

APPENDIX K
SUPPLEMENTAL DOCUMENTATION

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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
WASHINGTON, D.C. 20314-1000

07 DEC 2009

Reply to
Attention of:

CEMP-SWD

MEMORANDUM FOR COMMANDER, Southwestern Division (CESWD-PD)

SUBJECT: Implementation Guidance for Section 5141 of the Water Resources Development Act of 2007 (WRDA 2007) – Dallas Floodway, Dallas, Texas.

1. The project for flood control, Trinity River and tributaries, Texas, authorized by section 2 of the Act entitled, "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 [59 Stat.18], is commonly referred to as the Dallas Floodway, Dallas, Texas project or the Dallas Floodway Levee System. Section 5141 of WRDA 2007 modifies the authorization for this project to direct the Secretary to review the reports prepared by the non-Federal interest for the Dallas Balanced Vision and Interior Drainage Plans and if the Secretary determines that the project described in these reports is technically sound and environmentally acceptable, the Secretary is authorized to construct the project at a total cost of \$459,000,000, with an estimated Federal cost of \$298,000,000 and an estimated non-Federal cost of \$161,000,000. Further, section 5141 directs the Secretary to afford credit, in accordance with Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), toward the non-Federal share of the cost of the project for the costs of planning, design, and construction work carried out by the non-Federal interest prior to the date of the Project Partnership Agreement and to accept funds provided by non-Federal interest for use in carrying out planning, engineering, and design for the project. A copy of Section 5141 is enclosed.

2. Background.

a. The existing Dallas Floodway Levee System, authorized in 1945, extends along the Trinity River upstream from the AT&SF Railroad Bridge at Trinity River Mile 497.37, to the confluence of the West and Elm Forks at River Mile 505.50, thence upstream along the West Fork for approximately 2.2 miles and upstream along the Elm Fork approximately 4 miles. Of the 22.6 miles of levees within this reach, the East Levee is 11.7 miles in length and the West Levee is 10.9 miles in length. In addition to the levees, the floodway includes a modified river channel and structures, including seven pumping plants, five pressure conduits, and seven drainage structures.

b. As a result of floods in 1989 and 1990, the City of Dallas stated its interest in revitalizing a number of projects to restore and expand the level of protection along the Trinity River within the city limits.

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(1) The Dallas Floodway Extension project, authorized by the Flood Control Act of 1965, was initiated in December 2001 with execution of a Project Cooperation Agreement to construct the Chain of Wetlands, the Cadillac Heights and Rochester Park Levees, and recreation features immediately downstream of the existing Dallas Floodway Levee System. Construction of this project is currently ongoing and is scheduled to be completed in 2014.

(2) A new cost shared feasibility study was initiated in May 1996 to address the feasibility of flood risk management improvements to increase the level of flood protection provided by the existing Federal project in the Dallas Floodway and Stemmons North Industrial Corridor levee system (i.e., the existing Dallas Floodway Levee System). In addition to increasing the level of flood protection, the study was also assessing the feasibility of including recreation and ecosystem restoration features within the floodway that are defined in the City of Dallas' Balanced Vision Plan (BVP). The feasibility study was suspended in November 2007 following the enactment of Section 5141 of WRDA 2007.

c. In December 2007, the ninth periodic inspection was conducted on the existing Dallas Floodway Levee System. The results published in the Periodic Inspection Report, dated 31 March 2009 (PIR #9), identified the Dallas Floodway Levee System as "Unacceptable". The PIR #9 identified many deficiencies which are the responsibility of the City of Dallas under its Operation, Maintenance, Repair, Rehabilitation, and Replacement (OMRR&R) obligation. On 29 June 2009, the City of Dallas received approval for their Maintenance Deficiency Correction Period (MDCP) plan, which provides a temporary extension to remain eligible for P.L. 84-99 rehabilitation assistance for one year from the date of the PIR #9. Any additional extension to remain eligible for future rehabilitation assistance would have to be requested by the City and approved by USACE, in accordance with the criteria defined in CECW-HS memorandum, dated 9 January 2009, subject: Temporary Extension of P.L. 84-99 Rehabilitation Eligibility for Non-Federal Sponsors Implementing System-wide Improvements. There were a number of deficiencies identified in the PIR #9 that require additional analysis to determine whether there are engineering or construction deficiencies with the existing Dallas Floodway Levee System that contributed to the deficiencies. Correction of engineering or construction deficiencies are not considered part of the City's OMRR&R responsibilities that must be completed as part of the MDCP plan and does not impact eligibility for P.L. 84-99 rehabilitation assistance.

d. The City of Dallas' comprehensive plan for future development on the Trinity River, entitled the Trinity River Corridor Project, includes flood risk management, recreation, ecosystem restoration, and transportation features. Ongoing studies related to the Trinity River Corridor Project involve coordination with multiple Federal (i.e., USACE, Federal Highways Administration, and Federal Emergency Management Agency), State (i.e., Texas Department of Transportation, Texas Historic Commission), and local agencies. Section 5141 of WRDA 2007 provides the opportunity to conduct a comprehensive, system-wide assessment of the City of Dallas' proposed plan to determine the technical and environmental feasibility for implementing

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elements of the Trinity Corridor Project, while ensuring the integrity of the Dallas Floodway Levee System.

3. Section 5141 of WRDA 2007 provides a mechanism through which USACE can participate in investigations and analyses regarding remediation of the existing Dallas Floodway Levee System, as well as consideration of the need for replacement and reconstruction of features of the existing project and examination of changed conditions and possible engineering or construction deficiencies. It provides flexibility to undertake a comprehensive, system-wide analysis to evaluate alternatives, including levee remediation, the Balanced Vision Plan, the Interior Drainage Plan, and other proposed non-Federal modifications, including the Trinity Parkway. The results of these investigations and analyses will be used to make determinations on what work can or will be implemented pursuant to Section 5141.

a. The District will conduct a feasibility study (cost shared 50% Federal and 50% non-Federal) that will provide a comprehensive, system-wide analysis of all proposed development within the Dallas Floodway Project /Dallas Floodway Levee System area. Although this effort may be initiated using available funding appropriated for the Dallas Floodway Project by resuming the cost shared feasibility study suspended in 2007, an amendment to the existing feasibility cost sharing agreement (FCSA) to cover the expanded scope and cost of the study should be developed immediately. Additional funding to conduct the study will be budgeted under the Investigations Account in accordance with annual budget guidance. The feasibility study will be conducted in accordance with Engineering Regulation (ER) No. 1105-2-100, Planning Guidance Notebook; ER 1110-2-1150, Engineering and Design for Civil Works Projects; Chapter 12 of ER 405-1-12, Real Estate Handbook; ER 1110-2-1302, Civil Works Cost Engineering; and other pertinent regulations including Executive Order 11988 on Flood Plain Management. In addition, the feasibility study will be processed in accordance with report guidelines for projects authorized without a report in Appendix H of ER 1105-2-100 for approval by the Assistant Secretary of the Army for Civil Works (ASA(CW)). Implementation of features in the feasibility report as approved by the ASA(CW) will be cost shared in accordance with Section 103 of WRDA 1986, as amended.

b. The cost shared feasibility study to provide a comprehensive, system-wide analysis of all proposed development within the Dallas Floodway Project / Dallas Floodway Levee System area will include the following elements:

(1) Levee Remediation Plan. This element will address the levee structural integrity concerns and O&M deficiencies (that are the responsibility of the City of Dallas) identified in the PIR #9; and the identification of potential engineering, and/or construction deficiencies for the existing Dallas Floodway Levee System as defined in the original 1945 project authorization.

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(2) Flood Damage Reduction Plan. This element will address potential levee reconstruction, raising of the existing Dallas Floodway Levee System, and removal of the AT&SF bridge piers to address current flood flows along the Trinity River.

(3) Balanced Vision Plan. This element will include review of the Balanced Vision Plan (BVP) ecosystem restoration and recreation features defined in the report prepared by the City of Dallas entitled "*The Balanced Vision Plan for the Trinity River Corridor, Dallas, Texas*", dated December 2003 and amended in March 2004.

(4) Interior Drainage Plan. This element will include review of the Interior Drainage Plan (IDP) improvements to the existing Able, Baker, Charlie, Delta, Hampton, Trinity Portland, and Pavaho pump stations; restoration of sump capacity to provide protection against the one percent chance (100-year) event; and gravity and pressure storm sewers. These features are defined in the report prepared by the City of Dallas entitled "*The Interior Levee Drainage Study Phase-I Report, Dallas, Texas*", dated September 2006.

(5) Local Features. This element will include review of certain alterations and modifications being proposed by non-Federal entities for approval under 33 U.S.C. 408. These features require a determination and approval by the USACE that the proposed alterations or modifications will meet USACE engineering and safety standards and will not have significant adverse affects on the functioning of the Dallas Floodway Levee System. The local features that may be reviewed as part of the feasibility study include the Trinity Parkway, Standing Wave, the Santa Fe Trestle Trail, the Pavaho Wetlands, the Interstate Highway (IH) -30 (Margaret McDermott) Bridge, the Sylvan Avenue Bridge, and the Pegasus Phase I (IH-35E).

c. Economic analyses and recommendation of the NED/NER plan are not required for the BVP and IDP; however, these elements will be formulated using sound judgment, prudent analytical approaches and Corps engineering standards. The feasibility report will describe the plan formulation criteria (goals and objectives) and the non-Federal sponsor's overall plans and will include a recommendation for features and elements to be constructed as part of the Modified Dallas Floodway Project. The Local Features will be evaluated in the comprehensive, system-wide analysis to ensure the proposed alterations and modifications will meet USACE engineering and safety standards, and will not have significant adverse affects on the functioning of the Dallas Floodway Levee System. Upon completion of this comprehensive analysis, non-Federal interests may submit for approval under Policy and Procedural Guidance for 33 U.S.C. 408 those Local Features which, as determined by the Corps, do not have significant adverse affects on the functioning of the Modified Dallas Floodway Project. Additional specific guidance regarding the Trinity Parkway is provided in this memorandum.

