

FROM : Bill Dean US FOODSERVICE

PHONE NO. : 410 461 3791

May. 20 2008 07:13PM P2



**DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108**

MAY 21 2008

**MEMORANDUM FOR the Deputy Commanding General for Civil Works and
Emergency Operations**

**Subject: Upper Trinity River, Central City, Fort Worth, Texas – Modified Central City
Project Report and Supplement No. 1 to the Final Environmental Impact Statement**

Public Law 108-447, Section 116 authorized the Secretary of Army to undertake the Central City Project, as generally described in the April 2003 Trinity River Vision Master Plan. The Central City Project requires the joint efforts and funding of several Federal, state, and local agencies for implementation. The U.S. Army Corps of Engineers (Corps) is authorized to participate in the Central City Project at a total cost not to exceed \$220,000,000, with a Federal cost of \$110,000,000 and a non-Federal cost of \$110,000,000, if the Secretary determines the work is technically sound and environmentally acceptable.

My April 7, 2006 response to your memorandum dated, March 16, 2006, concurred with the Corps recommendation for the Community-Based Alternative described in that submittal package. The recommended plan included the creation of an 8,400 foot-long bypass channel for the Clear Fork of the Trinity River, creation of an interior water feature utilizing a portion of the former channel of the Clear Fork, the construction of several dams, flood protection levees, road and bridge improvements, wetland, prairie and bottomland hardwood ecosystem restoration measures, and trail systems and water-based recreation opportunities. Of that recommended plan, the Corps portion of the project identified for implementation in accordance with Section 116 included those portions of the overall project that emphasize the flood control/hydraulic aspects that are fully functional. Specifically, the Corps project included the bypass channel, the isolation gates, the Samuels Avenue Dam, and most real estate, business and property owner relocations and soft costs associated with these features. (Soft costs include activities such as planning, design, survey and testing, legal support, program management, and construction oversight). Also included in the Corps project was all hydraulic (valley storage) and environmental mitigation required for the Central City Project, and all the cultural resources mitigation excepting mitigation of impacts to buried archeological resources that may be discovered in conjunction with project features other than those included in the Corps project. Based on the information provided in the Corps submittal package, I determined that the Community-Based

FROM : Bill Dean US FOODSERVICE

PHONE NO. : 410 461 3791

May, 20 2008 07:14PM P3

Alternative was technically sound and environmentally acceptable. Additionally, I signed a Record of Decision on April 7, 2006 to complete the National Environmental Policy Act process.

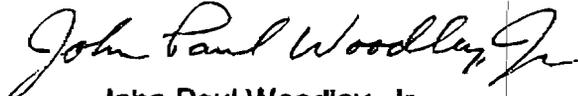
In response to a June 22, 2006 letter from the Fort Worth Parks and Community Services Department (enclosure 1), the Corps evaluated expanding the Central City Project farther to the east into the Riverside Oxbow study area, which is located immediately downstream of the Central City Project, along the Trinity River. In an April 25, 2008 memorandum from the Director of Civil Works, the Corps requested that I approve a modification to my April 7, 2006 determination identified above, in order to accommodate the City of Fort Worth. The revised Central City project is described in the Upper Trinity River, Central City, Fort Worth, Texas Modified Project Report and Supplement No. 1 to the Final Environmental Impact Statement. The Recommended Plan is the Modified Central City Project Alternative.

The Modified Central City Project Alternative would make the following changes to the previously approved plan: 1) move about 40 percent of the estimated 5,000 acre-feet of hydraulic mitigation to the Riverside Oxbow area; 2) relocate, reconfigure, and add a recreational lock and canal to the Samuels Avenue Dam, which now would be constructed by the non-Federal sponsor; 3) include a new Marine Creek low water dam and associated features which would be funded solely by the non-Federal sponsor; 4) construct various ecosystem restoration and recreation features in the Riverside Oxbow area which would also be non-Federally funded. All operations, maintenance, repair, replacement and rehabilitation costs, currently estimated at \$272,000 annually, would remain with the sponsor.

The non-Federal sponsor for this project is the Tarrant Regional Water District. In their letter of May 2, 2008 to the District Engineer, Fort Worth District (enclosure 2), the Tarrant Regional Water District provided their full commitment to fund any cost differential between the \$220,000,000 cost shared project, and the complete Modified Central City alternative, which currently has a total project cost of \$597,000,000 and a fully funded cost of \$673,000,000 (enclosure 3). These figures represent an increase of about \$105 million for the Tarrant Regional Water District to implement the Modified Central City Project.

