

# **REVIEW PLAN**

## **Lower Hillsborough and Tampa Bypass Canal Master Water Control Manual**

Jacksonville District

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## 1. PURPOSE AND REQUIREMENTS

**a. Purpose.** This Review Plan defines the type of document classification and the scope of review activities for the Lower Hillsborough Flood Detention Area and Tampa Bypass Canal Master Water Control Manual. The Lower Hillsborough Flood Detention Area and Tampa Bypass Canal Master Water Control Manual (MWCM) is being prepared in accordance with the requirements of U.S. Army Corps of Engineer Regulations shown in 1.b. below. The MWCM is specifically being prepared to transform the currently utilized 1983 Regulation Manual into a MWCM which contains a more comprehensive compilation of items related to water management, pursuant to Engineer Manual (EM) 1110-2-3600.

Engineer Circular (EC) 1165-2-209, Civil Works Review Policy, stipulates a risk informed decision process be used to determine if the document covered by this Review Plan is a U.S. Army Corps of Engineers (USACE) decision document, implementation document, or other work product, and the appropriate level of review for the document.

### **b. References.**

- (1) Engineer Regulation (ER) 1110-2-240, Water Control Management, 8 October 1982
- (2) EM 1110-2-3600, Management of Water Control Systems, 30 November 1987
- (3) ER 1110-2-8156, Preparation of Water Control Manuals, 31 August 1995
- (4) ER 110-2-530 Flood Control Operations and Maintenance Policies, 30 October 1996
- (5) Engineer Technical Letter (ETL) 1110-2-362 Environmental Engineering Initiatives for Water Management, 31 July 1995
- (6) ER 1110-1-12, Quality Management, 30 September 2006
- (7) ER 1110-2-1941, Drought Contingency Plans, 15 September 1981

**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 provides the procedures for ensuring the quality and credibility of USACE decision, implementation, and operations and maintenance documents and work products. The EC outlines three levels of review: District Quality Control, Agency Technical Review, and Independent External Peer Review.

- (1) **District Quality Control (DQC).** DQC is the review of basic science and engineering work products focused on fulfilling the project quality requirements defined in the Project Management Plan (PMP). It is managed in the home District and may be conducted by staff in the home District as long as they are not doing the work involved in the study, or overseeing contracted work that is being reviewed. Basic quality control tools include a Quality Management Plan providing for seamless review, quality checks and reviews, supervisory reviews, Project Delivery Team (PDT) reviews, etc. The Major Subordinate Command (MSC)/District quality management plans address the conduct and documentation of this fundamental level of review.

(2) **Agency Technical Review (ATR).** ATR is an in-depth review, managed within USACE, and conducted by a qualified team outside of the home District that is not involved in the day-to-day production of the project/product. The purpose of this review is to ensure the proper application of clearly established criteria, regulations, laws, codes, principles, and professional practices. The ATR team reviews the various work products and assures that all the parts fit together, creating a coherent final project/product. ATR teams will be comprised of senior USACE personnel (Regional Technical Specialists (RTS), etc.), and may be supplemented by outside experts as appropriate. To assure independence, the leader of the ATR team shall be from outside the parent MSC.

(3) **Independent External Peer Review (IEPR).** 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 by a qualified team outside of USACE is warranted.

**d. Review Management Organization (RMO).** With the exception of DQC, all reviews shall be managed by an office outside the home District and shall be accomplished by professionals that are not associated with the work that is being reviewed. The USACE District/Division managing a particular review effort is designated the RMO for that effort. Different levels of review and reviews associated with different phases of a single project can have a different RMO. The RMO for the Lower Hillsborough Flood Detention Area and Tampa Bypass Canal Master Water Control Manual is the Jacksonville District (SAJ).

## **2. PROJECT INFORMATION AND BACKGROUND**

The MWCM is specifically being prepared to transform the currently utilized 1983 Regulation Manual into a document that contains a comprehensive compilation of items related to water management pursuant to Engineer Manual (EM) 1110-2-3600. The transformation of the 1983 Regulation Manual into the MWCM is administrative and informational in nature. Much content from the currently utilized 1983 Regulation Manual, including the water management operating criteria, is retained within the MWCM. However, some content from the 1983 Regulation Manual will be updated to more accurately reflect water management pertinent information and knowledge gained since 1983.

