

REVIEW PLAN

WOLASTOQ (SAINT JOHN RIVER)
WATERSHED ASSESSMENT AND MANAGEMENT PLAN

Meduxnekeag Subbasin

STATE OF MAINE AND CANADIAN PROVINCES OF NEW BRUNSWICK AND
QUEBEC
SECTION 203 – TRIBAL PARTNERSHIP PROGRAM

New England District

PCX Endorsement Date: February 01, 2018

MSC Approval Date: May 01, 2018

Last Revision Date: None



**US Army Corps
of Engineers®**

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1. PURPOSE AND REQUIREMENTS

Purpose. This plan defines the scope and level of peer review for the Wolastoq (Saint John River) Watershed Assessment and Management Plan Meduxnekeag River Subbasin, State of Maine and Canadian Provinces of New Brunswick and Quebec, Section 203 Tribal Partnership Program under EC 1105-2-411 Section 729, Watershed Assessment Study implementation guidance.

a. References.

- (1.) Engineer Circular (EC) 1105-2-412, Assuring Quality of Planning Models, 31 March 2011
- (2.) EC 1165-2-214, Civil Works Review Policy, 15 December 2012
- (3.) EC 1105-2-411, Watershed Plans, 15 January 2010
- (4.) Memorandum for Commanders, Major Subordinate Commands, Implementation Guidance for Section 2011 of the WRDA of 2007, Tribal Partnership Program, 16 May 2008
- (5.) Engineer Regulation (ER) 1105-2-100, Planning Guidance Notebook, Appendix H, Policy Compliance Review and Approval of Decision Documents, Amendment #1, 20 Nov 2007
- (6.) ER 1110-1-12, Quality Management, 30 September 2006
- (7.) Watershed Assessment Management Plan, August 2013
- (8.) District Quality Management Plan, CENAER 5-2-7, 1 June 2000
- (9.) CECW-P, Planning Bulletin (PB 2016-02) Subject: Civil Works Review, Issued 04 March 2016
- (10.) CECW-P, Planning Bulletin (PB 2016-03) Subject: Watershed Studies, Issued 30 September 2016

b. Requirements. This plan was developed in accordance with EC 1165-2-214, 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 reviews, decision documents are subject to cost engineering review and certification (per EC 1165-2-214) and planning model certification / approval (per EC 1105-2-412).

2. REVIEW MANAGEMENT ORGANIZATION COORDINATION

The Review Management Organization (RMO) is responsible for managing the overall peer review effort described in this plan. The RMO for decision documents is typically either a Planning Center of Expertise (PCX) or the Risk Management Center (RMC), depending on the primary purpose of the decision document. The RMO for this peer review effort is the Ecosystem Restoration Center of Expertise (ECO-PCX). The Corps does not have a center of expertise for watershed studies so the review is managed by the PCX that is most closely aligned with the study objectives. In this case the watershed study objective is to improve native fish habitat and is aligned with the ECO-PCX.

Generally, the RMO will coordinate with the Cost Engineering Directory of Expertise (DX) as appropriate to ensure the appropriate expertise is included on the review teams to assess the adequacy of cost estimates, construction schedules and contingencies. The study will not result in a Corps recommended project and Corps project costs will not be developed. Therefore, coordination with the Cost DX will not be necessary for the watershed study.

