

REVIEW PLAN

MOBILE HARBOR TURNING BASIN MODIFICATION MOBILE, ALABAMA

Mobile District

16 JULY 2012

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**US Army Corps
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Mobile District**

REVIEW PLAN

MOBILE HARBOR TURNING BASIN MODIFICATION REPORT MOBILE, ALABAMA

1. PURPOSE AND REQUIREMENTS

a. Purpose. This Review Plan addresses the scope and level of peer review for the modification of the recently completed Mobile Harbor Turning Basin. Modifying the dimensions of this area will increase efficiency and mobility of the larger vessels and also the overall maritime safety of the project. Per guidance contained in EC 1165-2-209, the Mobile Harbor Turning Basin Modification Report has been determined to be an “other work product”. This determination impacts the types of review to be accomplished for the report. In this case, District Quality Control and Agency Technical Review will be accomplished, but Independent External Peer Review is not recommended as detailed below.

b. References

- 1) Engineering Circular (EC) 1165-2-209, Civil Works Review Policy, 31 Jan 2010
- 2) Engineering Regulation (ER) 1130-2-520, Navigation and Dredging Operations and Maintenance Policies, 29 Nov 96
- 3) Engineering Pamphlet (EP) 1130-2-520, Navigation and Dredging Operations and Maintenance Guidance and Procedures, 29 Nov 96
- 4) Engineering Regulation (ER) 1110-1-12, Quality Management, 21 Jul 2006

c. Requirements. This review plan was developed in accordance with EC 1165-2-209, 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.

2. DESCRIPTION OF PROJECT AREA

The Mobile Harbor Turning Basin is located east of the existing navigation channel in Mobile Harbor, Mobile, Alabama, between the southern tip of Pinto Island and the northern shoreline of Little Sand Island.

When first designed and constructed, the north-west corner of the basin was “pinched in” in order to avoid two piers on the southern end of Pinto Island. Recently, the two piers have been removed by the Alabama Port Authority as part of the new ThyssenKrupp loading facility. Pilots

- a. Quality checks and reviews occur during the development process and are carried out as a routine management practice. Quality checks may be performed by staff responsible for the work, such as supervisors, work leaders, team leaders, designated individuals from the senior staff, or other qualified personnel. However, they should not be performed by the same people who performed the original work, including managing/reviewing the work in the case of contracted efforts.
- b. PDT reviews are performed by members of the PDT to ensure consistency and effective coordination across all project disciplines. Additionally, the PDT is responsible for a complete review of any reports and accompanying appendices prepared by or for the PDT to assure the overall coherence and integrity of the report, technical appendices, and the recommendations before approval by the District Commander.
- c. DQC efforts will include the necessary expertise to address compliance with published Corps policy. When policy and/or legal concerns arise during DQC efforts that are not readily and mutually resolved by the PDT and the reviewers, the district will seek immediate issue resolution support from the MSC and HQUSACE in accordance with the procedures outlined in Appendix H, ER 1105-2-100 or other appropriate guidance.

5. AGENCY TECHNICAL REVIEW

The Mobile Harbor Turning Basin Modification Report produced as part of this effort will need to undergo Agency Technical Review (ATR) 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 Corps guidance, and that the document explains the analyses and results in a reasonably clear manner for the public and decision makers.

The ATR team will consist of the individuals from all of the technical disciplines that were significant in the preparation of the report. ATR will be managed within the Corps and conducted by senior U.S. Army Corps of Engineers (USACE) personnel outside of the Mobile District that are not involved in the day to day production of the project. The ATR leader will be from outside the home MSC. DrChecks review software will be used to document all ATR comments, responses, and associated resolutions accomplished throughout the review process. The PDT will evaluate comments in DrChecks and provide responses. The ATR leader 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. Disciplines represented on the ATR team can be found in Attachment 2 of this document.

6. INDEPENDENT EXTERNAL PEER REVIEW (IEPR)

Any work product that undergoes DQC and ATR may be required to undergo IEPR under certain circumstances. IEPR is the most independent level of review and is applied in cases that meet certain criteria where the risk and magnitude of the proposed project are such that a critical examination team outside of the USACE is warranted. A risk-informed decision, as described in

EC 1165-2-209, is made as to whether IEPR is appropriate. IEPR panels will consist of independent, recognized experts from outside of the USACE in the appropriate disciplines, representing a balance of areas of expertise suitable for the review being conducted. There are two types of IEPR:

- a. Type I IEPR. Type I IEPR reviews are managed outside the USACE. Type I IEPR panels assess the adequacy and acceptability of the economic and environmental assumptions and projections, project evaluation data, economic analysis, environmental analyses, engineering analyses, formulation of alternative plans, methods for integrating risk and uncertainty, models used in the evaluation of environmental impacts of proposed projects, and biological opinions of the project study. Type I IEPR will cover the entire decision document or action and will address all underlying engineering, economics, and environmental work, not just one aspect of the study. For decision documents where a Type II IEPR (Safety Assurance Review) is anticipated during project implementation, safety assurance shall also be addressed during the Type I IEPR per EC 1165-2-209.
- b. Type II IEPR. Type II IEPR, or Safety Assurance Review (SAR), are managed outside the USACE and are conducted on design and construction activities for hurricane, storm, and flood risk management projects or other projects where existing and potential hazards pose a significant threat to human life. Type II IEPR panels will conduct reviews of the design and construction activities prior to initiation of physical construction and, until construction activities are completed, periodically thereafter on a regular schedule. The reviews shall consider the adequacy, appropriateness, and acceptability of the design and construction activities in assuring public health safety and welfare.

