APPENDIX B

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United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Post Office Box 649
Albuquerque, New Mexico 87103

IN REPLY REFER TO:

January 24, 2003

ER 02/1115

Gene T. Rice, Jr., Project Manager
U.S. Army Corps of Engineers
Fort Worth District, CESWF-PM-C
P.O. Box 17300
Fort Worth, TX 76102-0300

Dear Mr. Rice:

1. The U.S. Department of the Interior has reviewed Draft Supplement No. 1 to the Environmental Impact Statement for the Dallas Floodway Extension, Trinity River, Dallas County, TX. As the U.S. Army Corps of Engineers has incorporated all the recommendations provided previously by the U.S. Fish and Wildlife Service, we have no further comments. Thank you for the opportunity to review this document.

Sincerely,

Stephen R. Spencer
Acting Regional Environmental Officer

1. The Corps incorporated planning aid recommendations by the U.S. Fish and Wildlife Service and support from the Service through the Fish and Wildlife Coordination Act, including Texas Parks and Wildlife Department concurrence, for the development of emergent wetlands in the DFE project and in determining environmental mitigation for resource impacts from project features.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JAN 15 2003

Mr. Gene T. Rice, Jr.
U.S. Army Corps of Engineers
Fort Worth District
P.O. Box 17300
Fort Worth, TX 76102-0300

Dear Mr. Rice:

In accordance with the responsibilities established under Section 309 of the Clean Air Act, the Region 6 Office of the U.S. Environmental Protection Agency (EPA) has completed the review of Supplement 1 to the Final Environmental Impact Statement (EIS) and General Reevaluation Report for the Dallas Floodway Extension (DFE) within the Trinity River Basin in city limits of Dallas, Texas.

EPA found the Final EIS dated June 2000 to adequately respond to EPA comments offered on the Draft EIS filed in December of 1999. Our review and comments on the DFE EIS have been limited to the scope of the Congressionally authorized Federally assisted flood control project. It was subsequent to a court order, and not at EPA's request, that this supplement was developed. This information supplements the earlier EIS that was prepared for the DFE project.

We understand that the Fort Worth District Corps of Engineers completed a Programmatic Environmental Impact Statement (PEIS) under NEPA for the Upper Trinity River Basin dated June 2000, but additional potential activities were identified as well. An additional Draft EIS is now under preparation by the Federal Highway Administration and the Corps of Engineers to fully address all future actions and their cumulative impacts affecting the Trinity River and the Dallas Floodway; including the Trinity Parkway and the Chain of Lakes and related features of these proposals as they affect the Trinity River and the environment. EPA agrees that none of the projects addressed in the Supplement have been developed in sufficient detail that this document could represent a final decision document under NEPA, except for the DFE project itself. Further, any project in the study area that is carried will need to be reviewed under the Corridor Development Certificate process, adopted by local study participants, and will likely require individual permitting and public interest review under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

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Response: Thank you for your comments.

EPA appreciates this opportunity to comment and requests a copy of the Final Supplement be provided for our files. If you have any questions regarding these comments, please call me at (214) 665-2258 for assistance.

Sincerely yours,

Robert D. Lawrence, Chief
Office of Planning and
Coordination (6ENXP)

CITY OF DALLAS

January 28, 2003

U.S. Army Corps of Engineers
Fort Worth District
Mr. Gene T. Rice. Jr., P.E.
ATTN: CESWF-PM-C
P.O. Box 17300
Fort Worth, Texas 76102-0300

RE: City Comments for the Draft SEIS in support of the DFE Project

Dear Mr. Rice:

The following are the City of Dallas's comments regarding the U.S. Army Corps of Engineers' draft Supplement to the Environmental Impact Statement (SEIS) for the Dallas Floodway Extension (DFE) Project dated December 2002. I understand that the public review and comment period is scheduled to conclude on February 4, 2003 and the Final SEIS is due to be completed during the summer of 2003.

1. Elm Fork; page IV (fourth para), and pages 3-10 and 3-27. The Elm Fork Floodplain Management Study by the City is a preliminary design approach to a master plan for the Elm Fork corridor within Dallas. The City is expecting to brief City Council in March 2003 on the proposed project components and seek City Council adoption. The City has an estimated $30 million in Trinity Bond Funds approved by voters and dedicated towards these Elm Fork project components.

2. Trinity Parkway; page VII (first para) and page 3-19 / 3-21. The Trinity Parkway also has a sixth alternative, the "no-build" alternative.

3. Completed Section 205 Projects; page 3-2. Since Dry Branch and Delaware Creek are included, it seems that Johnson Creek (Grand Prairie) project should also be included.

TRINITY RIVER CORRIDOR PROJECT / PUBLIC WORKS AND TRANSPORTATION 1500 MARILLA, 6BS DALLAS, TEXAS 75201 TELEPHONE 214/671-8500 FAX 214/670-3226

1. We understand that there are no specific reasonably foreseeable projects identified by the City in the Elm Fork area at this time.

2. The second paragraph on page 3-19 was modified to indicate that NTTA is also evaluating the no-build alternative.

3. Johnson Creek Grand Prairie Section 205 project has been added.

4. Comprehensive Land Use Plan (CLUP); page 3-18 (Current Status) and page 3-26 (fourth para). The CLUP study has yet to be briefed to City Council. This is expected to occur during mid-2003. The study in now expected to be completed by end of 2003.

5. Bridge Crossings of the Trinity River; page 3-22. IH-30 and IH-35 have been identified as possible signature bridges by the City. The $12 million is for pursuit of signature bridge I-30 design.

6. Woodall Rodgers Extension and Bridge; page 3-22. The last sentence of this paragraph needs to be changed to establish that the Continental Avenue Bridge would be totally converted to a pedestrian bridge as part of the Woodall Rodgers Extension project.

7. Beckley Avenue Enhancement; page 3-22. The schedule for design and construction is dependent on the Trinity Parkway selection. At worst, this Beckley project is expected to be completed during 2008.

8. Elm Fork Area; page 3-27. This Elm Fork Floodplain Management Study includes *intermodal* transportation initiatives, but not transportation projects as project components to be carried forward as funded initiatives. Example; the Luna Road expansion, Luna Road and NW Highway interchange, DART initiatives, Walnut Hill extension to Luna Road, etc. are projects that would not be funded by the Trinity Bond Funds as part of the Elm Fork Study.

9. Equestrian Center and Trinity Interpretive Center; page 3-28. The first two sentences should be as follows; "A feasibility study and master plan for the Interpretive Center, Equestrian Center and other associated components is being contracted by the City of Dallas to the Brown Reynolds Watford Architects' team. The study/design was initiated in October 2002 and should be completed by March 2004.

10. ISTEA Trails; page 3-28. Replace the full paragraph with the following; "Three ISTEA-T21 grants have been awarded to the City of Dallas for two projects. Two of the grants are being applied to the Santa Fe Trestle Trail, which is described in its own section. The other grant was issued in the mid-1990's for the Trinity Trails, which is a trail project that is planned to extend 14 miles in length between Westmoreland and Corinth within the Dallas Floodway. The Trinity Trails project is pending the further development of the Urban Design Study and the concurrent Lakes Study for the Dallas Floodway.

4. Current status was updated based upon this information.

5. This section has been corrected.

6. This statement has been corrected.

7. The section has been revised to indicate City's estimated time schedule.

8. The paragraph was clarified to indicate that Trinity Bonds funds wouldn't be used to build transportation projects within the Elm Fork Floodplain Management Study area.

9. The information in this paragraph has been updated.

10. The information in this paragraph has been clarified.

11. South Loop 12 Boat Ramp; page 3-29. Regarding the last sentence, the final design is completed and construction is expected to commence during mid-2003.

11. This section has been updated.

12. Moore Park; page 3-30. A sentence should be included as follows; "Detailed design should be completed during 2003 and construction completed during 2004.

12. The updated information has been included.

13. The Texas Parks and Recreation Department Master Plan; page 3-32. It should be noted that this master plan is otherwise known as the Great Trinity Forest Park Master Plan that was finalized in 1997 and adopted by Dallas County and the City of Dallas in 1997. The City of Dallas subsequently produced the Master Implementation Plan for the Dallas Floodway and the Great Trinity Forest vicinity in 1999 that embraced the Great Trinity Forest Park Master Plan.

13. Noted.

14. McCommas Bluff Landfill Extension; page 3-33. A final sentence could be added to establish that final design is expected to be completed during 2003.

14. The scheduled design completion date was added.

15. Other Dallas Floodway Projects or Activities; page 3-34. The last sentence of this paragraph should be modified as follows; "The City of Dallas is contracting with Camp, Dresser & McKee on a Lakes Study for the Dallas Floodway to fulfill three objectives. First; review previous work and make a recommendation regarding the best approach for lake configuration, on-channel lakes verses on-channel lakes. Secondly; provide technical guidance and input to the Urban Design Study consultant. Lastly; address in further detail the functionality and operability issues of the preferred lake configuration for the Dallas Floodway. The overall Lakes Study is anticipated to be completed by end of 2003."

15. Additional information has been included in this section.

16. Other Developments; page 3-34. The Center is now scheduled to be completed in February 2003. The word, Landfill, should be capitalized. The word, "three", should be changed to "other".

16. Updates and corrections have been made.

17. Table 4-2; page 4-7.

a. Water Quality: Comment ---- Floodway Lakes should be shown with a green arrow. Such lakes are proposed to use some effluent discharge from the CWWTP for lake recharge. As part of the lakes system, nutrient removal (phosphorous and nitrogen) would be required through the use of new wetland complexes or a special treatment unit at the CWWTP. Such an improvement to the recharge water is a water quality improvement for the overall Trinity River, as this recharge water will have a higher water quality before discharge to the river.

b. Aquatic Resources: Comment ---- The Combined Riverside and the Split Riverside should have the same quantification.

c. Floodplain Recreation: Comment ---- The ATSF bridge transformation into a major pedestrian access to the Dallas Floodway via the Fair Park vicinity, Moore Park vicinity, 8th Street DART facility, and the zoo vicinity would provide very important high-volume public access potential. This should be rated a double green arrow.

d. Floodplain Recreation: Comment ---- The Combined, Split Riverside, and Split Landside alternatives require floodway excavation that would create a 120-acre lake for recreation in the Westmoreland and Hampton vicinity of the Dallas Floodway. These three alternatives should be given a green arrow. Whereas, the Industrial alternative would result in no near term funding capability for the 120-acre lake.

e. Environmental Justice: Comment ---- The Split Riverside alternative would not have any more adverse impact than the Combined or Industrial alternatives.

f. Upstream H&H: Comment ---- The Floodway Levee Raise should be shown to have a "no affect" symbol. The excavation to produce the levee raise would come from inside the Dallas Floodway, which would actually improve conveyance and lower upstream H&H.

17. a. The general plans we have seen include some wetlands adjacent to the lake or lakes, however, absent specific design and operational information, it is not possible to say they will provide an improvement in effluent water quality. By the same token, the water if derived from the CWWTP will be subject to evaporation within the lake causing potential concentration of some water quality constituents. We believe that a neutral impact, non-significant benefit to water quality would be derived from the descriptions of the floodplain lakes.

17. b. We disagree. While the acreages of existing aquatic habitat that would be impacted as indicated in Table 4-1 of the DSEIS are similar, the Split Riverside would affect more individual drainage areas.

17. c. While we agree the bridge could be modified to provide the linkages described, we do not believe the bridge would provide more than minor intensification of floodplain recreation.

17. d. The currently available information from NTTA indicates that they would likely excavate the material needed to build the road bed from the area between the levees. It would be up to some future activity to complete construction of the lake. The cumulative impacts of a Lake alternative therefore were evaluated under the Recreation section of Table 4-2.

17. e. The Split Riverside would cause potential impacts to access to the floodway and increased noise levels to the area along the West Levee. No other road alternatives would produce that impact.

17. f. For the assumptions used to date by the Corps for the Dallas Floodway levee raise, the statement is true for the 100-yr event, however the SPF event causes a slightly elevated water surface in the upstream reaches (see pages 4-14 and 4-15 of PEIS).

g. Upstream H&H: Comment ---- The Combined and Split Riverside alternatives should be shown to have a "no affect" symbol. The excavation to produce the road bench would come from inside the Dallas Floodway, which would actually improve conveyance and lower upstream H&H. This was demonstrated in H&H modeling for the TxDOT MTIS and the Corps' PEIS.

h. Upstream H&H: Comment ---- The Frazier Dam project should be shown to have a "no affect" symbol. The project includes hydraulic mitigation to produce no upstream H&H impact.

i. Flood Damages: Comment ---- The Elm Fork initiatives carry significant improvements for providing flood protection within the study area with respect to channel improvements, ring levee, and removal of properties from flood risk. This alternative should warrant a green arrow.

j. Flood Damages: Comment ---- The Combined and Split Riverside alternatives should be shown with a "no affect" symbol. Both alternatives allow for increased levee strengthening, possible upstream H&H improvements (no change at worst), and a no significant increase in flood damage potential downstream.

k. Cultural Resources: Comment ---- The Industrial alternative should be shown with a red arrow. This alternative has significant potential of impacting cultural resources due to buildings of historical significance.

If you should have any questions about the above comments to the draft SEIS, please contact me at 214-671-9504. The City of Dallas continues efforts to acquire real estate in preparation for a construction start by end of 2003. The City looks forward to the full implementation of this very important project in a timely manner.

Sincerely,

Greg Ajemian

Greg Ajemian, P.E.
Executive Coordinator
Trinity River Corridor Project
City of Dallas

17. g. The Corps of Engineers through review of existing Corps projects such as the Dallas Floodway, the procedures implemented as a result of the Trinity River Programmatic EIS for permit actions and the CDC process all establish criteria to minimize cumulative H&H impacts. However at this stage of planning, the plans for this alternative have not been sufficiently completed to state absolutely there would be no affect. However, assuming sufficient H&H mitigation is incorporated, our own modeling exercises and information provided to us indicate the potential, for any changes in H&H can be minimized to a point the affects would not be significant.

17. h. This proposed permit action is still being reviewed as this SEIS is being finalized. At this point, it appears that some project modification would be required to eliminate potential impacts to existing levees in the area. The modifications under consideration would have to be further evaluated to determine the H&H mitigation requirements; therefore, we believe that it is most appropriate to consider that the proposal has potential upstream H&H affects.

17.i. Until the Elm Fork Study initiatives by the City of Dallas progress further and more details are available, we believe it is appropriate to consider that the potential for upstream and downstream impacts remain, as should the no affect determination for cumulative flood damages at the Elm Fork study area.

17. j After further review, we concur and have made the changes. The rationale behind the original assignment of impact was based upon the fact that the Riverside alignments will be placed just above the 100-yr floodplain elevation and will be subject to significant economic damages when floods reach that level (a direct impact to the road structure and function.). The cumulative flood damages to outside of the Floodway won't be increased however.

17.k. We agree that the Industrial alternative might impact visual aspects of some historic buildings or structures.

FER
of: PM-C

OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

Thursday, February 20, 2003

Mr. Michael J. Mocek, P.E., Deputy Dist. Engineer
Department of the Army, Ft. Worth DCE
P.O. Box 17300
Fort Worth, TX 76102

RE: TX-R-20021209-0005-50

EIS-Draft Supplement #1 for Dallas Floodway Extension

Dear Mr. Mocek:

Your application for assistance referenced above has been reviewed. The comments received are summarized below.

1. This application was submitted for comment to the Texas Commission on Environmental Quality, the General Land Office, the Texas Water Development Board, the Texas Department of Transportation, the State Water and Conservaton Board and the North Central Council of Governments. The Texas Commission on Environment Quality stated that any domolition, construction, rehabillitation or repair project will produce dust and particulate emmissions, these action should pose o significant impact upon air quality standards. All the other agencies listed did not respond. No other substantive comments were received.

We appreciate the opportunity to review your proposal. Please let me know if we can be of further assistance.

Sincerely,

for Denise S. Francis, State Single Point of Contact
DSF/dsi

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 (512) 463-2000 (VOICE)/(512) 475-3165 (TDD)

1. Management practices will be put into place during construction of the DFE project to control dusts and particulates. We appreciate TCEQ concurrence that no significant impacts to air quality will result from DFE project implementation.

TEXAS COMMITTEE ON NATURAL RESOURCES
4144 COCHRAN CHAPEL ROAD
DALLAS, TEXAS 75209
(214) 352-8370

WITHDRAW THE 1998 DESTRUCTIVE BOND APPROACH
AND SAVE THE TRINITY RIVER AND GREAT TRINITY FOREST
By Edward C. Fritz, Chair Emeritus
January 8, 2003

1. The Army Corps and Dallas staff have failed to present adequate facts and data on several aspects of their Trinity River bond program, including proposed lakes and highway between the levees, and digging a swale through the Great Trinity Forest.

The swale would involve cutting of thousands of good trees where we now take walks in the forest, inviting all citizens, many of whom participate. Our next walk there is on Sunday, January 19, at 3:00 p.m., starting at a parking lot on the north side of Martin Luther King bridge. The entire public is invited, as usual.

The terrible bond plan for a proposed Dallas Floodway Extension includes new levees downstream, along with the swale. Theoretically, they would protect the Cadillac Heights houses from a highest flood. It would be far better to offer a voluntary buyout of all houses and lots in Cadillac Heights, a plan that was supported by Mayor Laura Miller.

2. Some other cities, such as Boston and Washington, D.C., provide popular walks through forests along rivers. The Great Trinity Forest is even better, containing numerous species of trees, flowers, birds and animals. Visitors from the rest of the world would relish such walks. Digging swales and building levees would vastly damage the Great Trinity Forest.

Attached hereto is my answer to the U.S. Corps Draft Supplemental EIS, of December, 2002.

1. Comments on specific allegations of inadequacy are addressed as presented on the "attached hereto answer to U.S. Corps Draft Supplemental EIS"

2. The DFE, including recreational trails proposed, would facilitate recreational access to and through the Great Trinity Forest. Cumulative recreational benefits could occur from incorporation of features at Moore Park and the Equestrian Center, and the ATSF railroad modification.

TEXAS COMMITTEE ON NATURAL RESOURCES
4144 COCHRAN CHAPEL ROAD
DALLAS, TEXAS 75209
(214) 352-8370

Comments on Draft Supplemental EIS of December , 2002
By Edward C. Fritz
January 8, 2003

The Army Corps has attempted to slip through its analysis of the Court's order without presenting data or even key facts, but mainly with self-serving claims. They also are inadequate.

3. On page 4-6, under Aquatic Resources, the draft says that the downstream project "would not generate as many acres of surface waters as plans consisting of lakes between the Dallas Floodway levees, but the quality of the aquatic habitat created would be greater". This almost admits that the upstream lakes would reduce the habitat between the levees. It further implies that such reduction would be less downstream. It fails to provide data. It evades an admission that the more lakes or new channels the Corps would create between existing channels, the less forest and natural plants would remain there, and the more flooding would occur downstream (an excuse for new swales).

4. The draft does not even present acreages much less damages, of destroyed or harmed areas.

5. On page 4-6, the Corps further states, "Most of the flood damage reduction projects identified have only a minor potential to cause direct impacts to wetlands." It presents no data. Actually, the projects would wipe out huge acreages of natural wetlands. The projects also would cut swales through excellent natural forests.

It says, "these impacts would only be minor from a cumulative standpoint". Once again it fails to present data. Actually, the impacts will include ruination of an immense part of the Great Trinity Forest.

3. The statement on page 4-6 references the cumulative aquatic resources impacts to projects both upstream and downstream of the DFE. The statement indicates that the EQ plan in the Dallas Floodway, which emphasizes restoration of a meandering river and associated overbank wetlands would provide more aquatic benefits than a lake at the same location. Data identified to the Corps related to acreage impacts within the Dallas Floodway caused by the floodway lakes are presented in Table 4-1.

4. The data is in Table 4-1. The data indicates that the projects, as identified to us, would vary in their cumulative impacts. Cumulatively, the data indicates that, depending on which tollroad alternative is selected, following ecosystem restoration and the suggested mitigation of existing plans would result in a net gain of emergent wetlands ranging from 269 acres to 416 acres. The Dallas Floodway Extension data reflects the changes in future without a project conditions. Of the DFE area to be impacted, approximately 50% has been classified as wetland, most already forested with the future conditions projected to be forest.

5. Table 4-1 data shows that the net cumulative impact would be a net gain of over 1300 acres in forested lands that are protected and improved through acquisition, preservation and management following implementation and identified mitigation within the area of the Great Trinity Forest.

6.

Toward the bottom of page 4-6, it finally claims it would conduct mitigation (which would never make up for the loss of forest) but adds, without data, "cumulative impacts would be minor, primarily resulting from the relocation of these resources at a different site from where they occurred". It never gives data or details. We say that the replacement of natural resources would be highly destructive and virtually meaningless.

7.

On p. 4-9, the Army Corps writes vaguely of two losses of areas and loss of 70 acres of forest, "the majority of which has been identified within the White Rock Creek corridor". It does

8.

not say exactly where. Actually, an extension of levees downstream from existing levees, plus a series of wide swales, would eliminate more of the Great Trinity Forest, barely mentioned by the Army Corps as the "bottomland hardwood forest ecosystem". The Corps says vaguely, "In addition, the recommended environmental restoration project feature, which includes the development of emergent wetlands, would help reverse the trend to losses to this important

9.

resource, by restoring 123 acres". It never says how, or precisely where. Actually, cutting the forest for swales and levees would ruin much more of the ancient forest and will never be adequately replaceable anywhere else, no matter where the Corps might offer to replace it.

10.

As to air quality, the Corps, at top of p. 4-10, evades data, especially as to new roads between levees, by saying it would be determined during detailed studies. Obviously, toll roads between levees would inflict harmful air on any persons walking or boating between levees, and on any animals or birds there.

On p. 4-10, the draft refers to "some forestlands that have developed during the past 30 to 40 years', but never says where they are, how valuable they are environmentally, nor how much

6. The data has been provided in Table 4-1 as a basis to determine cumulative impacts from reasonably foreseeable activities. Mitigation of forest impacts will be conducted following development of detailed plans and specifications for Corps of Engineers projects. The Corps planning process requires us to try to avoid impacts to resources where possible, then minimize impacts if unavoidable. Mitigation is required for unavoidable impacts. The DFE project goes a step farther by incorporation of a plan to restore emergent wetlands as an integral part of the flood damage reduction swales. On the contrary, we believe that replacement of impacted natural resources is totally necessary and hardly meaningless.

7. The 70 acres of impacts to vegetation from the SE Dart Corridor implementation would mostly be in the White Rock Creek drainage along Scyene and Jim Miller roads. The route and areas of vegetation impact from that proposal are shown on Figures 5.29 through 5.37 of the Dart Southeast Corridor Draft Environmental Impact Statement dated February 2002.

8. All features of the DFE project are fully described in the Chapter 6 of the DFE GRR/EIS.

9. There are a few old trees in the area that would be impacted by the DFE, but the impacted area of the majority of the forest is neither old growth, ancient nor rare (See Table 4-25, DFE GRR/EIS).

10.The air quality discussion provided in the DSEIS is accurate. The discussion continues onto page 4-10, where it is noted that traffic introduced to the levee area could increase site-specific air quality problems.

11. The DFE impacts by acre and by value to forestlands were thoroughly described and documented in the DFE GRR/EIS, which the SEIS supplements and incorporates by reference.

12. it would cost to mitigate them, as proposed. They would probably be better for society left as they are, and better for birds and animals. Trees in Great Trinity Forest are in ages up to hundreds of years.

13. On p. 4-11, the Draft Supplement mentions Cadillac Heights but fails to consider the alternative of a voluntary buyout, which environmentalists have urged. Laura Miller supported it, as councilwoman, and now supports at least a partial buyout as mayor. A buyout would enable all the residents to move out of the floodplain, including out of the area where residents are subject to unhealthful soil contaminated by previous business operations. The City of Dallas is now planning about the voluntary buyout of at least part of Cadillac Heights. A full buyout would relieve the houses from needing a swale and levee through the Great Trinity Forest. The Army Corps should consider this, making a swale and levee unnecessary, and thereby saving the Great Trinity Forest for all.

14. On p. 4-14, the Corps' Draft says, "recommended DFE project would not contribute to cumulative noise impacts". Actually, the proposed toll roads would create loud noises, as well as harmful air discharges for quite a distance from wherever such roads would be built. Inside the existing levees, the noises and bad air will harm everyone who walks or boats between the levees.

15. On p. 4-14, the Draft admits that unnamed endangered species may migrate through the proposed area, and that the least tern nests in the Wastewater Treatment Facility. Actually, the least tern also nests in other parts of the natural area involved in this proposal. All endangered species in the area would be even more endangered by the proposal.

12. The forested areas and the quality of those forests that would be impacted, and the location and cost of mitigation of those forested areas were clearly identified in the DFE GRR/EIS, (see Table 4-25).

13. The Corps of Engineers has revisited the potential for a non-structural buyout of the Cadillac Heights area on several occasions during the iterative planning process and continually finds that it is not in the federal interest to do so. There is not sufficient federal interest to justify a buyout of Cadillac Heights. The City has every right to reject the Corps of Engineers project and go forward on their own, but we have no indication that there is any intention to do so; therefore, it is not a reasonable foreseeable action. The SEIS will document cumulative impacts in relation to the DFE alternatives of all other reasonably foreseeable actions in the DFE area, including the partial buyout of a few homes in the Cadillac Heights area that are located above the 100-yr floodplain elevation.

14. The DFE project would not cumulatively contribute to noise in the study area. The proposed roads under any alignment would contribute to noise in the study area, regardless of whether the DFE was constructed or not.

15. The least tern has been documented to nest in the Southside Water Treatment Plant area, far south of the DFE project area. The U.S. Fish and Wildlife Service has concurred with our assessment that the proposed DFE project would not threaten or jeopardize this species.

16. On p. 4-16, the Corps Draft agrees "to maximize forested resource benefits". It should Present data on locations, specify costs, and benefits. Actually, virtually all species would survive far better if none of the proposed roads, lakes, new swales, and new levees were built.

17. On p. 4-16, the Corps states that "its policy specifies no net loss of wetlands". It should provide new plans in conformance with this policy before further Court orders. The Corps cannot carry out the 1998 bond program, including swales and levees through the Great Trinity Forest, without a net loss of the wild wetlands scheduled to be heavily cut, swaled, and levied by the Corps.

16. The Corps and resource agencies evaluations of the existing DFE area do not support your conclusions. The area that would be impacted by the DFE alignment has been selected to minimize impacts to those areas of younger trees consisting primarily of green ash, cottonwood, willow, cedar elm and other light seeded invader or early colonizer trees. There are a few older trees that would be unavoidably impacted by the channel realignment. The mitigation plan would provide 1179 acres of forest and grassland that would be improved by planting mast trees that would increase habitat diversity and functional quality.

17. The City of Dallas, not the Corps of Engineers is responsible for carrying out any bond programs. The Corps of Engineers will not carry out the Dallas 1998-bond program. Our data indicates there would be a long-term net improvement of habitat acreage and quality following implementation of the DFE with the approved mitigation features. In addition, to the strong flood damage reduction benefits the project would also provide much sought after public recreational access

STATEMENT AT JANUARY 8, 2003
MEETING RE TRINITY FLOODWAY EXTENSION
BY EDWARD C. FRITZ

CORPS OF ENGINEERS
WITH\YOUR HELP WE CAN PREPARE A NEW

APPROPRIATE PLAN FOR TRINITY RIVER IN DALLAS.

1.

THE ARMY CORPS AND THE CITY HAVE FAILED TO PRESENT ADEQUATE DATA ON THE HARMFUL RESULTS OF BUILDING HIGHWAYS AND LAKES BETWEEN EXISTING LEVEES AND CUTTING SWALES DOWNSTREAM THROUGH THE CITY'S GREAT TRINITY FOREST, AND OTHER HARMFUL FACTORS.

THE TOLLROADS WOULD RAISE THE FLOOD LEVELS AND SPREAD AIR POLLUTION WITHIN THE LEVEES. A LAKE WOULD NARROW DOWN THE WALKING AREA NEXT TO DOWNTOWN DALLAS AND

1. This is a written copy provided by Mr. Fritz's following his statement at the Public Meeting on January 8, 2003. These general and more detailed comments were included in a letter from Mr. Fritz representing the Texas Committee on Natural Resources dated January 8, 2003. Since the January 8, 2003 letter is more inclusive, responses to Mr. Fritz's comments were provided there.

WIPE OUT MUCH OF THE FLOWERS AND OTHER NATURAL PLANTS THERE. THERE IS ALREADY A LAKE SOUTH OF THE SYLVAN BRIDGE. ANOTHER BAD EFFECT OF NEW ROADS BETWEEN LEVEES, AND MAYBE OF THE LAKES AND A SWALE WOULD BE MORE FLOODING OF THE GREAT TRINITY FOREST. PEOPLE ARE ENTITLED TO FAR MORE DETAILS ABOUT THE HARMFUL RESULTS THAT THE TRINITY FLOODWAY EXTENSION WOULD BRING.

WE REFER TO APPENDIX A OF THE AMERICAN INSTITUTE OF ARCHITECTS, DALLAS CHAPTER, TRINITY POLICY OF 2001 SHOWING VARIOUS ERRORS OF THE 1998 BOND PLAN, WITH ONLY 1.6% MAJORITY.

I PRESENT COPIES OF TWO FAITHFUL COMMENTS.
1. NOTHING IN THE 1998 -2- REFERENDUM AND PROPOSITION
2. COMMENTS ON DRAFT SUPPLEMENTAL EIS OF DECEMBER 2002.

Draft MV

Statement for USACE, Jan.8. 2003 re: supplement #1, DFE-EIS

By Mary Vogelson, LWVD, Trinity River Study chair

Good Evening. I am Mary Vogelson, representing the LWV of Dallas. Our League has been involved with the Trinity River studies by the Corps and others for over 35 years. We understand the need to proceed with a project that has been pending since 1965, and we understand the frustration of trying to work with the city of Dallas when the city itself has been unable to establish guidelines for a cooperative program with the Corps for most of this time.

LWVD wrote extensively in response to the 1998 DFE-GRR EIS draft that the Corps had not met NEPA's requirements to evaluate the cumulative effects of all foreseeable projects including its own DFE proposals & alternatives. Our concerns, in part, echo the, Office of Management and Budget when they state: "the corps elected not to evaluate" the flood solution proposals having the highest net economic benefits, and that decision, in effect, removed from consideration an entire set of reasonable options...." Thus, the OMB states, "The Corps presented an incomplete picture of the available choices and their impacts, and prevented an informed public discussion of the merits of the proposed project."

The Corps has still not made a public evaluation of its own DFE project in conjunction with other known proposals and discussing the cumulative environmental impacts on the city and its citizens. Furthermore, evaluating cumulative impacts of the newly proposed EQ plan, a plan much more in keeping with the "new, green" Corps, against currently existing conditions might have resulted in very different NEPA outcomes, but unfortunately we do not know this as a result of this document.

Attempting to secure the Corps DFE project and THEN evaluating the cumulative impacts of known future proposals/alternatives as this document purports to do, is not our understanding of meeting the NEPA requirements (see Federal Court for the Northern District of Texas' ruling, p.54- 57 of the opinion, April, 10, 2002 which demands that "the cumulative impacts of these projects" be addressed "WITH the DFE project").

1. This is a written copy of the statement presented by Ms. Vogelson at the Public Meeting held January 8, 2003. Please see responses within the Official Record for that meeting.

The League of Women Voters is concerned about the best use of public funds, cumulative affects on the environment upstream and downstream, meeting the requirements of NEPA, and accurate and complete information being given to the citizens of Dallas in order to make democracy work for all Dallas' citizens. We hope to continue to work with the Corps of engineers to meet these goals.

We will be sending written comments and would appreciate a two-week extension of the comment period.

Thank you.

LEAGUE OF WOMEN VOTERS *of Dallas*

Feb. 4, 2003

USACE, Ft. Worth District
ATTN: CESWF-PM-C (Mr. Gene T. Rice, Jr.)
Fax: 817-886-6442

Comment for League of Women Voters of Dallas
Re: supplement #1, DFE-EIS

By Mary Vogelson, LWVD, Trinity River Study chair MV

The LWV of Dallas has been involved with the Trinity River studies by the Corps and others for over 35 years. We understand the need to proceed with a project that has been pending since 1965, and we understand the frustration of trying to work with the city of Dallas when the city itself has been unable to establish guidelines for a cooperative program with the Corps for most of this time.

1. LWVD wrote extensively in response to the 1998 DFE-GRR EIS draft that the Corps had not met NEPA's requirements to evaluate the cumulative effects of all foreseeable projects including its own DFE proposals & alternatives. Our concerns, in part, echo the, Office of Management and Budget when they state: "the corps elected not to evaluate" the flood solution proposals having the highest net economic benefits, and that decision, in effect, removed from consideration an entire set of reasonable options...." Thus, the OMB states, "The Corps presented an incomplete picture of the available choices and their impacts, and prevented an informed public discussion of the merits of the proposed project."

2. The Corps has still not made a public evaluation of its own DFE project in conjunction with other known proposals and discussing the cumulative environmental impacts on the city and its citizens. Comments, for instance, like those on p.4-12 and 4-13 are examples of the kind of analysis we had hoped for without the DFE as a baseline. In the Stemmons Corridor the Corps states that job growth could "potentially increase " as a result of flood reduction programs. Under the H&H heading, the Corps

2720 N. Stemmons Freeway • Suite 510 • Stemmons Tower South • Dallas, TX 75207 • (214) 688-4125 • Fax (214) 688-4126

1. Flood solution proposals were evaluated in the formation of the DFE GRR-EIS. All available choices were considered and fully evaluated. The final document addressed the five final alternatives of the Dallas Floodway Extension with various reasonably foreseeable by others to determine the cumulative impacts of each scenario using the best available data for each of the projects,. None of the reasonable foreseeable projects have been fully studied or designed.

2. The SEIS has analyzed the DFE project along with other reasonably foreseeable projects without the DFE as a baseline. The final document addressed the five final alternatives of the Dallas Floodway Extension with various potential projects by others to determine the cumulative impacts of each scenario using the best available data for each of the projects, which have not been fully studied or designed.

notes that the prospective toll road could "act as concrete lined channels" to propel the water faster through the floodway. These example statements express, variously, the Corps' concern for job creation and increased velocities in river flows. They are troublesome in that they ignore the environmental impacts of sluicing the water into the DFE area (and therefore the forest) but without the analysis off what the impacts might have been without the current DFE project. Also, we do not have the comparative analysis with no DFE project of "job creation" vs. increasing the health of those residents who might have been bought out and moved to less toxic lands. These are but two examples of issues that could have been helpful to the public decision-making process on whether or not to pursue the present DFE alternatives, or, indeed if there were better alternatives based on undisclosed information.

3 There is one problem stated in regard to the Cadillac Heights "zoning" and impacts for environmental justice. The Corps states that this residential area was never "re-zoned" and carries the same zoning since 1965, but that the city had gone through a change in zoning "definitions". Since the LWV participated heavily in this process, it may be helpful to point out that prior to this "re definition" process, land with "higher" use zoning was allowed to support "lower" usages until or unless the owner chose to act upon the higher zoning designation. With the 1985-87 "redefinition" of zoning categories, the only use to be allowed of the land is that which is in compliance with the zoning designation. In other words, any industrially zoned land with residences on it, previously allowed under the old system, would now render these residences as being in "non-compliance" with the zoning category. While this is not technically a re-zoning, we understand how the comment could have been made to the Corps by someone who was familiar with the impact on the Cadillac Heights community even though perhaps not technically correct.

4 In any event, the result is the same for this community. Residences, in this case, in non-compliance with the zoning have limited chances of being able to get money for upgrading or repairing their homes, and they live not knowing when a toxin producing user might move next door! All previous and present comments in relation to the importance of having a buy-out, non- structural solution for this neighborhood is still more important in terms of an environmental justice solution than the Corps seems to have addressed to date. Comparing the buy out cost for this neighborhood with the swale required for the largest levee proposal, and

3. Examination of Dallas zoning maps indicate the re-definition process has impacted a small area of Cadillac Heights. Since these few homes are being allowed to remain even under the re-definition the existing conditions remain unchanged. The future with and without project conditions for those few homes might be slightly different, however, it would appear that if they were in an area of non-compliance, that it might be difficult to resell or borrow funds for maintenance.

4. The Dallas Floodway project as authorized is in compliance with the Executive Order on Environmental Justice. All analyses of the various alternatives have been conducted pursuant to applicable laws and regulations. After completing our analysis, it was concluded that there was not sufficient federal interest to justify a non-structural approach for Cadillac Heights.

the cost of that larger levee does not honestly reflect a true cost comparison. We suggest that, again, the public should be afforded the opportunity to compare the smaller levee/swale cost that would ensue with a buy out of the neighborhood, or a buyout without the DFE FSP levee assumptions.

5 Evaluating cumulative impacts of the newly proposed EQ plan, a plan much more in keeping with the "new, green" Corps, against currently existing conditions might have resulted in very different NEPA outcomes, as well as better environmental justice outcomes. Unfortunately we do not have this information as a result of this document. We thank the Corps for this extremely important plan and the suggested future thrust of Corps thinking on flood plain, flood control and floodway issues

6 Attempting to secure the Corps DFE project and THEN evaluating the cumulative impacts of known future proposals/alternatives as this document purports to do, is not our understanding of meeting the NEPA requirements (see Federal Court for the Northern District of Texas' ruling, p.54- 57 of the opinion, April, 10, 2002 which demands that "the cumulative impacts of these projects" be addressed "WITH the DFE project").

7 The League of Women Voters is concerned about the best use of public funds, cumulative effects on the environment upstream and downstream, meeting the requirements of NEPA, and long range planning to ensure a better, healthier quality of life for all Dallas citizens. In order to make democracy work for all Dallas' citizens, accurate and complete information must be available. We hope to continue to work with the Corps of engineers to meet these goals.

Thank you.

5. Thank you for your comment. The EQ plan will be fully investigated and analyzed when the existing Dallas Floodway Feasibility Study is completed.

6. The EIS addresses the cumulative impacts of all reasonably foreseeable projects including the DFE. Authority for the DFE was provided under Section 351 of the Water Resources Development Act of 1996 and 356 of the Water Resources Development Act of 1999. Neither the GRR-EIS nor the SEIS attempt to secure the project but rather considered various alternatives for the DFE together with the impacts of reasonably foreseeable projects. The final document addressed the five final alternatives of the Dallas Floodway Extension with various potential projects by others to determine the cumulative impacts of each scenario using the best available data for each of the projects, which have not been fully studied or designed.

7. Thank you for your comment.

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Mixmaster Business Association
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E-mail: mba@advico.com

January 17, 2003

U.S. Army Corps of Engineers
Fort Worth District
ATTN: CESWF-PM-C (Mr. Gene T. Rice, Jr.)
P. O. Box 17300
Fort Worth, TX 76102-0300

Subject: Dallas Floodway Extension (DFE), Trinity River, Texas
RE: DRAFT Supplement No. 1 to Environmental Impact Statement (EIS)

We continue to strongly support the Dallas Floodway Extension as described in the Record of Decision signed on December 1, 1999. Implementation of that decision should occur without further delay. The City of Dallas is vulnerable now to at least $8 billion of flood damages if a large flood event should occur, and Dallas does not have Standard Project Flood protection along the existing Dallas Floodway. 1.