Based on the information provided in the Corps submittal package, I have determined that the Modified Central City Project is technically sound and environmentally acceptable. However, the project is not compliant with Administration policy. None of the proposed work has been subjected to an economic analysis to determine if it would meet the Federal objectives for water resources planning or if the benefits exceed the costs from a Federal perspective. Additionally, many of the project features provide recreational benefits which are not high priority project outputs for Federal investments, or environmental benefits resulting from planting upland prairie areas. Participation by the Corps in upland restoration efforts is not in accordance with policy as the Corps areas of expertise are closely linked with hydraulic and hydrologic modifications. Corps participation would be limited by the provisions of Section 116 and

appropriations by Congress for the project. I have signed a Record of Decision for the Modified Central City project (enclosure 4) to complete the National Environmental Policy Act process. Please continue to work with my staff to correct several minor report issues such as project related real estate mapping.



John Paul Woodley, Jr.
Assistant Secretary of the Army
(Civil Works)

Enclosures

FROM : Bill Dean US FOODSERVICE

PHONE NO. : 410 461 3791

May. 20 2008 07:17PM PB

RECORD OF DECISION**UPPER TRINITY RIVER, CENTRAL CITY, FORT WORTH, TEXAS,
MODIFIED PROJECT**

A Final Project Report dated March 2006, and Final Environmental Impact Statement (FEIS) dated January 2006, for the Upper Trinity River, Central City, Fort Worth, Texas addressed changes to the existing system of levees and channels to enhance existing levels of flood protection, restore components of the natural riverine system, and provide quality of life enhancements (ecosystem improvements and recreation) in Fort Worth, Texas. The report was prepared in response to Public Law 108-447, Section 116, dated December 8, 2004. Based on these documents, I signed a Record of Decision (ROD) for the Central City Project on April 7, 2006.

Subsequent to that decision, the City of Fort Worth requested that the U.S. Army Corps of Engineers (Corps) conduct an evaluation of merging the authorized Central City Project with the proposed Riverside Oxbow project, located immediately downstream on the Trinity River. This proposal became the Modified Central City Alternative in the subsequent project documentation. A Final Supplement No. 1 to the Final Environmental Impact Statement (FSEIS), dated March 2008, and a Final Modified Project Report, dated April 2008, were completed to document the analysis of technical soundness and environmental acceptability of modifying the Central City Project. Based on the review of the FSEIS and associated documents, as well as the views of interested agencies and the concerned public, I find that both the Modified Central City Alternative recommended by Corps for the overall Central City Project, and the Corps Component of that alternative, to be technically sound and environmentally acceptable.

Current Corps investigations into water resources problems and opportunities in the Upper Trinity River Basin were authorized by the Senate Committee on Environment and Public Works Resolution, dated April 22, 1988. In 2002, the Corps initiated plan formulation for the Central City area, in accordance with the Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies, and within the Corps current mission areas, which include flood damage reduction, ecosystem restoration, and recreation. The study authority was subsequently modified by Public Law 108-447, Section 116, which authorized the Secretary of the Army to undertake the Central City Project, as generally described in the Trinity River Vision Master Plan, dated April 2003. The Central City Project in the Trinity River Vision Master Plan was developed at a conceptual level by the local community and, in addition to the Corps mission areas, included urban revitalization as a primary goal. This overall Central City

FROM : Bill Dean US FOODSERVICE

PHONE NO. : 410 461 3791

May. 20 2008 07:18PM P9

Project is envisioned as a multi-agency project, to be implemented through the joint efforts and funding of several Federal, state and local agencies. The project authorization contained in P.L. 108-447, Section 116, authorizes Corps of Engineers participation in the Central City project at a total cost not to exceed \$220,000,000, and specifies that the Corps and the non-Federal share will each be \$110,000,000. Corps participation is authorized if the Secretary "determines the work is technically sound and environmentally acceptable."

As interdependent parts of the larger Central City Project, the Corps participation features and the other agency participation features are connected actions. All the actions comprising the overall Central City Project and the Modified Central City Alternative have therefore been included in the scope of analysis of the FEIS and FSEIS. The FSEIS ultimately considered two alternatives: the Modified Central City Alternative and the "No Action" Alternative. The "No Action" Alternative assumed that the two projects, the Central City Project discussed in the FEIS and the Riverside Oxbow project would continue on as separate projects. This "No Action" Alternative was proper because, without a decision to modify the project, the two projects would have gone forward as described in their respective National Environmental Policy Act documents. The Modified Central City Alternative assumed that certain changes discussed below were made to the plan. The descriptions and discussion of these alternatives in the FSEIS are incorporated by reference. The Modified Central City Alternative best meets all the project goals without unacceptable adverse environmental and social impacts, is the least environmentally damaging practicable alternative, and is therefore the Corps' recommended plan.

