

MEMORANDUM FOR RECORD

SUBJECT: Civil Works Review Board (CWRB), Lower Colorado River Basin Phase 1, Texas - Flood Damage Reduction and Ecosystem Restoration Feasibility Study

DATE OF CWRB: 26 October 2006; 1200 to 1515 EDT

CWRB MEMBERS: MG Johnson (DCG, CWRB Chair), Mr. Steve Stockton (Deputy DCW representing DCW), Mr. Tom Waters (Chief, Planning CoP), Dr. Larry Lang (Deputy Chief, LRD RIT representing LRD RIT Leader), Mr. M.K. Miles (Deputy Chief, Engineering & Construction CoP representing E&C CoP Leader)

KEY PARTICIPANTS:

HQUSACE: Ms. Patricia Rivers (Chief, SWD RIT), Mr. Raleigh Leef (Deputy Chief, Policy), Ms. Robyn Colosimo (Chief, OWPR), Mr. James Warren (OWPR), Mr. Aaron Hostyk (Office of Chief Counsel), Mr. Paul Blakey (SWD RIT)

SWD: (via VTC) BG Jeffrey Dorko (Commander), Ms. Jo Ann Duman (Chief, Planning and Policy)

SWF: (via VTC) COL Christopher Martin, (Commander), Mr. Mike Mocek (Deputy District Engineer), Mr. Kevin Craig (Chief, Civil Programs), Mr. Bill Fickel Jr. (Chief, Planning, Environmental and Regulatory), Mr. Elston Eckhardt (Project Manager), Mr. Rob Newman (Environmental Planner)

Lower Colorado River Authority: Mr. Mark Jordan (Manager, River Services), Ms. Amanda McPherson (Federal Affairs)

City of Austin: Mr. Glen Taffinder (Project Manager), Mr. Lee Leffingwell (Council Member), Ms. Barbara McCall (CapitalEdge, representing City of Austin)

Travis County: Mr. Joe Gieselman (Executive Manager, Transportation and Natural Resources)

City of Wharton: Mr. Brian Kocian (Mayor), Mr. Andres Garza Jr. (City Manager), Mr. Domingo Montalvo Jr. (City Councilman)

ASA(CW): Mr. Terry Breyman

OMB: No Representation

OWPR RECOMMENDATION: Approval of the report for release for State and Agency Review, contingent upon the district pursuing further resolution of issues outlined in the OWPR slides 7, 8, and 10 (see attached and summary below), during S&A Review.

CWRB DECISION MADE: Approval to release the report for State and Agency Review, contingent upon the district pursuing further resolution of issues outlined in the OWPR slides 7, 8, and 10, during S&A Review. Specifically, the district must perform a worst case scenario analysis of effects of FEMA program on project justification; HQ must coordinate with OASA(CW) to attain approval for Corps cost-sharing in recreation facilities on sponsor current and future owned lands as part of an overall collaborative Federal and non-Federal effort; and the district needs to evaluate the minimum facility requirements and determine the difference between the minimal facility and the recommended plan, if any. MG Johnson noted that unless the issues so indicated are resolved during S&A review, we may not be able to move forward to a Chief's Report in 2006.

Vote: Unanimous.

ACTIONS REQUIRED PRIOR TO S&A REVIEW: None.

ACTIONS REQUIRED CONCURRENT WITH S&A REVIEW: The District shall pursue further resolution of the issues outlined in the OWPR slides 7, 8, and 10 during S&A Review.

KEY DISCUSSION, ISSUES, AND QUESTIONS RAISED BY THE CWRB:

1. At the end of his project presentation, COL Christopher Martin stated that the Lower Colorado River Authority (LCRA), the non-Federal sponsor, is a model organization worth emulating. He explained LCRA put together a coalition within its basin and pushed the Corps toward some of the things in the Chief's 12 Points issued a month or so ago. One example was a single Project Delivery Team with members from both Fort Worth and Galveston Districts, the sponsors, and sponsors' consultants.