This organization represents an area most critically impacted if a flood event were to occur before completion of the DFE. This area lies along the downtown Dallas side of the current Dallas Floodway from Continental Avenue near the American Airline Arena south to the Dallas Area Rapid Transit Light Rail line to Oak Cliff. Although the current levee protects this area from three hundred year (300-year) event floodwaters, a lesser flood event (>140-year) would seriously damage our properties and businesses. This damage will occur because the sanitary sewage treatment facility for a major portion of Dallas will flood and raw sewage will be released into the old Trinity River channel that flows through our area. It is likely that sewage and floodwaters will be in most buildings. Sewage pumps and treatment facilities will be out of operation for an extended period of time, even weeks or months. 2.

The cumulative effects of possible projects affecting the DFE have been properly considered, and the Supplement No. 1 is sufficient for the US District Court for the Northern District of Texas to rule in favor of the Corps. We urge the Courts, Congress, and the Corps to implement the Dallas Floodway Extension before monumental flood damage occurs. 3.

Mixmaster Business Association

Marcus Wood
Executive Vice President

MW/s

1. Cumulative impacts from many past actions have led to hydrology and hydraulics and economic conditions described in the DFE/GRR.

2. Recent flooding in San Antonio and particularly Houston and the results of the major water supply break in downtown Dallas indicate that severity of flood damages, mainly in subsurface storage and facilities handing areas have likely been underestimated in the past.

3. The Corps is complying with the Courts and Federal regulations to move forward with construction of the DFE.

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January 21, 2003

U.S. Army Corps of Engineers
Fort Worth District
ATTN: CESWF-PM-C (Mr. Gene T. Rice, Jr.)
P. O. Box 17300
Fort Worth, TX 76102-0300

Subject: Dallas Floodway Extension (DFE), Trinity River, Texas
RE: DRAFT Supplement No. 1 to Environmental Impact Statement (EIS)

Our January 17, 2003 letter summarized our overall support for the Dallas Floodway Extension as described in the Record of Decision signed on December 1, 1999 and the Draft Supplement No. 1.

The purpose of this letter is to describe detail comments and suggestions regarding specific wording in the Draft Supplement No.1. In some instances these are simply typographical corrections. These comments are attached hereto.

Mixmaster Business Association

Marcus Wood
Executive Vice President

MW/s

COMMENTS REGARDING DRAFT SUPPLEMENT NO. 1
DALLAS FLOODWAY EXTENSION, TRINITY RIVER, TEXAS

	PAGE	Comments
1.	i	The description mentions levee construction, but does not mention that an extension of existing Corps levees is involved. This wording should be added.
2.	ii	**It is very important to state that the existing Dallas floodway no longer provides SPF protection. In fact, the Summary states just the opposite which is inaccurate.** (See paragraph 3: "Both levees are designed to provide SPF level of protection (estimated at about 800-year frequency of occurrence) to the adjacent neighborhoods, *which is comparable to the protection provided by the existing Dallas Floodway to the Central Business District.").*
3.	1-3	Last paragraph has typographic error of "or" rather than "of".
4.	Fig 3-1	It would be helpful to show which of the highways would not be covered by a SPF under current protection. Or does it already accurately show that all highways would be flooded?
5.	3-19	The descriptions of the Industrial alignments are inaccurate. Neither alignment follows the existing city street, but rather curves gently for higher speeds. Thus some of the data shown in the report may be in error (particularly Table 4-1) (contact NTTA).
6.	3-19+	The descriptions of the various alternatives as to right-of-way and costs are misleading. For some alternatives much of the right of way is already publicly owned and not that case for others. One suggestion would be to differentiate the public/private right of way amounts; another would be to use the total project costs (contact NTTA for data).
7.	3-22	The description of the Corinth Street Bridge is not accurate since a couplet bridge is proposed (contact TxDOT).
8.	3-29	Reference is made to "Medical City", but that hospital is located many miles away near US 75 and Forest Lane. Better wording might be "the hospital and medical school area along Harry Hines Boulevard."
9.	4-2	There is no mention of Transportation Projects in the West Fork of the Trinity area. Are there not any?
10.	Table 4-1	Question accuracy of Industrial impacts, particularly Elevated and the Forest Conversion. This is particularly true since the Industrial Parkway alignments do not exactly follow the current roadway.
11.	4-6	The Wetlands section wording seems inconsistent in that there is no sponsor for an EQ plan, so it should be described in "not well defined" terms similar to other such plans.
12.	Table 4-2	The Transportation Improvements should all show improved air quality because of reduced traffic congestion. As presented here, it is inconsistent with NCTCOG studies and planning.

1. The intent of the Dallas Floodway Extension Project is to provide flood damage reduction benefits to an area downstream of the existing federal project downstream. The levee construction would link the existing levee on the east side with the existing downstream Rochester levee and would link the existing levee with the existing Central Wastewater Treatment Plant levee on the west side of the river. These details were thoroughly provided with the GRR/EIS.
2. Statement in FSEIS has been revised to clarify that with DFE in place, the DF would be restored to provide SPF level protection.
3. Error has been corrected.
4. The intent of this figure is to show the extent of the SPF as currently known in the Upper Trinity River area. Many local, state and federal roadways would be impassible should an SPF even occur in any area shown. In addition thousands of homes, and businesses could be isolated or partially inundated.
5. Information in Table 4-1 was provided by NTTA.
6. The details of the Parkway/tollroad alternatives are being fully developed by the NTTA and will be disclosed in a Draft EIS. We have attempted to provide sufficient description of those alternatives being considered to adequately consider the cumulative impacts of those alternatives with the Dallas Floodway Extension alternatives.
7. The description has been modified.
8. The description has been changed.

9. Only transportation projects believed to have cumulative impacts to the DFE alternatives were carried forward and assessed in Chapter 4.

10. Impacts were obtained for Parkway alternatives directly from NTTA documentation.

11. The EQ plan was developed by the Corps of Engineers for consideration as an alternative scenario for the modification of the Dallas Floodway and documented in the Corps PEIS dated June 2000. Therefore we have a better-defined description of what that plan could be. There is no current sponsor for the EQ plan, however, it will be further refined as the Corps continues studies on the existing Dallas Floodway.

12. The cumulative impacts of all the transportation projects could result in regional improvement, but the relocation of traffic to other areas, could result in degradation at that new alignment. We believe that the minimal improvement in traffic conditions from the parkway project if implemented would produce very minor air quality changes on a regional basis. Based upon results in other metropolitan areas, the new roads will also quickly become congested resulting in further reducing the potential of improving air quality.

13.	Table 4-2	There is no section or description of "Public Services".
14.	Table 4-2	It is difficult to understand there being any Water Quality differences between those Parkway alternatives within the river since all would result in improved water quality.
15.	Table 4-2	We do not agree with the differences shown between the Parkway comparisons, particularly the Combined and Split Riverside with Industrial. The effects are not consistent with the PEIS table. The Industrial and Landside routes negatively impact Environmental Justice, Cultural Resources, and economic development.
16.	Table 4-2	Sump capacity is likely to be reduced with Industrial and Landside alignments. This negative impact is not properly reflected in the Flood Damages section.
17.	4-11	Because the areas along the Dallas floodway do not have SPF protection today, the lack of such protection negatively impacts both existing property uses and redevelopment potential that no new transportation improvement is going to overcome completely. The current draft wording implies otherwise.
18.	4-13	We suggest that the Aesthetic statement is subjective and open to dispute. We know that vast numbers of people would like to drive along a parkway and see the area within the floodway. The majority of Dallas voters support such a riverside parkway. This difference of opinion should be reflected in the Supplement wording.

13. A description of "Public Services" has been added to the final.
14. The parkway was evaluated as presented without any mitigation. Without mitigation, we fail to see how the parkway alignments would improve water quality.

15. Environmental Justice impacts were considered based on the foreseeable projects potential effects to minority and economically depressed populations. These impacts would occur along the West side of the floodway, if a project decreases the ability to access the floodway or increases noise levels effects. Although we are not aware of studies done that show cultural resources would be impacted by the Industrial alignment, we concur that the potential is always possible for buried resources to be along the alignment. We are aware that there is consensus that construction of the Industrial alignment would be more costly from a real estate acquisition standpoint, we believe that cumulatively, within the DFE area, the alignment would make little to no impacts to economic development.

16. The City of Dallas is legally responsible for maintaining sump capacity associated with the existing Dallas Floodway. For the analysis we determined that the City would continue to fulfill its requirements and would require that sump capacity be maintained.

17. Discussion in the 3rd full paragraph of page 4-11 clearly identifies that cumulative change to property uses would occur following implementation of both a reliever route and the DFE flood damage reduction project.

18. We concur that aesthetic evaluations are subjective by nature. Some would enjoy the view of the floodway from atop the levee. However the view would likely be greatly minimized due to the fact that a large length of the parkway, if located on the inside of the levee, either as a split or on one side, would be shielded by floodwalls that would be necessary to protect the parkway to the 100 yr flood elevation. A statement was added to the FSEIS to discuss the opposing aesthetic viewpoint.

Mr. Hunter
Speaker # 1

"The cause of America is, in a great measure, the cause of all mankind. Many circumstances have, and will arise, which are not local, but universal, and through which the principles of all lovers of mankind are affected, and in the event of which, their affections are interested. The laying a country desolate with fire and sword, declaring war against the natural rights of all mankind, and extirpating the defenders thereof from the face of the earth, is the concern of every man to whom nature hath given the power of feeling; of which class, regardless of party."
--Thomas Paine, Februrny 14, 1776 in Common Sense.

A Petition for Global Peace, Security and Justice

WHEREAS we citizens of North Texas are also citizens of the United States of America who consider ourselves citizens of the world, as well;

WHEREAS when our nation differs with another on matters of either nation's 'national security' the result is often institutionalized violence which typically kills and maims not only many of our fellow U.S. citizens but many others, both civilian and military, in other parts of the world as well;

1. WHEREAS the Congress has granted President George W. Bush its approval in advance for any violence he may wish to undertake as our military's commander-in-chief against the present government of Iraq and the Iraqi people;

WHEREAS since renewals of UN inspections for weapons of mass destruction in Iraq no evidence of any such weapons has been reported by the UN inspectors, nor have they reported any undue interference in their searches by the Iraqi government or its military

THEREFORE we the undersigned urge President Bush to authorize no military action against Iraq –or against any other nation– unless and until such nation actually deploys its weapons outside its own borders with an obvious intent to harm others, a situation which would far more clearly justify a military response.

WE FURTHER urge President Bush and the U.S. Congress —

a) to recognize that as the 1.4 billion Chinese and millions of other people the world over increasingly seek to emulate America's vaunted and envied 'standard of living' the capability of the planet to provide the necessary natural resources will –absent our nation's leadership to prevent it– finally be outstripped, and that we must begin now deciding upon what the 'rightful share' of those natural resources for our own population/consumption is and will be five, twenty and fifty years down the road

b) to consider that if USAans, a mere 4.6% of the world's people, continue to consume 25% of the world's energy, this will likely generate a great deal of resentment against us by many hundreds of millions of the less fortunate among the remaining six billion *other* humans on the planet – *especially* among those living under non-elected tyrants, who maintain their wealth and regimes by selling their nation's natural resources, notably its *oil*, to U.S. and other foreign corporations, *and*

c) to direct the Office of Homeland Security to establish a Quality of Life Commission to develop a USSPPP –a U.S. Sustainable Population Policy Program– aimed at bringing our nation's energy consumption down to not over *three* times the world average nor over 2/3 present levels by 2008 or earlier and at making us at least 80% energy independent by 2038 *without* drilling in the Arctic National Wildlife Refuge (ANWR) or in any other wildlife sanctuary, to help other nations establish and activate similar programs to stabilize their own populations at sustainable levels and to work with them to forestall the ecological catastrophe to which we are by all accounts now headed.

[over, please..]

1. Thank you for your comments. Unfortunately, these are outside the scope of this document and do not address the issues being considered for this SEIS.

Growth debate offers choice ranging from A to B

–by Al Knight, *Denver Post* Columnist August, 2000

As recently as the 1970s, most environmental groups were on record urging a stabilized population. The reasoning was simple--damage to the environment, they said, can be reduced in only two ways:

> "Consumption by institutions and individuals can be lessened *and/or* the number of groups and individuals can be reduced."

Makes perfect sense. What doesn't make any sense is trying to reduce the consumption factor while allowing the number of groups and individuals to increase without limit. Yet that is precisely what is taking place right now in many countries, most notably in the United States.

Total population growth, 70 percent of which is driven by recent immigration (--and 100% in the U.S. by its immigrants of the past twenty-five years and their progeny!)-- is wiping out any advances that have been made in lessening individual and institutional environmental impacts through greater efficiency and reducing consumption.

The U.S. Census Bureau says current trends will continue and predicts a U.S. Population of 400 million in the next 50 years. Meanwhile, environmental groups that once talked of stabilizing our population by 1990 have accepted these numbers as a kind of inevitable fate and prattle on about conservation of resources as though nothing has happened.

– – – – – – – – – – – –

"I endorse the *'Petition for Global Peace...'* And I (1-Strongly agree / 2-Agree / 3-Not sure / 4-Disagree / 5-Strongly disagree) that we need to begin now to stabilize local/regional population at present levels or below:

(To vote on stabilizing population levels place the appropriate number *after* your name-- this 'Vote' is *optional*.)

Name	Vote?	Address	Zip	City / State	e-mail / Phone
Bruce Hunter	1	7418 Daingerfield	75227	Dallas, TX	earthlife@yahoo.com
Stephanie Frizzell	1	5444 Peterson #1023	75240	Dallas TX	ferrell11@yahoo.co
Russell Frizzell	5	5444 Peterson #1023	75240	Dallas TX	972-387-8846
AJ Anderson		6075 Village Glen #4235	75240	Dallas TX	ajanders@mail.smu.e
Joe Wicks	1	1234 Goldenrod	75043	Garland TX	[illegible]
Jo Hage McGrath?	1	3310 Fairmount #1-F		Dallas TX 75201	214-526-6598
Elijah [illegible]		9524 Miltay	2003	Dallas, TX	214-873-0257

© Bruce Hunter 2003 Add more sheets if needed; return this sheet to *Action for a Wholesome Earth* (AWE) 7418 Daingerfield, Dallas, TX 75227

February 4, 2003

US. Army Corp of Engineers
Fort Worth District
P.O. Box 17300
Fort Worth, Texas 76102
ATTN: CESWF-PM-C Mr. Gene Rice

Dear Mr. Rice:

1. Save Open Space (SOS) is very concerned about Supplement #1 to the DFE EIS. The response does not meet the requirements of either the NEPA or the Federal Court Order.

2. To meet the NEPA and Federal Court requirements, Supplement #1 cannot start with a baseline of the Dallas Floodway Extension being built. The starting point for Supplement #1 must be the current un-built condition downstream from the existing Dallas Floodway.

3. Both NEPA and the Federal Court Order say the Army Corps of Engineers must analyze, evaluate and compare the cumulative impacts of diffderent aspects of the Dallas Floodway Project (which is immediately upstream from the Dallas Floodway extension). The Dallas Floodway Project has not yet been fully designed. The design is not projected to be ready until late summer of 2003. At that time the Dallas Public Works Department of the City of Dallas will present its plans for the Dallas Floodway Project.

4. The Dallas Floodway Project, also known as Dallas' Trinity River Plan, will include lakes, roads and bridges. After those designs have been presented in the summer of 2003, the Army Corps will be in a position to analyze, evaluate and compare the cumulative impacts of the Dallas Floodway Project and the Dallas Floodway Extension alternatives.

5 There must be, according to NEPA and the Federal court, analysis, evaluation and comparison of the cumulative impacts of all alternatives to each component of the Dallas Floodway Project and the Dallas Floodway Extension.

6. SOS supports the Environmental Quality Plan for the Dallas Floodway Project.

Sincerely,

Ms. Joanne Hill

Ms. Joanne Hill
President, Save Open Space

1. This document is designed to bring the GRR-EIS in full compliance with NEPA.

2. The SEIS has been amended. The new baseline does not assume that the DFE is in place.

3. The final document addressed the five final alternatives of the Dallas Floodway Extension with various potential projects by others to determine the cumulative impacts of each scenario using the best available data for each of the projects, which have not been fully studied or designed.

4. The final document addressed the five final alternatives of the Dallas Floodway Extension with various potential projects by others to determine the cumulative impacts of each scenario using the best available data for each of the projects which have not been fully studied or designed.

5. The cumulative impacts to all alternatives to the DFE have been addressed in the SEIS. The cumulative impacts of the Dallas Floodway project have been addressed to the extent known. Since this project has not been finalized or authorized, all possible alternatives are not known at this time.

6. Thank you. That potential project will be fully studied at a later date.

Comments on Supplement No. 1
To the
Environmental Impact Statement
Dallas Floodway Extension
Trinity River, Texas

January 8, 2003

David B. Gray
9432 Viewside Dr.
Dallas, Texas 75231

General

1. This SEIS is intrinsically flawed for summarizing the "cumulative impacts" of one only alternative for the DFE, the Recommended Plan. The Corps has assumed that for the purposes of this Supplement the DFE has been built in place according to the Recommended Plan. But the purpose of an EIS is conduct an evaluation of the alternatives and impacts of those alternatives in order to be sure the most optimal plan is chosen.

2. The federal judge has remanded the DFE EIS back to the Corps to conduct an analysis of cumulative impacts. It is insufficient to simply say that all "reasonable and foreseeable actions" will add some more or less cumulative impacts to the DFE. It is necessary to compare the cumulative impacts of such actions with each of the alternatives, e.g., the No Action plan. Only with a comparison of the full impacts of all related actions can a reasonable and informed choice of the least damaging and most beneficial alternative be made.

3. Furthermore, there are no data or evidence with analysis presented to back up any of the specious claims made by the SEIS. There are no cost-benefit estimates for any of the proposed, reasonably foreseeable, or other actions in combination with or without the DFE.

SUMMARY
Summary of Major Environmental Effects, p. vii

4. "These bridges were not evaluated in this Supplement..." The proposed Calatrava suspension bridges could very well provide beneficial flood water elevations effects in the Dallas Floodway, reducing the need for the badly damaging swale of the DFE's Recommended Plan. (It could, however, expand the floodplain of the DFE project area.)

Areas of Controversy, p. vii

5. "The potential for resultant adverse impacts created the need to address the environmental consequences of the reasonably foreseeable actions." This is a wise statement, but this SEIS completely fails to carry it out. We still do not what the flood surface elevations of all the reasonably foreseeable actions (DFE, toll roads inside the levees, Chain of Lakes, AT&SF bridge, suspension bridges, etc.) Without data and without comparisons, we are unable to determine whether or not, in fact, the DFE actually does provide any benefits that other actions already proposed or planned don't also provide, which if proven would make the DFE a huge waste of money with devastating ecological impacts.

CHAPTER 3--AFFECTED ENVIRONMENT

FLOOD DAMAGE REDUCTION
Removal/Replacement of ATSF , p. 3-26

6. "...thus potentially providing hydraulic relief while while maintaining possible trail access." Well, how much relief? Is this a significant and inexpensive way to relieve flood elevations in the Dallas Floodway? If so, this action would reduce the extent and cost of the DFE swale.

1. The final array of alternatives from the DFE GRR/EIS have been evaluated in the final SEIS.

2. The analysis has been conducted including the cumulative impacts of reasonably foreseeable projects for all all DFE alternatives considered in the final array as indicated in response 1.

3. NEPA does not require that the agency consider the costs benefits of reasonably foreseeable actions. 40 CFR 1508.25(c) requires the agency to consider cumulative impacts which are defined under 40 CFR 1508.7 as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions..." A cost benefit analysis does not fit within this definition. We have carefully reviewed the cost benefits of the DFE project alternatives, as we will do for other Corps of Engineer project proposals.

4. There are no known benefits from any of the proposed bridges. The bridges are potential obstructions creating backwaters increasing the flood damages.

5. This information was provided in the PEIS, and is incorporated by reference in the SEIS. For clarity, that information has been included in final SEIS.

6. Any relief from removal of portions of the ATSF would be minor and accrue upstream of the DFE and only if backwater from downstream obstructions has been removed. The DFE was not formulated to provide optimum benefits to the CBD, and therefore removal of ATSF would not reduce the size or cost of the DFE flood damage reduction measures.

CHAPTER 4--ENVIRONMENTAL CONSEQUENCES

CUMULATIVE IMPACTS, p. 4-1

"Administrative priorities promoting nonstructural flood damage projects including buy-outs and environmental protection alternatives are becoming more prevalent." These priorities don't seem to be taken seriously by the Ft. Worth District. A reasonable and affordable nonstructural alternative to the Recommended Plan of the DFE is available that would offer much less environmental impact and better flood damage reduction. This alternative is outlined in a letter from the White House OMB director, Mitchell Daniels, to the Army Corps.

FLOOD DAMAGE REDUCTION PROJECTS, p. 4-1

"Studies underway by the City of Dallas indicate a potential for future actions to protect existing investments in the Stemmons industrial area may eventually evolve, however, nothing has been specifically elevated to the point of any specific project could be considered as reasonably foreseeable." How elevated does it have to get? We already know the Corps has fully evaluated this alternative from evidence found in the administrative record. Why the Corps continues to keep this information from us is a mystery. It's a well known fact that the Corps and the City plan to propose just such a project, but only *after* the DFE is built. This statement was given by Corps representatives, in my presence, to Mayor Miller.

7.

CUMULATIVE IMPACT IDENTIFICATION, p. 4-5

"In other cases, the information may have been developed but has not been made available to the Corps of Engineers." It is well known that the Corps has participated regularly in multi-agency meetings about the Trinity Corridor and the related projects. The fact that NTTA (through its contractor Halff Associates) has studied the hydrology and hydraulics of the toll roads and Chain of Lakes cannot be a secret to the Corps. Regardless, the fact that the toll roads EIS has been delayed, expanded to include the Chain of Lakes, and delayed again, should not prevent the Corps from asking to see it. The fact that fairly advanced and detailed schematics have been shown to the public for the toll roads alignment might suggest to the Corps that there is a large amount of study already done on the toll road project and the various alignments. The Corps does not need to wait for the data for these proposed actions "to be made available" to do a serious, factual analysis of the cumulative impacts of these mega-projects. They merely need to ask to see it.

8.

TABLE 4-2, CUMULATIVE IMPACT ANALYSIS, p. 4-6

In this table, we some indication of the importance of the data that is missing from the SEIS. Under the Floodway Levee Raise column in the Flood Damages row, we have two green triangles that mean Moderate Beneficial Effects. (There are no better effect labels than Moderate listed in the table.) People living in the Stemmons area where these beneficial effects might be felt would probably like to know how beneficial they are, and so would we. In fact, the benefits might so beneficial as to eliminate the need for the DFE swale, and prevent the devastation of the Great Trinity Forest that the DFE project would entail. Similarly, the column ATSF Bridge Modification is listed in the same row as Slight Beneficial Effects. How slight? Many slight effects might add up to a sum of Vast Beneficial Effects. Other Slight Beneficial Effects include the column Floodway Lake.

9.

On the other hand, under the column Combined Riverside and Split Riverside (toll roads) we have Slight Adverse Effects. It is reasonable to think that if we remove Slight Adverse Effects and add Slight to Moderate Beneficial Effects we get an overall Vast Beneficial Effect. So vast, in fact, that the need for the DFE (except for the protection of residents in the floodplain through a voluntary buyout) would be totally obviated.

10.

LAND USE / FLOODPLAIN VALUES, p. 4-10

"Most flood damage reduction projects, such as being evaluated in the feasibility study of the Dallas Floodway, require siting within the floodway, however, the multipurpose study and construction authorities associated with Corps of Engineers projects could ameliorate and even enhance the natural floodplain values[. (sic)]" Please explain this sentence. The Corps is claiming that the toll roads and Chain of Lakes projects within the Dallas Floodway would have basically

11.

7. The Corps disclosed in the PEIS the affects of a potential Stemmons levee. We have further accurately stated that preliminary investigations reveal this alternative doesn't appear to be feasible for implementation by the Corps. The City has indicated that if some of the proposed actions in the study were to be implemented there would be beneficial impacts to upstream and downstream H&H. Insufficient information is available to ascertain that this is a reasonably foreseeable project for the Stemmons area, other than the ongoing filling in that area that was previously permitted by the City. These fills do cause cumulative minor impacts to the adjacent areas and included that assessment in our DSEIS and in the FSEIS.

8. No agency is required to provide information to the Corps of Engineers merely because we ask. However, we have previously provided in the PEIS an analysis of the effects on H&H the various tollroad/parkway alignments would have. That information was incorporated by reference in the DSEIS and has been included in the FSEIS and utilized in our analysis of the cumulative impacts.

9. No alternatives that have been identified in the Floodway or within the Stemmons area evaluated singularly or in combination would minimize the quantity and/or timing of flood events within the downstream area of DFE to any significant level. There is a possibility however for some of the reasonably foreseeable alternatives to cause minor negative impacts to hydrology and hydraulics.

10. The authorized DFE project is to provide flood damage reduction to the residents of South Dallas. Other benefits to the CBD occur as a result of the authorized DFE project.

11. The statement indicates that the Corps has broad authority to consider multipurpose water resource related projects generating outputs and benefits such as wetlands, fish and wildlife habitat, recreation, water quality etc. The statement in no way intended to indicate the tollroads have neutral affects. Please see Tables 4-1 and 4-2 of the draft report.

"neutral effects". Well, since many of us disagree with that claim, we would like to seem some evidence or at least some data to backup that general, unsubstantiated foregone conclusion.

"Physical features of the project would directly impact some forestlands...; however, these losses would be mitigated, resulting in a larger area of preserved and reestablished floodplain forests." This is a misleading claim, since mitigation is intended to protect habitat equivalent to or better than that being destroyed. But this does not increase the area of the specific habitat since the area being used for mitigation could also be preserved without the necessity of mitigation, and especially because the project destroys the original area being mitigated for. In fact, habitat of rare, old-growth, bottomwood, hardwood habitat is not sufficiently available for one-to-one "mitigation" of such habitat.

12.

p. 4-11

"The economic stimulus associated with the project,...would result in a higher order of economic use of the affected lands..." This intent of the DFE project contradicts the purpose of an Executive Order forbidding flood control projects intended to foster economic development (on the backs of taxpayers).

13.

"The nature, location, and extent of land use changes or economic redevelopment that would occur cannot be predicted with certainty at this time." The Comprehensive Land Use Plan has already presented preliminary growth figures and maps to the City Council and to the public, so this statement would appear to be false.

14.

ENVIRONMENTAL JUSTICE / COMMUNITY STRUCTURE, p. 4-11

"Until sufficient scoping of all the project proposals and coordination with affected communities can be completed, only a preliminary discussion of cumulative effect is possible." It would seem that this scoping should be the exact objective of this SEIS, but the Corps apparently admits that is has not accomplished that objective.

15.

p. 4-12

"...the DFE project would result in an enhancement of the area through reductions in flood damages...and would produce positive benefits for the future." This seems like an inflated assumption, especially since the Corps just admitted that the economic redevelopment "cannot be predicted with certainty" and only a "preliminary discussion" is possible. But the most disturbing figure is we don't yet know what the cumulative flood predictions for the area would be and no data is available to compare various combinations of components or alignments.

16.

HYDROLOGY AND HYDRAULICS, p. 4-12

"Thus, the cumulative hydraulic impacts would be similar to the sum of the two projects." While most of this section is speculative, generalized, unsubstantiated, unjustified conclusions, there is no data, evidence, or analysis to support any sort of impact. Furthermore, no conclusions are even presented on the impact of the Flood Damage Reduction Alternative downstream nor is it clear what the Flood Damage Reduction Alternative is. The Corps should say exactly what the impacts of the sum of the two projects would be, and provide evidence and analysis to support it.

17.

12. The statement is correct and true. The Great Trinity Forest is currently unprotected, that is existing land owners have the option of removing the trees for firewood, clearing the lands, or whatever other purpose they should desire. Acquisition and management would protect and improve the value of these areas. In addition the mitigation plan calls for conversion of 223 acres of existing grassland to bottomland hardwood forest, thus accelerating the development of the forest. There are a few old trees within the project area that would be impacted, but the majority of the forest is neither old growth nor rare.

13. Executive Order 11988 on Floodplain Management does not prohibit floodplain development; rather it requires federal agencies to determine that there are no practicable alternatives to implementing an alternative action within the 100-yr floodplain and to take practical steps to minimize adverse impacts to the floodplain from project implementation. The authorized DFE project as designed complies with the Executive Order.

14. The CLUP is a master plan lacking official City approval and funding.

15. The statement was revised. The word "scoping" was used, inappropriately in this case, to indicate that the reasonably foreseeable project plans are not mature for decision on their own. Given these circumstances the social issues impacts assessments don't provide the accuracy that other evaluation elements have.

16. The statement is true. The DFE project would generate significant economic benefits through reduction of flood damages once implemented. Cumulative flood predications are provided in the H&H analysis.

17. The statement has been clarified in the final SEIS. In addition, data within the PEIS, incorporated by reference in the DSEIS has been included in the FSEIS.

Date: Jan. 8, 2003

To : US Corps of Engineers

Joe Wells

From: Joe Wells, Dallas Sierra Club 2726 Kingston St. Dallas 75211

Subject: Comments on Dallas Floodway Extension SEIS

1. The SEIS fails to meet the intent of the National Environmental Policy Act because it does not adequately address how other projects in the floodplain relate to the DFE nor does it adequately quantify the cumulative impacts of these proposed projects (i.e. Trinity Parkway and Floodway Lakes) will have in combination with the DFE. These SEIS should include alternatives without the DFE project in place and should look at variations of the DFE alternatives including voluntary buy out in lieu of levees and swales.

2. The Sierra Club requests the Corps include cost-benefit figures for raising the levees by various amounts, not just by 2 to 2.5 feet.

3. The SEIS should not be completed until studies of the Proposed Toll roads and Floodway Lakes commissioned by the City of Dallas are complete (probably in April or May of 2003 according).

4. The SEIS fails to include meaningful analysis of the cumulative impacts of the Trinity Parkway and the lakes in the DFE. To Date the Corps DFE EIS, PEIS and now the SEIS have failed to comply with NEPA requirements. A Federal Court will have the opportunity to correct this repeated violation of federal law unless the Corps comply with NEPA requirements by amending this SEIS.

The Dallas Sierra Club adopts and supports comments about the SEIS, which are attached as submitted by David Gray, Ned Fritz and Campbell Green. (AS ATTACHED) AND REITERATES COMMENTS SUBMITTED EARLIER BY THE SIERRA CLUB (DALLAS CHAPTER) (ATTACHED)

Because of the significant and controversial nature of this project and lack of compliance as ruled previously by a Federal District Court with NEPA requirements the Dallas Sierra Club requests that the Corps extend the deadline for written comments.

1. The final Supplement to the DFE EIS has been modified to include disclosure of cumulative impacts of each of the final array of alternatives for the DFE as disclosed in the DFE /GRR.
2. A preliminary cost estimate for raising the existing levees by 2-feet has been included in this Supplement. More detailed evaluations are pending, awaiting decisions on potential roadway alignments or other potential developments within the floodway. Various levels of levee modifications will be analyzed during any subsequent Corps formulation within the Dallas Floodway.
3. The draft SEIS disclosed known cumulative impacts from reasonably foreseeable projects, including the parkway and lakes within the existing Dallas Floodway. Where available the hydraulic impacts were incorporated by reference to the Corps PEIS dated June 2000. Additional hydrology and hydraulic information has been included in the final SEIS to address cumulative impacts of the DFE/GRR final array of alternatives rather than just the recommended DFE plan.
4. The comment period was extended as requested.

Date: January 22, 2000
To: U.S. Army Corps of Engineers, Fort Worth District
From: Joe Wells, Dallas Sierra Club , Trinity Pkwy MIS/EIS CAC
2726 Kingston St.
Dallas, Tx. 75211
Subject: Comments on PEIS Upper Trinity River Basin DRAFT

Following review of the DRAFT PEIS on the Upper Trinity River Basin I am submitting these comments and requesting a copy of the FINAL PEIS be mailed to my home address indicated above.

1. The Dallas Sierra Club urges protection and preservation of the Trinity River floodplain, and Dallas floodway and the Trinity River's environmental values. The Dallas Sierra Club opposes proposals to construct public works projects including floodway Tollroads and Dallas Floodway Extension Levees and Swales due to the environmental damages that these proposed floodplain alteration projects will cause.

The DRAFT PEIS analysis of various public works projects does not justify the radical shift in purpose and use of the Dallas Floodway which local sponsors propose. These projects including the placement of eight lanes of Tollroads within the Dallas Floodway and the construction of Levees and a swale below the existing Dallas Floodway damage and unwisely and inappropriately convert use of the Dallas Floodway and Trinity River floodplain from its primary purpose, which is to protect over a third of the City of Dallas' tax base from flooding. Flood protection is the reason Federal and local taxpayers funded the construction of the Dallas Floodway. Flood protection should remain its primary purpose.

This DRAFT PEIS of the Upper Trinity River is a insufficient, unscientific, vague and after the fact analysis of cumulative impacts of proposed Corps of Engineers and other public works projects. The PEIS does not evaluate all direct and indirect environmental consequences of these proposed floodplain development projects per EPA guidance correspondence dated June 15, 1999. The PEIS is unclear which projects have been considered in combination in order to evaluate their combined affects of reducing flood protection, increasing flood damages and causing significant adverse impacts on environmental resources of the Upper Trinity River. While the Draft PEIS was in development significant changes in proposed public works projects have occurred. It is unclear whether these changes have been evaluated. If not the final PEIS should evaluate the combined affects of all proposed projects as they are currently proposed to be built: including City of Dallas Masterplan Lakes, park access roads, Spilt Channels, Dallas Floodway Extension, Trinity Parkway, raising current Dallas Levees and the impacts of future development activity which proponents of these combined projects claim will occur as a result.

1. See responses to this attachment within the Final Programmatic Environmental Impact Statement, Upper Trinity River Basin, Trinity River, Texas. June 2000

The Draft PEIS avoids through consideration of the indirect affects of assumed economic development which will be attracted to previously unprotected areas of floodplain along the DFE ,and in the Industrial / Stemmons area as a result of the doubling (or more) of traffic carrying capacity by proposed Stemmons Freeway and Trinity Tollroad improvements. What will the air quality and non point water pollution impacts of this new development adjacent to the floodway be on the Trinity River and its floodplain? What amount of increased flood damages will occur if flood protection is inadequate for a future flood of these newly developed properties?

The PEIS has avoided necessary consideration of EPA Section 309 and Executive Order #12898 Environmental Justice impacts of the Dallas Floodway Extension projects by inclusion of the DFE within the baseline. The direct and indirect impacts of extension of Levees are anticipated by project proponents to encourage commercial development of primarily minority low income neighborhoods including Cadillac Heights. The DFE EIS failed to consider a voluntary buyout option, which would be based on replacement costs not market values which is likely to be offered by commercial developers seeking buy out residents and rent house absentee owners following construction of Levees. Similarly Sec 309 Executive Order #12898 Environmental Justice evaluation of the local air and water pollution impacts of doubling of the freeway capacity along and within the Trinity Corridor through construction of the Trinity Tollroads and with doubling Stemmons Freeway capacity should be evaluated as a direct and indirect consequence of floodway projects evaluated in the PEIS. There is no such evaluation in the Draft PEIS.

This assessment of combined cumulative impacts should include air quality assessments since the Dallas Fort Worth area is currently designated Serious non attainment Ozone and is in the process of being further designated Severe non attainment. The PEIS should evaluate the air quality impacts associated with the construction of 8 lanes of freeway and its increased traffic volumes adjacent to the already traffic congested and future increased traffic capacity of the Stemmons Freeway and Central Business District Freeway and road systems. The PEIS should also evaluate traffic and area air pollution impacts on the proposed floodway parks and lakes which the Corps of Engineers and local sponsors propose for development adjacent to Floodway Tollroads.

This PEIS should have been completed prior to the development and Corps of Engineers adoption of the Record of Decision on the Dallas Floodway Extension Project. All current and potential future projects, which will have significant hydrological impact on the Upper Trinity River, should have been evaluated for their cumulative impacts including the Dallas Floodway Extension Project. Instead the Fort Worth District Corps of Engineers has chosen to segment the analysis of environmental impacts of various projects in order to minimize evaluation of the cumulative impacts caused by the combination of projects. The inclusion of the Dallas Floodway Extension within the baseline excludes the PEIS evaluation of its various elements (Levee and swale) on cumulative impacts that should be evaluated for the entire basin.

The 1988 Corps of Engineers Record of Decision and Corridor Development Certificate Process were developed at the urging of the Corps of Engineers in order to reduce and prevent the adverse cumulative consequences of floodplain developments and loss of Trinity River Floodplain storage capacity.

The PEIS cites the 1988 Corps of Engineers Upper Trinity Feasibility Study Record of Decision and Corridor Development Certificate criteria which state projects should not cause a rise in flood elevation, nor increases in erosive velocities, nor losses of Valley Storage. Further the Corps of Engineers has a regulatory responsibility to review and quantify projects as they relate to these criteria. The PEIS DRAFT fails in indicate the extent to which the projects evaluated violate each of these criteria. Apparently there has been no analysis of these Corps of Engineers criteria as they relate to the placement of Tollroads within the Dallas Floodway. By inclusion of the Dallas Floodway Extension in the baseline The PEIS ignores these criteria as related to the DFE construction of Levees and swale. The PEIS should include estimates based on currently available design of each proposed public works project indicating 1988 Record of Decision and CDC criteria evaluation for each project evaluated. (see attached City of Dallas July 7, 1999 correspondence to Joe Wells detailing estimates of CDC criteria variances caused by the Trinity Tollroad proposals: "10% loss of valley storage in the floodway which results in a quarter inch rise in the height of the flood discharges...velocities increase by approximately 8%") The PEIS should provide this level of assessment for each project evaluated including the Dallas Floodway Extension. In addition the Corps of Engineers should provide clear analysis in the PEIS of the combined impacts of the CDC, Record of Decision variances these projects will require, as well as the Corps of Engineers rationale for consideration of the granting of such variances. The public has a right to review this information in a timely manner and to comment on Corps of Engineers decisions related to the granting of variances.

The PEIS is vague in describing what portions of the City of Dallas Trinity Floodway Master Plan were included in the hydrologic modeling. A date of Aug 1999 is indicated, however since that time the City of Dallas has been presented a more specific plan which includes a split River Channel, A lake or two lakes, benches for placement of 8 lanes of Tollway and proposed Floodway Park roads and entrances, tree plantings, various bridge structures and other items which would have significant hydrologic impacts which should be evaluated as part of a cumulative analysis. The PEIS fails to indicate how much and specifically which of these floodway development plans were evaluated in the hydrological models. The Final PEIS should include evaluation of the most current and fully developed information regarding each of the proposed projects being evaluated in the

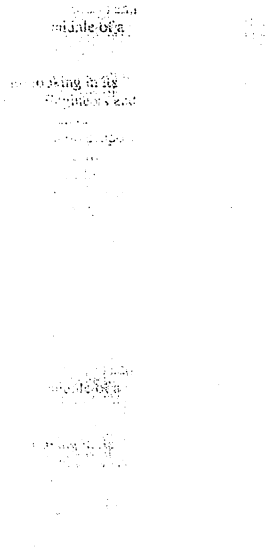
The PEIS and the Dallas Floodway Extension EIS failed to evaluate appropriately and fairly as required by Federal law and regulation non structural alternatives. These alternatives would eliminate environmental damages to the Great Trinity Forest and which should have been evaluated to see if flood protection could be enhanced. No analysis has been made of the costs / benefits of construction of flood detention lakes within the current Dallas Floodway combined with downstream voluntary buyouts.

