

## **Information Paper**

### **Background on Plan Formulation**

#### **History**

The Dallas Floodway Extension (DFE) was originally authorized by the Rivers and Harbors Act of 1965 for flood damage reduction along the Trinity River and Tributaries. Design effort on the project was suspended in 1985 following a failed bond election by the City of Dallas. Flooding in 1989 and 1990 prompted the City to request the project be reactivated. Project activities were reactivated in 1991 under the provision that a General Reevaluation Study(GRR) be conducted prior to initiation of construction to reaffirm project justification. The GRR revealed that the originally authorized project was not the best plan. It was no longer considered cost effective, environmentally acceptable or socially acceptable. From 1991 through 1999 the project underwent extensive coordination and public involvement with the local sponsor, stakeholders, and the public in an effort to formulate an acceptable plan. Subsequently, a new Federally supportable plan was formulated. The project features of the new plan developed in 1998 included a Chain of Wetlands, Standard Project Flood (SPF) Levees on both sides of the River, wetlands, and linear recreation features. This plan best satisfied the cost effectiveness, social, and environmental criteria important to the City. As importantly, the plan was implementable. The current, proposed plan was formulated in accordance with Principles and Guidelines, is consistent with applicable Corps' policies and was the product of input from the public and environmental communities over a 9-year period.

#### **Project Formulation Criteria**

The Dallas Floodway Extension (DFE) project was formulated, evaluated and a plan selected in accordance with the Principles and Guidelines (P&G) for Water and Related Land Resources Implementation Studies, and the planning guidance contained in ER 1105-2-100. Both the Principles and Guidelines and the Corps planning guidance require that every plan be formulated in consideration of four criteria: (1) completeness, (2) effectiveness, (3) efficiency, and (4) acceptability. Consistent with the P&G, the selected plan is the plan identified as the Federally Supportable Plan. It is our view that recent questions and implicit solutions raised by OMB would constitute plan selection or implementation that would be contrary to the four general principles contained in the Principles and Guidelines. That is, they might meet one of the criteria, e.g. cost effectiveness, but would not meet the other three. Nor does it appear that the alternate plan(s) discussed would be responsive to the original planning objectives.

Under the P&G, the plan formulation process requires that the planning agent focus on the entire problem area, not a separable piece. The agent must identify the flood problem in all its dimensions and identify any constraints that impact the identification of alternative solutions. The focus must be on the entire problem area and not on project increments or segments that do not offer real solutions to the problem or which have little chance of being implemented separately. In this case, the DFE project can be implemented separate from a project to raise the levees because the upstream floodway area has an existing high level of protection. It does not follow, however, that the

opposite is true. Raising the existing floodway cannot be accomplished alone as it would not only fail to address the downstream flooding problem (which is the main purpose of this project), but would make it worse by inducing even more flooding on the downstream area. Thus, raising the existing levees would require additional work to relieve the flooding downstream, and would likely lead to the same, or a very similar project, to the already proposed as the DFE project.

### **DFE Project Approval Process**

The City took action shortly after the 1989 and 1990 floods to address immediate public concerns by constructing portions of the authorized plan without waiting for the Corps' planning process to be completed. Subsequently, in Section 351 of the Water Resources Development Act (WRDA) of 1996, Congress provided the City credit for that portion of the work previously performed that was integral to the authorized federal project. In addition, Section 356 of WRDA 1999 authorized environmental restoration and recreation as additional project purposes. Following the completion of project formulation, the citizens of Dallas approved bond measures to support the project in May 1998, based on the premise that the project would be constructed as formulated. When the final GRR and Environmental Impact Statement were complete, a Chief of Engineers' Report and Record of Decision in December 7, 1999, were forwarded through the ASA(CW) to the Office of Management and Budget for concurrence on January 28, 2000.

### **Implications**

This synopsis is provided to demonstrate several points: (1) the Corps and the City formulated the Dallas Floodway Extension project to specifically address flooding problems in the area downstream of the existing Dallas Floodway Project. This is the purpose of this project. Formulating a different project does not satisfy this objective. (2) The formulation process is lengthy, involves the public and many federal, state and local agencies and NGOs. Project design incorporates public feedback. It would be a violation of the public trust to construct a project different from that formulated since that was the basis for the City Counsel approval and public bond election. (3) The criteria for project selection are multidimensional; project formulation is not a one dimensional economic criteria decision. (4) The DFE plan selected reflects the strong commitment from both the local community and the Congress.

### **Federal Responsibility**

Many of the questions and the suggestions from OMB concerning other alternatives imply that there is an alternative plan that delivers better economic results than the proposed DFE project. In fact, the Principles and Guidelines, within which the Corps of Engineers uses to formulate all projects in cooperation with its local project sponsors, do not permit us to select the NED plan without consideration of environmental, social, cultural and other factors. It is our responsibility to determine, in cooperation with our cost-sharing sponsor, the optimal plan in consideration of all relevant criteria. In the instance of the DFE project the Corps and the City of Dallas have jointly developed a

plan that was selected from a range of alternatives after integrating all criteria, not just economic criteria. It is likely that the City will view other alternatives as irrelevant to the flooding problem the DFE project is designed to solve, or insufficient in that they do not consider other criteria such as environmental or social acceptability.

The proposed project has withstood the test of numerous public meetings and two formally coordinated and filed Environmental Impact Statements. The authorized DFE plan, as designed, also serves as a baseline for other City initiated developmental plans. The Corps and the Administration should not be considering alternatives different than the existing jointly-developed DFE project without including our partner in these discussions. It is not our (federal) option to analyze, choose or implement a different plan. Detailed analysis of any option other than the proposed plan without involving our sponsor is inappropriate. If the Administration is seriously considering any alternative to the authorized plan, we strongly recommend that any future discussions include the City of Dallas.