Within the fiscal, technical and environmental constraints of the section 116 authorization, Corps participation in the recommended plan, the Modified Central City Alternative, is comprised of flood control/hydraulic features and required hydraulic, environmental and cultural mitigation. While the specific features contained within the Corps Component of the Modified Central City Alternative are identified later in this ROD, all of the features of the Modified Central City Alternative are listed below:

- Bypass channel, approximately 8,400 feet in length and 300-400 feet wide between the top of levees to carry the flood flows around the Central City area;
- Samuels Avenue Dam and recreational lock designed to create a normal water surface elevation of approximately 525 feet to allow boating within the upstream area;
- Marine Creek Low Water Dam to create a normal water surface elevation of 516.5 feet to allow boating on Marine Creek up to the Stockyards;
- Three isolation gates designed to restrict flood flows to the new bypass channel and to isolate the interior area from flood flows. A

FROM : Bill Dean US FOODSERVICE

PHONE NO. : 410 461 3791

May, 20 2008 07:19PM P10

- stormwater pump station would operate with the isolation gates to reduce flooding in two interior drainage areas;
- Valley storage mitigation sites upstream and downstream of the Samuels Avenue Dam;
 - Street and highway improvements for Henderson Street, White Settlement Road Bridges, North Main Street Bridge, Beach Street Bridge, and University Drive; pavement and traffic engineering improvements to improve capacity, movement, and provision for automobiles and public transit;
 - Utility relocations, including water, sanitary and storm sewer, electric, gas, and telecommunications;
 - Interior water feature;
 - Ecosystem Restoration of two Trinity River oxbows and the Riverside Oxbow and Gateway Park area;
 - Recreational enhancements in Riverside Oxbow, Gateway Park, and Riverside Park including roadways, parking, pedestrian bridges, soccer fields, baseball field, basketball courts, splash park, and trail heads;
 - Trail network of approximately 12 miles of waterfront trails, approximately 3.5 mile boating loop, and 9 miles of soft park and equestrian trails;
 - Wetland, riparian, and terrestrial improvement in the Riverside Oxbow/ Gateway Park areas, Rockwood area, and aquatic habitat mitigation in Ham Branch;
 - Cultural resource mitigation.

The recommended plan, the Modified Central City Alternative, accomplishes all four dimensions of the Central City project purpose, i.e. Flood Damage Reduction, Ecosystem Restoration, Urban Revitalization, and Recreation. The recommended plan provides protection for the Standard Project Flood with 4 feet of freeboard and improves the performance of the interior drainage components. Additionally, the recommended plan will facilitate revitalization of the Central City area by establishing the conditions for levee removal along the river, which will promote better connection and access to the Trinity River. The plan also provides ecosystem restoration and recreation opportunities. Although the plan has some adverse effects to fish and wildlife habitat, these effects are significantly reduced from the original Central City project, and will be mitigated with no unacceptable adverse effects remaining. The plan is strongly supported by local governments, as evidenced by their development of a Tax Increment Financing District and substantial bond revenue that will be used for the local cost share.

FROM : Bill Dean US FOODSERVICE

PHONE NO. : 410 461 3791

May. 20 2008 07:19PM P11

Hydraulic mitigation will occur mostly downstream of the Samuels Avenue Dam, with the primary site being the Riverside Oxbow/Gateway Park area. It also includes five contingency valley storage sites that could be used if analyses during the detailed design phase indicate the primary storage sites are not sufficient to achieve the required valley storage, or if other factors preclude their use. One or more of the contingency sites could be used to replace any of the primary sites depending on the total amount of valley storage necessary. The evaluation of valley storage sites included avoiding, to the extent feasible, important habitats and subsequently developing habitat within these sites following excavation.

The Modified Central City Alternative would avoid much of the initial impact to riparian woodland areas that would occur with the original Central City project in the Riverbend area as proposed in the FEIS. Upon completion of habitat development, which would compensate for impacts, the Modified Central City Alternative would result in more riparian woodland outputs but less wetland outputs relative to the No Action alternative. The Modified Central City Alternative would have similar upland woodland impacts and outputs as the No Action alternative, but would impact a greater amount of grassland habitat than the No Action alternative. Most of the grassland impacts will occur to areas dominated by non-native species and therefore no mitigation is deemed necessary. These changes in habitat outputs are primarily due to relocating the valley storage sites from the Riverbend area to the Riverside Oxbow area, and replacing grassland habitat at these sites with riparian woodland.

