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FORT WORTH CENTRAL CITY PROJECT
OPEN HOUSE
JULY 26, 2005

P R O C E E D I N G S

1
2 COL. MENIHAN: Okay. If I can get
3 everyone's attention, please. For the folks in the back
4 row, can you hear me okay? Thank you. Welcome to Fort
5 worth and welcome to tonight's public meeting on the
6 Central City Project. My name is Colonel John Minahan,
7 I'm the District Commander for the Fort Worth Engineering
8 District, U.S. Army Corps of Engineers.

9 Before I go on to the purpose of the meeting and how
10 I would like to conduct the meeting tonight, I would to
11 like to introduce a few people. First off, my project
12 manager for this project, Rebecca Griffith, some of you
13 might know. From the Tarrant Regional Water District,
14 Jim Oliver and Sandy Sweeney; and from our public affair
15 offices Corps of Engineers, Clay Church; and from the
16 Tarrant Regional water district Julie Wilson. Okay.
17 Julie is there. Thank you. There's other folks from the
18 Corps of Engineers and the Tarrant Regional water
19 District and they have name badges if you would like to
20 talk to them after the meeting.

21 As I said, I would like to cover three things before
22 we go to the statement portion of this meeting. First
23 off, I would like to cover or purpose tonight. Second, I
24 would like to talk a little about our scheduling process
25 of the environmental impact statement. Thirdly, I would

1 like to cover what I would like to characterize as the
2 rules of the road, things that I think we might want to
3 consider to conduct a productive and a efficient and
4 effective meeting.

5 Purpose: The purpose of this meeting. The Council
6 on Environmental Quality regulations were implemented
7 that procedural provisions of the National Environmental
8 Quality Act require agencies to request comments from the
9 public affirmatively soliciting comments from those
10 persons or organizations who may be interested or
11 affected, so the purpose of this meeting is to receive
12 comments on the draft environmental impact statement for
13 consideration in the agency decision making process and
14 to ensure that we have full understanding of the
15 environmental consequences of our city.

16 For the scheduling process, I just want to let
17 everyone know that we made a decision yesterday to the
18 extend to comment period of the environmental impact
19 statement through September 7 of '05.

20 once the comment period closes, we will assess these
21 comments and prepare the environmental impact statement,
22 which is tentatively scheduled for october of '05. After
23 a 30-day review period, a draft record of decision will
24 be prepared and forwarded to our Washington office for
25 action.

1 Okay. As far as conducting tonight's meeting,
2 there's a couple of things I would like folks to take
3 into consideration. We are preparing a transcript of
4 tonight's meeting, so you're statements are being
5 recorded for future consideration. All comments received
6 will receive equal weight whether submitted verbally
7 tonight or directed to the project manager in writing or
8 by e-mail. The directions for submitting comments is in
9 your in handout.

10 Given the size of the crowd, I would ask folks to
11 limit your comments to three minutes. I understand
12 sometimes you may go a little over, we're going to let
13 you have a little latitude on that so you can get your
14 full comments in. My staff will be giving me indication
15 when you're coming to the close of your allotted time and
16 I'll give you a one-minute warning just to let you know
17 how we stand on time. Again, if you have additional
18 comments to make, feel free to submit them in writing.
19 I'll be calling speakers to the mike and we will be
20 attempting to call you in roughly the same order which
21 you signed in.

22 just want to reiterate the purpose of this meeting
23 is to make statements. If you have questions, you can
24 direct them to Beckie Griffith, my project manager, after
25 the meeting tonight, or tomorrow we have a similar

1 meeting in scope, same location, same time where we have
2 a question and answer period like we did tonight
3 downstairs where you can also get your questions
4 answered. Certainly you can always call or send an
5 e-mail during this process.

6 We have 36 folks that have signed in and asked to
7 make statements. What I would like to do is start with
8 our public elected officials. And first I would like to
9 recognize -- if you come up, if you can just state your
10 name and where you're from, that would help us. The
11 first elected official that I would like to recognize is
12 Mayor Mike Moncrief.

13 MAYOR MONCRIEF: Colonel, good evening. I'm
14 Mike Moncrief, Mayor of the city of Fort Worth. Colonel,
15 it's an honor to speak before you this evening about one
16 of the most exciting projects in Fort Worth's history.
17 Trinity Uptown will create a new gateway for the city and
18 a new lifestyle for our citizens. We've already begun
19 the process of changing the face of this part of our
20 downtown with the relocation of two Fortune 500 companies
21 to the river. Tom Struhs has had a major investment in
22 housing along the Bluffs. The Tarrant County College has
23 begun work toward building a new campus, which will span
24 the river as well as to maintain the old Texas Electric
25 power plant building minus the smokestacks, I'm sorry to

1 say. Carl Bell, the owner of the Fort Worth Cats, is
2 planning along with his partners, to develop property
3 around LaGrave Field next to the river. Trinity River
4 Project will de opportunities for economic development,
5 recreational amenities and environmental improvements.
6 Now, these elements are significant, but most important
7 we do not want to a repeat of the damaging and memorable
8 floods that occurred during the first half of the 20th
9 century before the existing levee system was constructed.
10 Therefore, we need to address the flooding issue first
11 and foremost.

12 Because of the rapid growth and development around
13 Fort worth and increased storm water runoff, the existing
14 levee system is now considered inadequate in protecting
15 parts of the city from a catastrophic flooding event.
16 This project will not only bring a significant piece of
17 acreage out of the floodplain, but it will also increase
18 the safety for our citizens who live there. The Trinity
19 River Vision or Trinity Uptown is a means to create added
20 flood control along with creating additional benefits
21 including ecosystem restoration, increased recreational
22 opportunities and economic development.

23 Once the bypass channel is cut and the levees are
24 gone, our city will be connected to the river again the
25 way it was when Fort Worth was first founded. The

1 project's vision is to preserve and enhance the Trinity
2 River corridors so that they remain as essential
3 greenways for open space, trails, neighborhood focal
4 points, wildlife and special recreational areas.

5 In addition to the important flood control issues and
6 enhancing downtown development already underway, the
7 Trinity River Project supports, reenforces and
8 compliments Fort Worth's cultural district, stockyards
9 district and near Northside communities. We want our
10 citizens to have an area where they can enjoy biking and
11 hiking along the river trail system, canoeing, kayaking
12 down the Trinity.

13 This project allows us to use a natural resource to
14 take care of our flood control problems and at the same
15 time to create tremendous economic development and
16 redevelopment. It's something that everyone who lives
17 here and visits here can enjoy. We are excited about
18 this project and what it will mean to our city in the
19 years to come. We've already created a tax increment
20 financing district that is chaired by Jim Lane. Jim is a
21 former council member for the district most affected by
22 the protect and has an in depth understanding of all of
23 the issues.

24 I fell confident, Colonel, that you and the board
25 along with all of the partners in this massive

1 undertaking will work in concert and address and overcome
2 the various issues and challenges that we will face as we
3 continue to move forward. The bottom line is, Colonel,
4 Trinity River Vision is not a vision, it's already
5 happening.

6 Thank you very much for your time this evening. God
7 bless you and God bless our city.

8 COL. MINAHAN: Thank you, Mr. Mayor. Our
9 next speaker will be George Shannon, Tarrant Regional
10 Water District Chairman of the Board.

11 Mr. Shannon: Thank you, Colonel. Mayor,
12 you stole all of my thunder. The Trinity River Flood
13 Control Project is now over 50 years old, and like most
14 things 50 years old, they need some modernization. One
15 thing that was learned when the present system was
16 created was that building levees around the river
17 separated the people from the river.

18 Another thing that we've learned was that when you
19 separate people from the river, the land becomes
20 stagnant, unusable, and falls into a state disuse. For
21 that reason, it was pleasant for the district to be able
22 to work with the Corps to see if we couldn't bring people
23 back to the river. That was the goal then, it continues
24 to be the goal, and when completed, it will accomplish
25 that goal.

1 The district, the City of Fort worth, the county, the
2 junior college district all have a hand in planning for
3 the improvements that are now on the drawing boards
4 downstairs.

5 There have been some who said that perhaps there was
6 not enough public attention given to the development of
7 the Trinity River plan, but, Colonel, I would like to
8 call your attention that there were over 59 meetings
9 publicly advertised and with over a thousand people
10 present in the development stage out in the public, in
11 the Northside, the Southside, the Eastside, the westside,
12 so that the public could come and, like this hearing
13 tonight, have input into the plans. We're proud of the
14 fact that we made that effort to bring the people into
15 Trinity River vision. Those meetings gave us greater
16 appreciation for the fact that the public wanted to be
17 back by the river. So as they evolved, we found a
18 considerable group in support.

19 We took those plans to the council and to the city
20 staff and working with them and working with your staff
21 we developed a plan that then went out and was told by us
22 all over the city and the community television channel.
23 I think we can fairly say that we gave our best shot at
24 informing the public.

25 Some have said that the project has developed too

1 rapidly. It has developed rapidly, but it developed
2 rapidly because all of the partners, again, the city,
3 county, the junior college district, all were on board to
4 help us create this plan.

5 It is truly a remarkable thing, according to the
6 Congresswoman Granger, that all of the governmental
7 entities could come to Washington in agreement about what
8 they wanted and come with the money to do the project.
9 That is what expedited the plan through the planning
10 process in Washington.

11 I hope that when this meeting is over that more
12 people will have an appreciation for the fact that
13 Trinity River Vision does a lot of things, but the thing
14 it does more than anything else, restore to our
15 generation and the generations that follow us the same
16 protection that we have enjoyed this past 50 years.

17 Thank you for this opportunity.

18 COL. MINAHAN: Our next speaker will be
19 Mr. Chuck Silcox with the city council of Fort Worth.

20 MR. SILCOX: Colonel, thank you very much.
21 I'm Chuck Silcox, I'm mayor pro tem of the City of Fort
22 Worth, but I'm here speaking not as a council member nor
23 as a mayor pro tem, but just on the facts of one issue
24 that I want to talk about. There will probably be lots
25 of conversation tonight about the use of eminent domain,

1 but I want to talk about property values, market value
2 versus replacement value. There is a federal law that
3 says when the government takes land it has to pay market
4 value for it, but a lot of times when that is done that
5 market rate is not near enough money to get especially a
6 business that does not want to go out of business so it
7 can move some place, if it has to buy land some place
8 else.

9 And there's one particular business in this area,
10 Mckinley Ironworks, that they'll probably have to have
11 land some place else that is permitted by the TCEQ out of
12 Austin. In that case, that is a time consuming process.
13 So at that point, we've got not only time consumption
14 going on but will they get enough value off the sale of
15 the amount of money that is given to them to be able to
16 purchase and restart their business someplace else.

17 And time is very important, too. Because I've heard
18 it takes up to two years to get a permit. That may be
19 incorrect, just what I've heard. But if it does that, by
20 the time they have reconstructed their building and moved
21 everything over there. What about their customers, you
22 know, are they going to wait two years for them. What
23 about their employees, if they have got 45 employees and
24 they move like that, what happens to the jobs that those
25 45 people have if they're not able to move from one day

1 to the next into a new facility.

2 And why does that concern me? Because there's also
3 in this morning's paper there was an article talking
4 about the meeting tonight about this process and one of
5 the part of it says the water district has set aside
6 \$12.1 million to purchase of three particular parcels.
7 Jim Oliver has said that this gentleman that owns one of
8 them, he's willing to work with them, but that they want
9 \$34 million. I don't know if that 34 is an appraised
10 value. But this one gentleman just bought his land for
11 \$10 million four months ago so it hasn't gone down by 60
12 percent in four months.

13 My concern is, that when the land is taken from
14 citizens that, they are made whole, they should not have
15 to dip into their pockets to make up a difference between
16 what government takes from them and a value that doesn't
17 give back to them what they had. I'm sitting there
18 reading this and it says one thing they will not do,
19 Oliver said, is pay tens of millions of dollars for the
20 parcels, which can significantly drive up the project's
21 cost. If that property is needed that much for any
22 project, then they need to pay and understand there's a
23 value to that project and that the people that own that
24 value should not be shortchanged.

25 It's out of the question, he said, there's no sense

1 in even speculating on that. That to me is not the
2 American way. This country was founded for two
3 particular reasons, religious persecution out of England
4 and the king taking people's property. This looks like
5 the same situation again. This may be the greatest
6 project in the world, but if we take people's property
7 and do not compensate them for the amount it takes to go
8 back into business someplace else and they have to shut
9 down their business, we have lost their income and we
10 have lost their employees' jobs and the customers they
11 have may have to go someplace else if they can find
12 someplace else. Personally, I'm sorry, but that's an
13 insult. I don't think that's what this country is all
14 about. Thank you very much.

15 COL. MINAHAN: Thank you, Mr. Silcox. From
16 congresswoman Kay Granger's officer, Barbara Ragland.

17 MS. RAGLAND: I'm Barbara Ragland, district
18 director for congresswoman. Kay is in Washington, D.C.
19 this evening completing votes for the current week. She
20 has asked me to come and express her continued support
21 for the Trinity River Vision and the Central City
22 Preferred Plan known as Trinity Uptown. Kay has made her
23 position on this matter very clear. She strongly
24 supports the plan. It is clearly the preferred community
25 plan as expressed through numerous public meetings. It

1 carries out the much needed flood quality in a manner
2 that allows the continued redevelopment of downtown and
3 the central City of Fort Worth. It will provide not only
4 flood control, but will link our important districts that
5 include downtown, the near Northside, the Cultural
6 District and the historic Stockyards area of Fort Worth.
7 It will help assure that Fort Worth remains one of the
8 most liveable cities for many generations to come.

9 Kay commends the U.S. Army Corps of Engineers, Tarrant
10 Regional Water District, the City of Fort Worth, Tarrant
11 County, the Steams and Valleys Committee and the Tarrant
12 County College for their leadership. As a member of
13 congress, she will continue to do what she can to keep
14 this project moving forward. Thank you, Colonel.

15 COL. MINAHAN: Thank you, Ms. Ragland. Our
16 next speaker will be John Kleinheinz.

17 MR. KLEINHEINZ: Thank you, Colonel. I'm
18 John Kleinheinz of 1101 Broad Avenue. I own a
19 residential property in the River Bend area that's going
20 to be affected by this. As Mr. Silcox pointed out, about
21 three days after I purchased the property. By way of
22 background, my wife's grandfather founded the water board
23 in 1928 and we have a great deal of appreciation for the
24 history there and but we do view differently some of the
25 comments that Mr. Shannon made.

1 My comments focus on four areas of deficiency in the
2 draft environmental impact statement. First
3 consideration, the alternatives, the EIS must rigorously
4 explore and objectively evaluate all reasonable
5 alternatives and the EIS's explanation of alternatives
6 must be sufficient for there to be a reasoned choice
7 among different courses of action, but the draft
8 environmental impact has only two actionable
9 alternatives, the principal-based guidelines and the
10 community-based alternative. And in our view that's
11 insufficient to make a decision on with only this broad
12 of a project, it needs more than two alternatives

13 Our second comment focuses on the valley storage
14 mitigation site analysis. In the document, it identified
15 40 possible sites, but it identified them only by number.
16 The reader has to refer to a map to determine where the
17 sites are. It's not possible to tell exactly what area
18 the proposed sites actually encompass. The Corps ranked
19 sites using only economic considerations. And while the
20 River Bend site that involves my property ranks second in
21 terms of the economics, its ranking was probably based on
22 erroneous information because the Corps., as Mr. Silcox
23 pointed out, significantly undervalued the land in
24 calculating acquisition costs.

25 The third point, the land appraisal acquisition part

1 of the draft environmental impact statement indicated
2 that it would cost \$12.2 million to purchase the land
3 designated to the river bend mitigation site. However,
4 that 12.2 million assumes that cost of acquisition is
5 about 30 to \$35,000 an acre. In reality, I just
6 purchased my property for over \$250,000 an acre. And I
7 think that if this alternative, if they had used the
8 right price to look at this alternative, they would
9 realize that it's not \$12.2 million alternative, it's a
10 60 to \$70 million alternative. And based on using the
11 right price to assess this value of the river bend
12 storage area, I think they would find out that there are
13 probably better alternatives than the one that they've
14 selected. And I encourage you to go back and look at the
15 right prices and pick the right alternative based on the
16 true market value of the cost.

17 My last point of consideration is a general comment
18 regarding the draft environmental impact statement. NEFA
19 directs agencies to prepare environmental impact
20 statements that are concise, clear and to the point.
21 This draft environmental impact statement falls short on
22 that standard. It's difficult to find the most basic
23 information about the proposed alternatives without
24 wading through volumes of agencies. But I would also
25 like to add, colonel, we very much appreciate you

1 extending the deadline for the review period. That
2 concludes my comments.

3 COL. MINAHAN: Our next speaker will be Andy
4 Taft.

5 MR. TAFT: Good evening. My name is Andy
6 Taft. I'm president of Downtown Fort Worth, Inc., it's a
7 membership organization dedicated to the improvement of
8 Downtown Fort Worth. The first thing you need to know is
9 that every ten years DFWI in combination with the city
10 and the team drafts a strategic action plan for downtown
11 that's implemented over the course of that ten years.
12 This last strategic action plan took two years, typically
13 it takes one. And that extra year was spent in large
14 part devoted to knitting in the various attributes of the
15 Trinity River vision with a greater downtown direction.
16 It's been very well thought through and our organization
17 approved that, the T board approved the strategic action
18 plan and the Trinity River vision part of that plan and
19 the city council adopted that in 2004 and integrated it
20 into the city's comprehensive plan. City of Fort Worth,
21 unlike a lot of cities across North America, actually
22 puts a heavy emphasis on the redevelopment of the center
23 city and that is to be congratulated. This vision of the
24 redevelopment of the Trinity River and its environ is a
25 tremendous center city redevelopment strategy using the

1 wonderful natural resource of the river as the
2 centerpiece. We're very encouraging of that level of
3 urban thinking and the commitment that the city and all
4 of the participants of the Trinity River process have
5 paid.

6 Downtown Fort Worth, Inc., by virtue of that
7 strategic action plan and its participation and all of
8 the communities associated with the Trinity River Vision
9 that we've been able to participate in encourages the
10 city, and water board, the county and all the
11 participants, the Corps of Engineers in particular, to
12 move forward with this project in thoughtful way and to
13 continue using the river as an urban center city
14 redevelopment strategy. Thank you.

15 COL. MINAHAN: Thank you. Our next speaker
16 is Mr. Bob Lukeman.

17 MR. LUKEMAN: Thank you, Colonel, and good
18 evening everybody behind me. It's kind of weird to the
19 be talking about the Trinity River Vision. My family has
20 a vision as well and our vision includes our futures and
21 what we do with the assets that we've earned. Our
22 property is in the shadow of downtown Fort Worth in what
23 has been declared a real estate boom or very hot real
24 estate market. With the Seventh Street corridor and huge
25 downtown residential boom both moving in my direction on

1 white Settlement Road, it's valuable property for me and
2 my family. Private development is moving my way. And if
3 this project did not go through in a matter of years, I
4 would get a knock on the door that would give my property
5 the proper value. It's disheartening to be told and told
6 only last November that my property was going to be
7 acquired and acquired using the eminent domain process.
8 Let's let private enterprise bring me and my family the
9 value that we deserve. And with all the other property
10 owners, we own the anvil that you need to forge your
11 dream, please let us participant in this dream on the
12 benefit side by treating us fairly and not eminent
13 domaining our property.

14 Now I have a question that I'm going to pose in the
15 form of a statement. The principal and guidelines based
16 action, which is the fix the levees plan, notes that it
17 doesn't have to acquire private land to be implemented,
18 that it requires less mitigation areas, that it can
19 continue the existing business while redevelopment
20 occurs, can accommodate transportation improvements with
21 little disruption, cost the communities considerable less
22 let's say one tenth, so why isn't this a good plan? why
23 wasn't the P&G plan considered better for everyone from a
24 federal to local point of view? wouldn't the P&G plan
25 for Fort Worth allow flexibility for the COE to solve and

1 implement more projects for the benefit for more
2 citizens. Thank you for your time.

3 COL. MINAHAN: Thank you, Mr. Lukeman. The
4 next speak will be Timothy Kelleher.

5 MR. KELLEHER: Good evening, Colonel. My
6 name is Tim Kelleher, I'm the vice president of the Fort
7 Worth Chamber of Commerce and it's my pleasure to
8 represent the Fort Worth Chamber of Commerce here this
9 evening and to our express our enthusiastic support for
10 the Trinity River Vision and the Trinity Uptown Plan on
11 behalf of the executive committee of the Fort Worth
12 Chamber of Commerce. I would like to take just a minute
13 to, if it's okay, to read into the record a resolution
14 that was recently adopted by the Fort Worth Chamber.
15 Whereas, the Trinity Uptown Plan evolved from the Central
16 City segment of the Trinity River Vision Master Plan. It
17 was initiated by the joint efforts of the City of Fort
18 Worth, Tarrant Regional Water District, Tarrant County,
19 Streams and Valleys and U.S. Corps of Engineers. And
20 whereas, U.S. Congresswoman Kay Granger is a champion of
21 this project and has garnered the endorsement of the
22 United States Congress. And whereas, the project has
23 been approved for \$110 million of federal funding
24 authorized about the U.S. Congress for flood control,
25 which involves construction of a bypass channel, an urban

1 lake and reengineering of the existing levees along the
2 Trinity River. And whereas, an additional \$16 million in
3 transportation related improvements is included in the
4 house version of the T-21 federal transportation funding.
5 And whereas, an additional benefit of the Trinity Uptown
6 Plan is the revitalization of an aging commercial and
7 industrial area adjacent to the downtown area as well as
8 providing a critical neighborhood link between downtown,
9 cultural district and the stockyards. And whereas, the
10 river front developed will result in a new mixed-use,
11 mixed-income area essentially doubling the size of
12 downtown Fort Worth while addressing existing
13 environmental concerns. And whereas, the Trinity Uptown
14 Plan has the potential to attract over 10,000 households
15 and an additional 3 million square feet of commercial,
16 educational, office and civic spaces. And whereas, the
17 project will add over of \$2.1 billion to the local
18 property tax base over a 50-year build-out period,
19 including parks, schools, transportation improvements,
20 environmental restoration, water quality managing and
21 other civic amenities. Now, therefore be it resolved
22 that the Fort Worth Chamber of Commerce supports the
23 Trinity River Uptown Plan as a community partnership
24 project that will transform the Trinity River into an
25 integral part of our city's economic growth and quality

1 of life. Approved this 25th day of July, 2005, by the
2 executive committee of the Fort worth Chamber of Commerce
3 and signed by the president and chairman of the Fort
4 worth Chamber. Appreciate this opportunity, look forward
5 to working with you as the project moves along.

6 COL. MINAHAN: Thank you, Mr. Kelleher. Our
7 next speaker will be Nina Petty.

8 MS. PETTY: Good evening, Colonel and
9 audience. My name is Nina Petty and I'm vice president
10 of corporate real estate for the Radio Shack Corporation
11 and I'm also here as a public citizen, someone that was
12 raised here in Fort worth and is raising a family of five
13 here in Fort worth. Early this year -- well, first,
14 Colonel, I would like to take this opportunity to commend
15 the United States Army Corps of Engineers for working
16 with local government, citizens and the business
17 community to develop this important flood control project
18 that allows the Central City of Fort worth to continue to
19 redevelop.

20 I believe that the proposed Central City Plan will
21 result in important flood control, environmental
22 restoration and environmental cleanup, all of which are
23 very essential to the environment and economic health of
24 Fort worth for all the community. The community's
25 preferred plan accomplishes in a manner that also allows

1 our downtown and our central city to become a more
2 sustainable economy. These are principles that are very
3 important to this community and are important to the
4 Radio Shack Corporation. For those of you that don't
5 know, Radio Shack is an international company with over
6 7,000 retail stores and over 30,000 employees. About
7 2,300 of those employees work right here in our new
8 downtown river front campus.

9 I have personally been involved in many public
10 meetings throughout the city and I know this plan has
11 wide spread support. I commend the water district and
12 the Corps for making sure that the property owners that
13 are directly affected are going to be compensated. In
14 fact, Radio Shack owns a property that is directly
15 affected, which houses all our records. We understand
16 what it's like to have to move and we would like to
17 retain this building, if possible, but, you know what, we
18 trust the process and we trust that this community and
19 that you are going to do the right thing. And we're
20 going to do what we can in an effort to support this
21 project and make sure that it's successful.

22 Earlier this year, Radio Shack moved into our new 1
23 million square foot corporate headquarters located right
24 on the banks of the Trinity River. And we did this
25 because we knew that the Trinity was designed to link

1 downtown back to the river. Our board of directors
2 supported this decision in a large part based on the
3 vision for a water front that would link the cultural
4 district with downtown and the stockyards. Road Shack
5 has its roots in Fort Worth and we want to stay in Fort
6 worth. We fully support this plan and look forward to
7 cooperating with the Corps, the water district, the
8 county and others to move this project forward.

9 I hope that you will in this room and in this
10 community join me to support this project and step
11 outside of your personal situation and look at what's
12 happening for the generations to come. This is an
13 important project for us and it has huge impact to not
14 only your children and children's children, but
15 generations to come. Again, thank you for your support
16 and your time this evening.

17 COL. MINAHAN: Our next speaker will be
18 Mr. Brad Williams.

19 MR. WILLIAMS: My name is Brad William and I
20 along with my family have owned and operated Omaha's Army
21 Navy Surplus at 2413 White Settlement Road for over 43
22 years. As a property owner that could be displaced, I
23 have become well aware of the proposed community-based
24 remedy for the 500-year flood and I believe it's my duty
25 as a responsible American to inform our citizens of a

1 more practical and guaranteed P&G alternative, which
2 stands for Principled and Guidelines. I believe that the
3 citizens of Fort Worth have a right to know that flood
4 problem can be fixed in a practical and guaranteed
5 fashion for \$10 million. The \$10 million levee raised
6 plan would not only fix the current problem of the
7 potential 500-year flood, but would also allow the
8 natural economic growth to continue and coincide with the
9 current tax base that has existed in the affected area
10 for, in some cases, over 100 years.

11 The economy that exists right now in the affected
12 area is an eclectic mix of auto shops and art galleries,
13 industrial manufacturing, restaurants, car dealerships,
14 lumber yards and home improvement stores, printing
15 companies, gas stations, grocery stores, candy companies,
16 clothing and outdoor stores just to name a few.

17 If the proponents of the super expensive and
18 massively complicated community-based plan are so eager
19 to create tax revenue for the city while at the same time
20 curing a potential flood problem, why would they want to
21 spend a half a billion dollars to wipe out this existing
22 natural economy that is currently contributing to the tax
23 base of the city.

24 The \$435 million community base plan is a giant
25 socialist movement that is fully backed by our

1 congresswoman, our mayor and most of the city council and
2 will do more than just eliminate the current tax base.
3 It will kill a future incentive that we as individuals
4 have to take a risk and create a business through hard
5 work, blood, sweat and tears.

6 Our country was founded on the belief that the
7 individual should be free from of fear from a big and
8 intrusive government. My friends, Corps of Engineers and
9 citizen of the City of Fort Worth, take heed, this
10 proposed community-based plan is big, it is intrusive and
11 it is unnecessary. I plead with you to allow the

12 citizens of Fort Worth and Tarrant County to have the
13 vote to decide the solution for the 500-year flood
14 problem. \$10 million for a plan that's principled and

15 guided, practical and good, proven and guaranteed or 435
16 million for a plan that has its roots in socialism and
17 the denial of individual property rights to rightful
18 landowners, employers and citizens and taxpayers. If
19 this truly is a community-preferred plan, then let the
20 people vote. Thank you for attention and God bless
21 America.

22 COL. MINAHAN: Thank you, Mr. Williams. Don
23 Scott.

24 MR. SCOTT: Evening, Colonel. My name is
25 Don Scott, I'm the president of the Fort Worth Southside

1 Development District, a Fort Worth (inaudible) of
2 private, member-funded, nonprofit redevelopment company
3 that was created nine years ago to stimulate
4 redevelopment of the medical district of Fort Worth, a
5 1400-acre area immediately south of the downtown.

6 Anyway, my point of view is from an entity that
7 understands the importance of the economic redevelopment
8 the decayed Central City neighborhood. I wanted to stand
9 here and represent our organization and tell you that we
10 fully support this project and endorse its continued
11 advancement. There are many similarities in the form of
12 the Trinity River Vision area in the near Southside and
13 there are also many challenges that need to be met. This
14 is, in my view and our view, a perfect opportunity to use
15 public resources, the talents and the energy of the
16 private sector, economic development sector, and the
17 passions of the citizens of the city to create a
18 framework within which Fort Worth can grow and prosper in
19 the coming years. Thank you.

20 COL. MINAHAN: Mr. Don Woodard.

21 MR. WOODARD: I am Don Woodard. Colonel, on
22 behalf of all the property owners here tonight I thank
23 you for the time I have been allotted to speak in their
24 behalf against the Ahab-Jezebel land seizure plans
25 euphemistically called the Trinity River Vision.

1 Your press release said that you would welcome input
2 so here's my four or five minutes of input. A little
3 while ago I stood at the confluence of the Clear Fork and
4 West Fork Rivers. This is the very spot where a century
5 and a half ago West Point graduate Robert E. Lee, a
6 member of the Army Corps of Engineers stood and gazed in
7 admiration of the confluence of those rivers, which your
8 proposed plan would forever hide and cover over. And
9 what unforeseen problems and nightmares may come when you
10 have dug your ugly bypass channel must give you pause.

11 Regretfully many citizens today look at the Corps in
12 disappointment, anguish and bewilderment. They read in
13 the paper that you once had a plan that would control any
14 realistic flooding problem for less than \$10 million.
15 Why, these citizens ask me, would this plan have been
16 jettisoned in favor of one dominated by eminent domain
17 and economic development costing \$435 million. I could
18 not answer.

19 Another graduate of West Point who was also a member
20 of the Corps of Engineers and who became arguably our
21 greatest general, one with five stars on his shoulder,
22 Douglas McArthur, told the West Point cadets in his
23 famous farewell address, "Others will debate the
24 controversial issues national and international which
25 divide men's minds, but serene, confident, aloof, you

1 stand as the nation's war guardians. As its last guard
2 from the raging tides of international conflict, as its
3 gladiator in the arena of battle, let civilian voices
4 argue the merits or demerits of the processes of
5 government. These great national problems are not for
6 your professional participation or military solution.
7 colonel, don't shoot the messenger, I didn't say it, the
8 general said it. The fact remains that in this matter of
9 eminent domain and economic development you are caught in
10 the middle of the hottest firefight this side of Baghdad.
11 It should come as no surprise to you that Texans who like
12 the second amendment and want give up their guns are not
13 exactly enamored of the idea of giving up their land.

14 I tell these disaffected property owners that Col.
15 John R. Minahan is a soldier and he is going to follow
16 orders and do his duty as God gives him the right to see
17 that duty come hell or high water. But many of those
18 owners feel that you no longer standard serene, calm and
19 aloof. They think that the Corps, which was their friend
20 tried and true, their hope, a mighty fortress, a bullwart
21 never failing, has now, contrary to the McArthur dictum,
22 entered into the arena of politics where mysterious,
23 invisible, designing and covetous interests seek to evict
24 them from their land and possessions. Instead of being a
25 protector of their land, the Corps now is seemingly in

1 league with those determined to drive them from their
2 land.

3 One truth is clear, without your acquiescence this
4 costly scheme would be stopped dead in its tracks. I
5 borrow from Lord Byron, the Corps of Engineers came down
6 like a wolf from the fold and their cohorts were gleaming
7 in purple and gold and the sheen on their spears was like
8 stars on the sea when the blue wave rose nightly on the
9 forks of the old Trinity. They feel that as weapons of
10 mass destruction was used to justify the hell bent for
11 leather invasion of Iraq that has turned into a morass so
12 floods control is being used to justify this massive
13 upheaval of lives and private property.

14 I thank the colonel for his courtesy and
15 consideration on behalf of property owners in the room
16 tonight. I can only hope the Corps, serene, calm, aloof,
17 will go back and pull out that \$10 million plan that will
18 protect them from both floods and confiscation. If we
19 cannot look to justice from our government, we will, even
20 as Paul told Festus, Festus at Cesaria 2,000 years ago,
21 appeal to a higher power, abide with me, fast falls the
22 eventide, the darkness deepens, Lord with me abide. When
23 other helpers fail and comforts flee, help of the
24 helpless, oh abide with me. Thank you, Colonel.

25 COL. MINAHAN: Thank you, Mr. Woodard. Mr.

1 Tom Struhs.

2 MR. STRUHS: In 1834 this would have been
3 like following Davy Crockett. Miraculously over the past
4 several years my wife, Elizabeth Falconer, and partner,
5 Rudy Renda, we purchased approximately 30 acres -- I
6 forgot to greet you, Colonel, I'm sorry -- on the bluff
7 overlooking the river and on the banks of the center of
8 the river. This property is on the bluff, it's on the
9 river and it's been ignored for about a hundred years.

10 while doing our assemblage, I met every single one of
11 the landowners from which we bought property. I showed
12 them my plans for the Trinity bluff and how we were going
13 to create access to the river. Numerous of these good
14 people who love their city told me that they would --
15 they didn't want to sell their property, but they would
16 sell their property for the good and betterment of Fort
17 worth.

18 This area is so important to the history of our city,
19 it's so important that we make the most of this truly
20 remarkable opportunity. It's a once in a lifetime
21 opportunity for all of us. Over the past five years,
22 I've spent many hours with my neighbors along the river
23 and we're so excited that this part of the original
24 settlement in Fort worth can be part of such a dynamic
25 addition to Tarrant County, the city and for all of its

1 citizens.

2 There is no question but that we, my wife, my partner
3 and I, are affected by this project. In fact, the
4 Trinity River Vision is vital to our success. Part of
5 our vision included -- includes access to the river by
6 citizens of Fort Worth and future residents of a growing
7 downtown. We're aware that the tremendous private
8 investment of over \$250 million will create some of the
9 needed funds and we're in total support. Thank you.

10 COL. MINAHAN: Thank you, Mr. Struhs. Our
11 next speaker will be Dr. Leon de la Garza.

12 Dr. DE LA GARZA: Good evening, Colonel. I
13 thank you for the opportunity to offer some observations.
14 I have reduced these to writing in an attempt to keep
15 within the time limits that are being prescribed. I am
16 Leon de la Garza, I'm the chancellor of the Tarrant
17 County College District. TCC is the community's college
18 with four campuses now serving more than 70,000 students
19 per year and governed by a seven-member elected board
20 representing all parts of the county. Thanks to the
21 wisdom and courage of this board, the college is
22 committed to build a new downtown campus on the banks of
23 the Trinity River. My conservative estimate is that the
24 campus will grow to serve 20,000 students per year within
25 15 years. At that time the college will serve at least

1 100,000 students per year.

2 We view the college's vision and the Trinity River
3 vision as totally complemented hand and glove. Both
4 visions are about the future of our city and those to be
5 served, while being aware and respectful of our
6 community's unique history, heritage, culture, values and
7 its needs.

8 The campus, as we envision it, one large enough to
9 serve the needs of the central part of the county, is
10 possible only if the Trinity River vision becomes not a
11 vision, but a reality. The flood control portion of the
12 plan, including the ultimate removal of the levee on the
13 east side of North Main Street, is essential to our plan.
14 Without the Trinity River Vision Central City Project, it
15 is highly unlikely that the college can provide to the
16 community the kind of campus it desires and which it
17 deserves.

18 I believe that both visions are about the public good
19 and the general welfare of its citizens. By definition
20 both projects, the college campus and the Trinity River
21 vision, will bring improvement to the lives of many
22 future generations. Yet, also by definition, there will
23 be dislocation accompanied, I would strongly suggest, by
24 accommodation and just compensation for relatively few
25 compared to the benefit that would accrue to the greater

1 population.

2 Life itself is a continuous set of tradeoffs. What
3 intelligent and caring women and men must ensure is that
4 such tradeoffs bring greater benefits than loss whether
5 in our private lives or with major community projects
6 such as those we address here this evening. Such is and
7 will be the case with these two complimentary thrusts,
8 the new downtown on the trinity campus of the college and
9 the larger Trinity River vision.

10 In time, few will know and no one will care where the
11 meets and bounds of either vision start or end, but all
12 will know and certainly will be grateful that courageous
13 and visionary women and men made the vision a reality.
14 We urge you to take the necessary positive action and be
15 counted among them. Gracias.

16 COL. MINAHAN: Thank you, Dr. de la Garza.
17 Our next speaker will be Mr. Joe Gauna, G-a-u-n-a.

18 MR. GAUNA: I would like to give my time to
19 Mr. Don Woodard to speak on my behalf. Don Woodard, can
20 he speak on my behalf?

21 MR. WILLIAMS: I'm Charlie Williams,
22 Colonel. I think what he's trying to say is that Mr.
23 Woodard made such an eloquent speech that we will give
24 our allotted time -- to keep y'all from having to be here
25 all night, Joe and I allocate our time to Mr. Woodard.

1 COL. MINAHAN: Okay, sir. Our next speaker
2 will be Ms. Susan Halsey.

3 MS. HALSEY: Colonel, I'm Susan Halsey. I'm
4 a lawyer with the law firm of Jackson Walker, I'm head of
5 our real estate section, but I'm here tonight on behalf
6 of the Greater Fort Worth Real Estate Council, which is a
7 with non-profit organization composed of approximately
8 150 members in the commercial real estate industry. Our
9 group was formed for the purpose of representing the
10 public affairs interests of the Greater Fort Worth area
11 commercial real estate industry and promoting the image
12 and the advancing the purposes of the industry while
13 strengthening the overall community.

14 I would like to just read into the record tonight, if
15 I might, a resolution passed by our group. Whereas, the
16 Central City Project will accomplish flood control in a
17 manner which will improve the river's accessibility to
18 the public, attract more people to its bank and increase
19 its prominence within the city. And whereas, once the
20 public infrastructure provided by the Central City
21 Project is complete, the Trinity Uptown will provide a
22 mixed-use water front area centered around the confluence
23 of the West Fork and Clear Fork of the Trinity River
24 resulting in a combination of vital urban development,
25 recreation access for all citizens of Fort Worth,

1 continued economic stability for the Central City and
2 flood protection.

3 whereas, the security provided by the flood control
4 protection and the subsequent revitalization of this
5 800-acre area north of downtown Fort worth will encourage
6 mixed-use development linking the stockyards, downtown
7 Fort worth and the cultural district to provide a vibrant
8 stimulating environment, which will strengthen our whole
9 community.

10 Therefore, be it resolved that the Greater Fort worth
11 Real Estate Council strongly supports the decision to
12 proceed with the Fort worth Central City Project. This
13 is passed this 26th day of July, 2005, and it's signed by
14 me as the chair of the Greater Fort worth Real Estate
15 Council. Thank you for your time.

16 COL. MINAHAN: Thank you, Ms. Halsey. Our
17 next speaker will be Mr. Charles Williams.

18 MR. WILLIAMS: Colonel, I take my time to
19 Don Woodard since he went over his allotted time.

20 COL. MINAHAN: Our next will be Mr. Carl
21 Bell.

22 MR. BELL: Good evening, Colonel. I thank
23 you for the opportunity. My is Carl Bell, I'm CEO of the
24 Fort worth Cats and LaGrave field. I hope we have a lot
25 of Cats fans here tonight and even those who may disagree

1 with some of the development that we're doing on our
2 side.

3 You know, I remember as a youngster here in Fort
4 worth coming up from the southside where my father was a
5 seminary student at the seminary and going passed the TXU
6 plant and going passed the chemical plant, they are just
7 to our south, and going to Cats games at LaGrave Field in
8 '55-56. On certain nights when the wind was not the
9 prevailing wind from the southwest, it came out of the
10 north, we were reminded that we had stockyards just two
11 miles from our location. But while the cattle is gone,
12 the stockyards remain rebuilt, revitalized and a
13 significant economic impact for the City of Fort Worth.
14 The chemical plant is now gone. And we, in partnership
15 with other individuals and organizations and in an
16 agreement with the City of Fort worth, we plan to develop
17 what used to be a brown field. If you were there five
18 years ago, you know what it looked like. It looks
19 different today, it will look a lot different five years
20 and ten years from now.

21 The TXU plant, those smokestacks were there for a
22 reason. TXU, that company was and is a good corporate
23 citizen, but they were burning coal. Those smokestacks,
24 I agree with the mayor, I hate to see them come down,
25 too, but for safety reasons they are coming down, but at

1 one time the smoke came out of there and was a pollutant
2 in the city, things have changed.

3 You heard from Dr. de la Garza, Tarrant County
4 college will have a beautiful 150 plus million dollar
5 campus spanning the river, linking the bluffs to the
6 downtown Trinity Uptown island.

7 And lastly, we have seen -- and we've heard tonight
8 and we've seen the Radio Shack development. Only a few
9 years ago there was public housing where the Radio Shack
10 complex is today.

11 I would like to think that the same fairness and the
12 same consideration with which the residents of that
13 public housing were treated to the best of my
14 recollection and knowledge will be afforded by anyone,
15 any company, any business, any family that will be
16 affected by the ongoing Trinity River Project.

17 we will be affected. Some of the land that we've
18 acquire over the last five years will need to be
19 reclaimed for public access for one of the secondary
20 channels. We understand that. It's part of the process.

21 I would just encourage our friends this evening,
22 hopefully Cats fans, who may disagree with some of the
23 positions by me and others, just to consider the fact
24 that I personally want to be sure that you are treated
25 fairly as well. And I promise you that if you are not

1 treated fairly, if there's not proper value paid for your
2 property, I will be there protesting with you. I promise
3 you that.

4 But speaking for our organization, I commend the
5 Corps, I commend the City of Fort Worth and Tarrant
6 Regional Water District and all of the pioneers, Pier 1,
7 Radio Shack, Tarrant County College and, if I do say so,
8 Fort Worth Cats and LaGrave, for this wonderful project.
9 I encourage the pursuit and the dream to reality. Thank
10 you.

11 COL. MINAHAN: Thank you, Mr. Bell. Our
12 next speaker will be Ms. Darlia Hobbs.

13 MR. HOBBS: Thank you, Colonel. I have a
14 written statement I would like to submit to you before I
15 begin. I also have a formal request to give an extension
16 of 90 days, not just 30 days, as you have already done.
17 I also have a request from State Rep Anna Mowery for you
18 to also requesting 90-day extension because of the volume
19 -- massive volume of documents and things to go through
20 that all these people that are affected need to have more
21 time to evaluate and make proper comments.

22 Three minutes is not near enough to talk about all
23 the issues regarding this project, this monstrous project
24 that does not have to be a monster, it could be
25 environmentally friendly to all those affected. It does

1 not have to take away these 89 businesses from these
2 owners and their hundreds and hundreds of employees and
3 families that it does affect. There is no excuse for
4 abuse of eminent domain.

5 This is supposed to be the friendly city, as the
6 mayor would like to call it, but it is not being friendly
7 right now to these hundred and hundreds of people that
8 they are trying to tromp over. There are several
9 alternatives to the big Trinity plan. And to calling it
10 a community-preferred plan is a farce because is it not a
11 community-preferred plan. Most of the community has not
12 heard of more than three or four, at most, meetings
13 regarding this and that may have been in the last six
14 months. To say that there were over 200, as some people
15 have said, public meetings regarding this and today they
16 said 59, well, I haven't heard of any except in the last
17 very few months. Some I was not able to attend. I did
18 go and check on a few of the project sites, but the
19 general public in the county as well is as in the city
20 are not aware of all those meetings that they supposedly
21 had because they were not either advertising as such to
22 let the general public know, so that's totally
23 misleading. This project has been misleading and very
24 unstable in how they are trying to present this to the
25 public in many ways.

1 Right now in that area there is very little need for
2 flood control period. If they wanted to raise the levee
3 two to four foot, that would create a better flood
4 control for the 500 or 70-year hundred year flood, but
5 right now there is very little. And to say that this is
6 all in the name of flood control is totally misleading
7 and totally wrong. But if they continue with this
8 project and get away with the massive monster Trinity
9 vision that they are trying to do, it will create a need
10 for flood control, yes.

11 The P&G plan, as they all call it, is only \$10
12 million. Fort worth cannot afford, in the first place,
13 to put out the kind of money that it's going to take of
14 tax dollars money to put into this plan. It has gone
15 from \$220 million estimate to over 435 million. And that
16 is just the beginning, people, this is going to be closer
17 to a billion dollars before it's said and done. So if
18 you're looking the 435 million, that next year will be
19 elevated before -- probably before the end of the year
20 I'm sure. So a billion dollars is closer to what's it's
21 going to be real. Yet there is a billion dollars worth
22 of flooding and drainage control and poor bridges, "poor
23 bridges" by the city staff, and street repairs that are
24 needed right now in the City of Fort worth in the
25 neighbors, not downtown Fort worth, but neighborhoods all

1 around the whole city. Those people have been wanting
2 those and needing those fixed for decades. And this
3 project is going to delay, further delay, all of that
4 being done because the city cannot afford it.

5 Yes, it's our tax dollars, federal tax dollars, which
6 is everybody's federal tax dollars, county tax dollars,
7 water board tax dollars that I also pay, but I do not pay
8 city tax dollars, but I do pay, along with our sales tax,
9 when they say, oh, this is free money coming from the
10 government, that is totally misleading, it is your tax
11 dollars.

12 So, yes, they could do something like the river walk
13 in San Antonio. In reality that river walk is only three
14 or four blocks long, it's a three-foot deep water,
15 concrete ditch and they have landscaped it well with much
16 economic development, which could be done here without
17 affecting those 89 businesses and taking it away from
18 them against their will. So there are many alternatives
19 to this big, that monstrous project that could be
20 wonderful and great economic development, bring in
21 tourism, without destroying these business and families
22 against their will. So that's not even mentioning the
23 poor landowners and their private homes that they are
24 wanting to take away also. Thank you very much. And,
25 please, Colonel, please listen to the people. What you

1 are being told by the city officials and the water board
2 officials is not what the average citizen is thinking of.

3 COL. MINAHAN: Thank you, Ms. Hobbs. Our
4 next speaker will be Mr. Dan Villegas.

5 MR. VILLEGAS: Good evening, Colonel. I'm
6 Dan Villegas, I'm chairman of the Fort Worth Hispanic
7 Chamber of Commerce and I'm speaking tonight on behalf of
8 our board and our membership to express our support for
9 the Trinity Uptown Project. We think the project not
10 only has a practical purpose in terms of flood control,
11 but it's also going to create substantial redevelopment
12 of the near Northside of the city, it's going to bring
13 families back to the central city looking for jobs that
14 are going to be created well as opportunities, we expect
15 to have opportunities beyond and we just wanted to
16 express very briefly our support for this particular
17 project. Thank you.

18 COL. MINAHAN: Thank you, Mr. Villegas. Our
19 next speaker will be Mr. Robert Hobbs.

20 MR. HOBBS: Colonel, on behalf of
21 Mr. Silcox, my wife and Mr. Woodard, I will let them have
22 my time.

23 COL. MINAHAN: Okay. Thank Mr. Hobbs. Our
24 next speaker will be Mr. Lee Rogers.

25 MR. ROGERS: I'm just want of those average

1 citizens that the lady just before me said would not be
2 for the vision. I'm very much for the vision. I live
3 downtown. I've lived downtown since '93 when Sundance
4 West first opened and we have seen a lot of change in 12
5 years. We had one movie theater then and now we have two
6 multi-screen movie theaters, we have the new Bass Hall,
7 we have the Convention Center, we have people clamoring
8 to move downtown and live there. But one thing that
9 hasn't changed, with all due respect to Mr. Shannon and
10 Ms. Christi and your folks going before you, is that
11 Trinity River has changed very little.

12 Yes, we have hike and bike trails, we have a few
13 small dams so that both kayakers in town can enjoy them.
14 But the rivers to the north still says downtown stops
15 here and the levees still say do not cross and visitors
16 from downtown have no idea that we have a river.

17 The Trinity now is useless, it's wasted, but it could
18 be an asset, it could attracting people and companies
19 down to live, work and play. It could provide a place to
20 gather, to have lunch, to listen to a concert, to enjoy.
21 If Fort Worth is going to continue to grow to be vibrant
22 and alive, let's make the river people friendly,
23 something that will encourage the growth of our city
24 instead of being a barrier, let's have a focal point
25 downtown, a recreational area, more high density housing,

1 more offices, more shopping. Let's have a place to cool
2 off. In short, let's make the Trinity an asset in
3 instead of a flood threat. Thank you, Colonel.

4 COL. MINAHAN: Thank you, Mr. Rogers. Our
5 next speaker will be Mr. Thomas Threatt.

6 MR. THREATT: Thank you. I'm another
7 average citizen here, I'm not with any group, but I just
8 represent as a taxpayer. In spite of all the hype, I
9 think that is still a pork barrel project. It seems to
10 be less about flood control and more about pork and
11 excuse for real estate developers to create another urban
12 village, a place for trendy boutiques and condos, party
13 yuppies who think they've go to live by a lake or river.

14 and what about the 80 landowners and businesses that
15 will be kicked off their property for such properties.
16 It is truly horrible to enforce of any sort of eminent
17 domain removal. I hope they will continue to fight for
18 their property.

19 As for Kay Granger, I'm thoroughly disgusted with her
20 for spearheading this project, squandering all these
21 millions of federal funds for it. All this to spite the
22 fact that the government is trillions of dollars in debt
23 and also our troops in Iraq are inadequately funded and
24 equipped to fight the war.

25

1 And finally, why isn't this unseemly and unnecessary slab
2 of pork being brought into vote. I think the taxpayers
3 deserve a voice in this highly questionable issue. Thank
4 you.