Proponents of placement of Tollroads within the Dallas Floodway have claimed no hydrological adverse impacts will occur as a result of increasing the width of the Dallas Floodway levees by filling at a four to one slope and filling for benches to place 8 lanes of Tollway at a level on the levees which will protect the roadway to 100 year flood level, with floodwalls under the bridges. If this is so, why is the Corps of Engineers suggesting the addition of 2 feet on top of the current Dallas Floodway Levees? Is this an added public cost of conversion of the Dallas floodway from its primary use of flood protection to use as transportation facility? The PEIS does not indicate what the costs of such a project would be or if its costs / benefits would allow for Corps of Engineers funding. The PEIS also does not indicate if the Tollroad filling did not occur whether there would still be the necessity to further raise the current Dallas Levee system or to extend the Levee system and construct the swales in the Dallas Floodway Extension Project. Nor does the PEIS indicate what if any adverse hydrological impacts might occur upstream or downstream as a result of these proposals. Where in the PEIS is the analysis of the combined cumulative hydraulic impacts both up and down stream of placement of the Dallas Floodway Extension levees and swales, the Split Tollroads within the floodway combined with other currently proposed projects including raising the current Dallas Floodway levees 2 feet and construction of conveyance lakes, spit river channels, park trails, tree plantings and park road vehicle and pedestrian access points? The PEIS should also analyze the combined affects with respect to Record of Decision criteria Loss of Valley Storage, Rise in Flood Elevation, and Velocity Increases for all of these projects as currently proposed when combined.

Finally the PEIS should include an evaluation of modern alternatives to projects which have been proposed and are evaluated in the Draft PEIS. These modern approaches include previously cited floodway detention lakes combined with a voluntary buy out program in lieu of the DFE Levee extension and swales. Modern environmentally sustainable alternatives to the proposed Trinity Tollroads include urban planning policies that reduce rather than increase dependency on automobiles as the primary means of urban transportation. These alternatives include more public investment in public mass transit systems including expanded DART light rail and commuter rail. Improved DART Bus and Van services. Urban planning which stimulates pedestrian / transit oriented urban design which includes higher densities, mixed use development that reduces dependency on automobile transportation and provides for opportunities for transit and pedestrian trips to work and recreation from residential / business mixed use areas. As is stated in the PEIS the development of Trinity Floodway Tollroads would be detrimental to proposed Trinity Corridor Park and recreation uses.

Forward looking communities do not destroy their best natural open spaces, forests and future recreational areas by the placement of 1950s highways through the middle of a proposed greenbelt.

The Corps of Engineers is encouraged to be more through and forward looking in its development of the Final PEIS on the Upper Trinity River. The Corps of Engineers and local project sponsors should carefully consider the future combined cumulative environmental, social and economic consequences and long term costs of these proposals before moving forward to implement them. Both prudence and federal law requires careful consideration and analysis of the long term adverse consequences prior to construction activities. The Trinity River should be preserved and protected for its natural values of flood protection / absorption, wildlife habitat and recreational potential.



Date: June 9,1998

To: Department of the Army, Fort Worth District, Corps of Engineers
PO Box 17300, Fort Worth , Tx. 76102-0300

Attention: Gene T. Rice Jr., P.E., Project Manager GRR/EIS Dallas Floodway Extension Project.

From: Joe Wells
2726 Kingston, Dallas Tx, 75211, Ph #214 948-3714

Subject: Comments re: GRR/EIS Dallas Floodway Extension / Trinity Parkway Air Quality and Transportation Facilities impacts not addressed in Draft EIS.

Omission of Planned Trinity Parkway / Freeway Impacts Evaluation

The Draft EIS omits consideration of the significant environmental impacts of the Trinity Parkway freeway which the local sponsor of the Floodway Extension Project the City of Dallas plans to construct within the floodway and on the Levees being evaluated in this EIS. This omission is in not in conformance with NEPA requirements. The Corps of Engineer Ft. Worth District is aware and has acknowledged City of Dallas, TxDOT and North Texas Tollway Authority planning related to the construction of an eight lane freeway system within the current Dallas Floodway system and the levee systems proposed in this Draft EIS in a letter dated August 7,1997 from William Fickel Director Trinity Projects. (attached) Yet the only reference in the Draft EIS mentions a "Parkway planned by others" with no consideration of the significant Hydraulic impacts (copy excerpt from Trinity Parkway MIS attached) , Air Pollution, Noise, Water Quality and Social impacts which this very significant portion of the Floodway Extension /Trinity Parkway Projects will cause. Clearly the hydraulic impacts of the Trinity Parkway Freeway system will affect the hydraulic impacts of planned Floodway Extension and vice versa. The Trinity Parkway MIS report refers to need for channelzation, excavation, and fill within the current Dallas Floodway and the Floodway Extension being evaluated. (attached Joe Wells Trinity Parkway MIS comments detailing significant environmental impacts) Presumably the Fort Worth District Corps of Engineers is aware of NEPA requirements that federally supported projects not be segmented into smaller projects so as to minimize consideration of significant environmental impacts. The Floodway Extension and planning and construction of a freeway system within the floodway are all part of the same federally supported public works project. The planning for the transportation projects is being coordinated among all the agencies involved including the local sponsor the City of Dallas. The impacts of the transportation projects must be evaluated within the same EIS as the Floodway Extension in order to fully measure and evaluate the impacts of the entire project. Evaluation in two separate EIS processes fails to comply with NEPA requirements.

Air Quality Impacts

The significant regional and localized adverse air quality impacts associated with the Trinity Freeway within the Floodway transportation projects including increased Nox emissions and depending of volume of traffic, congestion and speeds VOCs , particulate and Carbon Monoxide are completely omitted from consideration in the Draft EIS. Air quality impacts which are referred to in the Draft EIS are understated. No mention or evaluation is made of the future area and stationary source emissions which will result from commercial development in areas removed from the floodplain by construction of Levees. Commercial industrial development has already been permitted and encouraged by the City of Dallas within and adjacent to the Cadillac Heights neighborhood and Lamar street areas. According to an editorial by Henry Tatum May 98 in the Dallas Morning News more commercial development in areas "protected from flooding" by the Levee Extension projects is planned. Currently a Meat Rendering Plant and Chromium Recycling facility are sources of odor and toxic emissions adversely affecting the quality of life of residents of the Cadillac Heights neighborhood. This low income minority neighborhood formerly was subjected to lead emissions from a lead smelter. The impacts of future commercial industrial development in areas taken out of the floodplain by the Floodway Extension Projects should be evaluated in the EIS.

In addition the Draft EIS claims air quality benefits due to planned preservation of project mitigation areas, when without the project it is likely the same vegetation air quality benefits will be present since the mitigation areas are within the floodplain of the Trinity River and not subject to development or removal of trees as a result of federal, state and local regulation and law. Finally the Draft EIS claims air quality benefits through restoration and improvement of mitigation area forests. No mention of the timing of this claimed benefit as compared with the certainty of the negative air quality impacts associated with the Floodway Extension /Trinity Freeway projects which at a minimum will eliminate several hundred acres of high quality hardwood bottomland forest containing thousands of trees. This decrease in air quality benefits will occur at the time of project construction and any mitigation will occur slowly thereafter if at all. If the local sponsor City of Dallas is responsible for the restoration and maintenance of mitigation areas the City of Dallas track record in maintaining the current floodway has not been good. The City of Dallas does not have proven experience or demonstrated commitment to natural area restoration.

The Draft EIS characterizes the air emissions impact of off road mobile source construction equipment as "insignificant". According to the most recent regional air emissions inventory 18% of the VOC emissions come from off road mobile sources. The Floodway Extension and Trinity Parkway / Freeway/ Chain of Lakes projects will be one of the largest public works projects ever constructed in the region and will require a large amount of earth moving equipment to be used over a period of years. The air emissions of such a project must be determined and its impact on the regions long term air pollution non attainment problem be gauged in order to assess its impact and consider alternatives fairly.

Attachments

Joe Wells

From: Read, Campbell [cread@mail.smu.edu]
Sent: Wednesday, January 08, 2003 3:22 PM
To: Read, Campbell
Cc: bezanson@texas.net; eefritz@hotmail.com; dgray@rsn.hp.com; Joe Wells; birdielisa@earthlink.net; Campbell Read; conniesandlin@hotmail.com; lisaspra@airmail.net; Marcy Brown; onwings@mail.airmail.net; reh20@amdahl.com; schmotten@aol.com; seyshel@earthlink.net; WBUDallas@aol.com
Subject: Response to the Army Corps of Engineers Supplement to the EIS for the Dallas Floodway Extension

January 8, 2003
To U.S. Army Corps of Engineers
Fort Worth District

From Campbell Read

Comments on the Supplement to the EIS for the Dallas Floodway Extension

The attitude of the Corps at the scoping meeting held in Dallas in 2002 was that they do not plan on reevaluating the Dallas Floodway Extension (DFE). Instead, they interpret the Court's ruling to require them only to comment on cumulative impacts of foreseeable future projects upstream of the DFE without regarding any of these projects as alternatives to the DFE. The attitude of the Corps in this matter is unacceptable.

That attitude is reflected in the EIS Draft Supplement. On page 2-3 it states:

"Until formal notice is made by the City of Dallas regarding their support of a plan that is different from that for which they have formally provided an endorsement, alternate plans discussed by individuals or the media cannot be considered as reasonably foreseeable. The plan recommended in the 1999 GRR/EIS, therefore, remains the Recommended Plan for analysis in this Supplement to the DFE EIS".

In our opinion, each and every project reviewed by the Corps in the Draft Supplement to the EIS should be regarded as a potential alternative to the DFE. Such an opinion is consistent with that part of the Federal Court order requiring the DFE project to be stopped. At the 2002 scoping meeting I asked Gene Rice why he thought the Court had ordered the DFE project to be stopped and he replied that he didn't know. However, "I don't know" isn't good enough as an answer. It certainly makes no sense for the Court to concur with the point of view in the quotation I just made from the Supplement to the EIS, and then to order the DFE project to be stopped. It makes no sense at all and Mr Rice knows that.

Chapters 4, 5, and 6 of the GRR/EIS [General Reevaluation Report and Integrated EIS for the DFE] of 1999, for example, contain multiple tables listing estimated costs and benefits in dollar terms of the so-called Recommended Plan as compared with making no changes to the floodplain. No such tables appear in this new Supplement, but we should all demand that they be compiled to include costs and benefits resulting from raising the Dallas Floodway by various heights, not only by 2 to 2.5 feet. The Corps argues that the lack of final agreement on the alignment of the so-called Trinity Parkway prevents them from computing costs and benefits deriving from it. But they have no such excuse where raising the Floodway levees by specified amounts is concerned; they can and must, produce a cost/benefit analysis.

If you turn to the discussion of raising the Floodway levees on page 3-11 of the Supplement, you will find that the discussion is confined to where the dirt would come from and where it would be put. That is all that the Corps presents on the subject of raising the levees. There is no related cost/benefit study that could be compared with those in the GRR/EIS for the so-called DFE Recommended Plan. The reason why the Corps has declined to do such a study, however, is plain. They are afraid that such a study would show the DFE to be less cost-effective than raising the Floodway levees, with the

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1. This attachment to Mr. Wells' comments was provided directly by Campbell Read as well. See responses to these comments on Mr. Read's submittal.

undeniable consequent conclusion that the DFE would no longer remain viable under the Corps's own rules.

[For Save the Trinity, TCONR and (in the past) Audubon Dallas]

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Comments on Supplement No. 1
To the
Environmental Impact Statement
Dallas Floodway Extension
Trinity River, Texas

January 8, 2003

David B. Gray
9432 Viewside Dr.
Dallas, Texas 75231

General

This SEIS is intrinsically flawed for summarizing the "cumulative impacts" of one only alternative for the DFE, the Recommended Plan. The Corps has assumed that for the purposes of this Supplement the DFE has been built in place according to the Recommended Plan. But the purpose of an EIS is conduct an evaluation of the alternatives and impacts of those alternatives in order to be sure the most optimal plan is chosen.

The federal judge has remanded the DFE EIS back to the Corps to conduct an analysis of cumulative impacts. It is insufficient to simply say that all "reasonable and foreseeable actions" will add some more or less cumulative impacts to the DFE. It is necessary to compare the cumulative impacts of such actions with each of the alternatives, e.g., the No Action plan. Only with a comparison of the full impacts of all related actions can a reasonable and informed choice of the least damaging and most beneficial alternative be made.

Furthermore, there are no data or evidence with analysis presented to back up any of the specious claims made by the SEIS. There are no cost-benefit estimates for any of the proposed, reasonably foreseeable, or other actions in combination with or without the DFE.

SUMMARY
Summary of Major Environmental Effects, p. vii

"These bridges were not evaluated in this Supplement..." The proposed Calatrava suspension bridges could very well provide beneficial flood water elevations effects in the Dallas Floodway, reducing the need for the badly damaging swale of the DFE's Recommended Plan. (It could, however, expand the floodplain of the DFE project area.)

Areas of Controversy, p. vii

"The potential for resultant adverse impacts created the need to address the environmental consequences of the reasonably foreseeable actions." This is a wise statement, but this SEIS completely fails to carry it out. We still do not what the flood surface elevations of all the reasonably foreseeable actions (DFE, toll roads inside the levees, Chain of Lakes, AT&SF bridge, suspension bridges, etc.) Without data and without comparisons, we are unable to determine whether or not, in fact, the DFE actually does provide any benefits that other actions already proposed or planned don't also provide, which if proven would make the DFE a huge waste of money with devastating ecological impacts.

CHAPTER 3--AFFECTED ENVIRONMENT

FLOOD DAMAGE REDUCTION
Removal/Replacement of ATSF , p. 3-26

"...thus potentially providing hydraulic relief while while maintaining possible trail access." Well, how much relief? Is this a significant and inexpensive way to relieve flood elevations in the Dallas Floodway? If so, this action would reduce the extent and cost of the DFE swale.

CHAPTER 4--ENVIRONMENTAL CONSEQUENCES

CUMULATIVE IMPACTS, p. 4-1

"Administrative priorities promoting nonstructural flood damage projects including buy-outs and environmental protection alternatives are becoming more prevalent." These priorities don't seem to be taken seriously by the Ft. Worth District. A reasonable and affordable nonstructural alternative to the Recommended Plan of the DFE is available that would offer much less environmental impact and better flood damage reduction. This alternative is outlined in a letter from the White House OMB director, Mitchell Daniels, to the Army Corps.

FLOOD DAMAGE REDUCTION PROJECTS, p. 4-1

"Studies underway by the City of Dallas indicate a potential for future actions to protect existing investments in the Stemmons industrial area may eventually evolve, however, nothing has been specifically elevated to the point of any specific project could be considered as reasonably foreseeable." How elevated does it have to get? We already know the Corps has fully evaluated this alternative from evidence found in the administrative record. Why the Corps continues to keep this information from us is a mystery. It's a well known fact that the Corps and the City plan to propose just such a project, but only *after* the DFE is built. This statement was given by Corps representatives, in my presence, to Mayor Miller.

CUMULATIVE IMPACT IDENTIFICATION, p. 4-5

"In other cases, the information may have been developed but has not been made available to the Corps of Engineers." It is well known that the Corps has participated regularly in multi-agency meetings about the Trinity Corridor and the related projects. The fact that NTTA (through its contractor Halff Associates) has studied the hydrology and hydraulics of the toll roads and Chain of Lakes cannot be a secret to the Corps. Regardless, the fact that the toll roads EIS has been delayed, expanded to include the Chain of Lakes, and delayed again, should not prevent the Corps from asking to see it. The fact that fairly advanced and detailed schematics have been shown to the public for the toll roads alignment might suggest to the Corps that there is a large amount of study already done on the toll road project and the various alignments. The Corps does not need to wait for the data for these proposed actions "to be made available" to do a serious, factual analysis of the cumulative impacts of these mega-projects. They merely need to ask to see it.

TABLE 4-2, CUMULATIVE IMPACT ANALYSIS, p. 4-6

In this table, we some indication of the importance of the data that is missing from the SEIS. Under the Floodway Levee Raise column in the Flood Damages row, we have two green triangles that mean Moderate Beneficial Effects. (There are no better effect labels than Moderate listed in the table.) People living in the Stemmons area where these beneficial effects might be felt would probably like to know how beneficial they are, and so would we. In fact, the benefits might so beneficial as to eliminate the need for the DFE swale, and prevent the devastation of the Great Trinity Forest that the DFE project would entail. Similarly, the column ATSF Bridge Modification is listed in the same row as Slight Beneficial Effects. How slight? Many slight effects might add up to a sum of Vast Beneficial Effects. Other Slight Beneficial Effects include the column Floodway Lake.

On the other hand, under the column Combined Riverside and Split Riverside (toll roads) we have Slight Adverse Effects. It is reasonable to think that if we remove Slight Adverse Effects and add Slight to Moderate Beneficial Effects we get an overall Vast Beneficial Effect. So vast, in fact, that the need for the DFE (except for the protection of residents in the floodplain through a voluntary buyout) would be totally obviated.

LAND USE / FLOODPLAIN VALUES, p. 4-10

"Most flood damage reduction projects, such as being evaluated in the feasibility study of the Dallas Floodway, require siting within the floodway, however, the multipurpose study and construction authorities associated with Corps of Engineers projects could ameliorate and even enhance the natural floodplain values[. (sic)]" Please explain this sentence. The Corps is claiming that the toll roads and Chain of Lakes projects within the Dallas Floodway would have basically

"neutral effects". Well, since many of us disagree with that claim, we would like to seem some evidence or at least some data to backup that general, unsubstantiated foregone conclusion.

"Physical features of the project would directly impact some forestlands...; however, these losses would be mitigated, resulting in a larger area of preserved and reestablished floodplain forests." This is a misleading claim, since mitigation is intended to protect habitat equivalent to or better than that being destroyed. But this does not increase the area of the specific habitat since the area being used for mitigation could also be preserved without the necessity of mitigation, and especially because the project destroys the original area being mitigated for. In fact, habitat of rare, old-growth, bottomwood, hardwood habitat is not sufficiently available for one-to-one "mitigation" of such habitat.

p. 4-11

"The economic stimulus associated with the project,...would result in a higher order of economic use of the affected lands..." This intent of the DFE project contradicts the purpose of an Executive Order forbidding flood control projects intended to foster economic development (on the backs of taxpayers).

"The nature, location, and extent of land use changes or economic redevelopment that would occur cannot be predicted with certainty at this time." The Comprehensive Land Use Plan has already presented preliminary growth figures and maps to the City Council and to the public, so this statement would appear to be false.

ENVIRONMENTAL JUSTICE / COMMUNITY STRUCTURE, p. 4-11

"Until sufficient scoping of all the project proposals and coordination with affected communities can be completed, only a preliminary discussion of cumulative effect is possible." It would seem that this scoping should be the exact objective of this SEIS, but the Corps apparently admits that is has not accomplished that objective.

p. 4-12

"...the DFE project would result in an enhancement of the area through reductions in flood damages...and would produce positive benefits for the future." This seems like an inflated assumption, especially since the Corps just admitted that the economic redevelopment "cannot be predicted with certainty" and only a "preliminary discussion" is possible. But the most disturbing figure is we don't yet know what the cumulative flood predictions for the area would be and no data is available to compare various combinations of components or alignments.

HYDROLOGY AND HYDRAULICS, p. 4-12

"Thus, the cumulative hydraulic impacts would be similar to the sum of the two projects." While most of this section is speculative, generalized, unsubstantiated, unjustified conclusions, there is no data, evidence, or analysis to support any sort of impact. Furthermore, no conclusions are even presented on the impact of the Flood Damage Reduction Alternative downstream nor is it clear what the Flood Damage Reduction Alternative is. The Corps should say exactly what the impacts of the sum of the two projects would be, and provide evidence and analysis to support it.

Please comment to me on the following proposed answer, and use if you wish.

Answer to Corps Draft of Trinity, December , 2002

The Army Corps has attempted to slip through its analysis of the Court's order without presenting data or even key facts, but mainly with self-serving claims. They also are inadequate.

On page 4-6, under Aquatic Resources, the draft says that the downstream project "would not generate as many acres of surface waters as plans consisting of lakes between the Dallas Floodway levees, but the quality of the aquatic habitat created would be greater". This almost admits that the upstream lakes would reduce the habitat between the levees. It further implies that such reduction would be less downstream. It fails to provide data. It evades an admission that the more lakes or new channels the Corps would create between existing channels, the less forest and natural plants would remain there, and the more flooding would occur downstream (an excuse for new swales).

The draft does not even present acreages much less damages, of destroyed or harmed areas.

On page 4-6, the Corps further states, "Most of the flood damage reduction projects identified have only a minor potential to cause direct impacts to wetlands." It presents no data. Actually, the projects would wipe out huge acreages of natural wetlands. The projects also would cut swales through excellent natural forests.

It says, "these impacts would only be minor from a cumulative standpoint". Once again it fails to present data. Actually, the impacts will include ruination of an immense part of the Great Trinity Forest.

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1. This document was also attached to Mr. Wells written comments. It appears to be comments to Mr. Wells from Mr. Fritz. Mr. Fritz submitted comments directly to the Corps as well. Please see specific responses to Mr. Fritz's comments.

Toward the bottom of page 4-6, it finally claims it would conduct mitigation (which would never make up for the loss of forest) but adds, without data, "cumulative impacts would be minor, primarily resulting from the relocation of these resources at a different site from where they occurred". It never gives data or details. We say that the replacement of natural resources would be highly destructive and virtually meaningless.

On p. 4-9, the Army Corps writes vaguely of two losses of areas and loss of 70 acres of forest, "the majority of which has been identified within the White Rock Creek corridor". It does not say exactly where. Actually, an extension of levees downstream from existing levees, plus a series of wide swales, would eliminate more of the Great Trinity Forest, barely mentioned by the Army Corps as the "bottomland hardwood forest ecosystem". The Corps says vaguely, "In addition, the recommended environmental restoration project feature, which includes the development of emergent wetlands, would help reverse the trend to losses to this important resource, by restoring 123 acres". It never says how, or precisely where. Actually, cutting the forest for swales and levees would ruin much more of the ancient forest and will never be adequately replaceable anywhere else, no matter where the Corps might offer to replace it.

As to air quality, the Corps, at top of p. 4-10, evades data, especially as to new roads between levees, by saying it would be determined during detailed studies. Obviously, toll roads between levees would inflict harmful air on any persons walking or boating between levees, and on any animals or birds there.

On p. 4-10, the draft refers to "some forestlands that have developed during the past 30 to 40 years', but never says where they are, how valuable they are environmentally, nor how much

it would cost to mitigate them, as proposed. They would probably be better for society left as they are, and better for birds and animals. Trees in Great Trinity Forest are in ages up to hundreds of years.

On p. 4-11, the Draft Supplement mentions Cadillac Heights but fails to consider the alternative of a voluntary buyout, which environmentalists have urged. Laura Miller supported it, as councilwoman, and now supports at least a partial buyout as mayor. A buyout would enable all the residents to move out of the floodplain, including out of the area where residents are subject to unhealthful soil contaminated by previous business operations. The City of Dallas is now planning about the voluntary buyout of at least part of Cadillac Heights. A full buyout would relieve the houses from needing a swale and levee through the Great Trinity Forest. The Army Corps should consider this, making a swale and levee unnecessary, and thereby saving the Great Trinity Forest for all.

On p. 4-14, the Corps' Draft says, "recommended DFE project would not contribute to cumulative noise impacts". Actually, the proposed toll roads would create loud noises, as well as harmful air discharges for quite a distance from whereever such roads would be built. Inside the existing levees, the noises and bad air will harm everyone who walks or boats between the levees.

On p. 4-14, the Draft admits that unnamed endangered species may migrate through the proposed area, and that the least tern nests in the Wastewater Treatment Facility. Actually, the least tern also nests in other parts of the natural area involved in this proposal. All endangered species in the area would be even more endangered by the proposal.

On p. 4-16, the Corps Draft agrees "to maximize forested resource benefits". It should Present data on locations, specify costs, and benefits. Actually, virtually all species would survive far better if none of the proposed roads, lakes, new swales, and new levees were built.

On p. 4-16, the Corps states that "its policy specifies no net loss of wetlands". It should provide new plans in conformance with this policy before further Court orders. The Corps cannot carry out the 1998 bond program, including swales and levees through the Great Trinity Forest, without a net loss of the wild wetlands scheduled to be heavily cut, swaled, and levied by the Corps.

By NED FRITZ.

TRINITY COMMONS FOUNDATION

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Tim Stobaugh
Bernice J. Washington
Marcus Wood

January 8, 2003

Dear Sirs,

The decision time is now. In 1965, Congress saw the need for increased flood protection in Dallas. In 1998, we finally came up with a plan that met the government guidelines and also won community approval. That year, the citizens of Dallas approved $86.2 million for flood protection in the Trinity River corridor.

1. The need for the project is clear. It will protect 13,000 homes and businesses and avoid the losses from a major flood that are estimated to be $8 billion. Additionally, this effort will help protect the Central Wastewater Treatment Plant (CWWTP). If that facility should ever flood, raw sewage would back up into homes, businesses, churches, and schools. In the past four years, Houston and New Braunfels have experienced flood levels that would have overtopped the levees, flooding downtown and west Dallas, and inundated the CWWTP if they had occurred here.

2. Because of the complexity of the overall Trinity project, it is not just flood protection, but it is also lakes and transportation improvements, the Environmental Impact Statement has been a long time coming. The writers and the readers of such documents normally deal with one project, like a levee or a lake, not three.

3. Five years is a long time to wait, thirty-eight years is a really long time to wait. The need is real. All lawsuits have been decided in our favor or else are still in court. City Council authorization should happen this year. The time for hesitation is past, the time for moving forward is now.

Sincerely,

Mary Ceverha

Mary Ceverha
President,
Trinity Commons Foundation

c/o DCVB • 325 N. St. Paul, Suite 700 • Dallas, Texas 75201
Recreation · Conservation · Transportation

1. We concur that the benefits of providing the DFE exceed the costs.

2. The overall Trinity project is indeed a complex array of potential flood damage reduction, ecosystem restoration, recreation, and transportation options. Determination of the specific components or projects that would ultimately be constructed remains to be decided.

3. As identified by the District Court, the GRR/EIS failed to adequately address the cumulative impacts of reasonably foreseeable actions in the geographic area of the DFE. This SEIS was prepared to addresses that decision.

Trinity River Expeditions 615 South Montclair Dallas, Texas 75208 214-941-1757

February 1, 2003

Mr. Gene T. Rice, Jr.
Project Manager
U. S. Army Corps of Engineers
Fort Worth District
CESWF-PM-C
P. O. Box 17300
Fort Worth, Texas 76102-0300

Mr. Rice:

This letter contains comments in response to the publication of the Draft Supplement No. 1 to the Environmental Impact Statement for the Dallas Floodway Extension, Trinity River, Texas (DSEIS). These comments reflect my own views as a citizen of Dallas, as a Board member of the Save Open Space organization of Dallas County, as a member of Save the Trinity, as a member of the Trinity River Action Coalition, as owner of a business which provides aquatic recreation opportunities on the Trinity River and as a long time canoeist on the Trinity.

1. The DSEIS has been required by the U. S. District Court for the consideration of the cumulative impacts of other similar, reasonably foreseeable future projects in the same geographical area as the Dallas Floodway Extension (DFE) project. Cumulative effects analysis should start with the establishment of a baseline condition against which the proposed action and reasonable alternatives can be evaluated. A correct determination of the baseline condition for the DFE would evaluate the "no-action" alternative considering the cumulative effects of all past, present and reasonably foreseeable actions, such as the Trinity Parkway, The Chain of Lakes, the raising of the existing levees in the Dallas Floodway and the removal of the AT&SF trestle and embankment in the Dallas Floodway. This has not been done. In the DSEIS the effects of the DFE are considered to be part of the baseline conditions. The DSEIS has not accurately described the baseline conditions against which the DFE project and reasonable alternatives should be evaluated.

2. The DSEIS has some analysis of the effects of reasonably foreseeable projects but it does not analyze the cumulative impacts of these projects, especially not with the DFE in place. The cumulative impacts of the raising of the existing Dallas Floodway levees, the construction of the Chain of Lakes and their function as conveyance basins, construction of the Trinity Parkway, and the removal of the AT&SF trestle and embankment to improve conveyance and lower flood levels will remove the threat of flooding from the Central Business District and the economic justification for the DFE as proposed.

3. The DSEIS does not identify and evaluate proposed actions or proposals that directly affect the DFE. There will be significant cumulative impacts related to the Dallas Floodway associated with the Trinity Parkway, the Chain of Lakes, Dallas Floodway modifications and other projects. There is no discussion of these clearly proposed actions and their cumulative

1. The final document addressed the five final alternatives of the Dallas Floodway Extension (DFE) with various potential projects by others to determine the cumulative impacts of each scenario.

2. The final SEIS addresses the five final alternatives of the DFE relative to various potential projects by others to determine the cumulative impacts of each scenario using the best available data for each of the projects that have not been fully studied or designed. A new economic analysis of the DFE project was not considered necessary to evaluate the cumulative impacts of the projects.

3. The final document addressed the five final alternatives of the DFE with various potential projects by others to determine the cumulative impacts of each scenario using the best available data for each of the projects (including hydrology and hydraulics), which have not been fully studied or designed.

[redacted]

effects such as the cumulative hydrology and hydraulics, including the specific data on increases or decreases of water levels associated with the projects without the DFE, the impact on the Great trinity Forest, the impact on air quality, the impact on water quality and wetlands, or the impact on land use and development.

4. The decision of the U. S. District Court directs the Corps of Engineers to give "further consideration of the cumulative impacts of other similar, reasonably foreseeable future projects in the same geographical area as the DFE project." The dominant geographical feature in the DFE project area is the Trinity River, certainly by virtue of its periodic flooding which nominally necessitated the DFE project in the first place. The propensity of the river for flooding is due to its extensive drainage area in the Upper Trinity River Basin, over 6000 square miles upstream of the Commerce Street bridge in the Dallas Floodway, all of which drains into one waterway, the Main Stem of the Trinity River in the Dallas Floodway and the DFE project area. Every drop of runoff water in this 6000 square mile watershed will find its way into the Trinity Main Stem running through the DFE project area. The "same geographical area" for purposes of the U. S. District Court decision and the DSEIS is the Upper Trinity River Basin upstream of the furthest downstream portion of the DFE project area. The river does not begin or end at municipal or county boundaries, nor are the effects of projects upstream of the DFE project area limited by political boundaries. The cumulative impacts of projects in the Upper Trinity Basin, past, present, proposed and reasonably foreseeable are and will be felt in the DFE project area, such as the cumulative effects of the highway, bridge, or other construction projects in the Upper Basin where the area of jurisdictional waters impacted was below the threshold for mandated compensatory hydrologic or environmental mitigation, or the cumulative effects of the projects in the Upper Basin which involve alterations to the valley storage or conveyance characteristics of the floodplain. The importance of defining the "same geographical area" of the court decision as the entire Upper Trinity River Basin upstream of the DFE project area derives from the shape and drainage characteristics of the basin, all 6000 square miles of which drains entirely into the DFE project area, and from the resultant opportunity for cumulative incremental effects from projects over this large area to produce significant combined effects on the DFE project area.

4. The geographic area of consideration has been expanded to address potential water resource related projects with the Upper Trinity River Basin watershed.

5. Table 4-2, Cumulative Impact Analysis, Dallas Floodway Extension, does not give specific data on the potentially impacted area or resource for the projects listed, only a subjective evaluation of slightly or moderately adverse or beneficial effects.

5. The cumulative impact analysis presented in Table 4-2 is based on data found in Table 4-1.

6. What proposal exists to mitigate the impacts on wetlands due to fill excavation in the Dallas Floodway that would result from a levee raise, as mentioned on page 4-6 under the heading of wetlands? Please comment in detail on the proposal referenced in the DSEIS. The Ecosystem Restoration Project, Old Trinity River, Dallas, referred to on page 3-14 has not been publicly announced or discussed for several years. If this study and project are indeed taking place, what is the most current status and recent history of this project? If this project is actually going to proceed and if the associated effects of environmental restoration are to be considered as cumulative effects of nearby projects on the DFE, what is the proposed source and amount of funding, and what are the details of the construction schedule?

6. The potential project of raising the existing Dallas Floodway levees has not been fully studied and therefore, the requirement for mitigation has not been determined.

7. The City of Dallas is the sponsor for studies ongoing on the Old Trinity 1135 project. The status of the project is unchanged from that disclosed in the draft SEIS. If approved by Dallas and the Corps of Engineers, Plans and Specifications would commence in early FY 04 and construction would start in late FY 04 and continue over a two-year period.

[redacted]

8. Please resolve the inconsistency between the statement on page 3-5 under the heading Dallas Floodway which says "The area between the levees of the existing Dallas Floodway consists of about 10,500 acres of urban open space" with the statement on page 3-10 under the heading Dallas Floodway (Interim Feasibility Study) which says "The Floodway extends along the Trinity River upstream from the AT&SF Railroad Bridge ... to the confluence of the Elm and West Forks ... then upstream along the West Fork for approximately 2.2 miles and upstream along the Elm Fork approximately 4 miles. There are approximately 1,422 acres in the study area." Are there 10,000 acres in the Dallas Floodway as stated on page 3-5 or are there 1,422 acres in the Dallas Floodway as stated on page 3-10? On page 3-10 it is stated that there are 51 acres of emergent wetland in the Dallas Floodway; I know from long years of personal experience in the Floodway that there are many more acres of emergent wetland than that. Please substantiate in detail your claim that there are only 51 acres of emergent wetlands in the Dallas Floodway, with specific references to national wetland inventories and other databases for verification.

9. What is the most current status on the Tarrant Regional Water District project mentioned in Table 3-1 on page 3-9 concerning the West Fork to Lake Worth and the Clear Fork to Lake Benbrook? Is this the same project that would involve turning the West Fork into a lake around Downtown Fort Worth? What is the most current status of the West Fork Corridor Major Investment Study mentioned on page 3-24? This is another study that has not been heard of for several years. The details of these and other reports and projects pertain to the cumulative effects of other projects on the DFE project area, and sufficient data for analysis has not been included in the DSEIS. The status of these reports is important for determining whether or not projects are likely to proceed, and whether or not their cumulative effects will be relevant to the DFE project.

10. On page 3-33 under the heading Frazier Dam Modification (Application Number 200100031) the last sentence states "It is anticipated that the increased water surface elevation within the Elm Fork channel would also result in some minor changes to the vegetation on the vertical surface of the river bank as well as a short distance horizontally from the channel." Does this statement mean that the loss of the only population of cardinal flowers (Genus Lobelia) known within the Dallas city limits, out of only three populations along the entire Elm Fork, due to raising the water level, is considered "minor changes to the vegetation?" These beautiful fall blooming perennials, usually found in deep East Texas, grow within a few feet of the waterline at a very few locations on the Elm Fork, but they cannot survive being inundated. Can the cumulative effects of various projects be accurately assessed when those same effects are minimized by the Corps, such as describing the extermination of rare wildflowers directly caused by the effects of a project, in this case a dam modification to raise water levels, as "minor changes to the vegetation?" Please comment on why the loss of these beautiful and rare wildflowers is considered "minor."

11. On page 4-14 of the DSEIS under the heading of Sections 9 and 10 Rivers and Harbors Act the split channel around the lakes in the Dallas Floodway is mentioned. The planned dams across the Main Stem of the Trinity River, a navigable waterway, at the downstream ends of

8. The text on page 3-5 of the draft was changed to clarify that the 10,500 acres associated with the Dallas Floodway include the area protected by the levees. The 1,422 acres in the Dallas Floodway study area were preliminarily identified as part of the ongoing vegetation analysis of the Dallas Floodway studies.

9. Description of the Central City and Riverside Oxbow studies that are both TRWD sponsored have been clarified in the Final SEIS. These studies are ongoing and have not been developed sufficiently to determine that a reasonably foreseeable activity would occur. As demonstrated for projects that are further along in the planning process which are located closer to the DFE area and can actually be viewed as "reasonably foreseeable" transportation projects, only minor impacts that could easily be mitigated have been identified. These findings indicate, prior to completion of studies of all reasonably foreseeable projects, that with mitigation as appropriate, their cumulative impacts to the DFE project would not be significant.

10. The cardinal flower is not a rare flower. The potential impacts are unknown to this flower, as its location is not known. During the comment period for the Frazier Dam Modification, no comments were received concerning impacts to this flower; therefore, it can be assumed that the potential impacts are minor, if any.

11. Selected early alternatives for lake construction in the Dallas Floodway considered an on channel lake, but the plans that appear reasonably foreseeable do not include on-channel dams. Also it is important to recognize that this SEIS does not have as its intent to authorize any activities of others entities, only to disclose how activities of others may cumulatively impact resources and determine whether these cumulative impacts effect DFE plan formulation. Further, this SEIS does not exempt other projects from complete environmental review, nor from compliance with Sections 9 and 10 of the Rivers and Harbors Act.

[redacted]

the split channels are an integral part of that plan, and would seem to contradict the statement in the preceding paragraph, "Since no evaluated alternative considers construction of a dam across a navigable waterway, Section 9 need not be considered further." Commercial recreational navigation has been taking place on the Trinity Main Stem for well over a decade - that is my business and my livelihood. I have established my company, Trinity River Expeditions, as a legitimate commercial business, I conduct guided and non-guided boat trips upon the river for which I am paid by my clients, and this is my sole occupation. Why does the Corps refuse to recognize that commercial navigation is taking place on the Trinity River, as stated on page 4-15 "...no commercial navigation occurs on the Upper Trinity River."? The completed boat ramp at Sylvan Avenue on the Main Stem and the boat ramp under construction at South Loop 12 on the Main Stem are concrete municipal recognition of the positive recreational qualities of the 10 mile stretch of river between the two ramps, yet this section will be segmented for both commercial and recreational boaters by the split channel dams. Would this not rightly be considered under Section 9 of the Rivers and Harbors Act as structures affecting the course, condition or capacity of navigable waters of the United States? Since the section of river between Sylvan and Loop 12 begins in the Dallas Floodway and ends in the southern end of the DFE project area, would not the effects of the split channel dams on navigation be considered among the cumulative impacts of a proposed project in the same geographical area, the split channel lakes, on recreation, recreational navigation and commercial navigation in both the Dallas Floodway and the DFE project area? Please respond to these issues and questions in detail.

Thank you for your serious consideration of these important issues. Please contact me if you have any questions or need more information about any of the subjects under discussion.

Sincerely,

Charles J. Allen

Charles J. Allen
Owner, Trinity River Expeditions

BLACKBURN CARTER
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January 24, 2003

Via Federal Express
Mr. Gene T. Rice, Jr., Project Manager
CESWF-PM-C
U.S. Army Corps of Engineers - Fort Worth District
819 Taylor, Room 3A28
Fort Worth, Texas 76120

RE: Comments to the Draft Supplement No. 1 to the EIS for the Dallas Floodway Extension Project of December 2002

Dear Mr. Rice:

In accordance with the U.S. Corps of Engineers January 14, 2003 notice extending the comment period until February 4, 2003, the comments enclosed are in response to the December 6, 2002 Notice of Availability published in 67 Federal Register 72669 regarding the Draft Supplement No. 1 to the Environmental Impact Statement for the Dallas Floodway Extension, Trinity River, Texas.

