



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NORTH ATLANTIC DIVISION
FORT HAMILTON MILITARY COMMUNITY
302 GENERAL LEE AVENUE
BROOKLYN NY 11252-6700

FEB 20 2015

CENAD-PD-OR

MEMORANDUM FOR Commander, U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751

SUBJECT: Long Island Sound Dredged Material Management Updated Review Plan

1. Attached is the Review Plan for the Long Island Sound Dredged Material Management Plan prepared by New England District in accordance with EC 1165-2-214, Civil Works Review.
2. The Review Plan was coordinated with the North Atlantic Division Operations and Regulatory Division, the lead office to execute this plan. The Review Plan includes a current risk informed decision for exclusion from Type I Independent External Peer Review (IEPR), as none of the mandatory triggers for an IEPR were met. An IEPR exclusion request is not required, as Dredged Material Management Plans are listed as routine products under the USACE National Programmatic Review Plan for Routine Operations and Maintenance Products.
3. I hereby approve this Review Plan, which is subject to change as circumstances require, consistent with work product development under the Project Management Business Process. Subsequent revisions to this Review Plan or its execution will require new written approval from the NAD Commander.
4. The point of contact is Mr. Rich Thorsen PE, Navigation Program Manager, 347-370-4608.

Encls
Review Plan, Long Island
Sound Dredged Material
Management Plan


KENT D. SAVRE
Brigadier General, USA
Commanding

REVIEW PLAN

*Long Island Sound Dredged Material Management Plan
Connecticut and New York*

New England District

MSC Approval Date: Pending

Last Revision Date: 9 January 2015



US Army Corps
of Engineers ®

REVIEW PLAN

Long Island Sound Dredged Material Management Plan, CT & NY

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1. PURPOSE AND REQUIREMENTS

a. **Purpose.** This Review Plan defines the scope and level of peer review for the Long Island Sound Dredged Material Management Plan, Connecticut and New York

b. References

- (1) Engineering Circular (EC) 1165-2-214, Civil Works Review Policy, 15 Dec 2012
- (2) EC 1105-2-412, Assuring Quality of Planning Models, 31 Mar 2010
- (3) Engineering Regulation (ER) 1110-1-12, Quality Management, 30 Sep 2006
- (4) ER 1105-2-100, Planning Guidance Notebook, Appendix H, Policy Compliance Review and Approval of Decision Documents, Amendment #1, 20 Nov 2007
- (5) PMP for the Long Island Sound Dredged Material Management Plan
- (6) MSC and/or District Quality Management Plan(s)

c. **Requirements.** This review plan was developed in accordance with EC 1165-2-214, which establishes an accountable, comprehensive, life-cycle review strategy for Civil Works products by providing a seamless process for review of all Civil Works projects from initial planning through design, construction, and operation, maintenance, repair, replacement and rehabilitation (OMRR&R). The EC outlines four general levels of review: District Quality Control/Quality Assurance (DQC), Agency Technical Review (ATR), Independent External Peer Review (IEPR), and Policy and Legal Compliance Review. In addition to these levels of review, decision documents are subject to cost engineering review and certification (per EC 1165-2-214) and planning model certification/approval (per EC 1105-2-412).

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 decision documents is typically either a Planning Center of Expertise (PCX) or the Risk Management Center (RMC), depending on the primary purpose of the decision document. However, in the case of the LIS DMMP since the DMMP deals with existing Federally authorized projects and is not seeking any new authorizations, the RMO for the ATR review would be NAD. Another NAD District, likely NAN which has DMMP experience, would be requested to conduct the ATR. The RMO will coordinate with the Cost Engineering Directory of Expertise (DX) to ensure the appropriate expertise is included on the review teams to assess the adequacy of cost estimates, construction schedules and contingencies, as applicable.

