DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
WASHINGTON, D.C. 20314-1000

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CECW-P

DIRECTOR OF CIVIL WORKS' POLICY MEMORANDUM # 1

SUBJECT: Continuing Authority Program Planning Process Improvements

1. The U.S. Army Corps of Engineers (USACE) seeks to be more flexible and agile in the execution of the Continuing Authority Program (CAP). The goal is to fund and execute the projects that can move forward and remove funds from projects that cannot be executed. Districts and Major Subordinate Commands (MSC) must make these decisions more quickly so we do not have, literally, hundreds of millions of dollars assigned to projects that are not proceeding. This memorandum modifies existing guidance with the goal of implementing improvements to the CAP planning process to facilitate program execution and simplifying policy requirements for this program. Accountability for compliance with existing policy and these modifications remains with the MSC. Inspections will be conducted to ensure that the program is being executed in accord with guidance.

2. The individual authorities known collectively as the CAP are:

a. Section 14, Flood Control Act of 1946 (PL 79-526), as amended, for emergency streambank and shoreline erosion protection for public facilities and services;

b. Section 103, River and Harbor Act of 1962 (PL 87-874), as amended, amends PL 727, an Act approved August 13, 1946 which authorized Federal participation in the cost of protecting the shores of publicly owned property from hurricane and storm damage;

c. Section 107, River and Harbor Act of 1960 (PL 86-645), as amended, for navigation;

d. Section 111, River and Harbor Act of 1968 (PL 90-483), as amended, for mitigation of shoreline erosion damage caused by Federal navigation projects;

e. Section 204, Water Resources Development Act of 1992 (PL 102-580), as amended, for beneficial uses of dredged material;

f. Section 205, Flood Control Act of 1948 (PL 80-858), as amended, for flood control;

g. Section 206, Water Resources Development Act of 1996 (PL 104-303), as amended, for aquatic ecosystem restoration;

h. Section 208, Flood Control Act of 1954 (PL 83-780), as amended, originally Section 2, Flood Control Act of August 28, 1937 (PL 75-406) for snagging and clearing for flood control; i. Section 1135, Water Resources Development Act of 1986 (PL 99- 662), as amended, project modifications for improvement of the environment.

3. For CAP projects, EC 1165-2-209 - CIVIL WORKS REVIEW POLICY is hereby modified as follows:

a. All CAP projects are excluded from Type I Independent External Peer Review (IEPR) except Section 205 and Section 103 or those projects that include an EIS or meet the mandatory triggers for Type I IEPR as stated in EC 1165-2-209.

b. Exclusions from Type I IEPR for Section 205 and Section 103 projects will be approved on a case by case basis by the MSC Commander, based upon a risk informed decision process as outlined in the EC 1165-2-209 and may not be delegated.

c. Type II IEPR is still required for those CAP projects where life safety risk is significant as documented in the approved Review Plan.

d. The home MSC should establish an appropriate review procedure in keeping with the principles established in EC 1165-2-209. As per EC 1165-2-209, Review Plans are required for all projects. MSC's are strongly urged to adopt a programmatic approach to review of CAP projects, such as use of programmatic or model review plans. Appendix B of EC 1165-2-209 is modified such that CAP programmatic or model review plans shall be approved by the MSC Commander.

e. The Review Management Organization (RMO) for ATR for CAP projects may be the home MSC in lieu of a National Planning Center of Expertise (PCX). The PCXs will continue to serve in their roles of providing advice and may serve as the RMO under appropriate agreements with an MSC. Per EC 1165-2-209, paragraph 9c, the ATR lead is to be outside the home MSC unless the CAP review plan justifies an exception and is explicitly approved by the MSC Commander.

f. For CAP projects, ATR of the cost estimate will 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.

g. Per EC 1165-2-209, paragraph 9-2, review by the Risk Management Center is only required for dam and levee safety projects which are unlikely in the CAP. However, the MSC commander will insure that all decision documents involving flood and coastal related risk reduction measures are fully and appropriately reviewed and all issues resolved and that a consistent and appropriate level of communicating risk and uncertainty is reflected in the study documents.

4. 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.

5. The limit during the Design and Implementation Phase to comply with the requirement to execute a PPA is changed from $50,000 to $100,000.

6. Additional process improvements are being considered and will be implemented under separate Memorandum.

FOR THE COMMANDER:

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Director of Civil Works