



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SOUTH PACIFIC DIVISION, CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1399

19. Sep 2014

CESPD-DE

MEMORANDUM FOR Commander, U.S. Army Corps of Engineers, San Francisco District,
1455 Market Street, San Francisco, CA 94103-1398 (ATTN: CESPN-OR-E, Mr. John Cheng,
P.E., ICW Program Manager)

Subject: Coyote Creek Flood Control Project, California, 33 USC 408, Levee Pipe Replacement
Review Plan Approval

1. Coyote Creek Flood Control Project, California, 33 USC 408, Levee Pipe Replacement Review Plan that is enclosed is in accordance with Engineering Circular (EC) 1165-2-214, Review of Decision Documents, dated 15 Dec 2012. The South Pacific Division (SPD), Planning and Policy Division, Regional Business Technical Division, and San Francisco District Support Team have reviewed the Review Plan that has been submitted. The South Pacific Division approves the Coyote Creek Flood Control Project, California, Levee Pipe Replacement Review Plan.

2. With MSC approval the Review Plan will be made available for public comment via the internet and the comments received will be incorporated into future revisions of the Review Plans. The Review Plan excludes Independent External Peer Review.

3. I hereby approve the Review Plan which is subject to change as study circumstances require. This is consistent with study development under the Project Management Business Process. Subsequent revisions to the Review Plan after public comment or during project execution will require new written approval from this office.

4. Points of contact for this action are Mr. Marc Goodhue, CESPD-RBT, (415) 503-6568, marc.j.goodhue@usace.army.mil and Mr. Paul Bowers, CESPD-PDC, 415-503-6556, paul.w.bowers@usace.army.mil.

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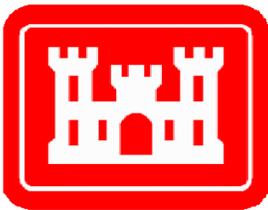
Encl


R. MARK TOY
Brigadier General, USA
Commanding

**U.S. Army Corps of Engineers
South Pacific Division
San Francisco District**

**Review Plan for Levee Pipe
Replacement at the Coyote Creek
Flood Control Project Pursuant to 33
USC § 408**

South Pacific Division Approval Date: 29 September 2014



**US Army Corps
of Engineers®**

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1. Introduction

a. Purpose of This Review Plan

This Alteration-Specific Review Plan is intended to ensure quality of the review by the San Francisco District for the request to alter a US Army Corps of Engineers (USACE) civil works project within the San Francisco District's area of responsibility. This review plan was prepared 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" (reference paragraph 7.c.(4) in EC 1165-2-216). This review plan provides the review guidelines associated with a specific alteration request pursuant to 33 USC 408 (Section 408).

b. Description and Information

This Review Plan covers the San Francisco District's review of a proposed alteration by the Santa Clara Valley Water District (SCVWD) to replace an existing, deteriorated 24-inch corrugated metal pipe penetrating the Coyote Creek Bypass Right Bank Levee of the Coyote Creek Federal Flood Control Project (federal project). The federal project consists of three levee systems that were completed in 1997 and transferred to SCVWD for operations and maintenance.

The proposed alteration would involve excavation and construction activities on the Coyote Creek Bypass Right Bank Levee at approximately Station 95+00 to remove the existing 24-inch CMP, located in a tidal environment and damaged over time by exposure to saline water, and to install a new 24-inch high-density polyethylene (HDPE) pipe that would be resilient to corrosion.

The San Francisco District received by letter the SCVWD's request for permission for the proposed alteration on 28 August 2014. Enclosed with the letter were 100-percent construction plans and environmental compliance documents. This review plan covers the San Francisco District's review of all submittals received from SCVWD.

2. Review Requirements

a. Level of Review Required by the Requester

The alteration proposed by SCVWD would not pose a significant threat to human life or public safety. Therefore, a Type II Independent External Peer Review is not required.

b. Level of Review Required by the District

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

c. Decision-Level Determination

HQUSACE review of this proposed alteration is not required. The proposed alteration does not meet any of the criteria listed in paragraph 6.t of EC 1165-2-216 as conditions necessitating HQUSACE level review and decision.

d. District 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 and Policy Compliance Determination. A determination will be made as to whether the proposed alteration meets all legal and policy requirements.
- 4) Verify Appropriate Decision Level. Verify whether or not HQUSACE review and decision is required.

3. District-led Agency Technical Review Team

The District-led Agency Technical Review Team is comprised of reviewers with the appropriate independence and expertise to conduct a comprehensive review in a manner commensurate with the type of proposed alteration described in Section 1.b of this review plan.

The San Francisco District ATR team expertise required for this review plan are listed below:

ATR Lead: John Cheng, P.E., Readiness Branch (CESPN-OR-E), Inspection of Completed Works Program Manager and District Section 408 Coordinator

Geotechnical Engineering: Paul Schimelfenyg, P.E., Geotechnical Section (CESPN-ET-EG), Levee Safety Program Manager and Geotechnical Section Chief

Environmental: Christopher Eng, Environmental Planning A Section (CESPN-ET-PA), Senior Environmental Planner

Operations: John Cheng, P.E., Readiness Branch (CESPN-OR-E), Inspection of Completed Works Program Manager and District Section 408 Coordinator

Levee Safety Program: Paul Schimelfenyg, P.E., Geotechnical Section (CESPN-ET-EG), Levee Safety Program Manager and Geotechnical Section Chief

4. 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 the district’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 District Section 408 Coordinator will distribute proposed alteration submittals from the SCVWD to the ATR team members for their reviews. The ATR team members will determine whether the proposed alteration would impair the usefulness of the federal project, be injurious to the public interest, or meets legal and policy requirements. ATR team members will provide their comments to the District Section 408 Coordinator, who will use the comments to determine if the proposed alteration can be approved in accordance with EC 1165-2-216. Following ATR, the District Section 408 Coordinator will compile a Summary of Findings and obtain the endorsement of the District Levee Safety Program Manager and the District Levee Safety Officer before recommending to the District Commander that the proposed alteration be approved or denied.

b. Review Schedule

ATR Task	Schedule
Review of 100% plans and environmental compliance documents received in August 2014	September 2014

c. Review Cost

This review will be funded with the San Francisco District’s Inspection of Completed Works (ICW) funds. If ICW funds are insufficient, additional funds necessary for review may be requested from the Section 408 requester under the authority of Section 214 of WRDA 2000 to expedite the Section 408 review and evaluation. The estimated total cost for review is \$2,000.

5. Review Plan Points of Contact

Name/Title	Organization	Email/Phone
District Section 408 Coordinator	CESPN-OR-E	John.C.Cheng@usace.army.mil
RMC Review Manager	CEIWR-RMC	rmc.review@usace.army.mil

ATTACHMENT 1

COMPLETION OF AGENCY TECHNICAL REVIEW

The Agency Technical Review (ATR) has been completed for the San Pablo Avenue Bridge Replacement Project at the Rodeo Creek Local Flood Protection Project in Rodeo, CA. The ATR was conducted as defined in the Alteration-Specific 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.

John Cheng
ATR Team Leader
CESPN-OR-E

Date

John Cheng
District Section 408 Coordinator
CESPN-OR-E

Date

SIGNATURE

(Add any additional signatures as appropriate)

Title

Office Symbol

Date