5 COL. MINAHAN: Thank you, Mr. Threatt. Our
6 next speaker will be Mr. Dee Jennings.

7 MR. JENNINGS: Thank you, Colonel. My name
8 is Dee Jennings, I'm the president of the Fort Worth
9 Metropolitan Black Chamber of Commerce and I want to go
10 on record of supporting this project. We definitely
11 understand the hardship in some and especially concerning
12 the land. We hope that you're fairly compensated in this
13 process.

14 We understand change. If anyone in this town
15 understands change, it has to be the African-American
16 community. We've been part of change in this community.
17 No matter what we say here tonight, change is going to
18 come. It's the power to embrace the change that can make
19 the change. I think we're smart enough in Fort Worth to
20 embrace it in a way that all of us can be satisfied.

21 We happen to know that the Trinity River should and
22 can be an asset. We happen to know that there's a way do
23 to that. We happen to know that there are ecological
24 reasons and economic development reasons, some of which
25 we support contracting points of view. However, we also

1 know that if we don't change Fort worth, Fort worth is
2 going to change anyway with or without us. So we are in
3 fully support of this project. We know that change is
4 going to come and we hope that it comes for the
5 betterment of Fort worth. Thank you.

6 COL. MINAHAN: Thank you, Mr. Jennings. Our
7 next speaker will be Mr. Earl Alexander.

8 MR. ALEXANDER: Colonel, like Mr. Bell, I
9 want to speak to the issue of fairness. About 45 years
10 ago in my hometown of Nacogdoches, my grandparents, who
11 lived in the outskirts there on St. Augustine Highway,
12 learned the town loop was going to go through and not
13 only knock out their home atop a hill, but the hill would
14 be gone as well. They were saddened to lose their
15 property. They were fairly compensated. They realized
16 that the public officials had done a good job in
17 preparing the plans and so forth and they had some
18 friends that even had done the surveys. It was a change
19 that happened and they realized it was for the greater
20 good and they recognized they had been treated fairly.

21 for the last six and a half years I've been attending
22 board meetings of the Tarrant Regional Water District. I
23 have found that the board members and the staff and the
24 collaborators that you see as part of the announcement of
25 this hearing tonight, I have had occasion to work with

1 some of those on miscellaneous projects, I have found
2 them to be not only competent, but also fair. And I want
3 to offer my resounding support for the project.

4 I also say that I have gone to at least 15 public
5 meetings on this myself in the last three years.

6 COL. MINAHAN: Thank you, Mr. Alexander.
7 Our next spear will Mr. Glen Brooks.

8 MR. BROOKS: Thank your for the time,
9 Colonel. I'm Glen Brooks, I'm a business owner, property
10 owner, resident here in Fort Worth. My business is not
11 affected by the power of eminent domain, but I still have
12 concerns here that I think have not been addressed
13 totally.

14 I grew up in Burton Hill and I remember the flood of
15 seven '57, which no one talks about, and half of that was
16 under water. One of the things that I have had heard at
17 one of the meetings was the fact they going to breach the
18 in the levee that protects Burton Hill. Now, unless we
19 take Mr. Kleinheinz's property and Mary Ralph Lowe's
20 property and dig a real deep pit, those people are going
21 to be really affected. My son lives down there, so,
22 yeah, I'm a little concerned about his well-being and the
23 well-being of the neighbors as a whole.

24 Another thing that has been talked about, but not
25 adequately enough, is the fact that there's 20 percent

1 contingency for inflation. Now, as a business owner, I
2 can certainly feel what gasoline costs have done to us
3 here in the last year. And if you believe the economic
4 data that we're getting, we're at a critical balance in
5 the supplying and consumption of fuel. And any glitch in
6 this balance, I think 20 percent could be eaten up in a
7 heartbeat and we will continue to hear of cost overruns,
8 which we hear in the aviation/defense industry and other
9 things.

10 Another thing that concerns me is the political
11 climate in Washington. It can change. Maybe Kay Granger
12 loses her seat and a successor comes who is not as
13 favorable to this project. These promises from
14 Washington can be jerked away in a heartbeat and that's
15 another major concern. Thanks for your time. God bless
16 America and Fort Worth.

17 COL. MINAHAN: Thank you, Mr. Brooks. Our
18 next speaker will be Mr. Reed Pigman.

19 MR. PIGMAN: Colonel, my name is Reed
20 Pigman, among other things I chair the board of the Fort
21 Worth Business Assistance Center and I want to read into
22 the record a resolution in support of the Trinity River
23 Project.

24 Whereas, the Fort Worth Business Assistance Center,
25 as a 501 C6 non-profit organization with a mission of

1 supporting entrepreneurs through training, mentoring,
2 counseling, networking and procurement opportunities.
3 And whereas, as a result of the Trinity River Project
4 will be jobs and business creation and opportunities for
5 entrepreneurs to flourish. And whereas, the business
6 assistance center is available to assist and support
7 these entrepreneurs and business owners. And whereas,
8 security is the key to a healthy economy and high quality
9 of life and this project provides both physical security
10 in the form of flood protection and financial security in
11 the form of growth opportunities. And whereas, a strong
12 central city forms the nucleus of a strong community.
13 Therefore be it resolved that the Fort Worth Business
14 Assistance Center urges a favorable decision on moving
15 forward with the Fort Worth Trinity River Project. This
16 motion was passed unanimously by the board of directors
17 on July 20th.

18 As a personal note, I would ask you and the other
19 powers that be to be not only fair, but extremely fair
20 with the landowners and property owners here that are
21 impacted. Thank you.

22 COL. MINAHAN: Thank you. Our next speaker
23 will be Mr. Steve Hollern.

24 MR. HOLLERN: Good evening, Colonel, ladies
25 and gentlemen. I want to thank you for the opportunity

1 to take the citizens' input that you're giving this
2 evening on this \$435 million project and I sincerely hope
3 that the citizens, the comments that are made, will weigh
4 heavily on your mind as this project is being evaluated
5 and not just put it in the condolences file. I know
6 you're here to do the right thing.

7 I'm a CPA, I office in a building that looks down on
8 the Trinity River. I live on the westside of Fort Worth
9 in Ridglea Hills. My comments will run to two levels.
10 First, I'm concerned about financial aspects of this, and
11 secondly, property acquisition.

12 On the federal level our annual deficit has been
13 running between a third and half a trillion dollars. Not
14 counting the (inaudible) push the numbers even higher.
15 Our national debt is consistently seven trillion dollars
16 or more than a \$100,000 for ever family of four in the
17 United States. On top of that the social security
18 surpluses that should have been invested have went to
19 other parts of the federal government and spent and the
20 only way the government can repay those funds to social
21 security is to raise future taxes.

22 On the local level city officials admitted that Fort
23 Worth has over 700 miles of streets that are in serious
24 need of repair and those repairs will cost more than \$400
25 million. In the last road bond election voters passed an

1 approved 65 million road repair improvement bonds.
2 simple math leads any school child to conclude that Fort
3 worth has over 350 million of unfunded repair costs that
4 cannot be met.

5 To compound the shortfall in the available funds, the
6 start-Telegram reported several months ago that the
7 city's budget for upcoming year was \$15 million in the
8 red and that major cuts and/or wage restrictions would
9 need to be evaluated to overcome the deficit in our
10 general fund.

11 Contributing to our financial problems is the fact
12 that the city has the highest level of (inaudible)
13 indebtedness in the state and has one of the largest
14 amounts of property off the tax rolls because of rebates,
15 tax increments and financing districts, public
16 improvements districts than any major city in the state
17 of Texas. We heard today that the entire value of this
18 property has already been dedicated due to a tax
19 increment financing district, basically meaning that the
20 valuing that comes from this project, if it does
21 materialize, will not help the general fund, will not
22 help the citizens of Fort Worth.

23 Somehow there seems to be a major disconnect in the
24 minds of our public officials as to the budget problems
25 and the decisions that have to be made to subsidize

1 corporate and private businesses. They don't seem to
2 make the connection. I understand the Corps originally
3 proposed a (inaudible) and flood project that cost less
4 than \$10 million. Obviously, the difference between \$10
5 million and \$435 million means there are significant
6 improvements being proposed that go way, way beyond flood
7 control, thus the real question here is can we afford to
8 spend money for a nice to have project at a time when
9 neither the federal or city governments are able to live
10 within their means. That's like irresponsible parents
11 buying ice cream and cake for their children when they
12 can't afford to feed them vegetables.

13 on the other side, on the issue of how are we going
14 to acquire property through the practice of condemnation
15 through eminent domain, it's one thing to take private
16 property for roads and public buildings, it's quite
17 another to take one person's private property and turn it
18 over to other private owners for the purpose of economic
19 development. Simply put, this is wrong. If government
20 can take an individual's property because the government
21 doesn't think the individual is putting the property to
22 its highest and best use, then there is no such thing as
23 private property rights. This is nothing more than a
24 slippery slope down the road to communism, socialism, a
25 situation concerning property rights where the state's

1 interests are secured more than those of individuals.
2 That is not why this country was created and that's not
3 why men and women have fought and died for liberty in
4 Valley Forge.

5 I'll make a compact with the city fathers. If they
6 fix our streets, retire our debt, balance our budget, I
7 will support this project, but not until then. Thank
8 you.

9 COL. MINAHAN: Thank you, Mr. Hollern. Our
10 next speaker will be Mr. Doug Harman.

11 MR. HARMAN: My name is Douglas Harman and
12 I'm very pleased to be here in support of the project
13 both as a city resident and also as president of the Fort
14 Worth Convention And Visitors Bureau. I think it's only
15 appropriate that I thank the colonel, the military
16 organization and his used to conflict from time to time
17 take an issue as thorny as this one and seek to find the
18 right solution. And I have a great deal of confidence in
19 the people who have looked at this there project, I think
20 many, many observations have been made about the
21 thoroughness of the studies, the complexity of the
22 issues, the importance of the various issues and I think
23 they have been very carefully examined. In fact,
24 downstairs in the exhibits that you have there, I think
25 is a wonderful reflection of the thoughtfulness given to

1 the overall project.

2 I think from the standpoint of looking at these
3 issues, I certainly agree with the importance of fairness
4 in the terms of the compensation to private property
5 owners and I think that is certainly one of the main
6 objectives here, but also I think there's an issue of
7 what is in the benefit of the overall city. And from the
8 standpoint of the city, this is not just an issue about
9 the adjacent property owners, it's really about the
10 overall city.

11 I think back to some of the major distinctions that
12 have been made through the years by the city government,
13 by the other entities in this area that have made a
14 significant difference. Certainly the first phase of the
15 flood control were very important because it stopped the
16 negative of the very large floods that affected us. But
17 you look at the convention center, which changed really
18 the face of downtown, the southern part of downtown, with
19 the result of tremendous economic development and
20 beneficial things there. Alliance Airport, we could have
21 done without Alliance Airport, but the economic benefits
22 of that have been just absolutely staggering and obvious
23 and very positive to this city.

24 I really urge you all to continue with the thoughtful
25 work that you are already doing. The Fort Worth

1 Convention Bureau, obviously we have a very deep interest
2 in the amenities of the city from the standpoint of
3 visitors, but the number one issue is if that the
4 amenities of the city are great for the citizens of the
5 city, those amenities are going to be very popular to the
6 visitors to the city.

7 I think you if look at the river, the river should be
8 a wonderful asset, it a has been and has become a
9 tremendous asset, not just in San Antonio, but cities all
10 the around the country that the Corps of Engineers has
11 had a great deal of involvement with. I think through
12 your leadership, through the leadership of the water
13 board and the city council, I think we can continue
14 forward in a way that it benefits the entire city and
15 also benefits the entire city in terms of long-term needs
16 of Fort Worth. Thank you very much.

17 COL. MINAHAN: Thank you, Mr. Harman. Our
18 next speaker will be Mr. Byron sousa.

19 MR. SOUSA: Good evening, Colonel. I
20 actually have registered for tomorrow, but I'll take the
21 opportunity to say a few words tonight. I believe that
22 we really need to be considerate about the exchanges that
23 we're talking about in regard to the Trinity River Vision
24 and also to be concerned about the eminent domain
25 situation because we do not want to take land away from

1 your citizens. This is a real issue here.

2 And it's obvious that the Trinity River Vision is a
3 very nice project, however the question is can we afford
4 it. And considering the figures that we know about,
5 considering the situation that the city of Fort Worth is
6 presently in as seen heretofore, considering it's 15
7 million in the red for this year's budget and considering
8 the street problems that we're having in this city,
9 considering the drainage issues that we're talking about,
10 we cannot afford to spend the amount of money that we're
11 talking about. And this is what we would like you to
12 consider when you look at this project. Thank you very
13 much.

14 COL. MINAHAN: Thank you, Mr. Sousa. Our
15 next speaker will be Mr. Bill Greenhill.

16 MR. GREENHILL: Thank you, Colonel. My name
17 is Bill Greenhill, 1608 Ashland Avenue in Fort Worth
18 Texas. First, I congratulate you, Colonel, for your
19 stamina, you're upholding the honor of the military. I
20 have been at the very back and you have not moved one
21 inch this whole time. Bless your heart.

22 I'm the chairman of the zoning commission for the
23 City of Fort worth and the representative of District 7,
24 which is adjacent to the Trinity River where some of
25 these folks live and may lose their property. I'm here

1 as a private citizen and want to address my support for
2 this project.

3 As a member of the zoning commission, I have been a
4 member of many, many committees that have worked very
5 hard in regard to coordinating the certain aspects of
6 this project. And I also want to state that as a lawyer,
7 I am a very strong believer in the constitutional rights
8 of each citizen of this country. I, as a lawyer, work
9 with the law every day and I'm confident that the 14th
10 Amendment will be supported, that no person shall be
11 denied property without due process of law and that due
12 process of law means fair compensation for their property
13 and I am a strong supporter of that.

14 But, anyway, I lend my support for the project with
15 many, many reasons that have already be stated before me.
16 Thank you very much.

17 COL. MINAHAN: Thank you, Mr. Greenhill.
18 Our next speaker will be Mr. Clyde Picht.

19 MR. PICT: Thank you for having this open
20 meeting. This is really one of the first open meetings
21 we have had on this project. For a project of this
22 magnitude, I think we should have had a dozen by now and
23 a dozen more to come because the public needs to know
24 that this is not really a flood control issue, it's an
25 economic development issue.

1 If we were doing this as a flood control project, as
2 the Corps outlined for ten and a half million or \$10.9
3 million, as I read in the Star-Telegram a few weeks back,
4 it would not require the eminent domain taking of private
5 property upon the north side of town, it wouldn't require
6 eminent domain to take property out on White Settlement
7 Road, it wouldn't require eminent domain or buying the
8 193 acres out in the River Crest area, all that property
9 would stay in the ownership -- the private ownership and
10 could be developed by the private owners or sold for
11 development.

12 I think it's important to know that this is all tax
13 money, folks. When we say federal money, all deference
14 to Congresswoman Granger for getting us \$110 million.
15 She's going to have to get us another \$110 million to
16 add to the first 110. There have been many reports from
17 Jim Oliver and others who have said, well, if we don't
18 get all the money that we need, we'll get it someplace
19 else, but it wouldn't be on the backs of the taxpayers.
20 My friends, we're all paying for it, it's all taxpayer
21 money, all \$435 million. If the costs have gone up 26
22 percent in one year, as one of your previous speakers
23 noted, what's it going to be in the next year and the
24 next year and the next year after that. In eight years
25 on the city council, I have seen many public projects

1 like Evans Avenue, Mercado One, Mercado Two, I've seen a
2 publicly financed hotel and one other boondoggle, they
3 were all forecast to be great deals, big money makers,
4 they have all been over budget and the expectation were
5 all lower than we hoped for and I think that's going to
6 be what happens here, too.

7 And I think if you look at the concept, while
8 marvelous as it is, it really is, and it almost makes you
9 want to go write a check to the tax assessor when Mayor
10 Moncrief the boating and the eating and all the fun we're
11 going to have on the river. But in reality a lot
12 of those amenities that are on the river are not part of
13 this plan. The little canals that are being brought up
14 from Vancouver that are essential aren't funded in the
15 current \$435 million, they would have to be funded later and
16 we don't know what the cost is going to be. Some of it
17 is going to be tax money, I guarantee it, it's going to
18 be city tax money. And if we keep putting money in this
19 project out of our bond programs, for every dollar that
20 goes into this is a dollar that doesn't go into libraries
21 or other necessary infrastructure improvements in the
22 suburb on the inner city of Fort Worth. We're not
23 funding things that we need in Fort Worth, we don't need
24 to fund this instead. I would urge you to make a little
25 fuss over this, folks, we really don't need this kind of

1 project. This is pork barrel spending in spades and we
2 don't need it. Thank you for having us here.

3 COL. MINAHAN: Thank you, Mr. Picht. Our
4 next speaker will be Mr. Tom Harris.

5 MR. HARRIS: Thank you, Colonel. I'm Tom
6 Harris, I'm senior vice president of Hillwood Properties
7 in Alliance, Texas, in the north of Fort Worth. I would
8 like to read a statement into the record in support of
9 this project.

10 Hillwood supports the Trinity River Vision Central
11 City Project because it will further enhance the city's
12 downtown vitality, provided future economic development
13 and will create another great destination for the City of
14 Fort Worth. As one of the top real estate developers in
15 the Texas and the developer of 17,000 acres, the
16 Alliance, Texas project in north Fort Worth.

17 Hillwood realizes the importance of a strong
18 downtown. More than 60 Fortune 500 companies have
19 located facilities in Alliance, Texas, since the
20 inception of the project. Among the reason for their
21 selecting Alliance, Texas, was the culture, entertainment
22 and business options provided by the City of Fort Worth.
23 with all the nearby land available for annexation, Fort
24 worth has the ability to double in size. It only makes
25 sense that downtown grows in the same way and provides

1 more office, retail and entertainment options that will
2 help Fort worth remain one of the worlds most liveable
3 cities.

4 Hillwood is excited about the development
5 opportunities that will be created by this Central City
6 Project. The protect already has attracted new corporate
7 campuses of Radio Shack and Pier 1 and the exciting new
8 Downtown Tarrant County College campus. The uniqueness
9 of the Trinity River Vision Central City Project will
10 attract new companies and retailers to Fort worth. The
11 new tax revenues of the companies will help fund and
12 support services and infrastructure that will need to
13 increase as the city continues to grow.

14 Fort Worth is known around the world for its great
15 destination. Sundance Square, stockyards, museums and
16 the culture district and the Texas Motor Speedway have
17 attracted a tremendous number of tourists as well as
18 provided entertainment options for more than 5 million
19 residents in the North Texas region. This Central City
20 Project will not only complement this districts, but will
21 offer another unique place for residents to enjoy and
22 tourists to visit.

23 These are only a few of many reason why the Central
24 City Project should move forward. This area has a legacy
25 of great leaders who with vision and fortitude can create

1 a project that will ensure the tremendous quality of life
2 that we currently enjoy. The Trinity River Central City
3 Project is the next project that we should all look
4 forward to becoming reality. Thank you very much.

5 COL. MINAHAN: Thank you, Mr. Harris. Our
6 next speaker is John Chambers.

7 MR. CHAMBERS: Colonel, my name is John
8 chambers, I'm a private citizen. I wish to address the
9 situation of flooding for Fort Worth and not get involved
10 in any kind of economics of the development of Fort
11 worth, but we have had a flooding situation in Fort Worth
12 for many, many years and I would like to address some of
13 the concerns and also some of my personal experiences
14 that I have had over the years.

15 In 1949 we had a huge flood in Fort Worth. It
16 toppled the second story of the Montgomery Wards
17 building. Then in 1957 we had another big flood that
18 flooded out many residential areas. And due to the
19 efforts of Representative Jim Wright, funds were
20 provided. The Corps of Engineers did levees and they
21 contained the river for -- ever since 1957.

22 The biggest flood -- '49, that's what they refer to
23 because there were no levees, everything was flooded. In
24 1981 was the largest amount of water that has come down
25 the west Fork of the Trinity River. It was well

1 controlled by the levees that your organization put in
2 place. There was no flooding and it was stated at that
3 time that that was a 50-year flood. If you add 25 more
4 years, it was a 75-year flood, because we haven't had
5 anything that even comes close to approaching that.

6 The main source of flooding for Fort worth, now
7 contained, is the Big Sandy tributary of the West Fork,
8 which you're probably acquainted with, and it is a
9 totally uncontrolled tributary, not totally uncontrolled,
10 but almost. And this tributary, the Big Sandy, there has
11 been planning in existence since 1978 to put in 57
12 relatively small dams to control the flow for that water.
13 And it's a different agency from yours, it's the USDA
14 Natural Resources Conservation Service. But even so, if
15 those dams were built and in place, there were 57
16 planned, 11 have been built, there is still needing funds
17 for 46 more dams. If those 46 dams were built, there
18 would be no flooding in Fort worth. The Big Sandy would
19 be controlled, that raging bull that comes down the river
20 every few years and floods us would be controlled and
21 what you would have would be a steady flow of water
22 coming into Fort worth and that would control the
23 flooding and what we now have in place would be more than
24 adequate to take care of it. Thank you very much.

25 COL. MINAHAN: Thank you, Mr. Chambers. Our

1 next speak letter will be Mr. Jim Vreeland.

2 MR. VREELAND: Earlier in my knowledge of
3 this project, the former Councilman Jim Lane said that
4 there were several family-owned businesses in the project
5 area that have been there for generations and have been
6 important contributors to the community, he hoped they
7 would be treated fairly. I don't understand why these
8 businesses were not included in the plan. I don't
9 understand why the city's economic development department
10 would not share the plans with the affected businesses so
11 they would have the same amount of time to plan for their
12 futures as the project's planners have had to develop the
13 bypass plan. It appears from the lack of concern shown
14 to the affected property owners that these folks just
15 don't count. Who does count? It appears a lot of money
16 is going to be spent for a very small group of developers
17 at the expense of all taxpayers. I do not believe it's
18 right to have ignored the property owners during the
19 planning stage and to tout 59 meetings with a thousand
20 people attending when you consider the population
21 involved in paying for this. It is ridiculous.

22 I don't want to pay for or have my children or my
23 children's children or my children's children's children
24 to pay for such a private development project. I urge
25 you to take the \$10 million P&G option and let the

1 private developers provide the economic development.
2 Thank you.

3 COL. MINAHAN: Thank you, Mr. Vreeland. Our
4 next speaker will be Mr. Nick Cojocaru.

5 MR. COJOCARU: I'm one of those property. My
6 name is Nick Cojocaru. (Inaudible)

7 In the '70s in Romania lost property to the city and
8 here I am today. so please, please take us (inaudible).

9 COL. MINAHAN: Thank you, Mr. Cojocaru. Our
10 next speaker will be Mr. Terry Coote.

11 MR. COOTE: Thank you, Colonel, for the
12 opportunity to come here to speak this evening. I am a
13 business owner, property owner and until recently
14 resident of Fort Worth. I am absolutely against this
15 Trinity River Vision. I have I had a vision myself, as
16 my friend Bob, that one day somebody would come along to
17 buy my property from me and I would be old by then
18 waiting to retire from my line. I had no idea that it
19 would be in the guise of flood control and with the use
20 of eminent domain. I cannot think of anything more
21 unAmerican than taking a man's property. That is
22 communist, that is socialist. It's not right. Thank
23 you.

24 COL. MINAHAN: Thank you, Mr. Coote. Our
25 next speaker will be Ms. Judith Crowder.

1 MS. CROWDER: My name is Judith Crowder. I
2 am an owner of property in the project. I have a list of
3 questions here because I did my homework that brings
4 about real questionable planning on the part of the
5 bypass channel. I don't want to get into those now
6 because I think it's more important to follow up on some
7 of the comments that have been already made here.

8 One comment from the very first speaker in regards to
9 concerns about the project stated that it's a big plan, a
10 big project and where is the studies? There's a P&G
11 alternative proposed for the bypass channel, but on page,
12 I think, 186 it states that the P&G plan didn't even
13 investigate economic development. why not?

14 we heard people speak in favor of this project as
15 though the city's well being depended on it. That's not
16 true. The P&G project -- I mean the P&G alternative
17 offers a way to fix the levees. The bypass channel
18 offers a way, they say, to address the flooding, but they
19 have to go outside the project area, go to the river bend
20 area, to develop mitigation sites because they cannot fix
21 the problem of flooding with a bypass channel in the
22 project area. That is not a good idea. If you're going
23 to have a project area that we talk about we want it to
24 have economic development, but we have go over into other
25 people's land in order to make it work, this is not good

1 planning.

2 we have heard here today that we want all of the
3 landowners to be justly compensated, to be fairly
4 compensated. That's an easy phrase to say, isn't it?
5 And that also kind of just brings everything down to
6 dollar and cents. What about the dreams, what about all
7 the hard work, what about the building of companies and
8 businesses that people want to leave to their children?
9 You think that you can just pay them for that? I don't
10 think so. There's nobody in this room, myself included,
11 or in the city that wants anything negative for the City
12 of Fort Worth, but we have been led to believe that the
13 Trinity River Central City Project is the only way in
14 which the City of Fort Worth can go forward. That is not
15 true. Some of the opponents of this project are some of
16 the developers themselves who had the forethought and
17 vision to develop in the Northside. The Trinity is a
18 great project, I commend them on their imagination. I
19 think it's wonderful that the city has the Cats baseball
20 team back and I think it's great that that man is going
21 to develop adjacent to it. I think it's good that
22 Tarrant County College has chosen the site that it has.
23 But I don't believe that any developer or college
24 directors would make a decision to locate their project
25 in an area based solely on the possibility that we might

1 get fed money to build it. I don't think so.

2 The paper said that Tarrant County College chose that
3 site because it provided them the location to service the
4 80,000 people that are living in the Central City. I
5 think that was a good answer. If the money doesn't come
6 forward and the bypass channel doesn't good forward, is
7 Tarrant County College going to change their mind and
8 move, not go forward with their project? I don't think
9 so. If Trinity River Vision Central City project does
10 not happened in the way it has been outlined with the
11 bypass channel, is the Cats baseball team going to move?
12 I don't think so.

13 America believes in the free market. The market is
14 very seldom wrong. Oftentimes city planners are dead
15 wrong, as Councilman Picht pointed out. That land will
16 develop in the way it needs to develop as the market says
17 it should, just like downtown Sundance Square redeveloped
18 after the flight to the suburbs when the market said it
19 is time.

20 You don't need \$435 million to build a planner's
21 vision. I don't question that the project looks great in
22 the (inaudible), it does. And all of the incentives that
23 are talked about for this economic development to
24 happened with this bypass channel can still happen. Let
25 the city step up to the plate. They know how to put

1 forth tips, they understand tax abatements, let them come
2 forward and encourage private development.

3 Now, there has been a discussion about bringing
4 people back to their river. I think that's a great idea.
5 But understand that when they build this bypass channel,
6 the quiescent body of water that is referred to is no
7 longer the river, it is not the natural river. And if
8 they can build a levee with a hard surface that they say
9 can be for parks, bikes, strolling, recreation, have they
10 ever investigated using the current levee system to bring
11 people back to their river? A little harder to do
12 engineer wise, but my engineer said it can happen for a
13 lot less money.

14 I find the most disturbing thing about this and that
15 is that we seem to have forgotten that a community is
16 made up of individuals that respect each other and that a
17 community has to believe that they have rights of
18 ownership. And all of these people who have stated up
19 here that they hope that the property owners are justly
20 compensated, what will they say when it's their turn.
21 Thank you.

22 COL. MINAHAN: Thank you, Ms. Crowder. Our
23 next speaker will be James Bradshaw.

24 MR. BRADSHAW: I'm James Bradshaw. I'm one
25 of the affected property owners on White Settlement Road.

1 I'm a little disappointed in the project because they are
2 taking my tax money, city, state, local, federal to pay
3 for this. It's my money and I'm paying to put myself out
4 of business. That to me is not fair.

5 Also I'm spending time up here when my family is at
6 home, I'm not there. I'm spending lots of time trying to
7 protect my interest when someone else decided that my
8 property is going to be theirs. That to me irritates me.

9 I've learned quite a bit about eminent domain law
10 recently. I don't know how many people understand how
11 the eminent domain process works. If I really thought it
12 was going to be a fair process, I wouldn't be here, I
13 would home with my family. They state that 75 percent of
14 people who are relocated after eminent domain, their
15 businesses fail. That concerns me.

16 I'm looking at -- mostly disgruntled are left here,
17 there's not just a whole lot of the other people, they
18 decided to leave. But I would like a show of hands of
19 people who really feel like that we're going to feel like
20 we've gotten just compensation when we're moved out. Is
21 there anybody here that wants to stand up and be on
22 record and say that we think that we're going to be
23 justly compensated? Am I going to feel good about this
24 process when it's over? I hate to point a finger at you,
25 Mr. Toll, but you're kind of spearheading this. If

1 there's anybody that wants to put their hand up and feel
2 like that I'm going to be taken care of and I'm going to
3 feel good about this process, would they please stand up
4 and show their hand right now? And I'm probably going to
5 ask this question tomorrow night too. So basically
6 that's what I've got to say.

7 COL. MINAHAN: Thank you, Mr. Bradshaw. Our
8 next speaker will be Mr. Jim Beckman.

9 MR. BECKMAN: Thank you. My name is Jim
10 Beckman, I live at 2200 Bedford Court in Fort Worth. And
11 I'm on the board of Streams and Valleys. My friends and
12 anyone who knows me would expects me to be for this
13 project and I am. And I came tonight to appear with
14 comments having to do with the environmental issues
15 because this is supposedly comments in response to the
16 environmental impact statement. Now, up to now I figured
17 I've got the wrong speech. All you guys are here for
18 eminent domain, I understand that, I have a business, I
19 would be pretty upset if I had to move my business. I
20 think they are going to be as fair as they can. They are
21 not going to give you a gift, but I believe there's a
22 system and there may be some of you that don't think --
23 think you should get a million dollars and you only get
24 half a million so you're unhappy. I'm very sorry, but I
25 can't entertain you. Up to now we've had great

1 entertainment, fantastic entertainment, he's the best
2 speaker I've ever heard, I just wish he would stick to
3 the subject.

4 AUDIENCE: He's speaking the voice of
5 people, sir.

6 MR. BECKMAN: That is not a venue for --

7 COL. MINAHAN: Mr. Beckman, this is a time
8 to make a statement. Please do so.

9 MR. BECKMAN. There are impacts. What is an
10 environmental impact? we have flood control and
11 everybody here admits that this is a program to help
12 flood control. May not be right the way, but it is.
13 That's number one.

14 AUDIENCE: No, we don't. we don't get that.

15 COL. MINAHAN: Ladies and gentlemen, please.
16 This is his opportunity to make a statement.

17 MR. BECKMAN: The second thing it will do as
18 far as environmental impact, there is 838 acres, there
19 are environmental issues on a lot of that, there are
20 pinnacles (inaudible) up there. This program will clean
21 up the environmental properties. Anybody disagree with
22 that?

23 COL. MINAHAN: Please make a statement, not
24 a --

25 MR. BECKMAN: It won't clean it up, I

1 suppose. I say it will. That's the second thing. The
2 third thing on environmental impact is that there will be
3 more recreational facilities, more bike trails. I
4 realize a lot of you don't agree that's worth anything.
5 I think it is imminently important to have those sorts of
6 things for the citizens of Fort Worth. Thank you.

7 COL. MINAHAN: Thank you, Mr. Beckman. Our
8 next speaker will be Ms. DeAnn McKinley.

9 MS. MCKINLEY: I was going to ask when the
10 last time the project area flooded, but Mr. Chambers did
11 a very wonderful job for us and so I guess I need to move
12 on to the subject that they say that we need maintenance
13 on our levees, that may be true. Then you have this cost
14 benefit ratio that has to be analyzed, but this can be
15 done for just a mere 10 million, which I think is more
16 economical than 435. But then we see that the city has
17 many needs of flooding throughout the city and the city
18 only has so much bucks so it needs to be equally
19 distributed. One area of town should not benefit while
20 another area of town, like the newspaper brought out, all
21 the need flood control too. However, the majority of
22 this project is about city design or that seems to be
23 what most of this is the scope is talking about in this
24 environmental impact. I did not know that that was
25 the purpose of federal funds, city design. Learned

1 something new.

2 Property owners want to see the city grow, they want
3 to participate in the city. We believe that this project
4 could be beneficial to the employees and the owners by
5 letting private enterprise handle the growth of Fort
6 Worth.

7 I have a couple of questions that I just wanted to
8 put forth. Why didn't the P&G plan address the ability
9 to continue businesses in the area along the aside the
10 new projects as well as the urban development? What
11 would keep the same zoning and the other development
12 incentives proposed by the bypass channel -- by the
13 bypass plan from working the P&G plan? If urban
14 development occurred in the project area without the
15 bypass plan, wouldn't it create the same quality of job
16 growth as shown by the bypass plan? How did the river
17 bend area get added into the plan as an integral part?
18 Isn't it true that it is only added to the study because
19 the river flow could not be accommodated in the project
20 area by the bypass channel? These are some additional
21 questions. Thank you.

22 COL. MINAHAN: Our next speaker will be Mr.
23 Mr. Mark Knittle.

24 MR. KNITTLE: Thank you for this opportunity
25 to speak. I would like to quote from Task 14. It's a

1 project of the united States Department of Interior.
2 There are 1,782 federal manmade lakes in the United
3 States. In and almost all cases construction of these
4 lakes caused disruption to natural river flow regimes,
5 causes losses of river-in habitats for fish and wildlife,
6 impacts water quality through changes in sediment load,
7 dissolves oxygen, water's temperature and (inaudible)
8 concentration levels. The interrelation to lakes of
9 activities within the watersheds affects manmade lakes to
10 a much larger degree than natural lakes. This is because
11 in general manmade lakes have a much greater watershed
12 area to lake surface area ratios. Consequently, manmade
13 lakes are impacted by a much larger watershed area than
14 natural lakes resulting in a higher sediment and nutrient
15 load than their natural lake counterparts. Consequently,
16 the aging process of a manmade lake can be accelerated
17 because of a more rapid sedimentation, nutrient and toxic
18 chemical buildup. In worst case, a manmade lake's total
19 volume can be lost to siltation, example Lake Ballinger,
20 Texas, (inaudible) Reservoir in California, Malichukke
21 Lake in Tennessee. That's the end of that task 14.

22 Bringing this closer to home, the Texas Department of
23 Health in 1995 banned the eating of fish caught at Echo
24 Lake, Lake Como and Foresik Lake because of what they
25 termed legacy pollutants. In 2,000, the City of Fort

1 worth received a \$475 thousand grant from the EPA for a
2 study to find cost-effective ways to clean up the water.
3 The EPA put a ten-year deadline to identify polluted
4 waters, find the source of pollution, advise clean-up
5 plans, clean-up options to include lake dredging, erosion
6 prevention or street sweeping to remove pollutants before
7 they enter storm drains that lead into rivers and lakes.
8 The EPA grant pays for testing only. who will pay for
9 the cleanup?

10 Did we ever figure out how much it would cost to
11 dredge Lake worth? sedimentation has made that lake just
12 a few feet deep in many places, making it too dangerous
13 for boating or skiing. The city is working with the Army
14 corps of Engineers on a study to environmentally restore
15 just portions of the lake.

16 I would like to see the City of Fort worth
17 demonstrate the ability to take care of our existing
18 lakes before they begin new ones? would not our money be
19 better spent fixing the problems we have before we create
20 new ones? seems like child's play to me. But elected
21 officials, like children, prefer to start new projects
22 before they finish existing ones. Thank God we have the
23 right to vote in this country. I prefer to vote now
24 before the project begins. I'll vote baker if I have to.

25 COL. MINAHAN: Thank you Mr. Middle. And

1 that completes the requests we have for folks to make a
2 statement. Is there anyone else in the audience who
3 would like to make a statement? State your name for the
4 record.

5 MR. SAHANI: My name is Sabree Sahani and I
6 am the owner of Texaco gas station. I have been there
7 for ten years. And I remember when they built Radio
8 Shack, I'm right next door neighbor, and nobody even ever
9 tell me that probably they are going to build, even that
10 build. That was for me was the perfect place to build,
11 they want to build a lake, that was the perfect place to
12 build Radio Shack place and it would look better for the
13 city instead of disturbing all 80 businesses here where
14 have families, businesses and also we have employees
15 who's going interrupt. And hundred years of economic
16 work for those people who work hard for the living and
17 here they are to cry to you to support us. Please do so
18 and God bless you and God bless America. Thank you.

19 COL. MINAHAN: Is there anyone else? Ma'am.
20 state your name.

21 MS. HOBBS: Darlia Hobbs and I will take my
22 husband's three minutes if I might. Among other things,
23 like they have said a few minutes ago, Fort Worth has
24 other lakes that it has let go downhill over and over for
25 decades. Look at lake worth, as he said, the average

1 depth is four or five feet. That's ridiculous. It could
2 have been prevented, it could have been changed, it could
3 have been improved. You have a wonderful place right
4 there on Lake worth, but you cannot even eat the fish out
5 of Lake worth because it's so contaminated. What has
6 Fort worth done about that for the last decade? Mayor
7 Moncrief, if you get this message, would you let us know
8 what Fort worth has done about being able to eat the fish
9 or go swimming without worrying contaminating your body
10 just like the fish are contaminated in that lake, not to
11 mention the crocodiles? So Lake Worth, not to mention
12 Lake Como. Lake Como has been there for a long, long
13 time and all the people in that area deserve a nice place
14 to be able to go fishing or swimming and use recreation,
15 they deserve it as much as the people that are downtown
16 and they have been waiting longer than those new
17 residents that are downtown.

18 so please take care of what you already have before
19 you go try to yank it away from other people for your own
20 private desires and for greedy developers. And all
21 developers aren't greedy. There are some wonderful guys
22 out and people that are developers. But unfortunately
23 there is a group that stands to profit by millions from
24 this project and it is not fair the expense of these
25 taxpayer businesses and residents that are affected right

1 now. Thank you.

2 COL. MINAHAN: Thank you. Is there anyone
3 else? State your name.

4 MR. WALLER: My name Joe Waller. Thank you,
5 Colonel. I really didn't plan on speaking tonight, I
6 just wanted to make one quick comment. First, I will be
7 back tomorrow night, I will discuss the study and my
8 thoughts about it. But I wanted to say to you, sir, that
9 the reason people are here -- and I'm preaching to choir
10 almost, the majority of the people that are here are
11 against this -- the reason they are here and the reason
12 they are talking about the things they are talking about
13 instead of talking about your study is that there really
14 haven't be opportunities to talk about this. Those
15 public meeting have honestly not been well publicized.
16 Mr. Shannon said a thousand people came to 59 meetings.
17 That's less than 20 people a meeting. Isn't that right?
18 Yeah, that's less than 20 people a meeting and we had 20
19 people here tonight that represented city government,
20 chambers of commerce, city employees, visitor and
21 Convention Bureau, a couple of developers, Kay Granger,
22 the mayor, people with the city government, the chamber
23 of commerce, as I mentioned. Radio Shack Corporation did
24 certainly have interest in this and so on, Fort Worth
25 Cats, he stands to benefit from all this. We understand

1 all that. The problem is that there just haven't been
2 enough public meetings where the citizens, the taxpayers.
3 The city is the citizens, the city is the taxpayer, and
4 there haven't been enough opportunities for them to speak
5 and talk about the things that have been said tonight so
6 eloquently and with emotion. And I'll see you tomorrow
7 night. Thank you.

8 COL. MINAHAN: Anyone else?

9 MR. WOODARD: I would like to hear it for
10 Colonel Minahan.

11 COL. MINAHAN: Thank you everyone for your
12 patience. And I would also like to thank you for the
13 courtesy throughout this meeting for each other. I want
14 to remind you you have an opportunity to tomorrow, same
15 forum, meet at 4:00 o'clock on the first floor and come
16 in here at 7:00 for similar format for statements. And I
17 would like to mention we're preparing a transcript of
18 tonight's meeting so your statements are being recorded
19 for consideration. All comments (inaudible) to the
20 project manager Beckie Griffith or e-mail. And, again, I
21 want to thank you all for your statements. It's very
22 important to us and the decision process for the
23 environmental impact statement. And I'll stay up and
24 Beckie Griffith will stay up here and others from our
25 organization if you want to come up and ask questions.

1 Thank you.

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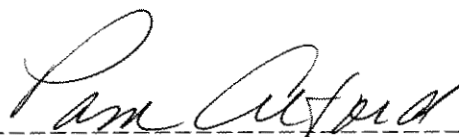
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CERTIFIED SHORTHAND REPORTER'S CERTIFICATION

I, PAM ALFORD, certified shorthand Reporter in and for the State of Texas, hereby certify to the following:

That above proceedings are a true and accurate transcription of the proceedings held at the above cited time and place.



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FORT WORTH CENTRAL CITY PROJECT
OPEN HOUSE
JULY 27, 2005

1 STATEMENT MADE FOR THE RECORD BEFORE THE MEETING STARTED

2 MR. PERRIN: My name is Geoffrey Perrin. I represent
3 Mary Ralph Lowe, who resides at 800 River Crest Road in
4 west Fort worth. The Trinity River Vision Project will
5 affect much of her 150-acre tract of prime real estate,
6 which has been in her family for over 50 years. Ms. Lowe
7 strenuously object to the use of her land for this
8 project and urges the Tarrant Regional Water District to
9 look else where to locate its water storage project on
10 less valuable lands. She Also feels terrible about the
11 businesses being displaced due to this project.

12 Ms. Lowe had her lands surveyed in 2000, from which a
13 plan was prepared for the development of a minimum of 238
14 prime residential lots. Also, the highly productive
15 Barnett shale gas field lies be neither her land and at
16 least four wells could be drilled on the property under
17 existing regulations promulgated by the City of Fort
18 worth.

19 Taking her land over her objections will precipitate
20 a prolonged and expensive legal battle that will delay
21 the whole Trinity project and put the river project at
22 risk. Thank you.

23 *****
24
25

P R O C E E D I N G S

1
2 COL. MINAHAN: Good evening, Everyone. I
3 would ask the back row just to check the sound system.
4 can you hear me okay? Thank you. welcome to tonight's
5 central city Project meeting. Before I begin
6 introductions, after the introduction, I'll talk about
7 the purpose of this meeting, the scheduling process
8 that's involved in the environmental impact statement and
9 some rules of the road for the meeting that we're going
10 to hold that everyone can adhere to so we've a productive
11 and effective meeting.

12 First off, my name is Colonel John Minahan, I am the
13 commander of the Fort Worth Engineering District of the
14 U.S. Army Corps of Engineers. My project manager for
15 this project is Beckie Griffith; from the Tarrant
16 Regional Water District we have Jim Oliver and Sandy
17 Sweeney. Sandy is in the back there. From the media
18 from my office Clay Church, public affairs officer; and
19 from the Tarrant Regional Water District Julie Wilson.
20 There are also other folks here from the Corps of
21 Engineers and the Tarrant Regional water District so if
22 you have a question during the course of the meeting or
23 afterwards.

24 The purpose of this meeting is the Council on
25 Environmental Quality and Regulations recommend

1 procedural provisions and the National Environmental
2 Quality Act require agencies to request comments from the
3 public to affirmatively solicit comments from those
4 persons or organizations who maybe interested or
5 affected. so the purpose of this meeting is to receive
6 comment on the draft environmental impact statement for
7 consideration in the agency's decision making process and
8 to ensure that we have a full understanding of the
9 environmental consequences of our decision.

10 As far as the scheduling process, on Monday we made a
11 decision to extend to the comment period for the draft
12 environmental impact statement through September 7th,
13 2005. once the comment period closes, we will assess
14 those comments and prepare the final environmental impact
15 statement, which is tentatively scheduled for October of
16 '05. After a 30-day review period, a draft record of
17 decision will be prepared and forwarded to our Washington
18 office for action.

19 As far as tonight, I would ask the folks that are
20 going to make statements to consider we're preparing a
21 transcript of tonight's meeting so your statements are
22 being recorded for consideration. All comments received
23 will receive equal weight whether submitted verbally
24 tonight or directed to the project manager in writing or
25 by e-mail. The address for submitting comments is in

1 your handout. I would ask everyone to please limit your
2 remarks to three minutes. My staff will be giving me a
3 time indication when you're coming to the close of your
4 allotted time. I think you did pretty good last night.
5 I pretty much gave a lot of leeway to folks because I
6 knew you had some important things you had to say and
7 I'll try to do that tonight, but I'll ask you to try to
8 stay within the three minutes. If you have additional
9 comments to makes, free feel to submit them in writing.

10 I'll be calling the speakers to the mike. We'll be
11 attempting to call you roughly in the same order in which
12 you've signed in. I would like to add the purpose of
13 this meeting is for those who make statements. If you
14 have questions, please after the public meeting tonight,
15 my staff will stay behind and answer those questions and
16 certainly you can call us or e-mail us after tonight if
17 you have questions that arise.

18 I would like to recognize and call -- the first
19 speaker that I'll call will be our elected officials.
20 The first elected official I would like to call up for
21 tonight is the mayor of Fort Worth, Mayor Moncrief.

22 MAYOR MONCRIEF: Colonel, thank you very
23 much. I certainly appreciate once again the opportunity
24 to address you this evening. Last night I made my
25 comments for the official record, tonight I'm just here

1 not to repeat those comments, basically saying that this
2 is a tremendous opportunity for our city. It's strongly
3 supported from every corner of this city and it is an
4 opportunity not only to first and foremost address the
5 issue of the safety and well-being of our citizens and
6 protect us from a flooding event, which we have all seen
7 what takes place in this city when we do flood on a
8 smaller scale, and we did so just a few years ago if
9 y'all recall, but to secondly, as a by-product of that,
10 to bring a significant portion of our city out of the
11 floodplain and redevelop an existing portion of this city
12 into something that we can all be very proud of.

13 I know there's some differences and some concerns
14 that have been raised. I also am confident that this
15 city has that can-do attitude and the ability to address
16 those concerns. We've done it before on large projects
17 and we will do it again. I don't want there to be any
18 doubt in the minds of those who are involved in the
19 project of our determination to work with our partners
20 and address these challenges.

21 Finally, I want to say to you, as I guess a little
22 bit of everything to do with this project and anything
23 else that going on in this city, and that is we want to
24 thank for the Corps for the job they do. We want to
25 thank those of you who are in uniform and those who are

1 not, those in other corners of the world tonight,
2 including Iraq, those who have been not on just one tour
3 but numerous tours and come back safely, we want to thank
4 you for the job you do for this country. Thank you very
5 much.

6 COL. MINAHAN: Thank you, Mr. Mayor. Our
7 next speaker will be Mayor Pro tem for the City of Fort
8 Worth, Mr. Chuck Silcox.

9 MR. SILCOX: I'll keep my remarks, as the
10 Mayor did, to a shorter degree of what I did last night
11 because I want to cover basically the same thing that I
12 covered last night. Because of the all the issues being
13 talked about the one issue that I think has extreme
14 importance is remuneration for those who any time the
15 government takes property for any kind of project that
16 the citizens, the businesses, the individual citizens
17 should never have to dip back into their pockets to make
18 up the difference between what they are paid for that
19 property and "fair market value" and what it really will
20 cost those people to have to restart that business some
21 place else. As I expressed last night, there's some of
22 these businesses that because of the type of business
23 they are they can't just go rent another building some
24 place, they really have to go through a process. One in
25 particular is probably going to have a permit from the

1 TCEQ, that is a time consuming process, possibly build a
2 new building. In the meantime, if that takes 12 to 24
3 months, there's a possibility their customers may go
4 someplace else, their employees will be out of a job and
5 they really don't have a business when they get around to
6 where they actually can start something.

7 My concern among others and what I am pushing for is
8 the idea that we need to make sure that when government
9 takes private property, government pays a particular
10 price for it, not fair market value, because when you're
11 in a depressed area that price is probably going to be a
12 very low price and today's market is probably going take
13 more money than that, in some cases a lot more money than
14 that, to have to be able to restart your business
15 someplace else. And if government takes that property,
16 the person, whether it's an individual or small business,
17 should not be the one that has to deepen their pockets
18 and come up with the money. I'm urging y'all at any time
19 that any property is taken, if that's what happens, that
20 the amount of money paid will allow, as is being worked
21 on in Austin, they called it replacement value, that
22 whatever entity is losing property. that as you work on
23 this, you see that they receive the amount of money that
24 they can restart their business someplace else without
25 having to go into any debt or into their pockets

1 themselves. It is not right. To me that's not the
2 American way to do this thing, for us to take -- us
3 government to take property from individuals and then
4 make them pay for it. That is just not right. Thank you
5 very much.

6 COL. MINAHAN: Thank you, Mr. Silcox. Our
7 next speaker from the City of Fort Worth city council,
8 Ms. Wendy Davis.

9 MS. DAVIS: Good evening. Colonel, thank
10 four the opportunity to speak tonight on this very
11 important project to the city. I am Wendy Davis, I
12 represent District 9, the Central City District, much of
13 which is affected by the proposed Trinity River Vision
14 Project.

15 I want to talk for a moment about the history of this
16 project in terms of public process. We've heard quite a
17 bit in the last couple of days about what that process
18 has entailed. 59 meetings were announced on the city
19 page in the Star-Telegram, the city's web site, the
20 Streams & Valley news, as well as Tarrant Regional Water
21 District web page.

22 I attended many of those meeting and an enormous
23 amount of opportunity was provided for citizens to speak
24 during that process. There were also a number of other
25 public meetings that were held, particularly for user

1 groups of the rivers, which add up to a much larger
2 number of public meetings than have been talked about.