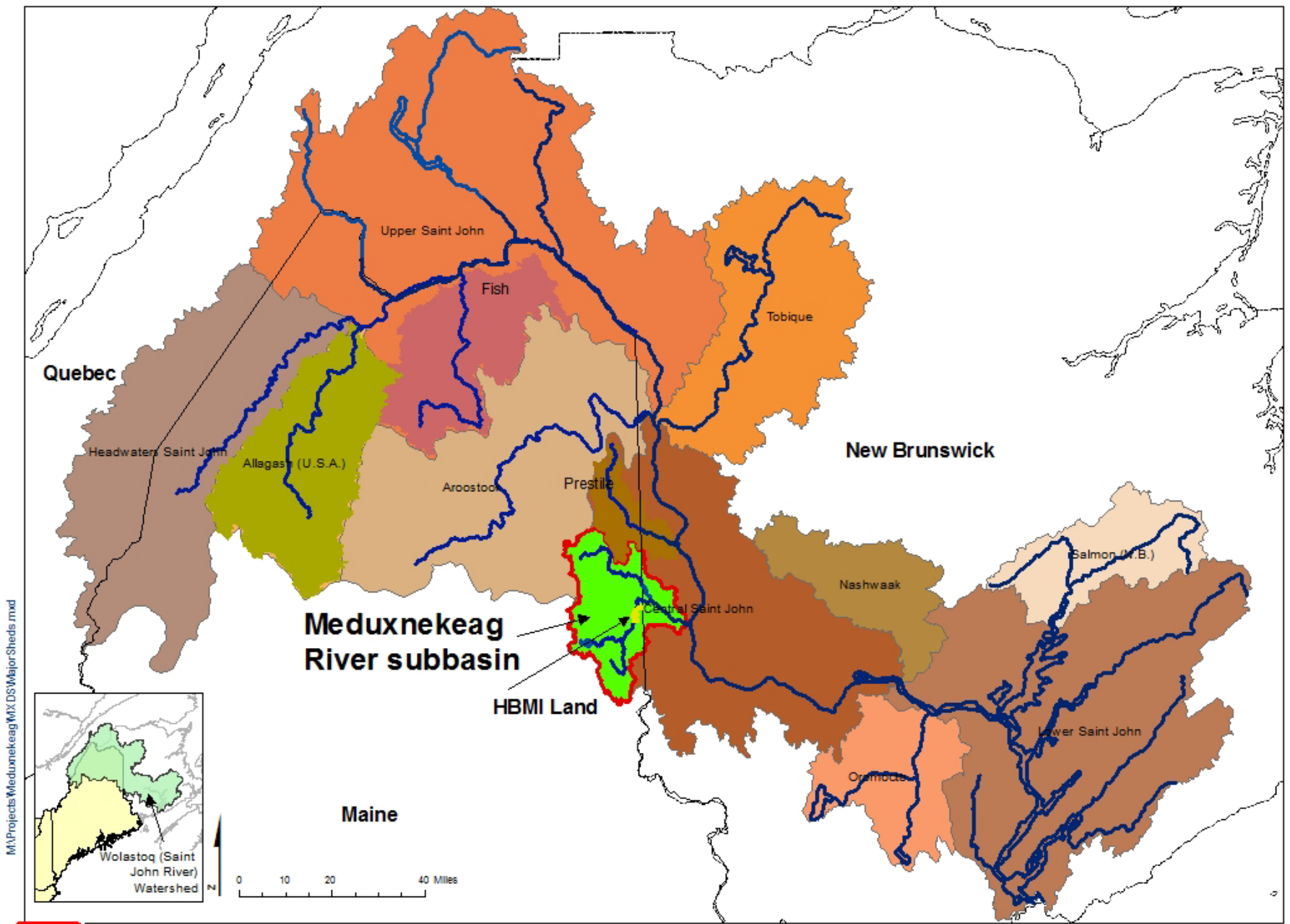
3. STUDY INFORMATION

- a. **Watershed Assessment.** The study objectives are to develop potential strategies to address the various native fishery concerns expressed by the Houlton Band of Maliseet Indians (HBMI) and other Federal, state and local agencies as well as the general public. Actions to protect and restore the Meduxnekeag River watershed for native fish habitat will be recommended based on the problems, opportunities, scientific data and expert consultation. The recommended actions will be detailed to a conceptual level (not to the degree necessary for construction). If applicable, the USACE could proceed with a Section 206 project to incrementally evaluate alternatives and prepare design and specifications for construction of an aquatic habitat restoration project. The Meduxnekeag assessment may also recommend further study within the watershed or preparation of watershed assessments for other sub basins within the Wolastoq (Saint John River) watershed based on the collaborative vision expressed during the reconnaissance study. The study will continue to engage stakeholders from both the US and Canada to work together to apply a systems approach to solve fisheries issues within the Meduxnekeag River watershed and downstream inter-related resources, and potentially the Wolastoq (Saint John) and the Bay of Fundy.

The study is being conducted under the Section 203 Tribal Partnership authority using EC 1105-2-411 Section 729 Watershed Assessment implementation guidance. It will not result in a decision document recommending a Corps implemented project. No National Environmental Policy Act (NEPA) documentation will be produced with this watershed assessment. A Corps project will not be recommended and Congressional authorization will not be needed. Headquarters of the U.S. Army Corps of Engineers, Washington, D.C. (HQUSACE) will conduct policy review of the report and afterwards will coordinate the report (plan) with the Assistant Secretary of the Army for Civil Works to transmit to Congress for information.