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d. All work associated with the feasibility study will undergo district Quality Control (DQC), Agency Technical Review (ATR) and Independent External Peer Review (IEPR) throughout the study process to "ensure the quality and credibility of the Government's scientific information" in accordance with ER 1165-2-209 Civil Works Review Policy.

4. Levee Remediation Plan. As an initial step in the comprehensive analysis, the Levee Remediation Plan will be developed to identify and evaluate levee remediation alternatives by utilizing existing and additional geotechnical investigations and technical analyses to evaluate alternatives to identify technically sound and cost effective remediation measures needed to restore the existing Dallas Floodway Levee System. A variety of alternative measures will be evaluated for cost effectiveness analysis purposes. The evaluation will include:

a. A final breakdown of O&M-related deficiencies identified in the PIR #9 to be implemented by the city of Dallas, and which, for cost efficiencies, will be constructed as part of the Levee Remediation Plan. Remediation of O&M deficiencies identified in the PIR #9 may be included as part of the Levee Remediation Plan in order to identify the most cost efficient means to restore the integrity of the levees. Remediation plans implemented by non-Federal interests at 100% non-Federal expense must be technically sound and environmentally acceptable.

b. The identification of the recommended plan for remediation of levee deficiencies, including recommendations on engineering and/or construction deficiency corrections as defined in ER 1165-2-119, Modifications to Existing Projects related to the existing Dallas Floodway Levee System. This evaluation may also include an assessment of the systems ability to pass the 100-year flood event as well as an evaluation of alternatives for remediation of any identified deficiencies. The initial evaluation shall develop a stand alone remediation plan, assuming no other development within the existing Dallas Floodway Levee System.

c. Features of the proposed Trinity Parkway that may provide remediation for the levee deficiencies will be evaluated as an alternative for levee remediation to determine their cost effectiveness and their impact on the integrity and operation of the Dallas Floodway System. This analysis must also identify the most cost effective solution for levee remediation. Additional guidance for evaluation of the Trinity Parkway is found in paragraph 7.

d. In the formulation of the Flood Damage Reduction Plan components for the Modified Dallas Floodway project, the without project or base condition is the existing Dallas Floodway Levee System as it will be restored in accordance with the Levee Remediation Plan.

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5. Flood Damage Reduction Plan. The Flood Damage Reduction Plan will be evaluated for economic justification in accordance with the Principles and Guidelines for Water and Related Land Resources, dated 10 March 1983, and other pertinent Corps regulations. If appropriate, the study should evaluate whether reconstruction of the existing Dallas Floodway Levee System as defined in CECW-PB memorandum, 16 August 2005, subject: Reconstruction of U.S. Army Corps of Engineers Structural Flood Damage Reduction Projects for which Non-Federal Interests are Responsible for Operation, Maintenance, Repair, Rehabilitation, and Replacement, is warranted. The formulation and evaluation of alternatives will also include examination of removal of the AT&SF railroad bridge piers, which cause a significant impediment to flood flows, and levee raises to increase the current level of protection.

6. Interior Drainage Plan (IDP). The IDP may be initiated by non-Federal entities at any time prior to completion of the Modified Dallas Floodway Project feasibility study if it is determined they have independent utility and do not adversely affect the functioning of the Modified Dallas Floodway Project. However, all features of the IDP will be evaluated in as part of the Modified Dallas Floodway Project feasibility study comprehensive analysis. Eligibility for in-kind contribution credit for such work is described in paragraph 9 of this guidance.

7. Trinity Parkway. A preliminary evaluation of the Trinity Parkway will be conducted to determine if any of the Federal Highway Administration (FHWA) alternatives within the Dallas Floodway are hydrologically, hydraulically, geotechnically, and structurally sound and compatible with proper system performance with the Levee Remediation Plan. The evaluation will include all features required for each FHWA alternative. This evaluation will be preliminary in nature as it will not provide the comprehensive evaluation required by the USACE prepared Programmatic Environmental Impact Statement Upper Trinity River Basin, Trinity River (June 2000) EIS. The purpose of this evaluation is to provide the FHWA information required for its determination of the preferred alignment for the Trinity Parkway. Careful examination of the FHWA proposals for the Trinity Parkway is critical to ensure the proposed modification does not adversely impact the functioning of the Dallas Floodway Levee System. Given the proximity of the proposed Parkway within the floodway and adjacent to a large urban area, all potential consequences to public safety must be thoroughly addressed.

a. Evaluation of multiple alternatives for the Levee Remediation Plan, Flood Damage Reduction Plan, and Comprehensive Analysis for the Modified Dallas Floodway Project will be required unless the FHWA identifies the preferred alternative for the Trinity Parkway. The initial evaluations for the Flood Damage Reduction Plan, IDP, BVP, and Local Features will include alternatives with a “No Trinity Parkway in the floodway” option, all Trinity Parkway alternatives that are not eliminated from consideration as part of the USACE Levee Remediation Plan analysis; the analysis for the FHWA’s Limited Scope Supplement to the Supplemental

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Draft Environmental Impact Statement (LSS-SDEIS), and consideration of the public involvement associated with this document. The final Flood Damage Reduction Plan and Comprehensive Analysis for the Dallas Floodway Project will be evaluated using the FHWA preferred alternative for the Trinity Parkway. If features of the Trinity Parkway are identified as the recommended alternative for levee remediation, this will be documented as part of the Selected Plan.

b. If it is determined that portions/features of the Trinity Parkway provide for remediation of the levee deficiencies and the entire Trinity Parkway is determined to be technically sound and environmentally acceptable with the levee remediation plan and flood damage reduction plan, implementation of the Trinity Parkway by FHWA will not require additional evaluation and approval under Policy and Procedural Guidance for 33 USC 408, but will be incorporated into the review and approval process for the USACE decision document and EIS, and will be included in the ROD for the Modified Dallas Floodway Project feasibility study.

c. If it is determined that portions/features of the Trinity Parkway do not provide for remediation of the levee deficiencies, the Trinity Parkway may be evaluated further as part of the analysis of the flood damage reduction project but may require additional evaluation in accordance with the Policy and Procedural Guidance for 33 USC 408. In no case may construction of the Trinity Parkway be approved prior to issuance of the ROD for the Modified Dallas Floodway Project feasibility study.

d. This guidance supersedes guidance contained in the CEMP-SWD memorandum, dated 19 December 2008, subject: Trinity Parkway, Dallas Floodway, Texas, Section 408 – Modifications and Alterations of Corps of Engineers Projects, Guidelines.

8. The actual scope, cost, and schedule for implementation of the feasibility study for the Modified Dallas Floodway Project will be documented in the Project Management Plan (PMP), and should document the interdependencies between Federal, State, and local agencies for conducting a comprehensive, system-wide analysis of the Modified Dallas Floodway Project. The feasibility study will include planning milestones such as a Feasibility Scoping Meeting (FSM) and Alternative Formulation Briefings (AFB). In addition to the FSM and AFB, In Progress Review (IPR) meetings, to include the full Corps vertical team and ASA(CW) participation, are required upon completion of the following activities:

a. Develop Levee Remediation Plan. This IPR checkpoint is required to review and affirm the scope of Levee Remediation Plan, to include the preliminary analysis of the technical viability of the Trinity Parkway alternatives and to assess if there are measures that may be initiated to remedy the 100-year deficiencies. Based on the outcome of this checkpoint meeting, non-Federal entities may initiate construction on features required to restore the one percent

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chance occurrence (100 year) levee deficiencies subject to compliance with the National Environmental Policy Act (NEPA) and receiving appropriate Section 404/10 authorization and USACE final design approvals. Eligibility for in-kind contribution credit for such work is described in paragraph 9 of this guidance.

b. Completion of Comprehensive Analysis. This IPR check point must be held following the completion of the comprehensive, system-wide analysis of all features for the Modified Dallas Floodway Project which will assess all features with and without the Trinity Parkway in the floodway. This checkpoint is required before any work can be requested or initiated by FHWA or by non-Federal entities. Further, before any work is initiated by FHWA or the non-Federal interests, the appropriate NEPA analyses and documentation must be completed.

9. Section 5141(b)(1) directs the Secretary to afford credit, in accordance with Section 221 of the Flood Control Act of 1970, as amended (42 U.S.C. 1962d-5b), toward the non-Federal share of the cost for the Modified Dallas Floodway Project for the cost of planning, design, and construction work carried out by the non-Federal interest for the project before the date of execution of the Project Partnership Agreement (PPA). The guidance and procedures contained in Engineering Circular (EC) No. 1165-2-208 should be used to determine eligibility of credit for such planning, design, and construction work proposed to be accomplished by non-Federal interests with the exception that the ASA(CW) on 10 June 2009 approved a one-time exception to the policy to allow execution of an In-Kind Memorandum of Understanding prior to completion of the feasibility study for non-Federal interest to conduct investigations for engineering (geotechnical, hydrologic, hydraulic, civil, structural, and cost estimate), real estate, and environmental impacts; and to design and construct levee remediation measures. The feasibility report will include the information necessary to support the required integral determination by the ASA(CW). See paragraph 6 of EC 1165-2-208 for details. Only planning, design, and construction work performed prior to execution of the PPA and determined to be integral to the recommended plan will be considered eligible for credit. Section 5141(b)(1) does not provide authority to afford credit for any planning, design, or construction work carried out by the non-Federal interest after the date of execution of the project partnership agreement. The actual value of the eligible work and credit afforded will be determined in accordance with the terms and conditions of the applicable cost sharing agreement (FCSA, Design Agreement, and PPA). The total amount of credit afforded for planning, design, and construction work undertaken by the non-Federal interest shall not exceed the non-Federal cash requirement for the project.

a. Credit for planning efforts performed by the non-Federal sponsor that are required for the feasibility study will be afforded in accordance with the terms and conditions of the FCSA. The determination of the work to be credited for the feasibility study will be made and documented in the Project Management Plan (PMP) for the feasibility study. The costs of the work for which credit is afforded toward the non-Federal sponsor's share under the FCSA will not be included in total project costs in the PPA.