3 we also did a citizen survey in the year 2003 after
4 many of those public meetings had been held and in that
5 survey we asked our citizenry what was their feeling
6 about the Trinity River Vision Project, was that a
7 project that they supported. Over 67 percent of our
8 citizens supported the project, 17 percent of our
9 citizens were not yet sure and only 14 percent said they
10 did not support the project.

11 This project has seen an enormous amount of
12 intergovernmental cooperation from the city, the federal
13 government through the Corps, the water district, the
14 county. Each of those partners has had a great deal of
15 input through their constituency in terms of what this
16 project will be. The city's contribution to the project
17 is a commitment of \$26 million through bond funds over a
18 ten to 12 year period, all of those to be voted on by the
19 voters of the Fort Worth. In fact, in our last bond
20 package 5.9 million of that \$26 million was voted on with
21 about 5 million of that for streets and about .9 million
22 of that for the trail system and that was overwhelmingly
23 supported.

24 Let me talk for a moment about what this means to the
25 central city. sustainable development is more than just

1 a word, it means so much in terms of the quality of life
2 of our citizenry and more than just the quality of life
3 of being able to live and to play and to work and to
4 learn in a unified community. What it means for us is
5 savings on transportation dollars because it helps us
6 concentrate the growth into our central city. Fort Worth
7 is a very, very large city, as you know, and our
8 extra-territorial jurisdiction is almost exactly the size
9 of our current city limits so the appetite for growth is
10 unbelievable and the cost of that growth is unbelievable.
11 Anything that we can do to help create an appetite
12 towards extendibility in central city growth is very
13 appealing to us. And that helps us not only in terms of
14 transportation costs that are saved, it helps us in terms
15 of environmental costs that are saved because there are
16 that many fewer cars commuting on our roads each day
17 within our city limits and into our city limits. So this
18 the project is an environmental project not only from the
19 prospective of the cleanup of properties that may be used
20 for it, but also, of course, from the transportation
21 benefits that are a part of it.

22 Fair compensations, just compensation, that has been
23 defined through a body of law for decades and decades and
24 decades in the history of this country. And I think all
25 of our partners, I know that all of the governmental

1 partners in this project stand together to assure that
2 that just compensation will be paid for property owners.
3 And that's not a new issue for this city. We're dealing
4 with the compensation right now for property owners who
5 are affected by the 121 project. We dealt with property
6 owners for the relocation of the I-30 overhead project.
7 It's not new, it's not the first and it won't be the last
8 time we face this as a community.

9 Finally, the time period. The speaker before me
10 talked about the fact that there needs to be adequate
11 time for people to relocate their businesses. I don't
12 think there's a single person in this room that would
13 disagree with that, but I think it's important to note
14 that the purchase of this land is not eminent. In fact,
15 the formal negotiations are not required by federal law
16 until after the final environmental document is released.
17 But getting ahead of that, the water district has
18 already, starting in November of last year, started a
19 process, which was not required by law, of notifying
20 property owners of the intention to purchase their
21 property for this project and meeting with those property
22 owners to answer any questions that they had to try to
23 get ahead of that process and to try to provide ample
24 opportunity for relocation of businesses. There has been
25 a lot of work, a lot of public input into this project.

1 It's a project that the community I represent
2 wholeheartedly supports as do I as their representative.
3 I thank you for your time to speak tonight.

4 COL. MINAHAN: Thank you, Ms. Davis. our
5 next speaker will be from Congresswoman Kay Granger's
6 office, Ms. Barbara Ragland.

7 MS. RAGLAND: Thank you, Colonel Minahan. I
8 was here last evening, but I wanted to be here again this
9 evening in case there were those people that were here
10 today tonight that weren't here last night.

11 I am Barbara Raglans, district director for
12 Congresswoman Kay Granger. The Congresswoman is in
13 Washington, D.C., completing this week of legislative
14 business so she has asked me to express her full support
15 for the Trinity River Vision and the Central City
16 Preferred Plan known as Trinity Uptown. Kay has made her
17 position on this matter very clear. She strongly
18 supports this plan. It is clearly the preferred
19 community plan as expressed in numerous public meetings.
20 It carries out much needed flood control in a manner that
21 allows the continued redevelopment of downtown and the
22 central city of Fort worth. It will provided not only
23 flood control, but will link our important districts that
24 include downtown, the near northside, the cultural
25 district and historic stockyards area of Fort worth. It

1 will help assure that Fort Worth remains one of the most
2 liveable cities for many generations to come.

3 Congresswoman Kay Granger commends the U.S. Army Corps of
4 Engineers, Tarrant Regional Water District, the City of
5 Fort Worth, Tarrant County, The Streams and valleys
6 Committee and the Tarrant County College for their
7 leadership in this amazing visionary project. As a
8 member of congress, she will continue to do what she can
9 to keep this project moving forward. Thank you, sir.

10 COL. MINAHAN: Thank you, Ms. Ragland. Our
11 next speaker will be Mr. Charles Dreyfuss.

12 Mr. Dreyfuss: I'm Charles Dreyfuss. Tell
13 me again if I get two quiet.

14 This Central City Plan is somewhat endangered by an
15 environmental problem that starts in Trinity Park.
16 There's a real issue to it, I know we can come to it, to
17 protect both park and plan. Okay. Anyway, if you go
18 back and look at what has been done with the project
19 called the Trinity Parkway over the last, oh, five years
20 and tell the story. It goes back a lot farther than
21 that, though. It goes back to a discredited and
22 abandoned route, State Highway 121, that would start on
23 Montgomery right over here at Interstate 30 and then run
24 through the cultural district between the botanic garden
25 and the horse arena, through Trinity Park, and then tie

1 into Seventh Street and it's just a short way, they
2 haven't drawn a line yet, across Seventh Street to White
3 settlement, right there by the railroad track, and turn
4 right by the bridge and drive straight onto Main Street.
5 what you've got is a vast road passed the duck pond
6 that's going to be a major diagonal thoroughfare shortcut
7 from the West Freeway to Main Street. It's a serious
8 environmental threat to the park and really it is an
9 attack against the heritage of anyone who ever went to
10 that duck pond as a child or with a child since then.

11 what happened? well, in 2002 we already had a master
12 thoroughfare plan that took a road pretty much through
13 there. It was more on private property in the Trinity
14 park area than it was in Trinity Park. As a matter of
15 fact, it was pretty much on private property from the
16 time that you got to Park Street coming off of University
17 Drive. That all started to change in 2002. Early in the
18 year the park department and public works department went
19 before the park board and said there is no prudent or
20 feasible alternative to taking all of the Park Drive to
21 be a thoroughfare.

22 They said they would be back to the park board the
23 next month for a vote. They came in 2005. In 2003 and
24 in 2004 the City of Fort Worth passed a new master
25 thoroughfare plan is, it sure didn't involve Trinity

1 Park. It involved it at first when they gave the staff
2 the power to move the master thoroughfare plan from the
3 city a thousand feet either direction. That got it off
4 the railroad -- passed the railroad tracks towards the
5 park and made room for some condominiums or townhouses,
6 whatever they are, it's the south area I'm talking about
7 now.

8 COL. MINAHAN: Mr. Dreyfuss, you're past
9 three minutes.

10 MR. DREYFUSS: Thank you. They then passed
11 a thoroughfare plan that did end the plan into the park
12 so they didn't have to tell the park board or anybody
13 they were taking park land. That got that thoroughfare
14 plan off of the South Seventh entirely so they could get
15 their funding. That happened in 2004.

16 In 2005, when the staff went back to the park board,
17 they took 33 maps and \$105,000 consultant study. And
18 that study and all 33 of those maps did not show the
19 boundary of the park. They got through the park board
20 meeting without saying anything about the boundary of the
21 park. And it is simply amazing what has been done.

22 Now, when the dead-end in that thoroughfare plan into
23 the park, what that did was find money for the townhouses
24 and the hotel. So a lot of the options that were
25 presented to the park board were dead options the day

1 they presented them. They didn't represent them that
2 way. That hotel, most of it popped up as a big surprise
3 like a bad mushroom in the night.

4 There is a cure, there is a real good one, take all
5 of the master thoroughfare plan with the Trinity Parkway
6 out. Some of it has been put in paving request and all
7 sorts of stuff of a period of years. That route from
8 University to Seventh Street, take it all up, put it in
9 Park Drive again, start over, just do it right and then
10 document what happened. Take the public works --

11 MR. WOODARD: I believe the Colonel said --

12 COL. MINAHAN: Ladies and gentlemen. Mr.
13 Dreyfuss, why don't you just quickly summarize? I'll
14 give you 30 seconds.

15 MR. DREYFUSS: Thank you. We have been
16 deceived, it's unfortunate. It's not the current city
17 manager's cultural. It's something that came to him,
18 likely that he first heard about it this year. It was
19 going on when Mayor Moncrief took office. It's something
20 for us all to look at closely and get by it.

21 COL. MINAHAN: Thank you, Mr. Dreyfuss. Our
22 next speaker will be Mr. Tom Purvis.

23 MR. PURVIS: Good evening. Thank you for the
24 opportunity to speak this evening. I'll be brief. I'm
25 Tom Purvis. I'm a long time volunteer, I'm a member of

1 the Streams and Valleys Committee. It's my pleasure to
2 be here. Is that better? I'm Tom Purvis. I'm a long
3 time volunteer and member of the Streams and valleys
4 Committee. It's been my pleasure over I guess the last
5 couple of years to be involved with the master planning
6 that helped create the vision for the 90 miles of the
7 river, trinity River. As part of that study came out,
8 the plan of development, the potential to reshape the
9 river and help redevelop the downtown area came out of
10 that. I have seen a number of considerations of this
11 plan over the years.

12 And essentially to my way of thinking the uptown
13 redevelopment and the successful reuse of that area has
14 three pieces of that puzzle. The first piece
15 infrastructure. Ms. Davis talked about that a little
16 bit, about street and road improvements. The other part
17 is the environmental concerns. The piece that we're here
18 talking about is flood control. And I would like to just
19 simply wrap up by saying all of the plans that I have
20 seen I thought the one that is being presented tonight
21 made the most sense and created the best opportunity to
22 redevelop that area. So I'm here to support it. Thank
23 you.

24 COL. MINAHAN: Thank you, Mr. Purvis. Our
25 next speaker will be Dr. Byron Sousa.

1 DR. SOUSA: For the record, I'm Byron De
2 Sousa, s-o-u-s-a, S-O USA. I reside on 7733 Boston
3 Drive, Fort Worth, Texas, 7613. Good evening, Colonel
4 Minahan, and thank you so much for this opportunity.

5 There are at least three important issues to be
6 considered in regard to the Trinity River Vision Project.
7 One is related to the eminent domain, the others pertain
8 to the socioeconomic development and the lack of
9 resources to implement this project. It is very easy for
10 someone to come up here and state here are our opposition
11 or support for this project without any data for
12 defending one position or another.

13 I would like to use numbers because they are very
14 eloquent, they speak for themselves. Fort worth has a
15 \$400 million log jam of drainage problems. Pretty much
16 your deterioration of relatively new roads will make it
17 difficult to use bond or general revenue again money for
18 other community needs such as community centers, parks
19 and libraries.

20 Fort Worth has over 700 miles of second rate streets
21 in crucial need of repair. The cost of these repairs is
22 greater than \$400 million. Last November's bond election
23 only provided about 15 percent for this need, thus more
24 than \$350 million of desperately needed street repairs
25 are unfunded.

1 The question is why, why with this enormous burden
2 should we place almost half a billion dollars into the
3 Trinity River Vision Project. And this is at today's
4 estimate.

5 The only -- one only needs to look at the Southwest
6 Parkway cost estimates that went from \$120 million to
7 \$850 million to realize that this estimate for the
8 Trinity River Vision may well exceed a billion dollars.
9 Fort Worth has more property out of the tax rolls due to
10 abatements, dips in sports districts than almost every
11 major city in the state of Texas and the budget for the
12 upcoming year is known to be at least \$15 million in the
13 red.

14 Fort Worth is, according to the Star-Telegram, number
15 eight in the nation for poor air quality. If this isn't
16 rectified, we stand to lose hundreds of millions of
17 dollars in federal highway funds. Yet there is
18 (inaudible) in promoted, unregulated growth through tax
19 incentives that exacerbates the air quality and
20 congestion problems by bringing in more business and
21 people all before economic conditions are ripe for that
22 growth and all before the research is in place to handle
23 it.

24 As Mr. Steve Hollern so well noted here last night,
25 to implement this Trinity River Vision project is to be

1 like a parent buying luxury items when he does not have
2 the money to buy the bare necessities for his family.

3 Even the flood quality aspect of this project becomes
4 questionable if we consider what has happened to
5 Mississippi River flood control. Every time it was
6 tried, the flooding has been made worse and thousands and
7 thousands more properties have been flooded. We ought to
8 learn a lesson from this.

9 In summary, it's not that we fail to appreciate this
10 project. On the contrary, this is a dream project, but
11 as we spend money on a project of this magnitude, we
12 leave out the most important of our resources, our
13 people, because as we spend money on this downtown
14 project we have to forego the other districts. As you
15 may have gathered from my (inaudible), there is know way
16 we can serve our people and continue with this project.
17 However, as long as we do not penalize the business
18 owners by the river through this land grabbing program,
19 if developers are willing to sign up to fund this project
20 with their own money and the city does not have to commit
21 our hard earned dollars to it, I say great, let's go
22 ahead and do it, otherwise we must continue to search for
23 other ideas for the Trinity River. Let's not abuse power
24 and call it politics. Thank you so much again.

25 COL. MINAHAN: Thank you, Dr. Sousa. Our

1 next speaker will be Mr. J.D. Granger.

2 MR. GRANGER: Colonel, my name is J. D.
3 Granger and I appreciate you taking the time tonight to
4 listen to us. I'm briefly going to cover two things.
5 First of all, I would like to raise some of the things I
6 raised last night. And, secondly, I would like to tell
7 you why this project means so much to me and how much I
8 support it.

9 Regarding some of the concerns of night, I read in
10 the paper today that some people expressed deep concerns
11 about the project. It really upset me when I read that
12 because I feel like I personally failed in this in
13 particular instance because you may play not know, but I
14 am chair or was chair of the Central City segment of this
15 project, I was charged with the getting community input
16 for this project and I took it very, very seriously. We
17 did everything we could, through every media chip we had,
18 every way possible to get people to come to these
19 meetings. I know you weren't involved in the first part
20 of the project, but I know you have been involved in this
21 past year first so I'm to briefly tell you about that
22 process.

23 During that time we had over 59 public meetings, most
24 of them were standing room only. When we first started
25 this, there was not a project laid on the table. We went

1 to community and said very clearly what would you like
2 your river to provide for you and that was the only thing
3 we said to them. They told us what they wanted of their
4 river. When I say they, I was charged with the central
5 segment the neighborhood area that was impacted by this
6 project. So I listened very, very carefully to them
7 because I knew when this project was done this is their
8 neighborhood, their backyards this is all taking place
9 in, so I listened to them, asked questions. Everybody
10 involved realized this is not our project, this is this
11 community's project.

12 But I want you to understand, once we all we actually
13 got that input, I did not stop there. I went to a
14 majority of these public forum and the reason why is
15 downtown belongs to everybody, this is everybody's
16 community and everybody's asset. So I went ahead and
17 went around to all the neighboring segments that were
18 also impacted by this because I wanted to listen to what
19 they wanted in the downtown community because it's part
20 of their neighborhood. I wanted to listen to what access
21 they felt like they deserved from this project. So I
22 went to every one of those and listened to them to make
23 sure this downtown project does not just serve downtown,
24 it serves the entire city.

25 So when I read about this, I was rally pretty upset

1 because we did everything possible to make sure that
2 people could look at this. We got a plan, we took it
3 back out there, so they had that chance to chime in on
4 this.

5 The only concern I heard was, please, how fast can
6 you get it done, can you please deliver everything that's
7 one here. And we have tried every possible way to do
8 this. And it's been a fantastic process.

9 In fact, it's such a fantastic process that COG, the
10 Council of Governments, went ahead and gave us an award
11 for the public process use for this particular project.
12 The Trinity River Vision Project won an award for public
13 process. So please when you're looking at this,
14 understand what we tried to do to get everyone's input.

15 Recently I heard a lot of complaints based on those
16 that are asking how do they get paid for their particular
17 piece of property. That's a very, very different
18 argument and a very, very different concern. Regarding
19 the project itself, overwhelming support.

20 Regarding why I'm so in love with this project. This
21 project definitely fit this entire community. We went to
22 listen to them. We wanted to make sure it benefitted
23 them regarding what it provided, but also the benefits
24 that come out here regarding the tax base. We are the
25 19th largest city in the nation, the fastest growing city

1 in the nation. Right now there's not another project on
2 the books that tries to take into account our expected
3 population growth. This is the only one.

4 The only other project that I can think of right now
5 that actually is using similar process of eminent domain
6 is the highway project, Southwest Parkway. That's a
7 very, very different project. I'm going to contrast the
8 two very quickly because I know we have limited time.
9 This process here, this project, this has a fantastic --
10 it has a fantastic impact on our tax base. It benefits
11 everybody. That money then gets used for our streets,
12 for our schools, for our neighborhoods, our police and
13 our fire. It's one that when this project is done, it
14 benefits everybody. The people it benefits are the
15 people that paid for it, the citizens of Fort Worth.

16 Southwest Parkway, on the other hand, is a project
17 that the citizens of Fort Worth pay for. However, who
18 benefits by it? It makes access for those outside our
19 taxing jurisdiction are the ones that get to come down
20 through our neighborhoods, our business district and join
21 that. We support the ability for them to come downtown,
22 work, go back to their area, pay taxes in their school
23 district. It doesn't benefit us. So please, we took
24 this process very serious because we knew it benefitted
25 us on a grand scale, the entire city, our future,

1 potholes versus prosperity.

2 AUDIENCE: Are we filibustering here or
3 what?

4 MR. GRANGER: I'm a resident downtown, I
5 live downtown. I have a two-year old child. In the
6 years I've lived down here, I'm the only person I have
7 ever seen move a stroller around downtown.

8 This project is something that benefits our entire
9 community. It takes in green spaces, parks and schools.
10 And it's a project meant for everybody and it's one that
11 truly invests our downtown, because without a project
12 like this downtown isn't actually livable for all
13 communities. But this project right here actually
14 reaches out to all communities, to people like me with a
15 family. so I really I love the project, a lot of work
16 has gone into because it's meant to benefit everybody.
17 so thank you very much for considering both sides. I do
18 respect listening to everyone. Thank you very, very have
19 much for your time.

20 COL. MINAHAN: Thank you, Mr. Granger. Our
21 next speaker is Glen Ford.

22 MR. FORD. Good evening. My name is Glen
23 Ford, I'm here tonight representing the Greater Fort
24 worth Sierra Club. We have two main areas of concern,
25 the Trinity River and confluence downtown has for decades

1 been a damaged ecosystem, damaged but not dead. You have
2 at this time to opportunity to correct some of the harm
3 that's been done through the years. We are asking that
4 you revisit some of the suggestions that have been made
5 and given to you by the U.S. Fish and Wildlife Services
6 and the Texas Parks and Wildlife Department. They have
7 offered sound advice on wetlands, native grass
8 restoration and fish repopulation and many other aspects
9 of our natural system. We're very concerned that not
10 enough emphasis has been placed on the opinions of these
11 experts and we hope that you will correct this situation.
12 Our written comments will be more specific.

13 Secondly and a much more serious concern is a rather
14 nonchalant tone has been taken toward control of
15 hazardous soil and water contamination in the affected
16 areas. As your studies show, at various locations there
17 are BOCs and petroleum hydrocarbons, pesticides, PCBs and
18 other hazards waste. The cost figure of \$45,100,000 has
19 been used to take care of testing and disposal of this
20 material. We feel that the figure is unrealistic. We
21 realize it's been impossible for your staff to do an in
22 depth survey of the area primarily because you have not
23 had access to private property. In fact, 100 percent of
24 your testing has been done on public lands. This is not
25 where the problems are going to be and the fact that no

1 one knows -- the fact is that no one know what is out
2 there.

3 you also make a point that much of the cleanup will
4 be paid for by redevelopers. we don't think that is
5 going to happen. Ultimately the greatest cost is going
6 to be borne by taxpayers. We have no doubt that if this
7 project goes forward that remediation of dangerous sites
8 will be done properly, safely and legally. we are simply
9 asking that you use a realistic amount that will
10 accomplish that goal and make testing a top priority at
11 every stage so that you will be able to anticipate
12 problems at the earliest moment.

13 Decisions are going to made shortly and our elected
14 officials needed facts upon which to base their decision,
15 not wishful thinking. As this has been stated several
16 times at these meetings, costs are going to far outstrip
17 what is being talked about now and further mislead the
18 people who will be paying for it is grossly unfair.
19 Thank you very much for your time.

20 COL. MINAHAN: Thank you, Mr. Ford. Our
21 next speaker will be Joe Dulle.

22 MR. DULLE: My name is Joe Dulle, I live at
23 2127 Penbroke Drive in Fort Worth. I serve as chairman
24 of the North Main Corridor Oversight Committee. Since
25 1998 this committee has worked to improve North Main

1 street from the courthouse out to the stockyards. We
2 welcome the vision and implementation of the Trinity
3 Uptown Project as it includes north Main Street.

4 It will accomplish many things that were previously
5 unattainable due to both the environmental and funding
6 issues. It will allow the reuse of lands in our central
7 city, some of which has laid dormant for 50 years.

8 Reclaiming the central city area can only be
9 accomplished by a major project like the Trinity River
10 vision. Please put us down in the support column.

11 COL. MINAHAN: Thank you, Mr. Dulle. Our
12 next speaker is state Representative Lon Burnham.

13 MR. BURNHAM: Thank you, Colonel, for the
14 opportunity to visit with you tonight. I'm a lifelong
15 resident here of Fort Worth and I represent 145,000 of
16 them in the inner city of Fort Worth.

17 And 30 years ago I started graduate school in city
18 and regional planning because I learned at that point
19 that people are going to be plan your life, either your
20 going to be a part of that planning process or they are
21 going to pretend like you're part of that planning
22 process. So I went to graduate school, got a degree
23 focused in economic development. And some of my focus in
24 this economic development concentrated on real economic
25 development for real people versus real economic

1 development for rich people.

2 I'm a little concerned about the over statements
3 night about the process. the Other thing I focused on in
4 graduate school is the citizen participation process. I
5 missed all 59 of those meetings. My wife thinks I go to
6 two or three meetings a night when I'm here in town.
7 Granted I have been in Austin more than here the last six
8 months, but I missed all 59 of those meetings.

9 In a one on one meeting with my city councilwoman, I
10 asked her about the plans for Trinity Park. I expected
11 to get some answers here tonight, but as I toured that
12 lobby there was no information in that lobby. There was
13 the usual misinformation that you get in the faux
14 planning process.

15 I asked for written material, I thought we're going
16 to talking about the EIS, I know a lot about EISS, I
17 studied them, I sued people over them, and all I get is
18 the two little pieces of paper. I am not a happy camper
19 tonight. I'm much angrier now that I got here than I was
20 when I tried to get in the front door and it was locked.
21 That was the start of it.

22 while I think the product is probably a pretty good
23 product and we can work out the nuances, I am really
24 angry about the process. And I'm really angry after all
25 these years people cannot get answers about what's going

1 to happen to Trinity Park. I was married there 26 years
2 ago, I celebrated my 10th and 25th anniversary there,
3 both my wife and I plan to have our memorial services
4 there and I want to know what is going to go on with
5 Trinity Park and I should have been able find out by
6 coming here tonight. I'm supposed to be in Austin
7 tomorrow, I was in Austin this morning. I should have
8 been able to find that information. And the public
9 disinformation officer said I could get it on the web
10 site. I'm sorry, that will not do. Thank you.

11 COL. MINAHAN: Thank you, Representative
12 Burnham. Our next speaker will be Mr. Phil Waigand.

13 MR. WAIGAND: My name is Phil Waigand from
14 Arlington. This is going to be a little different.

15 No man is an island, no city is an island. Dallas
16 has a Trinity River Corridor Project which is similar to
17 Trinity River Vision. My plea to you is let's do this
18 not as our project against their project, our time, their
19 time. We're too closely interrelated with the train, the
20 airport, the river, the highway to say this only going to
21 be our special project. If we see this project as the
22 whole Metroplex project under a broader umbrella and
23 realize that we co-exist with the Dallas, then our state
24 and government funds will be used more affectively to
25 make this really something outstanding and will be truly

1 world class when we work as a team not as either or.
2 Thank you.

3 COL. MINAHAN: Thank you, Mr. Waigand. Our
4 next speaker will be Ms. Kay Jackson.

5 MS. JACKSON: Good evening. My name is Kay
6 Jackson, senior director of communications for Radio
7 Shack Corporation. I come to this meeting not just
8 representing Radio Shack, but also a native of Fort Worth
9 who is excited about the Trinity River Vision and what it
10 brings to this city, the county and the North Texas
11 region. I commend the efforts of you and others who are
12 working to make sure that we implement this vision with
13 the due diligence that it deserves. We all know that
14 these decisions will forever impact Fort Worth, its
15 citizens and the Trinity River.

16 For a minute let me put on my private citizen hat and
17 say that I fully support the Trinity River Vision because
18 I believe it will make Fort Worth an even greater city
19 than it is today, the economic impact, the development of
20 greens will be enormous not to mention the quality of
21 life that will be greatly enhanced by all.

22 As a representative from Radio Shack Corporation, I
23 support the comments made last night by Nina Petty. We
24 support the Trinity River Vision. We're all so proud of
25 our river front campus for so many reasons. One, it

1 provides a new gateway to the Trinity River. When our
2 2500 employees look out the window every day, we all see
3 the river in new ways that we've never seen or
4 experienced before and we want others to have that same
5 experience. So, again, our campus expanded the northern
6 perimeter of downtown Fort Worth, which will promote
7 further growth and development of the city center and
8 hopefully attract more companies to our city and more
9 citizens and a larger tax base.

10 Last, Radio Shack could not have stayed in downtown
11 had it not been for the vision of the city, county and
12 national leaders. And most importantly, development of
13 the river front campus would never have developed had
14 those leaders not worked together and stayed committed to
15 make it happen. Because of the fortitude of the leaders
16 and their ability to think outside the box plus the
17 support of the community of Fort Worth, Radio Shack was
18 able to stay downtown and in Fort Worth. As a Fortune
19 500 company with 35,000 employees nationwide, we're proud
20 to call Fort Worth our home base.

21 In closing, I understand that everyone has a personal
22 interest in this project, but regardless of which side we
23 sit, I hope that we have that same fortitude, vision and
24 commitment that our leaders and community have shown in
25 the past and will again through the greater good future

1 of Fort Worth. Thank you.

2 COL. MINAHAN: Thank you, Ms. Jackson. Our
3 next speaker will be Ms. Lori Millhollin.

4 MS. MILLHOLLIN: Colonel Minahan and Army
5 Corps of Engineers, thank you for allowing me to speak.
6 I suppose I represent those that proponents refer to as
7 the next generation, I will reap these benefits from the
8 Trinity River Vision. I was here last night and heard a
9 lot of praise for the project from real estate
10 developers, chambers of commerce and a lot of distain
11 from residents.

12 I don't own any land in the affected area. I don't
13 have a written prepared statement from my organization to
14 go on record as supporting the project nor do I have much
15 knowledge of the environmental issues relating to the
16 protect, but common sense tells me that the disadvantages
17 of a manmade lake are pretty bad. I just want to let you
18 hear how someone my age views this project.

19 I was born and raised in Fort Worth, I spent the past
20 five years in Chicago. I moved there because I wanted to
21 experience the history, cultural and character a city
22 that age had to offer. Any Chicagoan, even Mayor Daily
23 himself, would tell you that the heart and sole of that
24 city is in its neighborhoods. Each neighborhood has its
25 own background, traditions, eccentricity. It's a city

1 where small businesses thrive. Neighborhoods are shaped
2 by the community, not where government dictated projects.

3 My husband, a native Chicagoan, and I just moved back
4 to Fort worth to start a business of our own. So the
5 eminent domain issue at hand has been his first
6 impression of this city. We're both truly concerned
7 about owning a business here now that we know it can be
8 taken from us so that others can prosper. Entrepreneurs
9 that have settled in the area just north of downtown did
10 so because they recognized the benefits many years ago.
11 They purchased this property knowing that one day people
12 would return to live and work in the city. They waited
13 patiently, establishing their businesses, working hard
14 and paying taxes. Little by little more businesses
15 started appearing, yoga centers, coffee houses and
16 restaurants, and not those chain coffee houses and
17 restaurants, then high end auto dealers and retail
18 stores. This area they invested in has finally started
19 to develop into what they had always dreamed of. And
20 this area has developed, as the market dictated, slowly
21 and appropriately.

22 The proponents of this project act as though this is
23 the only way Fort Worth can flourish. Radio Shack, Pier
24 1, Tarrant County College and the Cats baseball team have
25 been and will remain profitable and successful without a

1 lake. The rest of the residents will as well. Since
2 this project is for the community, I would hope local
3 business owners will be encouraged to open in the new
4 area rather than saturating it with Barnes & Nobles,
5 Starbucks and Chili's. That kind of change will only
6 make our city another Anywhere USA.

7 The displaced property owners have been told they
8 cannot buy back what is taken from them for the price
9 they are given. Surely there's a plan to offer them
10 replacement value rather than fair market value. Members of
11 the Corps, city council and residents of Fort Worth ask
12 three things of you tonight, then I'll wrap up. One, let
13 this neighborhood develop the way it should naturally.
14 It's on the way to being one of the greatest, most
15 classic areas of Fort Worth and it doesn't need a
16 government vision. Two, by all means, let private
17 developers make use of the river and the land that's
18 there, but let them do it without destroying the lives of
19 those who made the area what it is today, raising the
20 levees for the needed flood control and develop around
21 it. Papasito's and Papadeux just down the street has had
22 much success. And, three, if you must achieve your
23 vision, let all Fort Worth residents know about the
24 project beforehand minus those 59 meetings that no one in
25 this room knew about. Give them the information they

1 need to make an informed decision, don't just feed them
2 sunshine and rainbows. Tell them you have a \$9 million
3 alternative. Tell them they will have to drive over
4 deteriorating bridges to get to the downtown lake. Tell
5 them the tax money they paid for textbooks for schools,
6 needed repairs for roads and support for our honorable
7 military will now be going towards your \$435 million
8 vision. **If this is truly a community project, then let**
9 **the community vote on it.**

10 The original owners of this land had the vision
11 first. They bought the property long before you wanted
12 it. Let them fulfill the destiny of the area, just focus
13 on the issues government was intended to tackle. You're
14 public servants, fulfill your job description and serve
15 the public as a whole by allowing them to fully be
16 informed about what you plan to do with their money.
17 Thank you.

18 COL. MINAHAN: Thank you, Ms. Milhollin.
19 Our next speaker will be Mr. George Vern Chiles.

20 MR. CHILES: I'm here to dwell for hopefully
21 two minutes so I can give Mr. Granger's minute back to
22 somebody else out of his five.

23 On the flood control aspects of this, I first went
24 over here to the Central Library and looked at this stuff
25 that was put together by some script writers in

1 Vancouver, Canada, and I saw very little about flood
2 control.

3 I remember the flood of '49. I filled sand bags as a
4 member of the Civil Air Control cadets in Richland Hills
5 in '57. So I don't take flood control lightly as a
6 subject. And I'm indebted to the Mayor for stating that
7 this is the basic premises for this project because I
8 would like to know how it can be used when \$17 million of
9 this project goes for valley storage mitigation.

10 Now, this is the project's version of George Carlin's
11 observation that life consists of trying to find a place
12 for your stuff. Well, in this case the stuff is the
13 water that's safely stored in the valley now, i.e., flood
14 control, finding a place to put it. Now, how can this be
15 called flood control? This thing is Orwellian from
16 beginning to end. We're hearing the same thing. And,
17 Colonel, I speak as someone who recognizes and respects
18 seeing the parachuting badge and the ranger tab. We're
19 being told the same thing now that we were told about
20 WMDs. I'm sorry. I just don't know any other way to say
21 it. And if this -- if this Orwellian campaign succeeds,
22 I would ask that there be some manifestation honesty in
23 naming the water feature, which is going to cost
24 \$13,200,000 lake land grab. Thank you.

25 COL. MINAHAN: Thanks you, Mr. Chiles. our

1 next speaker will be Ms. Elizabeth Falconer.

2 MS. FALCONER: Sir, does the Corps have
3 accommodation for patience? If so, I think you deserve a
4 nomination.

5 Years ago as a girl I grew up in Raleigh, North
6 Carolina, and I witnessed fields (inaudible) that were
7 being transferred into massive parking lots for
8 apartments, mall and a hotel. Miles of meandering creeks
9 were shoved into shallow drainage ditches at the
10 perimeter of the project. Environmentalists warned of
11 floods, but no one took heed. Several years later my
12 father called to say he wouldn't be home for dinner, in
13 fact he didn't come home for about a day because his
14 building was flooded. He couldn't leave his office. He
15 remarked about seeing Volkswagens float by down towards
16 the mall.

17 Needless to say the flood impact is with me still
18 today. So when my company bought a building over on
19 First Street about three blocks from the old Montgomery
20 wards, I was very, very shocked to discover that the
21 structure still bears witness to the big flood of '49.
22 One of my employees, a long time Fort Worth native, found
23 water marks in the storage room and point to them, he
24 brought me downstairs to see. The building had been
25 submerged in about seven feet of water. wow. That

1 really frightened me. Naysayers say it's impossible, but
2 my experience tells me otherwise.

3 Not so long ago, in '89 or '90, you guys remember
4 this, remember the floods in '89 or '90, the Trinity was
5 nearly up to its edge, State Highway 360 had the river
6 leaking. Riverside Golf Course in north Arlington was
7 completely submerged. Loop 12 at I-30 was under about
8 eight foot of water and the flood went all the way down
9 to Houston. So obviously the need for flood control is
10 here. The question is in what form will it take. The 10
11 million or \$9 million solution prolongs mistakes that
12 have been made in the past.

13 The city has not only turned its back to the river,
14 we've used the banks for garbage dumps and sewer beds;
15 we've built Section 8 housing, parking structure and a
16 city jail on this city's finest properties, in deed the
17 property where the city was founded. In the Trinity
18 River Vision, we have an opportunity to correct the
19 errors of the past, to remove the levees, to embrace the
20 river and to celebrate the Trinity's existence.

21 Sir, one of the first hearings, and I think I
22 attended five out of those 59, if you read the paper,
23 they were there, it was actually in this very room,
24 standing room only, the Trinity River Vision was not
25 created in a vacuum, but with thousands of hours,

1 countless hours of volunteer time, citizens' input,
2 numerous -- now I know how many numerous, 59 -- public
3 forums. And, yes, there are a few people who object
4 because they would be displaced and I can say as a
5 business owner I have had to move my business before and
6 that's a scary proposition. So I would offer this
7 suggestion: Rather than focus on the value of the
8 property, find suitable properties for your business, buy
9 them and trade as part of the relocation project. It's
10 development strategy that works in the private sector,
11 why can't it work in the public sector. Then if the
12 Trinity River Vision, some entity that guaranteed that
13 moving cost, that they won't be out of pocket, I think
14 that we can mitigate some the fear that is involved. The
15 reality is that most of the businesses are located in
16 this particular area because real estate prices used to
17 be quite low. In fact, the speculation is on this only
18 happened because TRV has been discussed. I know this
19 because my business is in this area and it's one of the
20 two places I could afford to buy a building, so I know
21 this to be true.

22 And the nature of the businesses in that particular
23 area are typically not the kinds of places that depend on
24 location like a retail store. My neighbors are a
25 publishing shop, a print shop and a sheet metal

1 fabricator, for crying out loud. I'm not going to drive
2 down the street and go, oh, look, Honey, there's a sheet
3 metal fabricator, let's stop in and get something
4 fabricated. So their success doesn't depend on the
5 location.

6 The (inaudible) of the Trinity River Vision Plan is
7 far beyond the developmental opportunities to the private
8 sector. The plan has provisions to solve real problems
9 like the flooding of University Drive at every major
10 rainfall, that happens. And the road impasse near Samuel
11 Drive that causes children to climb under trains in order
12 to make it to school on time. That is reality. The
13 Trinity project has been laid out to solve that problem.
14 So it has some real benefits in (inaudible) and flood
15 control --

16 COL. MINAHAN: Ms. Falconer, you've gone
17 past three minutes.

18 MS. FALCONER: I'm sorry. Far off set the
19 hardships that it will create. Thank you, sir, for
20 listening.

21 COL. MINAHAN: Thank you, Ms. Falconer. Our
22 next speaker will be Mr. Russ Brainard.

23 MR. BRAINARD: Thank you for having this
24 meeting. And I'm Russ Brainard, I live at Eagle Mountain
25 Lake. I'm mostly concerned about water. It looks like

1 they're going to drain it dry and sell water to other
2 parts of the state. But, anyway, I'll just read what I
3 tried to put together in a few minutes here, but I hope
4 that all of the people in this room today without
5 exception will ask for a public vote on this. You can
6 see at this moment that that's the feeling of this
7 meeting tonight.

8 But anyway, I'm moved to Fort Worth 37 years ago to
9 buy an automobile business here and I've loved to live
10 here. It used to be a real fine, conservative, lovely
11 city. And they did believe in pay as you grow at that
12 time, that used to be kind of the way people were brought
13 up. But I don't know who is behind making all these big
14 city in Texas deal and wonder who will benefit by it if
15 they do. Even the governor's portion is paid by our own
16 income taxes. And the interest alone on this project,
17 the debt that we will have will be more than what the
18 project cost over the years. And until we can work out
19 these other problems and grow slow enough to pay for them
20 and without tieing up years and years of our money in
21 interest on these things, we should think real clearly
22 about it and hope to slow down until we can pay for
23 things ourselves. Thank you.

24 COL. MINAHAN: Thanks you, Mr. Brainard.
25 Our next speaker will be Mr. Don Stogsdill.

1 MR. STODSDILL: My name is Don Stogsdill.
2 Thank you, Colonel, for this opportunity to speak. I'm
3 here to voice my opposition to the TRV. I do support the
4 plan to fix the existing levee system. Why would we
5 consider spending millions and millions of tax payer
6 dollars be it city, state or federal on the
7 TRB when so many other areas of the city needs attention.

8 As you travel around the city, I'm sure you have
9 noticed many, many streets that are in need of repair and
10 repaving. Some streets have been passed so many times
11 it's like driving on cobblestone streets. Other streets
12 have not even been patched. Many people have told me of
13 numerous ruptures in water mains in their neighborhood.

14 The city was taking up the old pavement in front of
15 my house in Ridglea. The water main ruptured and they
16 patched it. One of the works said to me, "I didn't say
17 this, but this main is rotten and needs to be replaced."
18 I called Mr. Farmer at the city and told him the old
19 water main is bad and needed to be fixed or actually
20 replaced. He told me he would check and see if the city
21 had enough money. I told him you're going to repave this
22 street and a short time later have to dig up this new
23 paved street to replace the old water main. He told me,
24 again, they were checking to see if the city had enough
25 money. I knew by then that they didn't have the money.

1 Loop 820 on the eastside should have been expanded four
2 to six lanes years ago.

3 My main problem with the TRV is the taking of the
4 taxpaying citizen's private property to offer to other
5 developers. I would like to know why the City of Fort
6 Worth would even consider taking of private property
7 through eminent domain of hard working taxpaying
8 citizens. If this were happening in a communist country,
9 I would not bat an eye, but this is the United States of
10 America. I think by fixing the current levee system for
11 less than \$10 million Fort Worth could take care of other
12 problems.

13 I had a note down here that said I would also like to
14 know why our mayor spoke at the Tuesday meeting and left
15 instead of staying and listening to the people of Fort
16 Worth, he's gone again. I would like to commend Chuck
17 Silcox. Anyway, that's basically what I had to say and
18 thank you, Colonel.

19 COL. MINAHAN: Thank you, Mr. Stodsdill.
20 Our next speaker will be Mr. Larry Stevens.

21 MR. STEVENS: I'm told this is a place to
22 come get free money. My name is Larry Stevens. I reside
23 at 2812 Calico Rock in Fort Worth, it's District 2, City
24 Council District 2. District 2 is where the vast
25 majority of this new lake project will be coming. I've

1 got a passion for the area, I've worked with the people
2 for a long time with housing projects, neighborhoods and
3 currently I'm president of the homeowners association,
4 served in numerous capacities.

5 I, like many people, like a vision, like things that
6 can develop like the water, lake boating, sailing, things
7 like that. And flood control is viable. And if this was
8 truly a section for flood control, there would be very
9 little discussion regarding this. But as even talking
10 with members of your own group, as well as I did attend a
11 couple of public hearings when this was in a dream stage,
12 it eventually migrated to somewhere in the vision and for
13 many people this has turned into a nightmare. This
14 unfortunately, as we look at it, is not about flood
15 control, because if we look at the amount of flood
16 control this addresses, it is very miniscule to the needs
17 across this area. As a matter of fact, the areas that
18 this is truly protecting are these areas that are going
19 to be under new economic development. And that's what we
20 hear over and over again as we look at this, this is
21 about economic development. And just building on that,
22 too, sends shivers across people when people really
23 realize what's going on and hear about it, including the
24 likeness of Fort worth, because many people do not
25 understand yet the implications of this.

1 talking about tonight, not the use of eminent domain to
2 help protect our society, but how we can help the growth
3 down here. I want to see growth. I commend the people,
4 Joe Dulle and others, who have worked on Main Street
5 development. I want to see that development, but not on
6 the backs of the people that invested their lives and
7 their businesses in this area. To use eminent domain to
8 force people out for another person's economic
9 prospective that may or may not happen. You build it,
10 they'll come. Las Colinas has a canal and a lake for
11 nearly 30 years and it hasn't gone in a positive
12 direction. Now, they could expand and they will expand.

13 Even as -- people don't understand, people understand
14 they're buying the San Antonio Riverwalk. That's not
15 what this is about. This is about dirt and a ditch.
16 People haven't gotten that yet. Really unfortunately has
17 become the purpose of this tonight, this ugly hearing.
18 But in any case, there's far too many things to be said
19 on here.

20 Please, I oppose this in its current view and trying
21 to take land from people. Goodness, trying to understand
22 what the purpose of this canal is, the canal aggravates
23 the flood problem. And they're going to add a levee.
24 Move the levees, no, they're going to remove the levees
25 once they've isolated the canal with another levee, but

1 then that speeds up and aggravates the situation.

2 They're going to buy land down here because they're
3 going to flood that land because the situation has been
4 aggravated. So it just goes on and on. Please, let's
5 consider an alternative that doesn't impact this in so
6 many ways that it does. Thank you very much.

7 COL. MINAHAN: Thank you, Mr. Stevens. Our
8 next speaker is Wanda Conlin.

9 MS. CONLIN: Just for record. You probably
10 still can't hear me, but I'll talk loud. I'm Wanda
11 Conlin. I live in an older neighborhood in east FORT
12 Worth. We've have a street called Lancaster that floods
13 constantly.

14 I have four rhetorical questions. You don't need to
15 answer those because you told us not to ask questions.
16 Are you interested in true flood control? What is your
17 mission? Is it to flood private property? Is it to
18 drive people out of their businesses?

19 The zoning ordinances in the City of Fort Worth now
20 are so onerous that those businesses who are being pushed
21 out will not be able to find places in the City of Fort
22 Worth. What neighborhood is going to allow an auto
23 related business? I can promise they come to zoning time
24 after time after time and they are refused. The two
25 ladies on the council think that auto related businesses

1 are scum of the Earth and shouldn't ever be anywhere.
2 There is not a place in Fort Worth that I know of that
3 will accept McKinley Ironworks, I don't know where they
4 would go. If you try to move them, I think they're out
5 of business, they'll never be anywhere else. I
6 understand there is a metal -- some kind of metal salvage
7 place there, that won't find a new home either. I'm glad
8 that you're in the room with us tonight.

9 I'm glad you're allowing us to speak and I'm glad
10 you're listening to us. I have been to the meetings that
11 they talked about, at least two of those. We were shown
12 beautiful pictures, we asked to dream, we were asked to
13 dream amorphous dreams. We were never told that there was
14 an alternative plan. How can we say this is a preferred
15 plan when we never had a choice between two plans? I
16 thought you had to have at least two to have a
17 preference. We never saw your plan. **Where is the \$10**
18 **million plan? Please show that to us so that we'll know**
19 **whether we really like that or not.**

20 If this is a true flood control plan, fine. If it's
21 an economic development plan, we can't afford it. The
22 City of Fort Worth doesn't have any money. We're all
23 taxpayers, we paid federal, state and local taxes, all
24 the money comes from us in the end. If you -- if this
25 were Nazi Germany, if this were Hitler's Germany and they

1 came to take the land and said because we want it for
2 something else, okay, fine, we would all speak up. But
3 now we cannot be the silent majority anymore. If you
4 come for my home that I have paid for and loved, I'll
5 fight you first in the courts and then I'll meet you at
6 the gate with a gun.

7 COL. MINAHAN: Thank you, Ms. Conlin. Our
8 next speaker will be Ms. Tammy Maas.

9 MS. MAAS: I'm Tammy Maas. I'm from
10 northwest outside of the city limits of the Fort Worth in
11 the extra-territorial jurisdiction. I was not allowed to
12 go to very many of the 59 meetings for information about
13 dreams as I was fighting annexation from Fort worth.
14 They did quote 67 percent of those citizens who came to
15 those meetings were in favor, which these meetings were
16 held in 2003. In 2003, Fort Worth city chose to make a
17 plan to annex over 55 square miles outside of its
18 borders, which put the extra-territorial jurisdiction
19 right now would approximately double the size of Fort
20 worth. We would like to say we would like a vote about
21 this Trinity River plan. Our taxes, Tarrant Regional
22 Water District, Tarrant County College, the federal
23 taxes, we do not pay city yet, which we're trying to
24 fight all the time, and we do pay county tax. The Army
25 Corps of Engineers has agreed to pay for half of the 220

1 million, first estimate somewhere in the 2003-2004 range,
2 and now the new estimate is over 435 million. The
3 engineering companies who are making these estimates told
4 me that these are all based on projections. These are
5 not -- they have done some research, but they do not have
6 actual numbers. This number will rise, it will go
7 probably over a billion.

8 And if I'm going to be taken by the City of Fort
9 worth, I would like a vote. Before that happens, I would
10 like to hopefully have the City of Fort worth residents
11 and since Tarrant County people are paying taxes going
12 towards this I think we should have a vote.

13 we also apparently have reams and reams of physical
14 papers to go through and disks on CD or CD ROM. We do
15 not think that 30 days is enough days to go through that
16 material to examine it and make our judgments. Please,
17 Army Corps of Engineers project manager, Dr. Griffith,
18 Col. Minahan, please grant us 90 days or at least 90 days
19 to go through this material that we first heard of
20 tonight or last night. Thank you very much.

21 COL. MINAHAN: Thank you, Ms. Maas. Our
22 next speaker will be Louis McBee.

23 MR. MCBEE: Thank you, Colonel, for the
24 opportunity to speak. First, I would like to point out
25 that Councilman Silcox has not left the build.

1 colonel, what concerns me most about this process are
2 the steps that have not been taken by the Corps to ensure
3 that no bias exists in the data or in the project plans.
4 The plans and the data would tend to harm the taxpaying
5 public and destroy the convergence of the West Fork and
6 Clear Fork of the Trinity, destroy taxpaying businesses
7 and trample constitutional rights by taking private
8 property purely for the financial benefit of other
9 private and politically chosen friends. As reported by
10 the Fort Worth Star-Telegram, we now know that the
11 traditional review process for these projects typically
12 undertaken by the Army Corps of Engineers intended to
13 ensure the validity of a flood control project and for
14 the protection of the public has been circumvented or
15 completely ignored for purely political reasons.

16 we have been led to believe that the U.S. Congress
17 has decided that the benefits of this project outweigh
18 the need for the traditional cost/benefit analysis and
19 federal oversight. I would suggest that Congress, like
20 most of our citizenry in Fort Worth, have been misled
21 with regard for the need of public funding for flood
22 control on the Trinity. We have had no public meetings
23 at which we could seriously study each proposal, P&G and
24 others, and make a reasoned decision with regard to the
25 flooding issue and how much we should or should not be

1 spending on those projects.

2 One thing that can be said about this project, the
3 \$435 million difference between what the Corps initially
4 said we needed in flood control, approximately \$10
5 million, and the jokingly community preferred option, and
6 I say jokingly because nobody asked me or anyone I know,
7 in any case, that difference should indicate that perhaps
8 the Corps needs to go back to the drawing board and
9 completely review this project based on the greatest cost
10 benefit advantage to the taxpaying public instead of
11 relying on outside consultants being paid by people who
12 are inherently biased in their thinking resulting in
13 consultants just telling us what we want to hear,
14 furnishing the Corps of Engineers with flawed data and
15 causing citizens of this country to lose their businesses
16 and property for reasons not substantiated by the facts
17 or the need. I am simply asking for the Corps to delay
18 this process for an additional 90 days to give the public
19 and the Corps time to review all available options for
20 flood control along the Trinity.

21 If flood control is in fact the issue, surely we can
22 find the design that is most cost effective and reasoned
23 plan available. If development is the issue, let those
24 that will benefit the most deal with those issues without
25 assistance from the U.S. Corps of Engineers, the

1 taxpaying public or the need for eminent domain abuse.

