

U.S. Army Corps of Engineers  
Southwestern Division  
Galveston District (SWG)

SWG Procedural Review Plan  
Pursuant to 33 USC § 408

This Review Plan is specific for review of proposed alterations of federally constructed or federally and non-federally operated projects. This Review Plan is specific to actions approvable at the SWG Level in accordance with Engineer Circular (EC) 1165-2-216, Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408.

ENDORSED  
BY:

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**US Army Corps  
of Engineers**

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## 1. Introduction

### a. Purpose of This Procedural Review Plan

This procedural review plan ensures quality of reviews by the Galveston District (SWG) for requests to alter US Army Corps of Engineers (USACE) constructed civil works that are within SWG's area of responsibility. This procedural review plan was prepared in accordance with EC 1165-2-216, Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408. This procedural review plan provides the review guidelines associated with the alteration requests pursuant to 33 USC 408 (Section 408) that are similar in nature and are typically of small size, not complex, and have minimal to no impacts to the USACE civil works project (reference paragraph 7.c.(4)(a) in EC 1165-2-216).

### b. Description and Information

This procedural review plan covers alterations that are similar in nature, routine, and have a low impact (e.g. navigation project changes, utility crossings, recreation modifications, etc.) that are proposed by a requester (i.e. private, public, tribal, or other federal entities) within the lands and real property interestes identified and acquired for a USACE project and to lands available for USACE projects under the navigation servitude within the jurisdiction of SWG.

The SWG Section 408 Coordinator is responsible for tracking funding for the review, ensuring policy and processes in EC 1165-2-216 are met, and ensuring that proper coordination occurs among all the necessary SWG elements, which comprise the Agency Technical Review (ATR) Team. Per Section 408 Decision Level guidance, this procedural review plan only covers proposed alterations that do not generate a "yes" answer to any of the seven questions listed in paragraph 6.t of EC 1165-2-216. Requests that generate a "yes" answer require HQUSACE level review and an alteration-specific review plan. The determination of whether or not an alteration is low-impact will depend upon the scope of the alteration (i.e.any alteration where potential hazards do not pose a significant threat to human life as determined by the SWG Chief of Engineering and Construction Division).

Categorical Permissions, which do not require review above the SWG level, may be covered by this procedural review plan. The decision to implement this procedural review plan or require an alteration-specific review plan for a given request is made on a per-request basis by the SWG 408 Coordinator.

All drilling requests (drilling for power poles, instrumentation, third party utilities, relief wells, and geotechnical drilling, etc.) are required to prepare a drilling plan in accordance with ER 1110-1-1807 and are subject to approval by the SWG Dam Safety Officer or SWG Levee Safety Officer. If a technical review in accordance with ER 1110-1-1807 determines a review is required by the Geotechnical and Materials Community of Practice (G&M CoP) Standing Committee on Drilling and Instrumentation, then SWG will develop an alteration-specific review plan to be approved by the Division Commander.

### **c. References**

The following is a list of references that SWG will consider in the review of alteration requests covered by this procedural review plan. Other references that are not listed may be considered if applicable.

- PL 84-99, as amended, flood emergencies; extraordinary wind, wave, or water damage to federally authorized hurricane or shore protective structures; emergency supplies of water; drought; well construction and water transportation.
- 33 CFR 208.10 Local flood protection works; maintenance and operation of structures and facilities.
- 44 CFR 65.10 Mapping of areas protected by levee systems.
- EM-1110-1-1005 Control and Topographic Surveying, 1 January 2007.
- EM 1110-1-1804 Geotechnical Investigations, 1 January 2001.
- EM 1110-1-1904 Settlement Analysis, 30 September 1990.
- EM 1110-1-1905 Bearing Capacity of Soils, 30 October 1992.
- EM 1110-2-1418 Channel Stability Assessment for Flood Control Projects, 31 October 1994.
- EM 1110-2-1601 Hydraulic Design of Flood Control Channels, 1 July 1991.
- EM 1110-2-1611 Layout and Design of Shallow-Draft Waterways, 31 December 1980.
- EM 1110-2-1619 Risk-Based Analysis for Flood Damage Reduction Studies, 1 August 1996.
- EM 1110-2-1902 Slope Stability, 31 October 2003.
- EM 1110-2-1906 Laboratory Soils Testing, 20 August 1986.
- EM 1110-2-1913 Design and Construction of Levees, 30 April 2000.
- EM 1110-2-1914 Design, Construction, and Maintenance of Relief Wells, 29 May 1992.
- EM 1110-2-2002 Evaluation and Repair of Concrete Structures, 30 June 1995.