3. STUDY INFORMATION

a. **Decision Document.** The Long Island Sound Dredged Material Plan, Connecticut and New York is neither a decision or implementation document. The scope of the LIS DMMP is comprehensive in nature and will identify primary and contingency options needed to meet the dredging requirements of the various Corps Federal Navigation Projects in the Long Island Sound region giving consideration to beneficial uses of the dredged material. The LIS DMMP will consider dredging needs based upon potential new projects and existing Federal navigation projects, and will factor State, local, and private dredged material placement needs into the formulation of alternatives, where appropriate. It will be approved by the MSC and will not require Congressional authorization. In conjunction with the DMMP, a Programmatic Environmental Impact Statement

(PEIS) will be prepared. Preparation of the DMMP/PEIS will enable NAE /NAN to comply with the requirement of ER 1105-2-100 to prepare a DMMP for each Federally authorized navigation channel.

- b. **Study/Project Description.** In June 2005, the Environmental Protection Agency (EPA) designated two open water dredged material disposal sites in Long Island Sound (LIS) to provide long-term, environmentally acceptable disposal options for potential use by Federal, state, municipal and private entities, which must dredge river and harbor channels, anchorages, turning and maneuvering basins, marinas, and other tidal and subtidal areas in the Long Island Sound region in order to maintain conditions safe for marine commerce and recreational navigation and other purposes. The Final Rule "Designation of Dredged Material Disposal Sites in Central and Western Long Island Sound, Connecticut" anticipated the development of a regional Dredged Material Management Plan (DMMP) for LIS. Subsequent to the publication of the Designation Rule, EPA, the Corps, and appropriate Federal and state resource agencies agreed to partner in the development of a LIS DMMP. The LIS DMMP will include an in-depth analysis of all potential dredged material management alternatives which could be used by dredging proponents in developing alternatives analyses for dredging in the LIS vicinity. The DMMP will identify base and recommended dredged material management plans for Federal Navigation Projects in Long Island Sound. Figure 1 shows the scope of the DMMP study area.

