

Memorandum



CITY OF DALLAS

DATE February 13, 2009

TO Trinity River Committee Members:
David A. Neumann (Chair)
Mayor Pro Tem Dr. Elba Garcia (Vice-Chair) Pauline Medrano
Deputy Mayor Pro Tem Dwaine Caraway Mitchell Rasansky
Carolyn R. Davis Steve Salazar
Linda Koop

SUBJECT **Overview of United States Army Corps of Engineers (USACE) Roles and Responsibilities for the Trinity River Corridor Project**

The attached briefing will be presented by Kevin Craig of the U.S. Army Corps of Engineers at the February 17, 2009 Trinity River Corridor Project Committee meeting. The briefing will provide a general overview of the roles and responsibilities that the Corps has for the Trinity River Corridor Project.

If you have additional questions, please let me know.

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



THE TRINITY
DALLAS

Attachment

c: Honorable Mayor and Members of the City Council Deborah A. Watkins, City Secretary
Mary K. Suhm, City Manager Thomas P. Perkins, Jr., City Attorney
Ryan S. Evans, First Assistant City Manager Craig D. Kinton, City Auditor
Ramon F. Miguez, P.E., Assistant City Manager Judge C. Victor Lander
A. C. Gonzalez, Assistant City Manager Helena Stevens-Thompson, Asst. to the City Manager
Forest E. Turner, Interim Assistant City Manager Frank Libro, Director, Public Information Office
David K. Cook, Chief Financial Officer



