



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, SOUTH ATLANTIC DIVISION  
60 FORSYTH STREET SW, ROOM 10M15  
ATLANTA, GEORGIA 30303-8801

CESAD-RBT

15 June 2018

MEMORANDUM FOR COMMANDER, JACKSONVILLE DISTRICT

SUBJECT: Approval of Review Plan for Section 408 Permission Package for S-333N Gated Spillway, Miami-Dade County, Florida

1. References:

- a. Memorandum, CESAJ-EN-Q, 2 April 2018, subject as above.
- b. Engineering Circular (EC) 1165-2-216, Policy and Procedural Guidance for Processing Requests to Alter US Army Corps OF Engineers Civil Works Project Pursuant to 33 USC 408, 30 September 2015.
- c. EC 1165-2-217, Water Resources Policies and Authorities Review Policy for Civil Works, 28 February 2018.

2. The Review Plan (RP) submitted by the South Florida Water Management District (SFWMD) via the Jacksonville District for the Section 408 Permission Package for the S-333N Gated Spillway Project, reference 1.a, has been reviewed by the South Atlantic Division (SAD) and is hereby approved in accordance with reference 1.b and 1.c above. The RP only address the reviews required by EC 1165-2-216 for the 408 Permit Permission package to be submitted for the S-333N Gated Spillway Project. Requirements for IEPR and technical reviews by USACE will be addressed in a separate review plan entitled "Project Review Plan for Review of Implementation Documents for S-333N Gated Spillway Construction."

3. SAD concurs with the SFWMD's RP recommendation that outlines the requirements for Quality Assurance by the SFWMD and Quality Control by their A-E, as well as a Jacksonville District led Agency Technical Review. Documents to be reviewed include plans, specifications, and a design documentation report.

4. The District should take steps to post the approved RP to its website and provide a link to CESAD-RBT. Before posting to the website, the names of Corps/Army employees should be removed. Subsequent significant changes to this RP, such as scope or level of review changes, should they become necessary, will require new written approval from this office.

5. The SAD point of contact is [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
Director of Programs



**DEPARTMENT OF THE ARMY**  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
701 SAN MARCO BOULEVARD  
JACKSONVILLE, FLORIDA 32207

REPLY TO  
ATTENTION OF

2 APR 2018

CESAJ-EN-Q

MEMORANDUM FOR Commander, South Atlantic Division (CESAD-RBT), 60 Forsyth Street SW, 10M15, Atlanta, GA 30303

SUBJECT: Approval of Review Plan for Section 408 Permission Package for S-333N Gated Spillway, Miami-Dade County, Florida

1. References:

EC 1165-2-216, Policy and Procedural Guidance for Processing Requests to Alter U.S. Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408, 31 Jul 14

2. CESAJ-EN has reviewed the Review Plan for the Section 408 Permission Package for the S-333N Gated Spillway Project (dated March 2018) and concurs that this Review Plan provides for an adequate level of review and complies with the current review policy requirements outlined in EC 1165-2-216.

3. This Review Plan was prepared by the South Florida Water Management District (SFWMD), reviewed by Jacksonville District and the South Atlantic Division, and all review comments have been satisfactorily resolved.

4. The design for this project is under development by the SFWMD and their A-E who will perform quality checks on all products they developed. This Review Plan outlines the Jacksonville District-led Agency Technical Review of the submitted 408 permission package. Documents to be reviewed include plans, specifications, and a design documentation report.

5. The district will post the CESAD approved Review Plan to its website and provide a link to the CESAD for its use. Names of Corps/Army employees will be withheld from the posted version, in accordance with guidance.

CESAJ-EN-Q

SUBJECT: Approval of Review Plan for S-333N Gated Spillway Project

6. If you have any questions regarding the information in this letter, please feel free to contact me or contact [REDACTED].