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b. To the extent that the credit that could be afforded for non-Federal planning efforts for the feasibility study exceeds the non-Federal sponsor's 50 percent share under the FCSA, the excess credit may be afforded toward the non-Federal share of costs under the Design Agreement. Further, to the extent that the credit that could be afforded for non-Federal planning and design exceeds the non-Federal sponsor's share under the Design Agreement, the excess credit may be afforded toward the non-Federal share of construction costs under the PPA. The costs of the work for which credit is afforded toward the non-Federal sponsor's share under the Design Agreement and the PPA will be included in total project costs.

10. Section 5141(b)(2) provides authority for the Secretary to accept funds provided by the non-Federal interest for use in carrying out planning, engineering, and design for the Dallas Floodway project. Credit for funds provided by the non-Federal interest to carry out such work will be applied toward any cash contribution required under the feasibility study and if there is remaining credit then under the design agreement and finally under the PPA. This provision provides for credit only and does not authorize reimbursement.

11. The costs of the recommended plan dealing with the Flood Damage Reduction Plan, the BVP, and the IDP (rehabilitation and new pump stations, outfall extensions and associated items) will be considered in determining the Section 902 of WRDA 1986 maximum cost limits. The costs of the Levee Remediation Plan and Local Features will be excluded from such determination.

12. In accordance with CEQ Guidelines and ER 200-2-2, Procedures for Implementing NEPA, the Secretary will prepare appropriate NEPA analysis and documentation for the Modified Dallas Floodway Project.

a. For the Modified Dallas Floodway Project, it is expected that an Environmental Impact Statement (EIS) will be prepared following the comprehensive analysis and will address all elements of the Modified Dallas Floodway Project. The EIS will consider reasonable alternatives that will include the options of "No Trinity Parkway in the floodway" and FHWA's preferred Trinity Parkway alignment if located in the floodway. The EIS will reference, as applicable, the FHWA's Trinity Parkway EIS and comply with the intent of the USACE prepared Programmatic Environmental Impact Statement Upper Trinity River Basin, Trinity River (June 2000) EIS. The Record of Decision (ROD) will be signed by the ASA(CW).

b. The USACE will serve as a cooperating agency with the FHWA in the preparation of the Trinity Parkway EIS in order to provide expertise in hydrology/hydraulics and flood protection measures. The USACE will coordinate the results of the comprehensive analysis for use by FHWA in selecting a preferred alternative for the Trinity Parkway. Should FHWA

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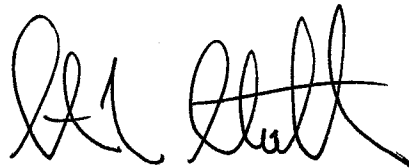
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choose to execute their ROD on the Trinity Parkway prior to USACE's ROD on the Modified Dallas Floodway Project and it recommends a Parkway alignment in the floodway, the USACE will be unable to make a determination regarding FHWA's decision until the Modified Dallas Floodway Project ROD is completed. The Trinity Parkway cannot be initiated until the ROD for the Modified Dallas Floodway Project feasibility study is executed by the ASA(CW).

c. Construction of levee remediation, IDP, or Local Features that are proposed to be accomplished by non-Federal entities in advance of the Modified Dallas Floodway Project ROD will require appropriate NEPA documentation, and cannot have a significant incremental impact on the environment. A determination must be made that these elements are not "connected, similar, or cumulative" (as defined in 40 CFR Part 1508.25) with respect to other elements of the Modified Dallas Floodway Project and can be implemented by non-Federal entities without harm/impact to the existing Dallas Floodway Levee System.

13. Given the complexity and sensitivity of this study, the Project Delivery Team should conduct vertical team checkpoint meetings throughout the study process to coordinate all phases of the comprehensive, system-wide analysis required for the Modified Dallas Floodway Project.

FOR THE COMMANDER:

A handwritten signature in black ink, appearing to read 'SL Stockton', with a stylized, cursive script.

STEVEN L. STOCKTON, P.E.
Director of Civil Works

Encl

PROJECT AUTHORIZATION AND REPORT LANGUAGE

There is an existing cost shared Investigations study within the Dallas Floodway, under the Upper Trinity River Basin, Texas Interim Feasibility Study (IFS), as authorized by the United States Senate Committee on Environment and Public Works Resolution dated April 22, 1988, as quoted below:

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 proposal for further studies 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.

Section 5141 of the Water Resources Development Act of 2007 - DALLAS FLOODWAY, DALLAS, TEXAS.

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

(1) direct the Secretary to review the Balanced Vision Plan for the Trinity River Corridor, Dallas, Texas, dated December 2003 and amended in March 2004, prepared by the non-Federal interest for the project;

(2) direct the Secretary to review the Interior Levee Drainage Study Phase-I report, Dallas, Texas, dated September 2006, prepared by the non-Federal interest; and

(3) if the Secretary determines that the project is technically sound and environmentally acceptable, authorize the Secretary to construct the project at a total cost of \$459,000,000, with an estimated Federal cost of \$298,000,000 and an estimated non-Federal cost of \$161,000,000.

(b) CREDIT.—

(1) IN-KIND CONTRIBUTIONS.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(2) CASH CONTRIBUTIONS.—The Secretary shall accept funds provided by the non-Federal interest for use in carrying out planning, engineering, and design for the project. The Federal share of such planning, engineering, and design carried out with non-Federal contributions shall be credited against the non-Federal share of the cost of the project.”



VONCIEL JONES HILL
COUNCILMEMBER

19 September 2014

Colonel Charles Klinge, Commander
US Army Corps of Engineers
Fort Worth Division
819 Taylor Street
Fort Worth, TX 76102

Dear Col. Klinge,

The City of Dallas extends its full support of the Floodway Project, as updated to reflect technical corrections set forth in WRRDA 2014. The work remains critical to ensuring the safety of our citizens and carrying out the Balanced Vision Plan ["BVP"].

As background, the Water Resources Development Act of 2007 ["WRDA 2007"] authorized Dallas Floodway Project (Section 5141) prior to completion of study. The project cost of \$459 million was based on preliminary planning efforts and conceptual designs. The BVP and Interior Drainage Plan ["IDP"] Pump Stations (East Levee IDP Only) were included in WRDA 2007 and provisions were included for work-in-kind/credit for planning, design and construction activities.

WRRDA 2014 provided technical corrections to WRDA 2007 to include West Levee IDP. Section 902 of WRDA 1986 set maximum cost limits for Authorized Projects. The addition on the entire West Levee IDP exceeds the Section 902 limit.

The Recommended Plan developed as Scenario Three (3) is the recommended plan. It includes:

- Flood Risk Management: Levee Raise, AT&SF Bridge Modification, Baker, Charlie, Delta, Hampton, and Trinity Portland Pump Stations
- Ecosystem Restoration: River Restoration and Corinth Wetlands

The new Recommended Plan prioritizes life safety by including unfinished pump stations, optimizes credit while staying within current authorization and maximizes federal participation. The City understands the non-federal share of the costs, including relocations. The path forward for implementation and funding is an incremental approach, including seeking future bond funds for items such as pump stations, utilizing annual Stormwater Drainage Management Fund for levee flattening and raising (where necessary), coordinating with development as it occurs and working with partners as their funding becomes available.

19 September 2014

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The Recommended Plan for the Dallas Floodway was confirmed on 25 August 2014 by the Transportation and Trinity River Project Council Committee. Thank you for your assistance on this much needed project.

Should you have any questions, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read "Vonciel Jones Hill". The signature is fluid and cursive, with the first name "Vonciel" being the most prominent.

Vonciel Jones Hill, Chair
Transportation and Trinity River Project Committee
City of Dallas

Non-Federal Sponsor's
Self-Certification of Financial Capability
for Decision Documents

I, A.C. Gonzalez, do hereby certify that I am the City Manager of the City of Dallas, Texas (the "Non-Federal Sponsor"). I am aware of the financial obligations of the Non-Federal Sponsor for the City of Dallas Floodway Project and that the Non-Federal Sponsor will have the financial capability to satisfy the Non-Federal Sponsor's obligations for the project, using an incremental approach to financing such project. I under the Government's acceptance of this self-certification shall not be construed as obligating either the Government or the Non-Federal Sponsor to implement a project.

IN WITNESS WHEREOF, I have made and executed this certification this 22 day of September 2014.

BY: _____

A.C. Gonzalez, City Manager
City of Dallas

DATE: September 22, 2014

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF THE ARMY
AND THE
CITY OF DALLAS, TEXAS
FOR WORK PROVIDED OR PERFORMED
PRIOR TO EXECUTION OF
A
PROJECT PARTNERSHIP AGREEMENT
FOR
THE DALLAS FLOODWAY

THIS MEMORANDUM OF UNDERSTANDING (hereinafter the "MOU") is entered into this 10th day of June, 2009, by and between the Department of the Army (hereinafter the "Government"), represented by the U.S. Army Engineer Fort Worth District (hereinafter the "District Engineer") and the City of Dallas, Texas, (hereinafter the "Non-Federal Interest"), represented by the Assistant City Manager.