Overview of Roles/Responsibilities for the Trinity River Corridor Project

Trinity River Committee
17 February 2009

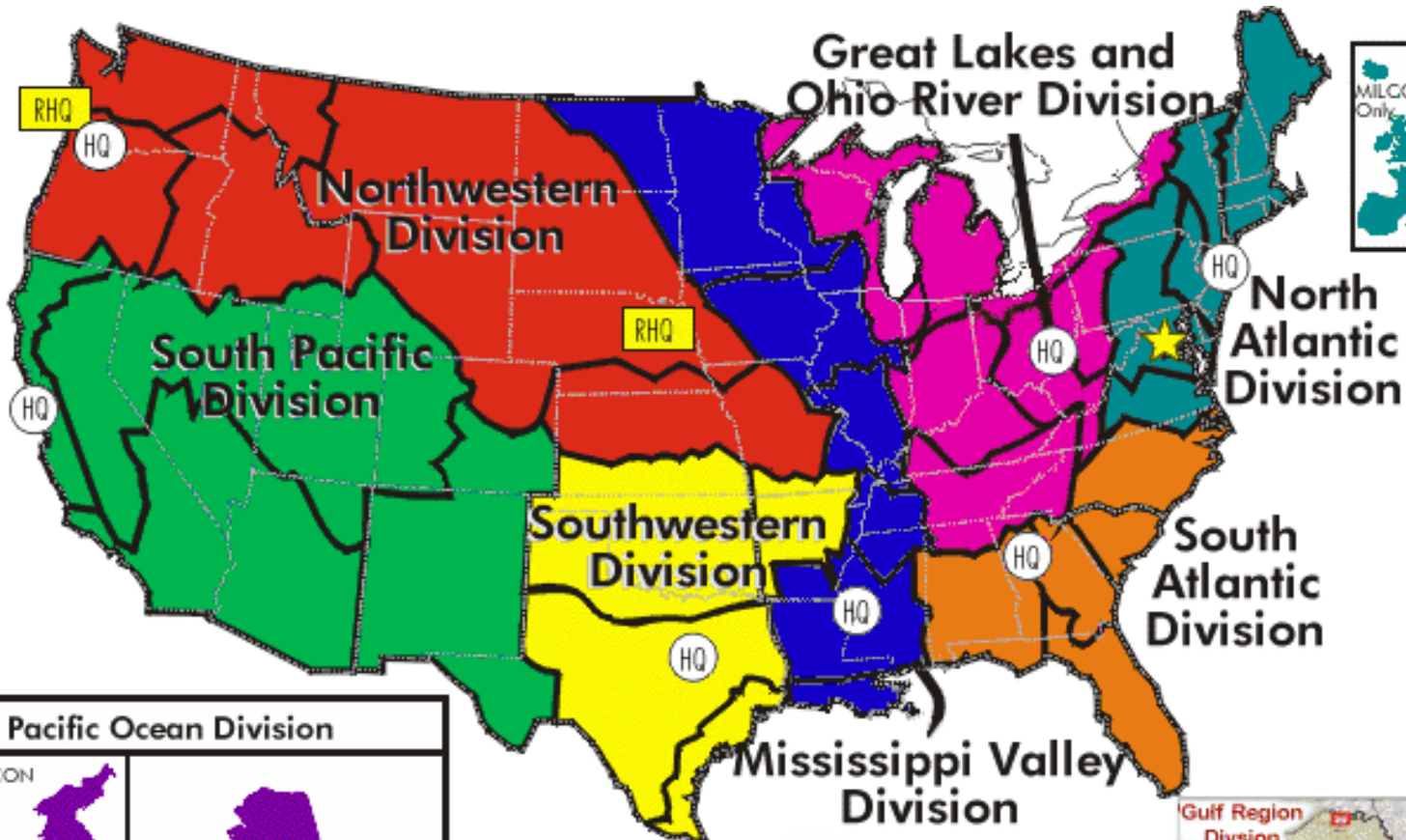


AGENDA

- Overview of Corps Organizational Structure
- Primary Civil Works Missions
- Requirements for Corps Action
 - *Authorization*
 - *Appropriations*
- Trinity River Corridor Project Actions
 - *Technical Soundness/Environmental Acceptability Determination*
 - *National Environmental Policy Act Documentation*
 - *Regulatory Responsibilities*
 - *Review of Proposed Modifications of Existing Federal Project*



US Army Corps of Engineers

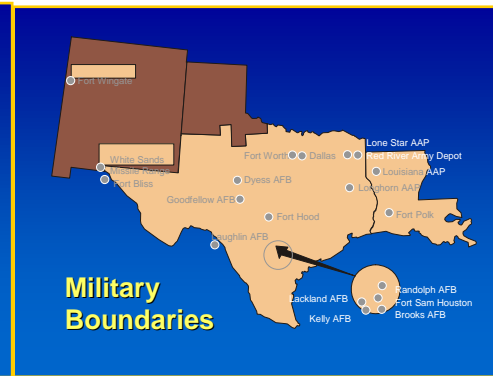
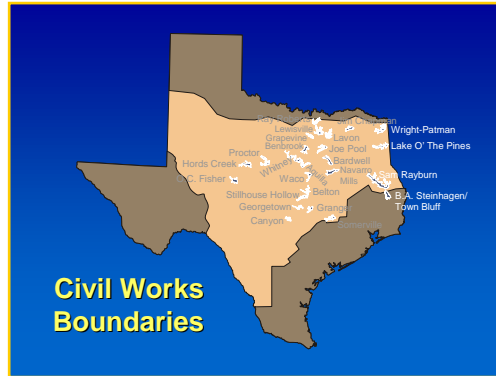
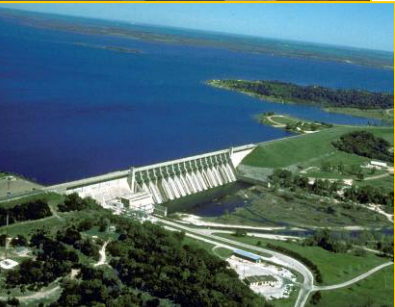


- Other Commands**
- Engineer Research and Development Center
 - Huntsville Engineer Support Center
 - Transatlantic Programs Center
 - 249th Engineer Battalion

Fort Worth District – Building Strong!