Thank you for your attention to this matter. Should you have any questions, please contact me at (713) 524-1012.

Sincerely,

BLACKBURN CARTER, P.C.

by _____
James B. Blackburn, Jr.

Enclosures

c: Mr. Howard A. Borg ***Via Certified Mail/RRR: 7002 2030 0001 8123 2438***
Assistant United States Attorney
801 Cherry Street, Suite 1700
Fort Worth, Texas 76102-6897

Mr. Rex Crosswhite ***Via Certified Mail/RRR: 7002 2030 0001 8123 2452***
U.S. Corps of Engineers
Department of The Army
Room 2A08, Federal Building
819 Taylor Street
Fort Worth, Texas 76102

EXHIBIT 1

Considering Cumulative Effects Under the National Environmental Policy Act
Council on Environmental Quality
January 1997

COMMENTS BY JAMES B. BLACKBURN, JR.
TO THE FORT WORTH DISTRICT OF
THE U.S. ARMY CORPS OF ENGINEERS
ON THE SUPPLEMENTAL DRAFT
ENVIRONMENTAL IMPACT STATEMENT
FOR THE DALLAS FLOODWAY EXTENSION PROJECT

COMMENTS
TO THE FORT WORTH DISTRICT OF THE U.S. ARMY CORPS OF ENGINEERS ON THE SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE DALLAS FLOODWAY EXTENSION PROJECT

James B. Blackburn, Jr.
BLACKBURN CARTER, P.C.
January 20, 2003

These comments are submitted to the Fort Worth District of the United States Army Corps of Engineers (Corps) on behalf of several environmental and neighborhood groups in response to the Supplemental Draft Environmental Impact Statement (SDEIS) for the Dallas Floodway Extension (DFE) project released December 2002. Specifically, these comments are submitted on behalf of the Texas Committee on Natural Resources, the Dallas County Audubon Society, the Sierra Club, the Dallas Historic Tree Coalition, Taxpayers for Sensible Priorities, Friends of the Earth, Save the Trinity, and Citizens for a Safe Environment, litigants against the Corps of Engineers. To the extent that any of these groups have filed comments individually, these comments are intended to supplement those filings.

These comments are divided into two parts. In the first part, the deficiencies associated with SDEIS are addressed regarding the analysis of cumulative impacts. In the second part, the deficiencies associated with the SDEIS are addressed regarding the analysis of proposed actions. Initially, however, these comments will start with a discussion of the current status of the proposed action.

I. PROBLEMS WITH THE CUMULATIVE IMPACTS ANALYSIS IN THE SDEIS

There are several problems with the cumulative impacts analysis in the SDEIS that render the analysis flawed and ultimately in violation of the law. From the outset, the Fort Worth District has seemingly misunderstood the status of the DFE project and the legal requirements for preparing a cumulative impacts analysis. Second, the Corps misunderstood and in fact failed to correctly establish a "baseline", the first step in a correct analysis of cumulative impacts. And third, the Corps failed to incorporate its analysis of cumulative effects into its evaluation of alternatives, essentially rendering the analysis of cumulative effects without meaning. Each of these issues is discussed sequentially in the following paragraphs.

A. CURRENT STATUS MISUNDERSTOOD

In 2001, the Honorable Judge Means ruled that the Corps of Engineers had not correctly analyzed cumulative impacts and must redo that portion of the EIS for the DFE project. No final agency decision can occur before the completion of an EIS. The impact of the court's decision was that no alternative course of action had been decided upon by the Corps until the EIS was

The Corps agrees that no agency decision can occur before completion of the EIS. In fact, no final decision has been reached at this time. The conclusion of the SDEIS is a recommendation of the DFE plan to the decision-makers. It is not itself a decision.

redone and until the cumulative impacts information had been incorporated into the analysis, fully disclosed to the public and to the decision-makers within the Corps and considered in the decision-making process. After the court's decision, there was no longer any approved DFE project.

From the initiation of this court-ordered evaluation of cumulative impacts, the Fort Worth District of the Corps has either misunderstood or intentionally misrepresented the situation. At the scoping meeting for the SDEIS, the citizens were told that the DFE project was still approved by the Corps, and that this restudy was only a bit of paperwork. This position is legally incorrect but was maintained throughout the process. For example, as the "baseline" for the hydraulics and hydrology cumulative impact assessment, the SDEIS used the "no action" alternative from the Programmatic EIS. Unfortunately, that "no action" alternative assumed the DFE project was already approved. Such an assumption is illegal and impermissible.

1.

The DFE project is the project being proposed. The SDEIS concerns the DFE project. To assume that it already exists is to assume away the purpose of the analysis.

B. "BASELINE" INCORRECTLY DETERMINED FOR DFE PROJECT

2.

The Council on Environmental Quality (CEQ) is the federal agency charged with responsibility for overseeing the implementation of the National Environmental Policy Act (NEPA). It has written a set of regulations found at 40 CFR §1501 et. seq. that are binding on all federal agencies, including the Corps. CEQ has also issued a handbook regarding the manner in which cumulative impacts analysis should be undertaken. This handbook is titled "Considering Cumulative Effects Under the National Environmental Policy Act" (hereinafter 1997 CEQ Handbook) and is attached to these comments as Exhibit 1. This handbook is referenced by the Corps in the SDEIS on the DFE project. However, the handbook was not followed in the SDEIS.

The starting point for any analysis of cumulative impacts is the definition. The CEQ regulations define cumulative impacts at 40 CFR §1508.7 as "the impact on the environment which results from the incremental effect of the proposed action when added to other past, present and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions." Implicit in this definition is the establishment of a "baseline", reflecting all present, past and reasonably foreseeable future actions, against which the proposed action is to be evaluated, in order to show the incremental impact of the proposed action when added to the other actions.

This distinction makes sense. The idea of NEPA is to cause a decision-maker and the public to consider the implications of a particular action on the environment, taking into account other factors that are also affecting the environment. Consider the following hypothetical. If, for example, there are 100 acres of wetlands left in an area, and a proposed action would take 20 of those acres, one might conclude that you could go forward with the proposed action, destroy the 20 acres and still have 80 left. However, if the 100 acres of wetlands are considered in light of two other reasonably foreseeable projects that would each take 30 acres, the proposed loss of 20 acres would actually be 20 of 40 acres rather than 20 of 100 acres. The agency might still

1. The Corps disagrees with the premise that the study was done assuming the DFE project was still approved. This is not the case. These comments cannot speak to what might have been stated at the scoping meeting, other than to assure you that the Corps proceeded with the knowledge and understanding that the DFE project was not approved.

2. .The Corps established a baseline that comports with these requirements by its use of the "no action" alternative. This alternative was chosen because of the status of the current reasonably foreseeable future projects. The "no action" alternative provided the clearest view of the current and reasonably foreseeable future status of the resources. CEQ guidance states that, "The no action alternative is an effective construct for [establishing a baseline], but its characterization is often inadequate for analyzing cumulative effects." In this case, the no-action alternative was used as a baseline because the reasonably foreseeable projects were not sufficiently far along in the design phase to give a clear picture of the future of the various resources. Use of the "no action" alternative as the baseline was not inadequate in this case, and CEQ had no intention of forbidding the use of the "no action" alternative as the baseline where that is the clearest view of the future of the resources. The Corps included statements of how the conditions have changed over time and listed the reasonably foreseeable future actions. As a result, the CEQ guidance has been followed, in that the Corps has given the decision-makers and the public sufficient information to compare the environmental impacts of the various alternatives and the proposed plan.

determine to go forward with the destruction of the 20 acres, but it should clearly understand, and it should inform the public, that the implications of the loss of 20 acres is quite different when cumulative impacts are considered. The clear purpose of such a cumulative impacts analysis is to bring this information before the decision-maker and the public so that a decision can be made on the basis of the importance of the loss of 20 of the last 40 acres, rather than on the importance of the loss of 20 of 100 acres.

According to the CEQ handbook, a "baseline" must be established as the starting point in the analysis of cumulative impacts. In the above illustration, 60 acres would be the baseline under the CEQ regulations rather than 100 acres. The 1997 CEQ Handbook states:

> "The analyst's primary goal is to determine the magnitude and significance of the environmental consequences of the proposed action in the context of the cumulative impacts of other past, present and future actions. To accomplish this, the analyst must use a conceptual model of the important resources, actions, and their cause-and-effect relationships. The critical element in this conceptual model is defining an appropriate baseline or threshold condition of the resource, ecosystem, and human community beyond which adverse or beneficial change would cause significant degradation or enhancement of the resource, respectively.
>
> The concept of a baseline against which to compare predictions of the effects of the proposed action and reasonable alternatives is critical to the NEPA process. The no-action alternative is an effective construct for this purpose, but its characterization is often inadequate for analyzing cumulative effects. Much of the environment has been greatly modified by human activities, and most resources, ecosystems, and human communities are in the process of change as a result of cumulative effects. The analyst must determine the realistic potential for the resource to sustain itself in the future and whether the proposed action will affect this potential; therefore, the baseline condition of the resource of concern should include a description of how conditions have changed over time and how they are likely to change in the future without the proposed action. (1997 CEQ Handbook, p. 41).
>
> The separation of effects into those attributable to the proposed action or a reasonable alternative versus those attributable to past and future actions also allows the analyst to determine the incremental contribution of each alternative. Situations can arise where an incremental effect that exceeds the threshold of concern for cumulative effects results, not from the proposed action, but from reasonably foreseeable but still uncertain future actions. Although this situation is generally unexplored, the decision-maker is faced with determining whether to forgo or modify the proposed action to permit other future actions. Identifying incremental effects, therefore, is an important part of informing the decisionmaker." (1997 CEQ Handbook, p. 43).

Acreages of all known features of reasonably foreseeable projects or their alternatives in the geographic area of the DFE have been determined and evaluated to the extent possible. Careful consideration of this information was given in order to determine which DFE alternative should be supported and recommended for implementation. Net gains in bottomland hardwood forest acreage, a significant resource, would occur from implementation of any of the DFE alternatives due to the included mitigation plans. Other potential or federally authorized (permitted) projects identified as reasonably foreseeable within the study area would result in lower percentage gains in bottomland hardwoods relative to, or in addition to, the DFE project. Therefore, the real significance is that the authorized DFE project, even if considered as a last added increment, would result in a net gain in bottomland forest

The Corps disagrees with Mr. Dunbar's methodology for the reasons stated above. The raising of the levee is not a reasonable alternative because the protection of downtown is not the only goal of the DFE. This argument is a rehash of the alternatives argument made by the plaintiffs in the original litigation. The baseline cannot logically be determined by including one or more proposed alternatives to the DFE.

The foregoing quotes from the 1997 CEQ guidance clearly state that the baseline condition should be established in the analysis of the no action alternative, and includes the past, present and reasonably foreseeable future action. Then the proposed project is evaluated in relation to the baseline analysis. That was not done in the SDEIS on the DFE project. Instead, the Corps performed its cumulative effects analysis by relying primarily on the "no action" analysis conducted by the Corps in 2000 as part of the Programmatic EIS (PEIS) prepared for the Upper Trinity River Feasibility Studies. However, the "no action" analysis for the PEIS includes the DFE project within the baseline. While this may have been correct for the PEIS project, it is clearly not correct for the "no action" analysis for the DFE project. The Corps cannot assume the proposed action exists in an analysis of "no action" of that proposed action. That is wrong and we believe it to be illegal as well. Obviously, such a baseline condition that includes the proposed DFE project cannot be used for evaluating the incremental effects of the proposed DFE project.

This criticism goes back to the first point in these comments. The Corps has never divorced itself in the SDEIS from the prior approval of the DFE project, an approval that was overturned by the court. Until the Corps recognizes that the proposed action has not been adopted and until the Corps goes back and utilizes the correct "baseline" in the SDEIS analysis, the SDEIS will not pass legal muster as a full disclosure document.

The correct baseline analysis is set out in the expert report from Lawrence G. Dunbar, P.E. that is attached hereto as Exhibit 2. A correct baseline analysis takes the "no action" alternative for the DFE project and adds the reasonably foreseeable future actions to that. In this manner, the "baseline" is identified. A correct baseline analysis would include the effects of putting the Trinity Parkway within the Dallas Floodway levee system, would include the impact of the Chain of Lakes and would include the impact of increasing the height of the existing Dallas Floodway levees. All of these actions are discussed in the SDEIS as reasonably foreseeable future actions. With these actions, the "baseline" then has virtually no flooding in downtown Dallas and the Great Trinity Forest has not been destroyed. That is the "baseline" against which the DFE project alternatives should be evaluated.

C. FAILURE TO INCORPORATE CUMULATIVE IMPACTS ANALYSIS INTO EVALUATION OF ALTERNATIVES

A cumulative impacts analysis is not intended to be apart from the evaluation process. Instead, the opposite is true. Under CEQ regulations, the analysis of impacts is input into the evaluation of alternatives. Cumulative impacts are one set of impacts, just as vegetation loss and others are. However, it is also a baseline, a redefined starting point for the analysis of alternatives. It is only by bringing the cumulative impacts analysis back to the evaluation of alternatives – the "heart" of the EIS process (see 40 CFR §1502.14) – that the purposes and intent of NEPA can be realized.

The Corps has failed to evaluate the various alternatives for the DFE project as part of the cumulative effects analysis in the SDEIS, as required by NEPA. The SDEIS does not re-evaluate alternatives to the recommended DFE project, including the No-Action alternative. Chapter 2 of the SDEIS entitled "Alternatives" is simply a brief summary of the formulation

Only connected and cumulative actions are required to be considered in a single EIS. See 40 CFR 1508.25(a). The U.S. District Court has already decided that the actions at issue are not "connected." *See Texas Committee on Natural Resources v. U.S. Army Corps of Engineers,* 197 F. Supp.2d 586, 614 (2002). Therefore, the only question is whether the actions are "cumulative." From all available case law and other sources, it appears that if the proposed actions are not in front of the agency preparing the EIS, the actions cannot be considered "cumulative." For example, in *Kleppe v. Sierra Club*, 427 U.S. 390 (1976), the U.S. Supreme Court held that "when several proposals for coal-related actions that will have cumulative or synergistic environmental impact upon a region *are pending concurrently before an agency*, their environmental consequences must be considered together." *See Kleppe,* 427 U.S. at 410 (emphasis added). This interpretation supports the main purpose of NEPA, which is to "insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken." 40 CFR § 1500.1(b) (2002). Because none of the proposed actions are pending before the USACE, it follows that the USACE is not the decision-maker for any of those actions. Therefore, labeling the proposed actions of entities that make their own decisions, and prepare their own environmental documents "cumulative actions" does not further the purposes of NEPA. Cumulative impact analysis for all reasonably foreseeable future actions has been completed in this SEIS. Further, the various "proposed actions" that are also reasonably foreseeable future actions are considered in the final SEIS.

process of alternatives that was performed in the GRR/EIS report dated 1999 for the DFE project, and does not present a re-evaluation of these alternatives as part of the cumulative effects analysis.

The 1997 CEQ Handbook states that it is ". . . critical to incorporate cumulative effects analysis into the development of alternatives for an EA or EIS. Only by reevaluating and modifying alternatives in light of the projected cumulative effects can adverse consequences be effectively avoided or minimized." (p. v., Executive Summary). The Handbook further states:

> "NEPA and CEQ's regulations define the cumulative problem in the context of the action, alternatives, and effects. By definition, cumulative effects must be evaluated along with the direct effects and indirect effects. . . of each alternative. The range of alternatives considered must include the no-action alternative as a baseline against which to evaluate cumulative effects." (1997 CEQ Handbook, p. 1). [*emphasis added*]

Therefore, it is just as important to utilize the evaluation of cumulative effects as it is to conduct it. In the SDEIS, the Corps did neither correctly.

In the attached expert report, Lawrence G. Dunbar, P.E. has conducted a partial analysis of cumulative impacts associated with the DFE project and has attempted to do this analysis as per the CEQ requirements. In this analysis, Mr. Dunbar first discusses the hydrology and hydraulics (H&H) cumulative impacts with reference to the no-action alternative. Because there is no action being undertaken on the DFE project, there is no loss of the Great Trinity Forest due to the construction of the swale system proposed in the DFE project (a swale system that will remove 30,000 trees from a forest that is heavily impacted already). Under Mr. Dunbar's cumulative H&H analysis, the assumption is made that the Trinity Parkway and the Chain of Lakes are designed such that the H&H impacts of the Trinity Parkway's intrusion into the Dallas floodway are offset by the design of the Chain of Lakes. Further, by raising the levee of the existing Dallas Floodway two feet above the standard project flood (SPF), the flooding of downtown Dallas is basically eliminated. Each of these projects is a reasonably foreseeable future project.

Once this baseline has been established, the alternatives would be evaluated in light of that baseline. Almost immediately, a major flaw in the DFE analysis becomes evident. Because there is virtually no downtown flooding, there are no economic benefits for the DFE to claim in this regard. While there may be localized flooding issues that need to be addressed within the DFE, the overall economic justification for the recommended DFE levees and swales is altered in light of the reasonably foreseeable future actions. In turn, the DFE alternatives should be recast and reconsidered in light of this cumulative effects analysis. In this manner, the Cadillac Heights buy-out could be recast and reconsidered. That is what is required in a legally correct cumulative impacts analysis.

II. FAILURE TO CONSIDER AND ADDRESS THE ISSUE OF OTHER PROPOSED ACTIONS

The federal district court in Fort Worth instructed the Corps on remand to determine if any of the "reasonably foreseeable future" projects were also "proposed actions" that must be considered in the same EIS with the DFE, under the requirements of 40 CFR §1508.25(a)(2). (FN 44). The Corps acknowledged this requirement by the court at the bottom of page 1-3 of the SDEIS. However, nowhere in the SDEIS does the Corps discuss or determine if any of the future projects that are evaluated are considered to be "proposed actions" that must be considered in the same EIS.

There are several pending "proposed actions" or "proposals" that directly affect the same environmental setting, namely the Dallas Floodway area of the Trinity River. These proposed actions include the proposed DFE project, the proposed Trinity Parkway, the proposed Chain of Lakes project and the proposed increase in the height of the Dallas Floodway levees. The Corps of Engineers has seemingly agreed that each of these actions are "proposed actions", either by the treatment of these projects in the text of the SDEIS or in the text of the PEIS that was prepared by the Corps Fort Worth District.

The Corps of Engineers includes no section of the SDEIS that addresses the question of whether or not these proposed actions should be analyzed in the same environmental impact statement. There is no doubt that under certain conditions, several proposed actions should be analyzed in the same EIS. The basis for this requirement was clearly set forth in the Supreme Court decision of *Kleppe v. Sierra Club*, 427 U.S. 390 (1976), and is incorporated into the CEQ discussion of cumulative actions. According to 40 CFR §1508.25(a)(2), cumulative actions are actions which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.

Under this definition, the appropriate step would have been for the Corps of Engineers to analyze the cumulative effects of the various proposed actions to determine whether or not the impacts of these projects would be cumulatively significant. Such an analysis would have to consider the cumulative hydrology and hydraulics aspects of these various projects, including the various increases and decreases associated with such projects. It would have to consider the impact on the Great Trinity Forest. It would have to consider the impact on air quality. It would have to consider the impact on water quality and wetlands. It would have to consider the impact on secondary development and land use.

The impacts of each of these projects alone is significant as indicated by the fact that an EIS was prepared and a SDEIS is being prepared for the DFE project, a PEIS has been prepared that evaluates the proposed Chain of Lakes project as well as the proposed Trinity Parkway and the proposed increase in the height of the Dallas Floodway levees and a separate EIS is currently being prepared for the proposed Trinity Parkway. There should be no doubt that the impacts of these projects are cumulatively significant. They are essentially affecting the same area and the same environmental resources at approximately the same point in time.

It is reasonable to ask what benefit may be gained from evaluating these projects together when each project could have cumulative impacts evaluated alone? The answer is – given the complex inter-relationships between the projects and the importance of the Great Trinity Forest, if these projects are reviewed together and are honestly evaluated, there will be no need to lose 30,000 trees in the Great Trinity Forest. If these projects are analyzed together, then it will become apparent that there is no justification for the DFE project if, in fact, the 2-Foot above SPF increase in the height of the Dallas floodway levees occurs.

There is a significant cumulative impact associated with these multiple pending projects. If these proposed actions are viewed together, a proposed course of action could be charted that would avoid significant environmental damage. The Corps would not be required to take this course of action under NEPA law. However, they are, at the least, legally obligated to evaluate these alternative proposed actions in the same EIS and disclose the truth. If they decide to go forward, they must do so only after fully and fairly informing the public and the decision-maker of these alternative courses of action and the fact that certain significant impacts could be avoided if certain alternative courses of action were followed.

III. CONCLUSION

The commenting groups are very concerned by the continued refusal of the Corps to conduct a fair and unbiased analysis of the DFE project. The regulations and guidance of the CEQ is clear. The Corps professes to have read these documents, yet they fail to bring forth an analysis that comports with these requirements. Why is the Corps failing to honestly and fairly evaluate these alternatives?

There can be only one reason. The Corps is attempting to push forward with its DFE project and is attempting to conceal the fact that there would be no justification for its DFE project if the Dallas Floodway levees were raised above the SPF by two feet. Rather than the current proposed action that would destroy 30,000 trees in the Great Trinity Forest, a combined project could be created that would solve the problems of Dallas flooding, buy-out the residential areas of Cadillac Heights and save the Great Trinity Forest.

NEPA was passed to prevent uninformed rather than unwise decision-making. We can't make the Corps adopt the best approach for the residents and environment of Dallas. But we will do our best to make the Corps follow the law and tell the truth, which they still have not done.

The raising of the levee alone was rejected in the alternatives analysis approved by the U.S. District Court in this case. The DFE is not meant to protect only downtown Dallas. Therefore, this plan is not a reasonable alternative. As stated above, it is unreasonable to include an alternative previously found to be unreasonable as part of the baseline for the project.

EXHIBIT 2

Expert Report
Lawrence G. Dunbar, P.E.
January 2003

COMMENTS BY JAMES B. BLACKBURN, JR.
TO THE FORT WORTH DISTRICT OF
THE U.S. ARMY CORPS OF ENGINEERS
ON THE SUPPLEMENTAL DRAFT
ENVIRONMENTAL IMPACT STATEMENT
FOR THE DALLAS FLOODWAY EXTENSION PROJECT

EXHIBIT 2

Expert Report
Lawrence G. Dunbar, P.E.
January 2003

COMMENTS BY JAMES B. BLACKBURN, JR.
TO THE FORT WORTH DISTRICT OF
THE U.S. ARMY CORPS OF ENGINEERS
ON THE SUPPLEMENTAL DRAFT
ENVIRONMENTAL IMPACT STATEMENT
FOR THE DALLAS FLOODWAY EXTENSION PROJECT

EXPERT REPORT ON
SUPPLEMENT NO. 1 DRAFT EIS
DALLAS FLOODWAY EXTENSION PROJECT

by Lawrence G. Dunbar, P.E.
January 2003

EXPERT REPORT ON
SUPPLEMENT NO. 1 DRAFT EIS
DALLAS FLOODWAY EXTENSION PROJECT

by Lawrence G. Dunbar, P.E.
January 2003

I have reviewed the Corps' Supplement No. 1 Draft Environmental Impact Statement (SDEIS) for the Dallas Floodway Extension (DFE) project. The focus of my review pertains to the hydrologic and hydraulic aspects of the SDEIS, which is within the area of my expertise.

I am a professional engineer licensed in Texas with over 25 years of experience in the area of hydrology and hydraulics. I was employed for over 6 years with the Corps of Engineers, and was involved in the preparation of the hydrologic and hydraulic analyses associated with Environmental Impact Statements (including cumulative impact analyses) for numerous federal and local projects. As a private consultant over the past 15 years, I have reviewed and provided consultation on a number of environmental impact statements for both federal, state and local projects affecting flooding. I am also a licensed attorney in Texas, practicing in the area of environmental, water and drainage law. I have provided legal consultation regarding the legality of environmental impact statements and their compliance with NEPA and CEQ regulations. Attached is a copy of my resume.

My comments regarding the SDEIS are as follows:

I. Incorrect "Baseline" Condition

D-1

The Corps' purpose for this SDEIS was to perform a cumulative impacts (effects) analysis in response to a federal court order. According to the 1997 CEQ Handbook on "Considering Cumulative Effects" referenced in the SDEIS, such an analysis starts with the establishment of a "baseline" condition against which the proposed action and its reasonable alternatives are evaluated. The "no-action" alternative, including all past, present, and reasonably foreseeable future actions, should serve as the baseline condition, according to the CEQ Handbook.

For conducting the cumulative impact analysis of the hydrology and hydraulic impacts for this DFE project, the "baseline" condition therefore should have included not only existing conditions, but also those reasonably foreseeable future projects identified by the Corps, such as the Dallas Floodway plan, the Chain of Lakes plan, and the Trinity Parkway plan, and others identified in the SDEIS.

The Corps did a good job in Chapter 3 of the SDEIS of identifying those projects that have been implemented in the past and those reasonably foreseeable future projects that will potentially be implemented in the future. This is the first step in establishing the "baseline" condition. The next step is to evaluate the cumulative impact of these various past and future projects on the environment, including flooding, assuming the proposed action (i.e., the DFE project) is not in place (i.e., the no-action alternative). This next step was not done in the SDEIS, nor was it even attempted.

D-1. The 1997 CEQ guidelines do state that an appropriate "Baseline" condition should be established for determining the effects of a proposed action as well as any reasonably foreseeable future actions. The 1997 CEQ also states that the No-Action alternative is effective for establishing this baseline in some situations. The comments here on baseline condition, however, seem to favor the inclusion of the Dallas Floodway alternatives in the "baseline" for the express purpose of arguing against the DFE Recommended Plan rather than providing a full disclosure of the impacts of all reasonably foreseeable future actions. By using the "no action" alternative as the baseline, all reasonably foreseeable future actions including proposed actions and combinations thereof were evaluated and properly compared to the true "baseline" condition. Data provided in this SEIS is structured in this manner in accordance with the CEQ guidance.

In its discussion of the cumulative impacts on the hydrology and hydraulics of the Trinity River on page 4-12 of the SDEIS, the Corps simply refers to the analysis conducted in the Programmatic Environmental Impact Statement (PEIS) dated June 2000 for the Upper Trinity River Basin (incorporated herein by reference). However, the environmental impact analysis contained in the PEIS utilized as its "no action" alternative the condition that included the DFE project as already having been constructed. Note the following excerpt from the PEIS entitled Chapter 4 - Environmental Consequences:

> This chapter (Chapter 4 Environmental Consequences) presents discussion of the impacts of project alternatives being studied under the Corps of Engineers Upper Trinity River Basin authority that could result in subsequent recommendations for Congressional Authorization for construction. Potential impacts of these projects and alternatives are disclosed along with the cumulative impacts, to the extent that they can be identified, and of reasonably foreseeable projects of others.
>
> NO ACTION
>
> The no action alternative would include those activities to the extent known that would likely occur without additional Corps of Engineer's flood damage reduction or ecosystem restoration projects within the study area. The authorized Dallas Floodway Extension recommended in the Final General Reevaluation Report and Integrated EIS for the project, and the previous permitted action in the Dallas Floodway are considered to be in place for the "No Action" condition for these evaluations.

This no action alternative ("baseline" condition) from the PEIS may have been acceptable for evaluation of impacts due to the proposed actions being considered in the PEIS, but this same no-action alternative cannot be used as the baseline condition for evaluation of the proposed DFE project. It is nonsense for such a

This concern has been addressed in the Final SEIS.

baseline condition having the DFE project incorporated into it to also be used to evaluate the proposed DFE project itself.

Assuming that such projects as the Dallas Floodway plans (Flood Damage Reduction and EQ), the Chain of Lakes alternative, and the Trinity Parkway alternatives are not "proposed actions" but only reasonably foreseeable future projects, these projects and their cumulative impacts should have been assumed to be in place as part of the baseline condition, against which the proposed DFE project and its reasonable alternatives would be evaluated.

For example, the Flood Damage Reduction (FDR) alternative for the Dallas Floodway calls for raising the existing Dallas Floodway levees 2 feet above the Standard Project Flood (SPF) water level. The purpose of this FDR project, according to the Corps, is to maximize flood damage reduction benefits along the Trinity River within the Dallas Floodway that protects downtown Dallas. By assuming such a project to be in place as part of the baseline condition, significant flood damage reduction benefits to downtown Dallas (approximately $13M annually) are realized, virtually eliminating flood damages in downtown Dallas (see attached Table - HCAR 16035). This "baseline" condition would also negate the need for the DFE project alternatives to excavate such a large swale throughout the DFE area. The swales in place to help reduce flood levels in the Dallas Floodway would not be needed under the Baseline Condition and all of the 30,000 trees planned to be cut down under the current DFE proposal would be saved. This scenario of raising the existing floodway levees was analyzed by the Corps during the DFE project work of

The Flood Damage Reduction alternative is not a reasonable alternative for the DFE because it does not meet the goals and objectives of the DFE project, particularly the need to protect areas outside downtown Dallas.

the 1990's but was never discussed or disclosed in the GRR/EIS, nor is it discussed or disclosed in this SDEIS.

In addition, by including the Chain of Lakes plan with the Trinity Parkway alternatives into the baseline condition for the DFE project analysis, the cumulative effects on the Trinity River would be to reduce flood levels within the Dallas Floodway and slightly increase flood levels downstream, based on analysis performed in the PEIS. Unfortunately, the PEIS analyses assumed the DFE project was already in place; thus, the cumulative effects of these future projects without the DFE project has not yet been analyzed by the Corps.

II. No Evaluation of the "Cumulative Impact" of Future Projects

In Chapter 4 of the SDEIS where the cumulative impacts analysis is discussed, Table 4-2 identifies a qualitative evaluation of the various reasonably foreseeable future projects as to their individual direct and indirect effects on various environmental resources, including hydrology and hydraulics (H&H) and flood damages. However, there is no determination of the "cumulative effects" of these various projects on those same resources, including H&H and flood damages.

D-2

The Corps has hydrologic and hydraulic computer models of the Trinity River that it has used to evaluate the flooding impacts of many of the major future projects identified in the SDEIS. For example, the PEIS contains model results of the incremental impact on flood levels due to a number of these future projects, including the Dallas Floodway modifications, the Trinity Parkway alternatives, and

D-2. This concern has been addressed in the Final SEIS

the Lakes plan by the City of Dallas. However, nowhere in the SDEIS nor the PEIS has the "cumulative" impact from these reasonably foreseeable future projects been analyzed or modeled, especially without the proposed DFE project in place. This is what a "cumulative impacts" analysis is supposed to analyze, the cumulative effects of the various past, present and reasonably foreseeable future projects in the area.

D-3

III. No Identification of "Proposed Actions"

To the extent any of these reasonably foreseeable future projects are "proposals" or "proposed actions", they need to be analyzed and evaluated in a single EIS. That means each project is evaluated separately and cumulatively, including all of its reasonable alternatives. Clearly, the Trinity Parkway is a "proposed action", and both the Corps and the Federal Highway Administration (FHWA) identify it as such (see SDEIS and PEIS, and the attached notice dated June 16, 1999 in the Federal Register by the FHWA). Likewise, the Chain of Lakes project (or "Lake Plan") being proposed by the City of Dallas is a "proposed action", and has been identified by the FHWA as such and has been included in the EIS being prepared by the FHWA in conjunction with the Trinity Parkway (see attached notice dated December 12, 2000 in the Federal Register by the FHWA).

The Dallas Floodway modifications being proposed by the Corps are also "proposals" or "proposed actions" as noted by the Corps in its PEIS, and therefore must be evaluated in the same EIS as the DFE project, the Trinity Parkway and the Lakes Plan. (see pgs. 1-5 and 2-20 of the PEIS). The inter-relationship of these

D-3. Please see comment at B-59 addressing this issue.

"proposed actions" and their potential for cumulative impacts on the environment, especially flooding along the Trinity River in the vicinity of the Dallas Floodway and the DFE area is obvious and noted in the SDEIS. Such inter-relationships between these various projects is also recognized by the City of Dallas (see attached correspondence from Vinson & Elkins, the City of Dallas' bond attorneys).

IV. Summary and Conclusion

D-4

In summary, the SDEIS for the DFE project has failed to first identify the correct "baseline" condition against which the DFE project and its reasonable alternatives are to be evaluated. The CEQ regulations specifically require that the cumulative impacts analysis identify the incremental impact of the proposed action when added to the past, present and reasonably foreseeable future actions in the same geographic area. This has not yet been done for the DFE project. The PEIS that was prepared by the Corps for the Upper Trinity River Feasibility Study evaluated the hydrologic and hydraulic impacts associated with various projects and their alternatives, including the Dallas Floodway modifications being proposed by the Corps, the Trinity Parkway and its alternatives being proposed by the City of Dallas and the FHWA, and the Lakes Plan being proposed by the City of Dallas. Such an analysis could have and should have been performed for the DFE project, with the assumption that the DFE project is not yet built but with these other projects being in place. This is the proper "baseline" condition that is required by the CEQ

D-4. The correct "baseline conditions" or No Action Plan for the DFE area was established for evaluation of cumulative impacts of the DFE Recommended Plan and the other final array of alternatives for DFE in the DFE/GRR. The Dallas Floodway alternatives were not included as reasonable alternatives in the analysis for the DFE/GRR because none of these alternatives directly address the goals and needs of the DFE study area. Additionally, alternatives within the existing Floodway are purely conceptual within the feasibility study phase.

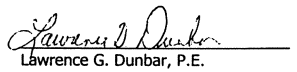
Analysis of alternatives for both the Dallas Floodway and the DFE area contained in this SEIS constitutes a full disclosure of the cumulative impacts analysis in as far as it can be determined to date.

Alternatives for the Dallas Floodway referred to as the Trinity Parkway, the Lakes Plan, and the Corps' Dallas Floodway modifications are "proposed actions" in the sense that these types of alternatives have not been eliminated from future consideration and are expected to be carried forward for future study for the Dallas Floodway. However, they are not cumulative or connected actions under the law. Therefore, it is not necessary to consider them in a single EIS.

regulations and discussed in the CEQ guidance against which the DFE project and all of its alternatives need to be evaluated.

Second, the SDEIS for the DFE project failed to identify the "cumulative impacts" of future projects when added to past actions, without the DFE project (i.e., the no-action alternative). Individual project impacts were qualitatively identified, but the cumulative effects of these future projects were not determined nor discussed in the SDEIS, such as on the hydrology and hydraulics of the Trinity River. This is what a cumulative impact analysis is intended to do, so that the incremental impact of the proposed action(s) can be identified when added to the past and future actions in the area.

Finally, there is no discussion nor separate evaluation of "proposed actions" in the SDEIS for the DFE project. Clearly, the Trinity Parkway, the city's "Lakes" plan, and the Corps' Dallas Floodway modifications are "proposals" or "proposed actions" as defined by CEQ regulations that are to be evaluated in the same EIS, along with their alternatives.



Lawrence G. Dunbar, P.E.

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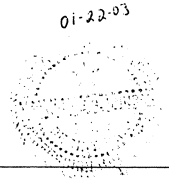

Read, Campbell

To: Read, Campbell
Subject: Response to the Army Corps of Engineers Supplement to the EIS for the Dallas Floodway Extension

January 8, 2003
To U.S. Army Corps of Engineers
Fort Worth District

From Campbell Read

Comments on the Supplement to the EIS for the Dallas Floodway Extension

The attitude of the Corps at the scoping meeting held in Dallas in 2002 was that they do not plan on reevaluating the Dallas Floodway Extension (DFE). Instead, they interpret the Court's ruling to require them only to comment on cumulative impacts of foreseeable future projects upstream of the DFE without regarding any of these projects as alternatives to the DFE. The attitude of the Corps in this matter is unacceptable.

That attitude is reflected in the EIS Draft Supplement. On page 2-3 it states:

"Until formal notice is made by the City of Dallas regarding their support of a plan that is different from that for which they have formally provided an endorsement, alternate plans discussed by individuals or the media cannot be considered as reasonably foreseeable. The plan recommended in the 1999 GRR/EIS, therefore, remains the Recommended Plan for analysis in this Supplement to the DFE EIS".

1. In our opinion, each and every project reviewed by the Corps in the Draft Supplement to the EIS should be regarded as a potential alternative to the DFE. Such an opinion is consistent with that part of the Federal Court order requiring the DFE project to be stopped. At the 2002 scoping meeting I asked Gene Rice why he thought the Court had ordered the DFE project to be stopped and he replied that he didn't know. However, "I don't know" isn't good enough as an answer. It certainly makes no sense for the Court to concur with the point of view in the quotation I just made from the Supplement to the EIS, and then to order the DFE project to be stopped. It makes no sense at all and Mr Rice knows that.

2. Chapters 4, 5, and 6 of the GRR/EIS [General Reevaluation Report and Integrated EIS for the DFE] of 1999, for example, contain multiple tables listing estimated costs and benefits in dollar terms of the so-called Recommended Plan as compared with making no changes to the floodplain. No such tables appear in this new Supplement, but we should all demand that they be compiled to include costs and benefits resulting from raising the Dallas Floodway by various heights, not only by 2 to 2.5 feet. The Corps argues that the lack of final agreement on the alignment of the so-called Trinity Parkway prevents them from computing costs and benefits deriving from it. But they have no such excuse where raising the Floodway levees by specified amounts is concerned; they can and must, produce a cost/benefit analysis.

3. If you turn to the discussion of raising the Floodway levees on page 3-11 of the Supplement, you will find that the discussion is confined to where the dirt would come from and where it would be put. That is all that the Corps presents on the subject of raising the levees. There is no related cost/benefit study that could be compared with those in the GRR/EIS for the so-called DFE Recommended Plan. The reason why the Corps has declined to do such a study, however, is plain. They are afraid that such a study would show the DFE to be less cost-effective than raising the Floodway levees, with the undeniable consequent conclusion that the DFE would no longer remain viable under the Corps's own rules.

[For Save the Trinity, TCONR and (In the past) Audubon Dallas]

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1. The SEIS has been modified to disclose cumulative impacts of reasonably foreseeable projects in relation to the final array of alternatives considered for the DFE GRR/EIS.

2. An analysis was conducted to address this issue and has been included in the SEIS.

3. At present the Dallas Floodway studies are being held in abeyance at the request of the sponsor, awaiting a decision on any roadway alignment. The data presented in the report and within Appendix C reflects information available at this time. These data clearly reveals that DFE continues to be City supported plan to provide flood protection to the DFE area.

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Phone: 214-388-5362

3 February 2003

U. S. Army Corps of Engineers
Fort Worth District
ATTN: (PM-C) Mr. Gene T. Rice, Jr.
819 Taylor Street
P. O. Box 17300
Fort Worth, Texas 76102-0300

Re: DFE SEIS first draft comments

Dear Mr. Rice,

I have enclosed my comments on the report titled: *Draft Supplement No. 1 to the Environmental Impact Statement for the Dallas Floodway Extension Trinity River, Texas* dated December 2002 by the Fort Worth District, U. S. Army Corps of Engineers. Thank you for the extension of the comment period.

