

Memorandum



CITY OF DALLAS

DATE April 27, 2015

TO The Honorable Mayor and Members of the City Council

SUBJECT Record of Decision Modified Dallas Floodway Project – U.S. Army Corps of Engineers

City staff has received the U.S. Army Corps of Engineers' (Corps') signed Record of Decision (ROD) for the Modified Dallas Floodway Project Final Feasibility Report (FFR) and Final Environmental Impact Statement (FEIS) Dallas, TX. The Corps' ROD finds the FFR and FEIS which reviewed the City's Balanced Vision Plan and Interior Drainage Plans to be technically sound and environmentally acceptable. Additionally, the Corps has identified cost share items, referred to as the Modified Dallas Floodway Project (MDFP) and those that will be the financial responsibility of the City (non-MDFP).

This is a major milestone in advancing the Corps' and City's partnership in reducing flood risk and supporting the City's Balanced Vision Plan for the Trinity River Corridor Project. Attached is the ROD and Corps' press release. The City will be placing these items on our website and providing a link to the Corps' documents which can be found at: (<http://www.swf.usace.army.mil/Missions/WaterSustainment/DallasFloodway.aspx>).

Please let me know if you need additional information.



Jill A. Jordan, P.E.
Assistant City Manager

c: A.C. Gonzalez, City Manager
Warren M. S. Ernst, City Attorney
Daniel F. Solis, Administrative Judge
Rosa A. Rios, City Secretary
Craig D. Kinton, City Auditor
Ryan S. Evans, First Assistant City Manager
Eric D. Campbell, Assistant City Manager
Joey Zapata, Assistant City Manager
Mark McDaniel, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor and Council

Attachments

**RECORD OF DECISION
MODIFIED DALLAS FLOODWAY PROJECT
FEASIBILITY REPORT AND ENVIRONMENTAL IMPACT STATEMENT
DALLAS, TEXAS**

The Final Feasibility Report (FFR) and Final Environmental Impact Statement (FEIS) dated December 2014, for the Dallas Floodway Project, Dallas, Texas identified a project to reduce flood risk and enhance ecosystems within the Trinity River Corridor in Dallas, Texas. The FFR and FEIS were prepared in response to Section 5141 of the Water Resources Development Act (WRDA) of 2007, as amended by the Water Resources Reform and Development (WRRDA) Act of 2014. Section 5141 of WRDA 2007, as amended, modified the 1945 authorization for the original Dallas Floodway Project to direct the Secretary to review the reports prepared by the non-Federal interest for the City of Dallas' Balanced Vision Plan (BVP) and Interior Drainage Plan (IDP). Moreover, if the Secretary determines that the project described in these reports is technically sound and environmentally acceptable, the Secretary is authorized to construct the project at a total cost of \$459,000,000, with an estimated Federal cost of \$298,000,000 and an estimated non-Federal cost of \$161,000,000.

Based on the review of the City of Dallas' BVP and IDP reports and the views of interested agencies and the concerned public, I find the Modified Dallas Floodway Project (MDFP), as recommended by the U.S. Army Corps of Engineers (Corps) in the FFR and FEIS, to be technically sound and environmentally acceptable. The features identified as the MDFP in the FFR and FEIS will be implemented and cost shared between the Corps and the City of Dallas. The FEIS analyzed the entire project, to include those components not being constructed by the Corps. Those non-MDFP components are identified as the remaining BVP features and will be the complete financial responsibility of the City of Dallas if they are approved for construction under a 33 USC Section 408 request.

As complementary parts of the larger project, the Corps' MDFP elements and the City of Dallas' BVP elements are connected actions and as such have been analyzed comprehensively in the FEIS. The FEIS documents the investigation of alternative plans for providing flood risk management, ecosystem restoration, and recreation enhancements within the Dallas Floodway Project in Dallas, Texas. Two alternatives were considered in the FEIS: Alternative 1: *No Action Alternative* and Alternative 2: *Proposed Action*. Two variations in design are evaluated under Alternative 2: 1) MDFP and Remaining BVP Features Design with the Trinity Parkway in the Future Condition; and 2) MDFP and Remaining BVP Features Design without the Trinity Parkway in the Future Condition. The proposed MDFP is identical in both of the design variations considered under Alternative 2, and construction of the MDFP is not dependent on the potential Trinity Parkway project.

The MDFP is authorized by Section 5141 of WRDA 2007, as amended. The Corps' implementation of the MDFP elements under Alternative 2 will be comprised of flood risk

management and ecosystem restoration actions. The Corps considered contributions to the National Economic Development and Ecosystem Restoration objectives, as well as life-safety risks in recommending implementation of the features in the City of Dallas' BVP and IDP. The Corps' MDFP also supports achievement of the overall goals and objectives of the City of Dallas' BVP and IDP. The features that met the Corps' objectives and were technically sound and environmentally acceptable are recommended as the MDFP. The Recommended Plan for the MDFP includes: raising the East and West Levees to the 277,000 cubic feet per second flow with 3-to-1, width-to-height ratio (3H:1V), side slopes; Atchison, Topeka and Santa Fe Bridge modifications; Emergency Action Plan improvements; Hampton, Baker, Charlie, Delta and Trinity Portland Pump Stations improvements; Nobles Branch sump improvements; proposed River Relocation; and Corinth Wetlands. Improvements of the side slopes for reduction of operations and maintenance expenses of the East and West Levee from 3H:1V to 4H:1V were not economically justified; however, the City of Dallas would like to pursue construction of 4H:1V side slopes as a betterment to the Recommended Plan at 100 percent non-Federal cost, and therefore the 4H:1V side slope improvements are also included in the MDFP.