FORT WORTH DISTRICT



Established in 1950

Civil Works --- area of responsibility covers 53% of state, 25 multipurpose reservoirs containing 36% of state's potable water supply, 10 river basins, three hydropower plants, 190 parks, serving more than 25 million visitors a year

Military Construction---10 Army and 7 Air Force installations

Environmental Support---to seven Major Commands including 60 Army and Air Force Installations

Support for Others--- management for other government agencies including Environmental Compliance support for 11 different Federal Agencies

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PRIMARY CIVIL WORKS MISSIONS

- Flood Damage Reduction
- Ecosystem Restoration
- Recreation
- Other:
 - *Navigation*
 - *Hydropower*
 - *Water Supply*
 - *Environmental Stewardship*



REQUIREMENTS FOR CORPS ACTION

- Authorization
- Appropriations



AUTHORIZATION

- Definition: Permission to undertake a specific activity (*e.g., the keys to the car*)

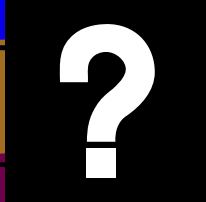
- Corps needs separate authorizations for studies and for project construction

- Sources of study/project authority include:
 - *Water Resources Development Act (WRDA)*
 - *Appropriations Act (not typical)*
 - *House or Senate Committee Resolution*
 - *Continuing Authorities Program*

ASA(CW)
Provides
Guidance
(Jan)

HQ Requests
Legislative
Proposals
(Mar)

Field Offices
Submit
Proposals
(May)



USACE Civil Works Legislative Process

HQ Review & Approval
(May - Jul)

USACE Proposals
to ASA(CW) (Aug)

Army Proposals
to OMB (Oct)

OMB
Review
(Oct - Feb)

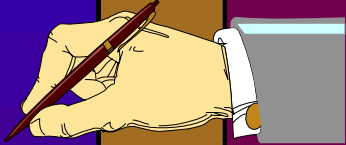
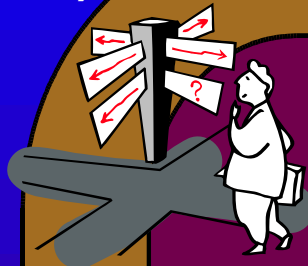
Army Legislative
Program to Congress
(Feb)

Member Requests
& Congressional
Hearings (Mar - May)

Committee
Action on Bills
(May - Sep)

President Signs
WRDA Legislation
(Oct)

Start
Finish





SAMPLE PROJECT AUTHORIZATION LANGUAGE

WATER RESOURCE DEVELOPMENT ACT 2007

SEC. 5141. DALLAS FLOODWAY, DALLAS, TEXAS.

(a) IN GENERAL - The project for flood control, Trinity River and tributaries, Texas, authorized by section 2 of the Act entitled, "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved 12 March 2, 1945 (59 Stat. 18), is modified to-

- (1) direct the Secretary to review the Balanced Vision Plan for the Trinity River Corridor, Dallas, Texas, dated December 2003 and amended in March 2004, prepared by the non-Federal interest for the project;
- (2) direct the Secretary to review the Interior Levee Drainage Study Phase-I report, Dallas, Texas, dated September 2006, prepared by the non-Federal interest; and
- (3) if the Secretary determines that the project is technically sound and environmentally acceptable, authorize the Secretary 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.



APPROPRIATION

Definition: Approval to obligate and expend funds for an authorized activity. (*e.g., money for gas*)

- 13 annual Appropriations Acts fund the U. S. Government
- Corps Civil Works appropriations are included in the Energy and Water Development Appropriations Act (EWDAA)





TRINITY RIVER CORRIDOR PROJECT COMPONENTS

- Balanced Vision Plan (WRDA 2007)
- East / West Levee Interior Drainage (WRDA 2007)
- Trinity Parkway
- IH-30 Bridge
- Sylvan Avenue Bridge
- Standing Wave
- ATSF Trestle Trail
- Baker & Pavaho Pump Stations
- Pavaho Wetlands
- Dallas Floodway Extension