2 Colonel, I would like to thank you for your time. I
3 would like to thank the Corps for their time and the
4 serious consideration of these projects. I have worn the
5 same uniform you are wearing and I appreciate you and the
6 Corps very much. God bless our country and God bless our
7 community. And please understand our community is
8 slightly larger than just downtown Fort Worth.

9 COL. MINAHAN: Thank you, Mr. McBee. Our
10 next speaker will be Cindy Owings.

11 MS. OWINGS: I wish I was as good as he is.
12 My name is Cindy Owings, I have resided in District 7 for
13 close to 44 years. I live at 6829 White River Drive.
14 I'm a single parent of five children and I'm also
15 president of EMANA, which is Eagle Mountain Alliance For
16 Neighborhood Association out at Eagle Mountain Lake.

17 We have two concerns regarding the Trinity River
18 vision that are dear to our hearts. **First and foremost,**
19 **is that the elected officials of Fort Worth are not**
20 **allowing the taxpayers to vote on the \$435 million.** And,
21 second, the taxpayers are not being educated about the
22 amount of the 435 million that is needed for the flood
23 control. There is a fear factor being placed on the
24 taxpayers that if we do not spend the whole amount the
25 flood issue will not be addressed. I want to thank you

1 for not only hearing the citizens, but listening and
2 going back to the drawing board. And I want to thank the
3 citizens for Fort Worth for taking your time from your
4 family and church tonight to be here.

5 COL. MINAHAN: Thank you, Ms. Owings. Our
6 next speaker will be R.D. Millhollin.

7 MR. MILHOLLIN: Thank you, Colonel. I'll be
8 brief. I'm not going to speak for or against at this
9 time, I would just like to ask the Corps that if there
10 are bridges to be built as a part of any type of project
11 in downtown Fort Worth that consideration be given to the
12 possibilities of designing those bridges to be able to
13 accommodate species of bats. Some of you may have
14 noticed there have been some stories concerning
15 destruction of bat habitats in downtown Fort Worth.
16 There have been some studies done by the City of Austin,
17 by the State of Texas Department of Transportation, that
18 the state's study, anyway, show that it wouldn't cost
19 very much at all. In fact it might even cause savings to
20 design bat habitat in to bridges. Appreciate you being
21 able to have this meeting and the citizens on both sides
22 coming out and participating. And thank you.

23 COL. MINAHAN: Thank you, Mr. Milhollin.
24 Our next speaker will be Mr. Jim Vreeland.

25 MR. VREELAND: Thank you, sir. I'm a small

1 business owner. I reside in Fort worth and I just wanted
2 to comment that as a small business owner I work a lot of
3 hours, a lot more than some of you may think. And when
4 the southwest Tollway came up, I got notices about the
5 plans and I got notices about meetings and I read them
6 and I went. Unfortunately I didn't believe them, but I
7 got them. When my 1920s neighborhood kept flooding year
8 after year over the last 20 years, I got notices, I read
9 about things, I went to meetings. And as a property
10 owner in this area, I've got to say it was a bombshell.
11 so I have to disagree with the great lines of
12 communications that have been claimed.

13 My feeling about the draft environmental impact
14 statement is that it's obviously explored the Trinity
15 River vision extensively and it's painted quite a pretty
16 picture of the project. It's also an expensive project.
17 However, it's obvious that had the same enthusiasm and
18 effort been put forth on the principles and guidelines
19 plan, it too could have been painted as a quite beautiful
20 project only a little at a fraction of the cost. As the
21 EIS points out, the P&G plan would require less
22 mitigation area, less private property acquisition, less
23 disruption of business. And, after reading the EIS, I
24 surmise that given the amount of planning and attention
25 the vision has gotten, it probably would have (inaudible)

1 up all the recreation green space, water access, urban
2 trails and neighborhood linkage that the vision claims to
3 provided with the exception of one thing, private
4 development. With the P&G, private development would
5 have to pay their own way. The Vision captures our tax
6 and water dollars and pays the development cost for them.
7 so I urge the Corps to return us to our historical free
8 flowing river and to our public funds by **reconsidering**
9 **the P&G approach.**

10 COL. MINAHAN: Thank you, Mr. Vreeland. Our
11 next speaker will be Mr. Bob Lukeman.

12 MR. LUKEMAN: Colonel, before I start, I
13 want to say something in response to what Glen Ford said
14 who was here representing the Sierra Club. He said that
15 all these tests wells had been drilled on city property.
16 That's not true.

17 I arrived at my business one morning to find an
18 enormous drilling rig, about seven trucks, huge
19 55-gallons drums of muck and a bunch of people standing
20 around and I said who the hell are you, started handing
21 me cards of all the engineering firms and the Corps of
22 Engineers. So if anybody wants to contact me and see my
23 web site that shows these pictures, I'll be more than
24 happy to show them to you. I confirmed that they were on
25 my property. I never got a letter, I never got a phone

1 call, I never got a knock on my door. And when I arrived
2 there, they were like who are you. So I said who are
3 you. To be treated like, you know, they already owned
4 the place (inaudible).

5 The next thing I want to say before I start my real
6 remarks is I'm real interested in knowing when to take
7 advantage of an opportunity and instead of going into the
8 kayaking business, I think maybe I'm going to go into the
9 iguana and bat harvesting business. Thank you once
10 again, Colonel, for this additional opportunity to
11 address the Corps. I've reflected upon yesterday's
12 meeting and I want to express some observations.

13 The well dressed and articulate community was very
14 well represented here last night and they were tonight as
15 well. They're enthusiastic about the project, they know
16 there will be a lot of money to be made. Good. We had
17 the municipal representatives who were here supporting
18 their project, more development stimulus, fine. Our
19 property owners were vocal about their rights and trying
20 to express how they feel about their condemnation
21 situation and property values, understandable. And then
22 there stood the Corps, as represented by you, sir,
23 straight and proud as you must be to stand here for the
24 U.S. Army Corps of Engineers. As Mr. Woodard quoted last
25 night aloof. You remind me of my father, a retired major

1 general who served under the Air Force joint chiefs of
2 staff in the Pentagon. My father had no tolerance for
3 foolishness. He was well paid and had a comfortable
4 retirement. And while he did have to lobby congress for
5 funds for the creation of the Strategic Air Command, the
6 SR-71, the B-1 bomber, he was in some ways insulated from
7 the political fray. He never worried about his personal
8 gain because he was well paid and worked very hard for
9 his country. Professional and aloof. I make this point
10 because the Corps has announced this new direction and
11 assists in community projects like the Trinity River
12 vision. This will put the Corps right in the middle of
13 the confluence of politics and money, from Capitol Hill
14 to the banks of the Trinity River, welcome, Colonel.

15 It's time to give you one example of what's at the
16 heart of this vision. It's the money. The business
17 groups know it, the municipal folks know it and, believe
18 me, the property owners know it. It's the money. So
19 welcome to the team, Colonel. Here's what your team
20 members are willing to do for the vision and the money:
21 Prior to the Supreme Court's now infamous and unpopular
22 decision regarding eminent domain, Fort Worth's state
23 representative Charlie Geren submitted and passed House
24 Bill 2639, a billed witnessed by only one recorded
25 citizen, Jim Oliver of the Tarrant Regional Water

1 District, giving the vision power -- or giving for the
2 vision project cover in case of the supreme Court ruled
3 in favor of property owners. This bill and accompanying
4 documents I place into the record. This bill is the most
5 narrow and special interest legislation that anyone in
6 this room will ever see. Geren, a principal in one of
7 Fort worth's largest commercial real estate companies has
8 legislated very affectively for himself the project as
9 well as for the whole commercial real estate group that
10 was represented here last evening had their proclamation
11 read into the record. It's the money. The bill was
12 passed in relative obscurity and has not been covered
13 well by the main stream press. It grants such sweeping
14 and olympic powers of eminent domain to the Tarrant
15 Regional Water District that it puts them in the real
16 estate business, even able to form corporations to work
17 with the development community and the power to loan
18 money to these projects. It's the money. Now, even now
19 the legislature is in the second special session
20 unsuccessfully grappling with (inaudible). The eminent
21 domain bill sits in the house and the senate in Austin
22 while we property owners anxiously await some form of
23 relief with overwhelming public sentiment against this
24 horrid practice. These bills sit there while the
25 legislators disagree because the author wants a clean

1 bill and representative after representative and senator
2 after senator try to insert exclusions for their pet
3 projects, projects that proliferate each passing day
4 endangering the property rights the citizens across this
5 land. It's the money. How do we watch the legislatures
6 for these abusive actions? We have our jobs to do. We
7 have our lives to live. We have our families to raise.
8 we send our representatives to Austin and Washington, D
9 with hopes that they will represent us not themselves and
10 not their cronies. welcome to the team, Colonel.

11 welcome to the confluence of politics and money. My
12 father, the general, had no tolerance for foolishness, it
13 was not tolerated, and neither should this blatant
14 example of special interest because, while we're asked to
15 be altruistic about our property condemnations and our
16 city's future, it all about the money. Thank you, sir.

17 COL. MINAHAN: Thank you, Mr. Lukeman. Our
18 next speaker will be Joe waller.

19 speaker: Thank you, Colonel. Before I
20 start, I too can't help but be impressed that the
21 majority of our city council, mayor, public officials
22 have gone. How does that make you feel that you're
23 supposed to be listened to? All right. Colonel, I thank
24 you for what is a very important opportunity for people
25 to speak about Trinity River Vision. There haven't been

1 enough opportunity or time for this type of discussion
2 after hard data became available, that hard data that you
3 all have made available but only by request. That would
4 be this EIS statement. Although there are many issues
5 which spark questions or comments, tonight I have a
6 couple of suggests to make regarding the Corps' EIS study
7 and the proposed time line and then I have a couple of
8 comments regarding the project as a whole.

9 First, with respect to the study, the Corps should
10 develop or include if already examined the impact of
11 other alternatives. Too often in the study the results
12 of no action or projected results of the proceeding with
13 P&G based alternative are not adequately reflected with
14 respect to possible future economic or sociological
15 impacts. The studies to seem assume development would
16 occur within the project only if the recommend plan, the
17 community-based alternative were chosen. Essentially it
18 seems as though this study were designed only to support
19 the previously drawn conclusion to proceed with huge
20 publicly-funded project which has been couched in flood
21 control language even though flood control could have
22 been achieved for 10 million. Simply, there are
23 alternatives. In light of the magnitude of the unknowns,
24 more analysis is appropriate.

25 Secondly, if, as indicated in EIS, Lake worth is part

1 of the silt trap, which would help achieve and assure
2 downstream water quality, **claims and cost estimates for**
3 **initial and continuing maintenance dredging of Lake worth**
4 **should be included.**

5 Lastly, due to complexity of the report and in light
6 of the fact that this is the first time data with this
7 much details about TRV has been made available by request
8 and considering valid concerns, which have been noted in
9 these meetings and which will no doubt be reflected in
10 written comments, the public should have, in my opinion,
11 six months, perhaps even a year, to digest the facts that
12 implications of the study and the project. Small groups
13 have been working on this for more than several years.
14 It's reasonable to allow substantial time for the public,
15 the taxpayer, to have adequate time to better understand
16 the issues and the cost.

17 speaking about the project in general, the vision has
18 been well defined. It's the how to do it and cost that
19 weren't defined and which are still now ill-defined.
20 Those need to be the subject of careful examination and
21 evaluation. I'm referring to the need for more thorough
22 analysis of the impact of this project, including funding
23 liabilities, environmental problems, eminent domain
24 issues and the fact that contingency plans to recommended
25 community-based alternative are nonexistent or just not

1 included in the EIS draft. Those of you in the audience
2 tonight are concerned and proud, you have a right to be.
3 You're trying to get on top of this. Obviously many of
4 you will be profoundly affected by virtue of the threat
5 of the use of eminent domain. This issue will affect all
6 residents, homeowners and taxpayers. And they, they who
7 are the city, deserve to know more and have time to
8 understand it. If, after further analysis, it appears
9 that there is in fact a potential for significant
10 liability vis taxes or tradeoffs in terms of other
11 services lost, shouldn't we have a chance to at least
12 voice our opinions via referendum? We have been that if
13 federal funding doesn't come for this plan, the
14 difference must be made up locally. Even if the entire
15 50 percent of the 435 million comes through, and no one
16 knows the odds of that, what happens when costs escalate?
17 Well, that is a local obligation. And how about the 15
18 percent from Tarrant Regional Water District, isn't that
19 taxpayers's money? All of those benefits will come from
20 much -- all of those big benefits will come from much
21 larger tax-related revenue from the new development are
22 many many years away. Residents could be paying for a
23 big chunk of this via property and other taxes, but the
24 near term benefits go to a small minority, many
25 represented by those who spoke here enthusiastically last

1 night and earlier this evening in favor of the Trinity
2 River Vision as proposed. As currently proposed, the
3 risk are, relative to the benefits, are too great to for
4 individual citizen taxpayers. Our property taxes are
5 already among the highest in the state and local needs
6 are not satisfied now. The city's '06 budget is still in
7 the red to spite months of cuts. We cannot take the risk
8 of substantial further liability for a project which will
9 benefit a minority while being potentially significantly
10 funded by the majority, all taxpayers.

11 Again, all this in the context of a city whose budget
12 is still in the red for next year and politicians are
13 mentioning the possibility of an increase of our tax
14 rate, even while revenues are and have been substantially
15 up due to increased valuations of every property. So
16 we're taking in more money, but we're still in the red.
17 We need more police funding and homeland security
18 investment, but we're embarking on an ill-defined mega
19 project that will benefit a small minority but cost the
20 majority. The big picture now Fort worth does need a
21 half a billion in needed capital improvements for storm
22 water repair. These are city statistics. Fort worth
23 needs hundreds of millions for street improvements, I've
24 heard 300, I have had heard 400, and millions and
25 millions more for obligations for services to recently

1 annexed areas. Does it sound to you like we ought to be
2 putting ourself in a potentially very vulnerable
3 situation? Ladies and gentlemen, we heard how popular
4 Trinity River Vision is throughout all these meetings
5 that the public wholeheartedly supports, I haven't seen
6 it. Rather than debating the issue, let's take some
7 polls and let's make sure they are independent and
8 credible. But first let's have the Star-Telegram start
9 asking some tough questions, what the about funding, what
10 the citizens taxpayer's potential for financial exposure,
11 and what about the potentially serious environmental
12 issues.

13 COL. MINAHAN: Mr. Waller.

14 MR. WALLER: I have one minute. What about
15 city budgets and priorities in context of the grand
16 plans, shouldn't fixing our streets and storm water
17 drainage systems throughout the entire city be about a
18 priority before buying into this pie in the sky vision?
19 We need context. We need to the Star-Telegram to give us
20 context. The Trinity River Vision has beginning to get
21 some significant attention in the press and it's been
22 good information, but have you wondered why you're only
23 just seeing it now, have you wondered why we didn't hear
24 until recently about House Bill 2639 that Bob Lukeman was
25 talking about, which the Texas legislature passed in May.

1 That's the one sponsored by Charlie Geren our Fort Worth
2 elected state rep. It gives enormous unilateral power to
3 the Tarrant Regional Water Board, including the right not
4 only to take your property for economic development, but
5 also have its opinions constitute conclusive evidence
6 that Tarrant Regional Water District or its subsidiary
7 corporations are (inaudible) authorized within the law,
8 and here's the real kicker, the act allows Tarrant
9 Regional Water District to also make loans and enter into
10 agreements with individuals for purposes of development.
11 so they can take your property if Tom's brother-in-law
12 loans lone him the money to buy it and develop it. I've
13 seen only one story on that act and that was about a week
14 ago and it was pretty much a softball story. So I'm
15 hoping that the star-Telegram really does get involved in
16 investigating this issue. There's been too much under
17 the radar, too little information and too many people in
18 a big hurry. Trinity River Vision seems absolutely
19 fantastic. what a concept. what a model. But now more
20 facts are out, the rubber is about to meet the road and
21 it doesn't look so good.

22 colonel, ladies and gentlemen, there have to be
23 better alternatives. Surely we don't need to over
24 extend. Surely we don't need to take all this property.
25 And just as surely we can have a viable and beautiful

1 Trinity River Vision compromise alternative. Thank you.

2 COL. MINAHAN: Our next speaker will be
3 Clyde Picht.

4 MR. PICHT: Good evening. Thank you for
5 having us again. When my family and I moved here back in
6 1975, it wasn't because of Trinity River Vision, it
7 wasn't because of downtown Sundance Square or Bass Hall
8 or any of those things, it was because Fort Worth was a
9 laid back, small town atmosphere, friendly people, a
10 place we wanted to live and raise our children. And we
11 did and stayed here in 1978 I retired from the Air Force
12 because we liked Fort Worth, we wanted to be here. We
13 have lost that character. Last week the last of four
14 B-36s that remained was hauled off of the property out at
15 Lockheed Martin, one of the principal vestiges of our
16 aviation history that should have stayed here. The city
17 council was unwilling to spend any money on that because
18 they are not interested in aircraft, but they are willing
19 to spend a half million dollars a year on 20 Longhorn
20 cattle feed (inaudible) that the cast the the I build a
21 (inaudible). But that's not why we're here. Sometimes
22 we need to stand up and say who are we and why are we
23 here. We're not here to provide economic development or
24 to run a herd of cattle. We're here to provide
25 infrastructure (inaudible) at a low cost. I'm a little

1 bit offended when people from Radio Shack come down and
2 say, well, we need this lake. Radio Shack and some of
3 the other people who were here last night, Tom Struhs,
4 Mr. Bell, others have had their hand in the public till.
5 We have given them many tax breaks already and I don't
6 feel that we should (inaudible). Mr. Lukeman hit the
7 nail on the head, this is about money, it's about big
8 development. I think this Geren bill is the one most
9 egregious uses of public policy and public trust I've
10 ever seen. The water district charter, or their web site
11 -- I'm sorry they are not here any longer either
12 apparently, but their charter is to provide quality
13 water, protect water shed and take care of flood control
14 along the Trinity River is their responsibility. It is
15 not to develop economically, is it not to take people's
16 property for development. And I think the tragedy of
17 that whole bill is the fact it was done so quietly. I
18 was on the council when that bill came up. Mr. Oliver
19 was quoted in Fort Worth Weekly to say this was to help
20 organize the Trinity River Vision Project for the water
21 district. If it was, then why was the city council not
22 brought into the picture. I have been on the counsel for
23 eight years, I first heard about the Trinity River Vision
24 when Councilman Silcox met about three years ago when it
25 was briefed to us by James Dulle. I've never heard of a

1 hundred and some meetings as Councilwoman Davis,
2 Councilwoman Haskins and Congresswoman Granger mentioned
3 this morning on talk radio. I challenge any of those
4 people who have been to a hundred meetings or know where
5 those were to produce a list, produce the invitations,
6 the fact that they were open meetings and than who was
7 there. I suspect that probably 50 people went to a
8 hundred meetings to discuss this, but they were not
9 advertised for public comment or for information so I
10 doubt that seriously. I really -- I really am sorry to
11 see this thing continue rolling like a stone gathering no
12 moss. It was a done deal when it came to the counsel, it
13 was already pretty much prepared. There are funding
14 issues that were not settled, but the funding is getting
15 higher and higher and higher. I think that it's a pity
16 in this day and age when we're looking at of -- well, I'm
17 not sure how much money. I read in the paper this
18 morning we're talking about cutting JSF, which is
19 manufactured by here by Lockheed Fort worth, and also the
20 B-22, which is manufactured by Bell in Fort, and yet were
21 going to spend \$110 million on pork barrel projects like
22 the Trinity River Vision. I don't think we need this, I
23 think it should have scuttled a long time ago, but I
24 don't think there's any way to stop it now. And I was a
25 little bit stunned this morning to read on the web site,

1 state web site, three of our Republican congressmen from
2 Texas were talking eminent domain and this elitist
3 attitude in taking other people's property. They
4 referred to the Supreme Court ruling recently about the
5 (inaudible) in Connecticut and at the same time we had
6 our local own local legislator creating a bill, special
7 interest bill, for the Tarrant Regional Water District so
8 they could form a local government corporation to buy,
9 sell, loan or otherwise dispose of property, take
10 property by eminent domain throughout their territory of
11 responsibility, which is about 15 counties, so it's not
12 just the Trinity River Vision. I think that gives them
13 undue authority that they don't need and shouldn't have
14 and that bill should never have passed. And I think
15 that's one of the offshoots of this what is a bad
16 project. It is getting worse after throw this. Thank
17 you very much.

18 COL. MINAHAN: Thank you, Mr. Picht. Our
19 next speaker will be Mr. Brad Williams.

20 MR. WILLIAMS: Thank you for let me speak
21 again tonight. I'll shorten some of my comments in the
22 interest of time, I know it's getting late and
23 everybody's getting ready to go home. My name Brad
24 Williams. We own property in the affected area. I
25 believe that the citizens of Fort worth should have a

1 right to know that the flood problem can be fixed in a
2 practical and guaranteed fashion for \$10 million. The
3 \$10 million (inaudible) plan will not only fix the
4 current problem of the potential 500-year flood and add
5 amenities that are beneficial to the community, but will
6 also allow natural economic growth to continue and
7 coincide with the current tax base as existed in the
8 affected area for in some cases over a hundred years. I
9 plead with you to allow the citizens of Fort Worth and
10 Tarrant County to have a vote to decide on the solution
11 for the 500-year flood problem. 10 million for a plan
12 that is principled and guided, practical and good, proven
13 and guaranteed or \$435 million for a plan that has its
14 roots in socialism and denial of individual property
15 rights to rightful landowners, employers, citizens and
16 taxpayers. If this truly is a community preferred plan,
17 then let the people of Tarrant County vote for it. Thank
18 you.

19 COL. MINAHAN: Thank you, Mr. Williams. Our
20 next speaker will be Mr. Don Woodard.

21 MR. WILLIAMS: Colonel, I'm Charles Williams
22 and I yield my allotted time to Don Woodard.

23 MR. WOODARD: Before I start, let me say
24 unaccustomed as I am to public speaking, I have to get
25 over my fear. I do want to point out that the mayor of

1 Fort worth has quit the premises, the city councilwoman
2 has fled the scene. I believe the president of the
3 water district, he's also made his escape. But the mayor
4 pro tem of Fort Worth is still here, Chuck silcox, and
5 also Brenda silcox. Now, Colonel, before you start that
6 three-minute clock running on me, I'm going to make an
7 observation because several of them have alluded to it
8 and it got my wheels turning. The President of the
9 United States in his State of the Union address talked
10 about going to spread democracy all over the world. We
11 are spending one billion dollars a week in Iraq to
12 (inaudible), we're spilling our blood. why? Among other
13 things, to let's people of Iraq dip their finger in
14 purple ink and hold it up and say I have voted. And yet
15 we here in this great democracy of the world are not
16 permitted to vote on a thing of the magnitude of this
17 Trinity River Vision.

18 start your three-minute clock. Once upon a time, the
19 rulers of the town, with stars in their eyes and greed in
20 their hearts, gazed down from the skyscrapers of Sundance
21 Square and see in the valley below a diamond in the
22 rough. With their jewel boxes already overflowing with
23 pearls of great price, diamonds, rubies and emeralds,
24 they are not content as they contemplate that diamond in
25 the rough. They must have it at all cost. It will be

1 polished by famous diamond cutters from San Antonio and
2 Vancouver and become the most glittering jewel in their
3 crown. Compared to it the Hope Diamond will be but a
4 bauble. They send their minions to seize it. This story
5 is reminiscent of another land grab a long time ago.
6 It's recorded in the Holy Bible and it came to pass after
7 these things that Nabob, the Jesuite, had a vineyard
8 (inaudible) by the palace after Ahab, king of Samaria.
9 And Ahab spake unto Nabob saying give me thine vineyard
10 that I may have it for a garden of herbs because it is
11 near unto my house and I will give thee for it a better
12 vineyard than it or if it seem good to thee, I will give
13 thee the worth of it in money.

14 I'm not saying this, this right out of the King James
15 version.

16 And Nabob said to Ahab the Lord forbids it me that I
17 should give the inheritance of my fathers unto thee. And
18 Ahab came into his house heavy and displeased because of
19 the word which Nabob had spoken to him for he had said I
20 will not give thee the inheritance of my fathers. And he
21 laid him down upon his bed and turned away his face and
22 would eat no bread. But Jezebel, his wife, came to him and
23 said unto him why is thy spirit so sad that thy eats no
24 bread. And he said unto her because I spake unto Nabob,
25 the Jesuite, and said unto him give me the vineyard for

1 money or else, if it please thee, I will give thee
2 another vineyard for it and he answered I will not give
3 thee my vineyard. But Ahab and Jezebel took the land
4 anyway. How? By Ahab's eminent domain.

5 You want to know what God thinks of seizing land by
6 eminent domain for economic development, read your Bible
7 when you get home night. Find out what happened to Ahab
8 in First Kings 21st Chapter and find out what happened to
9 Jezebel in Second King 9th Chapter. I will repeat that.
10 First Kings Chapter, Second Kings 9. In case you don't
11 know the story, I won't spoil the ending for you except
12 to say sic semper tyrannous.

13 COL. MINAHAN: Thank you, Mr. Woodard. Our
14 next speaker will be Ms. Darlia Hobbs.

15 MS. HOBBS: Thank you. You're sure hard to
16 follow, Don.

17 Thank for the opportunity to speak, Colonel. I hope
18 that you're listening very well to all these people
19 tonight. If I might put on my glasses. Again, this is a
20 monstrous project. Please relay that to Kay Granger. I
21 know it's her pet project, but it's not ours and not
22 Tarrant County and it's not a community preferred project
23 as propaganda would like for you to believe so please
24 relay that to her and the mayor and the water board.

25 this project has been intentionally misleading for

1 many months. And when Wendy Davis talked about a survey
2 in 2003, I'm sure they did in not ask the people would
3 you like the Trinity vision if it cost the livelihoods of
4 over a thousand people and taking away 89 businesses, not
5 counting other private property. I'm sure that was not
6 in the survey. Was it, ladies and gentlemen? Please
7 make note. And all those meetings they claim they had, I
8 was not aware of but two or three, like I said last
9 night.

10 I don't get the city channel because I'm in the
11 county. I tried to because I like to keep tabs on some
12 of the things this current city council is doing, but I
13 cannot get it. Other people can't either.

14 The water board has a web site. I don't go to it
15 every day. And do all the rest of you go to the water
16 board web site every day? I didn't think so. Actually
17 King George Shannon, chairman of the water board, told my
18 husband and I seven or eight years ago he did not want to
19 see us at his meetings. So we with were not able to go
20 to that without repercussions on our business. So please
21 make note of that too.

22 The bond package was passed, but the people voting on
23 it did not realize that there was stuff in there -- money
24 April appropriated for the Trinity Vision, it was
25 disguised in other ways. Is that true?

1 On environmental problems, if you will go to page 202
2 in your book. I got to look at somebody else's book the
3 other day. I would like one for myself. Clyde Picht and
4 Steve Hollern, I'll ask Rebecca tomorrow morning if she
5 can get that for us. But page 202 goes into some -- a
6 few of the many, many environmental problems. And if you
7 disturb some of those things that TXU did out there with
8 picks with contaminated stuff, you're for a lot more
9 trouble. So please check into all that thoroughly.

10 The hundreds of people that -- and actually closer to
11 over a thousand people that this is going to affect with
12 these 89 businesses, the water board is not going to
13 compensate them justly as Jim Oliver to pointedly said in
14 the Star-Telegram interview the other day. They are not
15 going to give them and provide for the daily income that
16 they will miss if they do relocate. Okay. Who's going
17 to pay their bills, who is going to feed their kids and
18 who is going to pay their mortgage for not only the
19 families of the business owners, but also the families of
20 all the employees that will be missing work unless they
21 go take another job and then it will be extremely
22 difficult to gather new employees for jobs that they are
23 not used. Are they going to be compensated for their
24 missed income on a daily basis? Are they going to be
25 able to pay their bills? Are they going to be able to

1 feed their kids and send them to school in new clothes
2 like they all deserve? Who is going to pay their
3 insurance and health insurance? You know how
4 astronomical, or you should, that is today. So are all
5 those people going to be compensated? Do you think so
6 Fort Worth?

7 Those are real problems and I know Kay Granger would
8 like to have this as her legacy, but at what expense.
9 These thousand people or more are not worth a legacy for
10 Kay Granger. There is little, if any, flood control
11 needed. That is a lot of propoganda. As the gentleman
12 last night so eloquently put it, flood control hat been
13 taken care of by the levees. If you want to beef those
14 up two to four foot, it would I only be a mere 10,000
15 point something dollars compared to this escalating right
16 now it's at 435 million. I'm sure it will be closer to
17 500 million by the end of this year and I'm sure before
18 it's over, if it proceeds, heaven help us, it will be
19 closer to a billion dollars of our tax dollars. Federal
20 tax dollars, that's ours. County tax dollars, that's
21 ours. water board tax dollars, that's ours. And city
22 tax dollars, that's most of y'all. We, as taxpayers, do
23 not want to fund this project as proposed. The P&G plan
24 is preferable, not the supposedly community preferred
25 plan. That is just not right, is it? I'm sure the

1 developers would love to see his millions of profits, but
2 the rest of us will be suffering for it. Let the people
3 vote on whether or not they want this project.

4 Here I have an another 50 requests for an extension
5 of 90 days, not the 30 days which you have already
6 allotted. That is not sufficient time to go through the
7 mounds and mounds of information and data that is there
8 to realistically look at this project. Please accept
9 these.

10 Unfortunately, Charlie Geren House Bill 2639 is
11 outrageous and it helps them to get away with this
12 monstrous project. Tomorrow in the Northwest Times
13 Record you can all read a letter to the editor that I am
14 going to read the first two sentence to from me to the
15 public. It says State Representative Charlie Geren's
16 House Bill 2639 is written as though a con man was
17 gearing up to rip off the public for millions of dollars
18 and it would be legal. We should all be kicking and
19 screaming to our and all state legislators who voted for
20 this corporation promoting document. And by the way,
21 that vote in the state capital was in the house a
22 non-recorded vote so they don't have to own up to who
23 voted for it and who didn't. And that is outrageous and
24 should be abolished, they should always have a recorded
25 vote so that constituents know who voted for what and

1 whether they agree or disagree with it and want to vote
2 for that representative the next election.

3 The San Antonio River walk, which is what they
4 promoted this to be similar to bring in tourism, is fine.
5 In reality, it's only three to your blocks long. This is
6 over ten times that and does not need to be that large.
7 They can do a San Antonio River walk with little ease if
8 they wanted to. They do not have to take away these 89
9 plus businesses from these hard working citizens that
10 spent their time and life building. And as one gentleman
11 pointed out last night, over 75 percent of relocated
12 businesses, probably especially when it's because of
13 eminent domain, fail after they're relocated, they go
14 under. That's not what I call fair. That is not a good
15 proposition for any of these people to relocate when they
16 have decades of customers come to them there and will go
17 find new businesses to buy from because it will take a
18 long time for most of these to relocate so they will
19 losing customer also and help them to fail. So I hope
20 the corps will take that into consideration.

21 This is a bad deal for Fort Worth. It can be good if
22 they will go back to the drawing table, make it people
23 friendly, get input from the public and let them know why
24 haven't we heard about all these meetings on the news
25 media. Just like when the water board election comes

1 around, the television will never put it on there ahead
2 of time. Yet when they wanted a vote on alcohol fore the
3 motor speedway, a little town over there, they publicized
4 that for six weeks before and six weeks after for a
5 little town of 300 or so on an alcohol buying vote.
6 But do they publicize the water board election? No. And
7 I asked one of the Channel 5 reports. He says, no, they
8 just don't ever do it. And I let him know that it
9 affects 27 different municipalities in the area they sell
10 water to. The people should be able to vote on the water
11 board, but they like to keep it a secret. There's very
12 view articles in the paper ahead of time. So the news
13 media, preferably the television that people do try to
14 watch 5:00 and 6:00 o'clock and 10:00 o'clock news more
15 than reading the newspaper. I do commend the
16 Star-Telegram on these recent two days of extensive
17 coverage on the Trinity Vision to let these (inaudible)
18 be known to the public. That has helped tremendously.
19 And again, 820 Radio Talk this morning was very good in
20 helping to let the people know about this project.

21 COL. MINAHAN: Ms. Hobbs, you're over three
22 minutes.

23 MS. HOBBS: Thank you very much. I want to
24 thank and ditto all of the wonderful speaker that have
25 spoken against this project and asking you to go back to

1 the drawing board and whoever is responsible for it, go
2 back to the drawing board come, up with some more
3 alternatives, including the P&G plan, do not sink it just
4 because it's not what Kay Granger or the water board
5 wants. The public does want it. The public wants more
6 alternatives to choose from for their tax dollars and we
7 deserve that. Thank you very much.

8 COL. MINAHAN: Thank you. Our next speaker
9 will be Mr. Robert A. Hobbs.

10 MR. HOBBS: Thank you, Colonel. I'll try to
11 be a little more brief. I believe everybody here has
12 spoke their piece. I'm sure you have heard it so many
13 times you're having to get repeated through your head all
14 night long. The basis of all this is money. The people
15 want to vote. Let them have the chance to express
16 themselves in the only way they know how. These meetings
17 for formalities, we know that. We really -- the water
18 board was put in charge of getting water for the city of
19 Fort Worth and flood control. This is not flood control,
20 that is economics.

21 The water board is not a bank, it's not a realtor or
22 a mortgage company and should not be. The water board's
23 only concerns should be clean water and flood protection.

24 There is a solution to all this, folks. The next
25 time the Tarrant Regional Water District has an election,

1 and I think that's January 2006, vote accordingly.

2 COL. MINAHAN: Thank you, Mr. Hobbs. Our
3 next speaker will be Ms. Judith Crowder.

4 MS. CROWDER: This is probably too tall.
5 The Corps was very patient and gracious to allow many of
6 us to speak from the heart last night. I would like to
7 speak a little bit from the head this time with some
8 questions and concerns about what appears to be some
9 contradictions, which I think in general is the problem
10 with trying to understand this project. For example, I
11 would like it explained why this is a Trinity flood
12 problem since individual stream flows above the
13 confluence went down from between 1995 Corps of Engineers
14 studies and those reported in the current EIS draft. The
15 EIS draft further states, and I quote, "Expected annual
16 flood damage for the existing condition are approximately
17 334.3, now, listen to this, not mills, thousands. Are we
18 to believe that when we're talking in thousands of
19 dollars of damage, although that's a lot of money, but
20 are we asked to believe that that defines flood problems
21 that require 4. -- no, what is it -- 435 million fixed.
22 I don't think so.

23 I need to study this environmental impact study more.
24 I have read it, but this is not a report that you just
25 read through. It is something you need to go back

1 through and digest and to question. There is some
2 confusing reporting. Here is another example. In the
3 1995 Corps of engineer report it was reported that an
4 average annual damage of a 135,000 were found for the
5 100-year event for some 14 and 15 (inaudible). While in
6 the current EIS draft it states total flood damage for
7 the 50-year, not 100, event for (inaudible) 26 and 14/15w
8 were estimated to be \$5,122,300 and \$13,000,916 -- I'm
9 sorry. Excuse me. \$13,916,300 for the 100-year event.
10 Now, obviously \$95 in today's dollars are different. And
11 they included another sum in that calculation, but from
12 '95 to now 13 million dollars' worth of damage. One of
13 these estimates has to be wrong, either the estimate
14 given in the 1995 Corps of Engineers study or the
15 estimates provided in the EIS draft.

16 Now, I'm not an engineer, but I do know how to add
17 and I do now how to read, but I think that this
18 environmental impact study needs to be clearer, it needs
19 to be where us lay people can understand it and ask
20 questions and hopefully get answers.

21 I would like for you to explain something else. In
22 the EIS draft consideration where is the consideration
23 for the storm water management that is required by cities
24 and counties. I did not find that mentioned. Is it
25 possible that the decreases in the discharges reported in

1 the '95 study and the number reported in the current EIS
2 is an indication that efforts at storm water management
3 are in fact working and that the city and the county
4 jurisdiction over these same should be applauded as well
5 as developers for handling these situations. But would
6 that also imply that the flood control that seems to be
7 so ominous forcing this project head as such great speed
8 perhaps isn't there as it is implied.

9 My mother used to say a lot of funny things. She
10 would say get your peas on your knife meaning get your
11 thoughts organized. And then we have all heard about the
12 tail wagging the dog. This is a project with that the
13 tail is wagging the dog. The desire for a preconceived,
14 and understand I genuinely mean preconceived, economic
15 development has caused a need for justification for
16 federal and local dollars thus flood control. Think
17 about it.

18 COL. MINAHAN: Thank you, Ms. Crowder. Our
19 next speaker will be DeAnn McKinley.

20 MS. MCKINLEY: It appears that the P&G
21 alternative described in the EIS draft of June 2005 was
22 developed only to satisfy the requirements for the
23 additional study since the P&G alternative is not
24 identified in earlier reports. It seems to first appear
25 May 2005. This short time frame for study would indicate

1 why the P&G alternative as documented in the EIS draft of
2 June 2005 is lacking in substantive reporting. We need
3 and I would like to request a distinguishing description
4 between the two alternatives and/or combination of
5 features of these projects. Thank you.

6 COL. MINAHAN: Thank you, Ms. McKinley. Our
7 next speaker will be Mr. James Bradshaw.

8 MR. BRADSHAW: I'm James Bradshaw. I am an
9 affected property owner. Thank you for allowing us to
10 speak. I know you're getting tired of hearing the same
11 thing over and over and over, but as an affected property
12 owner I have been told by countless people that I am
13 going to be taken care of, that the law is going to allow
14 them to take care of me properly. Boy, I sure feel good
15 about that. Feel -- actually there is a place that I
16 feel it that I can't mention.

17 I'm just a repair shop owner. I only work half days,
18 usually get in at 8:00 leave at 8:00 so I don't have a
19 lot of time to attend meetings. When I found out that I
20 was going to lose my business, I had to make time to do
21 meeting, it takes time away from my business. So I found
22 out a lot of things about eminent domain and about
23 Trinity vision. And I'm -- it's irritating, I've got a
24 property -- I've got a neighbor about a half block away
25 that come in about five years ago and built a piece of

1 property, and when I see the property that's being
2 eminent domain, his is not on there. Why would some guy
3 come into an industrial neighborhood and petition to have
4 it zoned so he can build a residential residence there
5 and spend this money to do that and suddenly he's not in
6 this bounds on that. Seems to be a little bit of prior
7 knowledge to me, but what do I know, I'm just a business
8 man.

9 As a business man, if somebody in the room came to me
10 and said, you know, Rick, I have got -- I have got a car
11 here, you know, what can we -- what can we fix this thing
12 for, I've got a problem with it. Well, I've got this
13 plan, I can -- you can spend \$10 million on this and it
14 will be just fine, it's going to solve what we need to
15 solve, but I need to hire these guys is what I need to
16 do, but we can spend \$435 million. Now, it's going to
17 take 20 years, but we can spend 435 million, it's
18 probably going a little more than that, but it's going to
19 be a whiz bang deal. Anybody in here, any logical person
20 in the private sector, is going to say why do we spend so
21 much money? It just doesn't make sense to me. I don't
22 want my money spent on it. I don't know of anybody else
23 that wants their money spent on it except somebody that's
24 going to benefit from it. That's all I have to say.
25 Thank you.

1 COL. MINAHAN: The concludes the people who
2 have asked to -- Thank you, Mr. Bradshaw. Mr. Bob
3 Ballew.

4 MR. BALLEW: Colonel, thank you for having
5 us tonight. My name is Bob Ballew, 3333 Chapelwood
6 Court. I was born in Fort Worth, I lived here the whole
7 time. I moved away on jobs, I have come back. I choose
8 to live here. I choose to live her because Fort Worth is
9 the way Fort Worth is and yet people want to change and I
10 guess we have to try to argue about it. The floodplain,
11 when they bought their property in the flood plain, they
12 knew it was a floodplain. They took advantage of low
13 land costs and now they want us to help pay to fix it. I
14 was kind of offended that we come to this kind of
15 project, we don't talk about the real things first. We
16 were corrected last night several times. I kind of
17 thought we were the employers and some of the to people
18 here were the employees, I must be wrong. Some simple
19 reasoning here, we're going to talk about -- you said
20 that it was environmental impact, we're going to about
21 environmental impact. It has three parts, past, present
22 and future. The past has a very short period of time, a
23 two-year period of time, a three-year period of time
24 they've been presenting us. During that period of time
25 I've watched Jacksboro Highway and history be ruined by

1 all the things that have been put on the side from time
2 to time and not taken care of by the city. I've watched
3 Lancaster do the same thing and go under, automobile
4 dealerships, all kinds of infrastructure failures. And
5 now Highway 80 west on the west side for Fort Worth do
6 the same thing. I pass about six and a half foot of
7 Johnson grass on the side of a new development there
8 right behind where I live on the way last night and on
9 the way tonight. They don't have the money to clean out
10 the bar ditches, don't have the money to mow out there.
11 That's not your fault, it's part of the influence and
12 it's going to a point. The personal side of it is having
13 watched this growing up with a very poor family from
14 Poly, the old man made me work all the time. He spent 50
15 as a volunteer timekeeper for Golden Gloves. I worked
16 over 30 years in it. My first job in Fort Worth was bat
17 boy for the Fort Worth Cats, you heard talk last night.
18 I'm watching something go on here that I don't think
19 people are even considering. You're in a position where
20 you can only do certain things you take comments in so
21 I'm going to start with that area first and we'll talk
22 about the present.

23 The present: Material fact exception, 18 USC 101:
24 whoever in any manner with the jurisdiction of any
25 department or agency of United States knowingly and

1 willfully falsifies, conceals or covers up by any trick,
2 scheme or device a material fact or makes any false,
3 fictitious or false statements or representations or
4 makes or uses any false writings or documents knowing the
5 same to contain any false, fictitious or fraudulent
6 statement or entry shall be fined under this title or
7 imprisoned not more than five years or both. So the
8 information here makes me wonder if it's any good. We
9 don't have an oath when we come up here speak so who do
10 we know do we know that anybody is telling the truth. I
11 would ask that in the future possibly, if this is
12 possible at all, that people, you know, take an oath
13 before they speak. Maybe we can use the documentation
14 that they have said, especially city, state or federal
15 officials.

16 The second thing is badge of fraud. The inference of
17 fraud requires definition but of two elements,
18 misrepresented state of facts and a true state of facts.
19 And it's seems like that's what I've been hearing
20 everybody talk about this whole time the last two days.
21 I don't know how there can be two sets of facts so the
22 question is simply what are the facts. Facts are now
23 going to the future. We have a thing called the
24 retirement and death wars. I write paper important your
25 people, DARFA, DIS, DLE, all kinds of people, I'm going

1 to take one except out of that page. we're talking about
2 one aspect of the future, we're talking about
3 environmental impact. The environmental impact depends
4 highly on what kind of funds you have to take care to see
5 what's going to happen. If you're going to design a
6 system that can't be supported the future, then questions
7 have to be asked. This decade demographics, this comes
8 from a paper we wrote called Retirement And Death wars,
9 what if only ten apply for your hundred jobs. All
10 occupations are projecting 60 million people. 2002
11 survey finds benefits are more important than pay for
12 people, more than 60 million will retire in the next 15
13 years. Talking about what is the tax base going to be to
14 support this kind of project. IT workers in US
15 government agencies 50 percent retirement. Construction,
16 building trades, 50 percent retain. Petroleum industry
17 50 percent retirement; railroad industry 50 percent
18 retirement; civil service workers 49 percent retirement.
19 So you have an average of 49 percent of the working
20 people paying taxes are going to be retiring. That
21 wasn't the point of the paper, the point of the paper is
22 the death wars that followed. Assets that are owned by
23 working people will be then given to inheritors. Those
24 inheritors will probably have some their own assets.
25 That means all kinds of assets of 50 percent of the

1 workforce will be put back into the industry and back on
2 to the market. At that point, less workers will be able
3 to demand better salaries for less amount of work because
4 if they don't like their job, they can move someplace
5 else. What you end up with is a sequence of people
6 wanting more time off and (inaudible) their assets and
7 flooding the industry with assets out there. How is that
8 going to help us with the tax base? The tax base is
9 going to crater. We can be completely wrong, but I think
10 if somebody will think about what happens, everybody
11 talks about the retirement wars, nobody is talking about
12 the death wars. That's 15 to 20 years from now. What is
13 going to be supporting that place out there at that time?
14 I'll give you the perfect example. I was a purchasing
15 agent at DFW Airport when we built the airport out there.
16 It was built with an entire infrastructure of tunnels
17 underneath it. Anybody that knows anything about it
18 knows there's a spine row that goes from the south end to
19 the north end underneath it large enough for you to walk
20 through, take golf carts through. And running off east
21 and west are all kinds of pipes taking of as an
22 electrical and water and every kind of infrastructure
23 probably needed to location is. And there were building
24 pads for speculation because it was going to be this
25 wonderful cure all. They took the land from the farmers

1 out there, the farmers were still (inaudible) when the
2 airplanes were the landing and now those farmers have
3 that land back because the speculation (Inaudible) was so
4 high that nobody could afford that land to build on and
5 so you don't have the high rise buildings built all the
6 way around the perimeter inside the fence there. I was
7 just told that if we're going to do something like this,
8 these good people here and the good people that left are
9 already involved in the process, so you have to pay them
10 a compliment, but from your stand you've got to make sure
11 you get the truth from them. That's your job and your
12 task. I'm not happy about this at all. I'm not
13 satisfied that I know anything about it. The only thing
14 I think I do know is that I don't know enough. So I'm
15 going to ask that anybody will understand why I can't
16 take a position now, because if I don't have the
17 information how can I decide. And I pretty good at
18 reading contracts and I'm pretty good at, you know,
19 reading documents, but I can't find anything that tells
20 me what really is planned here. Thank you for your time.

21 MR. SAHANI: My name is Sabree Sahani. I'm
22 here to this evening because of my property is also in
23 jeopardy for the Trinity River. I stand before you for
24 the rights of the people of the United States of America
25 and the citizens of Fort worth and our tradition in which

1 it says -- constitutional in which it says the -- that of
2 government stand for the people, by the people, and not
3 against people. I am doing because I believe in
4 (inaudible) I believe in Christian because I believe in
5 Jesus. I'm Muslim him because I believe in Mohammad. We
6 all have vision. We all and us all we build (inaudible)
7 but in the wisdom there will be no blood, no tears, no
8 sweat of our generation, there will be happiness for all
9 citizen of Fort Worth. We will work together as a part
10 of your community project, everybody can give their own
11 input and ideas and give important to our citizen. And
12 not to put aside, we all want to be here, why put us
13 aside? And interest group give to our citizen not to put
14 aside. We all want to be here and third party which they
15 had nothing to do with this property. That's what we
16 don't understand. We want to take part for the
17 betterment of the city and not for the interest group.
18 This way nobody will jeopardize their livelihood, our
19 blood, our sweat and our generation of our tears to come.
20 I would asked you give us an opportunity to come up with
21 the right plan and the right reason for all of our
22 citizen, the citizen of Fort Worth, which all can live
23 and play. And God bless all of us and peace and justice
24 for all. Thank you and God bless you.

25 MS. BRANHAM: My name is Beverly Branham. I

1 live in Ridglea Hills where the sewers go down, across
2 and up like they will under the new canal because I asked
3 how are they going to do the sewers. In Ridglea the city
4 of Fort Worth has a very difficult time installing them
5 correctly. When the city comes out to unplug the sewers,
6 the commodes up the hill will shoot straight up, back
7 down and things will open. The lady on Pelham, who has
8 sewer that descends into the creek feet for 50 foot down
9 can't drain and it takes two years for the City of Fort
10 worth to come back out and diagnose with a camera that
11 they didn't do it right and it takes them a while to get
12 it fixed. So I was concerned with the canal, how in the
13 world those acres of vertical commodes are going to work
14 and so I asked. And I know that the Corps of Engineers
15 has the technology to handshake our 2005 sewer pipes with
16 the existing stuff in the ground right now, but I do not
17 know that the City of Fort worth has money to maintain
18 after the stuff is installed. And so I'm standing here
19 quaking saying I looked in the budget and the approved
20 budget Citizen's Guide To Budget '04-05. And I looked
21 under budget under enterprise funds under water/sewer and
22 I looked under capital improvements and I find that
23 things left over from '98 were not done. I find that
24 there are \$218 million worth of sewer stuff that needs to
25 be tended, it's tended at the amount of 10 million to 15

1 million a year. I know that you engineers have looked at
2 that budget because I know you don't mess with a town
3 that can't afford to do what you're going to do. At the
4 same time our budget is in trouble right now, services
5 are going to be cut. Our city councilman has announced
6 that in September they will tell us just how much it's
7 going to be in the red. And what I heard several weeks
8 ago was 6.8 million and then today in the newspaper the
9 city is going to have to sell bonds for 15 million to
10 cover the water Garden that they didn't maintain because
11 the only had a budget of 366,000. Now they have got to
12 have 715,000 per year to maintain the water Garden and
13 then they've got to put in safety equipment at 2.9
14 million. So, guys, we're the trouble. This is a big
15 event and it's not unlike a baby, what goes in one end
16 has to be controlled at the other and that's called a
17 flood gate (inaudible) and that's going to be 84,850 a
18 year that we pay the your the Corps of Engineers
19 supposedly to maintain that. But somebody needs to do
20 some real work because I don't do numbers very well and
21 yet I can dig around in the budget and say, okay, we're
22 going to in trouble. The city is going to be laying off
23 people. They can't maintain our sewers, they can't
24 direct other sewers. We've got the people -- we just
25 heard tonight that somebody had the road repaved and he

1 called saying for help, saying the sewer is broke, can
2 you fix it and somebody said I looked in the budget and
3 we don't have the money. I think we're not doing a
4 proper job of interfacing the high tech stuff that is
5 going on with our existing antique equipment. I don't
6 think we're doing a proper job. You guys have the skill
7 to think it out. You guys deal with those details all
8 the time. It's like NASA, we have a problem. So anyway,
9 I'll quit. I think somebody needs to look again because
10 I'm very frightened with this.