Sincerely,

Timothy S. Dalbey

Timothy S. Dalbey

Comments by Tim Dalbey on the *Draft* Supplement No.1 to the Environmental Impact Statement for the Dallas Floodway Extension Trinity River, Texas, 2002, U. S. Army Corps of Engineers Fort Worth District (CESWF), Fort Worth Texas, also known as the DFE SEIS

I received a Notice Of Availability (NOA) for the DFE SEIS on 11 November 2002 by mail that stated the DFE SEIS will available on 6 December 2002. At the 16 July 2002 Scoping meeting held at the Ramada Inn on South Akard in Dallas the CESWF claimed the DFE SEIS will be out in October 2002. Instead, the DFE SEIS did not come out in a timely manner and was timed, most likely purposely, to come out over the Christmas - New Year holiday period when the public, and agencies are on holidays making it difficult to find the time to adequately comment on such an important report. CESWF's timing needs to be improved so that it does not conflict with this busiest time of the year.

1. Even though I received a NOA for the July 2002 meeting, attended the meeting, provided written comments in a timely manner, and received a NOA for the DFE SEIS on 30 November 2002 I did not deceive a DFE SEIS report. I heard about the availability of the report through the grapevine and had to call Gene Rice (CESWF-PM-C) on 2 December to get a copy of the report, I do not have the Internet, so I could not go online and read the report. I did

2. not receive a copy by 10 December 2002, called Gene Rice again. I finally received a mailed copy 2 weeks after the NOA of the report on 13 December 2002. In the future CESWF needs to be more prompt in mailing reports to those interested in the project. Thank you for the opportunity to comment on this revision, and keeping this report on the DFE (SEIS) less redundant and shorter to only 87 pages, although still lengthy for reporting on one aspect, "cumulative effects."

1. P. 1-3, 3rd para., "On Count 3(B) of the motion, the Court ruled in favor of the plaintiffs argument that the GRR/EIS did not address the cumulative impacts of reasonably foreseeeable future actions and remanded the matter to the Corps of Engineers *"for further consideration of the cumulative impacts of other similar, reasonably foreseeable projects in the same geographical area as the DFE project."* In the next sentence, the CESWF interprets this statement to mean it is their task in the supplement to, "The objective of this

1. The Notice of Availability forwarded to you and others noted that the Supplemental DFE was available for review and comment. The Corps provided a copy of the Draft to you after your request.

2. As noted in the Notice of Availability, hard copies of the DSEIS were available on request. Copies were also available for viewing at two locations within the City of Dallas as well as on the Fort Worth District's internet home page.

Supplement to the DFE EIS is, therefore, to address the U. S. Court for the Northern District of Texas' instruction by further examining the cumulative impacts of the DFE project and determining if any other projects are in fact 'proposed actions that must be considered in a single EIS'."

3. It seems clear from this statement, at least as the CESWF interprets it, the CESWF must do 2 things, the first is clear: 1) further examine the cumulative impacts of the DFE project in and around where the DFE is going to be built. The second part of the objective is muddled, either by the CESWF's own, or preferred interpretation of the judgment. Because as written in the second part, the CESWF considers their objective to be: 2) determine if other projects are "real" (my emphasis) proposed actions that must be considered in a single EIS.

4. From the way the judgement is written above, this interpretation is not the way the judgment is to be interpreted. Of course these other similar projects that are to built upstream in the floodplain from the DFE have to be considered under NEPA, because they effect valley storage, river flow, velocity, and downstream flooding in the DFE. As the CESWF interprets this second part, it is up to them to determine if other projects are "proposed actions." Of course they are proposed actions, many of these projects transcend proposed actions and are in progress, money has been spent, contracts have been let, and bonds have been passed for the projects.

As interpreted by the CESWF, the second part has nothing to do with the impacts (individually or collectively) of these projects downstream in the DFE, instead the CESWF is just suppose to list the "proposed actions." And list the proposed projects is all that the CESWF does in the DFE SEIS. The CESWF never tabulates or synthesizes the cumulative effects of one or all of the upstream projects with regard to downstream flooding through hydrology and hydraulic (H/H) models created from various flow analyses brought about by the future projects upstream. Therefore, it appears that the CESWF interpretation of the judgement is inaccurate as the CESWF shirks it's responsibility to adequately assess the cumulative impacts of the other projects and the effect these projects would have on the DFE H/H model.

My following comments attempt to point out how the CESWF did not reach the 2 objective(s) in the above statement. CESWF did not previously, and still has not, examined the direct or indirect

3. There is a large array of "proposed actions" under consideration within the geographic area of the DFE. Concerted efforts were made to identify from all known sources, which of these are reasonably foreseeable actions that would have potential cumulative impacts.

4. The Corps PEIS strived to thoroughly evaluate those reasonably foreseeable projects known at that time and quantified cumulative H&H impacts in that document. The PEIS was incorporated by reference into the DSEIS. Based upon comments received on the DSEIS, the final SEIS has been modified to include the H&H analysis from the PEIS and cumulative impacts of the final array of alternatives investigated in the GRR/EIS.

5. cumulative impacts to the environment in and around the DFE project impact site area, nor has the CESWF integrated the impacts of other floodplain projects upstream with the DFE. Instead, according to the wording by the CESWF provided above in the CESWF objective statement, they interpret the CESWF's task is to only list other projects in and around the DFE.

6. The following comments refer to specific items by page and paragraph in the DFE SEIS.

2. In the Background Section p. 2-1, 3rd para., CESWF omitted how long the work on the Trinity river in the Dallas Floodway was halted for some years by a 1972-73 injunction and why the work was halted.

7 3. P. 2-2, 1st para. CESWF claims that, due to public opposition to the environmental impact of the 1,200 swale NED Plan in the DFE, that the proposed project would not be viable. What the CESWF does not recognize since 1965, is that the public is not in favor of any project in the DFE because the DFE represents a unique natural environment made up of many ecological niches, with the only stretch of original river channel remaining where the main stem of the Trinity river is formed. No matter how it happened (through neglect by the city, or however) the DFE contains an extensive forest (6-11,000 acres), with wetlands, different patches of ecozones with different flora, with an urban fauna and robust diverse bird life composed of aquatic, waders, forest to open forest song birds, to raptors and scavengers, in the middle of the eighth largest city in the U. S. This is unique, the public knows this, and is ever protective and watchful for any impacts to this natural environment.

The CESWF, in their attempt to keep some kind of a Dallas Floodway civilian (non-military) project alive for the last 38 years (since 1965), after all previously proposed projects had failed, came up with the 1999 DFE project and was able to get the City of Dallas to sign on as the sponsor (2002) for the project after voters passed a bond election by 1,200 votes in May 1998 for the project. In a city where voter mail-in fraud and corruption has made State and National news it was not surprising that this proposition in the bond package passed. Over $3 million was spent by the lobby for the project versus $300,000 by grass roots groups and environmental organizations opposed to the project.

5. Chapter 5 of the DSEIS quantified known cumulative impacts to resources. Table 4-1 quantified the cumulative impacts to resources and Table 4-2 provided our analysis of the importance of those impacts. Additional supporting information has been developed and information provided in the PEIS has also been incorporated into the Final SEIS.

6. An injunction was issued against certain projects known collectively as the Trinity River Project. The injunction was dissolved in 1986 and is not relevant to the GRR/EIS or the SEIS.

7. Selected members of public have also supported the DFE because of the flood damage reduction benefits it would provide. The Corps has recognized the intrinsic values of the environmental resources of the area identified as the Great Trinity Forest. Every effort was made to assess impacts of the DFE alternatives to this area minimized the impacts to the resources to the extent possible resulting from the DFE project. The authorized plan provides for additional wetland restoration in addition to mitigation actions that fully mitigate for all forested resource losses.

8.

There was opposition to the 1,200 Swale NED Plan, but this was a CESWF proposed project that the City did not even buy into, and the opposition to this project was nothing compared to the present opposition to the DFE project. CESWF knew that the huge impact to the forest proposed by the 1,200 Swale NED Plan was not viable. There has been longer and more legal opposition to this plan, because of the 20-30 added projects within and/or bordering the Trinity river floodplain that add to the cumulative impacts (toll road inside the levees, the City's Master Implementation Plan in the DF, etc.), also because this plan has stayed alive longer. But any plan in the DFE that disturbs the environment integrity as proposed by the CESWF will continue to meet strong opposition, but the CESWF continually presses on for the project.

9.

10.

4. P. 2-2, 1st para., goes into the Recommended Plan describing the swale (levee borrow ditch) dimensions that are reduced from those dimensions reported in the DFE FEIS, or as detailed in the drawn plans in Appendix C where depths reach 12 ft., each swale cell (borrow ditch) is more on the average of 5 ft. deep, and the impacted disturbed partly forested acreage creating the swales is more in the range of 4-500 acres. How can the CESWF generate 3.2 million cubic yards of fill as reported in DFE FEIS from a borrow ditch (swale) 1.5 ft. deep over 123 acres? At this size, 123 acres at an average of 1.5 ft. deep would generate less than one million cubic yards. Obviously the "emergent wetlands are going to be at the bottom of the borrow ditches/swales. Moreover, in the DFE FEIS the acreage needed for impact mitigation was considered at a 1:1 ratio for impact to mitigation, therefore it was written in the DFE FEIS approximately 1,169 acres were needed for mitigation. The small amount of acreage reported in the DFE SEIS at 123 acres for "emergent wetlands" within the larger swale (acreage not provided), plus the project features such as the 2 levees, 5 sumps, and channelization, do not begin to add up to the 1,169 mitigation acres? As written in the DFE SEIS it seems that the 123 acres of"emergent wetlands" is going to be only a small part of the total size of the swale. Even using the swale figures provided in this paragraph which total only 232 acres, the "emergent wetlands" take up only 53 percent of the swale. These figures do not compare to the figures provided in the DFE FEIS. This seems to need clarification. Second to last sentence is incomplete, emergent ?

11.

4

8. The NED Plan was viable, however the City determined following numerous meetings with the affected local public that it could not support the NED Plan for Environmental and other reasons.

9. The wetlands would be shallow, however, there is a deeper area in each cell as you have indicated.

10. The Mitigation requirements presented in the DFE GRR/EIS were determined in cooperation with the US Fish and Wildlife Service utilizing the Services Habitat Evaluation Procedures (HEP). No preset mitigation ratio utilized. Corps analyses indicated that forested habitat values in the DFE area would increase substantially under future "without project" conditions. Additional mitigation measures were incorporated into the authorized DFE project to fully compensate for all future habitat losses. The HEP annualizes future with and without project conditions for both the impacts and potential mitigation benefits. A total of 1,179 acres of mitigation was determined the required level to fully mitigate forested impacts. The mitigation would occur within and adjacent to wooded areas in the area identified as the Great Trinity Forest. Table 4-10 in the GRR/EIS describes the upper and lower swales.

11. The sentence should say emergent wetlands.

12.

5. P, 2-2, 1st para., continued. What is the CESWF expertise is creating synthetic "emergent wetlands" by using borrow ditches (swale) along a river system such as the Trinity? CESWF does not provide a comparative project to document that they have had any success creating such a synthetic system on the Trinity in the past, or that they can have success doing what is proposed in this river system. This is not a reservoir where CESWF has recently tried to establish wetlands, and it is still too soon to know if they were successful. Moreover, once the CESWF finishes the DFE project, they are not responsible for maintaining the success of the "emergent wetlands." Maintaining the wetlands becomes the task of the City. Under "cumulative effects" where is documentation that the City has the expertise to maintain this type of "emergent wetlands." Clearly, in Appendix M (DFE FEIS) Texas Parks and Wildlife Department (TPWD) states that, the CESWF has had little expertise, or success, in creating wetlands on open river systems of this nature with highly sporadic flows.

13.

14.

6. P. 2-2, 1st para., continued. TPWD is even more concerned about the detrimental cumulative effects of channelizing the river and the total effects on the aquatic habitat. The CESWF never discussed this direct DFE project impact, or the combined cumulative impact of the other projects mentioned above, and their long term cumulative impacts on the river aquatic system, or provide any documentation pertaining to their expertise, or success, in channelizing this type of river system.

15.

Where the channelization is going to take place will likely destroy a large natural meander bend in the river that is an important aquatic feature in the river. Meander bends create differential flows, stream bed loads are deposited on the inside of meanders, and faster flows occur on the outer parts of the channel. The shallow inside of the meander creates an aerated aquatic habitat (often point bars, riffles) that is beneficial for different aquatic life forms such as microfauna consisting of ostracods, copepods, etc., and larger fauna such as fish, turtles, gastropods and bivalves (mussel shells), as well as aquatic bird waders, while the deeper outer faster flowing pool habitat supports a different faunal community.

The movement of the channel westward of the meander will straighten the channel and increase flow velocity. Nothing is mentioned whether the new channel after channelization will be deeper, more shallow, wider, etc. A shallow channel would result in

12. The design and operation of the wetland system was developed in cooperation of U.S. Fish and Wildlife Service, Texas Parks and Wildlife Department and in-house Corps specialists.

13. We concur that success of mitigation operations will be contingent on utilizing an operational plan with the sponsor. We have no reason to believe that the sponsor (the City) will not closely abide by the agreed upon plan. In addition, the Corps of Engineers will perform periodic inspections of the project, including the flood damage reduction features, restoration features, and the environmental mitigation to assure the project features and associated operations are being properly preformed. Adaptive management will be directed where required.

14. The Corps discussed the impacts of the realignment of the Trinity River in the GRR on both terrestrial and aquatic habitats.

15. The meander bend is more than 2000 feet downstream of the lower end of the channelization. The new channel will be almost identical in length and cross section to the old channel. No additional conveyance will be added.

increased sinuosity of the river and erosion, decreased the upstream gradient, decreased mean particle diameter in stream bedload, and decreased competence of the stream to move its own sediment. A deeper channel would cause increase gradient, lack of sinuosity, chute cutoffs across point bars, new headward erosion as well as downstream erosion of banks.

The DFE features (2 levees, borrow ditch/swale, channelization, sumps with pumps) combined with the bank stability of 2 gabions on the right bank ca. 0.5 miles downstream at another CESWF project at another large meander at Joppa Preserve will likely result in the total degradation of the aquatic habitat from increased flow velocity resulting in increased bank erosion.

16.

Recently we learned of yet another project, to the immediate south of the CESWF's Joppa Preserve project. This project is by the City of Dallas, permitted by the CESWF, where the City is going to construct a 400+ acre extension to the existing levee system around McCommas Bluff landfill so that the landfill can extend eastward into waters of the U. S. and further confine the river on another large meander bend, also creating another point source for waste to enter into the river system directly or through percolation into the substrate.

The cumulative effects of these types of projects on the river system need to be modeled, quantified, and effects listed for their impacts to the river system. These were never considered cumulatively for the DFE, Joppa Preserve and the McCommas Bluff levee extension. Moreover, in this DFE SEIS, CESWF repeatedly recommends (or sells) their Environmental Quality (EQ) alternative for the Dallas Floodway design they produced in the Dallas Floodway Programmatic EIS (2000). Relative to some of the effects to the river system mentioned above, the CESWF has written nothing on how these proposed projects (DFE, DF EQ, Joppa, and permitting the McCommas Bluff Landfill Extension) cumulatively will directly or indirectly effect over 20 miles of the river system. As stewards of the waters of the U. S. for them to not describe, model, or synthesize the cumulative impacts these projects will have on the river system is to shirk their environmental responsibility for an Environmental Impact Statement.

Yet, the CESWF in the Upper Trinity PEIS (2000) can sure tout their synthetic model of a meandering stream and its benefits in their synthetic Environmental Quality model for the Dallas Floodway. If the CESWF's DF model is such a feasible environmental quality

16. The impacts of each of these projects are modeled prior to granting of Section 404/10 permits in the Upper Trinity Basin. In addition, the Corridor Development Certificate process requires that cumulative hydrologic and hydraulic impacts be negated on site .

17.

model with a man-made channelized meandering stream that creates such a beneficial aquatic habitat, why destroy the natural already existing high quality river system in the DFE and replace it with a man-made synthetic confined unnatural floodway?

Under current existing conditions within the natural DFE drainage, the unconfined floodplain in the DFE provides a substantial benefit for the channel confinement upstream in the DF by dissipating all the flow energy from the confined reaches upstream. To further confine the river through the DFE and downstream will cause instabilty of the river system, degrade the aquatic habitat, cause downstream and headward erosion, and alter the outflow drainage of tributaries within the drainage system. Although on a smaller scale with a less complex setting, Berger (1991, *The Blanco River*, pp. E30-E36; In Rosgen, D., 1993, ed., *Applied Fluvial Geomorphology*) documents an example of increased erosion along the Blanco River in Colorado as a result of the detrimental effect of confined flow caused by a COE project.

18.

7. P. 2-2, 1st para., continued and Recommended Plan (page 2-3). Furthermore, the CESWF never provided documentation (photographs, statement of request by TXDOT, or MOA, MOU, with TXDOT in either the DEIS or FEIS in Appendix L) that the I-45 bridge concrete supports were so heavily damaged that the river channel needs to be realigned. In June of 1998 I canoed past these supports and observed that the upstream concrete supports had a few scratches on the concrete support surfaces at various levels well above the river surface level from debris that had flowed passed the supports during higher faster flows since 1972. These scratches did not appear to jeopardize the integrity of the supports.

Recently, Tony Hartzel reported in the Sunday edition 12 January 2003, *Dallas Morning News, Metropolitan Section*, page 31, that 12 concrete pillars have deteriorated (see photograph and article on next page) under the I-30 bridge at Samuell Boulevard from storing the salt and sand mixture used for icy roads up against the concrete supports. When the salt and sand mixture got wet over the last 30 years it caused erosion of the concrete column surface exposing the reinforcing rebar steel. According to the article approximately 187,000 vehicles (trucks, cars, etc.) pass over the I-30 bridge daily, while only 75,000 vehicles (71.4% fewer vehicles) pass over the I-45 bridge daily. In the article, the TXDOT engineer that was interviewed stated, "It's not serious damage (referring to the

17. The channel realignment plan identified in the DFE GRR/EIS has a specific project purpose of eliminating the threats to a series of bridge pilings that support IH-45. The EQ plan, a floodplain development alternative incorporating fluvial geomorphologic principles within the Dallas Floodway, is discussed in the PEIS.

18. An incident prior to your canoe trip occurred that caused debris to pile up on a column causing sufficient hydraulic pressures to break the pier. The damaged pier was repaired prior to your site visit. The scratches you observed indicate that debris continues to strike the columns. There has not been another flooding event sufficient to cause new substantial damage. The need to protect IH-45 was described on page 4-69 of the GRR/EIS. Three alternatives including armoring of the columns were described, including cost and benefits to provide that protection were described on page 4-70 to 4-71. The river alignment alternative clearly has the lowest cost and provides the greatest benefit to cost ratio. Impacts of the aquatic and terrestrial impacts of the realignment were disclosed in Chapter 4.

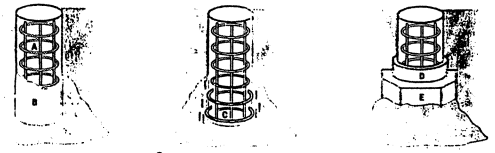
Salt eats away at interstate pillars

KIM RITZENTHALER/Staff Photographer

Bridge columns under Interstate 30 at Samuell Boulevard have suffered the corrosive effect of a salt-sand mixture that city crews stored around them. Pillars under I-45 have been damaged, too. The price tag for fixing the damage is $2 million.

A BAD MIXTURE

Years of exposure to road sand-and-salt stockpiles have damaged bridge columns under Interstates 30 and 45, costing the state an estimated $2 million in repairs.



1. Dallas crews that deal with icy road conditions have occasionally pushed piles of sand mixed with salt directly around concrete columns which are internally reinforced with steel bars (A). Over time, the salt, combined with the moisture in the sand, seeped through the concrete (B).

2. The salt sped up the rusting of the reinforcing steel inside the columns (C). When that occurred, the steel expanded and popped the columns' outer concrete layers. While the columns look dangerous, engineers have determined that motorists are not in any danger.

3. To repair the columns, crews will apply a layer of concrete (D). The city also plans to surround the columns with a wooden barrier (E). Work could begin by spring.

SOURCES: Texas Department of Transportation; City of Dallas

Damage poses no danger, officials say

By TONY HARTZEL
Transportation Writer

Next time, hold the salt.

Lengthy exposure to icy weather stockpiles of salt and sand has caused $2 million in damage to bridge columns under two Dallas highways. The columns are under Interstates 30 and 45 in areas where the city keeps tons of sand and salt.

Although a godsend to motorists needing traction, the mixture of 90 percent sand and 10 percent salt has enough salt to corrode the steel deep inside highway bridge columns. About a dozen pillars under I-30 at Samuell Boulevard have sustained damage.

The corrosion occurred over several years and didn't come without warning.

State officials had told city officials that the piles should be moved, but they weren't until recently. City crews know that salt and concrete don't mix, but workers were focused on helping motorists during stressful winter weather, said Coy Evans, interim assistant director for Dallas' Street Services Department.

"In the heat of a storm, you do what you need to do," he said.

The damaged columns do not pose a danger to the estimated 187,000 vehicles that travel I-30 over Samuell each day or the 75,000 vehicles a day that use I-45 around Pine and Hickory streets.

"The columns look pretty bad, but it's not as bad as it looks," said Gary Moonshower, an area engineer for the Texas Department of Transportation who will oversee the repairs that are to begin in May. "It's not serious damage that would affect the structural integrity of the bridges in any way."

Repairs will consist of a new concrete coat for all affected col-

See **SALT** *Page 32A*

Salt piles corrode interstate pillars

Continued from Page 31A

umns. Traffic should not be affected while crews patch the columns.

A state contract will pay for the repairs, but state officials will talk with city officials about sharing the cost. The sand and salt stockpiles belong to the city but are stored on a state right of way. At times, the city has shared its sand-salt reserves with the state, and the city has spread the mixture on state highways.

"This has happened over a 30-year period," Mr. Evans said. "All the benefit we've gotten out of those stockpiles in assisting traffic certainly has helped offset this deterioration cost."

City workers plan to install wooden boxes around the repaired columns to keep the salt and sand at bay.

"After a storm, we'll now get supervisors to inspect the stockpiles to make sure they're not getting pushed around the columns. If we need to, we'll clear away the piles after each storm," Mr. Evans said.

Some LBJ Freeway bridge columns near the Dallas High Five interchange project also are being repaired. In that case, the city kept construction-material stockpiles around the bridge columns.

Moisture from the stockpiles seeped into the concrete and expanded during freezing temperatures, causing the damage, said Bob Brown, the assistant Dallas district engineer for the Texas Department of Transportation. The salt in the sand stockpiles speeds up the corrosion, he added.

"We need to be more diligent in reviewing the stockpile locations and making sure they aren't placed where they can cause damage," Mr. Brown said.

Sand piles already have been moved to clear the way for the spring repairs. If they're lucky, Dallas crews won't have to move them or use them before then, Mr. Evans said.

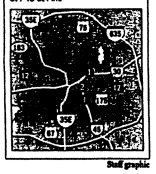
"It hasn't done anything severe in the last several years," he said as January temperatures hovered around 70 degrees last week. "But Texas does have crazy weather."

E-mail thartzel@dallasnews.com

SALT-DAMAGED OVERPASSES

Three overpasses have support pillars that have been damaged by sand and salt stored against the concrete.

1. I-30 at Samuell
2. I-45 at Hickory
3. I-45 at Pine



Staff graphic

Final Supplement I to Environmental Impact Statement for the Dallas Floodway Extension B-85

damage to the supports like the one concrete eroded support column shown in the I-30 article photograph) that would affect the structural integrity of the bridges in anyway."

The surface scratch damage done to only the upstream sides of eight of the upstream columns, of the sixteen I-45 concrete support columns, where the river passes through is miniscule compared to the damage depicted in the newspaper photograph of the I-30 support columns. Moreover, the I-45 traffic is 71.4 percent less than the I-30 traffic.

19. According to the newspaper article some I-45 support columns where sand and salt is stored under the bridge were also affected. The so-called damage by the river to the support columns was not mentioned as a problem. The TXDOT engineer did not even consider that the amount of deterioration depicted for the I-30 concrete supports affected the structural integrity of the bridge. Then how can the scratch damage to the I-45 concrete supports were the river flows justify moving and creating a new channel for the river and upset the entire riverine habitat?

20. In the newspaper photograph Item D was proposed by TxDOT to repair the damage to the I-30 concrete support columns. Item D consists of an additional outer concrete ring, or sleeve added to the base of the damaged columns. Therefore, it seems simple, the I-45 concrete supports where the river flows under the bridge are not nearly as badly damaged as the I-30 columns, which the I-30 columns in their present degraded state do not pose a structural integrity threat to the bridge. To prevent damage in the future to the I-45 columns an outer concrete ring or outer sleeve could be contructed to protect the existing columns instead of moving the river channel.

21. 8. P. 2-2, 1st para., 123 acres of emergent ? (not defined).

9. P. 2-2, 4th para., throughout the DFE SEIS the CESWF does not mention the CBD (Dallas, Central Business District), that supposedly was threatened if the DFE project did not get built. However, in the CESWF PEIS 2000 (Programmatic EIS for the Upper Trinity River Basin including the Dallas Floodway) it is made clear that the CBD can be additionally protected (SPF+) by adding 2+ feet to the inside of the existing levees, thus neutralizing this point of protection for the DFE. By including the CBD in the economics of the project the CESWF was able to elevate the economic benefits of the DFE project to make the

19. While the photos show signs superficial damage at the columns impacted by storage of materials, these columns are not subjected to the higher hydraulic forces that the columns in the river channel must sustain.

20. The alternatives evaluated included strengthening existing columns but the remaining threat to life and property was determined too great.

21. The missing word "wetlands" has been added to the sentence in the final report.

project's BCR (Benefit to Cost Ratio) high enough to justify the project. Without the CBD the BCR was insignificant because the DFE only provides protection to Cadillac Heights and Lamar street, while making a huge impact on the natural environment. In the DFE SEIS the CESWF still does not mention how these points affect the direct cumulative effects on the economic benefits in the DFE area after the project has been built. Many of the ongoing businesses along Lamar (n=41 of 77, or 53 %) such as: Auto Salvage/Automotive Repair/Tire Repair (n=18, or 23%), Container yards/Trucking Shipping Warehouses (n=11, or 14 %), Scrap metal yards (n=12, or 16%), have built up their land 10-20 ft. above the level of Lamar street to avoid flooding (Dalbey, 2002, report for NWF, OMB, TCONR, STT). What good will the Lamar levee do them? In addition there are 27 vacant/abandoned buildings, 12 vacant lots, 9 low income homes that could be bought out, and businesses (such as DISD in the old Proctor and Gamble building) on naturally high ground behind the proposed levee that were included in the economic assessment. Furthermore, by the BCR omission in the SEIS, and according to the CESWF, cumulatively for the 22 projects listed in Table 4-2 the DFE project provides very little economic benefits (see no. 11 below).

22.

10. P. 2-3, para 4, Recommended Plan, the cost of the project is higher. The cost for the DFE project is described as costing $154.4 million up from $127 million, a 22% increase, plus the extra the City has to pay for the Locally Preferred Plan (LPP). Why is the cost higher?

23

11. P. 2-3, para 5, this paragraph is misleading. At the 25 November 2002 meeting at the CWWTP (Central Waste Water Treatment Plant) held in Cadillac Heights by the City with Councilman John Loza presiding along with other City representatives, the only buy out proposal offered for the Police Academy by the City was for those residences above the 100 year flood. The City offered nothing for those that live below the 100 year flood as defined by the City from 1970's data. The City by signing the Project Cost Sharing Agreement with CESWF forfeited any Federal dollars from the DFE with this agreement and is evidently prepared to go it alone, or through other channels to resolve the Cadillac Heights issues. During the buy out public meeting for the Police Academy held by the City, the City representatives and council members present were only concerned with the academy building. The City representatives in their infinite

24.

22. This comment is addressed in the SEIS in Appendix A section on the Flood Damage Reduction plan.

23. The lower cost of the DFE project was based on a detailed cost estimate performed for the GRR/EIS. The higher number is an updated cost, which reflects price level increases due to inflation.

24. The 100-year elevation is based on the models developed under the Upper Trinity Feasibility Study (1993 – 1998) and used in the DFE project. This model is based on 1991 topography and recent flood events data.

wisdom left out other necessary academy amenities such as firing ranges and physical training areas. According to Asst. City Manager Jill Jordan (21 January 2003 City Bond Proposal Public Meeting, Skyline Library) there is a Phase II in the works for buying out those residents below the 100 year floodplain in Cadillac Heights to accomodate the firing ranges and training grounds.

So, the City's plan for what they are going to do after the agreement does not necessarily have to include the CESWF, although participation by CESWF through the DFE project would have been highly desirable. The City essentially lost a $0.5 million law suit brought against the City by Mike Daniel representing several of the
25 Cadillac Heights residents as they settled out of court. The City is now offering approximately $55,000.00 plus moving cost for ca. 190 households in Cadillac Heights which would come to $10.45 million. With the removal of the residences from Cadillac Heights, the Cadillac Heights levee would be protecting less value, which would drive down the dollar value of the benefits of the Cadillac Heights levee further, and lower the CESWF BCR even more. After the household removal the levee would be protecting a Police Academy firing range and physical training fields. How much value do these have?

There were two lead (Pb) smelters (closed by 1991). Currently, a huge City waste treatment facility, chrome plating plant, meat rendering plants, animal fat rendering plant, large DART regional bus repair facility, etc. in Cadillac Heights plus other small industries that polluted and still are polluting the area. After the RSR Pb smelter National exposure in west Dallas the City recognizes they had better do something, even if CESWF does not recognize contamination problems and wants to go through the toxic Linfield Landfill.

The CESWF never recognized contamination in this area, except at Linfield Landfill next to the Joppa community. CESWF determined, based on some very limited, not thorough analyses outside of the
26 direct impact areas, that contamination in the DFE is not significant. Even after an exposed slurry wall was built after a swale cell that was going to be excavated through the Linfield Landfill. CESWF did not test for contamination (such as arsenic, chromium, selenium, barium, lead, chlorine, ammonia, nitrates, hydrocarbons VOC, SVOC, PCB's, etc.) in areas they were going to directly impact. The direct and indirect cumulative impacts of contamination exposure to the air, water, and soil, were never addressed because the CESWF would not, and did not test for contamination in areas where they were going to build DFE project features (primarily the swale cells and sumps). If

25. The DFE project's economic justification was based on existing property/structures in place at the time of the evaluation. The Corps is not allowed to include potential future development flood damage reduction benefits in its economic justification.

26. The Linfield Landfill was tested and the Corps received approval from the TCEQ on its plan for the excavation of the closed landfill. Continued testing will be performed as necessary on all property acquired for the project.

26

the CESWF through negligence does not test and analyze then there are no direct and indirect cumulative HTRW impacts. To neglect is a violation of NEPA, because direct and indirect impacts can not be ascertained. A Federal projects' direct and indirect impacts, and how they cumulatively effect the environment is what the NEPA process is all about, if HTRW impacts are neglected, NEPA is incomplete, and indirect and direct cumulative impacts can not be determined, or even an evaluation made.

27.

12. P. 3-5, para 3, Corps of Engineers Reservoir Projects, CESWF states that, Grapevine, Ray Roberts and Lewisville reservoirs have the greatest effect on the hyrology of the study area of the DFE. This is not accurate because the CESWF Joe Pool reservoir that empties into the much smaller Mountain Creek reservoir can also have a large effect on the hydrology, especially when heavy rains in the southern part of the drainage occur.

28

13. P. 3-11, para. 1, No Action, only addresses CESWF proposed plans for the Upper Trinity River Basin Programmatic EIS (PEIS, 2000) Flood Damage Reduction Plan and their proposed Environmental Quality Plan (channelized meandering channel between the existing levees in the Dallas Floodway) and has nothing to do with "no action" in the DFE. The CESWF is suppose to address the DFE, that is the Dallas Floodway Extension, not the Dallas Floodway (DF) which is connected to the north end of the DFE. The CESWF DF plan and H/H models are predicated on the DFE being in place. This SEIS is about the DFE. Either the CESWF does not understand, or does not want to understand, that they are suppose to address the DFE cumulative effects, or they make the assumption that the readers of the SEIS are so ill-informed that they do not know the difference between the DFE and the DF, which is an insult to the public and agencies involved.

29

14. P. 3-11, para 3, refers to many bridges across the Trinity as potential historic properties under Section 106. How many, and what are the particular bridges. How will the historic status of the bridges affect the DFE or PEIS?

15. P. 3-11 to 3-12, Flood Damage Reduction Plan and Environmental Quality Plan. This is the first write up in this report, of many references throughout the report, to the CESWF's plan for the Dallas Floodway (DF) that the City Council has not voted for over their

26. HTRW has not been ignored. Site specific testing will be conducted as plans and specifications are developed for the project. Should HTRW materials be located, they would be handled in accordance with existing state and federal laws. The net result would be of improved environmental conditions for humans and fish and wildlife resources.

27. Mountain Creek has a smaller overall drainage area and contributes less to the hydrologic effects in the DFE. However, all upstream reservoirs were taken into account in the determination of the hydrology for the study and design of all Corps projects in the Dallas area.

28. The GRR/EIS for the DFE thoroughly discussed and disclosed the impacts of the DFE. The Draft SEIS addresses the cumulative impacts of other reasonably foreseeable actions. Cumulative impacts in relation to the final array of DFE alternatives have been determined and are included in the Final SEIS.

29. There are five potential historic bridges (Commerce, Continental, Corinth, and Houston and the ATSF) in the area. The historic status of these bridges does not affect DFE or PEIS.

30

Master Implementation Plan. Throughout the report the CESWF attempts to use the DFE SEIS report as a document to sell their DF EQ plan over the Master Implementation Plan that Halff and Associates designed for the City, that was paid for by the City with additional taxpayer money to the amount of over $5 million. This is not the proper venue for the CESWF to sell this project. The cumulative effects of projects in the PEIS do not provide any details on the hydrology combined with the other 21 projects upstream of the DFE, nor the protection (greater than SPF) to the CBD. The protection of the CBD in this project would neutralize the BCR benefits for doing the DFE, because the value of property, businesses, etc. in the DFE are not collectively high enough to stand alone to justify the DFE project if the DF levees are raised protecting the CBD.

31

16. P. 3-14, 1st para., Ecosystem Restoration, Old Trinity River, Dallas, modification of the Bickers Street Sump, and other features that no one seems to know about. This project was listed in a 1995 CESWF report on proposed projects for the Upper Trinity. It is not clear in the description how many acres are going to be modified but seems to be ca. 110 acres outside the floodway. A drawing should accompany the description of this project and how it will effect the Floodway.

32

33.

17. General comment: list of projects with diagram(s) should be included for each of the 22 projects that the CESWF describes in the SEIS. The diagrams should show the impact(s) to the existing conditions, the total acreage alteration, and proposed final design.

34.

18. P. 3-14, 2nd para., downstream right bank erosion caused by the confined high velocity flows from the Dallas Floodway was used for the justification of the Joppa Preserve 1135 project. This $7 million project begins at the end of the DFE. Basically it is designed as a 123 acre swale cell with "emergent wetlands," south of Swale Cell G in the DFE with levees on the east side of the swale (Big Lemmon Lake), and 2 gabions on the right bank where the river meanders. The project is less than 100 feet south of the DFE hidden as an 1135 project and environmental restoration. Real environmental restoration would be to re-establish this land as bottomland hardwood forest with what is left of the creek re-establish a natural channel.

This project is in the floodplain and is subject to numerous

30. The EQ plan was identified in the PEIS as an alternative that would reasonably provide ecosystem restoration benefits to the Dallas Floodway.

31. This comment is addressed in the SEIS in Appendix A section on the Flood Damage Reduction plan. Additional flood damage reduction within the Dallas Floodway, if the levees were raised, would not neutralize the benefits of constructing the DFE. Flood damage reduction benefits in the immediate area of the DFE are the primary output of the DFE project and those benefits would occur whether or not additional height is provided to the DFE levees

32. The project would not effect the Floodway but if implemented would provide cumulative benefits to fish and wildlife resources through improvement of wetlands and riparian forested resources. A draft detailed project report for is scheduled for public review this FY.

33. The actions that we were able to identify in the overall study area were evaluated. Most of the proposed projects lack sufficient detail to provide the information requested at this time. For those where sufficient data exists, their adverse and beneficial impacts are included in Table 4-1.

34. Erosion from both high and low flows and from flows through Lemmon Lake eroded the control structures in the past. The justification for the project is based upon restoration of modern historic conditions, which include a wetland complex within Lemmon Lake and Little Lemon Lake and riparian forest protection and improvement.

floods (I observed this land submerged 7 times in the first 7 months of 2002). Historically, the land was once a relatively level floodplain with a bottomland hardwood forest before it was used as a sand and gravel borrow early in the last century up through the 1960's by TXI. Several episodes of Rod and Gun Clubs used the land for recreation. For a while the land was virtually unoccupied and the lakes were being filled in by dumping. Big Lemmon Lake with levees around it was essentially dry in 2000 from silting up behind the levees.

35

Dallas County obtained part of the land in 1980's and has expanded their ownership to almost 400 acres. It is their desire coaxed by the CESWF to re-establish Big Lemmon Lake as a body of water by diverting some of the water from the source that feeds Little Lemmon Lake. Little Lemmon Lake has never dried up in the last 25 years due to a western water source (spring) that once flowed into Five Mile Creek before it was diverted to the south of McCommas Bluff Landfill. This project should have restored the floodplain to it's original condition as 390 acres of bottomland hardwood forest on the floodplain. Instead, $7 million of taxpayers money is going to be spent to temporarily restore a sand and gravel borrow pit to man-made synthetic conditions equal to those 40 years ago.

36.

19. top of the page, Trinity River Corridor Comprehensive Land Use Plan (CLUP), conceived and paid for by the City of Dallas for a developmental contractor HTNB to come up with various developmental scenarios based on various plans and urban designs. This study is mostly limited to socio-economic urban development and does not satisfy the more broad considerations of an environmental impact. But, at least it attempts to consider what can happen in the foreseeable future assuming projects are completed. Although this is not required by the City as part of the Federal contract with the CESWF for the DFE, in this instance the City is using more foresight than the CESWF by attempting at least to assess the direct and indirect socio-economic cumulative effects of combined projects that include the DF, DFE, toll road, and the Great Trinity Forest. If the City can see that these Federal projects are all connected and that there will be cumulative developmental urban planned effects why can't the CESWF? This is the kind of study the CESWF should have conducted, or, had a contractor do for an assessment of cumulative impacts for the DFE FEIS.

37

35. The Lake was dry due to the failure of the water control structure.

36. The stated intent of the restoration project as agreed to by the sponsor was to restore the aquatic and wetland features associated with Lemmon Lake, Little Lemmon Lake and to improve the existing riparian and bottomland hardwood

37. The Corps considered the cumulative impacts on the broad social issues of public services, environmental justice, aesthetics, historic and cultural and environmental resources. The depth of the study being done by CLUP is important for the city of Dallas, but it sufficient information is available to assess the cumulative impacts related to the DFE project.

Although early in the process, at the only public meeting held by HTNB (early 2001 at Reverchon Park Recreation Center) where HTNB wanted environmentalist input, their developmental/economic models stopped along the upper reaches of the DFE and virtually excluded the southern part to Loop 12 and beyond.

Moreover, the DFE and toll road have been touted by the Dallas Plan and the CESWF as bringing more economic development to the area south of the DF, however, no economic development came as a result of the the I-45 bridge built in the 1970's.

38.