Encl

[REDACTED]

LTC, EN  
Commanding

# **PROJECT REVIEW PLAN**

For Review of

## **Section 408 Permission Package**

For

## **S-333N Gated Spillway Construction**

**Miami-Dade County, Florida**

**March 2018**

THE INFORMATION CONTAINED IN THIS REVIEW PLAN IS DISTRIBUTED SOLELY FOR THE PURPOSE OF PREDISSEMINATION PEER REVIEW UNDER APPLICABLE INFORMATION QUALITY GUIDELINES. IT HAS NOT BEEN FORMALLY DISSEMINATED BY THE U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT. IT DOES NOT REPRESENT AND SHOULD NOT BE CONSTRUED TO REPRESENT ANY AGENCY DETERMINATION OR POLICY.

## TABLE OF CONTENTS

<b>1. PURPOSE AND REQUIREMENTS .....</b>	<b>1</b>
a. Purpose .....	1
b. References .....	1
c. Requirements .....	1
d. Review Plan Approval and Updates .....	1
<b>2. PROJECT INFORMATION AND BACKGROUND .....</b>	<b>2</b>
a. Project Description.....	2
b. Public Participation .....	3
<b>3. DISTRICT-LED AGENCY TECHNICAL REVIEW .....</b>	<b>3</b>
a. General .....	3
b. Documentation.....	4
<b>4. SUMMARY OF FINDINGS.....</b>	<b>4</b>
<b>5. PROJECT DELIVERY TEAM DISCIPLINES.....</b>	<b>5</b>
<b>6. SCHEDULE AND COST.....</b>	<b>5</b>
a. Schedule.....	5
b. Review Cost.....	6

ATTACHMENT A - Approved Review Plan Revisions

ATTACHMENT B - Partial List of Acronyms and Abbreviations

## **1. PURPOSE AND REQUIREMENTS**

### **a. Purpose**

This Review Plan defines the scope and level of review activities for the 33 USC 408 (Section 408) Permission Package to be submitted for the S-333N Gated Spillway Project (Project), Miami-Dade County, Florida. The Project scope includes construction of a new gated spillway structure to operate in conjunction with the existing S-333 spillway structure. Design and construction of the Project is being performed by the non-Federal sponsor, the South Florida Water Management District (SFWMD) and their design consultant. The design documents to be reviewed are Plans and Specifications (P&S) and Design Documentation Report (DDR) prepared by the non-Federal sponsor and their design consultant. A District-led Agency Technical Review (ATR), which is discussed below, will be performed on the Section 408 Package to determine if requirements set forth in EC 1165-2-216 have been met.

### **b. References**

- (1). EC 1165-2-214, "Civil Works Review", 15 December 2012
- (2). 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
- (3). SFWMD Everglades Restoration and Capital Projects Engineering Submittal Requirements, 05 November 2009

### **c. Requirements**

This Review Plan was developed in accordance with EC 1165-2-216. The EC provides the policy and procedural guidance for processing requests by private, public, tribal, or other federal entities, to make alterations to, or temporarily or permanently occupy or use, any US Army Corps of Engineers federally authorized civil works project pursuant to Section 408. Proposed alterations must not be injurious to the public interest or affect the USACE project's ability to meet its authorized purpose.

According to EC 1165-2-214, when a non-Federal interest undertakes a study, design, or implementation of a Federal project, or requests permission to alter a Federal project, the non-Federal interest is required to undertake, at its own expense, any IEPR that the Government determines would have been required if the Government were doing the work. In addition, the use of and compliance with the EC 1165-2-214 may be advisable to help expedite an eventual USACE review and approval process of work products designed and/or constructed by non-Federal sponsors. Requirements for IEPR and technical reviews by USACE will be addressed in a separate review plan entitled "Project Review Plan for Review of Implementation Documents for S-333N Gated Spillway Construction". The Review Plan presented in this document will only address the reviews required by EC 1165-2-216 for the 408 Permit Permission package to be submitted for the S-333N Gated Spillway Project.