WITNESSETH, THAT:

WHEREAS, Section 221(a) of the Flood Control Act of 1970, as amended by Section 2003 of the Water Resources Development Act of 2007, provides that a cost sharing partnership agreement may provide credit for the value of materials or services provided before the execution of such cost sharing partnership agreement if the Secretary and the non-Federal interest enter into an agreement under which the Non-Federal Interest shall carry out such work and only work carried out following the execution of such agreement shall be eligible for credit;

WHEREAS, the Non-Federal Interest understands and acknowledges that credit for eligible in-kind contributions will not be applied against the non-Federal requirement to provide in cash 5 percent of the costs allocated to structural flood damage reduction;

WHEREAS, by letter dated 2 June 2009, the Non-Federal Interest stated its intent to perform certain work (hereinafter the "Proposed Work", as defined in Paragraph 1 of this MOU) prior to the execution of the Project Partnership Agreement for the Dallas Floodway at Dallas, Texas; and

WHEREAS, the Non-Federal Interest understands and acknowledges that any of the Proposed Work that the Government determines is part of the Non-Federal Interest's existing responsibility for operation, maintenance, repair, replacement, and rehabilitation at full non-Federal expense currently is not eligible for credit;

NOW, THEREFORE, the Government and the Non-Federal Interest agree as follows:

1. The Non-Federal Interest shall provide or perform the Proposed Work in accordance with the terms and conditions of this MOU. The Proposed Work, as generally described in the letter from

the Non-Federal Interest, shall consist of investigations, analyses and design efforts to allow a comprehensive assessment of project components and the construction of levee remediation measures and other project components.

2. The Non-Federal Interest shall develop all necessary engineering plans and specifications for the Proposed Work.

3. The Non-Federal Interest shall complete all necessary environmental coordination and obtain all applicable Federal, State, and local permits required for the performance of the Proposed Work.

4. The Non-Federal Interest shall comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, Public Law 91-646, as amended (42 U.S.C. 4601-4655), and the Uniform Regulations contained in 49 C.F.R. Part 24, in acquiring lands, easements, and rights-of-way required for construction and subsequent operation and maintenance of the Proposed Work, and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act.

5. Nothing in this MOU creates any duty, obligation, or responsibility for the Government. Any activity undertaken by the Non-Federal Interest for the implementation of the Proposed Work is solely at the Non-Federal Interest's own risk and responsibility.

6. The Non-Federal Interest shall keep books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to this MOU to the extent and in such detail as will properly reflect total costs for the Proposed Work, and the Non-Federal Interest shall make such evidence available for inspection and audit by authorized representatives of the Government.

7. The Non-Federal Interest understands that any costs incurred for the clean-up of hazardous material regulated by the Comprehensive Environmental Response, Compensation, and Liability Act (hereinafter "CERCLA"; 42 U.S.C. Sections 9601-9675), that may exist in, on, or under lands, easements, or rights-of-way required for the Proposed Work are a Non-Federal Interest responsibility and that no credit shall be afforded for such clean-up costs. In addition, the Non-Federal Interest understands that as between the Government and the Non-Federal Interest, the Non-Federal Interest shall be considered the operator of the Proposed Work for the purposes of CERCLA liability. To the maximum extent practicable, the Non-Federal Interest shall operate, maintain, repair, replace, and rehabilitate the Proposed Work in a manner that will not cause liability to arise under CERCLA.

8. The parties to this MOU shall each act in an independent capacity in the performance of their respective functions under this MOU, and neither party is to be considered the officer, agent, or employee of the other.

9. The Non-Federal Interest understands that to be eligible for credit for the costs of the Proposed Work:

- a. The Government must make a determination that the Proposed Work is integral to the study, design, or construction of the project, as applicable;
- b. The Proposed Work shall be subject to a review by the Government to verify that all plan formulation, engineering, real estate, and environmental investigations and analyses or other items performed or provided are accomplished in a satisfactory manner and in accordance with applicable Federal laws, regulations, and policies or on-site inspection, as applicable, and certification by the Government that the work was accomplished in a satisfactory manner and in accordance with applicable Federal laws, regulations, and policies;
- c. The costs for the Proposed Work that may be eligible for credit shall be subject to an audit by the Government to determine the reasonableness, allocability, and allowability of such costs;
- d. The costs incurred for the Proposed Work are not subject to interest charges, nor are they subject to adjustment to reflect changes in price levels between the time the Proposed Work is completed and the time that credit may be afforded;
- e. The Non-Federal Interest shall not use Federal program funds (either funds or grants provided by a Federal agency as well as any non-Federal matching share or contribution that was required by such Federal agency for such program or grant) for the Proposed Work unless the Federal agency providing the Federal portion of such funds verifies in writing that expenditure of such funds for such purpose is expressly authorized by Federal law;
- f. Only the costs of the Proposed Work that do not exceed the Government's estimate of the cost of such work if the work had been accomplished by the Government may be eligible for credit;
- g. Any contract awarded for the Proposed Work shall include provisions consistent with all applicable Federal laws and regulations and the Non-Federal Interest shall comply with all applicable Federal and State laws and regulations, including, but not limited to Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d), and Department of Defense Directive 5500.11 issued pursuant thereto, as well as Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army";
- h. The Non-Federal Interest must comply with applicable Federal labor laws and covering non-Federal construction, including but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (revising, codifying and enacting without substantive change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*), and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c)); and
- i. Crediting for the costs of the Proposed Work may be withheld, in whole or in part, as a result of the Non-Federal Interest's failure to comply with the terms of this MOU.

10. If the Secretary determines that such Proposed Work is integral to the study, design, or construction of the project, the amendment to the FCSA; the Design Agreement; and the Project Partnership Agreement, as applicable, if executed by the parties, will contain provisions regarding the affording of credit.

11. Execution of this MOU shall not be interpreted as a Federal assurance regarding later approval of any study or project; shall not commit the United States to any type of reimbursement or credit for the Proposed Work; does not alter any process to be followed by the Government in making a determination to execute a future amendment to the FCSA, a Design Agreement, or a Project Partnership Agreement; nor does it provide any assurance that any future agreement will ever be executed for the study, design, or construction of the project, the Proposed Work, or any portion of the study, design, or construction. Further, this MOU shall not be interpreted to signify any Federal participation in or commitment to the study, design, or construction of the project, or the Proposed Work. Finally, this MOU shall not be construed as committing the Government to assume any responsibility placed upon the Non-Federal Interest or any other non-Federal entity or as preventing the Government from modifying the study or project that could result in the Proposed Work performed by the Non-Federal Interest no longer being an integral part of the study, design, or construction of the project, as applicable.

IN WITNESS WHEREOF, the parties hereto have executed this MOU, which shall become effective upon the date it is signed by the District Engineer.

DEPARTMENT OF THE ARMY

CITY OF DALLAS, TEXAS

BY: _____

Christopher W. Martin
Colonel, Corps of Engineers
District Engineer

BY: _____

Jill Jordan
Assistant City Manager
City of Dallas

DATE: 10 JUNE 2009

DATE: 6-10-09

Approved As To Form:
THOMAS P. PERKINS, JR.,
City Attorney

By: _____

Assistant City Attorney

Submitted to City Attorney


alternatives in the Dallas Floodway Interim Feasibility Study. The USACE and City of Dallas also developed additional environmental quality alternatives to benefit fish and wildlife habitat, water quality, and aesthetic properties while minimizing adverse impacts to existing cultural resources and flood risk management benefits. On November 29, 2005, the USACE published a Notice of Intent (NOI) in the **Federal Register** (70 FR 71477) to prepare a DEIS for proposed modifications to the existing Dallas Floodway based on the Interim Feasibility Study and held a public scoping meeting on December 13, 2005.

During this time, the City of Dallas developed another variation to the Trinity River Corridor Master Implementation Plan that included similar environmental quality measures and interior drainage system improvements to the Dallas Floodway, referred to as the BVP. During development of the various alternatives for the Dallas Floodway Interim Feasibility Study, the 2007 WRDA authorized the City of Dallas BVP. This authorization superseded the need to continue development of the Interim Feasibility Study and allowed implementation of the BVP and interior drainage system components if the USACE determines they are technically sound and environmentally acceptable.

In accordance with NEPA, a DEIS will be prepared to evaluate and compare ecosystem restoration, flood risk management, and recreation alternatives within and along the Dallas Floodway. The DEIS will also assess the impacts to the quality of the human environment associated with each alternative. Past channelization and clearing of the Dallas Floodway, along with urbanization, has significantly degraded the terrestrial and aquatic habitat along and within the Trinity River. Consequently, ecosystem restoration measures will be developed and evaluated to address the degraded habitats. In addition, recreation measures will be developed and evaluated as complements to proposed ecosystem restoration measures.

Alternatives for ecosystem restoration, flood risk management, and recreation enhancement will be developed and evaluated based on ongoing fieldwork and data collection and past studies conducted by the Corps of Engineers, the City of Dallas, and regulatory agencies. Ecosystem restoration alternatives that will be evaluated include creating meanders within the Trinity River, restoring, protecting and expanding the riparian corridor, improving aquatic habitat, creating

riffle-pool complexes, and constructing wetlands. It is anticipated that ecosystem restoration measures would help improve water quality, enhance aquatic and terrestrial habitat, and minimize erosion and scouring along and within the river.

Alternatives for flood risk management measures will be evaluated from both a non-structural and structural aspect. Non-structural measures that will be evaluated include acquisition and removal of structures or flood proofing of structures for protection from potential future flood damage. Structural measures that will be evaluated include levee height modification by fill or addition of flood walls, changes in interior drainage by enlarging storage areas or increasing widths and depths and/or a combination of these measures.

