



DEPARTMENT OF THE ARMY
SOUTH ATLANTIC DIVISION, CORPS OF ENGINEERS
ROOM 10M15, 60 FORSYTH ST., S.W.
ATLANTA, GA 30303-8801

REPLY TO
ATTENTION OF:

CESAD-RBT

9 May 2011

MEMORANDUM FOR COMMANDER, JACKSONVILLE DISTRICT (CESAJ-PD-PW/
JAMES M. BAKER)

SUBJECT: Approval of the Everglades Restoration Plan – Review Plan for the Draft
Environmental Impact Statement

1. References:

- a. Memorandum, CESAJ-PD, 19 January 2011, Subject: Everglades Restoration Transition Plan – Review Plan (Enclosure).
- b. E-mail from Gina P. Ralph to James Truelove dated 25 February 2011 submitting revised Review Plan.
- c. EC 1165-2-209, Civil Works Review Policy, 31 January 2010.
- d. WRDA 2007 H. R. 1495 Public Law 110-114, 8 November 2007.

2. The Review Plan for the Everglades Restoration Transition Plan (ERTP) Draft Environmental Impact Statement was submitted by reference 1.a, revised to address that the ATR had previously been accomplished and resubmitted by reference 1.b. This revised Review Plan for the Everglades Restoration Transition Plan Draft Environmental Impact Statement has been reviewed by this office and is approved in accordance with reference 1.c above. A copy of the approved Review Plan is enclosed.

3. We concur with the conclusion of the District that neither a Type I nor a Type II Independent External Peer Review (IEPR) is required on this effort. The basis for this concurrence is;

- a. The proposed change does not propose a significant threat to human life.
- b. The cost of the proposed change does not exceed \$45M.
- c. No request has been made by the state for an IEPR.

SUBJECT: Approval of the Everglades Restoration Plan – Review Plan for the Draft Environmental Impact Statement

d. The proposed action is an interim operational scheme that is being used to help during a transitional period while additional infrastructure is put into place to improve operational flexibility in this part of the system.

e. The proposed change has not resulted in significant public dispute over the size, nature, or effects of the change or the economic or environmental effects or benefits of the project. The change proposed is in reaction to USFWS concerns reflected in a revised BO on the effects of water management to two endangered species. USFWS has indicated that they support the proposed change as the best option currently available. The Miccosukee Tribe, which was often been critical of the current operating plan (IOP), also indicated their support for the proposed plan.

f. Models used to evaluate alternative water control strategies have been in widespread use for many years and have been peer reviewed and certified for use. Analyses used to assess the impacts of the proposed change did not reflect use of novel methods, or use precedent setting methodologies.

g. Based on the vertical team discussions it has been agreed that the Water Control Plan and Draft Environmental Impact Statement would not significantly benefit from an independent peer review.

4. Although the proposed action was supported by an EIS, the EIS adequately documents that the proposal does not have adverse impacts on fish and wildlife species. Further, potential water quality concerns were analyzed in the EIS and concluded that the proposed plan is not likely to affect water quality, as compared to the current plan, and has the potential to result in improvements to water quality. EPA has determined that adequate information was provided and concurred with the proposed plan.

5. The District should take steps to post the Review Plan to its web site and provide a link to CESAD-RBT. Before posting to the web site, the names of Corps/Army employees should be removed. The District should also take steps as required in paragraph 1.a of the approved Review Plan to update this Review Plan as appropriate to address subsequent products associated with ETRP including the Final EIS.

6. The SAD point of contact is Mr. James Truelove, CESAD-RBT, 404-562-5121.

Encl


CHRISTOPHER T. SMITH, P.E.
Chief, Business Technical Division



DEPARTMENT OF THE ARMY
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ATTENTION OF

CESAJ-PD

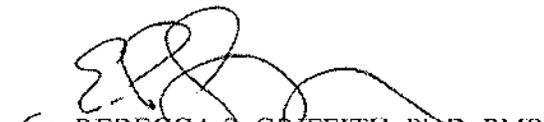
JAN 18 2011

MEMORANDUM FOR Commander, South Atlantic Division (CESAD-RBT/Christopher Smith)

SUBJECT: Everglades Restoration Transition Plan – Review Plan

1. Reference: EC 1165-2-209, Civil Works Review Policy, 31 January 2010.
2. I hereby request MSC approval of the subject Review Plan (RP).
3. The SAJ point of contact is James M. Baker, CESAJ Review Coordinator, Planning Division, CESAJ-PD-PW, (904) 232-2698.

Encl


REBECCA S. GRIFFITH, Ph.D, PMP
Chief, Planning Division

cc: CESAJ-EN-W (Sean L. Smith)

REVIEW PLAN

***Everglades Restoration Transition Plan
Draft Environmental Impact Statement***

Jacksonville District

MSC Approval Date: *Pending*
Last Revision Date: *None*



**US Army Corps
of Engineers ®**

REVIEW PLAN

**Draft Everglades Restoration Transition Plan
Environmental Impact Statement**

TABLE OF CONTENTS

1. PURPOSE AND REQUIREMENTS.....1

2. REVIEW MANAGEMENT ORGANIZATION (RMO) COORDINATION1

3. STUDY INFORMATION.....1

4. DISTRICT QUALITY CONTROL (DQC)5

5. AGENCY TECHNICAL REVIEW (ATR).....6

6. INDEPENDENT EXTERNAL PEER REVIEW (IEPR)8

7. POLICY AND LEGAL COMPLIANCE REVIEW9

**8. COST ENGINEERING DIRECTORY OF EXPERTISE (DX) REVIEW AND
CERTIFICATION9**

9. MODEL CERTIFICATION AND APPROVAL9

10. REVIEW SCHEDULES AND COSTS14

11. PUBLIC PARTICIPATION15

12. REVIEW PLAN APPROVAL AND UPDATES22

13. REVIEW PLAN POINTS OF CONTACT22

ATTACHMENT 1: TEAM ROSTERS.....23

**ATTACHMENT 2: SAMPLE STATEMENT OF TECHNICAL REVIEW FOR DECISION
DOCUMENTS.....24**

ATTACHMENT 3: REVIEW PLAN REVISIONS26

1. PURPOSE AND REQUIREMENTS

a. **Purpose.** This Review Plan defines the scope and level of peer review for the Everglades Restoration Transition Plan (ETRP) Draft Environmental Impact Statement (EIS). This Review Plan will be updated to address subsequent products associated with ETRP including the Final EIS.

b. References

- (1) Engineering Circular (EC) 1165-2-209, Civil Works Review Policy, 31 Jan 2010
- (2) EC 1105-2-407, Planning Models Improvement Program: Model Certification, 31 May 2005
- (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) National Academy of Sciences: Committee on Independent Scientific Review of Everglades Restoration Progress, 2010 page 122

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. In addition to these levels of review, decision documents are subject to cost engineering review and certification (per EC 1165-2-209) and planning model certification/approval (per EC 1105-2-407).

