



b. **Civil Works Review Board (CWRB).** The MSC and District Engineers will present the final results and recommendations for all Civil Works feasibility and post authorization reports that recommend new or additional Congressional authorization to the CWRB in HQUSACE. The CWRB briefing is the corporate checkpoint for determining that the final decision and NEPA documents, and the proposed Report of the Chief of Engineers are ready to release for State and Agency (S&A) Review as required by the Flood Control Act of 1944, as amended (33 U.S.C. 701-1).

(1) **Scheduling.** Approximately six months before the final report package is submitted to HQUSACE, the District Engineer shall notify the MSC and RIT to schedule a briefing of the CWRB. The briefing will be held no less than 21 calendar days after HQUSACE receives the Division Engineer's Transmittal Letter and prior to issuance of the Final Report of the Chief of Engineers. The briefing will be held before the S&A Review process is initiated. For expediency, exceptions regarding the timing of the S&A Review process may be considered in cases where there are no outstanding review concerns and no known controversies associated with the project. To obtain such an exception, the District Engineer must submit a request through the MSC Division Engineer to the Director of Civil Works (DCW) for action.

(2) **Members.** The Deputy Commander will chair the CWRB. This level of involvement emphasizes to the Corps and the public the importance placed on the vertical team process in developing water resources projects. For each briefing, the CWRB will consist of five voting members. Three Board members will serve permanently on every panel: the CWRB Chair, the DCW, and the Leader of the Planning Community of Practice (CoP). Two additional Board members will be drawn specifically for each panel: one RIT leader (not from the presenting MSC); and one additional CoP leader from Engineering, Operations, Real Estate or another area as appropriate. The Office of the Chief Counsel will serve in an advisory role for all reports.

(3) **Attendance.** The appropriate HQUSACE, MSC, and District staff will attend. The project sponsor should attend and present its views on the project. The peer review team leaders (Independent Technical Review and External Peer Review) and other key stakeholders should be invited. Representatives from OWPR, the policy compliance review team, the RIT, and other HQUSACE offices will attend, as appropriate. Representatives from ASA (CW) and the Office of Management and Budget (OMB) will be invited. If travel is not practical, the MSC and/or District should contact OWPR regarding participation via video-teleconference.

(4) **Agenda.** Following presentations by the District Engineer, Division Engineer, OWPR, the non-Federal sponsor, and other guests, the CWRB will determine whether the report should be issued for S&A Review, and whether other instructions are warranted. A sample agenda is presented in Exhibit H-13.

(a) **District Engineer Briefing.** The District Engineer will address the report recommendations, the rationale for plan selection, the benefits and costs, NEPA compliance, cost sharing, and how all peer and policy review comments were addressed and resolved. The District Engineer will address the systems perspective and how risk and uncertainty were considered in the study. The District Engineer will also provide an overview of the public

involvement process, including any peer review, the major concerns expressed and how they were resolved. The District Engineer shall cover the topics listed in Exhibit H-14.

(b) Division Engineer Briefing. The Division Engineer will present the rationale for issuing the Division Engineer's Transmittal Letter, certification of legal and policy compliance, the expected response to the draft Report of the Chief of Engineers, and any MSC Quality Assurance or other observations. The Division Engineer and/or the HQUSACE RIT leader will summarize the QA/QC efforts, specifically the certifications of technical, legal and policy compliance. They should discuss the peer review process and results, including the involvement of the Planning Centers of Expertise, and any significant and/or unresolved technical, legal or policy compliance concerns.

(c) OWPR Briefing. Upon receiving the MSC submittal materials, the OWPR policy compliance review team will briefly assess the compliance of the materials with previous guidance (PGMs) to identify any obvious concerns that may warrant delaying the S&A Review. The OWPR review team manager will summarize these and any other significant policy and legal concerns to the CWRB, including their significance and the steps needed to resolve each one. The review manager will recommend whether or not the report and the proposed Chief's Report should be released for S&A Review. As indicated below, the full policy compliance review of the final report will continue concurrently with the S&A Review.

(5) CWRB Decision. If the CWRB decision is not a simple approval to release the final report for S&A Review and file the FEIS with EPA, OPWR will record the decision and, if necessary, the RIT will issue a guidance memorandum to the MSC and District. OWPR will include the CWRB decision and instructions, if any, in the Documentation of Review Findings.

(6) After Action Reports (AARs). To facilitate lessons learned, the District will prepare a brief AAR of the CWRB meeting on outcomes and decisions reached, and any follow-on actions required. The AAR will be furnished to the Division Engineer, the RIT, and OWPR within 30 calendar days of the CWRB briefing. CECW-PC will place the AAR in the Planners Web Site with a link to the presentations made at the briefing.

c. State and Agency Review. The S&A Review by pertinent agencies is required by Executive Order 12372, Public Law 78-534, as amended, and Public Law 85-624. HQUSACE shall administer the S&A Review with the assistance of the District. OWPR will provide a coordination package to the District to initiate the S&A Review as soon as possible after the CWRB briefing, consistent with the CWRB decisions. OWPR will provide a mailing list, signed transmittal letters, and the proposed Report of the Chief of Engineers to the District with instructions for mailing copies of the report to the State and Federal agencies for S&A Review. The District will date and mail the transmittal letters and enclosures according to the written HQUSACE instructions. (Keep copies to verify the dates.) The transmittal letters will explain the current status of the report and FEIS and direct any comments to the DCW. OWPR will contact any agencies or governor's offices that do not respond by the end of the review period. OWPR will identify any State or Agency comments that warrant a response and the RIT planner will coordinate with the MSC and District to draft response letters for signature by the Chief,