

Civil Works Review Board (CWRB)  
Project Summary

Project Reviewed: Hocking River Basin, Ohio, Monday Creek Sub-basin.

Date of CWRB: 22 September 2005.

CWRB Members: MG Griffin (DCG); Gary Loew (representing DCW); Tom Waters (Planning CoP); Don Basham (Engineering and Construction CoP); and Ed Theriot (NAD RIT Leader).

Key Participants:

HQUSACE: CWRB Members, Jerry Barnes (LRD RIT Leader), Office of Water Project Review (Colosimo, Einarsen, Warren, Matusiak), Policy and Policy Compliance Division (Raleigh Leef), Office of Counsel (Nee) & Mutschler (LRD RIT).

LRD: Mike White (representing BG Berwick), and Tab Brown.

LRH: Mike Worley (Act. DPM), Ben Borda (Act. Ch. Planning), Mark Kessinger (PM), Amy Frantz (Planning).

ASACW: Doug Lamont, Terry Breyman, Mark McKeivitt.

OMB: Dick Feezil.

Sponsor: Harry Payne (Ohio Dept. of Natural Resources).

Cooperating Federal Entity: Gary Willison (U.S. Forest Service).

OWPR Recommendation: Approval of the report for release for State and Agency review.

CWRB Decision Made: Approval of release of the report for State and Agency review (Federal Register filing is not required as the NEPA document is an Environmental Assessment).

Vote: Unanimous.

Key Issues/Questions Raised by the CWRB (in no particular order):

1. A number of questions were raised regarding what happens to the project at the end of its design or economic life (e.g., is there a need for recapitalization and if so, how will that be handled?). It was agreed that the project continues to be a locally operated and maintained project at the end of the project design or economic life. Unless conditions change, there are no specific recurring business processes that would require recapitalization of the proposed project; only special circumstances would create a recapitalization situation. Report should use terminology of 'period of analysis' to avoid confusion with respect to design or economic life of the project.
2. It was not clear that the proposed project was not simply treating the symptoms of environmental degradation in addition to the cause. The district explained that both the symptom and the cause were being addressed by the proposed solution.

3. Questions relating to whether any responsible parties had been identified who would be responsible for cleanup. The district explained that to date no responsible parties had been identified and that if one was identified, the district would act appropriately, including redesigning the project around any sites that had a PRP while maintaining a complete, functional design.
4. Was any negative feedback received during the public review process? The district indicated that one local property owner expressed concerns about a design segment near his property and that the district intended to continue working with the property owner to address his concerns.
5. Were the models (IWR PLAN, WVA model, etc) used approved and accepted for use? It was explained that the new model approval processes were not in place when the study was undertaken, but that the models employed are widely accepted as applied in this study. ITR addresses the appropriateness and acceptability of all models used. The planning and formulation models were ITR'd by Tom Swor for appropriate application. The technical models were ITR'd and peer reviewed by University of Ohio and Ohio Department of Environmental Protection.
6. Who conducted the ITR and were the parties "firewalled?" The ITR was conducted by Tom Swor – Nashville District, and they were given the independence required to complete their technical review unhindered. Also, OEPA and Ohio University were involved in reviewing the projects models and outputs.
7. How are inspections being handled by the ecosystem restoration business line? It was explained that there is a line item in the Corps budget for inspections of completed works in the ecosystem restoration business line.
8. ASACW asked whether the adaptive management costs were just monitoring and if so, why did they not include some funds to undertaken necessary corrective action? The district indicated that the funds were for just monitoring and that the costs would need to be revised to incorporate potential "fix" costs. These costs will need to be in accordance with guidance on costs limits.
9. There were some concerns expressed about the costs show under Prior Expenditures line item on the slides. It was agreed that the district needed to verify the costs were accurately and correctly captured. Prior expenditures showed in the slide during the presentation represented reconnaissance and feasibility costs spent to date and will be removed form the tables in the report.
10. The sponsor was asked whether they understood that cost sharing was 65% federal, 35% nonfederal regardless of whether some project features are on US Forest Service land. The sponsor indicated that they understood and accepted the cost sharing. The sponsor also indicated that they intended to have one PCA and that it had no end date.

Other Issues of Note:

1. Briefing slides should be corrected to clarify that both the source and the outcome are being treated by the proposed project. Further, the slides should be revised to better describe the full range of measures considered.

2. It was not clear how the district intended to measure success in the adaptive management phase. This point needs to be clarified in the report. The adaptive management plan is in the appendix. However, the measure of success will be the fish and macroinvertebrate populations (both diversity and robustness).
3. Sponsor funding sources were discussed. Based on the sponsors answer it appears that the funding sources are all permissible as non-Federal fund sources.
4. It was unclear as to how the Administration treated the one previously known acid mine drainage report (NAB) and the district was advised to investigate to ensure this project incorporates any lessons learned.

Attachments: PowerPoint handouts (including District Engineer, Division Engineer, Sponsor and Office of Water Project Review briefs); Project Summary; DE Transmittal Letter; and Draft Chief of Engineers Report.