2. REVIEW MANAGEMENT ORGANIZATION (RMO) COORDINATION

With the exception of District Quality Control/Quality Assurance, 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 U.S. Army Corps of Engineers (USACE) organization managing a particular review effort is designated the Review Management Organization (RMO) for that effort. Different levels of review and reviews associated with different phases of a single project can have different RMOs.

3. PROJECT/PRODUCT INFORMATION

The Everglades Restoration Transition Plan (ERTP) Draft Environmental Impact Statement (EIS) is being prepared for the purpose of defining environmental impacts of operations for Central and Southern Florida (C&SF) Project features and constructed features of the Modified Water Deliveries (MWD) and Canal-111 (C-111) projects until those projects are complete and a Combined Operations Plan (COP) can be implemented. The ETRP proposed action is a modification of the 2006 Interim Operational Plan for the Protection of the Cape Sable Seaside Sparrow (IOP) and the water management operating criteria for features of the C&SF Project to provide further hydrological improvements consistent with protection of multiple listed species while maintaining

ERTP

Congressionally-authorized project purposes. The approval authority for the ERPT is the South Atlantic Division.

- a. USACE is considering alternatives to implement as ERTTP proposed water management operating criteria in order to be in compliance with the Endangered Species Act (ESA) via adoption of the Terms and Conditions of the 2010 Fish and Wildlife Service (FWS) ERTTP Biological Opinion (BO).

b. Project/Product Description.

The water management operating criteria relating to ERTTP affects an area within the C&SF Project located in south Florida and includes portions of Broward and Miami- Dade counties, as well as portions of Everglades National Park (ENP), Big Cypress National Preserve, and adjacent areas. ERTTP will define water management operating criteria for C&SF features and for the constructed features of the MWD and C-111 projects. The USACE June 1992 MWD General Design Memorandum (GDM) defines the project boundary as Shark River Slough and that portion of the C&SF Project north of S-331 to include Water Conservation Area-3 (WCA-3). The C-111 Project is situated within the C-111 Basin which includes approximately 100 square miles of mostly agricultural lands in the Homestead/Florida City area. The C-111 Project is adjacent to ENP to the west, and discharges to the eastern panhandle of ENP, Florida Bay, Manatee Bay and Barnes Sound.

This Draft EIS examines the environmental consequences of implementation of ERTTP, which will supersede the 2006 IOP. The purpose of ERTTP is to define water management operating criteria for C&SF Project features and the constructed features of the MWD and C-111 projects until COP is implemented. ERTTP objectives include improving conditions in WCA-3A for the endangered Everglade snail kite, wood stork and wading bird species while maintaining protection for the endangered Cape Sable seaside sparrow (CSSS), and Congressionally-authorized purposes of the C&SF Project. The proposed action is a modification of IOP with operational flexibilities to provide further hydrological improvements amenable to multiple listed species. The ERTTP tentatively selected plan was chosen based upon hydrological modeling of system conditions using the South Florida Water Management Model (SFWMM). Results of the modeling efforts were evaluated in relation to the ERTTP performance measures (PMs) and ecological targets (ETs) to select the alternative which best met ERTTP objectives, PMs and ETs. The SFWMM Alternative 9E1 represents the ERTTP tentatively selected plan. This plan incorporates more flexible operating criteria to better manage WCA-3A for the benefit of multiple species and represents a positive step towards balancing the competing needs of a complex system. ERTTP also integrates consideration of new information consisting of current meteorological, hydrological and species conditions, project specific PMs and Periodic Scientists Calls; that serve as a forum to provide input to the USACE decision making process for WCA-3A water management operations.

Purpose of Action

The purpose of ERTTP is to stay in compliance with the ESA via adoption of the Terms and Conditions of the 2010 FWS ERTTP BO.

The overall action objective of ERTTP is to maximize operational flexibilities in order to improve conditions for the snail kite, wood stork and other wading birds and their habitats in south

Florida while maintaining nesting season requirements for the CSSS along with C&SF Project purposes. In order to achieve the action objective, USACE and FWS in conjunction with the multi-agency ERTF team, developed PMs and ETs for each species and their habitat.

Background

On February 19, 1999, FWS issued a Final BO for the MWD Project, Experimental Water Deliveries Program, and C-111 Project under provisions of the ESA of 1973, as amended. The FWS BO concluded that continuation of Test 7, Phase I operations would cause adverse modification of CSSS critical habitat and would jeopardize the continued existence of the CSSS. Currently, six such CSSS population clusters are known and are distributed within the southernmost portion of the C&SF Project area within ENP. The operating criteria for Test 7 were defined in a concurrency agreement between USACE, ENP, and SFWMD in October 1995. Test 7 was to be implemented in two phases. Phase I consisted of operating the structures in place at that time until Phase II structures could be completed. The ultimate goal of Test 7 was to improve the timing, volume, and location of water deliveries to ENP to more closely reflect natural pre-development flows. The FWS BO also concluded that ultimate protection for the CSSS would be achieved by the rapid completion and implementation of the MWD Project. The Interim Structural and Operational Plan (ISOP) was designed to take the place of Test 7 until completion and implementation of IOP. The IOP would avoid jeopardizing the CSSS during the interim period leading up to full MWD implementation. ERTF will supersede IOP and is expected to regulate operations of the C&SF Project features in the south Dade area until implementation of COP.

On November 17, 2006, FWS issued a new IOP BO. The intent and overall effect of the 2006 BO for IOP was two-fold: (1) it superseded the original 1999 final BO for the USACE MWD Project, the Experimental Water Deliveries Program, and the C-111 Project, and (2) it also superseded the 2002 amended final IOP BO for protection of the CSSS.

In the opinion of FWS, the FWS 1999 BO presented a Reasonable and Prudent Alternative (RPA) to the Experimental Program that would avoid jeopardizing the CSSS. The FWS RPA recommended that the following hydrological conditions be met for protection of the CSSS: (1) a minimum of 60 consecutive days of water levels at or below 6.0 feet, National Geodetic Vertical Datum (NGVD) at gauge NP-205 between March 1 and July 15; (2) ensure that 30 percent in 2000, 45 percent in 2001, and 60 percent in 2002 of required regulatory releases crossing Tamiami Trail enter ENP east of the L-67 Extension Levee, or produce hydroperiods and water levels in the vicinity of CSSS sub-populations C (CSSS-C), E, (CSSS-E), and F (CSSS-F) that meet or exceed those produced by the 30, 45, and 60 percent targets; and (3) produce hydroperiods and water levels in the vicinity of CSSS-C, CSSS-E, and CSSS-F that equal or exceed conditions that would be produced by implementing the exact provisions of Test 7, Phase II operations (USACE 1995). During implementation of ISOP, USACE received confirmation from FWS that producing the hydrologic equivalent of the 30, 45, and 60 percent conditions, as opposed to the actual release percentages, would also meet the FWS RPA conditions. Alternative 7R, which was implemented, allowed USACE to meet the FWS RPA conditions and minimize impacts to other natural and human resources, while managing the system for purposes authorized under the C&SF Project.