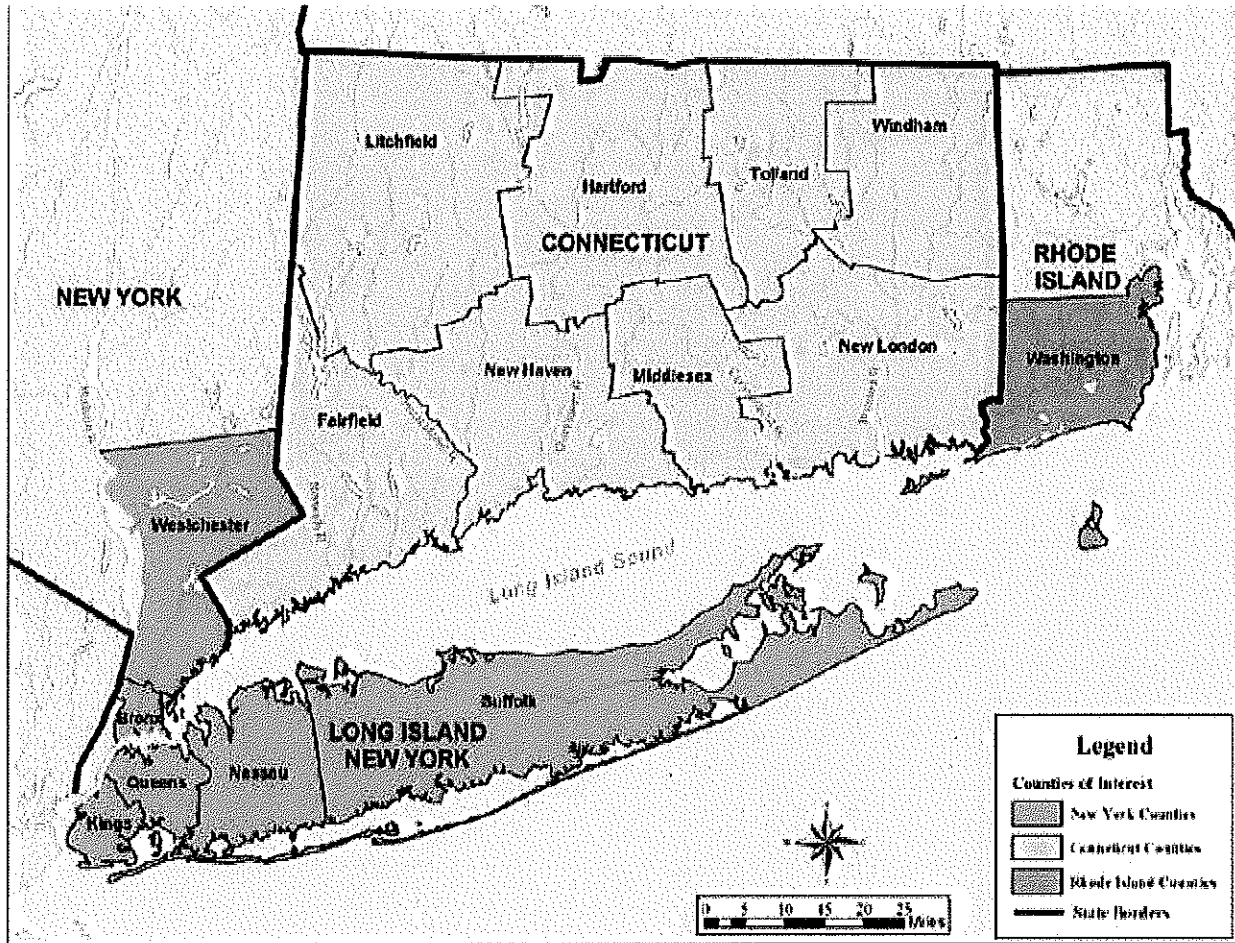


Figure 1 – LIS DMMP Study Area

- c. **Factors Affecting the Scope and Level of Review.** The LIS DMMP is not a feasibility type decision document nor an implementation document, as it does not lead to any project authorization or implementation. Rather the DMMP identifies and evaluates potential dredged material management options for existing Federal Navigation Projects. Implementation of these options would require additional analyses at the time of potential implementation. Since the LIS DMMP is neither a decision document nor an implementation document, it has been determined by NAD that an Agency Technical Review (ATR) is the appropriate level of review for the DMMP. The DMMP and PEIS will be reviewed by a multi-agency PDT. The objective of ATR is to ensure consistency with established criteria, guidance, procedures, and policy. The ATR will assess whether the analyses presented are technically correct and comply with published USACE guidance, and that the document explains the analyses and results in a reasonably clear manner. 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 and may be supplemented by outside experts as appropriate.
- **Purpose:** Ensure the quality and credibility of the government's scientific information and verify compliance with National Environmental Policy Act (NEPA) and other environmental compliance documents

- **Managed by:** ATR Leader
- **Performed by:** Senior Technical Team Members, preferably recognized subject matter experts (Outside New England District)
- **Required for:** Dredged Material Management Plan and Programmatic Environmental Impact Statement
- **Documentation:** DrChecks and Review Report
- **Review Management Organization:** North Atlantic Division

d. **In-Kind Contributions.** This is a Federally funded effort with no sponsor and therefore no in-kind contributions

4. DISTRICT QUALITY CONTROL (DQC)

Initial Quality Control (QC) review of feasibility study products is handled within the Section or Branch at New England District performing the work, and by contractors submitting the results of specific field investigations and reports. Additional QC will be performed by the multi-Agency project delivery team (PDT) during the course of the feasibility plan formulation and evaluation process, and during preparation and assembling the draft and final DMMP documents. These District level internal checks of engineering technical, and scientific methodology applied, computations, and assessment are standard operating procedure and normally conducted by Section Chiefs and Team Leaders.