11 MR. WRIGHT: My name is William Wright, I
12 live in Ridglea. I didn't know that there was going to
13 be an opportunity to for people to speak and that's why I
14 didn't register. But the first thing everyone in this
15 room should realize, if they haven't already, this is not
16 about flood control, it's about politics, it is about
17 politics. The Corps of Engineers did the study for the
18 proper means of delivering flood control and then the
19 water board engineers come in and say, no, we can do it
20 better than you can and they turned to Washington. And
21 their minions in Washington says don't worry, we will fix
22 it for you. And you have to ask yourself who knows more
23 about engineering, the Corps of Engineers or the Fort
24 worth Water Board. I think the Corps of Engineers knows
25 a hell of a lot more about it than they do.

1 And when you have politics, that should involve the
2 votes because all politics is based on voting. And, as
3 Mr. Lukeman says, it's joined at the hip with money. So
4 the voter must rally themselves, bring this thing to a
5 vote. If they want it, fine, they can have. If they
6 don't want it, they should not have it thrust down their
7 throat.

8 COL. MINAHAN: Thank you, sir.

9 MS. MARION: My name is Lamat Marion. And I
10 have something to say, Mr. Ragland, I appreciate your
11 staying tonight. I want you to this message back to Kay
12 Granger. I have been a supporter and fan of her for
13 years, but I would like to -- I'll take the next
14 generation's vision any day and I'll not be a fan of hers
15 or supporter of hers in the future if she continues to
16 support this vision.

17 MR. DREYFUSS: I'm Charlie Dreyfuss. Since
18 we're here talking about flood control, in my observation
19 the last winter someone lowered the levee by more than
20 five feet in Trinity Park. They took out the flood gate
21 on the railroad bridge that is just to the south of the
22 Lancaster Bridge. That flood gate is missing. It was
23 taken out with a cutting torch. It's been gone half a
24 year at least. I asked for myself, I think everybody in
25 the room would like an answer, I would really like to

1 know what's going on there with flood control in Trinity
2 park. It's same way we're playing games with the road
3 passed the duck pond and also endangering (inaudible)

4 COL. MINAHAN: Thank you, sir. Is there
5 anyone else who would like the make a statement?

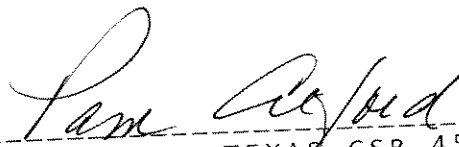
6 UNKNOWN: The person whom I was going to
7 make my remark to has left, mainly the mayor and Ms.
8 Davis and George Shannon and Jim Oliver and the 40 other
9 people in Fort Worth that vote for this project, I'll
10 save my remarks for them later. Thank you.

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1 CERTIFIED SHORTHAND REPORTER'S CERTIFICATION
2
3

4 I, PAM ALFORD, certified Shorthand Reporter in and
5 for the State of Texas, hereby certify to the following:

6 That above proceedings are a true and accurate
7 transcription of the proceedings held at the above cited
8 time and place.

9
10 
11 PAM ALFORD, TEXAS CSR 459
12 Expiration Date: 12/31/06
13 PMB #149, 4636 SW Loop 820
14 Fort Worth, Texas 76109
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U.S. Department
of Transportation
**Federal Aviation
Administration**

Southwest Region
Arkansas, Louisiana,
New Mexico, Oklahoma,
Texas

Fort Worth, Texas 76193-0000

vs
To: PER-P
Cy to PER-E

July 22, 2005

Mr. William Fickel, Jr.
Chief, Planning, Environmental and
Regulatory Division
Department of the Army
Fort Worth District, Corps of Engineers
P.O. Box 17300
Fort Worth, TX 76102-0300

Dear Mr. Fickel:

We have completed our review of the Central City Trinity River Project near downtown Fort Worth with a determination of no objection. It has been determined that the proposed land use changes involving the construction of a new channel to intercept floodwater and a dam present no potential hazard to aircraft operations at the Fort Worth Meacham International Airport, Fort Worth, Texas.

This site has been assigned to our file No. 25-005TX. Please refer to this number in any future correspondence regarding this site.

Sincerely,

William E. Mitchell
Airport Certification Safety Inspector

cc:

Texas Department of Transportation
Division of Aviation
125 East 11th Street
Austin, TX 78701-2483

Mr. Ernest Henderson
Airport Manager
Fort Worth Meacham International Airport
4201 N Main Street, Suite 200
Fort Worth, TX 76106-2749

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 28, 2005

Dr. Rebecca Griffith
CESWF-PER-P
U.S. Army Corps of Engineers
Fort Worth District
P.O. Box 17300
Fort Worth, TX 76102-0300

Dear Dr. Griffith:

The Air Quality Planning Section of the Texas Commission on Environmental Quality (TCEQ) has reviewed the Central City Draft Environmental Impact Statement (DEIS). The TCEQ is requesting that the description of the Dallas-Fort Worth (DFW) nonattainment area be clarified and that the construction emissions be quantified and included in the DEIS. The TCEQ is also requesting that the emissions estimates be sent to my attention so that they can be reviewed for general conformity applicability.

Specifically, the *Air Quality* section in Chapter 2 of the DEIS should be modified to reflect that Tarrant County is part of the DFW nonattainment area, which includes Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties. Additionally, the DFW nonattainment area is classified as a moderate nonattainment area for the eight-hour ozone standard and the one-hour ozone standard was rescinded June 15, 2005.

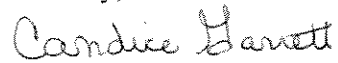
The *Air Quality* section in Chapter 4 needs to include the expected emissions for nitrogen oxides (NO_x) and volatile organic compounds (VOC) from the construction phase of this project. The NO_x and VOC emissions need to be estimated on a tons per year basis. Please note that we provided previous comments on the Upper Trinity River Programmatic Environmental Impact Statement (PEIS) dated June 2000, requesting that construction emissions be included when project-specific DEISs, such as the Central City DEIS, are submitted.

The estimated emissions are needed to ascertain if a general conformity determination is required. General conformity regulations will apply since the proposed project is located in Tarrant County, which is classified as a moderate ozone nonattainment area. General conformity requires that before any federal agency engages in, supports in any way, provides financial assistance for, licenses, permits, or approves any activity, the federal agency has the responsibility to ensure that such action conforms to the State Implementation Plan (SIP). A general conformity determination will be needed before the proposed project can begin if an increase of 100 tons per year for VOC or NO_x results from the proposed project. Conversely, a general conformity determination will not be required if emissions are below 100 tons per year for VOC or NO_x.

Dr. Rebecca Griffith
July 28, 2005
Page 2

If you require further assistance on this matter, please feel free to contact Ken Gathright of my staff at 512/239-6458 or kgathrig@tceq.state.tx.us.

Sincerely,

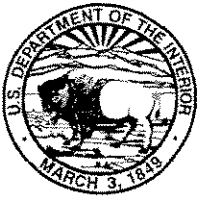


Candice Garrett, Director
Air Quality Planning and Implementation Division
Texas Commission on Environmental Quality

CG/kg/jss

Enclosure

cc: Ms. Peggy Wade, EPA



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
P.O. Box 26567 (MC-9)
Albuquerque, New Mexico 87125-6567



IN REPLY REFER TO:

August 1, 2005

9043.1
ER 05/523

Colonel John R. Minahan
District Engineer
Fort Worth District, U.S. Army Corps of Engineers
P.O. Box 17300
Fort Worth, Texas 76102

Dear Colonel Minahan:

The U.S. Department of the Interior (DOI) has reviewed the Draft Environmental Impact Statement (EIS) for the Flood Damage Reduction and Ecosystem Restoration project in the Upper Trinity Basin, Central City, Fort Worth, Tarrant County, Texas. The DOI offers the following comments and recommendations for your consideration.

Recreational Resources

The proposed project has been reviewed by the National Park Service (NPS) in relation to any possible conflicts with the Land and Water Conservation Fund (L&WCF) and the Urban Park and Recreation Recovery (UPARR) programs. To avoid impacts to L&WCF properties, we recommend you consult directly with the official who administers the L&WCF program in the State of Texas to determine any potential conflicts with section 6(f)(3) of the L&WCF Act (Public Law 88-578, as amended). This section states:

"No property acquired or developed with assistance under this section shall, without the approval of the Secretary [of the Interior], be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."

The administrator for the L&WCF program in Texas is Mr. Tim Hogsett, Director, Recreation Grants Branch, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas

78744-3291. The official who administers the UPARR program for the city of Fort Worth is Joe Janucik, Planner, Parks and Community Services Department, 4200 South Freeway, Suite 2200, Fort Worth, Texas 76115-1499.

If you have any questions, please contact Roger Knowlton, Outdoor Recreation Planner, in the NPS Midwest Regional Office, at 402-661-1558.

Fish and Wildlife Resources

General Comments

The DOI believes that the significant issues of the proposed project have not been sharply defined as prescribed by the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) (40 CFR § 1502.14). The EIS should be an objectives and "issues-driven" document where the public and deciding officials are able to: (a) clearly determine, not only the objectives of the project, but the significant issues involved in the project; and (b) be able to follow those issues throughout the document. The Draft EIS lists several topics, objectives, categories, and resources; however, it is difficult to understand which of these are the significant issues of the project. For example, (1) the Executive Summary (page a) and Chapter 1 (page 1) of the Draft EIS list five "objectives" of the project which could also be issues; (2) the Executive Summary (pages g and h) and Chapters 3 and 4 list "four general categories of problems and opportunities" by which the alternatives were compared which is usually done with issues; (3) the Executive Summary (pages c through f) lists six topics for which existing conditions were described; (4) Chapter 2 (page 1) describes the study area's "major features" and existing conditions by "various categories pertinent to this study;" (5) Chapter 4 (page 189) includes impacts of each alternative to the "resources" of the project area; and (6) Chapter 4 (page 228) addresses the "four dimensions of the project purpose of the Community Based Alternative."

It is difficult to determine which of these different objectives, categories, resources, and "dimensions of the project purpose" are the "significant issues." We consider many of the "various categories pertinent to this study" listed in Chapter 2 or the "resources" listed in Chapter 4, such as Wildlife, Threatened and Endangered Species, Cultural Resources; Hazardous, Toxic, and Radioactive Waste; Transportation Resources; Air Quality; Noise; Light; and Aesthetics as significant issues as well, but they were not discussed and evaluated throughout the document. For example, Hydrology and Hydraulics, Environmental Justice, Land Use, Transportation Resources, and Aesthetics are discussed in Chapter 2 Affected Environment; but, not in those terms in Chapter 4 Environmental Consequences.

We recommend that the same issues and issues terminology be used throughout the document. The significant issues should not only be sharply defined and disclosed in the Final EIS, but explored and analyzed under each alternative in a comparative form to provide a clear basis for comparison among options for the decision maker and the public (40 CFR §1502.14).

The action agency should “rigorously explore and objectively evaluate all reasonable alternatives” (40 CFR §1502.14(a)) and “devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.” One of the “objectives” of the project is “maintain or improve flood protection associated with interior drainage to the floodway system” (page 85), which is one of the main issues considered during alternative recommendation (page 228). Considering this, we assume “interior drainage” to be a significant issue. The Draft EIS failed to address this issue in the Principles and Guidelines Formulation Strategy (P&G Alternative), as stated on page 252. The Final EIS should include information as to how the U.S. Army Corps of Engineers (Corps) explored and evaluated alternatives to the internal drainage issue under the P&G Alternative so that the two action alternatives may be compared. The Final EIS should state if there are no feasible alternatives for maintaining or improving flood protection associated with interior drainage to the floodway system under the P&G Alternative. Furthermore, many of the proposed urban revitalization, urban design, or other Quality of Life objectives should also be addressed in the P&G Alternative.

In the Ecosystem Improvement subsection on page 128, it states that one of the goals and objectives with regard to ecosystem improvement is to, “Restore, improve, and diversify aquatic habitat associated with the Clear and West Forks of the Trinity River for native aquatic organisms.” The recommended Community-Based Formulation Strategy (Community Based Alternative) appears to be in conflict with this goal because shallow riffle-pool complexes that already exist on Marine and Lebow Creeks currently support exceptional fisheries. These habitats would be lost and/or greatly reduced as a result of implementation of the proposed alternative. Furthermore, the impacts that the Community Based Alternative would have to Marine and Lebow Creeks are not mentioned until Page 183. We recommend that a discussion regarding these impacts be included in the section related to Samuels Avenue Dam in the Final EIS.

The Draft EIS states that the Corps and the sponsor are committed to completion of a compensatory mitigation plan for the aquatic habitats in Marine and Lebow Creeks prior to the completion of the NEPA process. We look forward to continued involvement in the development and review of this mitigation plan. These mitigation measures should be included in the Final EIS.

In the same subsection on page 129, it is stated that, “The bypass channel, two reconstituted oxbows at Rockwood Park, and a new oxbow within the Riverbend valley storage/ecosystem improvement site would add additional stream length to the West and Clear Forks. This additional stream length would improve existing fisheries.” It is unclear how adding more lentic habitat to a system that already functions more as a lentic than a lotic environment will improve a fishery already classified as high.

The Draft EIS states on page 89 that the purpose of the Central City segment of the Trinity River Vision Master Plan is to concentrate on the urban characteristics of the river confluence. The proposed Community Based Alternative reflects this purpose and directs all proposed ecosystem improvement outside of this segment to the areas proposed for valley storage mitigation in

Riverbend/Rockwood Park area. The proposed consolidated ecosystem improvement project in the Riverbend/Rockwood Park area and the two small oxbow restoration projects, described on page 125, are a good start in wildlife habitat restoration in those areas, but they should only be considered small improvements toward ecosystem restoration of the Upper Trinity River ecosystem. Restoring the riverine ecosystem would require a broader application of restoration measures throughout the project area to create hydrological, geomorphological, and ecological conditions that allow the river to be self-sustaining. Although these proposed habitat improvement projects are considered meeting mitigation requirements for the habitat loss associated with the Community Based Alternative, we encourage the Corps and project sponsor to include more ecosystem restoration measures throughout the project area.

The Draft EIS states that the western edge of the bypass channel would convey a more natural character, which would provide a “greenbelt” (Page 111 and 113). The Draft EIS also states (Page 115) that the western side of the bypass channel would be designed to be “park-like” or “natural.” We recommend creating a 150-foot wide naturally vegetated riparian bottomland hardwoods corridor (buffer). Restoring the natural characteristics of the river would improve biodiversity and could help meet four of the five “objectives” to the project listed in the Executive Summary, page a, and Chapter 1, page 1: (2) restore components of the natural riverine system; (3) facilitate urban revitalization and provide major quality of life enhancements, which are; (4) ecosystem improvements; and (5) recreation within the Trinity Uptown area. These actions would provide not only additional benefits to fish and wildlife resources, but the public’s enjoyment (esthetics, bird-watching, nature study, etc.) of these resources, throughout the entire area, via the use of the proposed trail system. In addition, the Draft EIS (page 188) proposes a 20-foot wide trail along the west side of the bypass channel. We recommend only a 15-foot wide trail to provide more riparian woodland habitat.

The Draft EIS (Discussion, Conclusion, Recommendations section, page 254) states, “Given the information currently available, no significant environmental issues were identified to be associated with or stem from these Trinity Uptown Features.” Although the section further states that site specific evaluations may be required to ensure compliance with State and Federal requirements, we believe it is premature to make such a statement at this time. Stating there are “no significant issues” associated with the Uptown Features included in the Trinity River Vision Master Plan would exempt the requirement to prepare an environmental impact statement before these features have had an environmental assessment completed (40 CFR §1508.13). We recommend deleting this statement.

Specific Comments

Chapter 2, Aquatic Habitat, Page 32, first paragraph - We recommend adding a sentence after the first sentence that states, “Five sites were selected on the Clear and West Forks of the Trinity River.”

Chapter 2, Aquatic Habitat, Page 33 - The last sentence of first paragraph should be modified to state, “Four of the five sites are within the portion of the Trinity River on the 303(d) List as being an impaired water body as they do not meet the designated fish consumption use due to elevated chlordane and polychlorinated biphenyls in fish tissues (TCEQ 2002; TDSHS, 2004).”

Chapter 2, Aquatic Habitat, Page 33, fifth sentence of third paragraph - This sentence should be modified to state, "Lebow Creek (sampled 13 April 2005) was found to be populated with many of the same species found in Marine Creek including orangethroat darter, spotted sucker, and blackstripe top minnow."

Chapter 2, Page 39, Threatened and Endangered Species - The black-tailed prairie dog (*Cynomys ludovicianus*) is no longer considered a candidate species on the Federal list (69 CFR 51217, August 18, 2004) and should be removed from Table 2-4. In addition, the last paragraph in this section should also be deleted for the same reason.

Chapter 2, Page 34, Terrestrial Resources - The reference to Figure 2-4 should be Figure 2-5.

Chapter 3, page 87, Ecosystem Improvement, Goals and Objectives - The Ecosystem Improvement Goals and Objectives include "Establish continuity and connectivity within and between regionally and nationally significant ecosystems." The habitat mitigation included in the recommended alternative (Community Based Alternative) is isolated and fails to meet this goal and objective.

Chapter 3, Page 90, Recreation, Problems and Opportunities - In the third sentence of the last paragraph, Texas Department of Health should be changed to Texas Department of State Health Services and the word polychlorinated biphenyls should be added after the word chlordane.

Chapter 3, page 105 - The Draft EIS included the economic justification for the P&G Alternative, but the Draft EIS fails to include a discussion on the economic justification for the Community Based Alternative.

Chapter 3, Page 115, second paragraph - The Draft EIS states that a 20-foot wide recreational trail and a second trail that would be placed on top of the levee along the west side of the bypass channel are proposed in the Community Based Alternative. Page 188 states that trails on the west side of the levee would be approximately 15 feet wide. It appears there is a discrepancy in the width of the proposed trail on the west side of the bypass channel in the Draft EIS.

Chapter 3, Pages 115-116 - The Draft EIS discusses the placement of the Samuels Avenue Dam and impounding water upstream on Marine Creek, but it fails to mention that 1,875 linear-feet of shallow riffle-pool complexes which support an exceptional fisheries would be inundated. In addition, this section does not mention Lebow Creek or the impacts associated with the construction of the dam at Samuels Avenue.

Chapter 3, Page 116 - We recommend that the Draft EIS refer to a map for the proposed location of the dam and to the supporting document (Appendix C) for design illustrations.

Chapter 3, Page 125, line 5 - Reference to Figure 3-15 should be Figure 3-16 and reference to Figure 3-16 should be Figure 3-17.

Chapter 3, Page 126, Summary of the Community Based Alternative - The inundation of Marine Creek by approximately 25 feet of water should also be included in the section.

Chapter 3, page 126 - For clarity and comparative purposes, we recommend that the summaries of the different alternatives be in the same format, similar to that on page 106 of Chapter 3.

Chapter 4, Page 169 - The Draft EIS refers to “several projects” that would provide some urban revitalization and “recreational projects that are planned in the project area that do not require either of the action alternatives.” We recommend that the Final EIS specify and provide more information on these projects.

Chapter 4, Page 178 - The Draft EIS states that Table 4-4 displays the acreage and habitat units at year 1. This table displays only Year 10 and Year 50.

Chapter 4, Page 182 - The Draft EIS indicates that the initial loss of 34.5 acres of riparian woodlands and 64.4 acres of upland woodlands is not considered a significant loss. We agree these losses will be mitigated in the long term, but they are a significant loss to the project area in the short term. We recommend the Final EIS address the short term impacts to wildlife populations.

Chapter 4, page 191, last paragraph - The Draft EIS states that “wetland development is a beneficial feature to the Community Based Alternative” and that “wetlands would serve as an excellent natural treatment mechanism to reduce stream nutrient loads.” The Draft EIS also states that “as a result of wetland implementation, fewer nutrients would be available to downtown waters.” Although this may be true, the small amount of wetland development proposed in the Community Based Alternative would contribute minimally towards water quality improvement and would be difficult to measure.

Chapter 4, Page 228 - The reference to page 189 should be changed to page 184.

Chapter 5, Page 241 - The Final EIS should include a discussion regarding the implementation of the P&G Alternative.


Summary Comments

The DOI has a continuing interest in working with the Corps to ensure that impacts to resources of concern to the DOI are adequately addressed. The U.S. Fish and Wildlife Service, in particular, will continue to cooperate with the Corps and resource agencies in the assessment of potential impacts to fish and wildlife resources and in the development of detailed mitigation plans. However, the Draft EIS requires improvement in its presentation of the two action alternatives in a comparative format that adequately compares the beneficial and adverse impacts to the various resources (natural and otherwise) in the project area.

If you or your staff have any questions regarding fish and wildlife resources in the continuing planning process, please have your staff contact Carol Hale, U.S. Fish and Wildlife Service, Ecological Services Field Office, Arlington, Texas, at 817-277-1100.

We appreciate the opportunity to review and comment on this Draft EIS.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen R. Spencer". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Stephen R. Spencer
Regional Environmental Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

us
Per-E.M.

AUG 12 2005

Job requested
revisions in Draft EIS.

William Fickel, Jr.
Chief, Planning, Environmental, and
Regulatory Division
Department of the Army
Fort Worth District
Corps of Engineers
P.O. Box 17300
Fort Worth, TX 76102-0300

Dear Mr. Fickel:

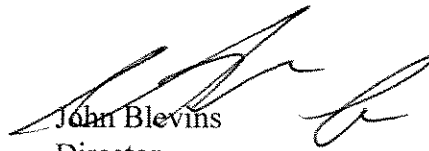
In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality Regulations (CEQ) for Implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Draft Environmental Impact Statement (DEIS) for the proposed flood damage reduction, ecosystem improvement, recreation, and urban revitalization within the Upper Trinity River Basin, Trinity River, Central City, Fort Worth, Texas. The Central City DEIS documents existing conditions in the study area, describes an array of alternative solutions designed to address the problems and opportunities, and compares those alternatives to the No Action Alternative. Within the framework of NEPA, this DEIS is tiered from the Upper Trinity River Programmatic Environmental Impact Statement dated June 2000.

EPA rates the DEIS as "EC-2," i.e., EPA has "**Environmental Concerns and Requests Additional Information in the Final EIS (FEIS).**" EPA has identified environmental concerns that may require changes to the preferred alternative or application of mitigation measures that can reduce environmental impact. EPA asks for additional information to be included in the FEIS in the areas of alternative selection and air quality impacts to complement and to more fully insure compliance with the requirements of NEPA and the CEQ regulations.

Enclosed are detailed comments which more clearly identify the information needed. Our classification will be published in the Federal Register according to our responsibility under Section 309 of the Clean Air Act to inform the public of our views on proposed Federal actions. If you have any questions, please contact Mike Jansky, of my staff, at (214) 665-7451 or by e-mail at jansky.michael@epa.gov.

EPA appreciates the opportunity to review the DEIS. Please send five copies of the FEIS to EPA Region 6 when it is sent to the Office of Federal Activities, EPA (Mail Code 2252A), Ariel Rios Federal Building, 1200 Pennsylvania Ave, N.W., Washington, D.C. 20004.

Sincerely yours,



John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

**DETAILED COMMENTS
ON THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)
FOR
UPPER TRINITY RIVER
CENTRAL CITY
FORT WORTH, TEXAS**

COMMENTS:

1. In regard to wetland impacts and alternative selection, EPA offers the following comments:

The project involves raising the levees in downtown Fort Worth and re-routing a section of the Trinity River at the confluence of the West Fork and the Clear Fork. Since this area is heavily urbanized, the wetlands and riparian areas are of low quality and thus impacts will be minimal. Therefore, we have no comments on the project with respect to wetland or riparian impacts.

2. We would like to point out (Table 3-4, page 101) that the preferred alternative, the "SPF + 4" [Standard Project Flood plus four feet of freeboard] has negative annual net benefits (-\$178,000) while the "SPF + 1" alternative has the greatest net annual benefits (\$180,000). Further explanation is needed in the FEIS to justify selection as the preferred alternative. The Principles and Guidelines framework as identified in the National Economic Development plan have to be satisfied. If this is a special case it needs to be stated as such.

3. In regard to air quality impacts, we offer the following comments to be considered in the FEIS:

Chapter 4, Environmental Consequences, Air Quality, beginning on p.207. This section gives scant information on the existing air quality in the region or the expected impact to air quality of the proposed project. The Dallas-Fort Worth area is a nonattainment area for the 8-hour ozone standard. Federal agencies are prohibited from funding, permitting or authorizing any activity that would interfere with the State Implementation Plan (SIP) for air quality. This means that for a project to proceed, emissions of the ozone precursor pollutants, nitrogen oxides and volatile organic compounds, must be below the *de minimis* level of 100 tons per year, or must be mitigated or offset in accordance with the general conformity regulations found at 58 FR 63214. Emissions of particulate matter are given a passing mention, but emissions of nitrogen oxides and volatile organic compounds are not discussed. The DEIS discusses the need for significant earth-moving and construction activities including construction of a bypass channel, grade elevation, construction of new vehicular bridges, etc., yet the document describes the potential construction emissions as unknown but inconsequential. EPA requests that the estimated emissions from any construction activities funded or permitted by the Army Corps of Engineers or any other Federal agency be included in the document. Please present this discussion in the FEIS.

Chapter 5, Project Implementation, p. 237. This paragraph states that an analysis of the project was conducted, and that it is not expected to interfere with the State Implementation Plan. Please include an overview of the analysis, including the emission estimates into the FEIS.

Streams and Valleys, Inc.



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Adelaide B. Leavens

August 29, 2005

Dr. Rebecca Griffith
CESWF-PER-P
P.O. Box 17300
Fort Worth, TX 76102

Dear Dr. Griffith,

As one of the original sponsors of the Trinity River Vision Master Plan, it is a great honor to Streams and Valleys to witness such community support and inter-agency cooperation in order to establish the Trinity River as the focal point for the City of Fort Worth. It has been our mission since founding thirty-four years ago that this river be an integral part of each of our citizens' lives.

We are grateful to the Tarrant Regional Water District (TRWD) and the City of Fort Worth for assuming their supportive roles of the recommendations for the entire river corridor as documented in the Trinity River Vision (TRV). It is this established partnership between Streams and Valleys and these two government agencies that has allowed our organization to deliver to the community their desires for recreational amenities and beautification efforts.

With the publication of the Draft Environmental Impact Statement of the Fort Worth Central City Project in June, 2005, we were offered the opportunity to review details of the plan and proposed improvements. Our attention has been primarily focused on the recreational component, as the community's user groups have developed a trust in Streams and Valleys to serve as their advocate. We maintain regular contact with runners, walkers, fishermen, cyclists and boaters as well as those individuals and groups desiring to facilitate eco-system preservation and enhancement. It is equally as important to us that the recommendations stated for neighborhood connection, accessibility and bridge design be followed.

The purpose of this letter is document the concerns of Streams and Valleys on proposed improvements associated with the Central City Project

1. Bypass Channel Bridges:

- a. Cross sections of bridge designs for White Settlement, Henderson and N. Main indicate no split bridge lanes to allow for permeation of light to river and trails as recommended by the Trinity River Vision Master Plan.

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- b. The bridge design for N. Main illustrates a suspension bridge of a pre-determined design. We request a stakeholder or public input process for the N. Main, White Settlement and Henderson Street bridges to ensure that the design of the bridge and its railings be complimentary to the style of notable bridges within our city.
2. Trail Description: The maintenance road shown on top of the levee between the bypass channel and the railroad tracks is designated as "Equestrian". Although we support equestrian use in designated areas of the river corridor, the specific labeling of this trail/maintenance road as such could limit use by other trail enthusiasts and require accommodations for horses, trailers and associated equipment. It is recommended that the trail be re-labeled as "Multi-Purpose".
3. Pedestrian Bridge: It is our understanding that a pedestrian bridge could not be accommodated between the project area and levee trails. Should conditions change in design to allow such a crossing, we would be supportive.
4. Trail Continuity and Design
 - a. The equestrian or soft surface trail is not continuous below the new N. Main Street bridge. This lack of continuity will create a congested section of trail, mixing user groups as diverse as road bikes and horse back riders. The bypass channel trails have been promoted as diversion route to relieve the urban sidewalks of the project area from intense exercise enthusiasts. Every accommodation should be made to facilitate such a use on the levee/railroad side.
 - b. As documented in the DEIS, it is unclear how the support of the N. Main Street bridge interacts with the recreational trail.
 - c. The equestrian trail/maintenance road has less than a 10' clearance under White Settlement. Maintenance and emergency vehicles normally require a 14' minimum clearance.
5. Connectivity of Trail System and Project Area
 - a. A connection between the levee trails and the bypass channel bridge sidewalks has not been indicated. As there is no access from the trails to the project area, this type of connection to the proposed N. Main Street bridge is of critical importance. This same type of connection is equally important for the levee trails to the new White Settlement bridge.
 - b. It is imperative that the isolation gates provide an easy, comfortable and enjoyable crossing for trail users at all times.

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- c. We request that a pedestrian connection be made within close proximity of "Styrofoam" Creek at Forest Park Boulevard and the Clear Fork. The connection, to be determined as the final design process proceeds, will provide trail continuity from the area surrounding the Pier 1 campus which includes several existing and proposed multi-family developments, as well as the proposed trail on the east side of the Clear Fork extending south from this creek to Mistletoe Heights and the Fort Worth Zoo.
 - d. It is our understanding that the pedestrian bridge from the existing RadioShack campus to the west side of the Clear Fork (below Haws Athletic Center) would be lost to channel modification.
 - e. Although the existing pedestrian bridge from the RadioShack campus to the TXU Power Plant is not designed to current AASHTO standards, it is critical that this river-level connection be maintained until a replacement bridge is completed.
 - f. It is anticipated that with the increased water elevation in Marine Creek that the trail below Exchange Avenue will be impassable. Trail continuity must be maintained or re-established along this existing trail system.
6. Accessibility
- a. Although the CDM Memorandum included in Appendix C of the DEIS states that "water-based recreation" is one of the three key recreational components of the Central City Project and that "infrastructure-related components of the...project are being designed in a manner to promote water-based recreation", no boat ramps are included in the scope of the project.
 - b. The TRV emphasizes the importance of ease of connection and accessibility between neighborhoods and the river corridor, thus promoting its use, enjoyment and appreciation by all members of the community. Neighborhood connectivity to the levee trails is severely restricted due to the railroad tracks. However, consideration should be given in providing open space that will accommodate the components of a trailhead (parking, drinking fountain, restroom, signage).
 - c. Trail continuity throughout the entire project area be maintained during construction with temporary trails.
7. Bypass Channel Vegetation: It is our understanding that trees along the levee trails will be limited to the area adjoining the hard-surface, lower trail, i.e. the "overbank" area. We request that every effort be made to design and implement a "park-like natural setting" as described in

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Appendix C of the DEIS by including a significant number of adapted trees with an appropriate method of irrigation.

We respectfully request that the U.S. Army Corps of Engineers ensure that these comments be formally stated in the public record so as to be identified in the Final Environmental Impact Statement. We also request participation by a representative of Streams and Valleys and the City of Fort Worth Parks and Community Services Department be included in the process that creates the final design for these components. It is also our desire to see that accommodation of the stated concerns be incorporated into the cost of the project.

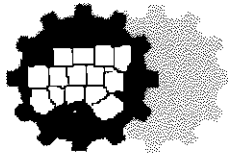
We appreciate your support of Streams and Valleys and the Trinity River corridor in Fort Worth. We are confident that the spirit of partnership, commitment to quality and the thirty-four years of cooperation between TRWD, the City of Fort Worth and Streams and Valleys will serve as the foundation for the development of this visionary project.

Sincerely,

Dee Kelly, Jr.
Chairman

J.D. Granger
Trinity River Vision
Central City Chairman

cc: Mr. Jim Oliver, Tarrant Regional Water District



North Central Texas Council of Governments

TO: Dr. Rebecca Griffith
and Central City Project Team
CESWF-PER-P
U.S. Army Corps of Engineers
Fort Worth District
P.O. Box 17300
819 Taylor Street
Fort Worth, TX 76102-0300

DATE: September 7, 2005

FROM: John Promise, P.E.
Director of Environment and Development
North Central Texas Council of Governments

SUBJECT: **Fort Worth Central City Project, Draft Environmental Impact Statement,
Reply to Request for Comments**

Dr. Griffith,

Thank you for the opportunity to review and comment on the subject Draft Environmental Impact Statement (EIS). Our comments are based on a careful review of the EIS presented for public review as announced in the Federal Register, June 24, 2005. The North Central Texas Council of Governments (NCTCOG) offers the following comments as a local sponsor.

Goals and Objectives

The overall goals and objectives of the EIS are articulated well, and are reflective of a thorough consideration of previous studies and reports. In particular, an awareness of the Trinity River Vision Master Plan and other regionally based initiatives is apparent throughout all sections of the document. The consideration and inclusion of the many local governments and organizations that have contributed to this process is very evident in all levels of the EIS.

The proposal of the Community Based Plan as the recommended alternative, and the many other conclusions presented in the EIS, follow the course laid out by the Goals and Objectives at the outset, and appear to thoroughly address these goals.

Alternative Plans

Considering the range of impacts that the Community Base Plan brings to the region, the comparison of alternative plans is a singular challenge. However, the thorough analysis and comparison, specifically in Chapter 4 leading to the EIS Recommendation, appears to have met the challenge of covering the basic criteria, and beyond. Responsible consideration of all the several facets of each plan appears to be well covered here.

The method of presenting the development and process of study for each of the alternatives was clear and thorough. The specific data comparisons as well as the broader concepts for

comparisons were clearly illustrated. The final array of alternatives in chapter 4 is particularly well presented.

Corridor Development Certificate (CDC)

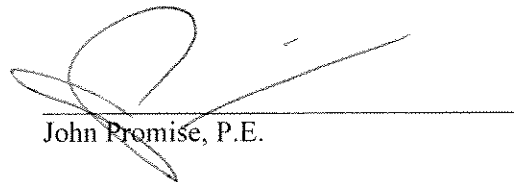
The CDC process is recognized in the EIS as an established regional initiative to coordinate development and floodplain management in the Upper Trinity River Basin. This recognition and inclusion of the CDC program as a primary driver in key planning areas will contribute significantly to local acceptance of the EIS.

Public Involvement

The overall process of developing the EIS appears to have been very open and accessible to the public. The recording and tracking of public meetings, the scheduling of meetings focused on individual communities and associations, and inclusion of public interests from the beginning of the process via contacts with individual stakeholders and local public interest organizations is commendable.

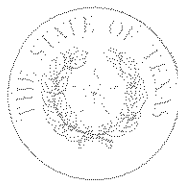
General Comments

- The overall presentation of the EIS is well thought out, logical and accessible. The larger scope of this project with its far-reaching and comprehensive Community Based Alternative requires a thorough yet friendly management of a high volume of detailed information, and the document seems to have accomplished this.
- NCTCOG recognizes the broad range of social and economic impacts that the Corps has brought into consideration at each step of development of the EIS. The integration of recreation, water quality, transportation, urban development, and aesthetics occurs at all levels of project development and the decision making process.
- The EIS dedicates a significant amount of energy to describing current conditions, historical context, and thoroughly defining a starting point from which to consider the alternatives. The clarity of background information lends significant support to the EIS recommendations.
- The treatment of ecosystems (remediation, restoration, preservation) throughout the reach of the project indicates the project team not only took advantage of the obvious opportunities for conservation and enhancement, but actively brought ecosystem management into all phases of the project.



John Promise, P.E.

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 7, 2005

Mr. Wayne Lea, Branch Chief
U.S. Army Corps of Engineers
Regulatory Branch CESWF-EV-R
P.O. Box 17300
Fort Worth, Texas 76102-0300

Attention: Dr. Rebecca Griffith

Re: USACE EIS No. 20050248

Dear Mr. Lea:

As stated in the Notice of Availability (NOA), dated June 13, 2005, EIS No. 20050248, Draft Environmental Impact Statement (DEIS): *Upper Trinity River Central City*, the applicants propose to evaluate potential modifications to the existing system of levees and channels that would enhance existing levels of flood protection, restore components of the natural riverine system, facilitate urban revitalization, and provide major quality-of-life enhancements (ecosystem improvements and recreation) for citizens of the region. The proposed project is located on the Clear and West Forks of the Trinity River in Fort Worth, Tarrant County, Texas.

The preferred alternative, the Community Based Alternative (CBA), would include the construction of a bypass channel, a new in-channel dam, three isolation gates, new levees, and an interior water feature, as well as hydraulic mitigation to replace lost valley storage. The hydraulic mitigation would be provided at three locations including the Riverbend, University Drive and downstream sites in the vicinity of Samuels Avenue and I-35. The majority of the mitigation (ecosystem improvements) for impacts to riparian forest and emergent wetland losses will occur at the Riverside hydraulic mitigation site. Additionally, two oxbows within the Rockwood Park area would be reconnected to the West Fork of the Trinity River to compensate for riparian impacts. University Drive between the West Fork of the Trinity River and Jacksboro Highway and Henderson Street in the vicinity of White Settlement Road and the Fort Worth and Western Railroad (20 acres) would be raised out of the 100 year floodplain.

SEP 12 2005

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The proposed bypass channel is approximately 8,400 feet long and approximately 300 feet wide between the top of the levees. The bypass channel will be approximately 30 feet below existing grade. Water levels in the bypass channel will be controlled by a dam with crest gates. The dam is proposed on the West Fork of the Trinity River approximately 1,100 feet east of the Samuels Avenue bridge and will be designed to maintain a normal water level of approximately 525 feet above sea level in the bypass channel and an interior water feature approximately 900 feet in length at the confluence area of the Clear Fork and West Fork Channels. The interior water feature will vary in depth from 10 to 15 feet. Flood isolation gates will be incorporated into the levee system to protect the interior area, otherwise known as Trinity Uptown. The gates are located upstream at the confluence of the bypass channel and the Clear Fork (Clear Fork Gate), at the midpoint of the bypass channel and the West Fork confluence (Trinity Point Gate), and downstream at the confluence of the bypass channel and the West Fork (TRWD Gate). The proposed project will create an additional 113 acres of water surface and an additional 2,114 acre feet of volume within the system, thus creating a potential net evaporative loss of water of 275 acre feet.

Approximately 4.4 million cubic yards will be excavated and discharged as part of the project. In addition, approximately 300,000 cubic yards of material will form permanent structures within the waterway. The primary sources of fill material will be from the excavation of the bypass channel and construction of the valley storage mitigation sites. Material excavated from the bypass channel and the interior water feature will be used to construct the new levee (west) and the area behind the retaining walls (east) on either side of the bypass channel. Excess material from the bypass channel will be used as fill for the University Drive hydraulic mitigation site. Excavation of material at the other hydraulic mitigation sites will be used as fill onsite.

Segment 0806, West Fork Trinity River below Lake Fort Worth is currently listed on the State of Texas 2002 and draft 2004 303 (d) lists (TCEQ 2004) for PCBs in fish tissue (2002, 2004) and chlordane in fish tissue (2004) and bacteria (2002, 2004) in the lower 22 miles of the segment and therefore designated as non-supportive of the fish consumption and contact recreation uses. Approximately 1.4 miles of the proposed project is within this reach. The remaining 11 miles of the segment fully supports its designated uses. Segment 0829, Clear Fork Trinity River below Benbrook Lake, was included in the 303 (d) list for chlordane in fish tissues (2002, 2004) and PCBs and chlordane in fish tissue (2004). A TMDL has been prepared for Legacy Pollutants in Streams and Reservoirs in Fort Worth (TCEQ 2001). In Chapter 2.4 *Contaminant Determinations* of the Technical Memorandum ECO-6, 404 (b) (1) Information for Draft EIS Appendix G, it states that prior to excavation activities, Phase II Environmental Site Assessments will be conducted in areas with known or potential soil contamination. Bacteria is not a substantial concern in the project area as there are currently no municipal dischargers upstream and contributing sources are cited as coming from stormwater runoff.

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There is a potential for water stagnation and algal problems to occur on a greater frequency during the summer months as a result of increased evaporation due to the increase in water surface area and retention. Therefore, the circulation of fresh water is crucial in maintaining water quality in the project area. Consultation with the Texas Commission on Environmental Quality (TCEQ) was initiated to provide the TCEQ with the information and modeling analyses as part of the water quality assessment for the CBA. Some of the strategies to address water quality problems associated with evaporation are variation in water depth with the project interior to minimize temperature stratification and the opportunity for water "turning," periodic flushing of the interior waterways with flood flows or make-up water, and control of nutrient runoff through the institution of stormwater controls and/or BMPs. Evaporative loss would be compensated by existing water rights that are either currently held by TRWD or would be obtained by TRWD from other owners. Additional water rights might be cost-effectively secured that allow for additional releases from upstream reservoirs during dry periods to supplement flow in the proposed waterways. Groundwater from the Trinity Aquifer can produce water of suitable quality at rates up to 300 gallons per minute per well. Wells could be placed in the area to draw water from the aquifer to supplement the surface water supply. Reclaimed wastewater, most likely from a new ultra-pure satellite wastewater treatment facility located within the project, could be used to supply additional water to the waterbody. Circulation problems can be alleviated through mechanical circulation, grade control structures as well as flow augmentation. Water quality would be further improved by the incorporation of wetlands to reduce stream nutrient loads, depending on the wetlands' size and water retention characteristics. The potential addition of more canals and extension of the urban water feature (Trinity Uptown) will create additional water surface area subject to evaporation and an increased potential for additional water quality problems.

The most significant impacts will occur to 1,875 linear feet of Marine Creek and 400 linear feet of LeBow Creek. Both creeks are considered exceptional riffle/pool habitat during certain times of the year by the United States Fish and Wildlife Service (USFWS). Raising the water surface elevation to 525 feet NGVD by construction of Samuels Avenue Dam would inundate stream habitat in Marine Creek. The lowermost 400 linear feet of Lebow Creek would be filled in order to prevent inundation to the upper reaches and associated effects to the 100 year water surface elevation. The anticipated development of the Trinity Uptown Features would incur additional impacts to 1.2 acres of riparian woodlands, 16.3 acres upland woodlands, and 122.8 acres of grassland habitat. The United States Army Corps of Engineers (Corps) is currently coordinating with the USFWS and local sponsor, TRWD, to develop a plan to mitigate the impacts to Marine and Lebow Creeks. Mitigation measures under evaluation include providing additional flow to the mid-reach of Lebow Creek, improving aquatic habitat by modifying the existing channel, and creating aquatic habitat in the rerouted Lebow Creek channel. Other sites are also being investigated, including additional instream aquatic habitat via structural modifications to Marine Creek above Main Street and developing a

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riparian corridor along an unnamed tributary to the West Fork that flows through Harmon Field Park east of I-35. The Corps and the local sponsor have committed to completion of a compensatory mitigation plan for impacts to Marine Creek and Lebow Creek stream habitat prior to the completion of the National Environmental Policy Act process. During detailed planning in preparation for construction, additional studies would be conducted to incorporate stream geomorphology considerations into the design of any aquatic features that would incorporate stream habitat or flow alterations to reduce undesirable erosion, siltation and velocities that would hinder aquatic habitat sustainability.

Construction of the bypass channel would require mitigation of valley storage to compensate for its increased conveyance efficiency. Hydraulic analysis estimate a loss of 5,250 acre feet of valley storage volume. Of this, an estimated 2,850 acre feet would be lost due to creation of the shorter bypass channel (versus existing river channel) and approximately 2,400 acre feet of valley storage would be lost due to drawdown. The identified valley storage losses would be mitigated by the following measures: (1) Partial levee removal and excavation in the Riverbend site approximately three miles upstream of University Drive; (2) excavation of additional sites immediately downstream of Samuels Avenue Dam, and adjacent to Interstate Highway 35; and, (3) Modification of the University Drive roadway embankment, north of the bridge over the West Fork of the Trinity River. Construction activities in the Riverbend/Rockwood area associated with the mitigation of valley flood storage would result in a loss of 8.8 acres of emergent wetlands and 34.5 acres of riparian woodlands. Additional impacts from the proposed project include 64.4 acres of upland woodlands, and 372.9 acres of grassland (from the bypass channel and the valley storage mitigation).

In addition to restoring 5 acres of riverine habitat through the reconnection of two historic river meanders, the applicant proposes to mitigate for impacts resulting from project construction and valley storage mitigation through the restoration of 15 acres of emergent wetlands, creation/enhancement of 140 acres of riparian woodlands, creation of 45.5 acres uplands, enhancement of 13.3 acres uplands, and creation of 42 acres of native grasslands. The majority of the mitigation for impacts resulting from the project will occur on the site proposed for valley storage mitigation following excavation at the Riverbend/Rockwood site.

Construction of the channel/impoundment features (bypass channel, Samuel Avenue Dam, isolation gates, pump station, interior water feature, recreation, bridge modification, hydraulic mitigation, and ecosystem improvements) and associated development would temporarily increase turbidity in the surrounding waterbodies. The implementation of stormwater controls and best management practices (BMPS) during construction would assist in minimizing these impacts.

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Recreational features of the CBA would enhance river accessibility by providing approximately 10 miles of waterfront trails, 2 new pedestrian bridges, and approximately 3.5 miles of contiguous boating loop. Three new vehicular bridges would be required to maintain existing traffic flows to and through the area. These bridges would provide access over the bypass channel for North Main Street, Henderson Street, and White Settlement Road.

In addition to the information contained in the public notice and the DEIS, the following information is needed for review and certification of the proposed project. Responses to this letter may raise other questions that will need to be addressed before a water quality certification determination can be made.

1. The maintenance of water quality in the open water feature created by the Samuels Avenue Dam and associated gates, both upstream and downstream, will be one of the major challenges of the proposed project. The DEIS, Chapter 4 - *Environmental Consequences* identified potential water quality problems such as eutrophication, stratification, evaporation and oxygen depletion that could occur in the impoundment (interior water feature), especially during the summer months. A list of numerous strategies were also specified in the DEIS such as controlling flow through a multiple gate system and augmenting flow with other sources. The applicant must take care that a solution to one water quality problem does not aggravate another. For example, using reclaimed water to supplement and compensate for evaporative losses may aggravate eutrophication. Supplementation of flow with groundwater may result in increased concentrations of total dissolved solids in the waterbody. Additional water from upstream dam releases through secured water rights could potentially be oxygen deficient. Efforts to deter stratification by drawdown within the interior water feature may release oxygen depleted water downstream. Further, it is critical that nutrients and stormwater runoff are controlled through the use of BMPs. **The TCEQ would appreciate greater detail in the proposed maintenance of water quality in such a complex system as the interior water quality feature including contingencies when the abovementioned combination of situations occur.**
2. Mitigation of impacts is considered for “. . .all unavoidable adverse impacts that remain after all practicable avoidance and minimization has been completed . . .” (§279.11(c)(3)). As stated in Chapter 4 - *Environmental Consequences*, discussions of the mitigation for impacts from the proposed project, specifically impacts to Marine and Lebow creeks, the DEIS states that the Corps and USFWS are coordinating with the local sponsor in preparing mitigation for these creeks. It states further that “during detailed planning in preparation for


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construction, additional studies would be conducted to incorporate stream geomorphology considerations into the design of any aquatic features that would incorporate stream habitat or flow alterations to reduce undesirable erosion, siltation and velocities that would hinder aquatic habitat sustainability.” The TCEQ would appreciate the opportunity to participate in such discussions as it is a goal of the 401 Certification review process that lost functions and values of waters of the United States are fully compensated. Additionally, Chapter 5.2 Ecosystem Restoration (page 13) of Technical Memorandum ECO-1, Ecosystem Elements, Appendix G, states that a simple irrigation system will be constructed to enhance overall survivability of the wooded vegetation. Please describe the irrigation system in greater detail. Typically, mitigation is expected to be self sustaining.

3. The TCEQ recommends coordination with Ms. Kellye Rila of the TCEQ's Water Rights Permits Section regarding water rights issues at (512) 239-4612.

The TCEQ looks forward to receiving and evaluating other agency or public comments. Please provide any agency comments, public comments, as well as the applicant's comments, to Ms. Lili Lytle of the Water Quality Division MC-150, P.O. Box 13087, Austin, Texas 78711-3087. Ms. Lytle may also be contacted by e-mail at llytle@tceq.state.tx.us, or by telephone at (512) 239-4596.

Sincerely,


L'Oreal W. Stepney, Director
Water Quality Division
Texas Commission on Environmental Quality

LWS/LL/ms

From: Streater, Scott [sstreater@star-telegram.com]
Sent: Monday, June 13, 2005 1:13 PM
To: Brenda Helmer
Subject: RE: trinity river "blurred" vision
Brenda,

Thank you very much for your e-mail. You raise a lot of good points. We'll see if this comes to pass. I believe that if you have concerns you should let the Army Corps of Engineers know, or at least your city council member. Particularly about the "leap of faith" concern you have.

Thank you once again for the e-mail, and keep reading.