Although all practicable means and measures to avoid or minimize environmental and social impacts have been incorporated into the FEIS, implementation of the MDFP will result in significant impacts to fish and wildlife habitat during construction; however, long-term beneficial impacts to biological resources are anticipated, as determined through coordination with the U.S. Fish and Wildlife Service (USFWS), in compliance with the Fish and Wildlife Coordination Act. No compensatory mitigation is required for the MDFP because higher function and values of desired aquatic ecosystem habitat would be achieved in the future with-project condition as the result of implementation of the ecosystem restoration components of the MDFP. The Corps has developed a monitoring and adaptive management plan (in accordance with Section 2039 of WRDA 2007) in cooperation with USFWS, U.S. Environmental Protection Agency (EPA), Texas Parks and Wildlife Department (TPWD), and the Texas Commission on Environmental Quality (TCEQ) for the ecosystem restoration components of the MDFP. No impacts to species listed under the Endangered Species Act are anticipated.

Implementation of the MDFP will result in adverse effects to the Dallas Floodway Historic District due to the demolition and alteration of contributing features. The MDFP will result in impacts to a historic structure and an impact to the overall integrity of the Dallas Floodway Historic District. The Corps has developed a plan to mitigate the impacts on the Dallas Floodway Historic District, which includes a documentation and recordation process.

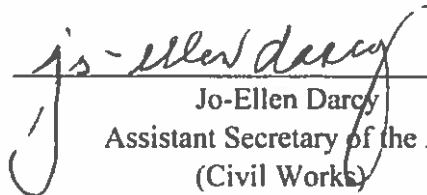
Estimated air emissions generated by MDFP construction activities are expected to exceed the General Conformity thresholds set for the Dallas/Fort Worth area during the project construction phase. However, the total estimated emissions of NO_x for the project will be well within the emissions threshold for the 2007 Dallas Fort Worth Eight-Hour Ozone Nonattainment Area Reasonable Further Progress State Implementation Plan, as demonstrated in the Conformity

Analysis prepared by the Corps with concurrence from TCEQ, thus achieving compliance with the Clean Air Act.

A Clean Water Act Section 404(b)(1) Guidelines analysis has been prepared and is included in the FEIS. The MDFP complies with the 404(b)(1) Guidelines. The Corps has obtained a water quality certification from TCEQ under Section 401 of the Clean Water Act.

The Corps received comment letters from EPA, TPWD, TCEQ Air Quality Division, TCEQ Water Quality Division, Texas Historical Commission (THC), and Federal Aviation Administration (FAA), as well as members of the public during the final NEPA review period. Generally, EPA, THC, TCEQ Air Quality Division, and TCEQ Water Quality Division letters indicated that the FEIS addressed concerns expressed by their agencies' respective reviews of the Draft EIS (DEIS), and the agencies did not have any further comments. FAA's letter indicates that, while they appreciate that the FEIS committed to some of the recommendations they made following review of the DEIS, it did not commit to all their recommendations; therefore they still have concerns regarding the potential vulnerability of bird strikes with helicopters. Additional coordination will occur during design and construction to implement adaptive management features, to address their concerns. All the correspondence received from the public expressed opposition to the Trinity Parkway, a project by others that is covered under a separate EIS by the Federal Highway Administration, Texas Department of Transportation, and the North Texas Tollway Authority.

All applicable laws, executive orders, regulations, and local plans were considered in evaluating alternatives. The Corps' MDFP is the least environmentally damaging practicable alternative and incorporates measures to avoid and minimize significant environmental and social impacts. Based upon a review of the Final EIS and comments received from other agencies and the public, I find that the benefits gained by implementation of the MDFP outweigh the adverse effects. Therefore, I have determined that the Corps' MDFP is in the public interest. This Record of Decision completes the National Environmental Policy Act process for the MDFP.



Jo-Ellen Darcy
Assistant Secretary of the Army
(Civil Works)



US Army Corps of Engineers
BUILDING STRONG.

Record of Decision signing clears major milestone for Dallas Floodway Project

Posted 4/27/2015

Release no. 15-021

Contact

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Record of Decision signing clears major milestone for Dallas Floodway Project

View 2015 Record of Decision, Modified Dallas Floodway Project

FORT WORTH, Texas – The Dallas Floodway Record of Decision has been signed, marking a major milestone in advancing the U.S. Army Corps of Engineers partnership with the city of Dallas in reducing flood risk and supporting the local sponsor’s Balanced Vision Plan.