The Draft EIS, with supporting material is generalized as follows:

Draft EIS- approximately 272 pages
Appendices: approximately 1000 pages
A: Engineering
B: Ecological Analyses
C: Water Quality
D: Pertinent Correspondence
E: USACE Biological Assessment
F: FWS Biological Opinion
G: CZMA
H: Monitoring Plan

- c. **Factors Affecting the Scope and Level of Review.** This section addresses the factors affecting the risk informed decisions on the appropriate scope and level of review. The discussion is intended to be detailed enough to assess the level and focus of review and to support the PDT, and vertical team decisions on the appropriate level of review and types of expertise represented on the various review teams. The following factors were considered:
- If parts of the study will likely be challenging (with some discussion as to why or why not and, if so, in what ways – consider technical, institutional, and social challenges, etc.): The challenges inherent within ERTF include competing needs of endangered species, water quality, water supply and cultural resources. WCA-3A lies just north of ENP and outlet structures include S-12 (S-12 A, B, C and D) and S-333. The endangered CSSS resides downstream of the S-12 structures in ENP, while the endangered Everglade snail kite and wood stork forage and breed with WCA-3A. Water quality, total phosphorus in particular, is also a concern due to compliance with the 1998 Everglades Settlement Agreement. In addition, the Miccosukee Tribe of Indians of Florida and the Seminole Tribe have rights to WCA-3A and rely upon WCA-3A for their traditional and contemporary lifestyles.
 - A preliminary assessment of where the project risks are likely to occur and what the magnitude of those risks might be (e.g., what are the uncertainties and how might they affect the success of the project): The major risk is failure to balance and meet system needs.
 - If the project will likely be justified by life safety or if the project likely involves significant threat to human life/safety assurance (with some discussion as to why or why not and, if so, in what ways – consider at minimum the safety assurance factors described in EC 1165-2-209 including, but not necessarily limited to, the consequences of non-performance on project economics, the environmental and social well-being [public safety and social justice]; residual risk; uncertainty due to climate variability, etc.): N/A. The operations of the structures discussed in the EIS, in addition to providing acceptable protection to populations of the CSSS, would benefit all population groups of southern Miami-Dade County by providing flood damage reduction, drinking water supply protection, and restoration of wetlands and other natural resources inside and outside ENP. This project is not justified by life safety and these operations do not present a threat to human life/safety assurance.
 - If there is a request by the Governor of an affected state for a peer review by independent experts: NA There is no request at this time from the local native American tribes nor the Governor.
 - If the project/study is likely to involve significant public dispute as to the size, nature, or effects of the project (with some discussion as to why or why not and, if so, in what ways): The State of Florida (South Florida Water Management District and Department of

Environmental Protection) has publically expressed concerns with the potential for an exceedance of the 1998 Everglades Settlement Agreement Long-Term Limit for phosphorus concentration under ERTTP operations. It is important to note that this potential also exists under the current operational plan (i.e. IOP). Until water quality is improved, there are few opportunities to move water within the greater Everglades system to achieve restoration goals.

- If the project/study is likely to involve significant public dispute as to the economic or environmental cost or benefit of the project (with some discussion as to why or why not and, if so, in what ways): There is a potential for environmental benefit in that ERTTP is a multi-species management plan (including three endangered species) as opposed to the current operational plan that was designed for protection of a single endangered species, the CSSS.
- If the information in the document or anticipated project design is likely to be based on novel methods, involve the use of innovative materials or techniques, present complex challenges for interpretation, contain precedent-setting methods or models, or present conclusions that are likely to change prevailing practices (with some discussion as to why or why not and, if so, in what ways): ERTTP PMs and ETs were based upon the FWS Multi-species Transition Strategy which has been praised by the National Academy of Science:
 - National Academy of Sciences Committee on Independent Scientific Review of Everglades Restoration Progress, 2010 page 122: *“These regular multi-agency consultations are the first step towards multi-species adaptive management, which is essential to restoration progress. They represent a change in the way that agencies have interacted and especially in the consultation process for the U.S. Fish and Wildlife Service. Under ERTTP consultation has moved away from a retroactive process that often evaluates the ecological effects of proposed water management on listed species to determine if a jeopardy opinion would occur, to a more proactive process that attempts to recover species before further population declines accrue. The committee commends this incremental multi-agency approach to improve water management and ecological conditions in WCA-3 during the transition period before significant new storage and conveyance features are built. This represents a form of incremental adaptive restoration as proposed by Natural Resources Council (NRC 2007).”*
- If the project design is anticipated to require redundancy, resiliency, and/or robustness, unique construction sequencing, or a reduced or overlapping design construction schedule (with some discussion as to why or why not and, if so, in what ways): NA. The ERTTP Draft EIS does not change/alter the design of the project.

In-Kind Contributions. Products and analyses provided by non-Federal sponsors as in-kind services are subject to DQC, ATR, and IEPR. The in-kind products and analyses to be provided by the non-Federal sponsor include: No products or analyses are being provided by non-federal sponsors. All products were conducted at 100% Federal expense.

Decision on Type of Product and RMO. Based on the information above, the ERTTP Draft EIS is an “Other Work Product” as identified in EC 1165-2-209 and the RMO is the South Atlantic Division Office.

4. DISTRICT QUALITY CONTROL (DQC)

The Draft EIS has undergone the DQC. DQC is an internal review process of basic science and engineering work products focused on fulfilling the project quality requirements defined in the Project Management Plan (PMP). The home district managed the DQC. The DQC activities were conducted in accordance with the Quality Manual of the District and the home MSC.

Documentation of DQC. DQC comments have been incorporated into the document.

5. AGENCY TECHNICAL REVIEW (ATR)

It was determined to be appropriate for this Draft EIS to undertake ATR. The objective of ATR is to ensure consistency with established criteria, guidance, procedures, and policy. The ATR assessed whether the analyses presented was technically correct and complied with published USACE guidance, and that the document explains the analyses and results in a reasonably clear manner for the public and decision makers. The ATR was managed by the South Atlantic Division Office and was conducted by a qualified team from outside the home district that was not involved in the day-to-day production of the project/product. The ATR team lead was from outside the home MSC.

Products to Undergo ATR. The Draft EIS and supporting materials were subjected to an ATR. Agency Technical Review on the Final EIS will be conducted if responses to public or agency comments on the Draft EIS require development of additional or new technical information. If needed, ATR will be conducted concurrently with South Atlantic Division review of the Jacksonville District's comment/response material. The initial ATR determined that the document was complete and technically sufficient and resulted in no significant technical changes to the document.