The Lower Hillsborough Flood Detention Area (LHFDA) and Tampa Bypass Canal (TBC) are components of the Four River Basins (FRB) Project which encompasses four rivers and several coastal areas within the southwest Florida region. The LHFDA and TBC were designed to function with a comprehensive system of water management components within and upstream of the Hillsborough River Basin. The LHFDA and TBC were the first two and only components of the comprehensive system to be constructed within and upstream of the Hillsborough River Basin as part of the FRB Project. The LHFDA and TBC were primarily designed to allow diversion of Hillsborough River water resulting from storm events, away from the metro Tampa area with discharge to tide at McKay Bay.

Since LHFDA and TBC construction completion, the 1983 Lower Hillsborough Flood Detention Area and Tampa Bypass Canal Regulation Manual has been utilized for day-to-day water management activities by the SWFWMD, the non-Federal sponsor of the FRB Project. There are currently no ongoing Federal efforts within the Hillsborough River Basin that require reassessment of current LHFDA and TBC water management operating criteria.

Consistent with the 1983 Regulation Manual, SWFWMD has operated and maintained the LHFDA and TBC spillway, culvert, and levee features to maintain optimum water levels in the TBC and desirable Hillsborough River water levels. Optimum water levels within the TBC may result in discharges to tide and can provide the opportunity for the use of water within the TBC for water supply. The FRB Project has multiple Congressionally-authorized project purposes that include flood control, navigation, water supply, fish and wildlife, recreation, water quality, and salt water intrusion. The water management operating criteria within the 1983 Regulation Manual and the MWCM provide for flood damage reduction, navigation, water supply, fish and wildlife enhancement, recreation, water quality, and prevention of saltwater intrusion.

### **3. POLICY AND LEGAL COMPLIANCE REVIEW**

Guidance for policy and legal compliance reviews of water control systems is contained in ER 1110-2-240, Water Control Management, and ER 1110-2-8156, Preparation of Water Control Manuals. The guidance culminate in determinations that the document being prepared and any supporting analyses and coordination comply with law and policy, and warrant approval or further recommendation to higher authority by the home MSC. DQC in the Jacksonville District will address MWCM compliance with pertinent published USACE policies.

### **4. RISK INFORMED DECISION ON TYPE OF DOCUMENT AND APPROPRIATE LEVEL OF REVIEW**

The EC 1165-2-209 for review policy direct PDTs to make a risk informed decision to determine if documents are decision documents, implementation documents, or other work products, and the appropriate level of review. DQC is required for all products. The appropriateness of ATR and IEPR are based on the risk informed decision process as presented in this section.

The Lower Hillsborough Flood Detention Area and Tampa Bypass Canal Master Water Control Manual is identified as an “other work product” as defined in EC 1165-2-209. The basis for this identification is that the Lower Hillsborough Flood Detention Area and Tampa Bypass Canal Master Water Control Manual is neither a decision document nor an implementation document under EC 1165-2-209. In addition, the MWCM is being prepared to transform the currently utilized 1983 Regulation Manual into a MWCM that includes a more comprehensive compilation of items related to water management as contained within EM 1110-2-3600 without resulting in changes to currently utilized water management operating criteria.

**a. District Quality Control (DQC).** DQC and quality assurance activities for other work products are stipulated in ER 1110-1-12, Engineering & Design Quality Management. The Jacksonville District Water Management Section will complete the Lower Hillsborough Flood Detention Area and Tampa Bypass Canal Master Water Control Manual, initiate DQC, and incorporate DQC comments, as appropriate. Prior to initiation of DQC, the development of the

MWCM will have already included an iterative review/comment process with the Southwest Florida Water Management District (SWFWMD), the non-Federal sponsor. Upon completion of DQC activities, the SWFWMD will be kept apprised of any significant edits to the MWCM resulting from the DQC.