IEPR Decision: The PDT, based on its evaluation, determined that neither a Type I IEPR nor a Type II IEPR is warranted on the modification report. The decision for not performing a Type I IEPR or a Type II IEPR explicitly considered the following mandatory triggers for the Type I IEPR described in Paragraph 11.d.(1) and Appendix D of EC 1165-2-209:

- a. Measures recommended to modify the turning basin do not pose significant threat to human life.
- b. The estimated total cost of the project, including mitigation costs, is not estimated to exceed \$45 million.
- c. The Governor of Alabama has not requested a peer review by independent experts on this modification effort; or
- d. Controversy is not anticipated from the public concerning the size, nature, or effects of the Project.

The risk-based decision for not performing a Type I IEPR or a Type II IEPR explicitly considered that no federal or state agency charged with reviewing the study has determined that the project is likely to have a significant adverse impact on environmental, cultural, or other resources under the jurisdiction of the agency. The following factors in EC 1165-2-209 discussed that a “very limited number of project studies” are “so limited in scope or impact that they would not significantly benefit from an independent peer review.” A Type I IEPR may not

be required in cases where none of the above mandatory triggers (with the limited exception noted in Paragraph 11.d.(2)(b)) are met and:

- a. It does not include an EIS, and the DCW or the Chief determines that the project:
 - Is not controversial; and
 - 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

IEPR Type I Decision:

The PDT has conducted a risk based analysis on measures to modify the dimensions of the Mobile Harbor Turning Basin consistent with the project study. The PDT has considered the mandatory triggers for IEPR, the discretionary considerations, and other applicable direction as provided in EC 1165-2-209 and concludes that a Type I IEPR would not improve the quality of nor reduce the risk of the recommendation being made for the modified turning basin.

Type II IEPR Decision:

The PDT, to include the District Chief of Engineering, as the Engineer-In-Responsible-Charge, has conducted a risk based analysis on measures to modify the dimensions of the Mobile Harbor Turning Basin. The PDT has determined that the project includes no potential hazards that pose a significant threat to human life, and a Type II IEPR is not warranted.

7. REVIEW MANAGEMENT ORGANIZATION

The RMO is responsible for managing the overall peer review effort described in this Review Plan. SAD is the RMO for this project and will coordinate with the District to ensure the appropriate expertise is included on the review teams.

8. MODEL CERTIFICATION AND APPROVAL

No model certification is required. The modifications are acceptable and consistent with the findings of ERDC's July 2007 Navigation Study.

9. POLICY AND LEGAL COMPLIANCE

The Mobile Harbor Turning Basin Modification Report will be reviewed throughout the process for its compliance with law and policy. These reviews determine whether the recommendations in the reports, supporting analyses, and coordination comply with law and policy, and warrant approval or further recommendation to higher authority by 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 the other work product. An updated Environmental Assessment, Water Quality Certification and a 30-day Public Notice will be finalized prior to the start of any physical construction.

10. REVIEW SCHEDULE AND COSTS

The cost for ATR is estimated to be approximately \$20,000. The documents to be reviewed and scheduled dates for review are as follows:

Milestone	Completion Date
Review Plan to SAD	September 2011
Modification Report to SAD	December 2011
Initiate ATR	December 2011
Complete ATR	January 2012
Review, Address, & Certify ATR	April 2012

11. PUBLIC PARTICIPATION

The request for modification has been discussed and coordinated with the interested parties of the navigation project. These parties include the Project Sponsor (Alabama State Port Authority), the Harbor Master, Bar Pilots, and resource agencies.

12. REVIEW PLAN APPROVAL AND UPDATES

The South Atlantic Division Commander is responsible for approving this Review Plan, including by delegation within the MSC. The MSC Commander's approval reflects vertical team input (involving District, MSC and HQUSACE members) as to the appropriate scope and level of review for the Mobile Harbor Turning Basin Modification Report. Like the PMP, the Review Plan is a living document and may change as the project 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 in Attachment 3. Significant changes to the Review Plan (such as changes to the scope and/or level of review) must 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 MSC Commanders' approval memorandum, should be posted on the Home District's webpage. The latest Review Plan should also be provided to the 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:

- Mobile District POC, 251-694-3720
- South Atlantic Division POC, 404-562-5130

ATTACHMENT 1 – TEAM ROSTER

Table 1 – PDT Team Members

Discipline (POC)	Name	Office/Agency
Project Manager		CESAM-PM-CM
Hydraulic Engineer		CESAM-EN-HH
Geotechnical Engineer		CESAM-EN-GG
Cost Estimator		CESAM-EN-E
Environmental Manager		CESAM-PD-EC
Environmental Planner		CESAM-PD-EI
Sponsor		ASPA

ATTACHMENT 2 – ATR Team DISCIPLINES

Disciplines Required for Review. At a minimum, the following disciplines should be represented on the ATR team:

Discipline	Required Expertise
Coastal Hydraulics	Team member(s) should have an understanding of pier and piling design considerations.
Office of Council	Team member(s) should have an extensive knowledge of law, policy and legal compliance review as well as other USACE or National considerations.
Environmental Specialist	Team member(s) should have extensive knowledge of environmental evaluation and compliance requirements, applicable executive orders and other Federal planning requirements. Familiarity with pier projects is also beneficial.

ATTACHMENT 3: REVIEW PLAN REVISIONS

Revision Date	Description of Change	Page / Paragraph Number