### **d. 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, and HQUSACE members) as to the appropriate scope and level of review. The Review Plan is a living document and may change as the project progresses. The SFWMD is responsible for keeping the Review Plan up to date. Minor changes to the Review Plan since the last MSC Commander approval are documented in Attachment A. Significant changes to the Review Plan (such as changes to the scope and/or level of review) will 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 Commander's approval memorandum, will be posted on the Jacksonville District Review Plan webpage. The latest Review Plan will be provided to the home MSC.

## 2. PROJECT INFORMATION AND BACKGROUND

### a. Project Description

The project is located at the southern end of the L-67A levee at the southeast corner of Water Conservation Area 3A about 30 miles west of Miami. The S-333N structure is a gated spillway structure that will work in conjunction with the existing S-333 spillway to increase hydraulic connectivity between WCA-3A and Everglades National Park (ENP). S-333N is a complementary structure to the existing S-333 spillway. The structure is proposed as a two-bay gated spillway with a design flow of 1,150 cfs and hydraulic head of 0.5 feet. The design flow was established in order to reach a combined conveyance with the existing S-333 spillway (1,350 cfs) of 2,500 cfs. At times when capacity is available, the proposed S-333N and existing S-333 spillways will provide additional conveyance to ENP.

The project scope includes design and construction of a new structure adjacent to the existing S-333 on the L-67A levee. The project design is anticipated to include modeling, structural, civil and electrical components and will comply with USACE regulations. The project timeline is expedited and shall include preliminary and final design with an anticipated Governing Board approval in August of 2018. Modifications to the existing S-333 are not anticipated.

This project is a feature of the Central Everglades Planning Project (CEPP), which has a primary goal of improving the quantity, quality, timing, and distribution of water flows to the Northern Estuaries, Central Everglades, and Florida Bay, while increasing water supply for municipal, industrial, and agricultural users.