Recreation measures that will be evaluated include the West, Natural, and Urban lakes, terraced playing fields, multipurpose trails, whitewater facilities, pedestrian bridges, utilities, parking facilities, amphitheaters, promenade, concession pads, boat/canoe access points, and passive recreation features, such as interpretive guidance, media, and picnic areas. Recreation measures will be developed to a scope and scale compatible with proposed ecosystem restoration measures without significantly diminishing ecosystem benefits.

The USACE will coordinate with the public and regulatory agencies to ensure full and open participation in the NEPA process and aid in the development of the DEIS. The USACE requests that all affected Federal, state, and local agencies, affected Indian tribes, and other interested parties participate in the NEPA process. The public will be invited to participate in the scoping process, invited to attend public meetings, and given the opportunity to review the DEIS. The location and time of the first public scoping meeting will be announced in the local news media. Release of the DEIS for public comment is scheduled for summer 2010. The exact release date, once established, will be announced in the local news media. Furthermore, a project Web site containing project information is available at <http://www.dallasbvpeis.com>.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E8-30355 Filed 12-19-08; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Availability of the Final 1999 Programmatic Environmental Impact Statement for the Dredged Material Management Plan for the Port of New York and New Jersey

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Updated information on the original Notice of Availability listing.

SUMMARY: The responsible lead agency is the U.S. Army Corps of Engineers—New York District (District). The Dredged Material Management Plan (DMMP) project area is in the Port of New York/New Jersey and includes the New York Bight Apex, the Lower Bay Complex (Lower Bay, Raritan and Sandy Hook Bays), the Upper Bay Complex (Hudson and East Rivers, Kill Van Kull, and Newark Bay), and the lands contiguous to these water bodies for a radius of approximately 20 miles. The study area approximates the boundaries of the Port Authority of New York and New Jersey (PANY/NJ). The Final Programmatic Environmental Impact Statement (PEIS) that was listed in the October 31, 2008 **Federal Register** (73 FR 64944) completed the NEPA process, laying out the goals and generic impacts of the alternatives considered in preparing the overall DMMP. This finalized PEIS includes Appendix (D) which lists the comments received during the draft PEIS comment period. Comments, if warranted, were incorporated into the main text of the final PEIS as well.

It should be noted that the DMMP outlines a series of goals and an overall master plan on meeting the dredged material needs of the Port through 2062. Its alternatives analysis is, as of necessity, generic in nature, identifying potential concerns, generic impacts and overall issues to be considered in greater site-specific detail before implementing any alternative in a given location. As such, it does not recommend or prioritize any site-specific alternative, but clearly sets out the process to be followed should any of the alternatives be implemented. Since no substantive changes or addition of new alternatives to the DMMP have been identified that would alter the discussion or conclusion of generic impacts in the FPEIS, a supplemental PEIS was not deemed warranted. However, separate 2005 and 2008 DMMP Update reports are available tracking the progress in meeting the DMMP goals and a copy of

DFP Agency Mailing List

Agency	Division/Region	Point of Contact	Name 4	Address 1	Address 2	City	State	Zip	Salutation	Notes
Advisory Council on Historic Preservation		Mark Denton	Director of State and Federal Review	P.O. Box 12276		Austin	TX	78711-2276	Mr. Denton	
Dallas Area Rapid Transit		Gary Thomas	Executive Director	P.O. Box 660163		Dallas	TX	75266-0163	Mr. Thomas	
Federal Aviation Administration	Southwest Region	Teresa Bruner	Regional Administrator	2601 Meacham Boulevard		Fort Worth	TX	76137-4298	Ms. Bruner	
Federal Emergency Management Agency	Region 6	William Peterson	Regional Director	Federal Regional Center 800 North	Loop 288	Denton	TX	76209-3698	Mr. Peterson	
Federal Energy Regulatory Commission	Atlanta Regional Office	Charles Wagner	Regional Engineer	3700 Crestwood Pkwy NW	9th Floor	Duluth	GA	30096	Mr. Wagner	
Federal Highway Administration	Texas Division	Janice Brown	Division Administrator	300 East 8th Street	Room 826	Austin	TX	78701	Ms. Brown	
Federal Railroad Administration	Region 5	Bonnie Murphy	Regional Administrator	4100 International Plaza	Suite 450	Fort Worth	TX	76109-4820	Ms. Murphy	
Federal Transit Administration	Region 6	Robert Patrick	Regional Administrator	819 Taylor Street	Room 8A36	Fort Worth	TX	76102	Mr. Patrick	
National Marine Fisheries Service	NOAA Fisheries Service, Southeast Regional Office	Dr. Roy Crabtree	Regional Administrator	263 13th Avenue South		St. Petersburg	FL	33701	Dr. Crabtree	
North Central Texas Council of Governments		Mike Cantrell	Commissioner	616 Six Flags Drive	P.O. Box 5888	Arlington	TX	76005-5888	Mr. Cantrell	
North Texas Tollway Authority		Paul Wageman	Chairman	5900 West Plano Parkway	Suite 100	Plano	TX	75093	Mr. Wageman	
Texas Commission on Environmental Quality	Region 4	Tony Walker	Regional Director	2309 Gravel Drive		Fort Worth	TX	76118-6951	Mr. Walker	
Texas Historical Commission	History Programs Division	Bratten Thomason	History Programs Director	P.O. Box 12276		Austin	TX	78711-2276	Ms. Thomason	
Texas Parks and Wildlife Department	Wildlife Division	Mike Berger	Director of Wildlife	4200 Smith School Road		Austin	TX	78744-3291	Mr. Berger	
Trinity River Authority of Texas	General Office	Danny Vance	General Manager	P.O. Box 60		Arlington	TX	76004	Mr. Vance	
US Coast Guard	Eighth District	Rear Admiral Whitehead	District Commander	Hale Boggs Federal Building	500 Poydras St.	New Orleans	LA	70130	RADM Whitehead	
US Department of Agriculture	Natural Resources Conservation District	Donald Gohmert	State Conservationist	101 South Main		Temple	TX	76501	Mr. Gohmert	
US Department of Housing and Urban Development	Texas Office	Bob Cook	Field Office Director	A Maceo Smith Federal Office Building	525 Griffin Street, Suite 860	Dallas	TX	75202-5007	Mr. Cook	
US Department of the Census	Dallas Regional Office	Gabriel Sanchez	Regional Director	8585 N. Stemmons Freeway	Suite 800 S	Dallas	TX	75247-3836	Mr. Sanchez	
US Department of the Interior	National Park Service	Roxanne Runkel	Regional Director	12795 West Alameda Pkwy		Denver	CO	80225	Ms. Runkel	Updated 18 Nov 08
US Department of the Interior	Bureau of Reclamation, Great Plains Regional Office	Michael Ryan	Regional Director	P.O. Box 36900		Billings	MT	59107-6900	Mr. Ryan	
US Environmental Protection Agency	Region 6	Richard Greene	Regional Administrator	1445 Ross Avenue	Suite 1200	Dallas	TX	75202	Mr. Greene	
US Fish and Wildlife Service	Southwest Region	Dr. Benjamin Tuggle	Regional Director	P.O. Box 1306		Albuquerque	NM	87103-1306	Dr. Tuggle	
US Forest Service	Southern Region	Ken Arney	Regional Forester	1720 Peachtree Road NW		Atlanta	GA	30309	Mr. Arney	
US Geological Survey	South Central Area Region	Stan Ponce	Regional Executive	1700 East Pointe Drive	Suite 202	Columbia	MO	65201	Mr. Ponce	
Caddo Tribal Headquarters				P.O. Box 487		Binger	OK	73009		

services; and other related elements of logistics support.

(iv) *Military Department*: Navy (LHW)

(v) *Prior Related Cases, if any*: None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid*: None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold*: None

(viii) *Date Report Delivered to Congress*: 11 Apr 14

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Germany—P-3C Aircraft Upgrades and Related Support

The Government of Germany has requested a possible sale for the procurement, integration, and installation of hardware and software to upgrade the aircraft mission computer and acoustic systems, and non-integrated simulator equipment on 8 P-3C aircraft. The hardware and software include A (structural and electrical) and B (Weapon Replaceable Assemblies) kits for future integration into the simulator. Also included are the design, development, integration, testing and installation of a ground-based mission support system (which includes the Portable Aircraft Support System and Fast Time Analyzer System); validation and acceptance; spare and repair parts; support equipment; personnel training and training equipment; publications and technical documentation; U.S. Government and contractor technical, engineering, and logistics support services; and other related elements of logistics support. The estimated cost is \$250 million.

This proposed sale will contribute to the foreign policy and national security of the United States by improving the military capabilities of a NATO ally and enhancing standardization and interoperability with U.S. forces.

This proposed sale will update hardware and software to ensure the P-3 aircraft maintain operational capability. The upgrades will enhance Germany's ability to participate in future coalition operations and will promote continued interoperability. Germany will have no difficulty absorbing this upgraded equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Lockheed Martin Mission Systems and Training in Owego, New York; General Dynamics in Bloomington, Minnesota; Lockheed Martin Aeronautics Company

in Marietta, Georgia; and Lockheed Martin Mission Systems and Training in Manassas, Virginia. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this sale will not require the assignment of any additional U.S. government or contractor representatives to Germany.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2014-08894 Filed 4-17-14; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2014-OS-0050]

Privacy Act of 1974; System of Records; Correction

AGENCY: Defense Information Systems Agency, DoD.

ACTION: Notice to delete a System of Records Notice; correction.

SUMMARY: On April 9, 2014 (79 FR 19589), DoD published a notice deleting a Privacy Act System of Records notice, K270-01, DoD Digital Certificate Records. The Reason paragraph was written inaccurately, and this notice corrects the error.

FOR FURTHER INFORMATION CONTACT: Jeanette Weathers-Jenkins, 6916 Cooper Avenue, Fort Meade, MD 20755-7901, or (301) 225-8158.