- EM 1110-2-2007 Structural Design of Concrete-Lined Flood Control Channels, 30 April 1995
- EM 1110-2-2100 Stability Analysis of Concrete Structures, 1 December 2005.
- EM 1110-2-2104 Strength Design for Reinforced-Concrete Hydraulic Structures, 20 August 2003.
- EM 1110-2-2502 Retaining and Flood Walls, 29 September 1989.
- EM 1110-2-2504 Sheet Pile Walls, 31 March 1994.
- EM 1110-2-2902 Conduits, Culverts, and Pipes, 31 March 1998.
- EC 1110-2-6066 Design of I-Walls, 1 April 2011.
- EC 1165-2-214 Civil Works Review, 15 December 2012.
- EC 1165-2-216 Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408, 30 September 2015.
- ER 500-1-1 Civil Emergency Management Program, 30 September 2001.
- ER 1105-2-101 Risk Analysis for Flood Damage Reduction Studies, 3 January 2006.
- ER 1110-1-1807 Drilling in Earth Embankment Dams and Levees, 31 December 2014. ER 1110-2-1806 Earthquake Design and Evaluation of Civil Works Projects, 31 July 1995.
- ER 1110-2-1942 Inspection, Monitoring, and Maintenance of Relief Wells, 29 February 1988.
- ER 1130-2-520 Navigation and Dredging Operations and Maintenance Policies, 29 November 1996.
- ETL 1110-2-575 Evaluation of I-Walls, 1 September 2011
- ETL 1110-2-583 Engineering and Design: Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures, 30 April 2014.
- U.S. Army Corps of Engineers, Policy for Development and Implementation of System-Wide Improvement Frameworks (SWIFs); CECW-HS memorandum, 29 November 2011.
- MVD Policy Memo, Subject: Alterations to Federally Constructed Projects within the Mississippi Valley Division, 27 May 2015.

#### **d. Review Management Organization**

The Review Management Organization (RMO) is responsible for managing the overall peer review effort described in this review plan. The RMO for Section 408 Procedural Review Plans is the Risk Management Center (RMC). The RMC senior reviewer will endorse the review plan and the Southwestern Division Commander (SWD) will approve the plan.

## **2. Review Requirements**

### **a. Level of Review Required**

The review of each alteration request covered by this procedural review plan shall include a SWG-led Agency Technical Review (ATR), reference paragraph 7.c.(4) in EC 1165-2-216.

### **b. Review Purpose**

The review of all work products will be in accordance with the guidelines established within this review plan. The purpose of this review is to ensure the proper application of established criteria, regulations, laws, codes, principles, and professional practices.

For the purposes of Section 408, the ATR team will make the following determinations:

- 1) Impair the Usefulness of the Project Determination. The objective of this determination is to ensure that the proposed alteration will not limit the ability of the project to function as authorized and will not compromise or change any authorized project conditions, purposes, or outputs.
- 2) Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks.
- 3) Legal Compliance Determination. The Office of Counsel will determine if the proposed alteration meets all legal requirements.
- 4) A Policy Compliance Determination. This determination will be made by the appropriate points of contact overseeing the 408 review.

## **3. Quality Control (QC)**

Quality Control (QC) is the responsibility of the sponsor/requester. All submitted documents (including supporting data, analyses, environmental compliance documents, etc.) shall undergo QC.

## **4. SWG-led Agency Technical Review Team**

The SWG-led Agency Technical Review Team (ATR) is comprised of reviewers with the appropriate independence and expertise to conduct a comprehensive

review in a manner commensurate with the types of proposed alterations described in Section 1.b of this review plan.