- b. **Study/Project Description.** Section 203 of the Water Resource Development Act (WRDA) 2000, as amended, authorizes the USACE to carry out water-related planning activities and studies and determine the feasibility of carrying out water resources development projects that will substantially benefit Indian tribes and are located primarily within Indian country. A study may include watershed assessments and planning activities. The HBMI requested USACE assistance with preparing an international watershed assessment and management plan for the Meduxnekeag focusing on the protection and restoration of native fish habitat. The Meduxnekeag River, a tributary of the Wolastoq (Saint John), flows through Maliseet Tribal Lands in Littleton and Houlton, Maine (Figure 1). This tributary begins at Meduxnekeag Lake and joins the Wolastoq (Saint John) in Canada.

USACE and HBMI propose to develop a *Meduxnekeag River Watershed Assessment and Management Plan for Fish Habitat Restoration*. The purpose of the plan is to apply a systems approach to document existing and historical conditions, identify problems and opportunities and develop action oriented recommendations for the protection or restoration of native fish habitat. The plan will also document the success of stakeholder implemented actions, measured by monitoring. The plan is, by design, dynamic and adaptive. As new information is gained, the plan will require modification. The Meduxnekeag plan will recommend actions that may or may not lead to a USACE project, other studies or additional Saint John River sub-basin assessments.



M:\Projects\Meduxnekeag\MIX_DS\MajorSheds.mxd



Subbasins of the Wolastoq (Saint John River)

c. Factors Affecting the Scope and Level of Review. The Watershed Assessment is anticipated to be challenging and beneficial, but it will not be novel, controversial or precedent-setting. The study will provide technical knowledge to the stakeholders concerning the watershed, tributaries and river characteristics and conditions. The study will summarize existing habitat and most components of native fish life cycle requirements (e.g., water quality, temperature). The study will provide scientific information to stakeholders in the watershed for future watershed management planning.

- The watershed assessment is challenging because there are two countries involved in studying the watershed and the river. However, no unusual difficulties are anticipated and the PDT is familiar with the watershed and the types of evaluations to be performed. No institutional or social challenges are anticipated. There is moderate uncertainty regarding future conditions in the watershed, however the consequence of this uncertainty on the results of the assessment is low as more than one future condition will be analyzed.
- This is a watershed assessment study and there is no proposed project. Thus, there is no threat to human life or safety due to a project.
- The study is not likely to involve significant public dispute as the purpose of the study is provide scientific information to watershed stakeholders to assist them in future planning.
- As the study does not result in a Corps project, public dispute as to the economic or environmental cost or benefit of implementing a project is not anticipated.
- There is no engineering design with this study and it will not directly lead to construction. There is no project cost estimate because there is no project recommendation.
- The watershed assessment does not impact any structures.
- The watershed assessment does not include any geotechnical information.
- The watershed assessment does not involve any hazardous wastes.

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: study coordination with stakeholders, instream barrier evaluation, Geographic Information Systems (GIS) mapping, assistance with habitat evaluations, data consolidation, partial report preparation, review of scopes of work, review technical reports, and assistance with field sampling. No separate in-kind products for ATR are anticipated as they will be incorporated into the draft management plan.

3. DISTRICT QUALITY CONTROL

All decision documents (including supporting data, analyses, environmental compliance documents, etc.) shall undergo 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 shall manage DQC. Documentation of DQC activities is required and should be in accordance with the Quality Manual of the District and the home MSC.

- a. **Documentation of DQC.** The technical work including field sampling for the study is being performed by the PDT with assistance from the sponsor and The Nature Conservancy on behalf of the sponsor. Draft products provided by the sponsor will be reviewed by the Corps PDT members and other stakeholders involved in the study. Comments on study products will be submitted in writing to the Corps Project Manager (PM). The PM will provide comments to the sponsor who will respond to each comment or question in writing and make appropriate changes. The Corps PM will review the responses and determine the adequacy of the responses and changes made by the sponsor in reply to comments. Documentation from the review will be made part of the Corps project file. In addition the sponsor is required to follow their internal quality control and review procedures prior to submitting the deliverable to the Corps PDT for review.
- b. **Products to Undergo DQC.** Draft and final watershed documents will undergo DQC in compliance the New England District’s Quality Management Plan.