**b. Agency Technical Review (ATR).** Review of the answers to the following questions from the risk informed decision process (Section 15.b of the EC) indicated that ATR is not required for the Lower Hillsborough Flood Detention Area and Tampa Bypass Canal Master Water Control Manual.

(1) Does it include any design (structural, mechanical, hydraulic, etc)? No. The MWCM is specifically being prepared to transform the currently utilized 1983 Regulation Manual into a MWCM that includes a more comprehensive compilation of items related to water management.

(2) Does it evaluate alternatives? No. The MWCM is specifically being prepared to transform the currently utilized 1983 Regulation Manual into a MWCM that includes a more comprehensive compilation of items related to water management.

(3) Does it include a recommendation? No. The MWCM is specifically being prepared to transform the currently utilized 1983 Regulation Manual into a MWCM that includes a more comprehensive compilation of items related to water management.

(4) Does it have a formal cost estimate? No. Completion of the MWCM does not include a formal cost estimate.

(5) Does it have or will it require a NEPA document? There is existing NEPA documentation supporting the water management operating criteria contained within the 1983 Regulation Manual and the MWCM. In addition, an Environmental Compliance Memo will be completed to summarize and confirm consistency with NEPA requirements. This Environmental Compliance Memo will accompany the MWCM when transmitted to SAD for approval.

(6) Does it impact a structure or feature of a structure whose performance involves potential life safety risks? No. The currently utilized 1983 Regulation Manual water management operating criteria are in the MWCM as well. Any performance uncertainties and potential life safety risks associated with implementation of water management operating criteria in the MWCM are consistent with current potential life safety risks associated with the 1983 Regulation Manual.

(7) What are the consequences of non-performance? There are no consequences above and beyond those related to satisfaction of EM 1110-2-3600 due to the 1983 Regulation Manual being utilized when the MWCM is not available for use.

(8) Does it support a significant investment of public monies? No, none above and beyond that which the SWFWMD is currently expending through its responsibilities for operation and maintenance as the non-Federal sponsor.

(9) Does it support a budget request? No. The SWFWMD, as the non-Federal sponsor, will utilize the MWCM and is responsible for operation and maintenance costs.

(10) Does it change the operation of the project? No. The MWCM contains the currently utilized water management operating criteria within the 1983 Regulation Manual.

(11) Does it involve ground disturbances? No. The MWCM does not result in any construction activities.

(12) Does it affect any special features, such as cultural resources, historic properties, survey markers, etc, that should be protected or avoided? No. The currently utilized 1983 Regulation Manual water management operating criteria are in the MWCM as well. There were no special features that required protection or avoidance as a result of implementation of 1983 Regulation Manual water management operating criteria.

No additional coordination with the Florida State Historic Preservation Office (SHPO) is required as no additional features or changes in operation are proposed. This will be documented within the Environmental Compliance Memo stated in 4.b.(5) above. Previous consultation with the Florida SHPO and review of the Florida Master Site Files indicated no known historic structures or archaeological sites affected by water management operating criteria within the MWCM.

(13) Does it involve activities that trigger regulatory permitting such as Section 404 or stormwater/NPDES related actions? No. The MWCM does not result in any new activities that require new permitting actions.

(14) Does it involve activities that could potentially generate hazardous wastes and/or disposal of materials such as lead based paints or asbestos? No. The MWCM does not involve activities that would generate or require disposal of hazardous wastes.

(15) Does it reference use of or reliance on manufacturers' engineers and specifications for items such as prefabricated buildings, playground equipment, etc? No, the MWCM does not result in any construction activities.

(16) Does it reference reliance on local authorities for inspection/certification of utility systems like wastewater, stormwater, electrical, etc? No, the MWCM does not require any inspection/certification of utility systems.

(17) Is there or is there expected to be any controversy surrounding the Federal action associated with the work product? No. The MWCM is specifically being prepared to transform the currently utilized 1983 Regulation Manual into a MWCM that includes a more comprehensive compilation of items related to water management that are

informational in nature. In addition, the currently utilized 1983 Regulation Manual water management operating criteria will be in the MWCM as well. If controversy is identified during the process to complete the MWCM, this Review Plan will be discontinued and a modification to this Review Plan or a new Review Plan may result.