Justification: Compliance with requirements established under the ESA is in jeopardy until completion of the National Environmental Policy Act (NEPA) process. It is the responsibility of the agency to take all prudent steps to expedite completion of the NEPA process. Unless additional technical material is added to the document, a duplicate technical review serves no purpose and extends the schedule for completion of NEPA. In addition, limited funding for this project is available.

a.

b. Required ATR Team Expertise. The ATR Team consisted of 4 members representing the major disciplines that contributed to preparation of the EIS and supporting documentation, include: ATR Team Lead, Environmental Resources, Hydraulics and Hydrology, and Water Management. The following table further describes required team member expertise. The ATR Team met the requirements identified below.

ATR Team Members/Disciplines	Expertise Required
ATR Lead	The ATR lead should be a senior professional with extensive experience in preparing Civil Works documents. The lead should have the necessary skills and experience to lead a virtual team through the ATR process.
Environmental Resources	Should be a senior professional with extensive experience in NEPA compliance Endangered Species issues.
Hydraulics and Hydrology	Should be experienced in the fields of hydraulics and hydrology, and have a thorough understanding of water management modeling analysis tools and water management

	operations.
Water Management	Water manger experienced in managing a large complex system with multiple competing needs including endangered species, cultural resources, water supply, flood control and recreation.

c. **Documentation of ATR.** DrChecks review software was used to document all ATR comments, responses and associated resolutions accomplished throughout the review process. Comments should were limited to those that were required to ensure adequacy of the product. The four key parts of a quality review comment 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 be 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.

The ATR for the ERTD Draft EIS was certified when all ATR concerns were resolved and the ATR documentation was complete. The ATR Lead prepared a Statement of Technical Review certifying that the issues raised by the ATR team had been resolved.

6. 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. 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:

- **Type I IEPR.** Type I IEPR reviews are managed outside the USACE and are conducted on project studies. 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.
 - **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.
- a. **Decision on IEPR.** The vertical team decision is that neither a Type I nor a Type II IEPR is required for the ERTD Draft EIS. The scope of the Draft EIS is to revise an existing operating plan to better protect endangered species, and as such be in compliance with Section 7 of the Endangered Species Act via adoption of the Terms and Conditions of a U.S. Fish and Wildlife Service Biological Opinion, while maintaining the Congressionally authorized purposes of the Central and Southern Florida Project. As such, it does not include structural changes and does not pose a significant threat to human life. Potential operational changes will remain of a kind similar to current practices.
 - b. **Products to Undergo Type I IEPR.** Not-Applicable
 - c. **Required Type I IEPR Panel Expertise.** Not-Applicable
 - d. **Documentation of Type I IEPR.** Not-Applicable

7. POLICY AND LEGAL COMPLIANCE REVIEW

Guidance for policy and legal compliance reviews is addressed in Appendix H, ER 1105-2-100. 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 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 decision documents.

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

Not-Applicable for the Draft EIS. This Review Plan will be updated to address subsequent products associated with the ETRP including if necessary, the Final EIS.

9. MODEL CERTIFICATION AND APPROVAL

EC 1105-2-407 mandates the use of certified or approved models for all planning activities to ensure the models are technically and theoretically sound, compliant with USACE policy, computationally accurate, and based on reasonable assumptions. Planning models, for the purposes of the EC, are defined as any models and analytical tools that planners use to define water resources management problems and opportunities, to formulate potential alternatives to address the problems and take advantage of the opportunities, to evaluate potential effects of alternatives and to support decision making. The use of a certified/approved planning model does not constitute technical review of the planning product. The selection and application of the model and the input and output data is still the responsibility of the users and is subject to DQC, ATR, and IEPR (if required).

EC 1105-2-407 does not cover engineering models used in planning. The responsible use of well-known and proven USACE developed and commercial engineering software will continue and the professional practice of documenting the application of the software and modeling results will be followed. As part of the USACE Scientific and Engineering Technology (SET) Initiative, many engineering models have been identified as preferred or acceptable for use on Corps studies and these models should be used whenever appropriate. The selection and application of the model and the input and output data is still the responsibility of the users and is subject to DQC, ATR, and IEPR (if required).

While the normal case is to seek approval for use of the planning models, in the case of the ETRP EIS, the planning model consists of the South Florida Water Management Model that includes a standard output of a range of performance measures that have been employed for years, evolving as our understanding of the relationship of water levels and associated ecological effects improves. For this EIS, computational accuracy and application were reviewed by the ATR team.

a. Planning Models.

Evaluation Criteria Methodology

Everglades restoration transition plan Objectives, Performance measures and ecological targets

The overall action objective of ERTTP is to maximize operational flexibilities in order to improve conditions for Everglade snail kite, wood stork and other wading birds and their habitats in south Florida, while maintaining nesting season requirements for the CSSS, along with C&SF Project purposes. In order to achieve the action objective USACE and FWS, in conjunction with the multi-agency ERTTP team, developed performance measures (PMs) and ecological targets (ETs) for each species and their habitat. PMs are defined as a set of operational rules that identify optimal WCA-3A water stages and recession rates to improve conditions in WCA-3A for snail kite, wood stork, wading birds and tree islands. In addition, PM-A addresses the nesting window for CSSS-A, as outlined in the 1999 FWS RPA. ETs are designed to support the intention of the PMs. **Figure 1** shows the locations of the gauges specified within the ERTTP PMs and ETs.