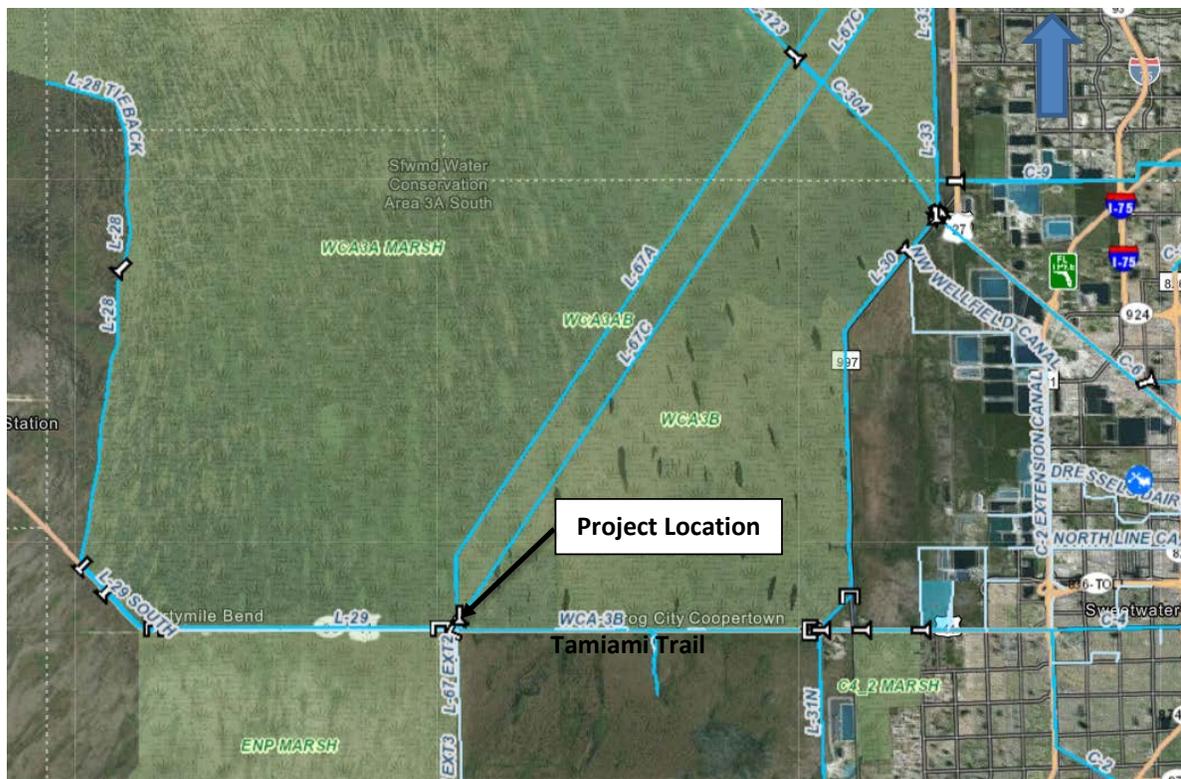
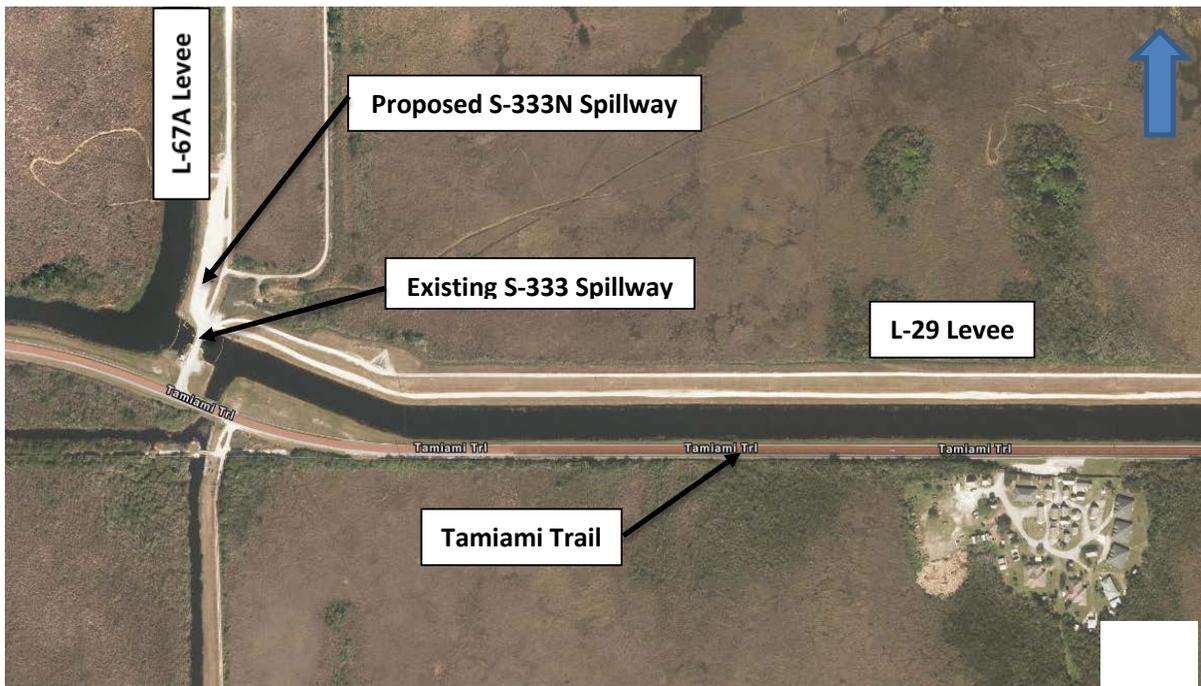


Figure 1: Aerial Map of Project Area



**Figure 2: Location Map**

**b. Public Participation**

The project review plan will be posted on the Jacksonville District Internet. Any comments or questions regarding the review plan will be addressed by the Jacksonville District or the SFWMD.