SUPPLEMENTARY INFORMATION: On April 9, 2014 (79 FR 19589), DoD published a notice deleting a Privacy Act System of Records notice, K270-01, DoD Digital Certificate Records. Subsequent to the publication of that notice, DoD discovered that the Reason paragraph for the deletion was inaccurately written.

Correction

On page 19589, in the second column, in the "Deletions" paragraph, make the following correction:

DELETIONS:

K270-01, DoD Digital Certificate Records (October 9, 2001, 66 FR 51404).

Reason: Based on a recent review of DISA systems of records notices K270-01, DoD Digital Certificate Records (October 9, 2001, 66 FR 51404), is covered by the system of records notice K890.14 DoD, Identity Synchronization Service (IdSS) (December 8, 2010, 75 FR 76428) and therefore K270-01, DoD Digital Certificate Records can be deleted.

Dated: April 15, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014-08902 Filed 4-17-14; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Availability of Draft Environmental Impact Statement for the Dallas Floodway Project, in the City of Dallas, Dallas County, TX

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (USACE), Fort Worth District has prepared a Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration and recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, TX. The DEIS documents the existing condition of environmental resources in areas considered for development, and potential impacts on those resources as a result of implementing alternatives. The alternatives considered in detail are: (1) No-Action Alternative or "Future Without Project Condition;" (2) Proposed Action with the Trinity Parkway; and (3) Proposed Action without the Trinity Parkway.

DATES: All written comments must be postmarked on or before June 2, 2014. The Corps of Engineers will hold a public meeting for the DEIS on Thursday, May 8, 2014, from 5:30 to 9:30 p.m., at the Dallas City Hall, L1FN Auditorium, 1500 Marilla, Dallas, TX 75201. The public can enter the Dallas City Hall Garage entrance off of Field and Young Street (parking is free). The building should be entered through the green doors.

ADDRESSES: Comments may be submitted in writing to: Marcia Hackett, U.S. Army Corps of Engineers, Fort Worth District, P.O. Box 17300, Fort Worth, TX 76102-0300, or via email to marcia.r.hackett@usace.army.mil. Oral and written comments may also be submitted at the public meeting described in the **DATES** section.

FOR FURTHER INFORMATION CONTACT:

Marcia Hackett at (817) 886-1373 or via email at marcia.r.hackett@usace.army.mil.

SUPPLEMENTARY INFORMATION:

The USACE, Fort Worth District has prepared a DEIS in accordance with the National Environmental Policy Act. The DEIS has been developed as a cooperative effort by the USACE Fort Worth District, the City of Dallas, TX (non-federal sponsor), and the Federal Highway Administration (cooperating agency). The DEIS describes the anticipated environmental and socioeconomic impacts of the proposed Dallas Floodway Project located in Dallas, TX. The City of Dallas proposes to implement Flood Risk Management elements, Balanced Vision Plan (BVP) Study Ecosystem and Recreation features, and Interior Drainage Plan (IDP) improvements within the Trinity River Corridor. The Dallas Floodway Project is located along the Trinity River upstream from the abandoned Atchison, Topeka and Santa Fe bridge to the confluence of the West and Elm Forks, then upstream along the West Fork for approximately 2.2 miles, and upstream about 4 miles along the Elm Fork. Section 5141 of the Water Resources Development Act of 2007 (Pub. L. 110-114; 121 Stat. 1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of a required National Environmental Policy Act (NEPA) documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the Proposed Action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Trinity River Corridor in Dallas, TX. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing of the Dallas Floodway have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007. USACE invites full public participation to promote open communication and better decision-making. All persons and organizations that have an interest in the Dallas Floodway Project are urged to

participate in the NEPA process. A public meeting will be held as described in the **DATES** section. Copies of the DEIS may be reviewed at the following locations: (1) U.S. Army Corps of Engineers, Fort Worth District Web site: <http://www.swf.usace.army.mil/Missions/WaterSustainment/DallasFloodway.aspx>; (2) Dallas Public Library, 1515 Young Street, Dallas, TX 75201; (3) Oak Lawn Branch Library, 4100 Cedar Spring Road, Dallas, TX 75219; (4) North Oak Cliff Library, 302 W. 10th Street, Dallas, TX 75208; and (5) at the public meeting as described in the **DATES** section. Copies may also be requested in writing at (see **ADDRESSES**).

In addition to the Federal project described above, the City of Dallas has submitted an application for approval of the entire project (BVP and IDP) as a locally sponsored action under the provisions of 33 United States Code Section 408 (Section 408), Section 404 of the Clean Water Act (CWA), and Section 10 of the Rivers and Harbors Act (RHA). Approval is required due to: (1) The proposed location of the Project and activities within the Dallas Floodway; (2) the discharge of dredge and fill material into waters of the United States; and (3) activities in navigable waters of the United States. Approximately 323 acres of waters of the U.S., including roughly 157 acres of open water and 166 acres of wetlands, would be impacted by Alternative 2. Of this total acreage, approximately 134 acres are navigable open waters of the Trinity River. Permit Number for this action is SWF-2014-00151.

The proposed action will be reviewed in accordance with 33 CFR 320-332, the Regulatory Program of the U.S. Army Corps of Engineers, and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA. The decision whether to approve the project will be based on an evaluation of the probable impact, including cumulative impact, of the proposal on the public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among the factors addressed are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards,

floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The USACE is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes, and other interested parties in order to consider and evaluate the impacts of this proposal associated with a potential permit decision. Any comments received will be considered by the USACE in determining whether to issue, issue with conditions, or deny the permit. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with USACE processing of this Department of the Army application, the TCEQ is reviewing this application under Section 401 of the Clean Water Act, and Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the USACE and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act.

Any comments concerning the TCEQ application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, TX 78711-3087. The public comment period extends 45 days from the date of publication of this notice. A copy of the public notice with a description of the work is made available for review in the TCEQ's Austin Office. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requestor, or of persons represented by the requestor; and a brief description of how the application, if

granted, would adversely affect such interest.

Rob Newman,

Director, Trinity River Corridor, Project Office.

[FR Doc. 2014-08795 Filed 4-17-14; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability and Notice of Public Meetings for the Draft Supplemental Environmental Impact Statement for the Guam and Commonwealth of the Northern Mariana Islands Relocation (2012 Roadmap Adjustments)

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 (42 U.S. Code [U.S.C.] 4321, et seq.) and the Council of Environmental Quality (CEQ) Regulations for implementing the procedural provisions of NEPA (Title 40 Code of Federal Regulations [CFR] Parts 1500–1508), the Department of the Navy (DoN) announces the availability of the Draft Supplemental Environmental Impact Statement for the Guam and Commonwealth of the Northern Mariana Islands Military Relocation (2012 Roadmap Adjustments) (hereinafter “Draft SEIS”).

The DoN is the lead Federal agency for development of the Draft SEIS. The agencies that have accepted the DoN’s invitation to participate as cooperating agencies are the U.S. Air Force, the Federal Aviation Administration, the Federal Highway Administration, the U.S. Environmental Protection Agency Region 9, the U.S. Department of Interior—Office of Insular Affairs, and the U.S. Department of Agriculture.

Pursuant to 40 CFR 1502.9, the DoN prepared this Draft SEIS for the purpose of supplementing the portions of the 2010 Final Environmental Impact Statement (EIS) regarding the establishment on Guam of a cantonment (including family housing), a live-fire training range complex (LFTRC), and associated infrastructure to support the relocation of a substantially reduced number of Marines and dependents than was previously analyzed. By supplementing the 2010 Final EIS, the Draft SEIS advances NEPA’s purpose of informing decision-makers and the public about the environmental effects of the DoN’s proposed action.

The DoN will conduct three (3) public meetings to receive oral and written

comments on the Draft SEIS. Federal agencies, territorial/local governmental agencies, and interested individuals are invited to be present or represented at the public meetings. The meetings will be comprised of two parts: (1) An informational open house and (2) public hearing. All comments will become part of the public record and will help officials make informed decisions on the proposed action. These meetings will also serve to provide information to the public about how the 2011 Programmatic Agreement fulfills the requirements under Section 106 of the National Historic Preservation Act for the proposed action. This notice announces the dates and locations of the public meetings for this Draft SEIS.

DATES: The 60-day public comment period for the Draft SEIS will start on April 18, 2014 Eastern Daylight Time (EDT) (April 19, 2014 Chamorro Standard Time [ChST]) with the publication of a Notice of Availability in the **Federal Register** by the U.S. Environmental Protection Agency and will end on June 16, 2014 EDT (June 17, 2014 ChST).

The three (3) public meetings will begin with a two-hour open house session where the public can learn more about the proposed action and potential environmental impacts from project team members and subject matter experts. A hearing will follow the open house. The public is encouraged to attend the meetings, which will be held on the following dates, times, and locations:

- Saturday, May 17, 2014, open house from 1:00 p.m. to 3:00 p.m. and public hearing from 3:00 p.m. to 5:00 p.m., Okkodo High School, 660 Route 3, Dededo;
- Monday, May 19, 2014, open house from 5:00 p.m. to 7:00 p.m. and public hearing from 7:00 p.m. to 9:00 p.m., Father Dueñas Memorial School Phoenix Center, 119 Dueñas Lane, Chalan Pago; and
- Tuesday, May 20, 2014, open house from 5:00 p.m. to 7:00 p.m. and public hearing from 7:00 p.m. to 9:00 p.m., Gymnasium, Naval Base Guam—Santa Rita Annex, Bldg. 4177 (former McCool School), Naval Magazine Road, Santa Rita.