The following POCs at SWG, working in concert with the District 408 Coordinator, will determine whether or not a Section 408 review is necessary:

**a. SWG 408 POCs (that assist the SWG 408 Coordinator)**

**Levee Safety Program Manager** – for Inspection of Completed Works Program projects.

**Dam Safety Program Manager** – for projects requiring dam safety and structural input.

**Operations Division** – for navigation and activities involving Corps Managed Lands.

Those listed above will assist the 408 Coordinator to develop the specific ATR team and designate the ATR team lead. ATR team members shall be chosen based on each individual's qualifications and experience with similar Section 408 requests. The Summary of Findings, prepared during the review by the ATR team lead, will include a list of the reviewers names, their organization, and a short statement of their credentials and relevant experience. If lacking the appropriate expertise, SWG shall supplement their staff through appropriate USACE Communities of Practice, Centers of Expertise, or other offices.

**b. ATR Lead**

The ATR lead will have the necessary technical skills and experience to lead a team through the ATR process, organize reviews, develop a review schedule (in concert with the SWG 408 Coordinator), document necessary findings, and complete the summary of findings. The ATR lead may also serve as a reviewer for a specific discipline.

**c. Other**

The offices listed below shall be contacted to determine who will be assigned to the ATR team. Other potential areas of expertise may include, but are not limited to the following:

- Technical Disciplines:  
Geotechnical (EC, Engineering Branch)

- Hydrology and Hydraulics (EC, Hydraulics and Hydrology Branch)
- Structural (EC, Engineering Branch)
- Risk Assessments (Levee Safety and/or Dam Safety Program Managers)
- Real Estate Division
- Operations Division (Environmental & Public Interest Determination and NEPA Compliance)
- Office of Counsel
- Other specific subject matter experts based on the type of USACE project involved, such as dam safety, levee safety, and/or navigation.
- The SWG Section 408 Coordinator may also serve as lead and/or a team member.

## 5. Execution Plan

### a. Review Procedures

Reviews will be conducted in a fashion which promotes dialogue regarding the quality and adequacy of the required documentation. The ATR team will review the documents provided.

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

- 1) The review concern – identify the deficiency or incorrect application of policy, guidance, or procedures.
- 2) The basis for the concern – cite the appropriate law, policy, guidance, or procedure that has not been properly followed.
- 3) The significance of the concern – indicate the importance of the concern with regard to its potential impact on SWG’s ability to make a decision as to whether to approve or deny the Section 408 request.
- 4) The probable specific action needed to resolve the concern – identify the action(s) that the requester 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 must include the text of each ATR concern, a brief summary of the pertinent points in any discussion, including any vertical coordination, and the agreed upon resolution.

The following standard procedures will be applied to each proposed alteration covered under this review plan:



1. Pre-coordination with requester and sponsor (if different from applicant) to ensure clear understanding of what is being proposed and that sponsor concurs with action in accordance with 7.c.(1) of EC.
2. Letter of intent to be provided by requester in accordance with 7.c.(2) of EC.
3. SWG to provide outline of documentation needed from applicant in accordance with 7.c.(3) of EC.
4. Applicant to submit 60% complete design submittal, including plans, specifications, and environmental compliance documents for preliminary review by SWG in accordance with 7.c.(3) of EC.
5. SWG to provide review and comments.
6. Requester will address comments and provide 100% submittal for review.
7. Upon conclusion of review of the 100% submittal, the document will be presented to the SWG Commander with recommendation for approval or rejection.

A draft ATR completion signature sheet is included in Attachment 2.

Below is the process that SWG will follow to conduct the ATR of the Section 408 request.

1. Requesters shall be strongly encouraged to submit all written Section 408 requests to the SWG Commander. Some requests will inevitably come through other channels (e.g. one of the business line contacts, Regulatory, Teal Estate, etc.). It is important that all Section 408 requests be shared with the Coordinator so that they can be logged and reviews can begin.
2. The Coordinator and ATR team will determine the composition of the review and request additional team members, if needed, through the respective office contacts also listed in Section 3. The attached checklist (Attachments 1) will be used to document which review components will be required. A copy of this procedural review plan will be provided to the ATR Team so they understand their roles and responsibilities and the applicability of this procedural review plan.