Scott Streater
Fort Worth Star-Telegram

-----Original Message-----

From: Brenda Helmer [mailto:ozhelmer@sbcglobal.net]
Sent: Sunday, June 12, 2005 11:29 PM
To: Streater, Scott
Subject: trinity river "blurred" vision

dear scott ... I knew your Dad well during my "stint" at mama's pizza ... berry, camp bowie and the rest ... at any rate, when I saw your name attached to the "blurred" vision project article that would be created by our "higher powers that be" for north fort worth, I almost fell off the couch ... just a few comments on the article ... having lived in fort worth for more than 40 years, I feel like I have a "fish in the water" on this one ... I lived in mistletoe heights off forest park blvd in the same house for more than 30 years ... during that time, I saw many trinity river "floods" ... I loved the "roller coaster" drive on the forest park "extension" on my way into "town" ... I have seen "progress" come and go, including the subway cars that went to leonards department store which truly were one of the most unique [fronts] in North America (quoting Rep. Kay Granger in your article for what her unique waterfront could be with this "vision") ... en! ough of my reminiscing ... the point is that while Ms. Granger and her cronies want to eliminate a "serious flood risk" (which is overblown fiction at best), the citizens of fort worth would suffer immeasurably with taxes, supposed "eminent domain" financially rewarding only the aforementioned "cronies", and an EPA train wreck that is just waiting to happen ... interestingly enough, your article pointed out the best "risk" of this new flood project endeavor ... "almost every flood in Fort Worth for the past 50 years would have happened *even if* this project had been built" (emphasis mine) ... so ... why is this fraud being perpetrated on the citizens of cowtown ... it will create tremendous hardships including the serious flood risks that will "flow" as a result of this bypass channel ... the tax burden will be more than my "imagination" of a Sunday stroll and waterside dining can envision, and, projecting a \$50 million commitment for river way spans that may not even ! come to fruition, would be an ENORMOUS leap of faith, leaving me aghast with trepidation for my fellow cowtown residents with many probable sleepless nights for me and many others ... when one "overlays" the "grand vision" picture next to the aerial view of north fort worth, there is only one major change reflected in this "vision" ... RadioShack will have its beloved "interior water feature" ... the small lake ... which will enhance their views from their laptops ... from the rocking chairs ... from their balconies ... the Corps of Engineers has a realistic vision ... "straight-up flood control" ... if RadioShack wants an "urban oasis", let them bear the financial costs and cost-overruns that will inevitably befall this project which indeed would leave the taxpayers holding the bag, contrary to what "Oliver" promises ... there is no crystal ball, but if history is an indication of future results, God help us in our financial pockets if this "blurred" vision comes to pass ... by the way, I am a conservative, Republican who generally supports Kay Granger ... in this fiasco, she has gone in way over her head ... the water is deep ... she and her cronies may find themselves floating in their river project on canoes that leak ... in their sinking boat, one hopes that they will still be able to swim in the muck they will have created ... fondly, brenda dolenz helmer, 2951 oak park circle, fort worth, texas 76109 817-924-1111 ...

From: Jjmjr1717@aol.com

Sent: Wednesday, June 15, 2005 9:51 AM

To: rebecca.s.griffith@swf02.usace.army.mil.

Subject: Yes to improving flood protection and spurring development with lake!

I am VERY MUCH in favor of the Trinity Uptown Project. It would more than justify its cost and be a further boost to our city.

My great great grandfather, Julian Feild, built the first mill on the Trinity in this same location before the Civil War. His pioneering efforts helped start the development of our great city. Their home was on Belknap where Radio Shack is now located.

I believe it takes guts and vision to go from the ordinary to the special. Our civic leaders have done this to all of our great benefit--from those early pioneers to Amon Carter to Charles Tandy to the Bass Brothers. Look what they have accomplished!

Let's keep this "can do" attitude.

Respectfully,

Joseph J. Minton, Jr.

From: omahas@gijungle.com [mailto:omahas@gijungle.com]
Sent: Wednesday, June 15, 2005 10:00 AM
To: Griffith, Rebecca S SWF
Subject: vision

Hi Rebecca,

How soon could the abandoned \$9.1 million levee build-up remedy be completed as apposed to the grand vision project?

Brad Williams
Omahas Surplus
2413 White Settlement Rd
Ft. Worth, TX 76107
<http://www.gijungle.com>
888-922-1493

From: BJ Williams [mailto:bejsw55@yahoo.com]

Sent: Tuesday, June 21, 2005 8:05 PM

To: Griffith, Rebecca S SWF

Subject: Trinity Uptown Project

I am totally against Trinity Uptown Project using US tax dollars in excess of \$200 million, and still counting, at a time when we have US troops in combat in Iraq and elsewhere, that are short of weapons, equipment, etc. It is my understanding that if addressing flood control only, it could be done for \$9.1 million dollars. This would leave \$190 million dollars to better supply our troops.

May God bless America

Sincerely,

Charles R. Williams

3540 Dorothy Lane N.

Ft. Worth, TX 76107

817-735-9752

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<http://mail.yahoo.com>

From: BJ Williams [mailto:bejsw55@yahoo.com]

Sent: Monday, June 27, 2005 8:43 PM

To: Griffith, Rebecca S SWF

Subject: Trinity Uptown

Comments and questions about the Trinity Uptown project.

1. Why do a few individuals get to decide that Ft. Worth needs this wasteful project?
2. Why not let the citizens vote on a huge project like this?
3. If this area needs improved flood control why not use the \$9.3 mil. plan that the Army Corps of Engineers said would work?
4. One of the strongest proponents of this project acts like the federal money for this project (\$200 million and counting) is just “free” money from Washington D.C. Doesn’t Kay Granger, or anyone else, realize this is debt that taxpayers have to pay back?
5. Do any of you realize the worry and concern this has caused us and the time we as private business and property owners have devoted to dealing with this? Legal fees, lost hours of work and loss of productivity are just some of the expenses we have incurred.
6. In my opinion, these federal tax dollars could be better spent supplying our troops with adequate equipment, benefits, improved veteran’s hospitals, etc.

May God bless America,

Charles R. Williams
3540 Dorothy Ln. N.
Fort Worth, TX 76107

Yahoo! Sports

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June 28, 2005

Ms. Rebecca Griffith, Project Manager
CESWF-PER-P, U. S. Army Corps of Engineers
Fort Worth District
P. O. Box 17300
Fort Worth, Texas 76102-0300

RE: Trinity Uptown Project

Dear Ms. Griffith,

The June 15th article in the Fort Worth Star Telegram indicated that the Corps of Engineers had given preliminary support to the above mentioned project. At the same time it indicated letters could be sent to you for your consideration.

From everything I have read it would appear as though we are far beyond taking public opinion into consideration. I think this proposed \$435 million dollar project is a done deal. But I can object and I do so most strenuously.


It seems that the Corps had a very good plan put forth to control the catastrophic flooding problem that might occur once in a century. And the cost seemed reasonable considering the work to be done. But like so many good ideas this one has gotten completely out of hand. It is one thing for the city leaders to sell this development package to the city under the guise of flood control. **But for the Corps to give up their plan without a fight** and buy into this big city vision is insulting to the citizens of Fort Worth and frankly I think it goes against the real purpose of the Corps of Engineers. **You are quite capable of handling any flooding problem without incurring an additional \$425 million dollars of expense. I believe the Corps should stick to its plan and urge the city to do so as well.**

If city leaders fail to listen to the Corps and lead this city into this extravagant plan then so be it. But you could stand up to them and stand behind your original plan. Going along to get along is a spineless way to do business.

I strongly urge the Corps of Engineers to disapprove the Trinity Uptown project.

Thank you for your consideration.

Yours very truly,


Mrs. Diane Etzel
6013 Wormar Avenue
Fort Worth, Texas 76133

From: CR Williams [crw1941@yahoo.com]

Sent: Wednesday, June 29, 2005 9:18 PM

To: kay granger

Cc: Carter Burdette; Mark Davis; wendy davis; salvador espino; Griffith, Rebecca S SWF; becky haskin; Kathleen Hicks; Jungus jordan; Mike Moncrief; chuck silcox; Donovan Wheatfall

Subject: Call to Arms

Congresswoman Granger,

After listening to our President's "Call to Arms" speech last night, I must let you know how I feel about the proposed Trinity River Vision project. At a time when our country is at war, I think our tax dollars should be used to supply our troops with the best equipment available! **If there is a real need for flood control why not use the \$9.3 mil. plan proposed by The Army Corps of Engineers?** I think that you, as our representative, should be spending more time and effort on making sure our troops are getting all the supplies and support they need to complete their mission.

Sincerely,

Charles R. Williams
3540 Dorothy Ln. N
Ft. Worth, Texas 76107

Yahoo! Mail

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From: CR Williams [mailto:crw1941@yahoo.com]

Sent: Monday, July 04, 2005 12:13 PM

To: Griffith, Rebecca S SWF

Subject: Trinity Uptown project

Dr. Griffith,

After hearing President Bush's "Call to Arms" speech on Tuesday, June 27th, I must ask you once again to reconsider spending \$400 million dollars on the Trinity Uptown project at a time when our troops are in short supply of necessary equipment and arms to complete their mission! Why do the proponents of the TUp get to make this decision without a public vote?

I personally believe that the majority of people, if given the choice, would choose the \$9.3 million "flood control only" project.

Will there be more public notices or announcements on the meetings scheduled for July 26&27? The small article in the Sunday, July 3rd Star-Telegram (on a holiday weekend) is not enough notice for the citizens of Fort Worth/ Tarrant County need more public announcements such as radio & tv.

Sincerely,

Charles R. Williams

3540 Dorothy Lane N.

Ft. Worth, TX 76107

817-735-9752

crw1941@yahoo.com

Yahoo! Sports

[Rekindle the Rivalries. Sign up for Fantasy Football](#)

From: CR Williams [mailto:crw1941@yahoo.com]
Sent: Monday, July 04, 2005 11:44 AM
To: Griffith, Rebecca S SWF
Subject: Trinity Uptown project

Dr.Griffith,

In reviewing the EIS study, I saw no mention of a company called Harry's Salvage on N.Henderson St. This was a scrap metal recycling business, that I believe, was located at approximately 800 N. Henderson, which is now paved over and operated as storage lot by Allied Fence Co. Was this site considered in your study of toxic hazardous clean-up sites or were you even aware that this business was operating at this site in the 60's-70's? I believe this property backs up to the Trinity River.

Sincerely,

Charles R. Williams
3540 Dorothy Lane N.
Ft.Worth, TX 76107
817-735-9752
crw1941@yahoo.com

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Trinity River Uptown Concern.txt

From: Laurie Mulhall [lwilliams5@yahoo.com]
Sent: Monday, July 04, 2005 4:59 PM
To: Griffith, Rebecca S SWF
Subject: Trinity River Uptown Concern

Dr. Griffith,

I would like to express my concern over the use of federal and local money for private gain. As I understand it, you have two options for flood control in Fort Worth: a \$9.3 million actual flood control plan or a \$430 million economic development plan. In a perfect world, under perfect circumstances, with unlimited resources, the \$430 million plan would sound great. The city can just buy the property it needs, make it pretty, make it safe, and then turn around and sell it for big bucks. Kill two birds with one stone. We get our flood control, but we also get a new addition to downtown. Genius!

But wait, there is one problem (or maybe several, but we'll just touch on one today). The property you need isn't for sale. Luckily, the Supreme Court just ruled that cities could use eminent domain to buy property for private use. Phew! As a new business owner in Fort Worth, I sure am glad to know that the my local government can take my property when they need it.

How do you put a price on a business? How do you tell a hardworking, self-made woman that all the taxes she paid and all the years she put into to growing her business don't really matter because you have a better plan for the property she bought? Fair market value?

Tell me again, what is the fair market value of a property that isn't for sale?

Over 80 businesses will be forced out to make way for bigger and better businesses (like we need more Starbucks and Applebees to add character to a historical city already sentenced to death by chain restaurants). Statistics show that more than 75% of businesses forced to relocate fail. Not important to a city that gives tax abatements to megastores who put small businesses out on the street.

It seems you have a substantial decision to make. Good luck.

Sincerely,
Laurie Mulhall
3540 Dorothy Ln N.
Fort Worth, TX 76107

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Griffith, Rebecca S SWF

From: CR Williams [crw1941@yahoo.com]
Sent: Monday, July 04, 2005 1:40 PM
To: Kay Granger
Cc: Carter Burdette; Mark Davis; Wendy Davis; Salvador Espino; Kay Granger; Griffith, Rebecca S SWF; Becky Haskin; Kathleen Hicks; Jungus Jordan; Mike Moncrief; Chuck Silcox; Donovan Wheatfall
Subject: Present vote?

Congresswoman Granger,

I read in today's Fort Worth Star Telegram that you voted against an amendment that would deny federal money to projects that rely on eminent domain and voted "present" on a House resolution that strongly criticized the Supreme Court decision. I find it totally disgusting that you will not stand up for our citizens rights! WHAT KIND OF A VOTE IS "PRESENT"? You have to be either for citizens rights or against them!

As a small business owner who will feel the first impact of this project and violation of my constitutional rights, I am appalled that you will not stand up for the citizens of Fort Worth! It appears to me that you have others' interests in mind. If this Trinity River *hallucination* is such a great deal, why don't the citizens of Fort Worth/Tarrant County have a public vote in this matter, since it appears to me that you are not representing our interests?

Happy Independence Day!

May God Bless America,

Charles R. Williams
Owner
OMAHA SURPLUS
2413 White Settlement Rd.
Ft. Worth, TX 76107
817-332-1493
omahas@gijungle.com

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7/5/2005

From: W. Michael Hiatt [RedRaider1989@msn.com]

Sent: Tuesday, July 05, 2005 7:36 PM

To: Griffith, Rebecca S SWF

Subject: Trinity River Uptown

Ms. Griffith:

Please accept this electronic mail as my request to extinguish all talk about the Trinity River Uptown project slated for downtown Fort Worth, Texas.

This project will uproot about 80 small private businesses, the backbone of our nation's economy. Furthermore, displacing these businesses for purposes of bringing in new private business is a slap in the face of entrepreneurs everywhere. The horrible ruling by five judicial activists of our Supreme Court should not be read as a free pass to trample over the Bill of Rights.

People are supposed to have the right to feel secure in their private property. Proceeding with this Trinity River plan will show that our local government leaders are able to do with the terrorists of September 11, 2001, were unable to do -- take away our freedoms!

Giving the go-ahead to this project will give cause to ponder just why our troops are risking and losing their lives in Iraq and Afghanistan.

Squash this idea now, please!

Regards,

William Hiatt
1044 Harriman Drive
Saginaw, Texas 76131
817.847.8763

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-----Original Message-----

From: D. Brown [mailto:nworbdw@yahoo.com]

Sent: Wednesday, July 06, 2005 3:02 PM

To: Griffith, Rebecca S SWF

Subject: Opposition to Trinity River Project

Ms. Griffith

I am a citizen of Fort Worth and I am writing to express my opposition to plans to rechannel the Trinity River in conjunction with the project proposed by the Fort Worth City Council. I oppose this project because its primary goal is obviously

economic development and I am against altering natural resources for this purpose.

Further, the project would require acquiring private property and I do not think homes or businesses should be displaced for economic development.

I appreciate having the opportunity to express my concerns.

Best Regards,
David W. Brown

From: CR Williams [mailto:crw1941@yahoo.com]

Sent: Wednesday, July 06, 2005 9:56 PM

To: Griffith, Rebecca S SWF

Subject: TRV

Dr. Griffith,

Will the mayor of Ft. Worth and/or city council members be at your meetings on July 26th and 27th? What other elected officials will be in attendance and will they be taking questions and comments?

I would really like to know who are the proponents of the Trinity Uptown project?

I would like to have names, please. Why do these proponents get to make the decision on this project? Why not let the people of Ft. Worth and Tarrant county vote on whether or not this is an acceptable alternative to the basic flood control plan of \$9.3 million?

My understanding is that the major cause of an increased danger of flooding is the increase in upstream developments. What is being done to address this problem?

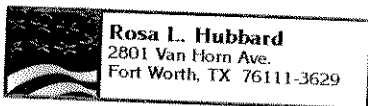
Thank you,

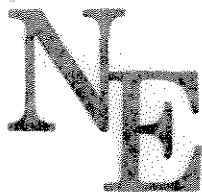
Charles R. Williams
3540 Dorothy Lane N.
Fort Worth, TX 76107
817-735-9752

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<http://mail.yahoo.com>

Ms. Griffith
Wish I could attend your
meeting - may be the only
living committee member
of the open space left.
Mrs Rosa Hubbard





NORTH EAST SECTOR

Dear Open Space Committee Member:

Many of the Open Space enthusiasts on our committee have already "walked" much of the Sector and are prepared to share their insights with the rest of the committee. So at our next meeting this Wednesday, reports on the Open space opportunities and problems will be given by these members.

The meeting will be:

January 27, 1970

7:30

Riverside Christian Church

MINUTES FROM THE JANUARY 21 MEETING

PRESENT

Mrs. Rosa Lee Hubbard
Mrs. Julia Venters
Jim H. Venters, guest
John F. Tolan
Rev. Henry Radde
Terry Smith
Sister Margaret Miller

Mrs. Lois Caraway
Beatrice Masters
Ollie Reed, guest
S. Ray Edwards
Wilburn Long
Patricia Lewis, staff
Robert Hixson, staff

The North East Open Space Committee was called to order at 7:30 by Chairman, Rev. Radde. He announced that the next Sector Planning Council meeting would be on February 9th at 7:30. The meeting will be in Neighborhood I, this time. You will receive notice of the exact location later.

It was decided that each member of the Open Space Committee should make a notebook containing newspaper clippings and magazine articles on the topics of open space, recreation, our environment and pollution. Our personal observations and ideas on what should be added to or changed should also go in a section of the notebook.

The attending members divided themselves into "Task Forces" to study four specific problem areas which are:

1. What neighborhoods need parks - Mr. Ray Edwards, Mr. Wilburn Long
2. Vacant Lots - Sr. Margaret Miller, Mr. Terry Smith, Mr. Julia Venters and Beatrice Masters
3. Rivers, Creeks and Streams - Mrs. Lois Caraway, Mrs. Rosa Hubbard and Mr. John Tolan
4. Scanning the literature on open space - Rev. Henry Radde

From: Teague Lumber Co [teaguelumber@sbcglobal.net]

Sent: Wednesday, July 13, 2005 7:48 AM

To: District2@fortworthgov.org; crsilcox@aol.com; District4@fortworthgov.org;
District5@fortworthgov.org; District6@fortworthgov.org; District7@fortworthgov.org;
District8@fortworthgov.org; District9@fortworthgov.org; Griffith, Rebecca S SWF

Subject: Trinity River Vision Project

The idea of a town lake as a part of downtown Fort Worth is a great idea. The City of Fort Worth and Tarrant Regional Water District have control of more than adequate land to carve a nice size lake out of the Trinity River as it now exits. The same engineering firm that suggests removing the levees and building a by-pass channel with gates for flood control certainly can accomplish the same thing with the current river channel. This would certainly be an enhancement to the area along the river from West 7th Street past Pier One - Schaumburg Group – Radio Shack – Downtown – Tarrant County College – Tom Struhs and the other developers on both sides of the river past the area where the Clear Fork and West Fork converge. The proposed by-pass channel would not reach the Stockyards District, as some have suggested.

I read with interest an article in the March 17th Star-Telegram, written by my good friend George Shannon, a publicly elected official, serving as president of the Tarrant Regional Water District. In the article, my friend George firmly stated he wanted to clarify that property subject to Eminent Domain would be taken for flood control only and not for redevelopment. It would appear that the vision my friend, George, has differs from the plan Congresswoman Kay Granger says she conceived at a Mayor's Institute for City Design at the University of Virginia, referred to as The Trinity River Vision. It is about redevelopment of the existing landowners' property after removing them. Flood control would only occur after this process is completed.

Ms. Granger made a statement at a business leaders meeting that very few cities have 800 acres of available land in the middle of their downtown that they can develop. She failed to tell these folks that most of the land to which she refers to is now occupied by landowners and successful businesses, some who have been operating businesses and paying property taxes for over half a century.

The article I referred to earlier by George Shannon was entitled "Faulty Assumption". I believe that George reached a "Faulty Conclusion".

My father and I own a family business that has existed in the afore-mentioned area for sixty-one years. We have been told that all or part of our business location will be affected if the project prevails. No one seems to have any legitimate answers at this point, except that the cost of the project could very possibly be a half billion dollars or more. Logic dictates that a lot of this cost will be borne by the taxpayers of Fort Worth and Tarrant County.

Think about it.

Jim Teague



Charlene Holt
6463 Waverly Way
Fort Worth, TX 76116



Please do not make a lake on
the Trinity River. The confluence
of the River is a natural
beauty. That is what Fort
Worth needs - not a man
made lake. Ugh! I have
lived in Fort Worth all my
80 years and seen many
good things destroyed. Keep this.
Sincerely, Charlene Holt

From: angel1stclass@comcast.net

Sent: Friday, July 22, 2005 3:59 PM

To: Cindy Gauna; Griffith, Rebecca S SWF

Subject: Re: Trinity river project.

Trinity river project? I say Nay-
Nay. No, A thousand times-Nay-
Nay.

✓

Thomas K. Threatt
3912 Collinwood
Ft. Worth, Tex. 76107

Rebecca Griffith
Project Manager
CESWFER,
U.S. Corps of Engineers
Ft. Worth District
P.O. Box 17300
Ft. Worth, Tex 76102-0300

Dear Ms. Griffith:

Words fail to convey the sense of outrage I feel toward this so-called "Trinity Vision" project.

It simply reeks of pork! How dare you & others spend even a penny of my tax money for such an inflated bunch of nonsense!

You call it a flood prevention project; it seems obvious that it is actually an excuse for some greedy developers & some politicians to make a huge profit on some trendy boutiques and condos, for some overprivileged yuppies who think they must live on a waterway!

And what about the 80 or more businesses that would be yonked off their property?

I hope to God that the Texas courts will pass legislation that
(over)

protect them from eminent domain removal.

I feel that Kay Granger should be removed from office for receiving federal funds for this pork barrel project.

All this while the government is stressed for funds; alas our troops in Iraq are inadequately equipped to cope with their terrible situation.

One other point: Why isn't this imbecilic project being brought to a vote? For a project this inflated, I think the populace should have a voice in deciding the fate of this garbage.

I can't begin to express the disdain and loathing I feel for these greedy and ruthless subhumans called real estate developers!

They are rapidly destroying Ft. Worth's unique identity & changing it forever!

Please desist from this huge misguided project!

Yours truly,
Thomas K. Thickett

Please answer and send to me -
DARLIA HOBBS
8113 ANCHORAGE PLACE
FT. WORTH TEXAS 76135

Proposed list of comments and questions:

817-237-7992

1. What will be the actual cost of this project including environmental studies and clean-up of contaminated sites that have yet to be addressed?
1. Has city of Fort Worth calculated cost to move Fire & Police Department training centers located in the path of the proposed project?
2. Who was so powerful to get the Army Corps of Engineers to change the proposed \$9.3 million plan for flood control to the proposed \$435 million (and counting) plan?
3. Tell us about Texas House Bill 2639 authored and pushed through by Rep. Charlie Geren, -who, what, when, and why?
4. What about property owners Fifth Amendment rights who do not want to sell?
5. Why do the citizens of Fort Worth and Tarrant County not get to vote on such a costly project?
6. I think we should demand an investigation into all the politicians who are involved in pushing this project through- what benefits them and what is the rush?
7. If there is such a great danger of future flooding, what is the Corps of Engineers doing to slow down upstream development which increases run-off?
8. Since this project will not solve city-wide flooding problems why is this being done?
9. According to the EIS draft, page 202, chapter 4, construction on TXU site is not recommended because of the extremely high levels of lead contamination. How can you build a lake in this area?
10. According to the EIS draft, in the executive summary, part j, most affected businesses are expected to relocate in proximity to the project. Please explain how will this be possible?

"Construction on top salvage site" should be avoided if possible... A variety of contaminants have been detected in previous investigations.

8-22-05

The construction on the TXU site is not recommended. The western portion of the site contains 3 capped solvent disposal pits. Any action will expose extremely high, potentially hazardous, levels of lead that have already been detected in the soil at this site. Ongoing groundwater sampling activities should also be monitored during the life of this project to ensure contaminants from TXU site will not

negatively impact the project.

July 26, 2005

✓

State Representative Charlie Geren's HB-2639 is written as though a con-man was gearing up to rip-off the public for millions of dollars - and it would be legal!

We should all be kicking and screaming for our (and all) state legislators who voted for this corruption - promoting document.

HB-2639 states that the district (TRWD or Waterboard) may make loans or grants of money for economic development purposes. No wonder greedy developers are so happy about the 5-person elected Waterboard being able to forcibly take away private businesses and private property for the Trinity Vision project.

With the help of Geren's bill - they don't even have to get competitive bids for any of the massive work they plan to have done. How fair is that?

"An economic development program may involve the granting or lending of money, services, or property to a person engaged in an economic development activity."

Well, they don't have to spend your exact tax dollars on that, because after they "steal" property by abusing Eminent Domain, there will be millions of excess cash when they resell the land for huge profits to other private businesses and residents of their choice.

"The board of directors of the district (Waterboard) may by resolution create one or more nonprofit corporations to act of behalf of the district as the district's authority and instrumentality."

"A corporation created under this section may exercise any power of the district, but the corporation may exercise the power of eminent domain and the power to acquire, lease, purchase, or sell real property only on the approval of the board of directors of the district. When exercising a power under this section, a corporation and the corporation's board of directors (appointed by the Waterboard) have the same powers as the district and the district's board of directors, including the power to issue bonds or other obligations or otherwise borrow money on behalf of the district to accomplish any purpose of the corporation."

This terrible bill also states that, "A corporation created under this section and the district may:

- 1) share officers, directors, employees, equipment, and facilities; and
- 2) provide goods and services to each other at cost without the requirement of competitive bidding."

"The district's board of directors (Waterboard) may sell, lease, loan, or otherwise transfer property of the district to a corporation created under this section." So - they can just about make themselves and their friends and relatives

"kings" with no limits.

After seeing and hearing from their victims they are trampling over for the Trinity Vision, I don't think this elected Waterboard should have that much power.

Nobody's property will be safe!

Do nothing and let it happen, or fight and call the following:

817-237-7912
FD Corps of Engineers

Questions - Please answer and send to me @
Darlin Hobbs - 8113 Anchorage Place
Ft. Worth Texas 76135

July 26, 2005 ✓

Problems & Concerns not Answered in the EIS Draft of the Trinity River Central City Project

1. How much money has been spent by all the partners for this Trinity River Central City project to date for consultants to develop this By- Pass Plan (Community Based Alternative)?

And, what percentage of these dollars was spent on investigating (fix the levee plan), the P&G plan? It appears that there was not a balance of effort (dollars and time) to investigate the alternative approach to the By-pass plan as page 186 of the EIS Draft, say it did NOT address urban revitalization for the P & G plan. WHY not?

And, WHY wouldn't there be economic development if the concern for flooding were addressed with the P & G plan? WHY does the report not acknowledge development that the free market has already started in the 'project area'? For example, the Trinity Bluff area, Cats Baseball and (the 18 acres that Mr. Bell is planning), the Tarrant County College. The paper said that Tarrant County College selected this location because of the 80,000 residences living in the Central City that it could serve. These projects will be done with or without the By-Pass plan or with or without the P & G plan, true?

2. Former Councilman Jim Lane stated that there were several family owned businesses in the project area that had been there for generations and had been important contributors to the community. He hoped that they would be treated fairly. WHY didn't the City's Economic Development Department and council members working with the Dept of Economic Development include the businesses directly affected in the By-pass plan in their planning? WHY didn't the City's Economic Development Department share their plans with these affected businesses so that these businesses could have had the same amount of time to plan for their futures as the project's planners have had in developing the By-pass plan? It would appear from the lack of concern shown to the affected property owners that the City's position is that these folks don't count. Who does count in this By-pass plan project? It appears that a lot of money is to be spent for a very SMALL group of developers at the expense of ALL tax payers.

What happens if the voters of Ft. Worth do not go along with future bond programs to pay for the City's share? What is the City's back-up plan? Certainly they have developed one.

4. What are TRWD, City of Ft. Worth, Tarrant County's plans for finding the money for the project if future funding does not come from the Federal Government?

5. Does the City of Ft. Worth wish to keep the jobs (within the city) of the displaced businesses in the project area?

Problems & Concerns not Answered in the EIS Draft of the Trinity River Central City Project
page -2-

6. Does the City of Ft. Worth's Dept. of Economic Development have any plans to relocate displaced businesses and their employees so they will stay in Ft. Worth as was done for Radio Shack and Pier One?
7. What plans does the City or other entities have to find replacement sites for the displaced businesses? Or, is it the City's position that this problem is not theirs, but the problem of those being displaced?
8. Why did the City not put this project spending to a vote of the citizens? There is current talk of increased taxes to cover the budget short fall even with the City's windfall of the Barnett Shale income. It would appear that some members of the City Council think tax dollars are monopoly money for them to build hotels or urban lakes. Why was there no discussion for a Vote. Why wasn't the alternative P&G plan shown to the citizens with the same attention that was given to the By-pass plan? Why did Congress and/or the Corps of Engineers not question the term of "community based alternative" before proceeding?
9. Why didn't the P & G plan address the ability to continue businesses in the area along side new projects as well as urban development?
10. What would keep the same zoning and other development incentives proposed for the By-pass plan from working in the P & G plan today?
11. Wouldn't TIF's and Planned Development Districts, and tax abatement, and City participation in utility improvements and other incentives and programs work in the project area today? Again, these things were not considered in the P & G plan, why not?
12. What prevents the use of the existing levees for riverside type development? Why can't design guidelines be prepared to allow development along, behind and over the existing levees so that business, recreation and housing could all develop there today? There are examples of this in place today. Why was this not studied or mentioned in the P&G plan?
13. If urban development occurred in the project area without a By-pass plan wouldn't it create the same quantity of job growth as shown in the By-pass plan?

Problems & Concerns not Answered in the EIS Draft of the Trinity River Central City Project
page -3-

14. In Figure 3-5 for the P & G plan, you show the levee improvements required for the SPF + 4" including improvements at the Main St. bridge. This seems to be a very reasonable plan to achieve flood protection without taking a lot of businesses out of the area, (and almost no improvements in the primary area of the By-pass proposed plan are required). WHY isn't this a better plan?
15. Isn't it true that the P & G plan has more public recreational uses and continues the use of existing systems better than the By-pass plan?
16. How did the River Bend area get added into the plans as an integral part? Isn't it true that it is only added to the study because the river flows could NOT be accommodated in the project area with the By-pass channel design?
17. What hydraulic function does the River Bend area serve for the Central City portion of the plan? Why wasn't the water storage capacity handled in the Central City portion of the plan?
18. Why is creating a "holding sump" in the River Bend area necessary and better than using the existing channel for valley storage and flows?
19. Did you count the River Bend land values as part of the project area when evaluating the land values inside the project area? How can the River Bend area be used as part of the project area in one circumstance and not counted in other evaluations?
20. What exactly are you talking about when you refer to returning the river to natural habitats and restoring native habitat and environment? Aren't you, in fact, in the By-pass plan, planning to tear up and rebuild a largely natural area currently in River Bend, and aren't you planning a very urban development along the whole Central City area's edge (according to your architectural renderings)?

What are you "returning" to?
21. Why is the current status of the river (maintained by the COE and TRWD) as a greenbelt between the levees allowing hiking, biking, boating and other recreational activities today considered to be a bad or poor thing? Your By-pass plan seems to eliminate a large portion of those features in the very downtown area you say needs additional green space.

Problems & Concerns not Answered in the EIS Draft of the Trinity River Central City Project
page -4-

Yes, you created other spaces outside the area you complain about, but what about the Central City area? You claim to want to create a very dense urban center area that, of course, will have open areas and green space, but, in fact, won't it resemble other new town approaches like Las Colinas? So, we would be building \$435 million of new construction to get what we have today? If, more native landscaping and shade cover is required for some recreational activities, why was it not explored in the P&G plan within the current levee system? Again, this is another example of extensive study of one plan and not giving the same attention to the P&G plan which works with what we already have and thus would be less costly? WHY?

22. Why couldn't the proposed three-tiered concrete edge (is this not also a levee?) for the proposed By-pass channel be applied to the existing levees to achieve a similar effect within the current channel? Why was this not considered?

23. Please explain why the proposed sump improvements in the By-pass plan could not be used to correct and/or control interior flooding problems in the existing system? A similar pump station, or land fill, or water features? Why was this not done?

24. The P & G plan (fix-the-levees) notes that:

- a. It doesn't have to acquire private lands to be implemented,
- b. Requires less mitigation area,
- c. Can continue the existing businesses while redevelopment occurs,
- d. Can accommodate transportation improvements with little disruption,
- e. Cost the community considerably less (say, one-tenth as much)

So, why isn't this a good plan? Why wasn't the P & G plan considered better for everyone from a Federal to a Local point of view? Wouldn't the P & G plan for Ft. Worth allow flexibility for the COE to solve and implement more projects for the benefit of more citizens?

2413 White Settlement Rd.
Fort Worth, TX 76107



817-332-1493
www.omahas.com

July 26, 2005

City of Fort Worth, Texas:

There seems to be a misunderstanding about your proposed Trinity River Vision project and the acquisition of our property. Be advised: our property is not for sale! My family and I have worked many long, hard years to carve out our little piece of America and to think we would sell this is nuts! You will just have to reroute your plans.

Sincerely,

A handwritten signature in cursive script that reads "Charles R. Williams".

Charles R. Williams

A handwritten signature in cursive script that reads "Betty S. Williams".

Betty S. Williams

A handwritten signature in cursive script that reads "Brad E. Williams".

Brad E. Williams

A handwritten signature in cursive script that reads "Charlie H. Williams".

Charlie H. Williams

A handwritten signature in cursive script that reads "Laurie Williams Mulhall".

Laurie Williams Mulhall

From: George Michael Sherry [mailto:gmsberry@charter.net]

Sent: Tuesday, July 26, 2005 9:30 PM

To: Griffith, Rebecca S SWF

Subject: Trinity River Uptown project comments

Dear Ms. Griffith:

I do not envy you the task of reading (much less evaluating) the public comments on the Trinity River Uptown project.

I attended Tuesday evening's meeting intending to speak, but when I learned how many people wished to be heard, I decided to submit my comments in writing instead. The comments that follow were written to be spoken aloud, so their style is rhetorical; perhaps I should revise them into written English, but I won't. What you'll read is what I wanted to say.

Also, I thought (based on information in the Star-Telegram) that comments could pertain to the project in general (a belief shared by most of the speakers at the meeting); I did not realize that they were supposed to refer specifically to the Environmental Impact Statement. In that context, my comments (and most other people's) may be irrelevant; if so, I apologize for bothering you with them.

Now to my statement:

Thank you for the opportunity to speak. My name is Michael Sherry; I'm a long-time resident of Fort Worth who is *not* directly affected by this project.

I am opposed to the Trinity River Uptown project. In fact, I am angered by it.

I am a libertarian. I believe that government's powers should be limited to those rationally related to protecting our rights. I believe that tax money – which is taken from taxpayers regardless of their consent – should be used only for activities necessary to maintain public order and safety.

Flood control might be justified as a public safety measure, but it's an insult to our intelligence to call this a flood control project. It will control flooding that will never occur and doesn't control the flooding that actually does occur. Flood control is merely the pretext – the openly cynical, false pretext – for obtaining funding for this project. Our public officials are going “wink, wink, nudge, nudge,” and expecting us to thank them for how clever they've been to misappropriate flood control money for this scheme. This project will deprive legitimate flood control work of its funding.

Makeover shows are very popular right now. One bunch of people gets to redo someone else's property, using yet a third party's money, and make it look however they want. This project is just a huge extreme makeover, in which our public officials and community bigwigs, using our tax money and our property obtained by eminent domain, get to play in a sandbox at someone else's expense. There is no reason for this project except that somebody thinks it'll be pretty.

But will it? The model for this project is the San Antonio Riverwalk. I've never seen the Riverwalk, but I do know that the river involved is one of those clear streams that flows straight out of the limestone down in the Hill Country. The Trinity has to flow over vast expanses of hostile prairie before it arrives in Fort Worth. It barely makes it. It's sluggish and green. These channels and lakes they want to create will be stagnant, smelly, and scummy. Maybe the reason Fort Worth has never embraced our river is that we understand that it looks – and smells – better from some distance away! Maybe nobody will *want* to be near it.

But even if the project is a great success, at what cost? The Riverwalk today; what tomorrow? Do we tear down buildings to build hills, so we can be like San Francisco, complete with film crews shooting car chases? Do we tear out the center of downtown to create our own Central Park? Do we turn Fort Worth into the municipal version of a Tour 18 golf course, borrowing pieces from other cities until we're an artificial hodgepodge, instead of treasuring our own uniqueness?

Which brings me to history. I am not a fanatic about historical preservation; I would not ask a government to go far out of

its way to preserve history. But in this case the government is going far, far out of its way, with this completely unnecessary project, to *destroy* our history. The original Fort Worth was built on the bluffs above the confluence of three rivers. Now our public officials, playing in their sandbox, want to alter that confluence out of all recognition. Why?

This project has been sprung on our city as an accomplished fact. There was insufficient discussion before planning was conducted. The bond expenses were included with truly necessary items in such a way that no meaningful opposition could be mounted. There's been no election. This is being shoved down our throat by arrogant people who think this city is their toy and they can do whatever they like with it.

No reason, other than the openly specious one of "flood control," has ever been given for this project. We're left to guess, and my guess is that someone just thinks a lake and an island would be cute.

Regarding federal financing, some may say "the government is going to spend this money anyway, we might as well get some good out of it for Fort Worth." That's what our elected officials count on, that we'll be grateful for them procuring funds for their district. But the federal government *has* no money. It's broke. It's borrowing money from all over the world – including Communist China – to pay for routine government functions *now*. We'll have to pay that money back someday. A foreign, hostile power – with whom we may someday have to go to war in the Formosa Strait – and we owe them money. If there *were* any extra government money, we should pay down the national debt or return it to the taxpayers. But there's not. We will have to borrow money from Communist China to build this project. We can't afford it.

If someone wants to raise *private* money and buy land from *willing* sellers for a project like this, I say more power to them. But this project is *not* an acceptable exercise of government's coercive power. I'm disgusted that public officials in a free country would even *try* to do a thing like this.

Thank you for your attention.

And thank *you*, Ms. Griffith, for wading through all this material, mine and everyone else's.

Yours truly,

George Michael Sherry

P.S. That suit from the Water Control District, the second suit to speak (I'm pretty sure) after the mayor, bragged that they had held 59 meetings and 1,000 people attended. That's about 17 people per meeting. Based on the turnout tonight, do you think those meetings were adequately publicized? I'm sure the *legal* requirements for notification were followed, the same as the *legal* requirements for notification are followed when a foreclosed house is sold on the courthouse steps. But do you think *any* of us had been adequately informed as to what was at stake, when we were failing to attend those earlier meetings? Then he bragged that there'd been something on the municipal access channel. Ninety-nine percent of us don't even know that exists, much less watch it. Again, that's where you publicize something if you want to make yourself look good but also very much want for the people who will be affected *not* to notice it. I stand by my statement that this was sprung on us.

And another thing, have you ever seen a greater divide between the suits and the real people than at the meeting tonight? Who was up there in support? Mayor, Water Board, College District – everybody we common people have to pay taxes to – Chamber of Commerce, corporate executives, land developers, a real-estate lawyer. The rich, who figure this is a way to get richer while the rest of us get poorer. I have *never* seen a clearer demonstration of the economic class divide in this country. This is a project of the rich, by the rich and for the rich, for their own continued enrichment. Fooley!



Clyde Picht
5016 Monarda Way
Fort Worth TX 76123

July 27, 2005

US Army Corps of Engineers
Fort Worth District Office
819 Taylor Street
Fort Worth TX 76102

Re: Trinity River Uptown Project

Question for Tarrant Regional Water District

Since the law currently allows the Water District to use eminent domain to provide for the public good, why was it necessary to pass new legislation, HB 2639 (Geren), to allow the District additional powers including the use of eminent domain for economic development, creation of nonprofit corporations for the purpose of sale, lease, loan or other transfer of property, to sell bonds, and to take those and other actions within the District's service area?

District Manager Jim Oliver was quoted as saying the bill was to directly support the Trinity River Vision project but the Fort Worth City Council was not privy to the bill or its ramifications.

What District projects are planned or underway that relate to the Geren bill?



Clyde Picht

From: Phil Waigand [waigandlegacy@flash.net]

Sent: Thursday, July 28, 2005 2:57 PM

To: Griffith, Rebecca S SWF

Subject: Trinity River Vision Project Input

Dear Ms. Griffith,

I gave my comments very briefly at the open forum for the Trinity River Vision on July 27th. I truly feel that my input on the Trinity River Vision Project is of utmost importance! May I preface my remarks with that "No Man Is An Island" and that "No City Is An Island". Point being, Fort Worth's adjoining neighbor, Dallas has the Trinity River Corridor Project with many of the same aspirations and goals linked by the same river. Also, as you are aware Fort Worth and Dallas are already linked together in many ways including the Trinity Railway Express and DFW Airport. Also, if my information is correct, 250 miles of trails will eventually link together in the Metroplex between Fort Worth, Dallas & Denton. I have contacted the Texas Governor's Committee on Disabilities and have started to work on the concept of having disability advocates in Fort Worth & Dallas give their input about the future hiking trails from the view point of people with disabilities using the trails. Also, the trails effect me directly in Arlington where I live with River Legacy Park. In essence, I am just trying to open the door that if Fort Worth and Dallas at least tip their hats in acknowledgement of the Trinity River Vision and Trinity Corridor Project as being on somewhat the same page that empowers in the Metroplex in way never imagined before. Local, state and federal funds would be involved in both projects with overlapping resources. So why not, set a WORLD PRECEDENCE about : "Communities Coming Together" in showing that these two projects can to a degree compliment and collaborate TOGETHER versus the more common approach of competing and comparing. Another rippling effect of showing two anchors cities working more collaboratively would be developing a future mass transit system that works for the benefit of ALL!. THANK YOU for allowing me to share my thoughts. If you would like to understand my perspective more, please look me up on search engines such as google and type in Phil Waigand.

Phil Waigand
4810 Landrun Lane
Arlington, TX 76017
817-483-2259
waigandlegacy@flash.net

JERRY W. HOPKINS

PRESIDENT

Texas Refinery Corp.

840 NORTH MAIN STREET

P.O. BOX 711

FORT WORTH, TEXAS 76101

In Our 83rd Year!

July 28, 2005

Dr. Rebecca Griffith, Project Manager
CESWF-PER-P, U. S. Army Corps. of Engineers
Fort Worth District
P. O. Box 17300
Fort Worth, TX 76102-0300

Dear Dr. Griffith:

The purpose of this letter is to express our company's opposition to the Trinity River Project proposed by the Corps. of Engineers.

Texas Refinery Corp. has occupied the same location on the north side of Fort Worth for over 80 years. During that time, we've strived to be a model corporate citizen. Through the years we have paid millions of dollars in taxes and supplied thousands of jobs to Fort Worth residents. It's our desire to continue contributing to the health of Fort Worth from our current location. We want to remain in business where we are. We are disappointed with the targeted redevelopment plan proposed by the City of Fort Worth, the Tarrant Regional Water District and the Corps. of Engineers that would move us out so that someone else can move in.

We're naturally concerned about the efforts being made to force us to close our business or to relocate. As a corporate citizen of Fort Worth, we are also concerned about other unsettled questions such as the loss of taxes from the businesses being forced to relocate, the loss of jobs from the businesses being forced to close and the added tax dollars the citizens of Fort Worth will be asked to contribute. These added tax dollars are of particular concern. Projects of this type seldom come in under budget. If the authorities are projecting a cost of \$435 million today, it's not unreasonable to assume the costs will top \$1 billion before it is finished. It's an equally safe bet that the citizens of Fort Worth, through added taxes, will have to pay a bigger and bigger share.

It's our understanding that the Corps. of Engineers has confirmed that actual flood control for the Upper Trinity River could be accomplished for approximately \$9.1 million. Yet, the Corps. of Engineers is now endorsing a project that costs at least \$435 million. It's our opinion that if additional flood control is needed, it should be done for the least dollar amount possible.

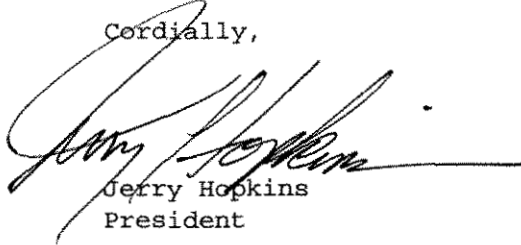
Dr. Becca Griffith

- 2 -

July 28, 2005

In summary, we are vehemently opposed to having our property confiscated so that this property can be turned over to another private company based on the assumption that someone else will pay more taxes.

Cordially,

A handwritten signature in black ink, appearing to read "Jerry Hopkins", written over a horizontal line.

Jerry Hopkins
President

JWH/mjl

From: Embellishments [embellishmentsfw@sbcglobal.net]

Sent: Friday, July 29, 2005 1:37 PM

To: Griffith, Rebecca S SWF

Subject: Trinity River Vision Project

Rebecca: Roger Anderson, my friend, told me that you were a good person. Surely, you understand the concerns that were voiced on the 26th and 27th at the YWCA. Taking people's land for economic development/recreation is just wrong despite what the Supreme Court has said. You must see this project as a runaway freight train b/c that is what it will become - financially and otherwise. Please consider the 10 million dollar plan for the flood control and advise against this mammoth project - the purpose of which is "glitz" and money for real estate developers, as well as politicians. Fort Worth has enough tourist attractions, esp. with Arlington right next door. Who are the powerful people that convinced the Corps to switch from the 10 million dollar flood control project to this ridiculous "vision." Is the Corps so controlled by Congress and politicians that the members go along with whatever those folks want despite what is prudent. It is just a lie that the community is backing the "vision." The meetings that were held were not publicized well as to what they were. If 1000 people attended them, that is only 17 people per meeting if, in fact, there were 59 meetings. Has the cost of clean up of contaminated sites been considered? What about the cost of moving the Fire and Police training facilities? What about the 5th Amendment? Why has this not been put to a vote of the tax payers? How are the politicians going to profit from this? Investigators into that have already been retained by the affected property owners. If there is such a great danger of future flooding, what is the Corps doing to slow down upstream development which increases run-off? Aren't Corps members promoted by Congress? Sort of a conflict of interest, I'd say. The Corps of Engineers has always been such a trusted entity by the public that in order to keep that trust, you might need to study the "vision" for as long as other flood projects in Ft. Worth have been studied - decades. The property owners who will be affected may not have been wearing suits on those two nights, and they may have appeared to be poor and uneducated, but I assure you that they are not. David and Goliath come to mind. Maybe you should do what one gentleman said and appeal to a higher power in order to do the right thing here.

From: CR Williams [crw1941@yahoo.com]
Sent: Sunday, July 31, 2005 11:24 AM
To: Griffith, Rebecca S SWF
Subject: Central City Project-TRV
U.S. Army Corps of Engineers
Fort Worth District

Use the P&G basic flood control plan for \$9.3 million. This would save the taxpayers \$425 million. The City of Ft. Worth cannot afford this project! They are already \$15 million in the red this year. I do not want my federal or local tax money used for such a wasteful project.

Thank You,
Charles R. Williams
3540 Dorothy Lane N.
Fort Worth, TX 76107
817-735-9752

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Priority List - Trinity Uptown.txt

From: John McInnis [jmcinnism@yahoo.com]
Sent: Tuesday, August 02, 2005 4:55 PM
To: texas.granger@mail.house.gov; mayor@fortworthgov.org
Cc: Griffith, Rebecca S SWF
Subject: Priority List - Trinity Uptown

The Honorable Kay Granger and
The Honorable Michael J. Moncrief,

SURELY, THE OWNERS ARE FIRST ON YOUR PRIORITY LIST!

If you think Fort Worth can afford a massive restructuring of the north end of downtown, then you should decrease and control your spending. This should give you the funds needed to make a better than fair market offer and other compensation for the properties you are wanting to use in this project. (Just a reminder of basic budgeting.)

Someone went shopping for an answer to a flood problem and found a \$10 million solution. Yet, some have decided on a high-dollar, fully-loaded \$435 million project. This is an example that humans have a tendency to overspend. You have time to change your mind.

Thank you for the work you do for us. Please do it fairly, for everyone.
Melissa Skiles McInnis
4312 Bellaire Drive South
Fort Worth, Texas 76109

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Trnitiy River Project-Great Idea! Vote of Support.txt
From: Robert Brereton [robert_brereton@yahoo.com]
Sent: Friday, August 05, 2005 7:29 AM
To: Griffith, Rebecca S SWF
Subject: Trnitiy River Project-Great Idea! Vote of Support

Greetings Rebecca,

There was a poster objecting to the Trinity River Project, and I thought I would send my vote of:
Support FOR the project.

It is MUCH needed project.

20 years from now, this will be hailed as a major success. Keep pushing forward!

Robert Brereton

Start your day with Yahoo! - make it your home page <http://www.yahoo.com/r/hs>

From: rick strickland [rpstrickland@hotmail.com]

Sent: Monday, August 08, 2005 8:39 AM

To: Griffith, Rebecca S SWF

Subject: Trinity River Vision

Dear Dr. Rebecca Griffith,

I am writing with interest regarding the proposed Trinity River project as it is proposed today. Having studied urban planning during my college days and examining what the aims of the project are I completely concur that the project as proposed would create an exciting opportunity for Fort Worth to progress. Fort Worth has the opportunity to further build on the excellent work that has been accomplished in the downtown region. The proposed river project will create a new look for Fort Worth and create the Venice of the Southwest. The Cannals and lake will create a dramatic new look for the city which all residents will be able to enjoy. The disruption of the few should not outweigh the progress of the many. Please proceed with all due speed to create the Venice of the Southwest.