**3. DISTRICT-LED AGENCY TECHNICAL REVIEW**

**a. General**

For the purposes of Section 408, a District-Led ATR is conducted in order to determine if the requirements set forth in EC 1165-2-216 have been met and assists USACE review team members in the formulation and agreement of the determinations described in EC 1165-2-216. The District-Led ATR will be conducted after submission of the Section 408 Permission Package by SFWMD. USACE team members conducting the District-Led ATR may be from within CESAJ. If lacking the appropriate expertise, CESAJ may supplement their staff with outside subject matter experts through appropriate communities of practice, centers of expertise, or other offices. Review teams shall be comprised of reviewers with the appropriate independence and expertise to conduct a comprehensive review in a manner commensurate with the complexity of the Section 408 proposal. The District-Led ATR team will make the following determinations:

- **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. All appropriate technical analyses including geotechnical, structural, hydraulic and hydrologic, real estate, and operations and maintenance requirements, must be conducted and the technical adequacy of the design

must be reviewed. If at any time it is concluded that the usefulness of the authorized project will be negatively impacted, any further evaluation under 33 USC 408 should be terminated.

- **Injurious to the Public Interest Determination.** Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Evaluation of the probable impacts that the proposed alteration to the USACE project may have on the public interest requires a careful weighing of all those factors that are relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be compared against its reasonably foreseeable detriments. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest. This determination is not the same as the “contrary to the public interest determination” that is undertaken pursuant to Sections 10/404/103. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. This evaluation should consider information received from the interested parties, including tribes, agencies, and the public.
- **Legal and Policy Compliance Determination.** A determination will be made as to whether the proposal meets all legal and policy requirements. CESAJ Office of Counsel concurrence is required. The compliance determination for any Section 10/404/103 permit decision associated with the proposed alteration is separate from and will not be included in this compliance determination.

#### **b. Documentation**

After reviewing the documents included in the Section 408 Permission Package, the review team members shall utilize DrChecks<sup>sm</sup> to capture team member input for the determinations described in EC 1165-2-216. A separate DrChecks<sup>sm</sup> review will also be used to consolidate any requests for additional information (RAI) concerning the Section 408 Permission Package. These RAIs will be forwarded to SFWMD for response.

#### **4. SUMMARY OF FINDINGS**

Upon completion of the District-Led ATR, demonstration of environmental compliance, and receipt of responses to RAIs from SFWMD, USACE will develop a Summary of Findings to summarize the district rationale and conclusions for recommending approval or denial of the 408 request. The Summary of Findings will serve as the basis for the final decision on the approval/disapproval of the proposed alteration. The Summary of Findings will be signed by the Jacksonville District Commander and contain the following, if applicable:

- Summary of rationale and conclusions for recommending approval or denial;
- Written request;
- A physical and functional description of the existing project, including a map;
- Project history and authorization;
- Impact to the usefulness of the USACE project determination;
- Injurious to the public interest determination;
- Policy Compliance certification;
- Certification of Legal Sufficiency from District Office of Counsel;
- Certification by the Chief of the District Real Estate Division that the real estate documentation is adequate;
- A description of any related, ongoing USACE studies (if applicable), including how the proposed alteration may impact those studies;
- Summary of any changes to the O&M manual. If the district has determined that USACE would assume O&M responsibilities as part of its responsibilities for the USACE project, include the rationale and any anticipated increase in USACE O&M costs.
- Summary of any changes to a project partnership agreement (PPA) or local cooperation agreement (if applicable);
- Applicable environmental compliance documentation including but not limited to NEPA documentation, Endangered Species Act (ESA) documentation, and other necessary documentation;
- Finding of No Significant Impact (FONSI) or Record of Decision (ROD) (These will be signed concurrently with the Section 408 decision. If HQUSACE approval is required, these will be draft and will be signed by the Director of Civil Works);
- Summary of the acceptance and use of funds pursuant to Section 214 if applicable;
- Any additional final conclusions or information, including any associated controversial issues.