2. MG Johnson asked if we have we learned enough; in particular, how risk is communicated to and understood by residents. The district's slides referred to "ACE of 4 percent. Some CWRB members stated they were not familiar with that term. Although the district explained that "ACE" meant "average chance of exceedance," the board members noted that would not be clear to the public, nor would the term "25-year" instead of "4 percent" or "100-year" instead of "1 percent."

3. On the Wharton project, Mr. Tom Waters asked what nonstructural alternatives were considered and why they were not selected. Ms. Patricia Rivers noted that better discussion of discarded alternatives would be useful for the board.

4. MG Johnson noted that the Lessons Learned for this CWRB meeting should address the importance of careful language in the CWRB presentations because the slides go on the public website. In particular, a district slide stated that the Corps respects the opinion of the U.S. Fish and Wildlife Service, but our regulations don't let us do that. It was pointed out that that slide could be misunderstood as the Corps having regulations that say not to respect the Service.

5. During the sponsor presentations, Mr. Joe Gieselman, (one of four sponsors who spoke to the CWRB) stated that the county has over \$3 million in hand and would like to pursue a Section 215 agreement to proceed with buyouts in advance of availability of federal funds. Ms. Jo Ann Duman noted that Section 215 is a post-authorization tool available to non-Federal sponsors, while the Section 104 credit applications that have already been approved by ASA(CW) for both Wharton and Onion Creek projects are pre-authorization tools. Mr. Steve Cone noted the Section 104 credit should be carefully explained in the report.

6. During the OWPR presentation on policy concerns, there was discussion on possible improvements to guidance on land value/acquisition costs for ecosystem restoration projects. The issues of placing Corps recreation measures (that would be used to economically justify the buy-out measures) on lands that the sponsor acquired or will acquire as part of the FEMA HMGP, was also discussed. OWPR recommended release of the report for State and Agency (S&A) Review, but noted requirements for analysis or coordination that should be completed during the S&A review period.

7. During the OWPR presentation on policy concerns, there was discussion of possible improvements to how certain guidance on land value/acquisition costs for ecosystem restoration projects had been written. OWPR recommended release of the report for State and Agency (S&A) Review, but noted requirements for analysis or coordination that should be completed during the S&A review period (see **ACTIONS REQUIRED CONCURRENT WITH S&A REVIEW**, above).

LESSONS LEARNED: The Chair asked for discussion:

1. BG Dorko noted that Galveston District should also have been involved in the CWRB process.

2. MG Johnson questioned, in light of OWPR's concerns with "missing information," how SWD could have found the quality assurance review "excellent," but suspected there's a difference in the checklists at each level. He noted those checklists need to be meshed.

3. Ms. Colosimo expressed appreciation for Ms. Rivers support and guidance in helping the vertical team understand the significant piece of each issue and work speedily to achieve resolution. Ms. Rivers noted that it is critical all along the process to raise

CEMP-SWD/CESWP-PDS-P

SUBJECT: Civil Works Review Board (CWRB), Lower Colorado River Basin Phase 1, Texas - Flood Damage Reduction and Ecosystem Restoration Feasibility Study

issues, tell the story and explain, instead of any level deciding there is no problem and so not discussing.

FOLLOWUP ACTIONS:

1. Release feasibility report/EA and Proposed Chief's Report for 30-day State and Agency Review (District).

2. Pursue further resolution of three issues outlined in the OWPR slides 7, 8, and 10 during S&A Review (District).

3. Prepare Detailed List of Milestones to achieve Chief's Report and Track (SWD/Fort Worth Rock DST).

4. Coordinate Draft Chief's Report at HQ (SWD RIT).

5. Prepare After Action Report on CWRB (EC 1105-2-406) to include importance of clear language because the slides go on the public website (District/Division)

6. Complete analysis on impact of FEMA/sponsor owned vacant lands on recreation plan/benefits (District)

7. Provide support for waiver request for recreation facilities on sponsor current and future owned lands to RIT (District/Division)

ATTACHMENTS: PowerPoint handouts (including District Engineer, Division Engineer, Sponsor and Office of Water Project Review briefs); Project Summary; DE Transmittal Letter; and Proposed Chief of Engineers Report.