- a. **Documentation of DQC.** DQC will be documented through the use of Dr. Checks and a DQC report, which will be signed by all reviewers.
- b. **Products to Undergo DQC.** Products that will undergo DQC include the DMMP, PEIS and Cost Estimates.
- c. **Required DQC Expertise.** DQC will be performed by Section Chiefs and Team Leaders in NAE that are not directly involved in the study. The required disciplines for review will vary by product. The DQC supplements the reviews provided by the Project Delivery Team during the course of completing these products.

5. AGENCY TECHNICAL REVIEW (ATR)

ATR is mandatory for all decision documents (including supporting data, analyses, environmental compliance documents, etc.). The objective of ATR is to ensure consistency with established criteria, guidance, procedures, and policy. In this case, the ATR will assess whether the work products presented are technically correct and comply with published USACE guidance, and that they explain the analyses and results in a reasonably clear manner for the public and decision makers. 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 and may be supplemented by outside experts as appropriate. The ATR team lead will be from outside the home district.

a. **Products to Undergo ATR.** The products that will undergo ATR are DMMP, PEIS and Cost Estimates.

b. **Required ATR Team Expertise.**

ATR Team Members/Disciplines	Expertise Required
ATR Lead	The ATR lead should be a senior professional with extensive experience in preparing Civil Works 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 may also serve as a reviewer for a specific discipline (such as planning, economics, environmental resources, etc).
Planning	The Planning reviewer should be a senior water resources planner with experience in dredging
Economics	The Economics reviewer should be experienced in dredging.
Environmental Resources	The Environmental Resources reviewer should be a senior professional with experience in the NEPA process and in preparation and review of environmental assessments and Environmental Impact Statements .
Civil Engineering	The Civil Engineering reviewer should be a senior professional with experience in dredging and civil layout.

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

- (1) The review concern – identify the product’s information 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 plan selection, recommended plan components, efficiency (cost), effectiveness (function/outputs), implementation responsibilities, safety, Federal interest, or public acceptability; and
- (4) The probable specific action needed to resolve the concern – identify the action(s) that the reporting officers 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 in DrChecks will include the text of each ATR concern, the PDT response, a brief summary of the pertinent points in any discussion, including any vertical team coordination (the vertical team includes the district, RMO, MSC, and HQUSACE), and the agreed upon resolution. 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 1110-1-12 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.

At the conclusion of each ATR effort, the ATR team will prepare a Review Report summarizing the review. Review Reports will be considered an integral part of the ATR documentation and shall:

- Identify the document(s) reviewed and the purpose of the review;
- Disclose the names of the reviewers, their organizational affiliations, and include a short paragraph on both the credentials and relevant experiences of each reviewer;
- Include the charge to the reviewers;
- Describe the nature of their review and their findings and conclusions;
- Identify and summarize each unresolved issue (if any); and
- Include a verbatim copy of each reviewer's comments (either with or without specific attributions), or represent the views of the group as a whole, including any disparate and dissenting views.

ATR may be certified when all ATR concerns are either resolved or referred to the vertical team for resolution and the ATR documentation is complete. The ATR Lead will prepare a Statement of Technical Review certifying that the issues raised by the ATR team have been resolved (or elevated to the vertical team). A Statement of Technical Review should be completed, based on work reviewed to date, for the AFB, draft report, and final report. A sample Statement of Technical Review is included in Attachment 2.