Informational posters will be displayed and DoN representatives will be available during the open house portion of the meetings to discuss the proposed action, answer questions, and to accept written comments from the public. A Chamorro interpreter will be available. Oral comments will be recorded during the public hearing portion of the meetings. Speakers will

be limited to three (3) minutes to ensure all who wish to speak have an opportunity to do so. If a long statement is to be presented, it should be summarized at the public hearing and the full text submitted in writing.

Interested agencies, individuals, and groups unable to attend the public meetings are encouraged to submit comments by June 17, 2014, ChST. Mailed comments should be postmarked no later than June 17, 2014, ChST to ensure they are considered.

ADDRESSES: The public may provide comments during one of the public meetings, through the project Web site at <http://guambuildupeis.us>, or by mail at: Joint Guam Program Office Forward, P.O. 153246, Santa Rita, Guam 96915.

The Draft SEIS was distributed to Federal, state, and local agencies, elected officials, and other interested individuals and organizations. The Draft SEIS is available for public review at <http://guambuildupeis.us> and at the following libraries: University of Guam Robert F. Kennedy Memorial Library, Government Documents, Tan Siu Lin Building, UOG Station, 303 University Drive, Mangilao, GU 96923; and the Nieves M. Flores Memorial Library, 254 Martyr Street, Hagatña, GU 96910. The public may request copies of the Draft SEIS Executive Summary by mail from the Joint Guam Program Office Forward, P.O. 153246, Santa Rita, Guam 96915.

SUPPLEMENTARY INFORMATION: The DoN’s proposed action is to construct and operate a cantonment, including family housing, and an LFTRC on Guam to support the Marine Corps relocation. To meet the purpose of and need for the proposed action, the Marine Corps requires facilities that can fully support the missions of the relocated units.

These requirements include a cantonment (with family housing and community support facilities) of sufficient size and functional organization to accommodate the reduced and reconfigured number of Marines relocating to Guam per the 2012 Roadmap Adjustments, and an LFTRC that allows for simultaneous use of firing ranges to support individual skills training and related operations. The proposed action also includes the provision of on-site utilities, access roads, and related off-site infrastructure to support the proposed cantonment/family housing and LFTRC.

Background

The Draft SEIS supplements the Final EIS for the “Guam and Commonwealth of the Northern Mariana Islands Military Relocation; Relocating Marines from Okinawa, Visiting Aircraft Carrier

Summary Report

Jan. 29, 2013, public meeting

Update on developments

Fort Worth District's Dallas Floodway Project Feasibility Study

Synopsis: A town hall style meeting was held 6-7:30 p.m., Jan. 29, 2013, at the L1FN Auditorium at Dallas City Hall. A Fort Worth District news release was posted online (and e-mailed to news media) announcing the meeting. In addition, a letter announcing the meeting was mailed to a list of some 3,500 stakeholders, governmental agencies and interested members of the general public. A handout providing background information on the Feasibility Study process and the project history was given to all who attended. Informative posters were set up lining the auditorium for before and after discussions; several subject matter experts from the Fort Worth District were on hand to explain details of the ongoing Feasibility Study to the public before and after the formal presentation.

A PowerPoint presentation was made by Col. Charles H. Klinge, commander, Fort Worth District, with Rob Newman, director, Trinity River Corridor Project. Public Affairs Specialist Jim Frisinger emceed. Questions were taken from the audience and answered by the speakers; later one-on-one questions and answers continued after the formal proceedings ended. The PowerPoint and a video of the proceedings was posted within a few days after the event on the Fort Worth District website.

Attendees: A sign-in list accompanies this report. About 50 persons attended the event, including a representative of the city's Trinity Watershed Management (Sarah Standifer) and District 7 Dallas City Councilwoman Carolyn Davis.

Comments: One comment card was taken and turned in right away. It accompanies this report.

Media: Jim Schutze, a reporter for the Dallas Observer weekly newspaper, attended. He filed a column/article based upon the event and the remarks of a city gadfly:

http://blogs.dallasobserver.com/unfairpark/2013/01/the_corps_of_engineers_wants_t.php

- *Jim Frisinger, public affairs specialist, Fort Worth District*



U.S. Army Corps of Engineers
WILLIAMSBURG, VIRGINIA

Dallas Floodway Public Meeting Sign-In Sheet

Name	Address	E-mail / Phone
Drew Landis If representing (business/group/elected)		
Ant Garcia If representing (business/group/elected)		
Mike Shifflett If representing (business/group/elected)		
Chris Prosper If representing (business/group/elected)		
Bob Patton If representing (business/group/elected)		
RICH SHERIDAN If representing (business/group/elected)		
Luis Rivera If representing (business/group/elected)		
MORTON RACHOFSKY If representing (business/group/elected)		
LEASON CLEMENS If representing (business/group/elected)		
JIM SCHUTTE If representing (business/group/elected)		
Anna Albers If representing (business/group/elected)		
Greg Baker If representing (business/group/elected)		
DAVID H. WALK, AEN If representing (business/group/elected)		
Mark Goode If representing (business/group/elected)		
Janie R. Bush If representing (business/group/elected)		



U.S. Army Corps of Engineers
WATERWAYS DIVISION

Dallas Floodway Public Meeting Sign-In Sheet

+ 1

Name

John Salmon
If representing (business/group/elected)
VIJAY J. BARNABAS
If representing (business/group/elected)
MARCUS WOOD
If representing (business/group/elected)
RUBEN E. ESQUIVEL
If representing (business/group/elected)
LESLEY SCHWALJE
If representing (business/group/elected)
DREW OLSEN
If representing (business/group/elected)
Brian Wood
If representing (business/group/elected)
Louis Okon
If representing (business/group/elected)
Carolyn Davis
If representing (business/group/elected)
FRANK WARD-THET
If representing (business/group/elected)
Tim Steer
If representing (business/group/elected)
Rudy Buil DMU
If representing (business/group/elected)
Mason Brown
If representing (business/group/elected)
Barbara Brown
If representing (business/group/elected)
Michael King
If representing (business/group/elected)



US Army Corps of Engineers
MILITARY DISTRICT

Dallas Floodway Public Meeting Sign-In Sheet

Name	Address	E-mail / Phone
JEFFREY SAITH		
If representing (business/group/elected		
Meloni McDaniel		
If representing (business/group/elected		
April English		
If representing (business/group/elected		
Jason Diamond		
If representing (business/group/elected		
LES ST. JOHN		
If representing (business/group/elected		
Marlon Mobley		
If representing (business/group/elected		
Douglas Sims		
If representing (business/group/elected		
Matt Gray		
If representing (business/group/elected		
JAMES PARIS		
If representing (business/group/elected		
Sayed PARIS		
If representing (business/group/elected		
SPAD HUNTER		
If representing (business/group/elected		
Mike Rozelle ^{CITY OF} mesquite		
If representing (business/group/elected		
Renee Russell		
If representing (business/group/elected		
Davideh Fuente ^{OFFICE OF} Congressman M		
If representing (business/group/elected		
CHARLES BRINER		
If representing (business/group/elected		



Dallas Floodway Public Meeting Sign-In Sheet

US Army Corps of Engineers
MILITARY ENGINEERING

Name

Trey Brown
If representing (business/group/elected

Charles Pisci
If representing (business/group/elected

JOHN MATTHEWS (MATTHEWS
If representing (business/group/elected

JIMMY W. HOLLINS
If representing (business/group/elected

If representing (business/group/elected

If representing (business/group/elected

If representing (business/group/elected

If representing (business/group/elected

If representing (business/group/elected

If representing (business/group/elected official) list here:

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If representing (business/group/elected official) list here:

Comment Card

Dallas Floodway Project, Fort Worth District, U.S. Army Corps of Engineers



US Army Corps
of Engineers.

Anyone wishing to provide comments on the Dall
and leaving it at the front table or by mailing it to
17300, Fort Worth, Texas 76102-0300 or by em

Name: RICHARD L. SHEPARD

Street:

City:

Your Comments:

1. There SHOULD HAVE BEEN A HANDOUT OF THE PRESENTATION
2. PRESENTATION WENT TOO FAST !!!
3. THERE WAS NO MENTION OF THE IMPACT OF THE TOLLWAY ON THE SAFETY OF LEVEES.
4. WHY NOT LOOK AT MAKING UP TO 14, 20 MILES OF LEVEES OBSOLETE WITH THE CONSTRUCTION OF A UNIQUE TUNNEL TOLLWAY THAT WILL RECLAIM UP TO 30% OF THE FLOOD ZONE.

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102–3. 140 through 160, the Department of the Army announces the following committee meeting:

Name of Committee: Army Science Board (ASB).

Date(s) of January Plenary Meeting: January 13–14, 2009.

Time(s) of Meeting: 0800–1700, January 13, 2009. 0800–1500, January 14, 2009.

Place of Meeting: University of Maryland University College, Inn and Conference Center, 3501 University Boulevard East, Adelphi, MD 20783.

FOR FURTHER INFORMATION CONTACT: Army Science Board Studies Manager: Ms. Vivian Baylor, 703–604–7472.

SUPPLEMENTARY INFORMATION: *Proposed Agenda:* The purpose of the January Plenary is to organize the board into study panels for the upcoming study year. After a presentation by Army Research Laboratory, the board will convene into small groups for the purpose of completing administrative and preparatory organizational functions.

Filing Written Statement: Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow the public to speak; however, interested persons may submit a written statement for consideration by the Subcommittees. Individuals submitting a written statement must submit their statement to the Designated Federal Officer (DFO) at the address detailed below. Written statements not received at least 10 calendar days prior to the meeting, may not be provided to or considered by the subcommittees until the next meeting.

The DFO will review all timely submissions with the subcommittee Chairs and ensure they are provided to the specific subcommittee members before the meeting. After reviewing written comments, the subcommittee Chairs and the DFO may choose to invite the submitter of the comments to orally present their issue during a future open meeting.