Please contact if you should have any questions.

Rick Strickland
4916 Parkside Way
Fort Worth TX 76137
817-485-7031

Trinity Uptown/Central City Project.txt

From: Mike Beaupre [mikebeaupre@yahoo.com]
Sent: Monday, August 08, 2005 10:29 PM
To: Griffith, Rebecca S SWF
Subject: Trinity Uptown/Central City Project

Ms. Griffith,

I attended the first open house on July 26, but I did not stay for the hearing as I was with my wife and twin three-year-old daughters (who I'm afraid don't have as much enthusiasm for political activism as I do). I decided instead to share my comments and concerns with you via email. But first, I must share a little personal history.

I teach 8th grade U.S. History for Fort Worth ISD. I am starting my fourth year teaching Social Studies at Stripling Middle School. Three years ago, for many reasons, I decided to teach and get my alternative teacher certification. After almost 15 years in publishing, ten of those employed by Harcourt in downtown Fort Worth, I decided I wanted to do something "to make a difference." I'm not sure how much of a difference I have made, evidence of those positives are few and far between. It's a very hard job and can be disheartening at times. It has also been a struggle for our family financially, but we always come back to idea that I'm doing the right thing.

I am a cross country coach and an avid runner with five marathons under my belt. I have also recently taken up cycling to cross-train and keep my knees from wearing out. In the past ten years, I've run on pretty much every mile of the Trinity Trails system. It's by far one of the best things about living in Fort Worth. (By the way, the new loop trail by Trinity Parks is awesome and a great addition to the trail system). I live close enough to run from my house, through the Botanic Garden, onto the trail, and out for a short 3 miler or a long training run of 22 miles.

At the open house on the 26th, I saw many people whose homes and businesses will be displaced by Trinity Uptown and the Central City Project. As a homeowner and neighbor, I can't help but feel empathy for these people. However, I do think that the project is a great thing for the community and for the city of Fort Worth. But it's hard for the citizens of this city to realize the "common good" of the project when publicity for the project only discusses its commercial and residential aspects. Citizens of Fort Worth has been inundated with various projects to revitalize different areas of Fort Worth, only to find they have absolutely no benefit to them whatsoever. Most people in Fort Worth hear about development projects like this and think, "Just what we need here, more restaurants and more condos."

You are missing an opportunity to show how this project will benefit EVERYONE in Fort Worth, not just developers and urban dwellers. Focus on the recreational aspects of this project. Talk about the "lake" in terms of paddle boats, skulling, kayaking, canoeing, sailing, and other water activities. Plan some open space for a large central city park consisting of a skate park (the city has some of the money for this already budgeted), basketball courts, soccer fields, a disc golf course. We constantly read about the obesity epidemic in America; so, give people in Fort Worth and those visiting here some good reasons to get out and get some exercise.

Play on what's already been established as a good thing in Fort Worth, the Trinity Trails system. Build more and better trails with more water fountains for humans and dogs, some outdoor showers for athletes (and the homeless), obstacle/exercise courses, outdoor and covered playgrounds. Look at what other cities in the region have already done successfully--San Antonio, Austin, Tulsa, Little Rock, Kansas City--all have first class recreational facilities known to locals as well to frequent travellers to these cities. (I look forward to travelling to Austin because I look forward to running on Town Lake.)

As a department manager in the corporate world and as a teacher of teenagers, I've

Trinity UptownCentral City Project.txt

I learned that you must get buy-in to truly succeed. Get that buy-in now, before it's too late. The displaced citizens can't stop the project, only slow it down. Get buy-in from the rest of the citizenry not directly affected by giving them something they really want, and get some good publicity for the project at the same time.

Thanks for the opportunity to give my input.

Mike Beaupre
3720 Linden Ave.
Fort Worth, TX 76107

Start your day with Yahoo! - make it your home page <http://www.yahoo.com/r/hs>

Attn: Govenor Rick Perry

August 11, 2005

P.O. Box 12428

Austin, Tx 78711-2428

Cc: Rebecca Griffith/USAE Army Corp,

House State Texas U.S. Members-Austin, Texas

Frank Corte

Will Hartnett

Jon Cornyn

Resource Management Committee Members

Roy Blake Jr

Joe Pickett

Linda Harper Brown

Rob Orr

Robert Cook

Anna Mowery

Sid Miller

Juan Manuel Escobar

Daniel McQuade

From: Joe & Cynthia Gauna

Westside Trim & Glass

2117 Whitesettlement Road

Fort Worth, Texas 76116

(817) 334-0090

Re: Trinity River Project & Miniment Domain

My name is Joe Gauna, my wife (Cynthia) and I own our own business Westside Trim & Glass in Fort Worth, Tx. We are many of the businesses that are being affected by the eniment domain..for the Uptown Trinity River Project.

We have operated our business for almost three decades and have witnessed the changes that occurred in the area, including the establishment of Bass Hall, the renovation of downtown library, and the convention center...just to name a few....We are not against nor do we feel that anyone else with their businesses being affected by this is against change. We would like to see downtown improve as well....However, What we are strongly against and many others in the businesses and citizens is the way this project is planning on making the proposed changes.

*As Americans, As Citizens and as Business Men And Women , We have rights and We are being stripped from them. **NO ONE SHOULD HAVE THE RIGHTS TO COME IN AND TAKE OUR PROPERTIES: OUR BUSINESSES AND OUR HOMES TO BENEFIT FOR ECONOMICAL REASONS. THIS PROJECT IS DESSEATFUL HAS NOTHING TO DO WITH THE FLOOD CONTROL.....***

Now we understand that Fort Worth is growing at a significant rate but it does not need to take out businesses that have made Fort Worth what it is today.

WHY TAKE LAND FROM PEOPLE WHO HAVE ALREADY BOUGHT AND PAID TAXES FOR THEIR PROPERTIES ALL THESE YEARS AND CONTINUE TO DO SO? THE BUSINESSES THAT WERE FROM OUR FATHERS TO GIVE OUR CHILDREN TO SUPPORT THEIR FAMILIES AND MAKE A LIVING? BECAUSE OF LOCATION? WHY DO YOU THINK WE CHOSE TO PUT OUR BUSINESSES WHERE THEY ARE? WHY ISN'T IT NOT GOOD ENOUGH NOW BUT ALWAYS HAS BEEN IN THE PAST?

MUST BE BECAUSE RADIO SHACK WAS PROMISED A LAKE ONLY WAY OF DOING THIS IS MOVING OUT BUSINESSES AND USING OUR PROPERTIES TO DO SO.....MAKING THE PUBLIC OUR CITIZENS THINK ITS ALL FOR FLOOD CONTROL.....?

This project was originally designed to help the flood control to repair or rebuild the levees estimated cost of \$9 million dollars. Which is more logic to do..... Lets see take advantage and lets go with \$435 million and counting to have the trinity river flow thru downtown areas so this project will benefit the people who live and work downtown and bring in more tourist to bring more congestion to our broken down roads that need repairing more traffic flowing causing more accidents, open up more crime , how about lawsuits when someone falls into this beautiful lake being proposed remember Fort Worth Water Garden downtown look at it now....Lets not forget the trinity river water that will be diverted that the citizens can't swim in or fish in because it's contaminated to flow threw this lovely project to take place ...oh and the Texas heat and the mosquitoes that are a health problem ...look at San Antonio's river walk. Have you been at the river walk in San Antonio? Three blocks long, they dug a big

ditch and put water in it ...have you been up early in the morning and watched how they clean it every thing is blown into the river then they open up the channel wash it out and release water back in.

THIS PROJECT WAS ORINALLY DESIGNED TO HELP THE FLOOD CONTROL. IT SEEMS TO BE A LARGE PORTION OF THIS PROJECT IS FOR ECONOMICAL DEVELOPMENT, NOT FOR THE PURPOSE IT PRESENTS ITSELF AS FLOOD CONTROL.

THE FLOOD CONTROL PROBLEM CAN BE RESOLVED WITH A CONSIDERABLE LESS PRICE OF \$10 MILLION VERSUS \$435 MILLION ESTIMATED THIS YEAR ALONE. WHAT WILL IT BE THE YEAR AFTER AND YEAR AFTER THAT?

WHY NOT LET THE PEOPLE OF TARRANT COUNTY AND ANY OTHER COUNTY & THE CITIZENS OF FORT WORTH VOTE ON WHERE THEY WANT THEIR TAX MONEY TO GO TOWARDS.....

A LOT HAS BEEN BROUGHT TO THE TABLE AND THERE IS SO MUCH MORE THAT IS NEEDED LIKE:

....OUR RESIDENTIAL STREETS

...OUR SCHOOLS UP TO DATE AND SUPPLIES FOR OUR CHILDREN WITH BOOKS ETC.

....POLICE OFFICIERS

....FIRE DEPARTMENTS

....OUR SOLIDERS (UPMOS D)

....OUR LAKES NEED CLEAVING UP SO THAT OUR FAMILIES CAN SWIM AND ENJOYING THEM AGAIN

WHY LET THESE LAKES GO TO WASTE WHY CAN'T WE USE OUR TAX DOLLARS HERE

....WHY NOT PUT SOME OF THESE MONIES TOWARDS A PLACE FOR OUR TEENAGERS (OUR CHILDREN) TO HAVE A PLACE TO GO AND HANG OUT WITH THEIR FRIENDS IN A PROTECTED AREA AND NOT HAVE TO WORRY THEIR IN TROUBLE OR ON THE STREETS.....

.....WHAT ABOUT OUR DAY CARES NEEDING HELP

.... WHAT ABOUT THE HOMELESS

.....OUR PROPERTY TAXES ARE NOW GOING UP NOW ON TOP OF EVERYTHING ELSE

**.....THE PEOPLE THAT CAN'T AFFORD HIGH UTILITY BILLS,
NOW THE GOVERNMENT IS TAKING ASSISTANCE OF PAYING
THEIR BILLS AWAY FROM THEM**

**.....OUR CITY HALL THAT HAD NOT SECURITY DEVICES IN THE
BUILDING FOR WHEN A GUN MAN WALKED IN BUT YET BEING
TOLD BY GOVERNOR MIKE MONCREIF IT'S IN THE BUDGET TO
PLACE SECURITY MEASURES IN, IF SO WHY WAS IT NOT DONE
LONG BEFORE?**

**....RADIO SHACK HAS BUILT THIS GLORIOUS BUILDING AND
NOW SALEING PORTIONS FOR OTHER BUSINESS TO SHARE
THIS BUILDING.....**

**WE HEAR EVERYDAY THAT MONEY IS NEEDED HERE AND
THERE BUT NOT IN THE BUDGET BUT YET WE AS CITIZENS
AND BUSINESSES PEOPLE CAN NOT HAVE A VOTE TO OUR
RIGHTS AS TO WHERE OUR TAX DOLLARS SHOULD GO AND
THIS IS NOT WHERE OUR HARD WORK AND PROPERTIES TO BE
TAKEN AWAY FOR LUXURY.....OR SOMEONE'S ELSE TO PROFIT
OFF OUR PROPERTIES..... FOR ECONOMICAL REASONS.**

**WE HAVE SO MUCH MORE NEEDED THAN FOR THE PEOPLE
UPTOWN AND BUSINESSES UPTOWN TO HAVE THEIR
GLORIFIED BEAUTIFUL RECREATIONAL RIVER WALK.....WHO
WILL BE BENEFITING MORE FROM THIS PROJECT ? LET US
TELL YOU THE PEOPLE THAT LIVE IN UPTOWN & THE
BUSINESSES NOT THE CITIZENS**

**WHY NOT GET ALONG AND COMPROMISE AND COME UP WITH A
BETTER PLAN THAN THE ONE BEING PRESENTED WITHOUT
HAVING TO TAKE OUT BUSINESSES OR PEOPLES
HOMES....THERE HAS TO BE A BETTER WAY AND LESS COSTLY
WAY OF DOING THIS.....DOES NOT HAVE TO BE THAT HUGH OF A
RIVER FRONT...**

**IN CLOSING I STRONGLY OPPOSE THE PLANS'S DESIGN TO
DEMOLISH ESTABLISHED BUSINESSES THAT HAVE WORKED
FROM GROUND UP, POURS'D THEIR HARD WORK, LIVES AND
DREAMS INTO FOR SO LONG THAT OTHER BUSINESSES CAN**

**COME IN AND PROFIT FROM...THIS IS UNNECESSARY ABUSE OF
ENIMENT DOMAIN.**

**Thank you,
Concerned Business Owners and Citizens,
Joe & Cynthia Gauna
West Side Trim & Glass
2117 Whitesettlement Road
Fort Worth, Texas 76107
(817) 334-0090**

August 17, 2005

Attn: Rebecca Griffith-USACE ARMY
From: Joseph A Basile- Retired Air Force Master Sergeant
Re: Trinity River Project

I am an Air Force veteran with over twenty years of service . I am a home owner, and have lived in Tarrant County for over forty years. I am Truly against "The Trinity River Uptown Project". I am against taking business properties for use of this project and for that matter property owners period.

I personally think it is all political. The money it cost for this project should go where it is needed: For our children's school's: they need books desperately and materials good schools, our roads, and for places that flood,, for our soldiers fighting for our freedom need supplies. Where is the freedom for our United States of America which we stand proud of home of the free....what about us? What about our own people here in the United States as well as Texas to take care of people in need like the homeless, medical, hospitals, children's orphanages? There is much more needed for the money to protect and help our citizens: the police & fire depts., what about new ambulances, what about the horses for our Fort Worth officers in North Side in the stock yards....???

Every day we hear money being needed for this and that which are very important and "The Trinity River Uptown Project" is felt needed so badly for whom? NOT THE CITIZENS!!!! All for the rich to get richer for the people that will get the benefits from this will be the ones that live and work in the so called uptown !

*I do not believe they need to build more condo's, town homes, when the downtown area has plenty already. A Lake ? Be like San Antonio A River Walk ? What is up with this? A Disaster.....We are Fort Worth our children, our grand children ,and our great grand children, were born here a laid back friendly town and now being turned into a fiasco. We do not want to be like the other cities and states if we did we would move there that is what separates Fort Worth from the others. Why change things if it isn't broken? I will tell you GREED.....
People come from all over to come to Fort Worth because it is the way it is*

people are friendly here and loving and caring. We are not from the big cities and do not want to become a big city. By doing what this project is about our city will be no better than any other. Doors will be open for crime, crowded freeways, more up keep expenses not alone to mention law suits remember the Fort Worth Water Gardens?

It sickens me to think that our properties and our citizens businesses can be jerked right out from under them and to top it off for market price???? These businesses have been around for a long time and they have paid their dues in taxes etc what right is it for anyone to come in and try to take their lively hood away from them.....this is not how American's treat their own people!!!! It will be a great lost to see these businesses go. These businesses on White settlement Road , Henderson, and others to mention are part of Fort Worth.....

*In closing: This is wasteful of the tax payers monies. **If the Corps Of Engineers can do the Basic Flood Control for \$9.1 million dollars so be it , please do not destroy Fort Worth to become like the rest of the world and waste \$435 million plus.***

Sincerely hope you can vote NO on this with the Powers To Be-----

*A Concerned Citizen
Joseph A Basile
5825 Tracyne Drive
Fort Worth, Tx 76114
Ph 817-738-3739*

Asta and Dennis J. McCarthy
5900 Wimblicton Way
Ft. Worth, TX 76133
817.292.7079

Aug. 19, 2005

Rebecca Griffith, Proj. Mgr.
CESWF-PER-P, U. S. Army Corps of Engineers
Fort Worth District
P.O.Box 17300
Fort Worth, TX 76102-0300

CC: Congresswoman Kay Granger
Mayor Mike Moncrief
All City Council Members

Re: Trinity River Uptown Project

My husband and I want to make our voices be heard loudly and clearly that we are against the Trinity River project, as it is being developed these days.

We fully agree that flood control is an important item the Corps of Engineers should be involved with. The plan your Corps has developed, by which the current levee system would be raised 2 to 4 feet, has been designed by you, the experts in the field, for the safety of the city and its inhabitants. If there are people who consider the raised level not to be high enough, I am sure you could devise a plan in which you add some height to the original design. The estimated cost of \$9.1 million, add some millions for changes to the basic plan, is an amount the population would certainly approve of, once it were put to the vote. The \$435 million mentioned in the development project that right now is being pushed, is an amount way out of bounds. No matter where this money would be coming from, be that city taxes or federal money, it would cost the average taxpayer more than necessary and is an extravaganza, instead of a sensible correction. It would be painful to think that our federal government is providing funds for a hyped-up project, because it was either ill-informed or lied to.

If we have a problem with flooding in our bathroom, we don't tear down the house and build a tourist attraction on our and our neighbors' land, we call a plumber. If the City of Fort Worth has a perceived flooding problem, it should turn to its Corps of Engineers to alleviate the problem instead of calling in architectural firms to design a Disneyland attraction.

Your plan is trying to solve a possible problem, the other plan is trying to stomp a new city quarter out of the ground. A city grows slowly, organically, it can't be created by a few entrepreneurs. We feel that the balance of the city of Ft. Worth would be so disturbed, that a quagmire would result in other parts. The City needs to put its money into existing problems, not into a pipe dream, and we hope the Corps of Engineers will strongly stand up for its plan and not be influenced by suggestions from developers.

Thank you and Good Luck!

Asta McCarthy

Steve C. Cocanower
Attorney and Counselor at Law
4420 W. Vickery Blvd., Ste. 105
Fort Worth, Texas 76107

(817) 738.8884
telephone

(817) 738.2304
facsimile

26 August 2005

Via First Class Mail

Via Facsimile Transmittal (817) 886.6498

Via E-Mail S.Griffith@swf02.usace.army.mil

Dr. Rebecca Griffith, CESWF-PER-P
U.S. ARMY CORPS OF ENGINEERS
Fort Worth District
P.O. Box 17300
819 Taylor Street
Fort Worth, Texas 76102-0330

Re: Trinity River Vision Project

Dear Dr. Griffith:

Following hereafter please find a Memo expressing my concerns regarding the above-referenced bond project.

Thank you for your time. Please do not hesitate to contact my office should you have any questions.

Sincerely,



Steve C. Cocanower

Enclosure: as stated

Cc: Via First Class Mail
Ms. Judith Crowder
Ms. Dee Ann McKinley
MCKINLEY IRON WORKS, INC.
P. O. Box 790
Fort Worth, Texas 76101-0790

Via First Class Mail
Mr. Mac Pate
TEXAS REFINERY CORPORATION
P.O. Box 711
Fort Worth, Texas 76101

Memo

To: Dr. Rebecca Griffith, CESWF-PER-P
U.S. ARMY CORPS OF ENGINEERS

From: Steve C. Cocanower

Date: 25 August 2005

Re: Trinity River Vision Project

Dr. Rebecca Griffith:

The Trinity River Vision as depicted in the marketing materials a beautiful utopian dream. Potential landowners of lake front property, the development industry and the politicians dependent upon their support have created this audacious development project. The current view of the convergence of the Trinity River is replaced by a man made lake and an enormous undeveloped construction site created with fill dirt and little natural landscaping remaining. Idealized redevelopment projects that are not driven by natural forces of supply and demand, remain categorically predisposed to falter and stray from the original purpose. When politicians begin direct economic growth in accordance with personal, political and business gains, both capitalism and the natural principals upon which it thrives ultimately suffer. One only needs to look north along Main Street to the Mercado (and the obvious wasted taxpayer dollars) in order to see that a "good vision" ought to be judged according to the final analysis by the economic forces of supply and demand, rather than by creativeness and farsightedness of the visionaries.

The free will of men and women to conduct themselves and their businesses, under our system of government, allows individual pursuit of self-interests, with rationality and reason as guiding principles. This is a microcosm of how redevelopment has worked in our economy: private industry settles in and together with the community creates new visions; such visions do not come from the top down but from the bottom, from those with an economic interest and willingness to take on a business risk – versus politicians gambling their constituency's tax dollars. Simply put, it's critical that these plans come from the citizens involved and not the government, otherwise creativity is stunted. The Trinity River Vision uses political power to breach the natural contract between the government and the business owners. The concept of a multiple year economic plan of revitalization driven by political decision making with tax dollars seems strikingly familiar to the five-year and ten-

year plans that were the “big news” from the Soviet Union during my youth. In fact, the whole concept seems reminiscent of Soviet confiscation of land and the subsequent redistribution of the land, not to the people, but those closely aligned and affiliated with the incumbent political regime. Land is taken from the families who have owned it and worked it for generations, providing both tax dollars and employment, and is given to developers who are deemed appropriate by the ruling class. This flies in the face of the forces that have developed our country. Capitalism requires a separation of state and economics; whereby, men and women act voluntarily to deal with each other by choice for their mutual benefit.

On the walls of a conference room at the Tarrant Regional offices is a beautiful depiction of how the 1990 proposed \$10 million Trinity River Project and later \$36 million flood control project that would solve the areas flooding concerns¹. This 100% effective flood control solution today will cost probably in excess of \$500 million to complete. (Based on cost escalations of recent projects; including the Mercado, the Southwest freeway and the already 20 % increase of this Vision’s estimated cost in seven months²). The original un-visions plan from 1990 did not destroy the livelihood of existing businesses and their employees. All improvements would have been within the existing right of ways. The conclusion reached in 1990 was the plan would provide 100 per cent prevention of the anticipated problems. Now 10 years later after the problems were identified and the solutions determined, local politicians and businesses, many who stand to have a direct financial reward through enhanced property values of their lakefront property, have attempted to expand the project ten fold. Millions of public dollars have been spent on a slick promotional campaign backed by flawed, erroneous or exaggerated data. This campaign was undertaken with little consideration or involvement of the current property owners, their employees and customers who are now slated to be displaced. In fact these businesses that helped make the city what it is today are now demeaned as being “blighted”. If the view from Radio Shack is so despoiled, public dollars could be invested to provide incentives to replace roofs or what ever makes the view more palatable. In the years that development of the proposed vacant land created by the vision may take, the current landowners could be given economic incentives to redevelop their own property without confiscation and redistribution. Revitalization has begun with the reopening of the baseball stadium and the soon to be constructed Tarrant County College Campus. Redevelopment will naturally occur if the demand exists.

¹ The North Texas Council of Governments facilitated a review of the entire North Texas Trinity River system. After a thorough review of the benefit / cost ratio, a levee and floodwall alternative was recommended and in March of 1990, a “Common Vision” was prepared by the US Army Corps of Engineers. The Study was a joint venture of the US Army Corps of Engineers and the various Trinity River Corridor Communities. The proposed solutions were:

- Improving two channel reaches, and
- Raising various existing levees.

² Office of Kay Granger 11/30/2004 - \$360 million, and the Fort Worth Star Telegram 6/12/05 - \$435 million

Unnecessary and non-collaborative gentrification where the government serves as the agent of development will stunt economic growth in the short-term (construction, the closing of roads and businesses, et cetera), while ensuring economic blunders in the future (building without a demand by consumers, lowering the tax base and increasing the unemployment figures for the community once the existing businesses are closed down. When the need exists private development dollars will come. Both sides of the Trinity west of downtown are now being developed. Development continues to the south. These are driven by visionaries spending principally their own dollars not the public's. Development of LaGrave field has been completed and the Tarrant County College is underway. These are the proper seeds for a governmental body to plant. If the demand exists, business will grow to supply the needs of these facilities. If demand does not currently exist the land will not go away and will always be there when the demand arises. Who will loan their own money and invest the equity without demand? Who is willing to spend other people's money to develop property before the demand exists? The reality is there is not a current demand that is not being filled by existing properties west and south of the central business district. If such demand existed the blighted areas would be developed in accordance with the economic forces that have made our country great.

7600 Kingsmill Tr.
Fort Worth, TX 76112-6026
August 27, 2005

Rebecca Griffith
Project Manager
CESWF-PER
US Corps of Engineers, Fort Worth District
P.O. Box 17300
Fort Worth, TX 76102-0300

Greetings:

Be advised that the steps and maneuvers being made by your office and by various local authorities are outside of and in violation of numerous Acts and Resolutions of Congress in that they knowingly designate a project as being for flood control that in fact is for other purposes and will in total increase flooding in other areas.

The following list includes additional but not all of the features which make the present development maneuvers unacceptable.

1. The utilization of various so called "consultants" and "managers" on engineering work, where as such work is required by law to be done by Texas licensed professional engineers specializing in such work.
2. Substituting a questionable project costing 50 times more than a perfectly acceptable satisfactory project costing 9.1 million dollars.
3. Making a major rerouting of an established river channel by a divergenery channel without first conducting a complete laboratory model study.
4. The introduction of an expensive and personnel operated gated flood control system in place of a much preferred and safer natural levee control system.
5. Creating a lake for which there is no water now available except return sewerrage flow most of the time. Such lake will needlessly evaporate thousands of acre-feet of water.
6. The tremendous environmental problem created by hundreds of trucks and other machines needlessly moving earthwork from hither to yon in order to create something San Antonio already has.

Sincerely,



Ed. J. Groscurth CE

cc of this email will be placed in the US mail as of this same date.

cc

cc

William S. Wright
P.O. Box 121967
Fort Worth, Tx 76121
817-377-0331

August 31, 2005

Rebecca S. Griffith
CESFW-PER-P
P.O. Box 17300
Fort Worth, TX 76102

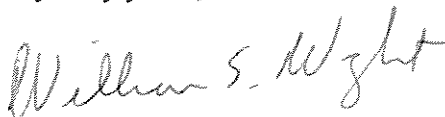
Dear Madam,

As a taxpayer drawing social security, I beg you to perform the duty assigned to the Corps of Engineers and strictly limit your findings and recommendations related to the so-called "Trinity River Vision Project" to the provision of adequate flood control, which you yourselves have stated would involve an expenditure of less than \$10 million.

Politicians, consultants and real estate interests have seized upon this project as an opportunity to line their pockets by taking property from small business owners for inadequate compensation and then use a huge infusion of city, county and federal funds for private and personal gain in a very small area of the city. If this grandiose proposal is adopted, the benefits will not accrue to the vast majority of Fort Worth citizens and not at all to non-resident taxpayers, but these two groups will be forced to bear the costs, already exorbitant at over \$400 million and certain to exceed even this monumental sum. The affected small business owners are going to undergo severe hardships; many will simply go out of business. The majority of Fort Worth citizens are in favor of necessary flood control expenditures, but they are overwhelmingly opposed to a massive giveaway to downtown interests, no matter how eloquently their cause may be argued in the press or advertisements. The underhanded way in which the water board engineered special legislation in Austin, behind the backs of the taxpayers, clearly shows that citizens' trust in their elected representatives has been betrayed.

Again, I beg your agency to stand firm against this boondoggle, which has not been decided by the electorate, but rather illegally crammed down their throats by venal politicians doing the bidding of special interests in return for campaign contributions and other favors which may escape discovery. Just do your job faithfully.

Very truly yours,





Dr. Rebecca Griffith
CESWF-PER-P
U.S. Army Corps of Engineers
P.O. Box 17300
Fort Worth, TX 76102-0300

September 6, 2005

Re: Proposed Trinity River Vision's Uptown Project

Dear Dr. Griffith:

This project is primarily "Economic Development" with a tiny smattering of cost for flood control; laughingly renamed the "Alternate Plan".

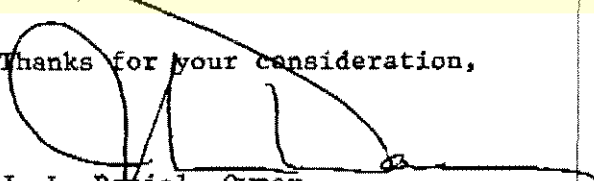
I surmise this came about as a result of pressure from high level politicians, multi-millionaire developers and local "movers and shakers" poised to acquire property for a song from the "little people" under the guise of eminent domain; and that is just wrong!

Interestingly, this domain of the "little people" is designated as a Historically Underutilized Business (HUB) zone; and many of these so called "derelict" businesses are HUB enterprises. These zones and HUB enterprises were designated by state and federal authority to assist these firms in securing a fair share of government businesses. This is done through set - aside contracts issued by state and federal agencies; military departments (including the army); and defense contractors to these firms. This not only increases participation to small businesses, but enhances the defense industrial base. In addition, many of these small firms are owned by minorities and women and must employ a large percentage of employees who actually live in the HUB zone to be designated a HUB enterprise.

These endeavors by state and federal governments appear to have been ignored by supporters of eminent domain acquisition; specifically, the Mayor, the Governor, the City Council, our U.S. Senator and U.S. Representative. Obviously, the impact of this land grab from our least represented citizens is, to say the least, counter productive.

As a minimum, I believe the U.S. Army Corps of Engineers has a moral and legal obligation to consider only the flood impact on this area and to ignore the political and financial aspirations of those who support this land grab.

Thanks for your consideration,



J. L. Daniel, Owner
Southwestern Brass Works

cc: Mayor Moncrief fax #817-392-2409
Chuck Silcox fax #817-392-2409
Gov. Rick Perry fax #512-463-1849
U.S. Rep Kay Granger fax #817-335-5852
Aleshia Claunch fax #817-332-3038

-----Original Message-----

From: Nancy Crosskill [mailto:lakettes@sbcglobal.net]

Sent: Tuesday, September 06, 2005 6:27 PM

To: Griffith, Rebecca S SWF

Subject: Trinity River Projects comments

I believe the Trinity River Vision project will take much more money than ever projected. Especially in light of Katrina's destruction and the resulting higher costs which will ultimately drive up the cost for all goods and services.

The levees can be raised at a fraction of the cost of the "Trinity Beautification Project" and protect the city from the 100 year flood.

I believe this project is designed 1) to beautify downtown 2) to attract business to our community 3) for flood control.

It is not in anyone's best interest now or for future generations to use eminent domain for projects that are not necessary. This is nothing more than city government making promises to big business to get them to locate in Fort Worth at the expense of citizen tax payers and private property owners. I do not even live near the area nor do I own property in the area involved in this project but when you use eminent domain for the wrong reasons, it threatens all of our rights as property owners and tax paying citizens. I urge you not to continue with this project. "Trinity River Vision" will quickly become "Fort Worth's Folly" as law suits are filed and prices escalate.

Nancy Crosskill
9848 Lake Haven Cir.
Fort Worth, Tx 76108

PROTECT PROPERTY RIGHTS **EMINENT DOMAIN FOR PRIVATE PROFIT IS AN ABUSE**

Are you aware the Trinity Uptown/Trinity River Vision project will use the Eminent Domain process for PROFIT?

Are you aware the Trinity Uptown project proposes spending \$400 + million to re-route the Trinity River in a by-pass channel, create a lake and develop mitigation sites?

FLOOD CONTROL is claimed to be a major part of the project. There is no significant flood control problem within the project site. FLOOD CONTROL is the excuse to gain access to TAX DOLLARS to benefit PRIVATE ECONOMIC DEVELOPMENT.

ECONOMIC DEVELOPMENT is part of the Trinity Uptown project. Current Property Owners (80+) are in the way of profits for un-named, private developers, so the current Property Owners must go. If Property Owners do not wish to sell or businesses do not wish to re-locate, then their land will be "taken" by ABUSE of the Eminent Domain process and later will be turned over to private interests for profit and re-development.

If Government Entities are allowed to ABUSE the Eminent Domain process for Private Economic Development, Private Property Rights will soon become subject to the whim and pleasure of the government and the privileged few.

Let your government representatives hear you - Say **NO** to the ABUSE of Eminent Domain Say **NO** to spending our TAX DOLLARS for the Trinity Uptown Project

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LINE NO.	DATE SIGNED	SIGNATURE	PRINTED NAME	ADDRESS	CITY, STATE	COUNTY	ZIP
1.	3/28/05	<i>[Signature]</i>	Timothy A Little	10200 Tenmile Bridge	Ft Worth TX	Tarrant	76135
2.	3/28/05	<i>[Signature]</i>	Michael Gutierrez	10200 Tenmile Bridge	Ft Worth TX	Tarrant	76135
3.	3/28/05	<i>[Signature]</i>	STEPHEN C. SANSONE	10200 Tenmile Bridge	Ft Worth TX	TARRANT	76135
4.	3-28-05	<i>[Signature]</i>	Virginia Defer	1712 Greg St	Azle TX	Parker	76020
5.	3-28-05	<i>[Signature]</i>	GARRY DEFER	1712 GREG ST.	AZLE TX	PARKER	76042
6.	3-29-05	<i>[Signature]</i>	William Ho	817-246-3573	Ft Worth TX	TARRANT	76108
7.	3/30/05	<i>[Signature]</i>	Clyde W Picht	5016 MONARD WAY	Ft Worth TX	TARRANT	76123
8.	3/30/05	<i>[Signature]</i>	EMELINE PICHAT	" " "	Ft Worth TX	"	"
9.	3/30/05	<i>[Signature]</i>	JUDY SAGER	320 N. Bailey	Ft Worth TX	"	76102
10.	3/30/05	<i>[Signature]</i>	ROBERT SAGER	320 N. BAILEY	Ft Worth TX	"	"
11.	3/30/05	<i>[Signature]</i>	Robert Sager	3405 West 4th	Ft Worth TX	"	"
12.	3/30/05	<i>[Signature]</i>	angel sager	3405 West 4th	Ft Worth TX	"	"

PROPERTY OWNERS AGAINST ABUSE OF EMINENT DOMAIN
P.O. BOX 23, FORT WORTH, TEXAS 76101

CIRCULATOR *[Signature]*
PAGE _____ OF _____

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LINE NO.	DATE SIGNED	SIGNATURE	PRINTED NAME	ADDRESS	CITY, STATE	COUNTY	ZIP
1.	3/26	<i>Lance Nation</i>	Lance Nation	6505 Main St.	TX, Ft Worth	Tarrant	76134
2.	3/26	<i>Justin Yelding</i>	Justin Yelding	4645 Misty Ridge DR	TX Ft Worth	Tarrant	76137
3.	3/26	<i>Keith Karp</i>	Keith Karp	3789 Regency Cir	TX Ft Worth	Tarrant	76137
4.	3/26	<i>Amber Robinson</i>	Amber Robinson	421 Paddington	TX, Ft Worth	" "	76131
5.	3/27	<i>Art Jones</i>	Art Jones	8109 Lea Shore	TX, Ft Worth	Tarrant	76119
6.	3/28	<i>Leslie M. Jones</i>	Leslie M. Jones	4500 Anchor Ct.	Ft Worth TX	Tarrant	76135
7.	3/28	<i>Michael L. McAllister</i>	Michael L. McAllister	421 Newcom Manor	Worth TX	Parker	76084
8.	3/28	<i>Robert J. Harrington</i>	Robert J. Harrington	824 Redbud Dr.	Azle TX	Parker	76020
9.	3/28	<i>Edna K. Harrington</i>	Edna K. Harrington	824 Redbud Dr.	Azle TX	Parker	76020
10.	3/28	<i>Harry C. Maas</i>	Harry C. Maas	8109 Anchorage Place #10	Ft. Worth TX	Tarrant	76135
11.	3/28	<i>Dane Hansen</i>	Dane Hansen	117 Pine Bluff	SPRINGFIELD TX	PARKER	76082
12.	3/28	<i>Randal Hobbs</i>	RANDAL HOBBS	10200 TEN MILE BR. RD -41	Ft Worth TX	TARRANT	76135

PROPERTY OWNERS AGAINST ABUSE OF EMINENT DOMAIN
P.O. BOX 23, FORT WORTH, TEXAS 76101

CIRCULATOR *DARL & Hobbs / Randal Hobbs*
PAGE _____ OF _____

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1.	3-26-05	<i>Darling L. Hobbs</i>	DARLING L. HOBBS	8113 ANCHORAGE PL.	TX FT. WORTH	TARRANT	76135
2.	3-26-05	<i>Darrell Chandler</i>	DARRELL CHANDLER	8125 EAGLE MAN. CIR	FT WORTH TX	TARRANT	76135
3.	3-26-05	<i>Sandra Chandler</i>	SANDRA CHANDLER	8125 EAGLE MAN. CIR	FT WORTH TX	TARRANT	76135
4.	3-26-05	<i>Charley Teague</i>	CHARLEY TEAGUE	5513 Westhaven	FT WORTH TX	TARRANT	76132
5.	3-26-05	<i>Anthony Adams</i>	Anthony Adams	405 Palo Duro Cir	FT. WORTH TX	Tarrant	76179
6.	3-26-05	<i>Angela Defee-Hobbs</i>	Angela Defee-Hobbs	10200 Ten Mile Br. Rd. #41	FT WORTH TX	Tarrant	76135
7.	3/26/05	<i>Ernest Sanchez Jr</i>	ERNEST A. HOBBS JR.	8113 ANCHORAGE PL.	FT. W. TX	TARRANT	76135
8.	3-26-05	<i>Ernest Sanchez Jr</i>	ERNEST SANCHEZ JR	1024 UNION DR	FT. WORTH TX	TARRANT	76131
9.	3-26-05	<i>Brad Barrington</i>	BRAD BARRINGTON	6054 FLEMING	WORTH TX	TARRANT	76140
10.	3/26/05	<i>Tamara Al-Raies</i>	Tamara Al-Raies	7500 Casswicks Circle	FT WORTH TX	Tarrant	76137
11.	3/26/05	<i>Rachel Corso</i>	RACHEL CORSO	3909 BERRYBUSH LN	FT WORTH TX	Tarrant	76137
12.	3/26/05	<i>Brandon Washington</i>	Brandon Washington	7404 Ocean Park Dr	FT WORTH TX	Tarrant	76137

PROPERTY OWNERS AGAINST ABUSE OF EMINENT DOMAIN
P.O. BOX 23, FORT WORTH, TEXAS 76101

CIRCULATOR *Darling Hobbs* / *Darling Hobbs*
PAGE _____ OF _____

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LINE NO.	DATE SIGNED	SIGNATURE	PRINTED NAME	ADDRESS	CITY, STATE	COUNTY	ZIP
1.	4/20	<i>Delilah Spradley</i>	Delilah Spradley	9234 Ten Mile Bridge Rd.	Ft. Worth TX	Tarrant	76135
2.	4/20	<i>Jerry Willis</i>	Jerry Willis	7555 Ten Mile Bridge Rd.	Ft. Worth TX	Tarrant	76135
3.	4/20	<i>Max Clavenger</i>	Max Clavenger	2016 Henlock Dr	Ft. Worth TX	Tarrant	76117
4.	4/20	<i>Chad Ramsey</i>	Chad Ramsey	2740 Waters Mustangs	Ft. Worth TX	Tarrant	76125
5.	4/20	<i>Justin Davine</i>	Justin Davine	57 Harbour Point Circle	Ft. Worth TX	Tarrant	76179
6.	4/20	<i>Dennis Winkelbauer</i>	Dennis Winkelbauer	5837 Heatherglen Terrace	FT. WORTH TX	Tarrant	76179
7.	4/20	<i>Team Spradley</i>	Team Spradley	9234 Ten Mile Bridge Rd	Ft. Worth TX	Tarrant	76179
8.	4/20/05	<i>Keith Estabrook</i>	KEITH ESTABROOK	5808 Summit Park Dr # 108	FT. WORTH TX	TARRANT	76135
9.	4/21/05	<i>Lori M White</i>	Lori M White	9330 Ten Mile Bridge Rd	FT. WORTH TX	Tarrant	76135
10.	4/21/05	<i>C.D. Holly</i>	C.D. Holly	3924 English Creek Dr.	Azle TX	TARRANT	76020
11.	4/21/05	<i>James H. Rezac</i>	James H. Rezac	8719 Eagle Mt. Circle	FT. WORTH TX	Tarrant	76135
12.	4/21/05	<i>Kandis Cooke</i>	Kandis Cooke	8667 Eagle Mt. Circle	FT. WORTH TX	Tarrant	76135

PROPERTY OWNERS AGAINST ABUSE OF EMINENT DOMAIN
P.O. BOX 23, FORT WORTH, TEXAS 76101

CIRCULATOR

Delilah Spradley
Delilah Spradley

PAGE _____ OF _____

PROTECT PROPERTY RIGHTS

EMINENT DOMAIN FOR PRIVATE PROFIT IS AN ABUSE

SEP-06-2005 12:17 PM A - 2 STORAGE

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8172377015

P.24

LINE NO.	DATE SIGNED	SIGNATURE	PRINTED NAME	ADDRESS	CITY, STATE	COUNTY	ZIP
1.	5-1-05	<i>[Signature]</i>	Chris Campbell	8125 Eagle Mt Dr.	Ft Worth TX	Tarrant	76135
2.	5/1/05	<i>[Signature]</i>	PAULETTE Mc CLURE	4100 - PARK RD -	" TX	"	76135
3.	5/1/05	<i>[Signature]</i>	Bobby " "	" "	" TX	"	76135
4.	5/1/05	<i>[Signature]</i>	JOHN GIBBS	7945 SLAG DR	FT. WORTH TX	"	76135
5.	5/1/05	<i>[Signature]</i>	Eva Campbell	8644 Eagle Mt. Cir	Ft Worth TX	" "	76135
6.	5/1/05	<i>[Signature]</i>	J. H. McHAZLET	8724 Eagle Mt. Cir	Ft worth TX	Tarrant	76135
7.	5/1/05	<i>[Signature]</i>	CAROL HAROLD	9750 T. M. L. Bldg. Rd	Ft Worth TX	Tarrant	76135
8.	5-2-05	<i>[Signature]</i>	Frederic Dwyer	1080 Redbud dr.	Arlington TX	Parker	76010
9.	5-2-05	<i>[Signature]</i>	Karla Gustaf	8005 Eagle Mt. Dr.	Ft. Worth TX	Tarrant	76135
10.	5/2/05	<i>[Signature]</i>	Matthew Barney	8225 Eagle Mt. Cir	Ft Worth TX	Tarrant	76135
11.	5/4/05	<i>[Signature]</i>	DEBBIE CHRISTINA	633 ALAMEDA Rd	ARLINGTON TX	TARRANT	76010
12.	5/7/05	<i>[Signature]</i>	Charles Burns	4304 Concord Field Rd	Ft Worth TX	Tarrant	76135

PROPERTY OWNERS AGAINST ABUSE OF EMINENT DOMAIN
P.O. BOX 23, FORT WORTH, TEXAS 76101

CIRCULATOR *[Signature]*
PAGE _____ OF _____

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1.	7/30/05	Brandi Mason	Brandi Mason	82153 Ten Mile Bridge Rd	Ft. Worth TX	Tarrant	76135
2.	1/05/05	Sue Heard	Sue HEARD	7832 Chapin Rd #303	Ft. Worth TX	Tarrant	76116
3.	4/7/05	Sherrie Davis	Sherrie Davis	7026 Lakecountry Dr.	FT WORTH TX	Tarrant	76179
4.	4/1/05	Tressa Mathis	Tressa Mathis	792 W Bend	Worth TX	Parker	76084
5.	5-3-05	Deborah Gurley	Deborah Gurley	3666 N. Bay Breeze Lane	Ft. Worth TX	Tarrant	76176
6.	5-3-05	Tammy Maas	Tammy Maas	8109 Anchorage Pl 10	Ft. Worth TX	Tarrant	76135
7.	5-3-05	Britney Miller	Britney Miller	4558 S Herring Rd	Ft. Worth TX	Tarrant	76176
8.	5-4-05	Russ Brainard	Russ BRAINARD	9308 Mountain Ln	Ft. Worth TX	Tarrant	76179
9.	5-4-05	Mary Brainard	MARY BRAINARD	" " "	Ft. Worth TX	Tarrant	76179
10.	5-15/05	Lue Sicilio	LUE SICILIO	EAGLE MTN. CR	Ft. Worth TX	Tarrant	76135
11.	5/5/05	Jan Sicilio	Jan Sicilio	"	" TX	"	"
12.	5/5/05	Kathleen Wood	Kathleen Wood	8308 SAVORIA Ct.	Ft. Worth TX	Tarrant	76135

PROPERTY OWNERS AGAINST ABUSE OF EMINENT DOMAIN
P.O. BOX 23, FORT WORTH, TEXAS 76101

CIRCULATOR

DARWIN HOBBS
Darwin Hobbs

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1.	4/29/05	Deana Lance	Deana Lance	8675 Eagle mtn. Cir	FW TX	Tarrant	76135
2.	4/23/05	Wendy Kelly	Wendy Kelly	8683 Eagle Mt Cir	FW TX	Tarrant	76135
3.	4-23-05		Jackie DeWitt	9244 Ten Mile Bridge Rd	Ft Worth TX	Tarrant	76135
4.	4-25-05	Karen Odum	KAREN ODUM	8194 Eagle Mtn Dr.	Ft. Worth TX	TARRANT	76135
5.	7/27/05	Sandra Shepard	SANDRA SHEPARD	8660 Eagle Mt Cir	Ft Worth TX	TARRANT	76135
6.	4/12/05	Mary Green	Mary Green	8664 Eagle Mt Cir	Ft Worth TX	TARRANT	76135
7.	4/21/05	L B Green	L B GREEN	8656 Eagle mt cir	Ft. worth TX	TARRANT	76135
8.	4/28/05	Sharon Canady	Sharon Canady	8675 Eagle mtn Cir	Ft Worth TX	TARRANT	76135
9.	4/29/05	Green Jackson	GREEN JACKSON	8185 Eagle Mt Cir	Ft Worth TX	TARRANT	76135
10.	4-29-05	R Johnson	R JOHNSON	9335 10 MILE BRIDGE	Ft Worth TX	TARRANT	76135
11.	4-29-05	Jeff Langdon	Jeff Langdon	9486 Ten Mile Bridge Road	Ft. Worth TX	TARRANT	76135
12.	4-7-05	Matt Gallagher	Matt Gallagher	1405 spurs ct	Azle TX	Tarrant	76021

PROPERTY OWNERS AGAINST ABUSE OF EMINENT DOMAIN
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CIRCULATOR

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1.	04/11/05	<i>[Signature]</i>	MIKE DAKES	1800 ZOTLAND AVE	AZLE TX	TARRANT	76020
2.	4-19-05	<i>[Signature]</i>	FAY DAKES	6118 Round Oak TR	Azle TX	"	76613
3.	1-19-05	<i>[Signature]</i>	JIMMY WATERS	5505 WAITS	FT WORTH TX	Tarrant	76133
4.	6-25-05	<i>[Signature]</i>	GARY D. WOOD	8308 SAMOACT	FT WORTH TX	TARRANT	7613
5.	6-25-05	<i>[Signature]</i>	GEVE WHISNANT	13606 YAKE TR.	SAGINAW TX	TARRANT	7617
6.	6-25-05	<i>[Signature]</i>	KATHLEEN WOOD	1314 Comanche Cove Ct.	Granbury TX	Flood	76048
7.	25 JUN 05	JACK JEFFERSON	<i>[Signature]</i>	3924 LINKCREST DR	Aledo TX	Tarrant	76008
8.	6-25-05	<i>[Signature]</i>	WON HENRY	1248 E 1200 Osborne	IS Johnson TX	Johnson	7603
9.	6-25-05	<i>[Signature]</i>	LARRY OSBORNE	1309 Autry Ln Crowley TX	Crowley TX	Tarrant	76038
10.	6-25-05	<i>[Signature]</i>	SUSAN EISENBERG	1209 Sherondale Dr TX	Crowley TX	Tarrant	76036
11.	6-25-05	<i>[Signature]</i>	NORMA RISICKY	8300 Samara Ct 76135	FT WORTH TX	Tarrant	76135
12.	6-25-05	<i>[Signature]</i>	JIM RISICKY	8300 Samara Ct "	" TX	"	"

PROPERTY OWNERS AGAINST ABUSE OF EMINENT DOMAIN
P.O. BOX 23, FORT WORTH, TEXAS 76101

CIRCULATOR DARLIA HOBBS
PAGE 1 OF 1

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1.	05-05-05	<i>Gary D Wood</i>	GARY D WOOD	8308 SAMARA CT.	FT WORTH TX	TARRANT	76135
2.	05-05-05	<i>Beth J. Mays</i>	BETH J. MAYS	8103 Anchorage, PL	FT WORTH TX	Tarrant	76135
3.	05-08-05	<i>Gary Conrad</i>	GARY CONRAD	6312 Southern Hills	FT WORTH TX	Tarrant	76138
4.	6-26-05	<i>Donna Osborne</i>	Donna Osborne	1309 Autry Lane	Crawley TX	Tarrant	76036
5.	6-26-05	<i>Howard Eisenberg</i>	Howard Eisenberg	1209 Sharondale Dr.	Crawley TX	Tarrant	76036
6.	6/26/05	<i>Russell R Pope</i>	Russell R Pope	1355 S. Hurst Rd	Burleson TX	Johson	76028
7.	6/26/05	<i>Hene Pope</i>	Hene Pope	1355 S. Hurst Rd B	Burleson TX	Johson	76028
8.	6/26/05	<i>Art Jones</i>	ART JONES	8109 Lea Shore Fw/Tx 76119	Ft Worth TX	TARRANT	76119
9.	9/3/05	<i>Janisha Green</i>	Janisha Green	939 Gordon St	N.O. LA		70117
10.	9/3/05	<i>Timothy Green</i>	Timothy Green	939 Gordon St	N.O. LA		70117
11.	9/5/05	<i>Grace Green</i>	Grace Green	3003 Toledo St Apt 201	N.O. LA	Orleans	70105
12.							