3. If it is determined that a Section 408 request will need approval from HQUSACE (e.g. Type II IEPR or EIS required, change in project purpose, etc. – reference paragraph 6.t. in EC 1165-2-216), an SWG Project Manager (PM) will be assigned. The PM will coordinate an alteration specific review plan that will be endorsed by the RMC and approved by the SWD Commander.
4. The ATR lead, working with the appropriate team and the requester, will obtain all necessary documentation to conduct the review. The ATR team will make comments on the review documentation. DrChecks can be used to document the Section 408 ATR review but it is not required. The SWG Levee and Dam Safety Officers are required to review and endorse approval or recommend denial of a Section 408 request that modifies a levee or dam.
5. The ATR lead will prepare the Summary of Findings (SOF), Memorandum of Decision, and letter to the requester in accordance with EC 1165-2-216 (pages 14 and 15) for the SWG Commander's signature.
6. When the Section 408 review is complete, the Coordinator will be responsible for mailing the 408 decision letter to the requester and will manage all documentation.

#### **b. Review Schedule**

Review schedules are commensurate with the scale and complexity of the review and the ATR team's schedules. Simple Section 408 reviews (little impact and minimal team member involvement) should be able to be completed within a few weeks time, depending on the ATR team's schedules. More complex reviews may require several months of review time depending on the completeness of the information provided by the requester and the availability of SWG resources to complete the review.

#### **c. Review Cost**

Funding of Section 408 reviews will be provided by the requester through the Section 214 process described in Appendix G of EC 1165-2-216 or by HQUSACE under the Operations and Maintenance Remaining Items Appropriation.

**d. Public Comment**

To ensure that the peer review approach is available to the wide array of stakeholders and customers, this review plan will be published on SWG’s public internet site following approval by SWD.

**e. Review Plan Points of Contact**

Name/Title	Organization	Email
Lynn Vera SWG Section 408 Coordinator	CESWG-OD-O	<a href="mailto:Laura.L.Vera@usace.army.mil">Laura.L.Vera@usace.army.mil</a>
Paul Komoroske Division Levee Safety Program Manager	CESWD-RBT	<a href="mailto:Paul.E.Komoroske@usace.army.mil">Paul.E.Komoroske@usace.army.mil</a>
Scott Leimer SWG Levee Safety Program Manager	CESWG-EC-ES	<a href="mailto:Matthew.S.Leimer@usace.army.mil">Matthew.S.Leimer@usace.army.mil</a>
Mike Southern Division Dam Safety Program Manager	CESWD-RBT	<a href="mailto:Michael.W.Southern@usace.army.mil">Michael.W.Southern@usace.army.mil</a>
Gary Chow SWG Dam Safety Program Manager	CESWG-EC-ES	<a href="mailto:Gary.Chow@usace.army.mil">Gary.Chow@usace.army.mil</a>
Joe Hrametz, Chief, Operations	CESWG-OD	<a href="mailto:Joseph.J.Hrametz@usace.army.mil">Joseph.J.Hrametz@usace.army.mil</a>

**ATTACHMENT 1  
SECTION 408 COORDINATOR CHECKLIST**

Section 408 Project Name:			
ATR Lead:			
Discipline	Person Contacted	Review Needed (Y/N)	Explanation
Geotech			
Structural			
H&H			
Levee Safety			
Dam Safety			
Risk Assessment			
Regulatory			
Real Estate			
Operations			
Office of Counsel			
Other SME (as required)			

**ATTACHMENT 2**

**COMPLETION OF AGENCY TECHNICAL REVIEW**

The Agency Technical Review (ATR) has been completed for the <short description of proposed alteration> for <project name and location>. The ATR was conducted as defined in the Procedural Review Plan to comply with the requirements of EC 1165-2-216. During the ATR, compliance with established policy principles and procedures and legal requirements was verified. This included the determination whether the proposed alteration would impair the usefulness of the federal project or was injurious to the public interest. All comments resulting from the ATR have been resolved.

\_\_\_\_\_  
*Name*

ATR Team Leader

\_\_\_\_\_  
Date

\_\_\_\_\_  
*Name*

SWG Section 408 Coordinator

\_\_\_\_\_  
Date