the alteration's complexity.
3. Environmental Compliance. A decision on a Section 408 request is a federal action, and therefore subject to national Environmental Policy Act (NEPA) and other environmental compliance requirements. The requester is responsible for providing all information that the District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and ordinances.
4. Real Estate Requirements. A list of all real property interests required to support the proposed alteration must be provided by the requester.
5. Discussion of Executive Order 11988 Considerations.
6. Requester Review Plan Requirement. If a Type II Independent External Peer Review (IEPR) is required, then the requester must develop a Type II IEPR review plan to be approved by the Risk Management Center.
7. Operations and Maintenance. Requesters must identify any operations and maintenance requirements needed throughout the life of the proposed alteration.

The District Section 408 Coordinator will ensure that each alteration request is submitted by the requester to the District Commander in writing, with an endorsement from the non-federal sponsor of the USACE project if the requester is not the sponsor. The District Section 408 Coordinator will distribute proposed alteration submittals from the requester to the ATR team members for their reviews. The ATR team members will determine whether the proposed alteration would impair the usefulness of the federal project, be injurious to the public interest, or meets legal and policy requirements. ATR team members will provide their comments to the District Section 408 Coordinator, who will use the comments to determine if the proposed alteration can be approved in accordance with EC 1165-2-216. Conflicts in addressing ATR comments will be elevated to the functional chief and SPD for resolution.

Following ATR, the District Section 408 Coordinator will compile a Summary of Findings (with an appendix of ATR Comments and Resolution) and obtain the endorsement of the District Levee Safety Program Manager, the District Levee Safety Officer, the District Counsel, and other District leadership before recommending to the District Commander that the proposed alteration be approved or denied.

After the District Commander's decision, the District Section 408 Coordinator will file electronic and hard copies of all documentation for the Section 408 request (request letter, request submittals, ATR review, Summary of Findings, notification letter) under the District's Readiness Branch. A copy of the Summary of Findings (with an appendix of ATR Comments and Resolution) will be sent to the SPD Section 408 Coordinator

(and when appropriate, the SPD Dam or Levee Safety Program Manager and the SPD Dam/Levee Safety Officer) for information purposes.

**b. Public Comment**

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 SPD at <http://www.spn.usace.army.mil/Missions/ProjectsandPrograms/ProjectReviewPlans.aspx>. 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 on the web site.

**c. Review Schedule**

Review schedules are commensurate with the scale and complexity of the review. Simple Section 408 reviews (little impact and minimal team member involvement) should be able to be completed within a few weeks time or less. More complex reviews may require several months of review time depending on the completeness of the information provided by the requester and the availability of district (or others) resources to complete the review. The District Section 408 Coordinator will work with the ATR team to achieve timely reviews and will maintain contact with the requester and/or the non-federal sponsor to keep them informed about the review timeline.

**d. Review Cost**

Reviews will be funded with the San Francisco District's Inspection of Completed Works (ICW) funds. If ICW funds are insufficient, additional funds necessary for review may be requested from the Section 408 requester under the authority of Section 214 of WRDA 2000 to expedite the Section 408 review and evaluation.

**5. Review Plan Points of Contact**

Name/Title	Organization	Email/Phone
District Section 408 Coordinator	CESPN-OR-E	John.C.Cheng@usace.army.mil
RMC Review Manager	CEIWR-RMC	rmc.review@usace.army.mil

**ATTACHMENT 1 – SECTION 408 COORDINATION CHECKLIST**

Section 408 Project Name: \_\_\_\_\_

ATR Lead: \_\_\_\_\_

<b>Discipline</b>	<b>Person Contacted</b>	<b>Review Needed (Y/N)</b>	<b>Explanation</b>
<b>Geotechnical</b>			
<b>Hydraulics</b>			
<b>Structural</b>			
<b>Risk Assessments</b>			
<b>Environmental</b>			
<b>Regulatory</b>			
<b>Counsel</b>			
<b>Subject Matter Expert 1 (as required)</b>			
<b>Subject Matter Expert 2 (as required)</b>			

ATTACHMENT 2

COMPLETION OF AGENCY TECHNICAL REVIEW

The Agency Technical Review (ATR) has been completed for the <short description of proposed alteration> for <project name and location>. The ATR was conducted as defined in the Procedural Review Plan to comply with the requirements of EC 1165-2-216. During the ATR, compliance with established policy principles and procedures and legal requirements was verified. This included the determination whether the proposed alteration would impair the usefulness of the federal project or was injurious to the public interest. All comments resulting from the ATR have been resolved.

SIGNATURE

\_\_\_\_\_  
Name  
ATR Team Leader  
Office Symbol

\_\_\_\_\_  
Date

SIGNATURE

\_\_\_\_\_  
Name  
District Section 408 Coordinator  
Office Symbol

\_\_\_\_\_  
Date

SIGNATURE

\_\_\_\_\_  
(Add any additional signatures as appropriate)  
Title  
Office Symbol

\_\_\_\_\_  
Date