20. P. 3-17, para. 5, Figure 3-3 should be on page 3-18.

39.

21. P. 3-17, para. 6, CULP should be CLUP.

40

22. P. 3-18, para. 1, Current Status, referring to CLUP, most of these plans occur after the Trinity river corridor projects ie. toll road, DF, DFE, etc., are complete. These initiatives and urban plans reflect the direct and indirect cumulative impacts as a result of the combined projects and more detail needs to be included as cumulative impacts.

23. P. 3-19, 1st para., CESWF states (p.3-19) that, "By far, the proposed action within the general geographic area of the DFE with the greatest potential for cumulative effects is the proposed Trinity Parkway or Tollway." Why? CESWF needs to explain why the toll road has the greatest potential for cumulative impacts, than the collective projects that the CESWF is going to build, and or permit through their regulatory function. The CESWF will permit the Tollway, Segment IV of PGBT along the Elm Fork at the north end of the DF, will either build their version of the DF, or permit the City's MIP version, build the DFE, Joppa Preserve, and permit the McCommas Bluff landfill levee extension. The cumulative impacts of all these combined CESWF projects and permits is far greater to the river ecosystem than just the toll road. If the City decides to build the MIP in the DF rather than the CESWF EQ Plan, the CESWF will permit this project as well. Will the CESWF deny the toll road permit? Will the CESWF deny the City's MIP for the DF? Not likely, they hardly ever deny a large agency their permit. CESWF should list the projects and permits they have denied, and the reason(s) for denial. If the combined effects of CESWF projects and permitted actions represent less cumulative effects than the toll road, then the CESWF needs to explain how this is so. This statement also indicates

41.

38. The DFE project is authorized for flood damage reduction. The DFE project could bring economic development to the area south of the Dallas Floodway.

39. Thank you for the comment.

40. The correction was made in the final SEIS.

41. From information currently available, the Tollway/Parkway alternatives that would utilize the existing Dallas Floodway levees would require a hydrologic and hydraulic mitigation plan, and an environmental mitigation plan. It is anticipated that the H&H mitigation plan would require extensive modification of the floodway. The combined footprint of the Parkway and H&H mitigation area would impact wetlands and forested areas that would need mitigation. Pending permit actions will also require mitigation to meet requirements established by Corps (PEIS) and local governments (CDC) to reduce cumulative impacts to riverine ecosystems.

that the CESWF has already calculated lesser statistics, but does not provide them.

42. 24. P. 3-19, 1st para., General comment continued relative to the "greatest potential for cumulative impacts" above in No. 23. In a table, the CESWF needs to tabulate the total acreage of all of these projects with their various alternatives that will alter the hydraulic and hydrologic (H/H) existing conditions. The existing conditions is what exists presently and represents the flow dynamics at present without the 22 projects listed in the SEIS, because the CESWF is involved with all of these projects by either building or permitting these projects, and because they regulate and control the waters of the U. S.

From what can be gathered from the project acreage in the report, although not all the acreage is provided, or listed as minimal acreage for the alternatives in the report, at a minimum at least 6,000 acres of the floodway/floodplain will be impacted by just 10 of the 22 projects. Acreage calculated from the following:

Segment IV of PGBT on the Elm Fork (170 acres, although mitigation is minimal and not located, represents 0.63 : 1.0 ratio of mitigation to project impact usually at 1:1 ratio),

Stemmons North (1,034 acres),

DF 2,005 acres (mean value [City's MIP 1,603 acres], or CESWF 2,406 total acres made up of [1,422 DF CESWF Flood Reduction], and [984 acres CESWF EQ Plan]),

S. H. 183/West Fork, if reliever route along north side of West Fork (not listed in SEIS) still in plan (several hundred acres [estimate ca. 300acres]),

Loop 12 /I-35 Corridor (20 acres),

Old Trinity Channel (110 acres),

Toll Road 500 acres inside existing levees,

DFE (1,169 acres),

Joppa (250 acres),

42. The Corps has identified the similar reasonably foreseeable projects in the geographic area of the DFE and has assessed the cumulative impacts of those projects. Acreage data and effects on hydrology area were included in tables in the final SEIS.

43. for a total of approximately 6,000 acres. How would the H/H in the DFE be altered relative to existing H/H conditions by each project, or combinations of projects, added cumulatively to include all the projects? The CESWF needs to model the H/H cumulative effects for these projects and how they will cumulatively effect the H/H in the DFE.

44. 25. P. 3-19, para. 2, according to M. Morris head of Transportation at NCTCOG (North Central Texas Council of Governments), at the first public meeting for S. H. 183 renovation he said, "S. H. 183 renovation at the south end considers the toll road in place, in concert with the 2020 Transportation Vision NCTCOG developed that was contingent upon the toll roads being in place." This kind of "corporate agency pressure" for plans to proceed without clearance are presumptious, assumes environmental compliance and other regulations not issues, and can be very costly to the taxpayers. Under cumulative impacts the CESWF should also include NCTCOG 2020 and 2050 Vision statements for the central role the toll road plays in transportation plans because it relates to the indirect and direct impacts of the Trinity river corridor projects. Can the toll road be built without the DFE? Probably, by building it outside the levees. TxDOT with a CESWF permit, needs to determine and make public whether the toll road can be built inside the existing levees without the DFE. If it can not be built without the DFE then this would demonstrate the direct impact of the DFE on the toll road inside the levees.

45. 26. P. 3-20, 21, paras. last and first, Combined Tollway-Riverside, width 332 feet (+ swale?) in the floodway, Split Tollway-Riverside width 246 feet. Is the total width of the Split Tollway 266 feet (road + 20 ft. swale), or 266 feet on each side for a total of 532 feet in width? This needs to be clarified. As writtern, it is incorrect that a split road would take up less acreage where two roadways have to be built on each side of the levees than a combined roadway on one side of a levee.

27. P. 3-22, 1st para., Project Pegasus, at current TxDOT 3rd public MIS/EIS Pegasus meetings (21 and 23 January 2003), the agency assumes the DFE and toll road in place. TxDOT spokesman leading public meetings Timothy Nesbitt, states that TxDOT will not build

43. The cumulative impacts to H&H of reasonably foreseeable projects that could be identified were included in the final SEIS.

44. The public is well aware that the Corps has planned to build the DFE project. It is understandable that other agencies who have interest in planning to construct roads, buildings, recreational features or anything else in the DFE area would initiate their process with their understanding of the most likely scenario for the DFE.

45. Roadway width refers to width for one direction, the Tollroad width refers to the total width for both directions. The combined roadway requires a smaller footprint.

Pegasus (Mixmaster I-30/35/Canyon I-30) unless the toll road in the Trinity is in place.

46. There is no doubt that the traffic congestion in the Canyon and Mixmaster needs to be relieved for many reasons. The toll road inside the levees is considered as a reliever for the project. If built the toll road inside the levees will service southeast Dallas with only 5% projected traffic growth to 2020 by TxDOT as stated at their first public meeting, and backed up by DART's (Southeast Corridor) traffic frequency study on Hwy. 175, where the traffic frequency was so low it could not even support an HOV lane. The toll road will not service the east corridor with I-30/Hwy 80, so the toll road will not relieve this traffic estimated at 180,000-200,000 vehicles a day (TxDOT at DART East Corridor MIS meetings). North to southwest traffic on I-35 (>200,000 vehicles per day) travels south across the river, or exits east to west on I-30, while traffic frequency traveling to the south central and southeast corridors is much less, primarily because of the large Trinity river floodplain that is undeveloped. I-45 to the south central corridor has 75,000 vehicles per day, and Hawn Freeway (Hwy. 175) to the southeast sector has about the same frequency or less than I-45. At the MIS meetings the toll road inside the levees is sold to the public as relieving the I-30 and I-35 traffic congestion but only ties into Hwy. 175, leaves out I-45, and Hwy 175 carries very low traffic frequencies with a projected growth of only 5% to 2020. Therefore, the northwest to southeast toll road inside the levees will relieve very little of the I-30/I-35 Canyon and Mixmaster traffic.

The agency does not even consider renovation of the I-30 Canyon/I-30/35 Mixmaster in a manner that Fort Worth renovated their Mixmaster. TxDOT did not even consider building a reliever road between the levees along the West Fork in Fort Worth. This is a relevant example of how indirect impacts of the DFE/toll road can get out of control by Federal agency pyramid building and Federal "agency corporate leveraging (or public blackmail)" when the agencies try to sell their project(s) to the public by assuming other projects such as the DFE/toll road are in place, or they will not build them. The toll roads are predicated on the DFE. Pegasus is predicated on the toll road. The direct and indirect impacts of these projects effect the alternatives that an agency will even consider. There is only one more public meeting on this project and the EIS is due to be completed by June of 2004. The CESWF description of this $770 million project is so minimal it is virtually useless.

46. The needs for and justification for the tollroad reliever route are outside the Corps area of responsibility or expertise. However, we have evaluated the cumulative impacts of alternative alignments based upon information available.

47.

28. P. 3-22, 3rd para., Woodall Rodgers Extension and Bridge is a very limited discussion. This is another project that is part of the direct and indirect effects pyramid that is contingent upon the toll road, that is contingent upon the DFE, leveraged by the agencies involved. This project cost has doubled from the 1995 $35 million bond initiative to $70 million with a designer bridge from private non-agency donations. According to the CESWF the environmental studies are in internal review, have not been made public for review. This seems rather presumptious, part of the "agency leverage pressure," if the design can not be determined until the toll road alignment is selected, or if TxDOT/NTTA can even build the toll road.

48.

29. P. 2-22, Segment IV of the President George Bush Turnpike (PGBT) - where are the mitigation locations? How will the H/H existing conditions in the DFE be effected by westward build up of the Segment IV levee and displacement of the floodwaters in the Elm Fork floodplain? NTTA/TxDOT did not know, or include H/H models of their project at their public meetings for their Segment IV EIS? The CESWF permitted this project without H/H impacts determined.

49.

30. P. 2-23, West Fork Corridor S. H. 183, at the first MIS public meeting in winter 2000 (see No. 25 above) for this project, M. Morris Head of Transportation for NCTCOG said, that this project was predicated on the completion of the Trinity river toll road, and the toll road was central to NCTCOG's 2020 Transportation Vision.

This project included a western oriented reliever that was proposed within the West Fork floodplain along Hunter Ferrell road on the north side of the West Fork to Hwy. 360. This project is beyond MIS and is in EIS stages. The inclusion of the west reliever route within the West Fork floodplain would have a cumulatively large impact to the H/H in the West Fork, and combined with all of the other projects an even larger impact on the DFE H/H. The CESWF information on this project and whether the West Fork reliever is still included needs to be updated.

31. P. 3-25, para. 2, DART SE Corridor Crossing White Rock Creek. A total of 13 water bodies are crossed (DART EIS, p. 3-88) and at least 16 acres of floodplain filled in (table on p. 3-90) to create grade within 100-year floodplain (DART EIS, p. 5, 111-114), at preliminary 5-10% complete designs in EIS. This project began in 1988 with taking over ownership of the rail line, MIS studies in late 1998-1999

47. Only the final design of this bridge is contingent upon design of other projects. The justification for the bridge is not based upon construction of DFE or other projects.

48. The applicant was required to perform detailed H&H studies to be considered during the review of this permit.

49. To date, the MIS resulted in selection of a recommended plan of construction that would result in the widening of existing Hwy 183 from 6 to 8 lanes with a HOV system and bicycle and pedestrian considerations. Reliever route studies are underway although broad alternatives have been considered no plan has been sufficiently identified to determine and that any route would be a reasonably foreseeable project.

50.

and in revision of DEIS. Project crosses 2 mile wide White Rock Creek floodplain, with 5-10% complete designs that include build up of concrete ramp west of Dixon over UP RR, with elevated structure east of Dixon 2,200 ft. long with some earthen levee support across the floodplain, creating elevated conveyance structure (details unclear at this time) over White Rock Creek channel. DART did not do H/H for existing conditions, or H/H for build conditions to determine H/H impact of project on the White Rock Drainage.

Project location description needs to be improved. Rail line will be located along to be built rail corridor from downtown through Deep Ellum, to Baylor Hospital, to Fair Park (west and east side), along existing rail ROW on Trunk street, running southeast paralleling Robert B. Cullum, east along existing DART owned rail right of way paralleling Scyene (Hwy 352), turning south through the forest along the west drainage of White Rock Creek west of Jim Miller road, turning southeast to parallel Hwy. 175, crossing Lake June road, and ending at Buckner Station at Loop 12 and Hwy. 175. It is obvious from CESWF unfamiliarity with this project that DART has not contacted CESWF on this project much seeking a CESWF permit.

51.

32. P. 3-26, para. 3, inaccurate as to no zoning changes, in Dallas Plan 2nd public meeting 18 July 2000 Cadillac Heights Community Plan lengthy handout the CESWF is misleading that there have been changes in the zoning definitions. In the 1965 City zoning map provided in the brochure did not demarcate the 100 year flood, did not zone the areas to the north of Morrell, and listed an area on the northeast between Morrell and Cadillac as I-2 and areas to the south of Birdsong Drive as I-2. Areas to the east of Sargent road where Darling Industries is now located (fat rendering plant) and where National Lead and Dixie Metals were located, along with the huge City CWTTP have no zoning designation. In the current zoning map the 100 year floodplain is added, IM-Industrial Manufacturing is added to the north of Morrell where several scrap metal companies and one animal rendering plant is located. The I-2 in 1965 at the northeast corner between Morrell and Cadillac that was I-2 is now listed as IR for Industrial Research where an animal rendering plant and chrome plating plant are located. This is industrial research? The previous 1965 I-2 designations south of Birdsong Drive have been changed to IR (Industrial Research) for an engine and used truck parts company and a huge DART regional vehicular repair facility. These are industrial research? The industries on the east such as the CWWTP,

50. The aspects of the Dart SE corridor project that impact floodplain resources were described and the cumulative impacts were addressed in the SEIS.

51. The intent of the discussion about zoning was to indicate that the homes that are in the Cadillac Heights area are allowed to stay under previous and existing zoning definitions.

Darling Industries, etc., are not designated and the Dixie Metal toxic landfill is not designated, as well as the National Lead contaminated area is not designated. At least in the current zoning provided by the Dallas Plan the 100 year flood limit (although from 1970 data) was demarcated, something the CESWF did not do in either the DEIS or the FEIS on the DFE.

52. Paragraph 4 is inaccurate. See comment No. 11 above on page 10. City also contracted for >$100,000.00 study of drainage within Cadillac Heights that is not included in SEIS. CLUP study hardly touched on Cadillac Heights and was more interested developing within the the DF. There have been zoning changes, to the north from no designation to Industrial Manufacturing (IM), the 100 year floodplain has been added and demarcated, the areas of industrial facilities and waste treatment utility facility to the east of Sargent road are not labeled, at least in the Dallas Plan zoning map provided, I-2 (light industrial) without Dixie Metals and National Lead included, went to IR. This is the ridiculous and deceiving Industrial Research designations for a chrome plating plant, animal rendering plant, and truck and bus vehicular repair and parts, with toxic areas such as where Dixie Metals is located not mapped. Nothing can be built on top of the 13 acre Dixie Metals land more than 100 years (2001 TNRCC remediation meeting). The CESWF needs to refine their discussion of Cadillac Heights.

53. 33. P. 3-27, Elm Fork Area, CESWF needs to discuss the City of Dallas desire to significantly raise Frazier Dam, and the effects the raising would have on the H/H above and below the dam. Recreation study by Freeze and Nichols, Inc. 2001 should have been mentioned. This will enhance bank erosion and inundate the flora along the banks. Is Mary Kay Lake going to be effected?

54. 34. P. 3-28, 1st para., DCRUD should read DCURD.

55. 35. P. 3-28, 2nd para., "Chain of Lakes," is part of the MIP plan and only one lake would probably fit after the features of the other projects are built. If not toll road not built City would still have to get permit from CESWF to excavate in the floodway. Again this is predicated upon other projects and the pyramid of project features on top of other project features, all leading to cumulative impacts on the H/H of the DFE.

52. The information in this section of the report is related to the potential for buyouts occurring by any entity of the Cadillac Heights area. Some have alleged that the Cities zoning definitions would ultimately make it easier for investment businesses to change the Cadillac Heights area from residential area to a business office, and high-density resident area once the levee is in place. Information available to us does not indicate that such a conversion is imminent, and should it occur, it would be through private investment likely at benefit to the current landowners.

53. This section of the report addresses flood damage reduction alternatives being considered. Frazier Dam is discussed under the section on fills and permits. Freese and Nichols conducted the Elm Fork Management study discussed in this section and the discussion includes recreation. Effects on Mary Kay Lake 54. Correction was made.

54. Noted

55.Cumulative impacts of "reasonably foreseeable projects" in the geographic area of the DFE have been fully analyzed.

56.

36. P. 3-28, 3rd para., Equestrian Center, Walford should read Watford. Intrepretive Center and Equestrian Center to cost ca. $20 million. CESWF Joppa project with equestrian trail is tied supposedly tied to this center, as well as the Loop 12 boat ramp, and Swale Cell G of the DFE, all located very near each other. However, at current public meetings about the Interpretive/Equestrian Center BRW does not where they will be built, or if they will be built together

57.

37. P. 3-29, 1st para., Old Trinity Meanders Trail, what is the CESWF role in this? What White Rock Creek Trail? What White Rock Creek Park Chain? I was an active attendant at the Lower White Rock Creek charette with the NPS in May 2002 and I am on the White Rock Heritage District Trail Committee and Brochure Committee, and I have never heard of the White Rock Creek trail and park chain.

58.

38. P. 3-29, 2nd para., South Loop 12 Boat Ramp, construction date is April or May 2003 (Mary Ayala, TRCPO Recreation Department). CESWF already permitted the project after notified of an archaeological site to be impacted by project. CESWF by not requiring archaeology to be done is in violation of NHPA (National Historic Preservation Act of 1966). This is a violation of Section 404 permit regulations pertaining to NHPA under procedures found in 33 CFR Part 325, Appendix C, compliance with NHPA and other laws dealing with historic properties (Feferal Register vol. 67, No. 46, p. 10822, 8 March 2002). CESWF Regulatory Section has required archaeology to be done on many Section 404 projects as significant sites were located. CESWF ignores the existence of the site, especially under the new discoveries that have been made since August 2001.

The City's boat ramp goes through the north end of a large important stratified multi-component significant archaeological site (41DL350) radiocarbon dated to 600-1,000 years ago, that contained at least one human skeleton (burial). Under the Texas Antiquities Code pertaining to significant historic sites the TxSHPO requires the City to do archaeology on the north end of the site impacted by boat ramp.

CESWF does not consider 41DL350 directly or indirectly impacted by the DFE project. The site is located 100 feet from the south end of Swale Cell G at the south end of the DFE project. CESWF also ignores 41DL69/70 a prehistoric Native American site (reported with 7 human skeletons), and 41DL320 an historic City of Dallas landfill dating from ca. 1880-1920, both are within the footprint of

56. Studies are still underway to determine location and project features of the Interpretive Center and Equestrian Center.

57. Other than attempting to obtain information on what projects might have cumulative impacts to DFE, the Corps has no role in the trails listed in this paragraph.

58. Site DL350 is currently being contracted out by the City of Dallas for excavation exactly for this reason. A local archaeological contractor has been selected to perform archaeological excavations of site 41DL350 in the near future. Site 41DL69/70 was tested by another local archaeological contractor several years ago and was determined to be ineligible for the National Register of Historic Places with SHPO concurrence. Sites such as 41DL320 would have to be investigated should the Corps look into a project affecting this area.

59.

the Lamar Street levee and sumps of the DFE project. CESWF is required to do the archaeology at these sites under direct and indirect impacts under NEPA and NHPA regulations in 36 CFR Part 800 (known as Section 106) for Federal undertakings (Federal Register vol. 64, No. 95, pp. 27071-27087 18 May 1999, published as Part II by the Advisory Council on Historic Preservation). With the presence of human skeleton(s) at 41DL69/70 and 41DL350 the CESWF is also violating the regulations for Section 106 undertakings with regard to NAGPRA (Native American Graves Protection and Repatriation Act of 1990) consultation with native tribal groups that have a historic claim to the area (such as Caddo, Wichita, Comanche). To ignore these sites and not do anything is a violation of the laws outlined in Federal regulations pertaining to NEPA, NHPA and NAGPRA under Section 106, and Section 404.

60.

61.

If the CESWF can justify the $7 million, 1135 Joppa Preserve Project because of downstream right bank erosion due to the Dallas Floodway that is 6 miles upstream; imagine the amount of erosion of the right bank once the Trinity river channel is realigned, levees are extended ca. 2.5 miles downstream, and the southern end Swale Cell G ends 100 feet from river bank with archaeological site 41DL350. Clearly, the direct and indirect cumulative impacts of the DFE on Cultural Resources (archaeological aspects) right at the DFE were ignored by the CESWF.

62.

39. P. 3-33, 1st para., 770 projects were authorized in the Upper Trinity River Basin during the study period. How long is the study period, from 1965, or 1998? What was the source of information provided here, the Upper Trinity River Basin (UTRB) PEIS? If that document was used the amount of forested areas in the UTRB declined relative to the baseline 1988 TREIS. The projects listed do not add up to the total projects.

40. P. 3-30, 2nd para., CESWF lists 4 significant permit actions, the first 3 are really huge:

a. 425 acre McCommas Bluff Landfill Levee Extension and Swale by the City of Dallas further confines the Trinity river downstream from the DFE and Joppa, and essentially fulfills the CESWF original 1992 plans to develop flood control south to I-20. This project will extend landfill refuse east into waters of the U. S. and sediment carried in the overflow swale jeopardize the filling of large meander bends that

59. NAGPRA is not valid for sites not on Federal land. Any sites where eligibility status is unknown or where the site has been determined potentially eligible to the Register would have to be investigated if we had a project that could potentially disturb them. Site 69/70 has been tested several years ago by Geo-Marine & SHPO has concurred the site is insignificant & ineligible for the National Register of Historic Places.

60. The analysis conducted in the Final SEIS (Appendix A) does not support the contention that the cumulative impact of DFE and reasonably foreseeable projects would promote additional downstream erosion over the existing conditions. See response to Comment 58.

61. 770 permits were authorized during the period December 1, 1999 to September 1, 2002. The source of the information as described in the section was from the Corps of Engineers Regulatory Branch.

62.The size of the project and its potential to impact wetlands and forested resources were considered in the FSEIS. These resource issues are also factors in issuing the permits for the proposed actions.

63.

have been cut off from the Trinity river by channelization. The old meanders provide excellent wetland habitat.

b. Raising Frasier Dam by 2 feet will raise the surface water level through 4 miles and erode the banks towards California Crossing dam, link drainage to an unspecified lake (Mary Kay?), transfer water to Bachman Creek drainage and the other ramifications of this project CESWF does not mention. The CESWF provides little information about this project, no maps, and the impacts need to be more fully described and detailed.

c. Basic Capital Improvement involves development of a 138 acre tract at I-635 and Luna road that will result in loss of >14 acres of open water, fill 39 acres of the 100 year floodplain with unspecified loss of valley storage, and development of two new lakes. Where are the 2 new lakes going to located? What is the location and impact of this project relative to Segment IV of PGBT which is not included in Figure 3-3? No details are provided and the CESWF is vague about who is doing the project, and provides no map.

d. Park and Ride facility at I-30 and MacArthur Blvd.) that "have the potential to cause cumulative impacts in relation to the DFE." CESWF does not describe what the cumulative impacts would be?

64.

Just these four permit projects together would have huge cumulative impacts on the H/H of the floodway altering approximately 1,000 acres of existing conditions upstream that would effect the H/H in the DFE and when combined with the other 18 projects the effects on H/H is much larger.

41. P. 3-34, end of chapter general comments. CESWF should have produced a map of all of the projects they describe in this chapter. CESWF produced a map, Figure 3-3 of all the CLUP possible developmental opportunities gathered in the past two years, but CESWF can not produce a map of all the projects they describe in the Trinity river corridor that they have known about for many years.

CESWF should have had the agency(s) or agency project managers of each project submit to them by July 2002 a brief summary report describing the project with alternatives and specifications on a schematic map of their project (with alternatives), instead of the CESWF using 34 pages of the report describing each

63. All these permit considerations were evaluated in the cumulative impact analysis for resources in the SEIS and the FEIS.

64. Map included in PEIS and added to SEIS (See Figure 3-9) Extensive scoping was conducted to determine the projects proposed that might have cumulative impacts in relation to the DFE. Scoping included public meeting, public notice requesting information, newspaper notices, individual contact with agency employees and written correspondence to city representatives familiar with proposed development. The information we obtained came from these sources and from other published information.

project in their limited terms. The other project managers know their respective project better than the CESWF. That way, the CESWF could have concentrated on the cumulative H/H impacts and run their HEC-2 (or whatever H/H models they use now) H/H models for these projects, so that, the public and the court could intelligibly assess the cumulative effect these projects would have on the Trinity river and the DFE. Instead, CESWF wasted a lot of time, space, and money, listing projects (some do not even effect flow models, some not listed), while providing nothing on the how these projects effect H/H. Moreover, the CESWF fails to address cumulative direct and direct impacts related to the DFE project proper.

65.

In some instances the CESWF provides new information about projects, but, in many instances the information is minimal, dated by one year, or more, and CESWF tends to minimalize the impact to existing conditions. The CESWF should have provided a date for their information.

From my limited knowledge and involvement through the public process I have tried to point out some of the shortcomings, and omissions in the CESWF long list of 22 projects, and projects they missed that will be impacted cumulatively, either directly, or indirectly.

42. P. 4-1, para. 3, Cumulative Impacts, most of this paragraph is whining, and argumentative. "To date, there remains no universally accepted approach to the preparation of cumulative effects analyses. "The same claim can be made that there is no universally accepted approach to the preparation of H/H models.

66.

"CEQ...not practical to analyze cumulative impacts for other than those truly meaningful environmental effects." I assume the 22 projects described in the previous 34 pages of chapter 3 are meaningful.

"In addition, the determination of the level of effects that produces the threshold beyond which cumulative effects significantly degrade an ecosystem or other resources is difficult." The process is never easy just do the job. The DFE project alone has cumulative impacts to the forest, archaeology, river aquatic ecosystem, the flow dynamics of the Trinity river through the DFE, and the other projects (called progress) up and downstream will have a cumulative impact on the H/H modeling in the DFE, that were not considered in the DFE DEIS or the DFE FEIS.

"For a cumulative effects analysis to be worthwhile it must be

65. The final SEIS has a detailed discussion of the H&H cumulative impacts

66. The DFE has direct impacts to forests and other resources which were documented in the DFE GRR/EIS. Cumulative impacts of other reasonably foreseeable projects in the geographic area of the DFE have been addressed in this FSEIS.

67.

limited through scoping to the effects that can be evaluated meaningfully." On the contrary, cumulative effects analysis must not be limited through scoping, so the complete ramifications of individual projects can be understood in order to meaningfully evaluate each project in relation to others for the larger picture.

68. "Accordingly, the scope of this cumulative impact analyses has been limited to the projects and resources listed below." Which is essentially what was described in Chapter 3.

43. P. P. 4-1, para. 5, Flood Damage Reduction Projects only 2 listed. The DCURD project mostly reduces damages to the Las Colinas facilityand has small ramifications to the overall hydrological dynamics of the H/H of the river throught he DFE. The other project, Dallas Floodway modifications by the CESWF. Here, again the CESWF trys to sell their Flood Damage Reduction part of project in the Dallas Floodway directly upstream of the DFE by raising the existing levees (2 ft.) adding to the SPF level of protection for the CDB. If this was done it would negate the need for the DFE. If not, then the CESWF

69. needs to demonstrate how the DFE would then still be a viable project.

44. P. 4-2, top 4 paras., Transportation, Ecosystem Restoration, Recreation, Fills, Permits, Utilities, & Other Activities, maybe the heading on these four chapters should read, "Flood Damage Inducement Projects." Again another list of the projects described in Chapter 3.

45. P. 4-2, 1st para., Taken from the first paragraph, where the CESWF plays down the size and impact of all of the projects, "The majority of these individual projects are small," however, cumulatively cover over 25 river miles of the Elm Fork, West Fork and the Trinity river mainstem that the CESWF did not summarize. Then CESWF states, "In addition, the President George Bush Tollroad, Segment IV, largely falls on new alignment within the Elm Fork Corridor, and therefore, direct and cumulative impacts must be considered." Exactly, that is what the court ordered the CESWF to do, not to merely restate it has a cumulative impact. The public has commented in writing many times that the CESWF should have included the DFE project as well as many others.

46. P. 4-3, 4-4, Table 4-1, Estimated Project Impacts (Acres) To

67. We believe you have misinterpreted what we have indicated in this section. The intent of this section is to disclose to the public and decision makers that determination of cumulative impacts is not a well-founded science and the process is being slowly defined, as is being done through this document. Scoping was held to identify 1. Similar future reasonably foreseeable projects in or affecting the geographic area of the DFE and (2.) Resources that should be considered in the cumulative impact assessment. The projects considered in Chapter 4 are the ones we believe meet those criteria.

68. The need for DFE would not be eliminated by implementation of the FDR alternatives in the Dallas Floodway. The FDR in the Dallas Floodway does not provide protection for Lamar or Cadillac Heights area, nor improved protection for the Central wastewater treatment plant or for the Rochester Heights area.

69. Cumulative impacts of President George Bush Segment IV were considered in the cumulative impact tables and resulting analysis.

70.

Floodplain Resources By Reasonably Foreseeable Projects In Study Area. In this table the CESWF attempts to show for every impact there is an offsetting mitigation that negates any impact for the following ecotypes, to essentially indicate there is no cumulative impacts: Column labels: Waters of U. S. (not sure what this means, river?), Open Water, Wetland, Forest Improvement, Forest Conversion Grassland/Buffer. The columns are crossed with rows that list the projects and the amount of acreage negatively impacted followed by a row of mitigation positively impacted.

I am not going to go through each one of these and describe the deficiencies, but I will point out a few, to indicate that this table is incomplete as presented and needs revision. Dallas Floodway Levee Raise does not include the 738.5 acres of grasslands that will be lost. George Bush IV lists -58.6 acres for Waters of the U. S., while nothing is listed for Water of the U. S. for the DFE. Channelizing the Trinity river is not Waters of the U. S.? Frasier Dam has no mitigation and impacts are not complete. Where are the 2 lakes to be added for the Basic Capital Management project? And so forth.

71.

There is no summary total provided for Table 4-1 and nothing on how H/H flow, velocity, carrying capacity, and valley storage is effected through the the Trinity river corridor and the DFE.

72.

Even though there are elements taken away here, and elements put back as listed in Table 4-1, these trade offs can differ in kind and place, that can also reconfigure the flow that will alter the flow dynamics of a river system. CESWF does not address this.

47. P. 4-5, 1st para., introduces Table 4-2. CESWF left out several important projects in Table 4-2 such as the DFE, Pegasus, CLUP, and the City's MIP for the DF to list a few. The CESWF continues to sell their project (FDR and EQ) for the Dallas Floodway by omitting the Dallas MIP for the Dallas Floodway.

Table 4-2 presents what appears to be a very busy matrix of projects with resources along the left margin forming rows (x-axis) and projects across the top forming columns (y-axis). Many of the agencies that are involved are not identified, however CESWF identifies their projects, but not the number of projects they will be permitting, because No. 8, Section 10 and 404, is omitted. The rest of the matrix is filled in with the CESWF subjective (biased) judgement on the impacts of each project. Not how they cumulatively will affect each other when they are located directly next to each other, or how

70. Data available was utilized and a cumulative impact assessment was conducted.

71. Table 4-2 was revised as Table 4-7 in the FSEIS to clarify that the "Other Floodway Bridges" column includes Pegasus. No single defined ultimate development for the Floodway can be defined at this point. However the alternatives that have been proposed were included in the cumulative impact assessment.

72. We believe the cumlative impact analysis was correctly conducted based upon information available and professional judgement.

73.

collectively all the projects affect the Trinity river corridor through the DFE. Four (18%) of the 22 projects listed are CESWF projects. CESWF permitted projects No. 8 omitted, however would include the other 18 projects.

I have included some of the omissions, shortcomings, and examples in the following items from Table 4-2, these are only an example of a few, to go into more detail is too lengthy of a comment, but these should provide a brief example of the problems with this type of scoring.

Notice there are only 14 Potentially Impacted Resources in the first column. Seven (50%) of the resources have to do with water. Developmental resources, economic, HTRW, animal life (terrestrial and aquatic), downstream erosion/flooding, direct or indirect impacts of these are omitted.

The impacts are scored on the subjective basis of Slight, or Moderate, Adverse, or Beneficial Effects, or No Affect. These are meaningless impacts unless the CESWF defines what they mean by slight and moderate, and explains what these terms mean. In terms of H/H models the effects can be quantified. No total acreage is provided, There is no summary total column because of lack of quantification.

Notice out of 22 projects CESWF lists (although all projects are not listed) there are only 4 flood damage reduction projects, and of these only one is substantial (d below).

a.) The Stemmons area project (ca. 1,000 acres) should be negated as flood reduction because it probably will not get built by CESWF, and should be shifted to Fill Activities, as the City plans to fill in 473 acres of floodplain (discussed in para. 3, page 4-5, and below) and Stemmons should be changed to at least moderate adverse impacts.

b.) The Las Colinas levee raise of existing levee is a small project brought on by alteration projects up stream and nearby, such as Segment IV of PGBT, infill of batch plant east of North American Equipment, and probably the Basic Capital Management project that does not seem to get plotted on a map, or clearly described.

28

73. Acreage data where available was provided in table 4-1. Cumulative impacts of those activities are summarized in Tables 4-2 and 4-3 in the FSEIS. H&H data has been included in multiple tables in the FSEIS

74.

c.) The ATSF historic RR bridge next to the DART line in the DF is of eligible NRHP (National Register of Historic Places) historic importance under NHPA (National Historic Preservation Act). Alteration of the bridge existing conditions would have adverse effects. In Table 4-2 the ATSF bridge was rated as no effect under Cultural Resources, Aesthetics, Slight Beneficial for Public Services, and for H/H: Slight Beneficial upstream, and Slight Adverse downstream. The No Affect scoring seems confused for Cultural Resources and Aesthetics. On page 3-26, Figure 3-5, the historic status of the bridge is not stated, however it is probably eligible because they are going to leave the historic RR bridge, and there

75.

seems to be back and forth agency negotiations typical of Section 106 of the NHPA, concerning the type and kind of trestle abutment replacement that would allow conveyance and keep with the theme of historic RR bridge trestle and abutments. Therefore, modification of the ATSF bridge has an adverse impact on Cultural Resources that is not correctly scored.

On page 3-26 CESWF states, "the existing configuration of the support piers and abutments cause substantial impacts to hydraulic conditions of the Dallas Floodway (upstream or downstream impacts not identified)." It seems that the bridge creates moderate adverse impacts (substantial) and after removal of the existing piers and abutments the status will change to Slight Beneficial effects upstream and Slight Adverse effects downstream. Therefore, in Table 4-2

76.

under Flood Damage Reduction the RR bridge modification as described in the text in Chapter 3 (p. 3-26) has no adverse effect on Cultural Resources even though the existing conditions are going to be changed and will have to be mitigated, but has a slight beneficial effect for Flood Damages upstream, and will have a slight adverse effect downstream. How the RR bridge project will have Slight Adverse Effects downstream needs to be explained. Moreover, with Slight Beneficial Effects scored for Floodplain Recreation under the ATSF bridge modification, how will Slight Beneficial Effects occur under Public Services? This is redundant scoring.

The discrepancies discussed above is just one example for a small project like the ATSF historic RR bridge. The larger projects become more involved and distorted for every project on the CESWF list. The CESWF should have been explaining the ramifications and effects of the projects in this SEIS instead of just listing projects.

d.) the CESW DF Levee Raise is the only project under Flood Damage Reduction projects that is subjectively rated as having

29

74. Preliminary coordination by City of Dallas and Transportation interests with SHPO indicate that design of the modification of the ATSF bridge to allow for higher flows and pedestrian traffic while retaining its historic integrity is possible and would not produce a negative individual or cumulative impact on historic or cultural resource values

75. Public Services has been clarified in the FSEIS report to show that it differs from recreation.

76. The discussion you have made in your comments are related to a small project with small cumulative impacts. The more significant reasonably foreseeable projects have been described using data available and additional summarizing and modeling has been conducted to base the cumulative impact analysis conducted by the Corps of Engineers.

77.

78.

79.

Moderate Beneficial Effects under Flood Damages. Under Downstream H/H the levee raise is Slightly Beneficial and upstream H/H it will have a Slightly Adverse Effect. Only 5 of the 14 categories are rated, the rest are No Affect. The existing forest removal, the huge borrow ditches for levee fill, the reduction of >700 acres of grassland, etc. will have effects and these need to be evaluated cumulatively along with the project and the other projects..

There are three projects, all CESWF under Ecosystem Restoration: Dallas Floodway EQ Plan (although not identified as such), Old Trinity (outside of the levees), and Joppa Preserve (that could be left alone to revert back to floodplain bottomland hardwood forest, that will have no economic benefits, and as planned creates another Swale Cell south of Swale Cell G in the DFE).

Looking at the CESWF's Dallas Floodway EQ column one can easily notice the beneficial effects of environmental restoration as scored by CESWF. However enticing this might be, one should remember that this is a synthetic CESWF made meandering channelized project with some tree plantings that has Moderate Adverse Effects on H/H upstream. The CESWF should explain these effects.

Notice that throughout the three Ecosystem Restoration (not really as large as an ecosystem but an eco-niche, or a floodplain environmental enhancement) columns that almost all of the effects are beneficial as scored by the CESWF. True eco-restoration projects are beneficial, but these are not quite what they seem as touted by the bias CESWF.

Joppa Preserve is a $7 million CESWF project to essentially return Little Lemmon and Big Lemmon Lakes to their early 1970's status. These "lakes" were sand and gravel borrow pits created around the turn of the 20th century, expanded by J. J. Lemmon, that filled with water from floods later called "lakes" with Rod & Gun Clubs for fishing and hunting. In the 1960's Gifford-Hill continued to extract sand and gravel, operations finally stopped by 1970, TXU put a power line ROW through the land creating the two "lakes" and a levee was built around Big Lemmon Lake that trapped silt from floods, meanwhile, people dumped into the lakes, and still continue to do so, while Occidental Petroleum's Plant to the west released toxic levels of phosphates into the groundwater and the local environment.

30

77. A "No Affect" rating is also a rating and represents the Corps evaluation of the cumulative impacts we believe that project would provide to the resources listed.

78. Although justification of ecosystem restoration is based upon non-monetary analysis, the Joppa Preserve restoration plan is supported by Dallas County, the City of Dallas, U.S. Fish and Wildlife Service and the Texas Parks and Wildlife Department. Once implemented, the Joppa Preserve will provide substantial opportunity for outdoor recreational opportunities as well, which could produce economic benefits to the area.

79. The EQ plan was modeled for H&H impacts and displayed in the PEIS referenced in the DSEIS. To clarify, the results of the PEIS modeling along with additional modeling has been incorporated into the FSEIS.

80.

Mostly out of neglect because Dallas County does not fund DCPOS (Dallas County Parks and Open Space, Dallas County Brochure, 2001 budget $242 million, DCPOS gets $123,000, or 0.0005 % out of the budget) and DCPOS could not maintain the land, although through Federal funds DCPOS was able to expand the land they own to 339 acres. Land maintenancce is done by the Dallas City Parks and Recreation Department.