6. INDEPENDENT EXTERNAL PEER REVIEW (IEPR) – Not Applicable

- a. **Decision on IEPR.** The project documents will not result in implementation or project authorizations and therefore does not require an IEPR. As required by paragraph 15.c of ER 1165-2-214, the PDT is making a deliberate, risk-informed recommendation whether to undertake an IEPR. The PDT has determined that there is no significant threat to human life. The costs of the project is less than \$45 million. Other studies will be required prior to implementation of any plan and these additional studies may require an IEPR. There has been no request from the Governor of the States involved in the DMMP/PEIS for an IEPR and the project is not controversial. There has been no significant public dispute over either the size, nature, or effects of the project or the economic or environmental costs or benefits of the project. Although this project includes a Programmatic EIS, wherein future NEPA documentation would be needed when specific alternatives are implemented, it does not include an EIS, and is not controversial since the project includes a multi-agency PDT that has agreed on project direction and efforts. The project has no more than negligible adverse impacts on scarce or unique tribal, cultural, or historic resources; has no substantial adverse impacts on fish and wildlife species and their habitat prior to the implementation of mitigation measures; and has, before implementation of mitigation measures, no more than a negligible adverse impact on a species listed as endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the critical habitat of such species designated under such Act. Development of a DMMP is an activity for which there is ample experience within the USACE and industry to treat the activity as being routine; and this effort has minimal life safety risk.
- b. **Products to Undergo Type I IEPR.** N/A
- c. **Required Type I IEPR Panel Expertise.** N/A

- d. **Documentation of Type I IEPR.** N/A.

7. POLICY AND LEGAL COMPLIANCE REVIEW

All decision documents will be reviewed throughout the study process for their compliance with law and policy. 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 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.

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

For the DMMP (a programmatic look at dredging and disposal options in the Long Island Sound Region, including its 51 FNPs), project specific cost estimates were not developed. Instead various cost matrices were developed as a planning tool to provide the Corps, States and other navigational interests ranges of possible costs based on project size, material type, dredge plant type and disposal method and distance. These matrices were developed from past dredging experiences and adapted using various disposal and distances for placement options. The goal was to develop a tool for navigational interests to be able to readily compare possible project costs based on different types of dredging and placement options. Prior to actual dredging events more specific study would be required to address impacts and develop project specific methods and costs.

9. MODEL CERTIFICATION AND APPROVAL – N/A

- a. **Planning Models.** The following planning models are anticipated to be used in the development of the decision document: N/A
- b. **Engineering Models.** The following engineering models are anticipated to be used in the development of the decision document: N/A

10. REVIEW SCHEDULES AND COSTS

- a. **ATR Schedule and Cost.** It is anticipated that the ATR reviewers will require a combined \$25,000 to conduct the ATR of the DMMP and PEIS. The anticipated start of the ATR would be February 2015.
- b. **Type I IEPR Schedule and Cost.** N/A.
- c. **Model Certification/Approval Schedule and Cost.** N/A

11. PUBLIC PARTICIPATION

The public will have several opportunities to comment on the project study through a public involvement plan that was developed as part of Project Management Plan. All completed inventory reports are posted on a project web page, periodic newsletters are posted and distributed, public meetings and workshops have and will continue to be held throughout the project to gather and provide feedback from the public, formulate a consensus, and generally keep interested parties informed.

12. REVIEW PLAN APPROVAL AND UPDATES

The North Atlantic Division Commander is responsible for approving this Review Plan. The Commander's approval reflects appropriate vertical team input (involving district, MSC, RMO, and HQUSACE members) as to the appropriate scope and level of review for the decision document. Like the PMP, 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 MSC Commander approval will be documented. Significant changes to the Review Plan (such as changes to the scope and/or level of review) would be re-approved by the MSC Commander following the process used for initially approving the plan. The latest version of the Review Plan, along with the Commanders' approval memorandum, will be posted on the Home District's webpage. The latest Review Plan should also be provided to the RMO and home MSC.

13. REVIEW PLAN POINTS OF CONTACT

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

- Meghan Quinn, Project Manager, [Meghan.c.quinn@usace.army.mil](mailto: Meghan.c.quinn@usace.army.mil) 978-318-80179
- George Nieves, [George.nieves@usace.army.mil](mailto: George.nieves@usace.army.mil), 347-370-4556
- Mike Keegan, Chief, Civil/IIS Branch, [michael.f.keegan@usace.army.mil](mailto: michael.f.keegan@usace.army.mil), 978-318-8087.