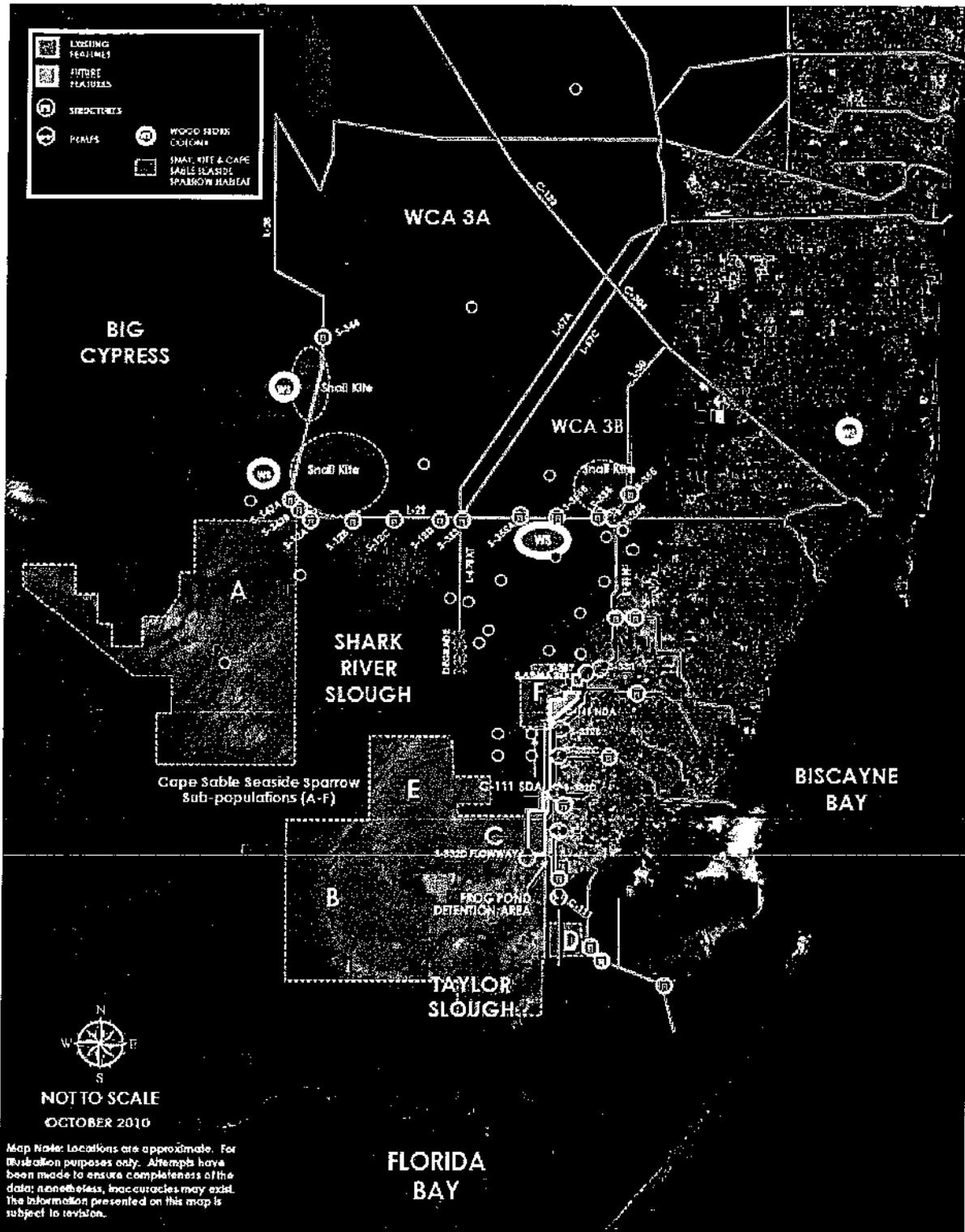


FIGURE 1: LOCATIONS OF GAUGES WITHIN EVERGLADES RESTORATION TRANSITION PLAN ACTION AREA AS REFERENCED IN THE EVERGLADES RESTORATION TRANSITION PLAN PERFORMANCE MEASURES AND ECOLOGICAL TARGETS

Performance Measures

Cape Sable Seaside Sparrow

- A. *NP-205 (CSSS-A): Provide a minimum of 60 consecutive days at NP-205 below 6.0 feet NGVD beginning no later than March 15.*

Everglade Snail Kite/Apple Snail

(Note: All stages for WCA-3A are as measured at WCA-3- gauge average [WCA-3AVG] [Sites 63, 64, 65])

- B. *WCA-3A: For snail kites, strive to reach waters levels between 9.8 and 10.3 feet NGVD by December 31, and between 8.8 and 9.3 feet NGVD between May 1 and June 1.*
- C. *WCA-3A: For apple snails, strive to reach water levels between 9.7 and 10.3 feet NGVD by December 31 and between 8.7 and 9.7 feet NGVD between May 1 and June 1.*
- D. *WCA-3A (Dry Season Recession Rate): Strive to maintain a recession rate of 0.05 feet per week from January 1 to June 1 (or onset of the wet season). This equates to a stage difference of approximately 1.0 feet between January and the dry season low.*
- E. *WCA-3A (Wet Season Rate of Rise): Manage for a monthly rate of rise less than or equal to 0.25 feet per week to avoid drowning of apple snail egg clusters.*

Wood Stork/Wading Birds

- F. *WCA-3A (Dry Season Recession Rate): Strive to maintain a recession rate of 0.07 feet per week, with an optimal range of 0.06 to 0.07 feet per week, from January 1 to June 1.*
- G. *WCA-3A (Dry Season): Strive to maintain areas of appropriate foraging depths (5 to 25 centimeters) within the Core Foraging Area (CFA) (18.6 mile radius) of any active wood stork colony.*
- H. *WCA-3A (Dry Season): Strive to maintain areas of appropriate foraging depths (5 to 15 centimeters) within the CFA (7 to 9 mile radius) of any active white ibis or snowy egret colony.*

Tree Islands

(Note: All stages for WCA-3A are as measured at WCA-3AVG [Sites 63, 64, 65])

- I. *WCA-3A: For tree islands, strive to keep high water peaks less than 10.8 feet NGVD, not to exceed 10.8 feet NGVD for more than 60 days per year, and reach water levels less than 10.3 feet NGVD by December 31.*

Ecological Targets

Cape Sable Seaside Sparrow

1. *NP-205 (CSSS-A): Strive to reach a water level of less than or equal to 7.0 feet NGVD at NP-205 by December 31 for nesting season water levels to reach 6.0 feet NGVD by mid-March.*
2. *CSSS: Strive to maintain a hydroperiod between 90 and 210 days (three to seven months) per year throughout sparrow habitat to maintain marl prairie vegetation.*

Everglade Snail Kite

3. *WCA-3A (Dry Years): Strive to maintain optimal snail kite foraging habitat by allowing water levels to fall below ground surface level between one in four and one in five years (208 to 260 weeks average flood duration) between May 1 and June 1 to promote regenerations of marsh vegetation. Do not allow water levels below ground surface for more than four to six weeks to minimize adverse effects on apple snail survival.*

U.S. FISH AND WILDLIFE SERVICE Multi-Species Transition Strategy

FWS along with Dr. Kitchens, Phil Darby, Ph.D. of the University of West Florida, and Christa Zweig, Ph.D. of the University of Florida, developed a series of water depth recommendations for WCA-3A that addresses the needs of the snail kite, apple snail and vegetation characteristic of their habitat (**Figure 2**). This water management strategy is divided into three time periods representing the height of the wet season (September 15 to October 15), the pre-breeding season (January) and the breeding season (termed dry season low, May 1 to June 1) and illustrates appropriate water depths to attain within each time period. Water depth recommendations as measured at the WCA-3AVG proposed within the FWS Multi-Species Transition Strategy (MSTS) form the basis for ERTF PMs and ETs. These recommendations and their proposed intent are included in Appendices E and F. Please note that these water depths are not targets and represent a compromise between the needs of the three species. Inter-annual variability is extremely important in the management of the system to promote recovery of the species.