According to CESWF the reason for this project was downstream erosion (over 6 river miles) from the Dallas Floodway. Can you imagine the downstream erosion after the DFE levees are extended south by 2-3 miles, with the river channel straightened, and the swale cells to convey floodwaters faster through the DFE? Under the guise of an 1135 Project the CESWF with Dallas County as the local sponsor, wants to re-establish Joppa Preserve to essentially
81. it's early 1970's man-made altered status by dredging out silt from Big Lemmon Lake so the two lakes can retain water, reinforce the existing levees, put two gabions along a large meander of the Trinity
82. River right bank, and replace the Big Lemmon Lake outflow structure.

Most of "The Old Trinity" project is out of the floodway and has been discussed for over a decade, provides no flow effects.

The Dallas Floodway should be identified as the EQ Plan in the UTRB PEIS and should be discussed under item (d) discussed above having to do with the Flood Damage Reduction Floodway Levee Raise authorized under the same project by the CESWF. These are not two stand alone CESWF projects. The CESWF touts this project highly as ecosystem restoration because they want to be the ones to build the project. CESWF does not even include the City's Master Implementation Plan for the Dallas Floodway with a divided channel and lakes that was so highly touted in selling the bond package to the taxpayers that the City has spent several million dollars on for Halff & Associates to develop.

The other 18 projects under Transportation and Fill Activities are not beneficial and have various levels of Adverse Effects. None of the Adverse Effects are quantified and no H/H models are presented to even present an idea of the Adverse Effects. No summation of the Adverse Effects can be determined from this table.

Another interesting aspect of the subjective nature of the CESWF scoring projects can be seen under the first four left columns of Transportation that have to do with the Toll Road, although not labeled as such. These four Toll Road columns are scored relative to

80. As you have indicated, once implemented, the Joppa Preserve Ecosystem Restoration project would be more easily maintained because of the stability provided.

81. At the present time, the Corps is not supporting the EQ Plan nor the Flood damage reduction plan . They are merely alternatives that are being considered.

82. The transportation plan, split riverside, includes the tollroads, lakes and some wetlands as derived from input from NTTA. This plan were closely approximates the City's Master Implementation plan. The NTTA alternatives have been evaluated from environmental and H&H perspective sufficient to conduct a cumulative impact assessment.

each project alternative, instead of existing conditions in the Dallas Floodway and the DFE. What is noticeable is that the project along Industrial has the fewest impacts of all Trinity river projects.

83.

For example, the left column of the Toll Road identified as Industrial, there is one Slightly Adverse Effect and 12 No Affects. CESWF scores the impact to Forested Resources as Slightly Adverse but would have to go to some length to establish that a toll road along Lamar significantly impacts trees. The Toll Road project alternatives should be scored relative to existing conditions instead of compared project to project. No project inside the levees, with, and without the DFE in place would have a different set of impacts than either built alternative inside the levees. While a project built outside of the levees on Lamar/Industrial would seem to have many more Beneficial Effects than those projects built inside the levees, but these benefcial aspects are not scored.

84.

Also noticeable that in the four left columns having to do with the Toll Road, the CESWF's, almost across the board scoring of the Adverse Effects the Toll Road will have except Industrial. Hopefully, this sends a message to NTTA (although very weak with Slight Adverse Effects) that the toll road inside the levees is not advisable.

P. 4-6, last para., Floodplain Forest Resources, makes no mention of the amount of forest acreage that has been adversely impacted, which is substantial. CESWF again attempts to sell their projects in the DF in the following page 4-9.

85.

P. 4-10, 3rd para., CESWF states, "Physical features of the project would directly impact some forestlands that have developed in the last 30-40 years; however, these losses would be mitigated, resulting in a larger area of preserved and reestablished floodplain forests." We have identified some of the trees and measured the diameters of some of the trees, for example, where DFE Swale Cell A will be placed.

There are oaks that measure 2-3.5 ft. in diameter, along with several pecans 2-3.25 ft. diameter, cottonwoods 2-3 ft. in diameter, black willow (>3 ft. diameter), and box elders >2 ft. in diameter. I sent off a pecan tree trunk that measured 13 inches in diameter to the University of Arizona Tree Ring Laboratory to count the tree rings for the age of the tree. The ring count made this tree 75-80 years old (personal communication from Rex Adams to Tim Dalbey November 2002). If a 13 inch (1.1 ft.) diameter pecan tree is 75-80

83. With DFE levees in place the tollroad would cause minimal additional loss of forest within the Lamar Levee alignment. If DFE were not in place , we do not know for sure the alignment that would be followed by the tollroad, however, even if it followed the Lamar Levee alignment, it would not remove any more trees than the Lamar Levee would. Therefore, the cumulative impacts on forested resources would still be minor.

84. NTTA is aware of Corps evaluations of cumulative impacts related to the tollroad alternatives.

85. PEIS thoroughly documented recent changes in resources in the Upper Trinity Basin. The continued loss of bottomland forests is of concern and weighs heavy in the considerations of cumulative impacts. Environmental mitigation particulary when a high percentage of the mitigation preserves existing high quality resources provides cumulative benefits.

86.

years old a 3.0 to 3.5 ft. diameter oak, or pecan, is in the range of over 200 years.

The trees in some locations are young at 30-40 years old mixed with older trees, however they exist now and help clean the pollution in the air, and the public will not have to wait 30-40 years to get what already exists. Furthermore, the mitigation for the DFE project is based on a ratio of 1:1, so the mitigated forest would not produce a larger area 30-40 years from now.

87.

P. 4-10, 1st para., essentially the CESWF is commenting in a very weak manner that the Toll Road is not beneficial for air quality. "Entitles" should read entities.

88.

P. 4-10 bottom, 4-11 top, CESWF states, "Direct land use changes caused by the proposed DFE project would be compatible with floodplain functions and should have no negative effect on floodplain uses compared to conditions without the project. Since when are sumps, levees, swales, and channel realignment for the DFE compatible with natural floodplain functions?

89.

P. 4-11, 2nd para., does the City of Dallas have a comprehensive floodplain management plan? It is not clear as written. If the City does have a plan the public has not been involved.

90.

P. 4-12, 4th para., CESWF admits these projects will have cumulative effects when they state, The Dallas Floodway and Stemmons North Industrial District levee alternatives were combined to produce cumulative impacts." This the projects will no doubt accomplish with definite Adverse Effects on H/H, although not stated.

P. 4-12, 5th para., CESWF admits the toll roads will flood in a 100 year event without providing H/H quantification. If flooding does occur the riverside Toll Roads will function as flood water runoff conduits. Seems they left out the fact that the Toll Roads will have 30 foot high retaining walls on the riverside.

P. 4-13, 2nd para., the reduction in valley storage is not considered for the 22 projects listed and the ones CESWF omits. CESWF states, "Based on the small increases downstream of the DFE and the very limited potential for flood damages downstream of the project..., these increases are substantial. As I have live in the study area of

33

86. The impacts of the DFE swales, wetlands and levees were thoroughly disclosed in the DFE GRR/EIS. The mitigation plan for the DFE was not based upon a mitigation ratio of 1:1 but was based upon use of the Fish and Wildlife Services HEP as thoroughly disclosed and discussed in the DFE GRR/EIS. The recommended plan for the DFE would impact 162 acres of forest and would be mitigated by acquisition and management of 926 acres of existing forestland that have currently has no protection primarily because they are in private ownership. In addition the plan would result in the active conversion of an additional 223 acres of floodplain grasslands to forest. Our analysis of future without conditions for the mitigation lands indicated a potential for those forested areas to be changed to grasslands

87. The proposed DFE project actually removes very little areas of resource value from the 100-year floodplain. Plate A-37 of the DFE GRR/EIS maps the area within the 1 Percent or 100-yr floodplain. The levees, swales and other project features combined with the area that would become public property between the levees as well as the tremendous amount of environmental mitigation lands which would all be in the 100-yr floodplain and would actually promote positive floodplain benefits compared to the no action alternative.

88. One will be required within one year of project implementation.

89. Instead of incorporating by reference the information in the PEIS study, H&H analysis has been incorporated into the FSEIS.

90. The plans we have seen incorporate floodwalls on the tollroad if it were constructed on the riverside of the levees.

91.

92

93.

94.

95.

the DFE for 17 years, I have observed that a 4 inch rain in one day over Dallas and Collin County alone raises the river out of bank at Second Avenue, since the Rochester and CWWTP levees were installed in the early 1990's. Before these levees it would take a 10 inch rain to raise the water to the levels that it gets to now. No telling how high the water will get after the DFE levees are built and the other 22 projects that induce flooding.

P. 4-13, 4th para., Aesthetics, CESWF selling the their EQ Plan for the DF again. However, CESWF seems to very weakly support the Industrial Boulevard alternative for the Toll Road from, "a more natural perspective...," for their synthetic channelized meandering river EQ plan over the City's MIP, that was excluded.

P. 4-13, 4-14, Cultural Resources were discussed above. Reference to the Programmatic Agreement (PA) that was slipped into the DFE FEIS. This is an unsigned agreement that excluded interested persons, included the Native American tribes but thye did not know about the PA, resulting in exclusion from the Section 106 process. The PA process should have been carried out during the study and the DFE DEIS. Above I have mentioned several archaeological sites that have been ignored by the CESWF.

P. 4-14, last para. Executive Order 11988 should also include 11990 on wetlands. Avoid modifications to extent possible in the base 100 year floodplain. A buy out of Cadillac Heights would avoid modifications to the 100 year floodplain, but CESWF did not want to do this. Now the Cadillac Heights area will be bought out. Many of the properties along Lamar have filled in property to above 100 year floodplain.

P. 4-15, 2nd para. Section 202(C) of WRDA 1996, CESWF claims that the City of Dallas has to have a Floodplain Management Plan (FPMP) one year after signing the Project Cooperative Agreement with CESWF. It has been about one year since the signing of the agreement, what is the status of the City's FPMP?

P. 4-15, 5th para., Section 404, each of the potential projects of others must be evaluated on it's own merits, but it is up to each project and the CESWF as stewards of the waters of the U. S. to determine the cumulative impacts of these projects.

91. Our studies indicate that at the Loop 12 crossing, which is located close to the area you live in, the water surface elevation for the 100-year event currently is 403.15. Adding the LPP for DFE results in a 100-yr elevation of 403.35. Adding the split parkway/tollroad based upon currently available information would result in a 100-year elevation of 403.39. at Loop 12.
In addition, based upon our review of long term hydrology and hydraulics, the river has historically moved out of its banks at least on an annual basis through the DFE study area, even prior to the construction of the Rochester and CWWTP levees

92. The Programmatic Agreement has been signed.

93.The DFE project proposal is in compliance with Executive Orders 11988 and 11990.

94. The plan is not complete.

95. Cumulative impacts of the projects have been addressed.

97.

P. 6-1, para. 5, CESWF claims DFE has been designed, and none of the other projects have been designed. The DFE is not designed. Proposed designs have been made for all of the projects.

Comments respectfully submitted by Timothy S. Dalbey, 2719 Santa Cruz Dr., Dallas, Texas 75227-9341.

Timothy S. Dalbey
3 February 2003

97. In the context of the full sentence, sufficient design of DFE has been accomplished to conduct an EIS. Information available on other similar reasonably foreseeable projects in the geographic area of the DFE has been identified and a cumulative impact assessment has been conducted.

January 6, 2003
1435 Kings Hwy
Dallas TX 75208

Dear Corp,

1. I believe the focus of the Dallas Floodway Extension is to narrow. Upstream urbanization is increasing the flood levels of the Trinity and focus on only mitigation of a large volume of water past downtown is doomed to failure.

While it would be nice to create a reservoir at downtown Dallas it is impractical. The depth available (15 ft) does not create a reservoir and siltation and the accompanying pollution eliminates this effort with every flood.

2. Fortunately we still have available to us natures mitigation plan for flooding. The Great Trinity Forest catches, slows, and absorbs flood waters. We need to expand and focus on this area. This is the natural riparian system and forestry is what decades above us use to deal with the river running through its cities. Rather than scale we need more forest to absorb the floods.

In conjunction with this it may be necessary to increase the volume of the narrow portion before the forest. (Snakes and levees at downtown and alteration of the bend at the sewer treatment / Cadillac Heights bend.) No structure should be placed in the flood plain that can not be abandoned when flooded and bladed clean of silt after the floods. To truly mitigate flooding it would be necessary to build 10,000

1. The analysis was expanded to include upstream sources for cumulative impacts to hydraulics.

2. The Great Trinity Forest does slow movement of floodwaters to downstream areas. It also contributes to some of the flooding that presently occurs in the Dallas Floodway Extension area. Preservation of existing forests in upstream areas has multipurpose benefits, however hydraulic models based upon realistic scenarios of development of the contributing basins, indicate that these forests won't prevent future need for other forms of flood damage reduction in the Dallas Floodway area..

3.

catch basins in the water basin and inject the water table so there is less run-off water to the river. Catch basins in the flood plain like the one at Sylvia Bridge help mitigate the acceleration of the flood waters and improve riparian habitat but can not reduce the volume of flood waters. Improvement of the riparian habitat at downtown would be aesthetically pleasing and if done in conjunction with relief in the forest down stream would be feasible.

Sincerely
William Henning
WILLIAM HENNING

3. While catch basins within the floodplain could provide minor relief during small flood events, their ability to contain major flood events is insufficient to be cost effective. Proposed wetlands in the DFE extension and restored floodplain associated with the Dallas Floodway EQ plan would provide cumulative fish and wildlife habitat benefits.

Linda Sharp
12126 Vendome Place
Dallas, Texas 75230
Phone: 972.458.8585

February 2, 2003

U.S. Army Corps of Engineers
Attn: Mr. Gene Rice
Ft. Worth, Texas

Via fax: 817.886.6442

Re: Supplement to Dallas Floodway Project

Dear Mr. Rice:

I am writing to express my concern about the proposed Supplement to the Dallas Floodway Project. Having now had an opportunity to review Supplement #1, it does not appear to meet the requirements of the federal court's order.

1. The federal court ordered that the Army Corps of Engineers evaluate the cumulative impacts of the Dallas Floodway Project. At this time, the Dallas Floodway Project has not been completely designed and is not expected to be designed until sometime this summer. When that design is finalized, it is expected to include bridges, roads, and lakes. At that time, AFTER the design is complete, the Army Corps of Engineers will then be able to make a proper determination of the downstream impacts.

An attempt now to make an evaluation without a final design in place is certainly putting the cart before the horse. This is a waste of taxpayer money since any evaluation done now will be flawed and in non-compliance with the court order. Your work will probably have to be redone all over again.

2. I am in favor of the Environmental Quality Plan. This Plan is presently the only acceptable alternative design for the Dallas Floodway Extension.

Sincerely,

Linda Sharp

Linda Sharp

1. The final document addressed the five final array of alternatives of the Dallas Floodway Extension with various potential projects by others to determine the cumulative impacts of each scenario using the best available data for each of the identified reasonably foreseeable projects. As you have noted, limited design information is currently available for the projects identified. All readily available data was sought and utilized to determine the direct and cumulative impacts these projects might induce.

2. The Environmental Quality Plan (EQ) would improve environmental features within the existing Dallas Floodway. Further analysis would be required to address adverse H&H affects when Dallas Floodway studies are reinitiated.

January 23, 2003

Attention: Planning, Environmental, and Regulatory Division

Department of the Army
Fort Worth District, Corps of Engineers
P O Box 17300
Fort Worth, Texas 76102-0300

Ladies and Gentlemen of the Planning, Environmental and Regulatory Group:

Re: The following are comments on the Trinity River Floodway in and down stream of Dallas.

1. The Trinity River Floodway Extension Plan is more of a Flood Improvement Plan at 249,000 CFS, a Standard Flood flow than a Flood Control Plan of 449,000 CFS flow established by the Corps of Engineers using the US Meteorological projection of a Maximum Probable Event. The TR Floodway Extension Plan uses the Standard Flood as criteria for flood flow. Criteria for Standard Flood are used to establish only flood improvement in areas of lesser risk, not in areas for potential loss of life and heavy property damage.

Dallas does not have an adequate Backwater handling plan. Most Floodway plans include Backwater handling, usually a secondary waterway. In the case of Dallas, White Rock Creek floodway and Five Mile Creek floodway would be examples of Backwater flood handling. Backwater handling, water that results from a storm event and that accumulates behind usual protected areas can far exceed the usual pumping capacity commonly used. Gravity flow of adequate capacity is most dependable and most used way of handling a backwater flood.

Expressways and Bridge planning cannot be permanent without a permanent Floodway plan. TR Flood Extension Plan is less than a Flood Control Plan. It is approximately a half flood plan. It is only a Flood Improvement Plan for a Standard Flood.

2. Maximum Probable Event flooding would cause ravaging flood water not back water flooding to the city of Dallas. Ravaging flood water flow through the city of Dallas, outside its floodway, could exceed recorded flow through the Dallas Floodway. A comparable example might be approximately two miles of the private land on the east side of the East Fork flooding just downstream of I-20. The Corps has records of this referenced example. This particular example played out more than once

It would seem that Expressways and Bridges along and across the Trinity River should be permanent for the amount of investment. It seems impossible to know where to locate permanent improvements with just a Flood Improvement Plan, or a partial or temporary plan.

Rather the time is ripe to sell and to go forward with good plans of major improvement that are used many fold to save lives and reclaim work for our people and protect property and significantly increases the net worth of our American Society.

Cleal Watts

Cleal Watts Phone/FAX (214) 328-1665

1. The DFE GRR/EIS did not investigate alternatives to provide flood protection against flows of 449,000 cfs. Evaluations on the cumulative impacts from other reasonably foreseeable projects have been limited to the SPF events. Major factors which make the investigation of protection against Project Maximum Flood (PMF) or Maximum Probable Events impractical include the extremely low probability of such an event actually occurring and the high probability that should such an event occur, destruction of property protected by the levees would occur from the massive interior rainfall and flooding that would occur before the river actually overtopped the levees.

2. The DFE/GRR NED plan provided for the maximum amount of flood protection, which yields the greatest amount of net annual economic benefits. However the LPP or recommended plan provides significant protection and serves to minimize adverse impacts to environmental resources. As indicated in response to comment 1, alternatives to protect against the PMF would be impractical.

US ARMY CORPS OF ENGINEERS

FORT WORTH DISTRICT

PUBLIC MEETING

DALLAS FLOODWAY EXTENSION

DRAFT SUPPLEMENT TO THE

ENVIRONMENTAL IMPACT STATEMENT

January 8, 2003

Ramada Plaza Hotel

Dallas, Texas

PROCEEDINGS

MR. RICE: My name is Gene Rice, I'm the project manager for the Dallas Floodway Extension Project for the Corps of Engineers in Fort Worth. And I would like to welcome you to the public scoping meeting for the supplement to the EIS. We appreciate you taking time out of your busy schedules to come and share your comments with us on the draft report.

The purpose of the meeting tonight is to get your comment on the draft report. We will take verbal comments tonight. We also have a court reporter you can give verbal comments after the meeting to. We also will take written comments until the 21st of this month. So you have two ways, actually three. If you would like to email your comments in, we can also take those.

At this time I'm going to summarize the draft report and then we'll go into the comment period at that time. Again, the purpose of this meeting is to the get your comments on the draft EIS -- supplement to the EIS for the Dallas Floodway Extension Project. And you can see what the area of -- the area of consideration is.

What we would like to do tonight on the procedure is to, obviously, get your comments and they'll be given consideration -- everybody's comment will be given consideration in the final report when the final report when is comes out. We would like

everyone to comment, so we're going to limit your time on the comments to a three to five-minute range. And if you'll please help us with that just to make sure everyone gets a chance to comment. We do have to be out of here between 8:30 and 9:00 o'clock tonight.

And I'm just going to give you a little background on the Dallas Floodway Extension Project. It was authorized in the 1965. It was part of the Trinity River and tributaries report that was authorized at that time. It was the overall project, which went from the Gulf of Mexico to Fort Worth, was authorized for navigation and flood control, recreation and fish and wildlife. It was inactive in the 1980s due to the lack of local interest. And after the floods of '89 and '90, it was reactivated and we had reevaluation report was initiated in 1991 and we had chief's report in 1999 with a record of decision in 1999, also.

The authorized project does provide standard project flood projection. The details of the project are shown on the screen, consist of levees, channelization, recreation. These consist of restoration and mitigation features.

The next few slides cover the complaint that was filed against the project and this kind of gives you a summary of what the complains were. I'm not going to read all of them for. You all should have a handout which lists them, also on the screen. And you have the complaints and you have the rulings by the

district the federal judge in which he ruled in the favor of the Corps of Engineers for counts one and two. And on three he ruled partially for the Corps of Engineers and partially for the Plaintiffs, which is the reason we're here tonight. He ruled in against the Corps of Engineers on the cumulative impact portion of the complaint.

This is the summary or summation of the Judge's ruling stating that we need to consider -- further consider cumulative impacts of other projects were reasonably foreseeable in the sane geographic area of the Dallas Floodway Extension Project. And he halted any construction at that time, although he did allow by default for some cumulative design with the project. The Corps of Engineers at that time decided to go ahead and prepare a supplement to the EIS to address the cumulative impacted of other projects to address the Judge's concern and his ruling against us on that portion.

The notice of intent was published this past summer in June. We had a scoping meeting in July, which we had about 50 people attend and we received about 16 comments by individuals at that time.

This is a general study area or a general area of consideration that most of our efforts were focused on to look for other projects that were reasonably foreseeable, similar project, and we considered this the geographic area. I'm not going to go through each one of these, but these are the impact

areas that we looked at for each of the projects that were identified to us either by the public or by contacting other agencies such as Texas Dot, ETCA, any state and local agency that has projects in the area and each of these reports were analyzed.

The conclusions out of our draft supplement are that some of the individual projects have some positive, some negative impacts, but collectively or cumulatively as a whole there was significant impacts to the resources of the area by all of the projects.

The notice of availability was published on this draft document December 6th. Tonight is the public scoping meeting. We will receive comments until the 21st of this month. And then we will address all of the comments. The reason I said we're looking for a final report this summer is, depending on how many comments we receive and what it takes to address those, that will impact when we actually will complete the final report itself.

Again, we will receive comments until the 21st of this month, which is about two weeks away. You can either mail them to me at the address given or in your handout. I've also given you my e-mail address, which you can send them to me electronically if you prefer. And if you do not have a copy of the report and still wish to do so, we have some copies available tonight, a hard copy. We have some on CD rom if you

would care to get some of those. We do not have it -- or off of our website, which is listed at the bottom, you can download it off of there. Either way, just let us know, we'll be happy to supply a copy to. And it will be up there for the whole time during the comment period.

That was a brief rundown. I realize it was kind of fast, we wanted to go ahead and give you the most time possible for you to give us your comments. I would like to open it to the floor for y'all to give us the comments. I believe we have some people already signed up for the comment period.

We'll go ahead and have you come up to the microphone in the middle and give us your comments in the order in which you signed in this evening. And I apologize if I mispronounce your name. The first one was Mr. Bruce Hunter. Did you still wish to comment? If you'll come to the microphone and give us your comment, please, sir.

MR. HUNTER: I appreciate all the work that everyone has done with regard to trying to find the best solutions is to many conflicting problems. And I'm not familiar with all the details as some of the people in your audience I'm sure are or have proved themselves to be. So I'll lay something general on our audience tonight in regard to a petition that I developed for the president of the US congress that has to do with some very basic parts our environmental problems. And I think you'll see as he read these what those problems are.

These comments are beyond the scope of the SEIS and therefore cannot be answered. However, we thank Mr. Hunter for his concern and his comments.

We are expressing to Bush and the US congress:

A. To recognize that as the 1.4 billion Chinese and millions of other people the world over increasingly seek to emulate American's vaulted and envied standard of living, the capacity of the planet to provide the necessary natural resources will, absent our nation's leadership to prevent it, finally be outstriped; and that we must begin now deciding upon what the "rightful share" of those natural resources for our own population/consumption is now and what it will be five, ten, 20, 50 years down the road.

We also urge President Bush and the US congress to consider that if US aliens, to distinguish us American quote unquote from Central Americans and South Americans and Canadians, consider that if Us aliens, a mere 4.6 percent of the world's people continue to consume 25 percent of the world's energy, this will likely generate a great deal of resentment against us by many hundreds of millions of the less fortunate among the remaining six billion other humans on the planet, especially those livening under non-elected tyrants who maintain their wealth and their regimes by their own nations' natural resources, notably it's oil, to US and other foreign corporations.

And, finally, we urge President bush and the US congress the direct the Office of Homeland Security to establish a quality of life commission to develop n USSPP, that is an US sustainable population policy program aimed at bringing our

nation's energy consumption down to not over three times the world average nor over two-thirds of present level, that is year 2002 levels, by the year 2008. That's five years from now, we could do it in one if we wanted. And at making us at least 80 percent energy independent by 2038, that's 35 years from now. You could have grandchildren born within that time even if you're not married yet. Pardon the diversion. And without drilling in the Arctic National Wildlife Refuge, Anwar, or in any other wildlife sanctuary. And to help other nations establish and activate similar programs to stabilize their own populations at sustainable levels and to work with them to forestall the ecological catastrophe to which we all are by all accounts now headed.

Just one or two brief comments. I don't know if any of you notice this news that I saw recently where China is now seeking to emulate our infatuation and addiction to the gasoline engine. They are now beginning to reduce the number bicycles allowed in some of their cities and they are in an expressway and road building program. And you think oil is a problem now with us sitting on about 3 percent of the worlds's reserves, I dread to think what it's going to be like when we have competition from a country the size of China if they begin to use like we do.

SO these general remarks, I think, I hope those in the audience will forgive help for directing more specifics to the

particular topic at hand, but I hope that you will think about the impact all of us are having. As I was talk to a couple of gentlemen before the meeting, when you stop and think about it, if humankinds keeps reproducing and population keeps growing, pretty soon all of the fresh water on the planet be tried up in, guess what, people. We're all 97.9 water. Thank you.

MR. RICE: Thank you, sir. One other thing, I'm sorry. If you do have a prepare statement, after you're statement, if you would please, give a copy to our court reporter. It will help the transcript. Just one other minor thing. Mr. Campbell Reed is our next speaker.

MR. REED: Good evening. My name is Campbell Reed. I'm referring back to the scoping meeting that we held in Dallas in 2002. The Corps indicated that they do not plan to reevaluate the Dallas Floodway Extension, instead they interpret the ruling of the Court to require them only to comment on cumulative impacts of foreseeable future projects upstream of the DFE without recording any of these projects as alternatives. The attitude of the Corps in this matter is unacceptable.

That attitude is reflected in the EIS draft supplement. On page 2-3 it states, and I quote: "Until formal notice is made by the City of Dallas regarding their support of a plan that is different from that to which they have formally provided and endorsement, alternative plans discussed by individuals or the media cannot be considered as reasonably foreseeable. The

The final document will address the five final alternatives of the Dallas Floodway Extension with various potential projects by others to determine the cumulative impacts of each scenario.

The court order specifically found that the Corps' analysis of the alternatives was appropriate. The court order's only effect on the alternatives analysis was the requirement that the alternatives already identified as reasonable be analyzed as they related to cumulative impacts.

plan recommended in the 1999 GRR/EIS, that's the general reevaluation report and integrated EIS to the DFE, therefore, remains the recommended plan for analysis in this supplement to the DFE EIS."

In our opinion each and every project reviewed by the Corps and the draft supplement to the EIS should be regarded as a potential alterative to the DFE. Such an opinion is consistent with the part of the federal court order requiring the DFE project to be stopped. At the 2002 scoping meeting I asked Gene Rice why he thought the court had ordered the DFE project to be stopped and he replied that he didn't know. However, "I don't know" is not good enough as an answer. It certainly makes no sense for the court to concur with the point of view and the quotation that I just read from the supplement to the EIS and then to order the DFE project to be stopped. It makes no sense at all and Mr. Rice knows that.

Chapters 4, 5, and 6 of GRR/EIS of 1999, for example, contain multiple tables listing estimated costs and benefits in dollar terms of the so-called recommended plan. No such tables appear in this new supplement, but we should all demand that they be compiled to include costs and benefits resulting from raising the Dallas Floodway by various heights, not only by 2 to 2.5 feet, by 1 foot, by 3 feet and so on. The Corps argues that the lack of final agreement on the alignment of the so-called Trinity Parkway prevents them from computing costs and benefits

The court ordered the project halted until an analysis of the cumulative impacts was completed. The court specifically found that the Corps' selection of reasonable alternatives was sufficient. The final document addresses the five final alternatives of the Dallas Floodway Extension with various potential projects by others to determine the cumulative impacts of each scenario using the best available data for each of the projects which have not been fully studied or designed, which fulfills the court's order.

Raising the levee was not considered a viable, reasonable alternative to the DFE project because the project's goal is to protect south Dallas, not the downtown area. The benefits to the downtown area are additional; they are not the goal of the DFE project. The court agreed with this analysis of this alternative. Economic data has been added to the project descriptions found in Chapters 2 and 3.

deriving from it. But they have no such excuse for raising the floodway levees by specified amounts is concerned; they can and must produce a cost/benefits analysis.

If you turn to the discussion of raising the floodway levees on page 3-11 of the supplement, you'll find that the discussion is confined to where the dirt would come from and where it would be put. That's all that the Corps presents in the subject of raising the levees. There's no related cost/benefit study that could be compared with those in GRR/EIS in the so-called DFE recommended plan. The reason why the Corps has declined to do such a study, however, is plain. They are afraid that such a study would show the DFE to be less cost-effective than raising the floodway levees, with the undeniable consequent conclusion that the DFE would no longer remain viable under the Corps's own rules. Thank you.

MR. RICE: Thank you. Mr. Reed, do you have a copy of your statement you would like to give the court reporter?

MR. REED: Yes, sir.

MR. RICE: Thank you very much. D. J. Young.

MR. YOUNG: I did not receive a copy of the supplement and I would like to have one. Consequently my remarks will be very brief.

I'm still at a loss to understand how cumulative impacts can be analyzed when you don't know what is going in

CEQ guidance for implementation of NEPA does not require an in-depth analysis of alternatives that are found to be unreasonable, as this option was.

upstream. The last time I checked the Trinity is still flowing toward the Gulf. I still think canoes and not cars belong in the floodway. Thank you.

MR. RICE: Thank you. Tim Dalbey.

MR. DALBEY: You want my name and address and all that stuff?

MR. RICE: That's all right, we have it on your card.

MR. DALBEY: I'm not done commenting, I'll have my written comments to by the 21st or whatever the date is. I didn't get mine until two weeks after it was out and Christmas kind of involved. Your timing was excellent coming out during the holidays when you said it would come out in October, that's the July meeting. The format of this meeting is much better, we get a chance to talk at y'all. I have several things on the comment from culture resources in that there's a site right at the DFE, Dl 350. It's quite a large site, human skeletons came out. It's going to be impacted by the project. And I commented on in the draft in the final, still it gets no credence, so I think you need to look at that and get Newman off his but and get out there to look at it.

There's also DL 6970, it's going to be under in the Lamar Street levee. And the historic dump at DL 320 at the end of Forest Avenue is also going to be impacted by the levee. I talked to Bill Martin about all this and we'll see where it

This concern was addressed by the inclusion of the upstream area in the final SEIS.

Very recently Dallas has contracted out the excavation of site 41DL350 to a local archaeological company due to impacts predicted from Dallas plans for construction of a boat ramp. Should any site ever be in an area of potential effect for a Federal Corps project, the site would be investigated as appropriate under cultural resources legislation and State Historic Preservation Officer consultation.

Site 41DL69/70 was tested by Geo-Marine in 1997 for the Dallas Floodway Project by the Ft. Worth Corps and determined ineligible to the National Register with State Historic Preservation Officer concurrence. Site 41DL320 would be investigated appropriately should a project be planned in that area.

goes. And I think you ought to reconsider those in lieu of the fact that these sites are pretty much directly in the footprint of projects and not the ones that you tested on the Meander Bend that really aren't in the footprint, although they'll be damaged by the flood velocity and everything through the floodway. So that's one thing I would like for you to maybe look at further.

Another thing is that the total impact of the toll road, whichever one you use, whether it's specific site on your PEIS environmental quality or master limitation plan, whichever one you need to do, you need to in corporate those, plus the segment for George Bush and some of the bigger projects, you need some add some hydrological or H&H model of how that's going to affect the flow. I mean, I know you don't know which project it's going to be, but I went to the segment four meetings and they 16 alternatives and they showed all 16 alternatives for people to look at. They didn't even do H&H on that, but they showed the projects and their impacts. It's not impossible to do, I know it's a lot of work, but I think you need to show the H&H. If this plan goes, if that plan goes, how is it going to increase the flow velocities and the change in the dynamics of the stream because at least just the floodway, the toll roads and segment four are going to affect in the neighborhood of 2 to 5,000 acres of land in the floodway and narrow and change the velocity and the dynamics of the river let alone the other 19 projects you listed as number 22.

The Ft Worth Corps will investigate total "APE's" (areas of potential effect) for all aspects of Federal projects.

The final document addressed the five final alternatives of the DFE with various potential projects by others to determine the cumulative impacts of each scenario using the best available data for each of the projects (including hydrology and hydraulics).

Also, I think you guys really try to sell your PEIS review plan in this document. It's only listed by eight different times, but I haven't tallied that yet. It's a better than the MIP, but that remains to be seen.

Campbell mentioned the cost/benefit ratio. You never how -- he testified this DFE project based upon the CBD, you don't even mention the CBD and projection in this plan, per se. I think you should do that if that's the justification for the protect. And as he I says, if you raise the levees a foot, 2 foot, 3 foot, you're increasing the SPF or higher SPF level protection. You have to demonstrate how that does not negate the DFE because you can't stand alone on the DFE protecting Cadillac Heights and Lamar Street levees.

And I don't think you've been down on the Lamar Street; levees. I did an inventory of all the businesses on Lamar and 53 percent are auto salvage or tire or some sort of scrap metal, trucking, warehouses. Most of them have raised their property levels to 10 to 20 feet above Lamar Street as it exists. So if you build your levee, those properties are already -- because they know they are going to get flooded and they got to do something. So they took it upon themselves -- I don't know who gave them the fill permit, but they have raised those properties up. So what's your cumulative effect of that. And at the HTNB, when we looked at all their economics, when we went to their one public meeting that I was able to attend, I don't

The final document will address the five final alternatives of the DFE with various potential projects by others to determine the cumulative impacts of each scenario using the best available data for each of the projects that have not been fully studied or designed. However, economic analysis of the potential projects is not part of the cumulative impacts. Further, raising the levees is not a reasonable alternative to the DFE because the DFE's goal is not to protect downtown Dallas; it is to protect south Dallas.

know that they had that many more, they showed all these great, I think you call it the comp plan, comprehensive land use plan, which you guys mess up and call the culp plan in your report. And decur is not decrud, by the way, it's decurd. Anyway, you messed these up. And you need to look at that plan. The HTNB showed all development and all this great building and all these things that can happen upstream, never looked downstream from the DFE. So you need to look at how that flow is going to change the stream downstream. I know now where I live, I live within the DFE, when it rains four inches, water is up into Second Avenue. It never used, it used to take at least a ten-inch rain to get it up there. And that's just the change from central waste water treatment and Rochester levee. When they put those in in '92 after the '89 and '90 floods. So now if you can come in and put up the Lamar levees, change the channel, put the swale in, I mean, it's going to raise the water down there. I don't see anything about how it's going to effect the water dynamics downstream and into Seagoville.

And that's I can go, I can go on forever, but that's where I'll stop.

MR. RICE: Thank you. Mr. Marcus Wood.

MR. WOOD: Good evening. I'm Marcus Wood, the executive vice president of Mixmaster Business Association, which is centered along Industrial Boulevard from Continental Street south to basically the DART light rail lane.

The concern regarding downstream effects and the hydrology and hydraulics information has been addressed in the final SEIS.

We speak in support of the cumulative and the supplemental Corps work. We think that it is important to proceed as quickly as possible with the recommended DFE project. We're very concerned about the Court situation stopping any further action related to the construction.

Our area is an area that has supposedly the floodway levees. However, upon detailed review, we will find ourselves being drastically damaged by a flood of 140 years frequency. The levee itself supports currently a 300-year flood, but there are ways and damages that occur because of sanitary sewer water that would be flooding back into the old channel and all.

So in summary for us, we will be submitting other comments, but our main message is thank you very much. Please urge the Court and the Corps and congress to proceed with this as quickly as possible. You have done an magnificent job. Thank you.

MR. RICE: Charles Allen.

MR. ALLEN: Well, good evening. Thanks for this opportunity to address the Corps. I do have some problems with the document that we're discussing. So really beginning even in the summary.

Let's see. On page four of the summary we're talking about no projects proposed by the city reasonably foreseeable for the Elm Fork, leaves out the Elm Fork Flood Plane Management Study and the possible levee soon to be presented to the city

The Corps is currently in the process of reviewing the DFE plan and will proceed as expeditiously as possible in deciding whether the recommended plan is the appropriate plan to carry out the goals of the DFE.

council by Freeze Nichols.

Potential adverse effects on habitat hydrology aversion **, not really discussed or included in there. No activities identified of significant cumulative effect in the study area resources. And I have to say that things like siltation, erosion and other processes like that, which may not be significant in one particular project in total, their cumulative effects are significant, especially if effects on hydraulics throughout the watershed here.

Again, or another thing I've noticed is citing the old Trinity River Project as anticipated to proceed with implementation within the reasonably foreseeable future. The last I've heard of it was several years ago in the now defunct Trinity River Corps of Citizens Committee. What is the current status of the old Trinity River Project? What's the budget, the source of funds for the old Trinity River Project? I don't take it for granted that this projected will ever take place much less contribute positively to cumulative affects on bottomland and hardwoods as it's stated on page seven.

The problem that I can see with the document is that alterations to floodplain valley storage, hydraulics and the effects or erosion, siltation and sedimentation are minimized with respect to the various projects under consideration. The cumulative affects of these are important. For example, erosion or sedimentation, they do become significant when they are

We have attempted to address the cumulative impacts of all reasonably foreseeable alternatives of the Corps and others on various resources in the SEIS.

The "Trinity River Project" as described in House Document 276, 89th Congress and Authorized by Section 301 of the Rivers and Harbors Act of 1965, included five local protection projects (West Fork Floodway, Dallas Floodway Extension, Duck Creek Channel, and Liberty Levee), four multi-purpose reservoirs (Lakeview (now Joe Pool), Roanoke, Aubrey (now Ray Roberts), and Tennessee Colony), a navigation channel from the Houston Ship Channel to Fort Worth, and a pipeline from Tennessee Colony to Benbrook Lake for water quality. Several of these features have been built (West Fork Floodway, Duck Creek Channel, Joe Pool Lake, and Ray Roberts Lake). Section 351 of WRDA 96 and Section 356 of WRDA 99 subsequently modified authorization for the Dallas Floodway Extension to be constructed as described in the GRR/EIS. That document is the subject of this SEIS. A Senate Committee on Environment and Public Works resolution dated April 22, 1988 requested the Corps to review the recommendations contained in House Document 276 "...with particular reference to providing flood protection, environmental enhancement, water quality, recreation, and other allied purposes in the Upper Trinity River Basin...". Preliminary findings of those investigations are disclosed in the PEIS for the Upper Trinity River Feasibility Study dated June 2000.

totaled when they are accumulated to spite the so-called best management practices.