Relocation of Samuels Avenue Dam upstream of the Marine Creek and Trinity River confluence would avoid some adverse effects to riparian and aquatic habitat along lower Marine Creek and all impacts to Lebow Creek. However, construction of a low water dam on Marine Creek and a lock and boat channel from the Trinity River impoundment to Marine Creek would still result in inundation (albeit to a lesser extent) of riparian and aquatic habitat in Marine Creek, which would require mitigation. This aquatic habitat mitigation will occur in the Ham Branch tributary and in the remnant Sycamore Creek through physical habitat modification, including establishment of riffle and pool complexes. This plan has been coordinated with the U.S. Fish and Wildlife Service and State of Texas resource agencies, and all practicable means to avoid and minimize environmental impacts have been adopted. A monitoring plan will be implemented to evaluate the compensatory mitigation.

Implementation of the recommended plan will potentially have adverse effects on eleven historic architectural properties eligible for the National Register of Historic Places. A plan to mitigate the impacts of the Community Based Alternative on historic architectural resources has been developed and adopted in consultation with the Texas Historical Commission as well as numerous stakeholder groups. Specific components of the mitigation plan are contained in

FROM : Bill Dean US FOODSERVICE

PHONE NO. : 410 461 3791

May. 20 2008 07:20PM P12

the executed Programmatic Agreement among the Corps, the Texas Historical Commission and the City of Fort Worth.

Those features identified for Corps of Engineers participation (Corps Component) in accordance with the cost limitations contained in P.L. 108-447, Section 116, emphasize the flood control/hydraulic aspects of the Central City Project and develop a fully-functioning hydraulic (flood control) system. Specifically, the Corps Component of the Modified Central City Alternative consists of a bypass channel, two isolation gates, associated real estate and property owner relocations, all valley storage and habitat mitigation, and soft costs associated with these features. ("Soft costs" include activities such as planning, design, survey and testing, legal support, program management and construction oversight). Also included is all cultural resources mitigation, except mitigation of impacts to buried archeological resources that may be discovered in conjunction with project features other than those included in the Corps Project. Lands required for the Corps Component that are already owned by the Sponsor, the City of Fort Worth, or Tarrant County will be provided to the project.

In order to ensure that the Corps Component is fully functional when complete, the Project Partnership Agreement (PPA) between the Corps and the non-Federal sponsor will be conditioned to require certain base conditions. Specifically, utility relocations, demolition, and the cleanup of substances regulated by the Resource Conservation and Recovery Act and the Comprehensive Environmental Response, Compensation, and Liability Act will be performed by the sponsor as a non-project cost prior to a construction start for appropriate elements of the Corps Component. Additionally, new bridges, to be constructed by the Texas Department of Transportation at the North Main Street and Henderson Street intersections with the bypass channel, the Samuels Avenue Dam, and the Trinity Point isolation gate will be base conditions of the PPA.

The project has been extensively coordinated with the public and with resource agencies. The project is in compliance with all environmental requirements, including the Endangered Species Act, the National Historic Preservation Act, the Clean Air Act, and the Clean Water Act. This finding terminates further consideration by the Department of the Army of the separate proposal for the Riverside Oxbow, Upper Trinity River, Fort Worth, Texas ecosystem restoration project. This ROD supersedes the ROD signed on April 7, 2006, with respect to the originally proposed Central City Project and the Finding of No Significant Impact signed by the Acting District Engineer, Fort Worth District, on May 22, 2003, with respect to the proposed Riverside Oxbow project.

FROM : Bill Dean US FOODSERVICE

PHONE NO. : 410 461 3791

May. 20 2008 07:21PM P13

All applicable laws, executive orders, regulations, and local plans were considered in evaluating alternatives. The recommended plan is the least environmentally damaging practicable alternative and incorporates features to avoid, minimize, or mitigate adverse environmental and social impacts. Based upon the review of FSEIS and comments received from other agencies and the public, I find that the project benefits gained by construction of the recommended plan outweigh the adverse effects. Therefore, I have determined that the Modified Central City Alternative and the Corps Component of that plan are in the public interest. This Record of Decision completes the National Environmental Policy Act process.

May 21, 2008
Date

John Paul Woodley, Jr.
John Paul Woodley, Jr.
Assistant Secretary of the Army
(Civil Works)