**c. Independent External Peer Review (IEPR).**

**(1) General.** EC 1165-2-209 provides implementation guidance for both Sections 2034 and 2035 of the Water Resources Development Act (WRDA) of 2007 (Public Law (P.L.) 110-114). The EC addresses review procedures for both the Planning and the Design and Construction Phases (also referred to in USACE guidance as the Feasibility and the Pre-construction, Engineering and Design Phases).

**(2) Type I Independent External Peer Review (IEPR) Determination (Section 2034).** The results of the risk informed decision indicated that the Lower Hillsborough Flood Detention Area and Tampa Bypass Canal Master Water Control Manual is not a decision document and Type I IEPR is not required.

**(3) Type II Independent External Peer Review (IEPR) Determination (Section 2035).** This project does not trigger WRDA 2007 Section 2035 factors for Safety Assurance Review (termed Type II IEPR in EC 1165-2-209) and therefore, a review under Section 2035 is not required. The factors in determining whether a review of design and construction activities of a project is necessary as stated under Section 2035 along with this Review Plan's applicability statement follow.

- (i) The failure of the project would pose a significant threat to human life.

*There are no design or construction activities as a result of the MWCM. The Lower Hillsborough Flood Detention Area and Tampa Bypass Canal Master Water Control Manual provides existing water management operating criteria in an updated format consistent with ER 110-2-8156. There is no life safety risk associated with this MWCM that was not considered in the previously utilized 1983 Regulation Manual. The MWCM will not result in a significant management change in water levels and will not pose a threat to human life.*

- (ii) The project involves the use of innovative materials or techniques.

*There are no design or construction activities as a result of the MWCM. This documentation update will utilize methods and procedures used by the USACE on other similar works.*

- (iii) The project design lacks redundancy.

*The concept of project design redundancy is not applicable to the Lower Hillsborough Flood Detention Area and Tampa Bypass Canal Master Water Control Manual which does not include any design efforts.*



(iv) The project has an unique construction sequencing or a reduced or overlapping design construction schedule.

*There is no construction/design sequencing/scheduling associated with the Lower Hillsborough Flood Detention Area and Tampa Bypass Canal Master Water Control Manual.*

## **5. MODEL CERTIFICATION AND APPROVAL**

Modeling is not associated with the Lower Hillsborough Flood Detention Area and Tampa Bypass Canal Master Water Control Manual.

## **6. BUDGET AND SCHEDULE**

The schedule for the 2013 Lower Hillsborough Flood Detention Area and Tampa Bypass Canal Master Water Control Manual is as follows:

- (1) SAD approval of Review Plan – completed by 15 February 2013.
- (2) NEPA documentation – completed by 1 March 2013.
- (3) DQC review – completed by 22 March 2013.
- (4) Draft 2013 Lower Hillsborough Flood Detention Area and Tampa Bypass Canal Master Water Control Manual – completed by 5 April 2013.
- (5) SAD approval of 2013 Lower Hillsborough Flood Detention Area and Tampa Bypass Canal Master Water Control Manual – completed by 29 May 2013.

## **7. PUBLIC PARTICIPATION**

A public meeting is not required at this time. If controversy is identified during the process to complete the MWCM and Environmental Compliance Memo, that would benefit from public participation, a public meeting will be scheduled and coordinated with the non-Federal sponsor.

## **8. REVIEW PLAN APPROVAL AND UPDATES**

The South Atlantic Division Commander is responsible for approving this Review Plan including by delegation within the MSC. The Commander's approval reflects vertical team input (involving district, MSC, RMO, and HQUSACE members, as appropriate) as to the appropriate scope and level of review. 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. All significant changes to the Review Plan (such as changes to the scope and/or level of review) shall 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.

## **9. REVIEW PLAN POINTS OF CONTACT**

Questions/comments on this Review Plan can be directed to the following points of contact:

- Jacksonville District, Water Management Section point of contact, 904-232-2914
- South Atlantic Division, RMO, MSC point of contact, 404-562-5121