TRINITY RIVER CORRIDOR – CORPS ACTIONS

Project	Corps as Federal Sponsor	NEPA		Regulatory		Review		Funding Source
		EA	EIS	404	10	208	408	
Balanced Vision Plan	X		X					EWDAAs
Interior Drainage	X	X						EWDAAs
Trinity Parkway			Rvw	X	X		X	FHWA or Corps O&M
IH-30 Bridge		Rvw		X	X		X	FHWA or Corps O&M
Sylvan Ave Bridge		Rvw		X	X		X	FHWA or Corps O&M
Standing Wave		Rvw		X	X		X	Corps O&M
ATSF Trail		Rvw		X	X		X	Corps O&M
Baker / Pavaho Pump Stations				X	X	X		Corps O&M
Pavaho Wetlands		Rvw		X	X		X	Corps O&M
Dallas Floodway Extension	X		X					EWDAAs



TECHNICAL SOUNDNESS & ENVIRONMENTAL ACCEPTABILITY

- Determination required for WRDA project
 - *Balanced Vision Plan*
 - *Interior Drainage Plan*
- Project Must Meet Corps Design Standards
- Project Report Required
 - *Includes NEPA Documentation*
 - *Includes Technical Soundness Analysis*
 - *Includes Federal / Non-Federal Responsibilities for Implementation*
- Requires Agency Technical Review
- Requires Independent External Peer Review
- Approved by Assistant Secretary of Army (Civil Works)



NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

- All Federal Actions must comply prior to implementation
- Initiate assessment of effects to the environment
- Prepare documentation of Environmental Assessment (EA)
- Conduct 30-day Public/Agency Review
- Prepare Finding of No Significant Impact (FONSI), if appropriate



ENVIRONMENTAL IMPACT STATEMENT (EIS)

- Prepare if significant impacts are reasonably likely to occur or if project has significant controversy
- Conduct Public Scoping Meetings
- Evaluate alternative ways of addressing purpose and need of federal action
- Prepare Draft EIS documenting evaluation of impacts of alternatives
- Conduct 45-day minimum Public/Agency Review
- Prepare Final EIS addressing public and agency review
- Prepare Record of Decision (ROD)



REGULATORY RESPONSIBILITIES

- **Section 404 – Clean Water Act**
 - *Requires permit from the U.S. Army Corps of Engineers to discharge dredged or fill material into waters of the United States (33 CFR Part 323)*

- **Section 10 – Rivers and Harbors Act of 1899**
 - *Requires permit from the Corps for structures or work in, or affecting, the course, location, or condition of a navigable water of the United States*



REVIEW OF PROPOSED MODIFICATIONS TO EXISTING FEDERAL PROJECT

- **Section 208 (33 CFR 208.10)** – Local Flood Protection Works; Maintenance and Operation of Structures and Facilities
 - *Low Impact, Operation & Maintenance-Related Activities*
 - *Requires District Engineer Approval*
 - *Federal Funds Required for Review / Processing*

- **Section 408 (33 USC 408)** – Taking possession of, use of, or injury to harbor or river improvements
 - *Projects Significantly Altering Federal Project Features or Purpose*
 - *Requires Agency Technical Review (USACE team of experts)*
 - *Independent External Peer Review (panel of experts outside USACE)*
 - *Requires Chief of Engineers Approval*
 - *Federal Funds Required for Review / Processing*



FUNDING

■ Dallas Floodway

- *Current Funds on Hand = \$98,000*
- *FY09 President's Budget = \$207,000*
- *FY09 House Mark-UP = \$207,000*
- *FY09 Senate Mark-Up = \$1,000,000*
- *FY09 Capability = \$2,000,000*

■ Dallas Floodway Extension

- *Current Funds on Hand = \$7,875,000*
- *FY09 President's Budget = \$0*
- *FY09 House Mark-UP = \$6,000,000*
- *FY09 Senate Mark-Up = \$13,000,000*
- *FY09 Capability = \$25,000,000*



U.S. ARMY

US Army Corps of Engineers



QUESTIONS ?

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