

Dallas Floodway Extension Project - Description

Project Description (Archived)

A SHORT DESCRIPTION OF THE PROJECT: The project consists of a Chain of Wetlands with Standard Project Flood levees and recreation features. The Chain of Wetlands would have a length of 3.7 miles, an average width of 600 feet, and provide overbank flowage capacity for flood waters along the west side of the Trinity River from the Dallas Floodway to Loop 12. Ecosystem restoration within the Chain of Wetlands would result in 271 acres of habitat improvement, consisting of 123 acres of emergent wetlands, 45 acres of open water, and 102 acres of grasslands. The levees would be located along Lamar Street (east side of river) for a distance of 2.9 miles and along the Cadillac Heights neighborhood (west side of river) for a distance of 2.3 miles and provide Standard Project Flood protection. Additionally, there will be approximately 31 miles of recreational trail and 1,179 acres of environmental mitigation within the floodplain.



AUTHORIZATION: The project is fully authorized. A SPF project for flood control, Dallas Floodway Extension, Dallas, Texas, was authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091) and modified by section 351 of the Water Resources Development Act of 1996 (110 Stat. 3724), which authorized inclusion of non-Federal levees. The authorization was further modified to add environmental restoration and recreation as project purposes by Section 356 of the Water Resources Development Act of 1999 (Public Law 106-53).

STATUS:

- Record of Decision (ROD) - Signed 1 December 1999
- General Reevaluation and Integrated Environmental Impact Statement (GRR/EIS) Report - Chief's Report - Signed 7 December 1999
- Advertise Cell "D" Construction Contract - December 2001
- Award Cell "D" Contract - February 2002
- Construction Halted by Court Order - April 2002
- FY 2003 Scheduled Activities
 - Preparation of Supplement to EIS
 - Completion of Plans and Specs for the Lower Chain of Wetlands
 - Initiation of Upper Chain of Wetlands Plans & Specifications
 - Continue HTRW Investigations
- Sponsor Activities (FY 2003)
 - Continue acquisition of environmental mitigation and other project lands

ADDITIONAL INFORMATION - ISSUES:

a. **NATIONAL ECONOMIC DEVELOPMENT PLAN** - (GRR/EIS: Page 4-28): The 1,200-foot swale was designated as the preliminary NED plan in 1993.

b. **PUBLIC OPPOSITION:** Chain of Wetlands and levee impacts on the "Great Trinity Forest."

c. **"GREAT TRINITY FOREST":** The "Great Trinity Forest" roughly includes the Trinity River main stem flood plain lying between the existing Dallas Floodway and Interstate Highway 20 crossing and within the White Rock Creek flood plain upstream to Interstate Highway 30. Within this area, approximately 5956 acres in size, 5456 acres (92%) are woodland including bottomland hardwoods, mixed Deciduous, and wetlands/bottomland hardwoods. The remaining 500 acres (8%) are composed of water, grassland, scrub/shrub, and urban areas.

d. **CHAIN OF WETLANDS:** In response to the opposition to the NED swale plan, the Chain of

Wetlands Plan was developed. The Chain of Wetlands Plan is defined as the westernmost aligned swale into which a connected series of wetlands would be developed and managed utilizing treated effluent from the CWWTP as a source of water, when needed, to supplement overbank flows from the Trinity River.

The Dallas City Council, in response to the public opposition voiced against the NED Plan, and in support of the multi-objective outputs of the Chain of Wetlands Plan, voted to adopt the Chain of Wetlands Plan as the initial LPP on August 28, 1996.

Although the Chain of wetlands plan was NOT the NED plan, it became the Tentative Federally Supportable Plan.

e. **CADILLAC HEIGHTS - STRUCTURAL vs. NON-STRUCTURAL:** The combination non-structural / structural plan investigated for the final array of alternatives would involve the acquisition and removal of homes in the Cadillac Heights area (Reach 5), in lieu of the construction of a Cadillac Heights Levee, as the last-added increment of an overall plan also including the construction of the chain of wetlands and the SPF Lamar Levee. This buyout was analyzed for the 2-, 5-, 10-, 25-, 50-, and 100-year flood zones. The economic analysis of this non-structural increment of the overall combination structural / non-structural plan is shown in table 4-21. For comparative analysis, also included in this table are the incremental costs and benefits of constructing a last-added 100-year levee in the Cadillac Heights area.