4. AGENCY TECHNICAL REVIEW

ATR is mandatory for all decision documents (including supporting data, analyses, environmental compliance documents, etc.). The objective of ATR is to ensure consistency with guidance, procedures, and policy. The ATR assesses whether the analyses are technically correct and comply with USACE guidance and that documents explain the analyses and results in a reasonably clear manner for the public and decision makers. It is conducted by a qualified team from outside the home district that is not involved in the day-to-day production of the project/product. ATR teams will be comprised of senior USACE personnel and may be supplemented by outside experts as appropriate. The ATR team lead will be from outside the home MSC.

- a. **Products to Undergo ATR.** The Draft Watershed Management Plan will undergo ATR.
- b. **Required ATR Team Expertise.**

ATR Team Members/Disciplines	Expertise Required
ATR Lead	The ATR lead should have experience in watershed studies and plan formulation and have the necessary skills and experience to lead a virtual team through the ATR process.
Plan Formulation	The Plan Formulation reviewer should be a senior water resources planner with expertise in watershed level planning.
Environmental Resources	The Environmental Resources reviewer should be experienced in riverine aquatic ecosystems with experience in water quality, water quality standards and habitat requirements for native Maine fish.

- c. **Documentation of ATR.** DrChecks review software will be used to document all ATR comments, responses and associated resolutions accomplished throughout the review process. Comments should be limited to those that are required to ensure adequacy of the product. The four key parts of a quality review comment will 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, commenters may seek clarification in order to determine 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 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 copy of each reviewer's comments (either with or without specific attributions), or represent the views of the group, including disparate and dissenting views.

ATR may be certified when all ATR concerns are either resolved or referred to the vertical team for resolution and the ATR documentation is complete. The ATR Lead will prepare a Statement of Technical Review certifying that the issues raised by the ATR team have been resolved (or elevated to the vertical team). A Statement of Technical Review should be completed, based on work reviewed to date, for the AFB, draft report, and final report. A sample Statement of Technical Review is included in Attachment 2.

6. INDEPENDENT EXTERNAL PEER REVIEW

IEPR may be required for decision documents under certain circumstances. 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 1165-2-214, 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 1165-2-214.
 - **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.** Formal Type I Independent External Peer Review is not required for watershed studies (see Planning Bulletin 2016-03). However, the team has assessed whether or not other experts from outside of the USACE should review the study. The nature and scope of the study do not warrant a review by outside experts. This study does not meet any mandatory trigger for Type I IEPR: a watershed assessment is not a Corps decision document; there is no threat to human life, there will be no construction, the study is not controversial and project recommendations are intended to preserve and enhance ecological health and resilience. The Governor of an affected State has not requested an IEPR. No Federal or State agency has requested an IEPR. EC 1165-2-214 states that “Meeting the specific conditions identified for possible exclusions is not, in or of itself, sufficient grounds for recommending exclusion. A deliberate, risk-informed recommendation whether to undertake IEPR shall be made and documented by the project delivery team (PDT).” The PDT has performed a risk assessment for the study and for the reasons stated below, determined an IEPR is not recommended for this watershed assessment nor does it rise to the level of requiring other outside experts to review the study results prior to completing a decision document.
- (1) The watershed assessment does not include engineering design and will not directly lead to construction. There is no significant threat to human life addressed in the study.
 - (2) There is no proposed project and the cost of the study is well below the \$45 million trigger for an IEPR identified in EC 1165-2-214. There is no formal project cost estimate because there is no recommendation for project implementation.

- (3.) The assessment does not require a NEPA document.
- (4.) There is no dispute over the size, nature or effects of the study. It is not controversial.
- (5.) The study has no impact on scarce or unique tribal, cultural, or historic resources.
- (6.) The study has no adverse impacts on fish or wildlife species or their habitat.
- (7.) The USACE and the industry have ample experience in watershed assessments and as a result there is very minimal risk in the performance of the study.
- (8.) An IEPR exclusion request for the watershed assessment study is being prepared and will be forwarded through the vertical team to Headquarters for approval.

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

Decision documents will be reviewed throughout the study process for their compliance with law and policy. Appendix H, ER 1105-2-100 provides guidance for policy and legal compliance reviews. These reviews culminate in determinations that the recommendations in the report 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 Army policies, particularly policies on analytical methods and the presentation of findings in decision documents.

8. COST ENGINEERING REVIEW AND CERTIFICATION

The watershed assessment will not include any cost estimates, thus no cost certification is required.

9. MODEL CERTIFICATION AND APPROVAL

EC 1105-2-412 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 are any models and analytical tools used to define water resources 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 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 and ATR.

EC 1105-2-412 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. The USACE Scientific and Engineering Technology (SET) Initiative identifies many engineering models 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 and ATR.