**5. PROJECT DELIVERY TEAM DISCIPLINES**

<b>Discipline/Expertise</b>
Project Manager
Cost Estimation
Procurement
Survey
Civil Site Design
Mechanical Engineering
Electrical Engineering
Structural Engineering
Environmental Engineering
Hydrogeology & Geology
Geotechnical Engineering
Hydraulic & Hydrologic Engineering
Water Mgmt (Project Operations Manual)
NEPA Compliance
Real Estate
Field Stations – Operation and Maintenance

**6. SCHEDULE AND COST**

**a. Schedule.**

The table below summarizes the schedule of reviews identified in this review plan:

<b><u>Review Schedule</u></b>	<b><u>Start</u></b>	<b><u>Finish</u></b>
<b>Section 408 Permission Submittal Review</b>		
USACE District-Led ATR	4/6/2018	4/27/2018
USACE Provides RAIs from District-Led ATR	4/30/2018	4/30/2018
SFWMD Provides Responses to RAIs	5/1/2018	5/7/2018
USACE Backcheck of RAIs	5/8/2018	5/25/2018
USACE Preparation of Summary of Findings	5/29/2018	6/8/2018
Routing of Summary of Findings for Approval	6/11/2018	6/22/2018
SFWMD Submits Corrected Final P&S and DDR	6/7/2018	6/7/2018
Issuance of 408 Permit Package Determination	6/22/2018	6/22/2018

**b. Review Cost.**

The estimated cost for the District-Led ATR is between \$15,000 to \$20,000.

**ATTACHMENT A: APPROVED REVIEW PLAN REVISIONS**

<b>Revision Date</b>	<b>Description of Change</b>	<b>Page / Paragraph Number</b>

## ATTACHMENT B: PARTIAL LIST OF ACRONYMS AND ABBREVIATIONS

<u>Acronyms</u>	<u>Defined</u>
AFB	Alternatives Formulation Briefing
ATR	Agency Technical Review
BCOES	Biddability, Constructability, Operability, Environmental, and Sustainability Review
CAP	Continuing Authorities Program
CERCAP	Corps of Engineers Reviewer Certification and Access Program
CY	Cubic Yards
DDR	Design Documentation Report
DQC	District Quality Control
DQCR	Discipline Quality Control Review
EC	Engineering Circular
ER	Engineering Regulation
EA	Environmental Assessment
ERDC-CERL	Engineer Research and Development Center – Construction Engineering Research Laboratory
ESA	Endangered Species Act
ETL	Engineering Technical Lead
FDEP	Florida Department of Environmental Protection
FONSI	Findings of No Significant Impacts
FSCA	Feasibility and Cost Sharing Agreement
FY	Fiscal Year
GRR	General Reevaluation Report
IEPR	Independent External Peer Review
LPP	Locally Preferred Plan
MCX	Mandatory Center of Expertise
MLLW	Mean Low Low Water
MSC	Major Subordinate Command
NAS	National Academy of Sciences
NEPA	National Environmental Policy Act
ODMDS	Ocean Dredged Material Disposal Site
OMB	Office of Management and Budget
OMRR&R	Operation, Maintenance, Repair, Replacement and Rehabilitation
P&S	Plans and Specifications
PED	Preconstruction Engineering and Design
PDT	Project Delivery Team
PM	Project Manager
PMP	Project Management Plan
PPA	Project Partnering Agreement

<u>Acronyms</u>	<u>Defined</u>
PQCR	Product Quality Control Review
QA	Quality Assurance
QCP	Quality Control Plan
QMP	Quality Management Plan
QMS	Quality Management System
RMC	Risk Management Center
RMO	Review Management Organization
RP	Review Plan
RTS	Regional Technical Specialist
SAJ	South Atlantic Jacksonville District Office
SAD	South Atlantic Division Office
SAR	Safety Assurance Review (also referred as Type II IEPR)
SME	Subject Matter Expert
USACE	U.S. Army Corps of Engineers
WRDA	Water Resources and Development Act