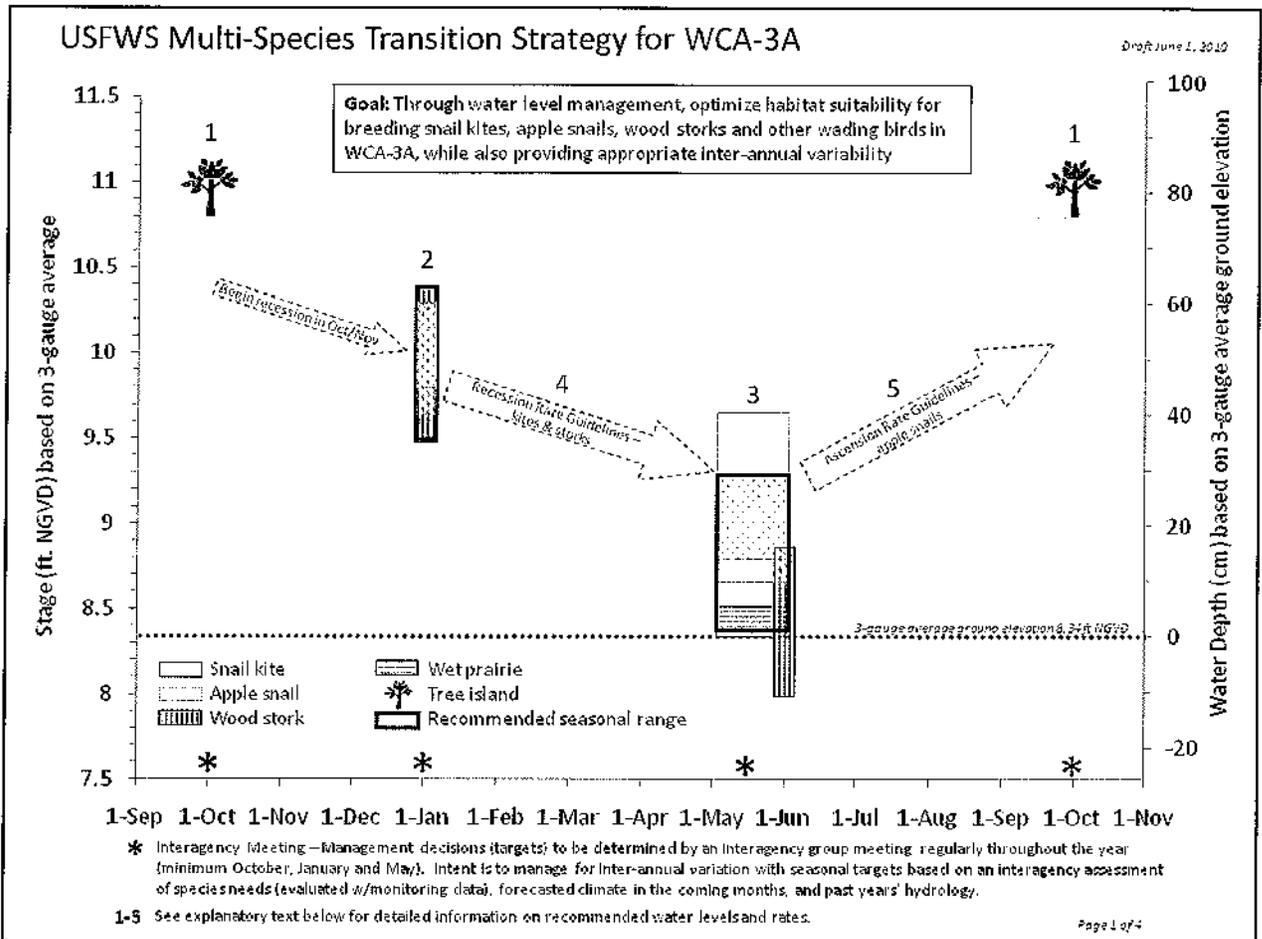


FIGURE 2: U.S. FISH AND WILDLIFE SERVICE MULTI-SPECIES TRANSITION STRATEGY FOR WATER CONSERVATION AREA-3A

South Florida Water Management Model

South Florida Water Management Model (SFWMM) Version 5.5.2.2 (Unix) was used in ERTIP alternatives evaluation analysis. The model uses a 36 year period of record (POR) from 1965 through 2000. This version was developed jointly in 2006 by USACE and South Florida Water Management District (SFWMD) staff for Lake Okeechobee Regulation Schedule (LORS) modeling. The 2006 SFWMD draft Lake Okeechobee Water Shortage Management Plan (LORS Final Supplemental EIS) was included within ERTIP model runs. Subsequent SFWMM version and platform revisions were not utilized, as the 2010 'as-built' SFWMM IOP baseline simulation was not available from the International Modeling Center (IMC) at the time the ERTIP alternative evaluation analysis was performed. USACE network updates are on hold pending completion of IMC/SFWMD SFWMM update. In summary, a valid SFWMM tool was utilized, enabling relative comparisons between ERTIP alternatives.

10. REVIEW SCHEDULES AND COSTS

- a. ATR of the Draft EIS was completed in January 2011. This Review Plan will be updated to address subsequent products associated with the ETRP including, if necessary, the Final EIS.

11. PUBLIC PARTICIPATION

SCOPING

A NEPA scoping letter was mailed on December 7, 2009 to the agencies, organizations, and private individuals listed in Appendix D-1. A letter dated February 2, 2010 was received from the Florida State Clearinghouse, which coordinated agency and stakeholder comments. A copy of the scoping letter and comments received are also included within Appendix D.

A Notice of Intent (NOI) to prepare an EIS was published in the Federal Register on March 1, 2010. A copy of the NOI is included within Appendix D-3.

AGENCY COORDINATION

The various agencies, affected stakeholders, and interested members of the community were allowed opportunities to provide input during the NEPA process. Public participation was limited to comments received through the NEPA scoping process, and South Florida Water Management District (SFWMD) Water Resources Advisory Council, Governing Board and Technical Oversight Committee meetings. Table 6-1 provides a list of announcements, interagency coordination, and public presentations conducted throughout this process. A workshop was held on December 10, 2010 for interested non-governmental agencies and environmental groups, including Audubon of Florida, National Parks Conservation Association, and The Everglades Foundation. A Public Workshop will be held in March 2010 during the NEPA comment period to elicit input from interested parties. A summary of the scoping process was included in the Executive Summary.