- a. **Planning Models.** No planning models are to be used in the performance of this study.
- b. **Engineering Models.** No engineering models are to be used in the performance of this study.

10. REVIEW SCHEDULES AND COSTS

- a. **ATR Schedule and Cost.** The ATR will be completed prior to submission of documents to the MSC. ATR costs for the study have been budgeted at maximum of \$20,000. These costs are cost-shared with the non-Federal sponsors. ATR will be completed on the draft watershed plan. The expected completion date for the plan is September 2019.
- b. **Type I IEPR Schedule and Cost.** Not-applicable.
- c. **Model Certification/Approval Schedule and Cost.** Not applicable.

11. PUBLIC PARTICIPATION

The study is a collaborative effort between Federal, State and local communities. Working group meetings with stakeholders are conducted on a periodically to review results of technical assessments. The draft watershed plan will be made available for public review and comments received will be incorporated into the final document. The Corps project web site will be used to provide information to stakeholders. Other media such as Twitter and Facebook available through the Corps New England District Public Affairs office will be used to disseminate study findings.

12. REVIEW PLAN APPROVAL AND UPDATES

The North Atlantic Division Commander is responsible for approving this Review Plan. The Commander's approval reflects vertical team input as to the appropriate scope and level of review for the decision document. The plan is a living document and may change as the study progresses. The district is responsible for keeping the plan up to date. Attachment 3 documents minor changes after the MSC Commander's approval. Significant changes (such as changes to the scope and/or level of review) should be re-approved by the MSC Commander following the process initially used to approve the plan. The latest version of the Review Plan, along with the Commander's approval memorandum, should be posted on the District webpage and provided to the RMO and MSC.

13. REVIEW PLAN POINTS OF CONTACT

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

Home District POC	Kristine Reed, PM	978-318-8963
Division POC	Larry Cocchieri	347-370-4571
RMO POC	Charles (Chip) Hall	615-736-7666

ATTACHMENT 1: TEAM ROSTERS

**TABLE 1.
PROJECT DELIVERY TEAM (PDT)**

Coordinator		
<u>Discipline</u>	<u>Name</u>	<u>Office/Agency</u>
Project/Study Manager/Plan Formulation	Kristine Reed	CENAE-Planning – Plan Formulation Branch
Tribal Liaison	Marc Paiva	CENAE-Planning – Evaluation Branch
USACE Stakeholder Coordinator	Kristine Reed	CENAE-Planning – Plan Formulation Branch
Ecological Resources	Kevin Foster	CENAE-Planning – Evaluation Branch
HBMI Project/Study Manager	Sharri Venno	Houlton Band of Maliseet Indians
Maliseet Asst Project/Study Manager	Nick Paul	Maliseet First Nations
Maliseet Stakeholder Coordinator	Jennifer Paul	Maliseet First Nations

**TABLE 2.
AGENCY TECHNICAL REVIEW (ATR) TEAM**

<u>Discipline</u>	<u>Name</u>	<u>Office/Agency</u>
ATR Team Leader,	TBD	TBD
Plan Formulation	TBD	TBD
Environmental Resources	TBD	TBD

ATTACHMENT 2: STATEMENT OF TECHNICAL REVIEW

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 1165-2-214. 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 US Army Corps of Engineers policy. The ATR assessed the District Quality Control (DQC) documentation and determined 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

Date

SIGNATURE

Name

Project Manager, Office Symbol

Date

SIGNATURE

Name

Architect Engineer Project Manager¹, Company

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

ATTACHMENT 4: TERMS AND DEFINITIONS

<u>Term</u>	<u>Definition</u>
ATR	Agency Technical Review
DQC	District Quality Control/Quality Assurance
DX	Directory of Expertise
EC	Engineer Circular
ER	Engineering Regulation
HBMI	Houlton Band of Maliseet Indians
Home District/MSD	The District or MSD responsible for preparing the decision document
HQUSACE	Headquarters, U.S. Army Corps of Engineers
IEPR	Independent External Peer Review
MSC	Major Subordinate Command
NEPA	National Environmental Policy Act
OMRR&R	Operation, Maintenance, Repair, Replacement and Rehabilitation
PCX	Planning Center of Expertise
PDT	Project Delivery Team
PMP	Project Management Plan
RMC	Risk Management Center
RMO	Review Management Organization
SAR	Safety Assurance Review
USACE	U.S. Army Corps of Engineers
WRDA	Water Resources Development Act