The DFO, in consultation with the subcommittee Chairs, may allot a specific amount of time for the members of the public to present their issues for review and discussion. Written submissions are to be submitted to the following address: Army Science Board, ATTN: Designated Federal Officer, 2511 Jefferson Davis Highway, Suite 11500, Arlington, VA 22202–3911.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E8–30364 Filed 12–19–08; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for the Proposed Balanced Vision Plan, a Multipurpose Project Containing Ecosystem Restoration, Flood Risk Management, and Recreational Enhancement Alternatives Along the Trinity River Within and Adjacent to the Existing Dallas Floodway in Dallas County, Dallas, TX

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (USACE), Fort Worth District, in partnership with the City of Dallas recommends the incorporation of various flood risk management measures, ecosystem restoration features, and recreational enhancements to the Dallas Floodway, located along the Trinity River in Dallas County, Dallas, TX. The Balanced Vision Plan (BVP) project aims to achieve the designed Standard Project Flood protection, maximize ecosystem restoration outputs for priority resource categories, and optimize recreational opportunities, to include providing trail connectivity to other regional visions/plans.

The USACE is preparing a Draft Environmental Impact Statement (DEIS) in response to the authority contained in the United States Senate Committee on Environment and Public Works Resolution dated April 22, 1988, and Section 5141 of the Water Resources Development Act (WRDA) of 2007. The USACE must determine the technical soundness and environmental acceptability of the authorized project. Thus, in accordance with Section 102 of the National Environmental Policy Act (NEPA) as implemented by the regulations promulgated by the Council on Environmental Quality (40 Code of Federal Regulations Parts 1500–1508 and USACE Engineering Regulation 200–2–2), the USACE will prepare the DEIS to evaluate and compare flood risk management, ecosystem restoration, and recreation alternatives along the Trinity River within and adjacent to the existing Dallas Floodway, Dallas, TX.

The BVP project study area is located within the Dallas Floodway along the Trinity River, in Dallas, TX. The study area is bounded on the upstream by the Loop 12 crossings of the West and Elm Forks and at the downstream end by the existing terminus of the Dallas

Floodway approximated by the existing Dallas Area Rapid Transit (DART) Bridge. Of the 22.6 miles of levees within the study area, the East Levee is 11.7 miles in length and the West Levee is 10.9 miles in length. In addition to the levees, the Floodway includes the modified channel, six pumping plants and seven pressure conduits. There are approximately 1,422 acres of land in the study area.

FOR FURTHER INFORMATION CONTACT: For questions regarding the BVP EIS or to add your contact information to the project mailing database, please contact Mr. Jeffry A. Tripe, Regional Technical Specialist, U.S. Army Corps of Engineers, Fort Worth District, P.O. Box 17300, Fort Worth, TX, 76102–0300, (817) 886–1716, or via e-mail at Jeffry.A.Tripe@usace.army.mil.

SUPPLEMENTARY INFORMATION: The Dallas County Levee Improvement District (DCLID) constructed the original Dallas Floodway levees between 1928 and 1931. The DCLID rerouted the Trinity River by constructing a channel within the leveed floodway and filled the original river channel or used it for sump storage. In the mid-forties, major floods, compounded by continued urbanization in the watershed, resulted in increased drainage into the Dallas Floodway and severe flooding. To reduce flooding within the Dallas Floodway project area, Congress authorized the Dallas Floodway flood control project in 1945 and 1950. This resulted in several USACE improvements to the Dallas Floodway, completed in 1958.

The existing Upper Trinity River Feasibility Study (UTRFS) serves as an umbrella study to all USACE projects in the basin. The USACE initiated the UTRFS in response to the authority contained in the United States Senate Committee on Environment and Public Works Resolution dated April 22, 1988. This authorizing legislation for the overall study defines the area of investigations as the Upper Trinity River Basin, with specific emphasis on the Dallas–Fort Worth Metroplex. The UTRFS identified approximately 90 potential projects addressing flood risk management, ecosystem restoration, and recreation within the study area.

In May 1996, acting as the non-Federal sponsor on the on-going UTRFS, the North Central Texas Council of Governments coordinated with the USACE and City of Dallas to modify the UTRFS Cost Sharing Agreement to include an Interim Feasibility Study of the existing Dallas Floodway as part of the on-going UTRFS. The team assessed several flood risk management

alternatives in the Dallas Floodway Interim Feasibility Study. The USACE and City of Dallas also developed additional environmental quality alternatives to benefit fish and wildlife habitat, water quality, and aesthetic properties while minimizing adverse impacts to existing cultural resources and flood risk management benefits. On November 29, 2005, the USACE published a Notice of Intent (NOI) in the **Federal Register** (70 FR 71477) to prepare a DEIS for proposed modifications to the existing Dallas Floodway based on the Interim Feasibility Study and held a public scoping meeting on December 13, 2005.

During this time, the City of Dallas developed another variation to the Trinity River Corridor Master Implementation Plan that included similar environmental quality measures and interior drainage system improvements to the Dallas Floodway, referred to as the BVP. During development of the various alternatives for the Dallas Floodway Interim Feasibility Study, the 2007 WRDA authorized the City of Dallas BVP. This authorization superseded the need to continue development of the Interim Feasibility Study and allowed implementation of the BVP and interior drainage system components if the USACE determines they are technically sound and environmentally acceptable.

In accordance with NEPA, a DEIS will be prepared to evaluate and compare ecosystem restoration, flood risk management, and recreation alternatives within and along the Dallas Floodway. The DEIS will also assess the impacts to the quality of the human environment associated with each alternative. Past channelization and clearing of the Dallas Floodway, along with urbanization, has significantly degraded the terrestrial and aquatic habitat along and within the Trinity River. Consequently, ecosystem restoration measures will be developed and evaluated to address the degraded habitats. In addition, recreation measures will be developed and evaluated as complements to proposed ecosystem restoration measures.

Alternatives for ecosystem restoration, flood risk management, and recreation enhancement will be developed and evaluated based on ongoing fieldwork and data collection and past studies conducted by the Corps of Engineers, the City of Dallas, and regulatory agencies. Ecosystem restoration alternatives that will be evaluated include creating meanders within the Trinity River, restoring, protecting and expanding the riparian corridor, improving aquatic habitat, creating

riffle-pool complexes, and constructing wetlands. It is anticipated that ecosystem restoration measures would help improve water quality, enhance aquatic and terrestrial habitat, and minimize erosion and scouring along and within the river.

Alternatives for flood risk management measures will be evaluated from both a non-structural and structural aspect. Non-structural measures that will be evaluated include acquisition and removal of structures or flood proofing of structures for protection from potential future flood damage. Structural measures that will be evaluated include levee height modification by fill or addition of flood walls, changes in interior drainage by enlarging storage areas or increasing widths and depths and/or a combination of these measures.

Recreation measures that will be evaluated include the West, Natural, and Urban lakes, terraced playing fields, multipurpose trails, whitewater facilities, pedestrian bridges, utilities, parking facilities, amphitheaters, promenade, concession pads, boat/canoe access points, and passive recreation features, such as interpretive guidance, media, and picnic areas. Recreation measures will be developed to a scope and scale compatible with proposed ecosystem restoration measures without significantly diminishing ecosystem benefits.

The USACE will coordinate with the public and regulatory agencies to ensure full and open participation in the NEPA process and aid in the development of the DEIS. The USACE requests that all affected Federal, state, and local agencies, affected Indian tribes, and other interested parties participate in the NEPA process. The public will be invited to participate in the scoping process, invited to attend public meetings, and given the opportunity to review the DEIS. The location and time of the first public scoping meeting will be announced in the local news media. Release of the DEIS for public comment is scheduled for summer 2010. The exact release date, once established, will be announced in the local news media. Furthermore, a project Web site containing project information is available at <http://www.dallasbvppeis.com>.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E8-30355 Filed 12-19-08; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Availability of the Final 1999 Programmatic Environmental Impact Statement for the Dredged Material Management Plan for the Port of New York and New Jersey

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Updated information on the original Notice of Availability listing.

SUMMARY: The responsible lead agency is the U.S. Army Corps of Engineers—New York District (District). The Dredged Material Management Plan (DMMP) project area is in the Port of New York/New Jersey and includes the New York Bight Apex, the Lower Bay Complex (Lower Bay, Raritan and Sandy Hook Bays), the Upper Bay Complex (Hudson and East Rivers, Kill Van Kull, and Newark Bay), and the lands contiguous to these water bodies for a radius of approximately 20 miles. The study area approximates the boundaries of the Port Authority of New York and New Jersey (PANY/NJ). The Final Programmatic Environmental Impact Statement (PEIS) that was listed in the October 31, 2008 **Federal Register** (73 FR 64944) completed the NEPA process, laying out the goals and generic impacts of the alternatives considered in preparing the overall DMMP. This finalized PEIS includes Appendix (D) which lists the comments received during the draft PEIS comment period. Comments, if warranted, were incorporated into the main text of the final PEIS as well.

It should be noted that the DMMP outlines a series of goals and an overall master plan on meeting the dredged material needs of the Port through 2062. Its alternatives analysis is, as of necessity, generic in nature, identifying potential concerns, generic impacts and overall issues to be considered in greater site-specific detail before implementing any alternative in a given location. As such, it does not recommend or prioritize any site-specific alternative, but clearly sets out the process to be followed should any of the alternatives be implemented. Since no sustentative changes or addition of new alternatives to the DMMP have been identified that would alter the discussion or conclusion of generic impacts in the FPEIS, a supplemental PEIS was not deemed warranted. However, separate 2005 and 2008 DMMP Update reports are available tracking the progress in meeting the DMMP goals and a copy of