Other problems with the document include statements made by the Dallas Floodway, particularly the amount and size of wetlands present in the floodway. The document here states that there's 51 acres of wetlands in the floodway. There's quite a bit more than that. In discussions before the '98 bond program of the size of lakes proposed by the City of Dallas 135-acre lake, at that time it was said that just that one lake near downtown Dallas would require the mitigation 80 -- between 80 and 90 acres of emergent wetlands, just that one small area. So I think there is problems with document, so I'm going to submitting a statement that will go into a lot more detail. But I think there's definitely some problems with it.

And I have to say for the benefit of all people in Dallas, I think we need to take our time about it. I don't think there is a good reason to be in a hurry about this and I think we need to take our time and examine it very thoroughly. Thank you very much.

MR. RICE: Thank you. Ned Fritz.

MR. FRITZ: Greetings. With the help of the Army Corps we can prepare a new appropriate plan for Trinity River in Dallas. The Army Corps and the city have failed to present adequate data on the harmful results of building highways and lakes between existing levees and cutting swales downstream

This concern is addressed in the detailed responses to Mr. Dalby's submitted written comments elsewhere in Appendix B.

The Corps concurs that a comprehensive multi-objective plan can and will likely be developed for the Trinity River in Dallas.

through the city's Great Trinity Forest and other harmful factors.

The tollroads would raise the flood levels and spread air pollution within the levees. A lake would narrow -- or more lakes would narrow down the walking area next to downtown Dallas and wipe out much of the flowers and other natural plants there. There is already a lake south of the Sylvan Bridge. Another bad effect of new roads between levees and maybe of the lakes and a swale would be more flooding of the Great Trinity Forest. People are entitled to fair -- to far more details about the harmful results that the Trinity Floodway Extension would bring. And I might add that the plan so far is very short on data, on facts as to what are the consequences.

We prefer Appendix A of the American Institute of Architects, Dallas Chapter, Trinity Policy of 2001 showing various errors in the 1998 bond plan, with only 1.6 percent majority that it won by.

And I'll submit more details. I certainly agree with a lot of the antagonism that many groups have raised so far on this project. And the details that I will submit in writing today includes withdraw the 1998 destructive bond approach and comments on the draft supplemental EIS of December 2002.

In brief, I hope that the Army Corps even and all others involved in this project will come forth with the facts and the details and the harm and the problems and save our Great

The cumulative impacts of reasonably foreseeable actions are addressed in the final SEIS.

Thank you for your comment

The bond package was passed by the City of Dallas. The Corps has no control over the City's bond proposals.

Trinity Forest and will come forward in due course with a different plan that will take care of things, especially now that the United States Court has shown how weak the previous plan was. Thank you.

MR. RICE: Thank you. Next we have David Gray.

MR. GRAY: Good evening. Unfortunately I believe that the supplemental EIS is inadequate and intrinsically flawed. For summarizing the cumulative impacts there's only one alternative for the DFE, the recommended plan. The Corps has assumed that for the purposes of this supplement the DFE has been built in place according to that plan, but the purpose of an EIS is to conduct an evaluation of all the alternatives and impacts of those alteratives in order to be sure that most optimal plan is chosen. The federal judge has remanded the DFE/EIS back to the Corps to conduct an analysis of cumulative impacts. It is insufficient to simply say that all reasonably foreseeable actions will add some cumulative impacts to the DFE under in recommended plan. It is necessary to compare the cumulative impacts of such actions with each of the alternatives. The most important, for example, being the no-action plan. Only with a comparison of the full impacts of all related actions can a reasonable and informed choice of the least damaging and most beneficial alterative be made. Furthermore, there are no date or evidence with analysis presented to back up any of the claims made by the supplement.

The final document addressed the five final alternatives of the DFE with various potential projects by others to determine the cumulative impacts of each scenario using the best available data for each of the projects. Your concerns have been addressed in the final document.

There are no cost/benefit instruments for any of the proposed reasonably foreseeable of other actions in combination with or without the DFE.

I would like to just hit on a couple of points I made any comments before I submit them. Under cumulative impacts, the Corps states administrative priorities promoting nonstructural flood damage projects, including buyouts and environmental protection are becoming more prevalent. While it's certainly true that such an alterative is available here, a reasonable and affordable nonstructural alternative to the recommended plan is available and would offer much less environmental impact and better flood damage reduction. That alterative it is outlined in a letter from the White House OMB Director Mithc Daniels to the Army Corps. The Corps states, "As a cumulative impact identification that in other cases concerning the tollroads information may have been developed, but it's not been made available to the Corps. It is well known that the Corps has participated regularly in multi-agency meetings about the Trinity core and related projects. In fact, H H information has been made available on a preliminary basis in the NTIS for the Trinity Parkway. The fact that NTTA has studied the hydrology and hydraulics of the tollroads and chain of lakes cannot be a secret. Regardless of the fact that the EIS for the tollroad has been delayed several times and has been expanded to include a chain of lakes, that should not prevent

A new economic analysis of the DFE project is not part of the cumulative impacts analysis. The court's decision specifically upheld the Corps' economic analysis of the project.

The court's decision specifically upheld the Corps' choice of alternatives for inclusion in the final array.

Hydrology and hydraulics information is included in the final SEIS. Therefore, this concern has been addressed.

the Corps from asking to see the data that has been generated. In fact, fairly detailed and advanced schematics have been shown to the public for tollroads alignment, so it's logical to believe that the study of these alignments are well advanced. The Corps should ask to see the H&H for those projects and present them in a detailed and factual manner.

I would to just speak briefly about Table 4-2, the cumulative impact analysis. This is the only indication we have that some project are better or worse than others. In fact, there are several projects that are beneficial to the floodway, including ATSF bridge modifications and potentially also the additional of suspension bridges. Similar things could be also studied for Loop 12 bridge.

Furthermore, the Corps indicates in that table that there are adverse effects from the floodway line of the tollroads. If we take all these effects together, we may find that the need for the devastating damage done by the DFE in its current form are not necessary except for the protection of people in the floodplain.

We urge the Corps to prepare a comprehensive detailed and factual supplement to the EIS that examines the cumulative effects of all the alternatives and we look forward to seeing that in the final SEIS.

MR. RICE: Thank you. Mary Vogelson.

MS. VOGELSON: Thank you. Good evening. I'm Mary

This concern has been addressed in the final SEIS.

Vogelson representing the League of Women Voters of Dallas as the Trinity River Study chair for the league. Our league has been involved with the Trinity River studies by the Corps and others for over 35 years. We understand the need to proceed with a project that has been pending since 1965 and we understand the frustration of trying to work with the city of Dallas when the city itself has been unable to establish guidelines for a cooperative program with the Corps for most of this time.

League of Women Voters of Dallas wrote extensively in response to the 1998 DFE-GRR EIS, we've got those letters down, draft that the Corps had not met NEPA's requirements to evaluate the cumulative effects of all foreseeable projects including its own DFE proposals and alternatives. Our concerns, in part, echo the later office management and budget statement when they said the Corps elected not to evaluate the flood solution proposals having the highest net economic benefits and that decision, in effect, removed from consideration an entire set of reasonable options. Thus, the OMB states, the Corps presented an incomplete picture of the available choices and their impacts and prevented informed public discussion of the merits of the proposed project.

The Corps has still not made a public evaluation of its own DFE project in conjunction with other known proposals and discussing the cumulative environmental impacts oh the city and

The court's decision specifically upheld the Corps' choice of alternatives for inclusion in the final array of alternatives. The other alternatives were found to be unreasonable by the Corps, and that decision was upheld by the Northern District of Texas.

This document explores the cumulative impacts of the DFE and the reasonable alternatives included in the final array, which complies with NEPA. NEPA does not require an analysis of alternatives found to be unreasonable.

its citizens. Furthermore, evaluating cumulative impacts of the newly proposed environmental quality plan, a plan much more in keeping with the "new, green" Corps against the currently existing conditions might have resulted in a very different NEPA outcome. Unfortunately we do not know this as a result of this document.

Attempting to secure the Corps DFE project and then evaluating the cumulative effects of known future proposals or alternatives as this document purports to do is not our understanding of meeting the NEPA requirements. The Federal Court for the Northern District of Texas ruling pages 54 through 57 in the opinion of April 10th, 2002, demands that the cumulative impacts of these projects must be addressed with the DFE project, not supplemental to the DFE project.

The League of Women Voters is concerned about the best use of public funds, the cumulative effects on the environmental upstream and downstream, requirements of NEPA, the accurate and complete information being given to the citizens of Dallas in order to make democracy work for all Dallas's citizens. We hope to the continue to work with the Corps of Engineers to meet this goals.

We will be sending further written comments in detail. And frankly, a point of personal privilege, since I'm out of town most of the month of December, is it possible to get a two-week extension? Thank you.

This concern has been addressed in the final SEIS.

MR. RICE: Mr. Joe Wells.

MR. WELLS: I'm Joe Wells and I submitted some written comments and I'll submit some more in writing before the deadline. One of the things -- I just want to say a couple of things. One is I wanted to join on behalf of the Sierra Club, several thousand members in the Dallas Sierra Club, to ask for an extension of the comment period, so that members of that group and other environmental groups that have for years pointed out to the Corps of Engineers and the city of Dallas very significant environmental impacts of this DFE project, the proposed tollroads and floodway lake proposals repeatedly in meetings like this and in writing, would have an ability to review the document, provide detailed comments. And I'm a little bit astounded that -- I think the problem is not that they are significant impacts on these proposed projects, but there hasn't been a significant effort by the Corps of Engineers to identify what the impacts, analyze them, publish them and let the public review and comments on them before you move forward, which we understand the National Environmental Policy Act requires. And we were joined in that by the federal district judge. And I urge you to provide this extension of comments time and look at the very serious issues that we're going to identify and have been identifying for a number of years in order that we can resolve this through a process that complies with the law. Thank you.

This extension was granted.

The court order required an analysis of the cumulative impacts of reasonably foreseeable future projects. This has been accomplished in the final SEIS.

MR. RICE: Thank you. That concludes the people who have signed up to speak. Is there anyone else who would wish to speak who has not signed up? In this case again we'll receive written comments until the 21st of this month. I appreciate your time. This concludes the meeting. Thank you very much.

THE STATE OF TEXAS)
COUNTY OF TARRANT)

I, Pam Alford, Certified Shorthand reporter in and for the State of Texas, do hereby certify that the above and foregoing contains a true and correct transcription of the proceedings had at the above-stated time and place, all of which were reported by me.

WITNESS MY HAND this the 3rd day of February, 2003.

PAM ALFORD, TX CSR #459
Expirations Date: 12/31/04

APPENDIX C

RECORDS OF DECISION
for

GENERAL REEVALUATION REPORT and EIS,
DALLAS FLOODWAY EXTENSION

and

PROGRAMMATIC EIS
UPPER TRINITY RIVER BASIN FEASIBILITY STUDY

DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

01 DEC 1999

RECORD OF DECISION
ENVIRONMENTAL IMPACT STATEMENT
DALLAS FLOODWAY EXTENSION, TEXAS

SYNOPSIS

In February 1999, the Final General Reevaluation Report and Integrated Environmental Impact Statement, which documented the results of a comprehensive reevaluation of the authorized Dallas Floodway Extension Project located in the Trinity River Basin, Texas, was filed with the U.S. Environmental Protection Agency. The review period was extended an additional 30 days in response to local interest requests. This Record of Decision completes the approval process for flood damage reduction, environmental (ecosystem) restoration, and recreation measures for the Dallas Floodway Extension, Texas, as described in the referenced report.

AUTHORITY

Authority for construction of water resource development features described in the Comprehensive Survey Report on Trinity River and Tributaries, Texas (reprinted as House Document 276/89/1), including the Dallas Floodway Extension, is contained in Section 301 of the Rivers and Harbors Act approved 27 October 1965 (Public Law 89-298). The authority is commonly known as the Trinity River and Tributaries Basinwide Study Authority. All studies conducted under this authority serve as an interim response to the basin wide authority, and do not close out the granting authority. Section 351 of the Water Resources Development Act (WRDA) of 1996 (Public Law 104 303) and Section 356 of WRDA 1999 (Public Law 106-53) authorized several project modifications.

The Dallas Floodway Extension is one of five local flood protection projects authorized for construction in 1965 as part of the basin wide plan of improvement for the Trinity River and Tributaries, Texas. The authorized plan of improvement consisted of a combination flood control channel and floodway levees which would provide a Standard Project Flood (SPF) level of protection. The plan consisted of a 22-mile levee and floodway system with a 9.1 mile residual channel along the Trinity River, 4.1 miles of channel improvements along White Rock Creek, and 5.4 miles of channel improvements to divert Five Mile Creek.

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A General Design Memorandum (GDM), which assessed the Dallas Floodway Extension in greater detail, was completed in 1981. In 1985, however, work on the project was suspended following a failed city of Dallas bond election. Final approval of the 1981 GDM was subsequently discontinued, resulting in the retention of the 1965 plan as the authorized plan.

The current General Reevaluation Study was the result of a request by the city of Dallas to reactivate the authorized Dallas Floodway Extension Project, following the severe flood event of 1989. The project was reactivated in 1990 under the provision that a general reevaluation be conducted prior to construction.

DECISION

It is my decision that the Recommended Federally Supported Plan (FSP) for the Dallas Floodway Extension Project should be implemented as soon as practicable as a means to alleviate potential flood damages, restore the natural environment, and provide recreation facilities within the Dallas, Texas, area. Authority to implement the project is partially provided by Section 301 of the Rivers and Harbors Act approved 27 October 1965 (Public Law 89-298). In addition, Section 351 of WRDA 1996 (Public Law 104-303) authorized that the sponsor built Rochester Park Levee and CWTP Levee be included in the project and that the sponsor receive credit for work carried out which is integral with the project as authorized and as currently recommended. Section 356 of WRDA 1999 (Public Law 106-53) authorized environmental restoration and recreation as project purposes. All project features of the Recommended FSP are either specifically authorized by Congress, or can be implemented within the discretionary authority of the Chief of Engineers [33 U.S.C. 701(m)] and no additional project authorization is needed.

FINDINGS OF THE FINAL GENERAL REEVALUATION REPORT AND INTEGRATED ENVIRONMENTAL IMPACT STATEMENT

Implementation of the Recommended FSP, as presented in the Final General Reevaluation Report and Integrated Environmental Impact Statement, dated February 1999 (revised September 1999), would provide completion of a significant portion of the Authorized Plan for the Dallas Floodway Extension. The Recommended FSP, as described in summary below, is located within the authorized site, and includes smaller scale features of the authorized flood damage reduction plan. Future work efforts to more fully fulfill the scope of the authorized plan would not be adversely affected by the Recommended FSP.

COMPARISON OF ALTERNATIVE PLANS

Subsequent to the evaluation and assessment of potential water resources management measures in the Dallas area and formulation of those measures into plan components, various comprehensive plans were investigated. Evaluation of those plans in light of specified planning objectives and public involvement produced the array of alternative plans as detailed below.

The 1965 Authorized Plan consists of a combination flood control channel and floodway levees which would provide a Standard Project Flood (SPF) level of protection (approximately 800-year or 0.125 percent Annual Chance of Exceedence (ACE). The plan would include a 22-mile levee and floodway system with a 9.1 mile residual channel along the Trinity River, 4.1 miles of channel improvements along White Rock Creek, and 5.4 miles of channel improvements to divert Five Mile Creek. This plan would no longer be economically justified, with current flood control first costs of $199.2 million (January 1997 prices), annual flood control costs of $17.1 million (7.375 percent interest, 50-year period of analysis), negative annual net flood control benefits of $4.1 million, and a benefit-to-cost ratio (BCR) of 0.76.

The National Economic Development (NED) Plan consists of clearing the vegetation along an upper and a lower overbank swale. The upper overbank swale would be about 1,200 feet wide and would extend from the confluence of Cedar Creek, at the upstream end of the project, to the river crossing of IH-45 for a length of about 7,800 feet, or 1.5 miles. The lower overbank swale would be about 1,200 feet wide extending from Hwy. 310, beginning at least 100' from the edge of the east bank, downstream to about 2,000 feet below Loop 12, for a total length of 17,300 feet, or 3.3 miles. Fragmentation of habitat would be unavoidable and would require extensive mitigation. Acquisition and management of approximately 3,200 acres of land would be required to offset the adverse environmental impacts associated with the project's implementation. This plan would have estimated flood damage reduction first costs of $50 million (January 1887 prices), annual flood control costs of $5.5 million (7.375 percent interest, 50-year period of analysis), annual net flood control benefits of $8.1 million, and a BCR of 2.46.

The Combination Non-structural / Structural Plan (which is the environmentally preferable alternative) consists of a chain of wetlands, a Standard Project Flood (SPF) levee protecting the Lamar neighborhood, and a 10-year buyout of the Cadillac Heights area (seven structures). The buyout of seven structures would leave 158 structures within the 100-year floodplain in Cadillac Heights. This plan would have estimated flood damage reduction first costs of $67.0 million (January 1997 prices), annual flood control first costs of $7.6 million (7.375 percent interest, 50-year period of analysis), annual net flood control benefits of $5.3 million, and a BCR of 1.70.

The Recommended FSP is a multi-objective project consisting of a swale for reducing flood damages, with an incorporated chain of wetlands for environmental restoration purposes, SPF levees protecting the Lamar and Cadillac Heights neighborhoods, environmental mitigation, and recreation facilities compatible with a larger, regional recreation master plan. Also included in this plan would be a proposed realignment of the existing river channel at the IH-45 bridge to prevent catastrophic failure of this designated national defense route, and to reduce significant annual maintenance costs due to debris accumulations at the bridge. This plan is also the locally preferred plan. This plan will provide an approximate 800-year or 0.125 percent ACE level of protection to the areas adjacent to and upstream of the project area. This plan would have an estimated first cost of $127.2 million (October 1998 prices), annual costs of $9.3 million

(6.875 percent interest, 50-year period of analysis), annual benefits of $19.1 million, and a BCR of 2.06.

PLAN SELECTION CONSIDERATIONS

Plan selection considerations involved a comparison of the cost effectiveness, environmental – social – economic balance, broad social acceptability, and adverse environmental impacts of the final plans. Plans formulated were evaluated based on their contribution to the National Economic Development account, and they are consistent with protection and restoration of the Nation's environment. In addition to these National objectives, additional planning objectives evolved from meetings with area residents, from contact with the local sponsor, State and Federal agencies, and from observations made in the area. Specific needs, desires, and goals of the community were identified. The plan selection considerations for the Dallas Floodway Extension project were as follows:

* Reduce flood damages, provide better health and safety measures, reduce emergency services, reduce potential for loss of life due to high velocity flows, reduce isolations caused by flood waters, reduce overtopping of bridges and roads along the Trinity River, and reduce the loss of jobs and/or wages caused by flooding from the Trinity River within the city of Dallas.

* Preserve and protect existing environmental and aesthetically pleasing areas and maintain, as much as possible, the existing vegetation and wildlife habitat along the Trinity. The channel portion of the Trinity River is possibly the largest remaining natural channel within Dallas.

* Preserve and/or protect historically and culturally significant areas.

In summary, a comparison of the alternatives reveals the 1965 Authorized Plan, which did not include mitigation, is no longer the best plan nor is it cost effective or environmentally or socially acceptable; the NED Plan would not provide the maximum protection to the project area and would require significant mitigation, with approximately 3,200 acres of land being required to offset the adverse environmental impacts; the Combination Non-structural / Structural Plan (environmentally preferable alternative) was not selected because it would leave 158 structures within the 100-year floodplain in Cadillac Heights without flood protection and would provide disproportionate flood protection within the project area , while requiring 1,027 acres of mitigation; and the Recommended FSP which provides the maximum protection to the project area, while requiring 1,179 acres of mitigation, best satisfies cost-effectiveness, social, and environmental acceptability criteria and is the locally preferred plan.

ENVIRONMENTAL CONSIDERATIONS IN THE FINAL GENERAL REEVALUATION REPORT AND INTEGRATED ENVIRONMENTAL IMPACT STATEMENT

Compliance with applicable environmental review and consultation requirements has been accomplished through coordination of the Final General Reevaluation Report and Integrated Environmental Impact Statement. In addition to satisfying the Fish and Wildlife Service Coordination Act, full compliance has been accomplished with the Clean Water Act, including the preparation of a Section 404(b)(1) analysis, Clean Air Act, Comprehensive Environmental Resource Compensation and Liability Act, Resource Conservation and Recovery Act, Endangered Species Act, National Historic Preservation Act, Floodplain Management (Executive Order 11988), Section 9 (33 U.SC. 401) and Section 10 (33 U.S.C. 403) of the Rivers and Harbors Act of 1899, and Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations (Executive Order 12898). The General Reevaluation Report and Integrated Environmental Impact Statement are being submitted to Congress to satisfy the requirements of Subsection 404(r) of the Clean Water Act [33 U.S.C. 1344(r)]. Subsection 404(r) waives the requirement to obtain the state water quality certification and requires that the project EIS be submitted to Congress prior to appropriation of funds for the project. The integrated project EIS provides information regarding the effects of the discharge of dredged or fill material, related to project construction of the Recommended FSP.

A signed Programmatic Agreement with the Advisory Council on Historic Preservation, Texas Historic Preservation Office, and other interested parties has been developed to address cultural resources with due diligence.

All practicable means to avoid or minimize environmental impacts have been adopted and were incorporated in the development of the Recommended FSP. The Final Fish and Wildlife Coordination Act Report, dated February 3, 1999, has been coordinated with Texas Parks and Wildlife Department. The conclusion was that if the Recommended FSP is implemented, the project should include the acquisition and intensive management of a minimum of 1,179 acres of terrestrial habitat, including 926 acres of bottomland hardwoods and reforestation of 253 acres of mixed grass-forb lands. Once the environmental restoration and mitigation features have been turned over to the non-Federal sponsor for long term operation and maintenance, a program to monitor the success of the environmental restoration and mitigation features of the project will be initiated. The U.S. Army Corps of Engineers, Fort Worth District, will conduct annual inspections of the environmental restoration and mitigation areas and any deficiencies would be documented. Enforcement procedures to rectify any deficiencies in the environmental restoration or mitigation features will be adopted and jointly implemented by the non-Federal sponsor and the U.S. Army Corps of Engineers. The non-Federal sponsor will be responsible for all Operation, Maintenance, Repair, Rehabilitation, and Replacement requirements of the environmental restoration and mitigation features.

CONCLUSIONS

I have reviewed and evaluated all documents concerning the Fort Worth District Engineer's recommendation, including the views of other interested agencies and the general public, and have considered prevailing administrative policies and procedures. Based on these factors, I find the Recommended FSP as contained in the Final General Reevaluation Report and Integrated Environmental Impact Statement, dated February 1999 (Revised September 1999), suitable for use as a plan for implementation of flood damage reduction, environmental restoration, and recreation at Dallas, Texas. I further conclude that the Dallas Floodway Extension project should be implemented as soon as practicable.

Based on the conditions set forth in the Fort Worth District Engineer's findings and the conditions set forth herein, I conclude that the public interest is best served by the decisions as set forth herein.

HANS A. VAN WINKLE
Major General, U.S. Army
Deputy Commander for
Civil Works

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
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REPLY TO
ATTENTION OF:

RECORD OF DECISION
PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT
UPPER TRINITY RIVER BASIN
TRINITY RIVER, TEXAS

Study Authority, History and Objectives

The Programmatic Environmental Impact Statement (PEIS) describes and addresses cumulative impacts identified to date related to reasonably foreseeable Corps of Engineers actions that might result from ongoing Upper Trinity Feasibility Studies. These studies are being conducted in response to the authority contained in the United States Senate Committee on Environment and Public Works Resolution dated April 22, 1988, as follows:

> *Resolved by the Committee on Environment and Public Works of the United States Senate, that the Board of Engineers for Rivers and Harbors is hereby requested to review the report of the Chief of Engineers on the Trinity River and Tributaries, Texas, House Document No. 276, Eighty-Ninth Congress, and other pertinent reports, with a view to determining the advisability of modifying the recommendations contained therein, with particular reference to providing improvements in the interest of flood protection, environmental enhancement, water quality, recreation, and other allied purposes in the Upper Trinity River Basin with specific attention on the Dallas-Fort Worth Metroplex.*

Existing environmental and socioeconomic resources of the study area are described in the PEIS. Likewise, past actions of the Corps and other entities within the study area are identified, along with an analysis of the effects that those actions have had on study area resources. The Corps and its project sponsors have constructed four Congressionally Authorized floodways and five multiple purpose reservoir projects within the upper Trinity River Basin. A fifth major floodway, the Dallas Floodway Extension Project (DFE), was authorized for construction in 1965 and modified in 1999 to include ecosystem restoration and recreation as project purposes. The DFE Project is considered to be in-place for defining baseline conditions. Additionally, under the Corps' Continuing Authority Programs, twelve projects for local flood damage-reduction, three projects for streambank stabilization, and one project for ecosystem restoration have been constructed within the study area. Collectively, these projects have directly altered and impacted the region's natural and cultural resources. They have further contributed to secondary impacts on these resources as population growth and associated land use intensification have occurred within the study area.

The primary objectives of the evaluations in the PEIS were: 1) provide a synopsis of existing conditions within the overall study area for key areas of concern, primarily hydraulic and floodplain environmental features; 2) describe changes in conditions since the Trinity Regional Environmental Impact Statement was completed in 1988; 3) address the programmatic effects of potential projects which could result from the Upper Trinity River Basin Feasibility Study; 4) identify reasonably foreseeable projects of others within the study area; 5) disclose direct, indirect, and cumulative impacts of potential Corps of Engineers projects relative to reasonably foreseeable projects of others.

Proposed projects considered in the PEIS

The study area is generally defined as the standard project floodplain (SPF) of the Trinity River in the Dallas and Fort Worth Metroplex. This area has undergone extensive alterations in the past 50 years due to rapid urbanization, the construction of various flood control and water supply reservoirs, major

channel/levee projects, and numerous smaller projects which have affected the physical characteristics of the Upper Trinity River watershed. In addition, baseline conditions for cumulative assessment within the study area for the Upper Trinity River Feasibility Study assume the authorized Dallas Floodway Extension (DFE) project to be in-place. Originally authorized in 1965, the Dallas Floodway Extension project was modified by the Water Resources Development Act of 1999 (Public Law 106-053), Section 356, to include environmental restoration and recreation as project purposes. The Final EIS for the DFE project was circulated for public comment during the spring of 1999 and the Fort Worth District Engineer signed the Record of Decision on December 1, 1999. Project construction is scheduled to commence in January 2003.

Approximately 90 potential projects, which provide for flood damage reduction, ecosystem restoration, water quality, and recreation outputs, were identified within the study area during the course of the Upper Trinity River Feasibility Study. Of these, three potential Corps of Engineers projects have been carried into detailed feasibility studies and are addressed in detail in the PEIS. These projects include the Johnson Creek project, in Arlington, the Stemmons North Industrial project, in Dallas, and the Dallas Floodway project, in Dallas. A Feasibility Study Cost Sharing Agreement was signed for a fourth study in February 2000 during preparation of the Draft PEIS. The local sponsor for the West Fork and Clear Fork project is the Tarrant Regional Water District. This study will focus on ecosystem restoration, and flood damage reduction needs and opportunities. Study plans are under development and thus, no details are provided in the Final PEIS.

The authorized plan for Johnson Creek consists of the acquisition and removal of 140 structures from the 25-year floodplain. Recreation features would include 2.25 miles of concrete trails, information kiosks, security lighting, drinking fountains, and footbridges spanning the creek, 70 uncovered picnic sites and a pavilion. Ecosystem restoration measures include acquisition of 155 acres of undeveloped areas within the corridor. The undeveloped area includes 61 acres of grassland and 94 acres of riparian forest. Forest management techniques will be employed to improve the quality of habitat for wildlife. Recreation features including a concrete hike/bike trail will also be added to the ecosystem restoration lands. Project construction is scheduled to begin in November 2000.

The Stemmons North Industrial Corridor is generally bounded by the Elm Fork on the west and south, Loop 635 on the north, and IH-35 on the east. Present development of the area includes extensive commercial and industrial activities with mixed multi-family and high-density residential areas. A structural plan consisting of a levee and floodwall providing 500-year flood protection to approximately 1000 acres along Mañana Street has been preliminarily identified to be feasible. An earthen levee would begin at Interstate 35 (Stemmons Freeway) on the north side of Mañana Drive and extend west to Wasco Creek. An intermittent earthen levee / concrete floodwall system would then be utilized, continuing south and west along the creek to the Burlington Northern Railroad track, then south along the railroad track to Northwest Highway. An earthen levee would then resume, extending south and east, and eventually tying in to the embankment of Loop 12. A non-structural plan, which would provide for buy-out and removal of structures within various flood zones does not appear feasible based on the studies conducted to date, but will be further investigated.

A flood damage reduction alternative was developed within the area of the existing Dallas Floodway to maximize the flood protection in the area behind the existing levees. This alternative would consist of raising the existing Dallas East and West Levees to a crest height 2 feet above the projected SPF water surface. An additional 18 inches of road base material would be placed on top of the impervious fill to accommodate vehicular traffic for maintenance and inspections. No excavation of fill material would occur beneath any of the bridges. A separate environmental quality (EQ) alternative was also developed for the Dallas Floodway area. The objectives of the EQ alternative were to improve the environmental character of the study area to benefit fish and wildlife habitat, water quality, and aesthetic properties while minimizing adverse impacts to existing cultural resources and flood damage reduction benefits. The EQ alternative consists of excavating a new meandering, low-flow channel between the levees, the establishment of forested areas and additional wetlands, and raising the levees to provide a flood damage risk comparable to the "Future Without Project", or "No Action", alternative condition. Trees would be planted along the top of the bank of the meandering channel on one side at a minimum width of 100 feet. Other tree planting zones would be established in random locations within the floodplain.

Existing depressions in the floodplain would be preserved or enhanced to provide seasonal wetland functions and to support wetland vegetation. No structures for the purposes of water management of individual wetland sites are proposed.

An array of other reasonably foreseeable projects being proposed by other entities was also reviewed and has been included in the PEIS where sufficient details were available to evaluate their cumulative effect on water and related land resources. In 1998, the Texas Department of Transportation (TxDOT) completed a Major Transportation Investment Study (MTIS) encompassing much of the Upper Trinity River study area within the City of Dallas. Based upon support from the City of Dallas and the North Texas Tollway Authority, the Federal Highway Administration, on June 17, 1999, issued Notice of Intent to prepare an Environmental Impact Statement on the Trinity Parkway. The EIS will address four alternative alignments for the Trinity Parkway which will include: 1) combined parkway constructed on the East levee of the Dallas Floodway, 2) split parkway constructed on the riverside slopes of the Dallas Floodway East and West levees, 3) split parkway constructed on the landside slopes of the Dallas Floodway East and West levees, and 4) modifying or reconstructing the existing Industrial Boulevard to accommodate increased traffic load. Each of these alternatives is assessed in preliminary detail in this PEIS.

The City of Dallas Trinity River Corridor Master Implementation Plan, dated August 1999, was also reviewed and included in the PEIS. This plan proposes a series of lakes, a split river channel, constructed wetlands, recreation trails, parklands, grasslands, and pedestrian bridges. The lakes and split river channel would involve one large lake, minimally 135 acres in size with options to expand to 235 acres, and other smaller lakes or wetlands within the existing Dallas Floodway. A combination of groundwater and Central Wastewater Treatment Plant effluent, polished by wetlands, is currently being considered as a possible source of water for the lakes. The main river channel would be split into two channels running parallel to the levee on either side of the lower half of the Dallas Floodway. The lakes would be located between the split channels with a raised berm surrounding the lakes to prevent floodwater inundation of the lake up to a 2-year flood event. This alternative could also include all of the water-related recreational features mentioned. Different variations of this alternative are being considered with selected alternatives for the proposed Trinity Parkway route. The Trinity River Corridor Master Implementation Plan also proposes upgrading of several bridges that cross the Floodway slated for replacement to attain "signature" status. These bridges were not evaluated in this PEIS because their designs have not been sufficiently developed to allow evaluation.

Summary of Major Environmental Findings and Cumulative Effects

The studies conducted to prepare this PEIS indicate clearly that extensive changes in land use within the 100-year and standard project floodplains of the study area have continued to occur since 1988 within the study area. That date represents the date of the Trinity Regional EIS and Record of Decision. Cumulative hydraulic impacts have not been as significant as have impacts to vegetative cover within the study area. The greatest cumulative impact identified has been to the extent of floodplain forested resources. Habitat quality evaluation of the remaining forested areas was not conducted, however, it is likely that overall fragmentation of forest as a result of floodplain encroachments has also cumulatively diminished value for wildlife that utilized floodplain forest resources.

An analysis of cumulative impacts of various potential Corps of Engineers projects or alternatives was made in combination with selected features of the North Texas Tollway Authority's (NTTA) proposed Trinity Parkway and the City of Dallas' Trinity River Corridor Master Implementation Plan alternatives. The authorized Johnson Creek Project would contribute favorably in the areas of forested resources, floodplain recreation, natural floodplain values, aesthetics, and public services and community structure. The Stemmons corridor would have little cumulative effect on any factors other than hydraulics, but the levees would be slightly negative in terms of aesthetics and natural values while the non-structural alternative would be slightly beneficial in regard to those same parameters. The effects of the Stemmons alternatives on the hydraulics of other projects vary, depending upon the alternative considered.

Among the alternatives considered in the area of the Dallas Floodway, the, EQ, plan would be the most beneficial in terms of forested resources, floodplain recreation, natural floodplain values, and

aesthetics, but without appropriate hydraulic mitigation would have the effect of increasing the flood risk for upstream floodplain areas not protected by the Dallas Floodway levees. The optimal flood damage reduction plan would be essentially neutral in terms of impacts on other resources, unless significant ecosystem restoration and recreation features were to be included. The "Lakes Only" Plan, if implemented by the City of Dallas, would have a slight negative effect on forested resources, or minimal effect with substantial plantings. This project should also be beneficial in terms of recreation and aesthetics. The NTTA Parkway alternatives, all of which would include the "Chain of Lakes", would have slightly negative to no effect (with substantial plantings) on forested resources, slightly negative effects on environmental justice issues and community structure and essentially a neutral effect on hydraulics.

Areas of Controversy

The potential for cumulative adverse impacts created the need to address the environmental consequences of all reasonably foreseeable proposed actions. Concerns were raised over the number and scope of potential projects being proposed for implementation by the Corps and others. The cumulative effects of various projects on flood damages and natural floodplain functions are considered to be controversial. Structural measures implemented to reduce flood damages often adversely impact natural flood plain values. Thus, many often consider use of flood plains controversial for purposes contrary to their natural function. Issues identified early in the public involvement process as controversial remained so throughout the review of the PEIS. Foremost among controversial issues was the proposal to place transportation features laterally within the floodplain, and the perception that the Dallas Floodway Extension project was being constructed in order to accommodate roadways between the existing levees.

Public Involvement

A Notice of Intent (NOI) to prepare a draft Programmatic EIS for the Upper Trinity River Basin was published in the *Federal Register* on November 8, 1996. The NOI provided background information related to the Upper Trinity Study, current status of ongoing studies and rationale for preparing the PEIS.

Notice of Public Scoping Meetings was mailed to all known interested parties on December 11, 1996. Scoping meetings were held on January 7, 1997 in Dallas, and on January 9, 1997 in Arlington, Texas. The Dallas meeting was held at the Downtown Public Library with approximately 50 individuals in attendance and 10 providing comments. The Arlington meeting was held in the City Council Chambers and 35 individuals attended. Four speakers presented comments. Major issues and concerns rose from these meetings dealt with the need for preservation of environmental quality, along with protection of life and property from flood damages. Another area of concern included overlapping of the PEIS study area with that of the proposed Dallas Floodway Extension (DFE) project area and any action undertaken on the DFE proposal prior to completion of the PEIS. The public also raised issues about the potential adverse impacts of multiple projects proposed within the Trinity River floodplain along the Dallas Floodway, the Elm Fork adjacent to Stemmons Freeway, and the West Fork on important ecosystem resources such as riparian and bottomland forests and wetlands. Issues also arose on the effects these multiple projects possibly would have on the ability of existing, and other proposed flood damage reduction projects to provide desired levels of flood protection. Concerns were also raised about the possible negative effects of the proposed Trinity Parkway on recreational use and West Dallas community cohesion.

In addition to the above-mentioned scoping meetings, other avenues provided opportunities to gather input for use in development of an understanding of the range of needs, opportunities and potential solutions identified that were addressed during the PEIS preparation. This included holding various meetings, on a recurring basis and additional coordination with multiple local, state and federal agencies and the City of Dallas to gather input needed to fulfill the NEPA process.

The Draft PEIS was filed with EPA in the Federal Register on December 17, 1999, and a Public Meeting was held in Dallas on January 13, 2000. Approximately 75 individuals attended the meeting with formal statements received from 31 of those present. The official comment period on the Draft EIS remained open through February 22, 2000, to allow others to provide written comments on the draft PEIS.

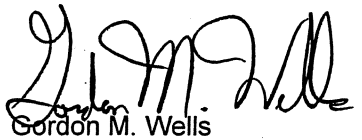
The principle issue of concern raised at the meeting was the location of the proposed tollway. Because of several verbal requests received at the public meeting, the public comment period was extended for an additional two weeks beyond the original 54-day comment period.

A total of 37 letters were received commenting on the Draft PEIS. Technical comments focused on the hydraulics and hydrology, water quality, community cohesion, recreation, and access to and from the Dallas Floodway considering the effects of the tollway. The business and industrial interests generally spoke in favor of a tollway between the levees. Several comments questioned the rationale for assuming the Dallas Floodway Extension to be in-place and commented specifically on features of that project which was documented previously under NEPA in the completed DFE EIS. Additional information was added to the PEIS to clarify cumulative impacts identified in the draft.

The Final PEIS was available for public review from June 30, 2000 to July 31, 2000. Five letters of comment were received addressing similar issues raised during review of the draft PEIS. All comments received on the Draft and Final PEIS were fully considered during the formulation of the Record of Decision for the PEIS.

Conclusions and Recommendations

Based upon analyses and findings developed as a result of preparation of this PEIS and the public comments received during review of the draft and final document, I have determined that any of the projects being considered by the Corps and other entities could likely be implemented provided appropriate environmental and hydraulic mitigative measures are followed. These mitigative measures include avoidance and minimization of impacts. This Record of Decision is not intended to replace regulatory criteria associated with the 1988 Trinity Regional EIS Record of Decision and the local communities' Corridor Development Certificate process. Those review mechanisms, along with new emphasis on floodplain management provided by Section 202(c) of Water Resources Development Act of 1996 provide support to bolster my commitment to protect and mitigate important floodplain resources. Ecosystem values and hydrology and hydraulics will continue to be given full consideration whenever the Corps has a role in the decision-making regarding potential floodplain modifications within the study area. Corps higher authority will continue to review the various proposals as they progress and will have final policy approval of proposed Corps project or permit actions. Any of the projects discussed and considered in this PEIS that may be carried forward for implementation must be carefully planned and designed to avoid or minimize adverse direct and cumulative impacts. Mitigation will be required to compensate for identified unavoidable adverse effects to existing hydrological and hydraulic conditions and to environmental resources of regional and national importance such as wetlands, riparian woodlands and recreation and other uses related to flood plains.



Gordon M. Wells
Colonel, Corps of Engineers
District Engineer

Date: September 15, 2000