The table reveals that the greatest incremental net benefits of a non-structural plan in the Cadillac Heights area would occur for a buyout of the 10-year flood zone. This alternative would have an estimated first cost of \$2.5 million, **would produce incremental benefits of \$179,700**, and would include the acquisition of seven structures. Comparatively, the 100-year Cadillac Heights Levee would have an estimated first cost of \$2.7 million, would produce incremental net benefits of **\$96,600**, and would protect 158 structures. From the perspective of desiring to remove people and property from the risk of flood damage, the levee alternative would be much more cost effective.

f. **TENTATIVE FEDERALLY SUPPORTABLE PLAN - (GRR/EIS: Page 4-63):** The identified Tentative Federally Supportable Plan would consist of the following elements:

- **Chain of Wetlands:** The chain of wetlands increment would consist of upper and lower swales, separated at Interstate Highway (IH) 45.
- **SPF Lamar Levee:** An earthen levee providing SPF protection for the Lamar Street area.
- **100-Year Cadillac Heights Levee:** A levee / floodwall system providing 100-year protection for the Cadillac Heights area.
- **Non-Federal Levees:** Includes the costs and benefits of the portions of the previously constructed non-Federal levees.
- **Recreation Features:** Includes recreation amenities compatible with the regional recreation master plan.
- **Ecosystem Restoration:** Includes a total of 271 acres of habitat improvement. This consists of 123 acres of emergent wetlands, 45 acres of open water, and 102 acres of grasslands.
- **Mitigation:** Acquisition and management of 1,135 acres of Main Stem Trinity River floodplain lands, primarily located within the "Great Trinity Forest".

g. **CADILLAC HEIGHTS - 100 YR. vs. SPF - (GRR/EIS Pages 5-9 through 5-20):** The 100-year levee for the Cadillac Heights neighborhood would not meet the Federal Emergency Management Agency standards for protecting the area from a flood that would have a 1.0 percent annual chance of exceedance (ACE), nor would it provide an acceptable level of reliability, particularly when compared with other project elements. Second, the alternative levee for Cadillac Heights would

allow continued damages in this area from major, although infrequent floods (greater than the 1.0% ACE), due to the construction of other project levees. Finally, Congress has already authorized the project, including the Cadillac Heights Levee, at a SPF level of protection.

h. **FEDERALLY SUPPORTABLE PLAN - (GRR/EIS Page 6-1):** The identified Federally Supportable Plan would consist of the following elements:

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DALLAS FLOODWAY EXTENSION PROJECT - LAWSUITS: Two Lawsuits filed by opposition in May 2000:
1) Seeking Permanent Injunction against proposed DFE project (Northern District - Fort Worth) and
2) Seeking enforcement of 1973 Trinity River Project injunction (Southern District - Houston).

Northern District: DFE Lawsuit (Fort Worth)

ALLEGATIONS IN THE COMPLAINT:

- Manipulation of Computer Model Analyses
- Cumulative Impact of The DFE Project and Past Actions on Water Surface Elevations
- Failure to Meet "Full Disclosure" Requirement Regarding Overtopping of Levees
- Failure to Fully Disclose Extent of Flooding in Downtown Dallas
- Failure to Fully Disclose Economic Analysis of Benefits to Downtown Dallas
- Failure to Consider Reasonable Alternatives
- Failure to Consider "Connected Actions" and Their "Cumulative Impacts"
- "Cumulative Impacts"
- Agency's Failure to Follow Its Own Record of Decision
- Inconsistent Application of Water Resources Development Act of 1999

The U.S. Attorney for the Northern District of Texas filed an answer responding to the complaint denying all of the allegations set forth by the plaintiffs.

The Fort Worth District prepared the Administrative Record for the Dallas Floodway Extension EIS. The final papers were delivered to the Court in August 2001. In April 2002, the Court issued an injunction against the construction of the project until cumulative impacts of other similar projects were addressed. (See [News Release CESWF-PA-02-023](#)).

Southern District: Trinity River Injunction Lawsuit (Houston) - The US Attorney's Office in Houston, advised SWF that their office was served 16 June 2000 in the action seeking to enforce the 1973 injunction against the Trinity River Project. The Government is arguing that the injunction was dissolved by a Fifth Circuit decision on Wallisville in the late 1980's.

In the Southern District litigation, the Government filed a cross motion to dismiss arguing that the injunction was vacated in a 1987 decision issued by the United States Court of Appeals for the Fifth Circuit (*Sierra Club v Froehlke*, 816 F2d 205 (5th Cir. 1987)). Plaintiffs argued that the 1987 decision only dismissed the injunction against the construction of Wallisville Project and not the Trinity River Project. The motions were briefed in December 00 and Jan 01. In an order issued by the US District Court for the Southern District of Texas on 26 Feb 01, the Court denied the motion to enforce the permanent injunction. The Court found that only one injunction had been issued which covered both the Wallisville Project and the Trinity River Project. The Court concluded that the Fifth Circuit dismissed the case and vacated the injunction against both the Wallisville and the Trinity River Project in the 1987 decision. Accordingly, the motion to enforce the motion was denied and costs were assessed against Sierra Club.