TABLE 0-1: PUBLIC INVOLVEMENT SUMMARY

Action	Location	Date
Stakeholder Outreach- ENP, SFWMD	Teleconference	7 August 2009
Stakeholder Outreach- ENP, SFWMD	Teleconference	17 August 2009
Stakeholder Outreach- ENP, SFWMD	Teleconference	24 August 2009
Interagency Meeting	Vero Beach, FL	18 September 2009
Interagency Meeting	Teleconference	2 October 2009
Interagency Meeting	Jacksonville, FL	19 October 2009
Stakeholder Outreach- SFWMD, Miccosukee	Teleconference	26 October 2009
Stakeholder Outreach- ENP, SFWMD, Miccosukee	Teleconference	2 November 2009
Interagency Meeting	Teleconference	6 November 2009
Stakeholder Outreach- SFWMD	Teleconference	9 November 2009
Stakeholder Outreach- SFWMD	Teleconference	16 November 2009
Presentation to CISREP*	Jacksonville, FL	3 December 2009
Interagency Meeting	Teleconference	14 December 2009
Presentation to SFWMD Technical Oversight Committee*	West Palm Beach, FL	15 December 2009
NEPA Scoping Letter Mailed	NA	7 December 2009
Interagency Meeting	Teleconference	11 January 2010
Interagency Meeting	Teleconference	15 January 2010
Interagency Meeting	Vero Beach, FL	19 January 2010
Interagency Meeting	Teleconference	25 January 2010
Interagency Meeting	Teleconference	1 February 2010
Interagency Meeting	Vero Beach, FL	22 February 2010
NOI Published in Federal Register	NA	1 March 2010
Stakeholder Outreach- FDEP	Teleconference	30 March 2010
Stakeholder Outreach- FDACS	Teleconference	31 March 2010
Stakeholder Outreach- DERM	Miami, FL	5 April 2010
Stakeholder Outreach- FWC	West Palm Beach, FL	6 April 2010
Stakeholder Outreach- ENP	Homestead, FL	7 April 2010
Stakeholder Outreach- SFWMD	West Palm Beach, FL	7 April 2010
Presentation to SFWMD Water Resources Advisory Committee*	West Palm Beach, FL	8 April 2010
Presentation to SFWMD Governing Board*	West Palm Beach, FL	14 April 2010
Interagency Meeting	Teleconference	19 April 2010
Stakeholder Outreach- DOI	Homestead, FL	26 April 2010
Workshop (USACE/FWS)	Jacksonville, FL	28-29 April, 2010
Interagency Meeting	Teleconference	3 May 2010
Stakeholder Outreach- FDACS	Miami, FL	5 May 2010
Stakeholder Outreach- Miccosukee	Miami, FL	6 May 2010
Interagency Meeting	Teleconference	11 May 2010
Interagency Meeting	Teleconference	17 May 2010
Interagency Meeting	Teleconference	7 June 2010
Interagency Meeting	Teleconference	28 June 2010
Stakeholder Outreach- DOI	Naples, FL	13 July 2010
Stakeholder Outreach- Miccosukee	West Palm Beach, FL	18 August 2010

Stakeholder Outreach- SFWMD	Teleconference	19 August 2010
Stakeholder Outreach-ENP	Teleconference	23 August 2010
Presentation to Technical Oversight Committee*	West Palm Beach, FL	31 August 2010
Stakeholder Outreach- Miami-Dade DERM	Teleconference	1 September 2010
Interagency Meeting	Teleconference	29 September 2010
Interagency Meeting	Teleconference	6 October 2010
Presentation to SFWMD Water Resources Advisory Committee*	West Palm Beach, FL	7 October 2010
Presentation to SFWMD Governing Board*	West Palm Beach, FL	13 October 2010
Presentation to SFWMD Technical Oversight Committee*	West Palm Beach, FL	19 October 2010
Workshop (Environmental Organizations)	Hollywood, FL	10 December 2010

ENP: Everglades National Park

Miccosukee: Miccosukee Tribe of Indians of Florida

CISREP: Comprehensive Independent Science Review of Everglades Restoration Plan

FDEP: Florida Department of Environmental Protection

FDACS: Florida Department of Agriculture and Consumer Services

DERM: Miami –Dade Department of Environmental Resource Management

FWC: Florida Fish and Wildlife Conservation Commission

DOI: Department of the Interior

FWS: U.S. Fish and Wildlife Service

Note: Items marked with an * indicate meetings open to the general public.

NA: Not Applicable

LIST OF STATEMENT RECIPIENTS

This Draft EIS will be filed in accordance with ER-FRL-8994-7, Amended Environmental Impact Statement Filing System Guidance for Implementing 40 CFR 1506.9 and 1506.10 of the Council on Environmental Quality's Regulations Implementing the National Environmental Policy Act. Copies of the Draft EIS are available on the USACE Jacksonville District website:

http://www.saj.usace.army.mil/Divisions/Planning/Branches/Environmental/Projects_ERTP.htm

Copies of the document or notices of availability of the Draft EIS were mailed to the following parties:

Native American Tribes

Miccosukee Tribe of Indians

Muscogee (Creek) Nation of Oklahoma

Poarch Band of Creek Indians

Seminole Tribe of Florida

Seminole Nation of Oklahoma

Federal Agencies

Federal Emergency Management Agency

Federal Maritime Commission

National Center for Environmental Health

US Department of Agriculture

National Resources Conservation Service

US Forest Service

US Department of Commerce
National Oceanic and Atmospheric Administration
Florida Keys National Marine Sanctuary
National Marine Fisheries Service
US Department of Homeland Security
US Coast Guard, 7th District
US Department of Housing and Urban Development
US Department of the Interior
Bureau of Indian Affairs
National Park Service
Big Cypress National Preserve
Biscayne National Park
Everglades National Park
US Fish and Wildlife Service
US Geological Survey
Office of Environmental Policy and Compliance
US Department of Justice
US Department of Transportation
Federal Highway Administration
US Environmental Protection Agency

Federal Government

US Congressmen
Florida Districts 17, 18, 19, 20, 21, 22, 23, 24, 25
US Senators, Florida

State Agencies

Florida Department of Agriculture and Consumer Services
Office of Agricultural Water Policy
Florida Department of Environmental Protection
Florida Department of Transportation
Florida Fish and Wildlife Conservation Commission
Florida Keys Aqueduct Authority
Florida State Clearinghouse
South Dade Soil and Water Conservation District
South Dade Government Center
South Florida Regional Planning Council
Southwest Florida Regional Planning Council
South Florida Water Management District
State Historic Preservation Office
University of Florida Cooperative Extension Office, Homestead, Florida

State Government

Governor's Office

State Representatives

Districts 78, 82, 83, 84, 85, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120