The proposed \$571.6 million project in the federal levee system cuts flood risk, restores river habitat destroyed when the Trinity was first moved and supports the city’s 2,300-acre recreation blueprint, the Balanced Vision Plan, for the floodway. With the approval, the Corps of Engineers is now authorized to participate in the congressional budgeting process to fund the first phase of construction.

Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works, signed the Record of Decision last week approving two Dallas Floodway documents: the Final Environmental Impact Statement and the Final Feasibility Report. Both are available online:

<http://www.swf.usace.army.mil/Missions/WaterSustainment/DallasFloodway.aspx>

“Today’s approval could not have been achieved without many years of dedicated work by the city of Dallas and Corps staff,” said Lt. Col. W. Neil Craig, acting commander, Fort Worth District. “Life safety is the No. 1 goal of our team. Together we crafted a plan that reduces flood risk for more than the 200,000 Dallas citizens who live and work near the river, and backs the Balanced Vision Plan to create parkland in an urban setting with little open space.”

The two documents Darcy approved evaluated “technical soundness and environmental acceptability” of the Modified Dallas Floodway Project. It also examined the impact of all projects currently anticipated in this 11-mile corridor, not all part of the MDFP. That includes flood-risk management elements, Interior Drainage Plan pump stations, ecosystem restoration, recreation enhancements and the Trinity Parkway. The documents concluded the end result would increase the acreage and functionality of wetlands and other waters of the U.S. within the Floodway, and that the design impacts on the hydrology and hydraulics of the Trinity River were less than significant. The FEIS was written to accommodate a design that includes both construction of the Parkway -- and another variation with no Parkway built.

The Final Feasibility Report evaluated whether the Recommended Plan of the Modified Dallas Floodway Project met criteria for an authorized Federal project. The report documents the study initiated in response to Section 5141 of the Water Resources Development Act (WRDA) of 2007 as amended by Section 4013, Water Resources Reform and Development Act of 2014. The report was initially approved March 17, 2015, by the Corps of Engineers Director of Civil Works, Steven L. Stockton.

Key elements of the Modified Dallas Floodway Project

- **Cost-sharing.** The \$571.6 million project (FY2015 dollars) will be cost-shared with the city of Dallas as follows: 65 percent Federal, 35 percent city.
- **Raising the low spots in the levees.** Since Corps construction of the Federal levee system in the late 1950s, there has been some settling of the levee crests below design grade.
- **Flattening the levees** to 4-1 width-height ratio (a betterment funded 100 percent by the city).
- **Modification of the abandoned AT&SF Bridge** to remove embankments and piers that impede stormwater passage. This will allow greater flows through the system without overtopping the levees.
- **Emergency Action Plan** non-structural improvements (Flood Depth Inundation Maps).
- **The Interior Drainage Plan** implementation: Expansions of Hampton, Baker, Charlie and Delta Pump Stations, building the new Trinity Portland Pump Station, and improvements to the Nobles Branch sump. These improvements will reduce the risk of neighborhood flooding.
- **Trinity River relocation** (river meander) with ecosystem restoration. About 8 miles of the river would be restored with many new native Texas aquatic and upland plants established. This will increase habitat value that was degraded when the river was moved and channelized in the 1920s.
- **Building the 80-acre Corinth Wetlands** on the west side between the Corinth Bridge and the Santa Fe Trestle Trail.

Background on the Modified Dallas Floodway Project and other projects in the Trinity corridor

- **MDFP phasing:** The Corps of Engineers will first seek congressional funding for life-safety elements: levee raises and the AT&SF bridge modification. Levee flattening would be accomplished at the same time.
- **Reducing flood risk:** Levee improvements listed above would increase the flow capacity to 254,000 cubic feet per second without overtopping the levees (a risk/frequency of one in 1,500 chance of happening in any given year) to 277,000 cfs (a risk/frequency of one in 2,500 chance of happening in any given year). There is about \$14 billion in property (structure and content value) behind the levees.
- **West Dallas Lake:** Soil excavated for the levee raises and 4-1 side slope flattenings would form the initial excavation of the city's planned lake.
- **Additional permits:** As with most major projects in the Federal levee system, construction by the city will require Section 408 and Section 404 permits. Separate Section 408 (Rivers and Harbors Act) and Section 404 (Clean Water Act) permits will also be required for the Trinity Parkway. The Federal Highway Administration issued its own Final Environmental Impact Statement Record of Decision for the Trinity Parkway earlier this month.
- **Construction- level design documents:** The Corps of Engineers' has continuing oversight responsibility for all projects within the Dallas Floodway. The city and the Federal Highway Administration will each have to submit construction-level documents with more design details as their individual projects advance.

About the Fort Worth District: The Fort Worth District, U.S. Army Corps of Engineers was established in 1950. The District is responsible for water resources development in two-thirds of Texas, and design and construction at military installations in Texas and parts of Louisiana and New Mexico. Visit the Fort Worth District Web site at: www.swf.usace.army.mil and SWF Facebook at: <http://www.facebook.com/pages/Fort-Worth-District-US-Army-Corps-of-Engineers/188083711219308>.