State Senators

Districts 25, 27, 28, 29, 30, 32, 33, 34, 35, 36, 38, 39, 40,

County Agencies

Broward County Biological Resources Division

Broward County Environmental Protection and Growth Management

Lee County Public Utilities

Martin County

Miami-Dade County Department of Environmental Resources Management

Miami-Dade County Department of Planning and Zoning

Miami-Dade County Park & Recreation

Miami-Dade County Water & Sewer

Miami-Dade Water Resources

Monroe County Growth Management Department

Palm Beach County Water Resources

County Government

Broward County Board of County Commissioners
Miami-Dade County Board of Commissioners
Monroe County Board of County Commissioners
Palm Beach County Board of County Commissioners

Municipalities

City of Delray Beach
City of Florida City
City of Fort Lauderdale
City of Hollywood
City of Homestead
City of Lighthouse Point
City of Pembroke Pines
City of Sanibel
Lake Worth Drainage District
Miami-Dade City Planning Department
South Broward Drainage District
Town of Medley
Town of Southwest Ranches

Libraries

Collier County Public Library, Everglades City Branch
Broward County Public Library, Ft. Lauderdale Branch
Miami-Dade Public Library, Homestead Branch
Miami-Dade Public Library, Main Branch
Northwest Regional Library, Coral Springs

Groups and Organizations

100 Friends of Florida
Airboat Association of Florida
Audubon of Florida
Broward 298s
Broward County Airboat Association
Charleston Museum
Clean Water Action
Coopertown Airboat
Dade County Farm Bureau
Defenders of Wildlife
Duke University
Environmental & Land Use Law Center
Everglades Coordinating Council
Everglades Foundation
Everglades Protection Society
Florida Atlantic University
Florida Gulf Coast University
Florida Biodiversity Project
Florida International University

Florida Keys Fishing Guides Association
Florida Limerock and Aggregate Institute
Florida Wildlife Federation
Friends of the Everglades
Homestead/Florida City Chamber of Commerce
Las Palmas Homeowners Association
Naples Pathways Coalition
National Parks Conservation Association
Natural Resources Defense Council
Northwestern University
Nova University, Environmental and Land Use Law Center
The Nature Conservancy
Reef Relief
Rutgers University
Sierra Club
Sierra Club, Miami Group
South Florida Ecosystem Restoration Task Force
The Conservancy
Trail Glades Bassmasters of Miami
Tropical Audubon Society
Trust for Public Land
University of Chicago, Field Museum of National History
University of Florida
University of Miami, School of Law
University of West Florida
Wildlife Foundation of Florida
World Wildlife Fund

Businesses

Alednam Development
Applied Environmental Services
Coopertown Airboat
Florida Power and Light
Everglades Research Group, Inc
Everglades Safari Park
Florida Citrus Mutual
Florida Rock Industries
Gator Park
Greenacres Farm
Lehtinen, Vargas and Riedi
Lewis, Longman and Walker
Lincoln Financial
Lone Star Environmental Studies
MacVicar, Frederico and Lamb
Miami Engineering Company
Milian-Swain and Associates
Palm Beach Post
Pentavista Corporation

Radio One, Pepper Hamilton
Rinkers Materials Corporation
Salem Communications Corporation
South Dade News Leader
Tarmac America
White Rock Quarries
WVCG Radio

Individuals

A list of individuals who received notification of the release of the Draft EIS is on file in the USACE Jacksonville District.

COMMENTS RECEIVED AND RESPONSE

A comments response matrix detailing comments received during the scoping and Endangered Species Act consultation process and the USACE response is included within Appendix D.

12. REVIEW PLAN APPROVAL AND UPDATES

The *South Atlantic Division* Commander is responsible for approving this Review Plan. The Commander's approval reflects vertical team input (involving district, MSC, RMO, and HQUSACE members) 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. This Review Plan will be updated to address subsequent products associated with the ETRP including, if necessary, the Final EIS. 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.

13. REVIEW PLAN POINTS OF CONTACT

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

- Jacksonville District Project Manager, 904-232-1766
- South Atlantic Division, RMO, MSC point of Contact, 404-562-5121

ATTACHMENT 1: TEAM ROSTERS

PDT Roster

Project Manager	Donna George	SAJ (DR-PE)	904-232-1766
Environmental Analysis	Susan Conner	SAJ(PD-ES)	904-232-1782
Environmental Analysis	Gina Ralph	SAJ (PD-ES)	904-232-2336
Environmental Analysis	Jim Riley	SAJ (PD-EQ)	904-232-2438
Environmental Analysis	Mark Shafer	SAJ (PD-EQ)	904-232-3594
Water Management	John Zediak	SAJ (EN-WW)	904-232-2914
Hydraulics and Hydrology	Dan Crawford	SAJ (EN-W)	904-232-1079
Hydraulics and Hydrology	Richard Punnett	USACE Contractor	904-232-2605
Editor	Alaina Ray	USACE Contractor (EPJV)	904-232-2069
Editor	Devona Sherwood	USACE Contractor (EPJV)	904-232-1305

ATR Team

ATR Lead	Gregory Baer	HQ Rehired Annuitant
Environmental Resources	Hugh Heine	SAW
Hydraulics and Hydrology	Wesley Brown	SAW
Hydraulics and Hydrology	John Hazelton	SAW
Water Management	Stanley Simpson	SAS

ATTACHMENT 2: SAMPLE STATEMENT OF TECHNICAL REVIEW FOR DECISION DOCUMENTS

COMPLETION OF AGENCY TECHNICAL REVIEW

The Agency Technical Review (ATR) has been completed for the <type of product> for <project name and location>. The ATR was conducted as defined in the project’s Review Plan to comply with the requirements of EC 1165-2-209. During the ATR, compliance with established policy principles and procedures, utilizing justified and valid assumptions, was verified. This included review of: assumptions, methods, procedures, and material used in analyses, alternatives evaluated, the appropriateness of data used and level obtained, and reasonableness of the results, including whether the product meets the customer’s needs consistent with law and existing US Army Corps of Engineers policy. The ATR also assessed the District Quality Control (DQC) documentation and made the determination that the DQC activities employed appear to be appropriate and effective. All comments resulting from the ATR have been resolved and the comments have been closed in DrCheckssm.

SIGNATURE

Name

ATR Team Leader

Office Symbol/Company

Date

SIGNATURE

Name

Project Manager

Office Symbol

Date

SIGNATURE

Name

Architect Engineer Project Manager¹

Company, location

Date

SIGNATURE

Name

Review Management Office Representative

Office Symbol

Date

CERTIFICATION OF AGENCY TECHNICAL REVIEW

Significant concerns and the explanation of the resolution are as follows: Describe the major technical concerns and their resolution.

As noted above, all concerns resulting from the ATR of the project have been fully resolved.

SIGNATURE

Name

Chief, Engineering Division

Office Symbol

Date

SIGNATURE

Name

Chief, Planning Division

Office Symbol

Date

¹ Only needed if some portion of the ATR was contracted

ATTACHMENT 3: REVIEW PLAN REVISIONS

Revision Date	Description of Change	Page / Paragraph Number