PROPERTY OWNERS AGAINST ABUSE OF EMINENT DOMAIN
P.O. BOX 23, FORT WORTH, TEXAS 76101

CIRCULATOR *Darlin Hobbs*
PAGE _____ OF _____

P.20 8172377015 SEP-06-2005 12:12 PM A - Z STORAGE

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1.	9/4/05	<i>Travis Young</i>	Travis Young	5808 Bunker Blvd	Watauga TX	Tarrant	76148
2.	9/4/05	<i>Michael L. Belew</i>	Michael L. Belew	118 Clay Court	Springtown TX	Parker	76082
3.	9/4/05	<i>Mark Wemmer</i>	Mark Wemmer	5114 Smith Park	Springtown TX	Collin	75088
4.	9/4/05	<i>Shawn Sims</i>	Shawn Sims	179 Southwood Bend	Springtown TX	Parker	76082
5.	9/4/05	<i>Natalie Rodriguez</i>	Natalie Rodriguez	P.O. Box 1321	Springtown TX	Parker	76082
6.	9/4/05	<i>Thomas Owings</i>	Thomas Owings	6829 White River Dr.	Fort Worth Texas		76174
7.	9-4-05	<i>Taylor Carter</i>	Taylor Carter	2982 Saybird Lane	Springtown, TX	Parker	76082
8.	9-4-05	<i>Elegar Cera</i>	Spruce St 2305	2305 Amarillo TX	Amarillo TX	Tarrant	79103
9.	9-4-05	<i>Victor Salinas</i>	Victor Salinas	2201 Robinwood	Ft Worth TX	Tarrant	76111
10.	9-4-05	<i>Brandon</i>	Brandon	" "	" "	" "	" "
11.	9/4/05	<i>Mark Perry</i>	Mark Perry	708 Mark Hill	Murphy TX	Tarrant	76028
12.	9/4/05	<i>Stacie A. Coby</i>	Stacie A. Coby	7712 Picard Dr.	Watauga TX	Tarrant	76148

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CIRCULATOR DARLA HOBBS
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1.	9-4-05	<i>[Signature]</i>	MICHAEL COBP	7712 PRAIRIE DRIVE	W TX	TARRANT	76148
2.	9-4-05	<i>[Signature]</i>	Chris Edkins	4016 Sumac ct	Arlington Tx	TARRANT	76017
3.	9-4-05	<i>[Signature]</i>	Matt Hailey	3307 Summergrove Dr	Arlington, Tx	TARRANT	76091
4.	9-4-05	<i>[Signature]</i>	Andrea Taylor	4016 Sumac Ct.	Arlington	Tarrant	76017
5.	9-4-05	<i>[Signature]</i>	Brittany Taylor	2818 Wingate	FORT WORTH	Tarrant	76107
6.	9-4-05	<i>[Signature]</i>	Virginia Dixon	4016 Lowell Ave	Ft. Worth	Tarrant	76107
7.	9-4-05	<i>[Signature]</i>	MARIA TALAVERA	13336 FM 718	SAGINAW	Tarrant	76179
8.	9-4-05	<i>[Signature]</i>	Lidia Talavera	6056 Arabian Ave	Fort Worth TX		76179
9.	9-4-05	<i>[Signature]</i>	Hilma Pichain	6724 Black Wing Dr	FW	TX	76132
10.	9-4-05	<i>[Signature]</i>	Keleigh McAnally	2721 Stone Trail Cir #1232	ARI TX	Tarrant	76001
11.	9-4-05	<i>[Signature]</i>	LIBRANO CASRAL	2721 Stone Trail Cir #1232	ARI	TARRANT	76001
12.	9-4-05	<i>[Signature]</i>	Char Holcomb	2721 Stone Trail Circle	ARI TX	Tarrant	76001

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1.	9-4-05	<i>Virginia DeFee</i>	Virginia DeFee	1712 Gregg St	Arling TX	Parker	76020
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
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PROPERTY OWNERS AGAINST ABUSE OF EMINENT DOMAIN
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CIRCULATOR

DARWIN HOBBS

PAGE

OF

JULIUS BERGER CO., INC. EST. 1918

6400 Bradley Drive, Suite # 0
Fort Worth, Texas 76117
PHONE: 817-831-4361
FAX: 817-834-7600

September 7, 2005

TO: MS REBECCA GRIFFITH
% U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

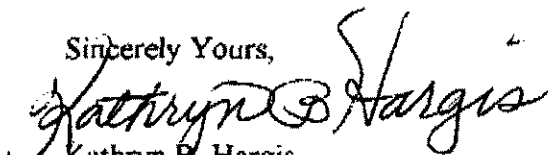
FAX: 817-886-6525

Dear Ms Griffith and Staff:

Please accept my suggestion of selecting the first proposal of 9 1/10th million dollars for the Trinity River Flood Control Project.

The \$425 million that would be saved could be diverted to the rebuilding of the levees and barrier reefs of the Gulf Coast.

Sincerely Yours,


Kathryn B. Hargis
jmj

September 7, 2005

To: Rebecca Griffith, CESWF-PEER-P

From: Vincent and Kathryn Fialho, 2524 5th Avenue, Fort Worth, TX 76110

We would urge the Corps to reconsider the Trinity Uptown plan and develop a much less expensive flood-control project to address the flooding concerns in Fort Worth.

There are surely less expensive means to revitalize the area north of downtown that would at the same time protect the property and business owners who will lose part or all of their property to Trinity Uptown.

Again, please seriously reconsider this \$435 million proposal

**To Rebecca Griffith
817/886-6525**

**From Kay Murphey
817/738-6185**

Dear Ms. Griffith

I absolutely think the Corps of Engineers should improve the levee system, here, and let the states of Louisiana and Mississippi use the extra \$426 million, which they desperately need.

I also think the current disaster should be a warning to those who go around changing the course of a river.

Thank you,

Kay Murphey

P.S. I don't know where you get the idea that most people favor this project. I don't know anyone who will lose their property for this project, but I also don't know one person who thinks it is a good idea.

Rebecca Griffith, CESWF-PER-P
U.S. Army Corps of Engineers,
Fort Worth District
Box 17300
Fort Worth, TX 76102-0300
Fax: 817-886-6525

The Trinity River Vision Project is just one more fraud and pork barrel project of the Bush administration. The purpose of this is not flood control. The Corps developed a flood-control alternative that would have cost \$9.1 million, but Kay Granger and her contributors claim the \$435 million is for flood-control. I have read nothing detailing the dangers of flooding in this area.

We must stop this run-a-way spending before China owns us lock-stock-and-barrel.

I am a registered Republican but I am not proud of George Bush, Tom DeLay, John Cornyn and etc. and will do all I can to get them all out of office.

Thank you!
Billy M. Adams, Sr.
9165 Watercress Dr.
Fort Worth, TX 76135-4633
(817) 787-9620

4825 Briarwood Lane
Fort Worth, TX 76103
Telephone 817-534-9797

Rebecca Griffith, CESWF-PER-P
U.S. Army Corps of Engineers
Fort Worth District
Box 17300
Ft. Worth, TX 76102-0300

Re: Trinity Uptown Project

The Corps of Engineers can achieve the required results in the Trinity River flood control objective at a cost of 9.1 million.

We certainly hope that our votes to limit the cost from 435 million to 9.1 million will have some reasonable impact on your final decision.

We also hope that the 425+ million left by selecting the original 9.1 million cost of the Trinity River flood control project could be diverted to the flood control so desperately needed by the city of New Orleans following the Hurricane Katrina devastation.

Sincerely,
Jim Berry
Jim Berry
Jacqueline Berry
Jacqueline Berry

NEWTON CONVEYORS, INC

1204 C R 1123
CLEBURNE, TX 76033

P. O. BOX 816
CLEBURNE, TX 76033

PHONE (817) 558-1722
FAX (817) 558-2219

www.digitex.net/newtonconveyors

E-mail newtonconveyors@digitex.net

FAX COVER SHEET

PAGE 1 OF 1

ATTN: REBECCA GRIFFITH DATE: SEPT 7 '05

COMPANY: CR SWF-PER-7 FROM: ALAN BUSBY

CORPS OF SUBJECT: TRINITY RIVER

ENGINEERS

FAX NUMBER: 817-826-6525

MESSAGE

I AM OPPOSED TO THE TRINITY RIVER
PROJECT IN DOWNTOWN FORT WORTH.

THE PROJECT AS PROPOSED IS PROFOUNDLY
EXPENSIVE.

IT NEEDS TO GO BACK TO STRICTLY LOW
BUDGET FLOOD CONTAINMENT PROJECT OR
NONE AT ALL.

THE IDEA TO SPEND HUNDREDS OF MILLIONS
OF DOLLARS TO SUBSIDIZE SOME DEVELOPERS
IS OBScene. NOT TO MENTION THE
POLITICAL BULLYING OF MACCRIE AND
GRANGER.

HAVE A NICE DAY!

Alan Busby

IF YOU HAVE ANY PROBLEMS WITH THIS FAX CALL (817) 558-1722

LAPOINT, TIM

From: LAPOINT, TIM
Sent: Wednesday, September 07, 2005 12:51 PM
To: Recover
Subject: Support the Trinity River Vision

Rebecca,

The Louisiana, Mississippi, Alabama crisis exemplifies the necessity for full funding of the Trinity River Vision. No other crisis could demonstrate the value of prevention. If anyone is thinking it costs too much to prevent a disaster, just look at what it will cost to clean this one up.

We must not lose the momentum, vision and goals of the TRV. Remember prevention is less costly, less time consuming and less tragic than a crisis. Lets not wait for another disaster, please support Fort Worth and the Trinity River Vision.

**C. Tim LaPoint
(O) 817.515.5244**

Rebecca Griffith,
US Army Corps of Engineers

Ft. Worth 1st priorities should be
to improve our existing levees & protect
Ft. Worth, spend 10 million of that
money here the rest should go to
the Gulf coast.

Dennis Brumley

-----Original Message-----
From: Gerrit Spieker [mailto:gks3149@sbcglobal.net]
Sent: Wednesday, September 07, 2005 1:38 PM
To: Griffith, Rebecca S SWF
Subject: Trinity Uptown

Ms Griffith,

We wish to register our opposition to the Trinity Uptown project.

The existing levees should be strengthened and maintained with out impacting private property owners.

Technically the current levees do work, their removal will increase flood risk not mitigate it.

We should learn from New Orleans that levees need to be maintained, even raised.

We further believe that recent Texas Law prohibits using eminent domain where private developers will benefit directly or indirectly as it the case here.

The Trinity Vision is nothing more than a self serving vieled attempt by a few to impose their social agenda on others.

The North Side and tChe ultural District areas can be protected better and more economically by working within the current levee system.

The earlier Corps plan mentioned in the Star Telegram should be revisited.

Finally the current national emergency should be reason enough to place this project on HOLD until a better plan that respects private rights is developed.

We live in Tarrant County and this input is made as both an affected resident and a Federal Taxpayer.

Regards

Jean & Gerrit Spieker
3401 Jonette Dr
Richland Hills, TX 76118

From: jenista1 [mailto:jenista1@flash.net]
Sent: Wednesday, September 07, 2005 1:09 PM
To: Griffith, Rebecca S SWF
Subject: Trinity Uptown Project

The Trinity Uptown Project is an egregious waste of money, especially in view of the staggering cost of Katrina Disaster Relief. **There was no voter approval, or even mention of the project until the Federal budget allocation was signed.** The project was touted as an "Economic Boon" for the city. However, two recent "Economic Boons" undertaken by the city - the Rail Market and the Mercado - have been major economic flops. There is nothing to indicate that this latest project will be any different.

They claim that the project will contribute flood control. However; tearing down levees sounds more like a real estate developers dream than any serious effort to control floods. I predict that the only benefit from this project will accrue to political fat cats and real estate speculators. The losers will be the Fort Worth taxpayers.

This project should be cancelled immediately, and the money reallocated to disaster relief.

John E. Jenista Fort Worth Texas, 76179

-----Original Message-----

From: yars90@charter.net [mailto:yars90@charter.net]
Sent: Wednesday, September 07, 2005 3:09 PM
To: Griffith, Rebecca S SWF
Subject: comments: Trinity uptown project

Ms. Griffith,

My comments on the Trinity Uptown Project, Fort Worth do not deal with its aesthetics or flood-control capabilities, so much as with its overall purpose.

The public funding, in excess of the 10+ million needed for adequate flood control, will go toward increasing the desirability and value of private land along the Trinity River. I do not feel this to be an appropriate use of public funds during difficult times such as these. The added hardships to be caused by forced acquisition of several private properties only further decrease the legitimacy of this project.

Today's headlines say that the funding for this project may be better spent on hurricane relief. I fully agree with that idea and hope that the Trinity Uptown project will be greatly scaled back or redrawn altogether on a scale far less generous to private development interests.

Dennis Novak
5109 Merced Dr.
Fort Worth, TX 76137
817-656-9633.

From: Karla Reese [mailto:karlareese@sbcglobal.net]

Sent: Wednesday, September 07, 2005 4:00 PM

To: Griffith, Rebecca S SWF

Subject: Trinity River Vision Project

Dr. Griffith

I want to express my displeasure with the proposed use of public funds to develop a project that will benefit private developers. **That is not a fiscally responsible use of the taxpayers money.**

If private individuals who no doubt have more financial means than the average citizen want to develop the downtown area into a Riverfront Oasis, let them do it with their own funds.

Respectfully submitted,

Karla Reese

9/15/2005

-----Original Message-----

From: Bobich, Joe [mailto:j.bobich@tcu.edu]
Sent: Wednesday, September 07, 2005 4:35 PM
To: Griffith, Rebecca S SWF
Subject: Trinity Uptown

This is the worst idea ever hatched in Fort Worth. In a time of huge deficits, you are like pigs at a trough saying "To hell with America as a nation. We want our money and power, so screw you!" How unpatriotic can you be?

From: Ramona Bruns [mailto:ephesians123@sbcglobal.net]
Sent: Wednesday, September 07, 2005 4:40 PM
To: Griffith, Rebecca S SWF
Subject: Trinity Uptown

I, as a resident of Fort Worth, TX disagree with the Trinity Uptown plan.

Question is this . . . does Fort Worth have to attempt to keep up with Dallas or can we, as a city, have a few original ideas and focus more attention on making Fort Worth a wonderful place to live for everyone (even those with less income and less "position").

The Fort Worth Star-Telegram said today "the Corps had developed a much cheaper flood-control alternative that would address the flooding concerns in the central Fort Worth area. **The plan, which the Corps abandoned last year, would have cost \$9.1 million.**"

If the City officials would "come clean" with the public . . . I am sure there is more going on than concern about flooding. Meanwhile, many public streets in Fort Worth are almost undriveable and others areas seem to have been forgotten by those who are in a position to maintain them.

New Orleans is a much different situation than Fort Worth for many reasons other than old levees.

Respectfully,

Ramona Gayle Bruns
1809 Queen Street
Fort Worth, TX 76103

-----Original Message-----

From: Bob Lukeman [mailto:bobaluee@swbell.net]

Sent: Wednesday, September 07, 2005 5:00 PM

To: Griffith, Rebecca S SWF

Subject: Comment on DEIS

Dr. Griffith,

I have several issues to raise about the Trinity Uptown segment of the Trinity River Vision project.

Outline

- #1. The request for an additional extension of the comment period that was made through State Representative Anna Mowery's office.
- #2. The decision not to pursue the P&G plan, and how it could be approached with a robust economic stimulus element.
- #3. The process by which the project organizers claim that the Community Preferred Plan was chosen by a majority of the local populace.
- #4. The planning process being used involving the Citizen Advisory Committee for Trinity Uptown Development Standards.
- #5. The increasing awareness nation-wide about the use abuse of Eminent Domain.
- #6. A common sense approach to a methodical and studious approach of current funding priorities and assessment.

Expanded

#1. A serious request by a local elected public official was left unanswered. This request was made in earnest, in part, because of the "fast track" nature of this enormous project. How are we, as private citizens, expected to find the time to thoughtfully analyze this much information.

There are too many important issues to study, and we have not even had a chance to have all of the FOIA requests satisfied. Surely you would not want to proceed with such an expensive project without feeling that you allowed the citizens to fully examine and understand the full scope of the issues.

Not to let us have this time feels like we are getting run over by a steam roller. We need to be a part of this process too.

#2. You were quoted in the paper saying that Congress told you to move forward with the Community Preferred Plan. Congress as a whole? Congress as a committee? A Member of Congress? What entity told you to proceed without pursuing a fully considered P&G plan. We are facing a very serious economic disaster and having done a fully fleshed-out alternative plan would be to your advantage now. The levee system was well designed and implemented.

Building along the levee system is a great alternative. You need look no farther than the beautiful complex of the Tarrant Regional Water District.

This is an example of a building site along the river using back fill and providing a wonderful elevated view down the levees to the downtown skyline.

At the section 106 meeting, I was very impressed with the site and encouraged that this

building could be the model for development along the river.

#3. I have looked not only at the sign-in sheets for public meetings, but also the question that were put to the meeting attendees, as well as the questions and comments from the Citizen Survey. I find this information to be very telling in terms of attendance and the vagueness of the questions.

To base a 435 million dollar project on a series of simple question that never mentioned the vast amount of money that would be needed, or that the land needed would be acquired through the process of eminent domain condemnation, is more than a little disingenuous.

#4. Even now there are meeting to decide the design standards that will be applied to properties that you do not already own. I have seen the Mayor's letter and the composition of these committees. The list of public officials, the neighborhood and business leaders, and especially the property owners, all stand to benefit in some way. Some of them in an enormous way. There is not a single current property owner invited to participate. There are entities and individuals who are already rubbing their hands together at the prospect of land that is now in private hands.

This process, and it's timing, and it's lack of transparency, is also disingenuous.

#5. The anti Eminent Domain issue is growing every day. Texas has passed legislation aimed to stop the exact usage that your project has espoused.

The legacy of this project, based upon the use of this practice, will be felt for many years to come.

#6. I must add that our current natural disaster may very well be affecting you Corp and your plans. I will not say that should or should not affect the project. I will only say that this alone should cause you to reflect upon the course of action and offer an addition period of delay.

Thank You,

Bob Lukeman

September 7, 2005

Corps of Engineers
Attn: Rebecca Griffith

I saw in today's Star Telegram that today is the deadline for comment on the Trinity Uptown project. Therefore, please accept the following thoughts.

I would be concerned in light of Katrina in doing away with our levees. I understand that they need to be rebuilt/built-up. I am fine with that. As a life-long resident of Fort Worth, I am proud of the green belt that runs through our City. It is a refreshing break in the development on either side—breathing space, if you will. Perhaps one of the lessons we should learn from Katrina is that sufficient levees are an important aspect of flood control. At 9.1 million, it seems a more appropriate “buy”.

I am also concerned about going into a project where proponents admit up front that it will increase the possibility of flooding and therefore additional land is needed to allow for the overflow.

I am greatly concerned about the emerging eminent domain issue. I have been to some of the “public” presentations, and I would suggest that the ones I have seen are on such a large scale that it is very difficult to get a perspective about the individual properties involved.

It would seem to me that Fort Worth could take a lead in turning down large federal funding opportunities and give back \$425 million for New Orleans and the Gulf Coast and redo our existing system with the remaining \$10 million. Maybe other cities and states across the United States would follow suit.

Malinda Crumley

Faulty Conclusion

The idea of a town lake as a part of downtown Fort Worth is a great idea. The City of Fort Worth and Tarrant Regional Water District have control of more than adequate land to carve a nice size lake out of the Trinity River as it now exits. The same engineering firm that suggests removing the levees and building a by-pass channel with gates for flood control certainly can accomplish the same thing with the current river channel. This would certainly be an enhancement to the area along the river from West 7th Street past Pier One - Schaumburg Group – Radio Shack – Downtown – Tarrant County College – Tom Struhs and the other developers on both sides of the river past the area where the Clear Fork and West Fork converge. The proposed by-pass channel would not reach the Stockyards District, as some have suggested.

I read with interest an article in the March 17th Star-Telegram, written by my good friend George Shannon, a publicly elected official, serving as president of the Tarrant Regional Water District. In the article, my friend George firmly stated he wanted to clarify that property subject to Eminent Domain would be taken for flood control only and not for redevelopment. It would appear that the vision my friend, George, has differs from the plan Congresswoman Kay Granger says she conceived at a Mayor's Institute for City Design at the University of Virginia, referred to as The Trinity River Vision. It is about redevelopment of the existing landowners' property after removing them. Flood control would only occur after this process is completed.

Ms. Granger made a statement at a business leaders meeting that very few cities have 800 acres of available land in the middle of their downtown that they can develop. She failed to tell these folks that most of the land to which she refers to is now occupied by landowners and successful businesses, some who have been operating businesses and paying property taxes for over half a century.

The article I referred to earlier by George Shannon was entitled "Faulty Assumption". I believe that George reached a "Faulty Conclusion".

My father and I own a family business that has existed in the afore-mentioned area for sixty-one years. We have been told that all or part of our business location will be affected if the project prevails. No one seems to have any legitimate answers at this point, except that the cost of the project could very possibly be a half billion dollars or more. Logic dictates that a lot of this cost will be borne by the taxpayers of Fort Worth and Tarrant County.

It is obvious that only a handful of the citizens of Fort Worth and Tarrant County are supportive of this project.

Think about it.
Jim Teague

From: H&A Tate [mailto:hatate@sbcglobal.net]
Sent: Wednesday, September 07, 2005 6:21 PM
To: Griffith, Rebecca S SWF
Subject: river project

I do not think this is a wise way to spend hundreds of millions of tax payer dollars when there is a much lesser flood plan that would do the job, at a time in our country when we are sinking in debt it is time for some common sense to arrive, in addition I think it is unfair to those who have business in this area to take their property, many will lose their jobs so some rich fat cat can aquire their land after this is over and make a fortune from someone elses land. I know this letter is going to make no difference but at least I have my say,,this is wasteful and unfair to property owners to seize their land

Harvey Tate

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7 September 2005

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Dr. Rebecca Griffith,
CESWF-PERP
Department of the Army
Fort Worth District, Corps of Engineers
819 Taylor St.
Fort Worth, TX 76102 0300

Delivered by fax to 817-886-6525

RE: Review comments on FIS for
Upper Trinity River Central City Project

Dr. Griffith,

Thank you for the opportunity to review and comment on the EIS you recently published.

We would like to have your response to our concerns about the idea of having the two branches of the river come together at a man-made angle that seems to have some inherent weaknesses.

Our review of the plan points to a weakness in the hydraulic design at the confluence of the West Fork at the by-pass channel. The following points appear to be given minimum consideration in the design.

- The forced bend in the river at this confluence is unnaturally greater than 90 degrees - and in close proximity to the historical bridge structure;
- The 9.75-foot drop in the 100-year water surface profile at this location creates velocities in excess of 20 fps;
- This appears to be in super-critical flow conditions which will create a hydraulic jump;
- The momentum of the waters will carry this jump into the Trinity Point isolation gate;
- Erosive velocities extend upstream on the West Fork through the railroad bridge to upstream of Henderson Street;
- Velocities in the by-pass channel exceed acceptable rates for the earthen vegetated edge along the north side of the channel.
- The calculated water surface profile in the Clear Fork portion of the by-pass channel does not consider the hydraulic jump gradient that is created at the West Fork confluence.

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We look forward to your response and comments about the design and its related components.

Furthermore, we would like your comments on the reasons, the justification, for not having an economic cost-benefit analysis of the P & G Plan and the No Action Plan that would relate to the issue of economic development. In newspaper articles and public comments, we have had statements to the point that Congress told you that you didn't have to study the alternatives, however, in the EIS book I found no explanation for skipping that step.

If you did explain it in the EIS or one of its Appendices, would you please tell us where to look. Would you please explain that and cite the authority that Congress gave the Corps to skip such a seemingly important step in a time of economic belt-tightening.

Finally, since economic development could occur without the Corps involvement, and since the P & G Plan seems to solve the flood control issue with considerable less dollars, why would you not explore more completely the alternative of simply fixing the levees and promoting development within their existing structure. Isn't that the Corps mission?

Then, if the project is not flood control and IS economic development, what is the Corps directive to leave its engineering base and enter into the traditional role of cities and the private market? Please take the time to cite for us what the Corps directives from Congress are and what elements of your authorizations speak to economic development.

Thank you again for the opportunity to comment on the EIS, we look forward to your reply.

Respectfully,



Karl B. Stauss
president

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7 September 2005

**D'Lo
CONSULTING
SERVICES**

Dr. Rebecca Griffith,
Project Manager
Department of the Army
Fort Worth District, Corps of Engineers
819 Taylor St.
Fort Worth, TX 76102-0300

Delivered by fax to 817-886-6525

RE: Review comments on EIS for
Upper Trinity River Central City Project

Dr. Griffith,

Thank you for the opportunity to review and comment on the EIS you recently published.

We would like to have your response to our concerns about the questions listed in the following pages that arise from your presentation of the EIS.

We look forward to your response to these concerns.

Respectfully,


Karl B. Stauss
president

QUESTIONS about the EIS for the Trinity River Central City Project

1. If the road systems improvements are needed for the area's development (such as the White Settlement/Fifth St Bridge), wouldn't those same improvements be beneficial to the Fix the Levees Plan? Why didn't you explore that?
2. Please explain why the proposed sump improvements in the By-Pass plan, could not be used to correct interior flooding problems in the existing system. A similar pump station, or land fill, or water features?
3. What are the actual linkages to the Cultural District, the Stockyards and Downtown created by the By-Pass Project?
 - A. Downtown seems to rely on a bridge and a view. What else?
 - B. The Stockyards seems to have no connection. Nothing up Main St.; only a secondary connection along Marine Creek as a back door. What is the connection?
 - C. The Cultural District is hard to understand. What linkage is there that is not provided by Forest Park's existing parks and river improvements? What connection along White Settlement? If it is the road, couldn't that connection be made if there is no By-Pass?
4. Page 186, Why does the report say it does NOT address urban revitalization for the Fix-the-Levees plan? Why wouldn't there be any economic development?
5. If urban redevelopment occurred in the project area without a By-Pass channel wouldn't it create the same job growth as shown in the By-Pass plan? p.186-187.
6. How much money has been spent to date for consultants to develop this By-Pass Plan?

How are the monies spent to date going to be applied to the funding sources shown in the funding "pie charts"?
7. The Fix-the-Levees plan requires only a small pair of mitigation areas to be "improved" for the plan to work. Why is it better to have to create considerably larger areas for mitigation that require massive construction with a new levee and the taking/purchasing of considerable private land?

Why is creating a "holding sump" in the River Bend area necessary and better than using the existing channel for valley storage and flows?
8. What is the back-up plan for funding the project if additional federal funding is not forthcoming?

Page 2. Questions for EIS review

9. In Figure 3-5 for Fix-the-Levees Plan, you show the levee improvements required for SPF + 4' including improvements at the Main St bridge. This seems to be a very reasonable plan to achieve flood protection without taking a lot of businesses out of the area, and almost no improvements in the primary area of the By-Pass plan.

Why isn't this a better plan for the goals?

Why doesn't the plan address the ability to continue businesses in the area along side new projects as well as urban redevelopment?

10. Isn't it true that the Fix-the-Levee plan has more public recreational uses and continues the use of existing systems better than the By-Pass plan?
11. How did the River Bend area get added into the plans as an integral part? Isn't it true that it is only added to the study because the river flows could not be accommodated in the project area?

What other function does the River Bend area provide to the study area, than as a sump dump for the water that cannot be handled by the By-Pass channel? Wasn't it added to the plan when you were not able to handle the water flows created by the By-Pass channel?

What hydraulic function does the River Bend area serve for the Central City portion of the plan? Why wasn't the water storage capacity handled in the Central City portion of the plan?

12. What would keep the same zoning and other development incentives proposed for the By-Pass plan from working in the Fix-the-Levees plan today?

Wouldn't TIF's and Planned Development Districts, and tax abatement, and City participation in utility improvements and other incentives and programs work there today?

13. Why couldn't the proposed three-tiered concrete edge to the proposed channel be applied to the existing levees to achieve a similar effect along existing stretches of the channel?

14. The Fix-the-Levees plan notes that:
- It doesn't have to acquire private lands to be implemented,
 - Requires less mitigation area,
 - Can continue the existing businesses while redevelopment occurs,

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- d. Can accommodate transportation improvements with little disruption,
- e. Costs the community considerably less (say, one-tenth as much)

So, why isn't this a good plan?

- 15. What prevents the use of the existing levees for riverside development? Why can't design guidelines be prepared to allow development along, behind, and over the existing levees so that business, recreation, and housing could all develop there today?
- 16. As shown on the cover of the draft EIS, aren't the isolation gates proposed really dams that control the water level and due to their design also control what kind of water craft can use the river?
- 17. What exactly are you talking about when you refer to returning the river to natural habitats and restoring native habitat and environment? Aren't you planning to tear up and rebuild a largely natural area in River Bend, and aren't you planning a very urban development along the whole Central City area's edge (according to your architectural renderings)?

What are you "returning" to?

- 18. Why is the current status of the river (maintained by the COE and TRWD as a greenbelt between the levees allowing hiking, biking, boating, and other recreational activities today) considered to be a bad or poor thing, when your plan seems to eliminate a large portion of those features in the very downtown area you say needs additional green space?

Yes, you created other spaces outside the area you complain about, but what about the Central City area? You claim to want to create a very dense urban center area that, of course, will have open areas and green space, but, in fact, won't it resemble other new town approaches like Las Colinas? So we would be building \$435 million of new construction to get what we have today?

- 19. Does the City of Fort Worth wish to keep the jobs (within the city) of the displaced businesses in the project area?

In the City of Fort Worth, what are the plans from the Dept. of Economic Development to relocate displaced businesses and their employees so they will stay in Fort Worth?

What plans does the City or other entities have to find replacement sites for the displaced businesses?

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What is the impact of the jobs, services and products related to supplying and supporting the displaced businesses in the project area? Ditto, jobs, services, and products provided by these businesses to other businesses in the area/state/nation?

What relocation plans does the City of Fort Worth have to assist businesses who are displaced involuntarily by the project?

Does the City of Fort Worth wish to make this a positive experience for the business community or is it planning to remain silent and let rumors and bad PR rule the day?

**Claude D. Brown
Attorney At Law
6149 Walla Ave.
Fort Worth, Texas 76133-3541
Telephone (817) 292-3001
Telefax (817) 292-2940**

September 7, 2005

Rebecca Griffith, CESWF-PER-P
U. S. Army Corps of Engineers
Fort Worth District
P O Box 17300
Fort Worth, Texas 76102 0300 VIA FAX 817 886 6525, mail & e-mail

Re: Trinity Uptown Project

The purpose of this letter is to comment on the U. S. Army Corps of Engineers study of that project sometimes referred to as the Trinity Uptown Project and/or Trinity River Vision, and which I shall refer to herein as "Trinity Uptown," and which includes, among other things, a lake, the estimated cost of which is about 435 million dollars. The cheaper project which is estimated to cost about 10 million dollars, I shall refer to as the flood control project. But first, let me introduce myself to you.

I served as assistant U. S. attorney for the Northern District of Texas from October 2, 1961, until retirement on June 30, 1997. During that period of time, I also served as special assistant U. S. attorney in about seven other districts, including districts in other states, and as a special attorney for the Department of Justice on one occasion. During these 35 years and 9 months, I was "the" attorney for the Fort Worth District of the Corps of Engineers as to all eminent domain cases, inverse condemnation cases, and other cases involving land matters in which the Corps was involved directly and/or indirectly. In 1966 I was "loaned" to the Southern District of Indiana as a special assistant for the purpose of trial of cases on behalf of the Corps of Engineers at Louisville, Kentucky, relating to locks and dams on the Ohio River. As I remember, one of the series of cases involved the "Union Town Locks and Dam." We were successful in these trials, which resulted in my being "loaned" to other districts for preparation and/or trial of eminent domain cases. In 1968, I was sent to the District of Colorado, and one of the main projects I worked on was an expansion of Fort Carson. In 1969, I was sent to Montgomery, Alabama, to try cases involving locks and dams on a Corps of Engineers project, the name of which I do not remember. I was also sent to the Western District of Texas in the 1960s to handle some trials relating to the Waco dam and lake.

Some of the matters and cases I handled for the Fort Worth District included the following dams and reservoirs: San Angelo Reservoir (cases involving seepage under the dam), Navarro Mills, Bardwell Reservoir, Benbrook dam and reservoir (the "Sid Richardson case") Proctor Reservoir (I handled this project from the beginning, and also was successful in a case to remove a dwelling placed on a flowage easement. I pleaded with several District Engineers for referral of the other encroachment on flowage easements, but was unsuccessful—to which District Counsel Albert Proctor can verify), and Joe Pool Reservoir. As to Joe Pool Lake, I am the attorney who conceived the premise that fair market value should be paid to the City of Duncanville, and not the excessive cost of a substitute facility. I was the trial attorney, and only trial attorney, for the United States in that case. We were successful, and the case was one of first impression in the United States Supreme Court—see *United States v. 50 Acres of Land*, 469 U. S. 24 (1984). I also was the attorney who tried another Joe Pool case involving 24 acres of land, which the landowners contended contained 24 million dollars of valuable gold—this was the Lloyd property. The landowners received a few hundred dollars more than the government's testimony. This also became a case of first impression in the Court of Appeals for the Fifth Circuit by reason that we proved value of sand and gravel by comparable sales. I do not have the citation available, but Al Proctor will have same.

I was also the Corp's attorney in the case against the City of Irving, the purpose of which was to cause the City of Irving to remove a landfill placed the Dallas Floodway. Ron Turner, then chief of the hydraulics branch, and Paul Rodman, then chief of the hydrology branch, a Corps attorney, plus many other Corps employees, and I worked days and nights, and weekends on this case. We were successful.

During my service as assistant U. S. attorney, I also handled cases involving acquisitions of land for expansion, clearance easements and/or claimed flight easements, as to the following: Carswell AFB, Dyess AFB, Reese AFB, Goodfellow AFB, Webb AFB (Big Springs, Texas), and Sheppard AFB. I also handled cases involving Nike mistle sites and Atlas mistle sites, together with communication cables connecting the Atlas sites.

About 1967 I was sent to Orlando, Florida, as a special attorney for the Department of Justice for the purposes of directing an investigation regarding phony land transactions that were being trumped up to raise the value of properties being acquired for the Cape Kennedy space project, and also to help prepare such cases for trial.

In addition, land my brother and I own in Wise County Texas, near Decatur, has been subject to takings by eminent domain for a highway, farm to market road, and numerous utilities, and I understand the effects of eminent domain from the landowner's view.

The foregoing has been set forth as my credentials as to my knowledge and understanding of the power and use of eminent domain on citizens of these United States—I know about which I am talking!

Of course, I handled eminent domain cases for other agencies, but the Corps of Engineers was my major client, and I made every effort to faithfully perform my duties to the Corps of Engineers. In fact, I consider myself very loyal to the Corps of Engineers, and particularly to the Fort Worth District, and the Southwest Region. It is with this background and loyalty to the Corps of Engineers that I make my comments.

I was shocked by the majority and concurring opinions in *Kelo v. City of New London, Connecticut* (____ US _____, 2005). If *Kelo* had been decided differently—along the grounds set forth in the dissenting opinions (with which I agree), it is submitted that the Trinity Uptown project would have been moot. Unfortunately, such is not the case. I have not read carefully the recent statute passed by the State of Texas, but I believe that the many exceptions and exemptions set forth therein, will not affect the Trinity Uptown project. However, it is my opinion that the Trinity Uptown project is an abuse, and a very expensive abuse, of the threat of the government, whether federal, state or city, of the power of eminent domain—and eminent domain is eminent and will be used to take property from landowners for such project. Furthermore, it is obvious that though many may suffer, a few will be enriched, especially those with lands remaining on the shore of the lake.

By reason of my past experience, I have known that there has been danger of flooding along the Trinity in Fort Worth. **The proposed flood control project by the Corps of Engineers should adequately address this issue, and I support same.**

As a taxpayer, and as a citizen dedicated to the proper use of the power of eminent domain as authorized by the Fifth Amendment of the Constitution of the United States, and that of the State of Texas, I oppose the Trinity Uptown project.

In any event, a referendum on the issue of the Trinity Uptown project should be submitted to the citizens of Fort Worth, Texas, for an up or down vote, before proceeding further.



Claude Duffey Brown

TEXAS HOUSE OF REPRESENTATIVES

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LON BURNAM

DISTRICT 90 • FORT WORTH

September 7, 2005

Rebecca Griffith, CESWF-PER-P
U.S. Army Corps of Engineers, Fort Worth District
Box 17300
Fort Worth, TX 76102-0300

Please consider this letter as my formal comments on the Draft Environmental Impact Statement (DEIS) for the Trinity River Project (TRP) in Fort Worth, Texas. I have several concerns surrounding the project.

1.) **Impact on existing local businesses.** There are over 80 local businesses that will probably be negatively impacted by the third and recommended alternative, the "Community Based Alternative", within the DEIS. If this proposal is implemented, many of these businesses will no longer be able to operate at their existing location. Most are small businesses, providing jobs to immediate residents of the area, and as such, should be considered not just stakeholders in the process, but *primary* stakeholders. I have heard from many of them that this is not how they have been treated. Many of these business owners have reported to me that they feel like the process has in fact favored *future* business interests at the expense of existing businesses.

I'm sure the Corps of Engineers is aware that Texas recently passed a new eminent domain law. The quick passage of this law in a legislative Special Session, was in large part a reaction to a recent Supreme Court ruling (Kelo vs. New London), in which the city of New London wanted to use the power of eminent domain for an economic development project. While there are differences between the "Community Based Alternative" of the Trinity River Project and the New London project, I urge all the governmental entities involved in this process to be extra sensitive to the existing communities that this project will impact. There is a need for a cost/benefit economic analysis that lends equal or even greater weight to the contributions of the existing business community, as opposed to the speculative contributions of businesses not yet created but envisioned in the "Community Based Alternative" of the DEIS. **Has any econometric modeling been done?**

2.) **Impact on Existing Parkland.** I am concerned that the DEIS does not adequately outline and consider potential impacts to the existing parks - specifically, Trinity Park.

I'm concerned that proposed roadways will negatively impact the existing parks with increased traffic and further bifurcation of parkland. One of the proposed new routes that I've seen would run along the existing western boundary of the Botanic Garden and would be in Trinity Park from the edge of University Drive to the edge of Seventh Street. This thoroughfare will not only be a visual displacement but also will increase environmental pollution from auto exhaust and expectorants in an area where people seek refuge in a natural setting. Trinity Park is the oldest regional park in Fort Worth, and any plan should make a priority of protecting and enhancing its integrity.

3.) Cultural and Historical Impacts. Possible cultural and historical impacts have not been fully discussed or disclosed within the Cumulative Impact Analysis of the DEIS. These impacts are in reference to the Cultural District which includes Trinity Park, Botanic Gardens and numerous structures already designated or eligible for national or state historical designation. I, and many citizens in Fort Worth, are concerned that the assessment of these structures, to date, has been inadequate, and that the DEIS does nothing to allay fears that these structures have not been afforded appropriate consideration and protection.

While this letter should not be interpreted as absolute opposition to the recommended "Community Based Alternative", it is my opinion that the DEIS, and the subsequent meeting on the DEIS which I attended, have failed to answer important economic, environmental, cultural and legal questions. As a citizen of Fort Worth, I hope that before we commit to a project of such enormous scope; and before we go too far down a road in which large economic resources are spent which can't be retrieved, that these "community based" questions and concerns are answered. Thank you for your consideration and I look forward to working with the Corps of Engineers and the many other entities involved as this process continues.

Best Regards,



Lon Burnam


Letters to the Editor. Star-Telegram
Box 1870
Fort Worth, Texas 76101

Dear Editor:

The damage from the powerful Katrina hurricane is likely to be the most expensive disaster ever to befall the United States. Tens of thousands of people have lost their homes and nearly all of their possessions. Relief for these people, and repair of the extensive damage will take years, and cost many billions of dollars. There is a way that the city of Fort Worth can make a major contribution to the cost of this relief by a fairly simple process. This is to inform the Federal Government that we wish to cancel the recently budgeted Trinity River Project. The \$384 Million thus released could then be spent on things that are really needed, instead of the wasteful "window dressing" for the downtown area of our City.

To the people who might say "The Trinity River Project will be a major economic boon for our City"; my answer is "Yeah - right". The Rail Market was to be a boon, and it failed after two years. The Mercado was to be a boon; and it sits unfinished, with no prospective customers. Even if the Trinity River project is started, it is unlikely to be finished with the money allocated. Government projects seem to always end up costing more than twice the original estimates. The extra money can only come from one place, the hides of Fort Worth Taxpayers.

Our noble gesture of canceling this project could start a trend. Other Municipalities could see the wisdom of canceling their "Pork Barrel" projects in favor of supplying help where it is really needed. The picture of an entire nation canceling luxuries in order to finance aid to the needy and suffering would be a shining example to all future generations.


John E. Jernista
7701 Westwind Drive
Fort Worth, Texas 76179

817 236-1059

I sent this letter to the newspaper, but they refused to print it. The Trinity River Downtown Project should be immediately cancelled



Thomas K. Threath
3912 Collinwood
Ft. Worth, Tex. 76107

Rebecca Griffith
CES WF-PER-P
U. S Army Corps of Engineers
Ft. Worth District
Box 17300
Ft. Worth, Tex. 76102-0300

Dear Mrs. Griffith:

I feel compelled to write yet again, after having already expressed my views via mail & attending the public meeting.

Why wasn't there a public meeting when this wasteful project ^{was} first conceived? Why isn't this project being brought to a vote for the citizens of Ft. Worth?

It is obvious this is less a project for flood control than an excuse for economic development. After all, how often does Ft. Worth have torrential rains that could cause floods? How many floods have inundated Ft. Worth since 1949?

No, I am convinced this is a project pushed by city hall and real estate developers in order to inflate their already bulging pockets.

Also, why aren't these funds being diverted to New Orleans, a city
(over)

That genuinely needs all the assistance it can get. What an insult to those flood victims that certain local (and federal) fat cats receive extravagant funds while others suffer.

I might add that I remain livid that our beloved mayor, Mike Monroney, chose not to remain at the "public comment" meeting and listen to any comments from his own citizenry. However, it is obvious that this group of "leaders" had already made up their minds about the matter.

This is a Park Barred Project if there ever was one!

Yours truly
Thomas K. Shedd

9-7-05

Dear Ms. Griffith

I agree and am writing to ask you all those concerned to send relief funds to New Orleans.

Especially since you mentioned "it could take months just to pump all the water out of the city". And of course that wouldn't include pumping any more water added by any future rain storms.

I also agree the catastrophic effects of "Katrina" will bring more attention from the Federal level to correct / reinforce / fund the infrastructure that has been so badly damaged. and could happen right here in Tarrant County.

Not only are you protecting the developers interests in the long run but also, getting all those who have been displaced safely back into their homes. I'm very grateful the State of Texas has responded so generously to →

refugees of New Orleans. But
I'm concerned about not meeting
all the many needs depleting our
resources.

Please express to anyone in
authority as I'm sure you will
use your influence to help
get the city up & running as
soon as possible.

Thank you for your cooperation
regarding this direly needed support.

Sincerely,

Katherine M. Devine

817-801-9415

Do the people in
this area want the Trinity
Uptown project? I
think not. Most of them
would be displaced.

Who would gain? I
am afraid the answer
is the big planners,
developers, and builders.

The Trinity Uptown
project would not be a
wise use of federal funds.

I have lived in Arlington
for ten months, but before
that I lived in Ft. Worth
for 34 years. Yours truly,
Barbara T. Norton

Sept. 7, 2005

Dear Ms. Griffith:

In reading about the
Trinity Uptown project
I have concluded that
this is a very costly
flood control project
that would change the
face of the area north
of downtown Ft. Worth.

This project would
cost at least four times
as much as other flood
control projects that
would handle the water.

Rebecca Griffith, CESWF-PER-P
U. S. Army Corps of Engineers
Fort Worth District
Box 17300
Fort Worth, Tx 76102-0300

Subject: Comments on Trinity River Uptown Project

Enclosed you will find copies of the letter I sent to Linda Christie, Community & Governmental Relations Director of the Tarrant Regional Water District and Mark Rauscher, Transportation Manager of the City of Fort Worth Transportation Development Group after our meeting on September 1, 2005. These should be self explanatory of our discussions

While I will not have to give up my property at 200 North Rupert because of the project, I could be seriously impacted by any reduced access to and from my property that could result from the 20 ft bridges on both White Settlement and Henderson. without adequate access roads.

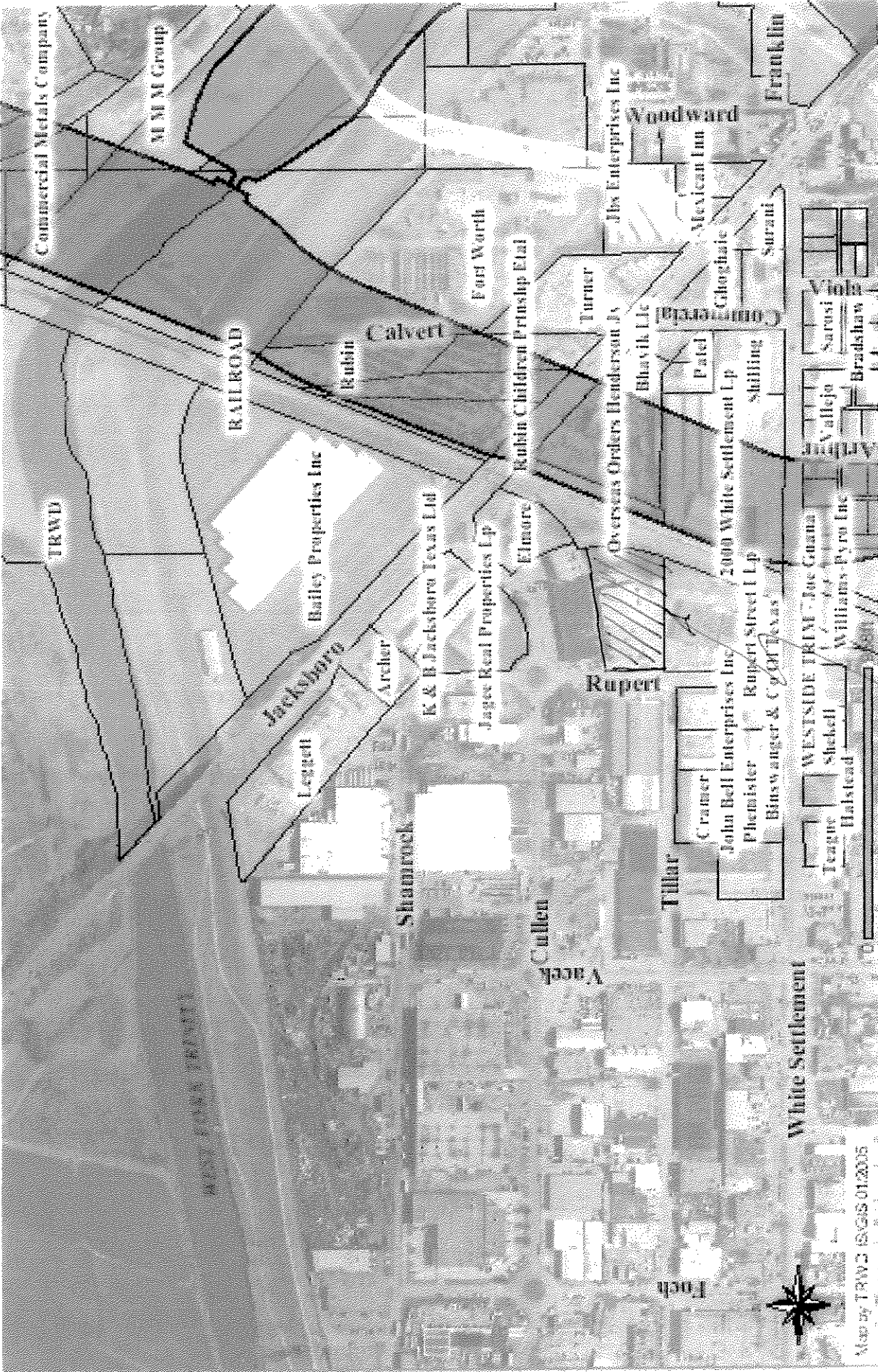
I am enclosing a portion of a TRWD colored map showing the location of my property with respect to the proposed River Channel Bypass, White Settlement, and Henderson..

I am forwarding this information within the September 7, 2005 dead line should there be any reasons for protesting.

Respectfully submitted,



Terrell J. Small, TBA Partners
309 Virginia Place
Ft. Worth, Tx76106
817/738/7906



200 NORTH RUPERT

Tarrant Regional Water District
800 E. Northside Drive
Fort Worth, Tx 76106

September 6, 2005

Attention: Linda Cristie

Subject: Our Meeting on September 1, 2005

Dear Linda,

I want to thank you for your courtesy in arranging the meeting with you and Mark Rauscher, City of Fort Worth Transportation Manager, to answer some of my concerns as to the effects for the proposed Trinity River Bypass Channel on my property at 200 North Rupert St.

While I understand that plans are still in a preliminary stage, I am encouraged to hear and see evidence that satisfactory access to North Rupert from both White Settlement and Henderson is in the plans. This gives no credibility to the comments I had heard that there would be no access roads on either bridge.


It is my understanding that the latest plan includes an access road going east on the southside of the White Settlement bridge with an entrance into North Rupert turning and continuing west on the northside of the bridge.

There would also be an entry to Henderson north of the railroad/river bridge from the intersection of North Rupert and Shamrock streets that would permit travel either north or south on Henderson with a possible traffic light at that intersection.

This access is of particular interest to other owners and occupants in the area that are affected including Scott McDonald who owns property at the southeast corner of Cullen and Rupert. Scott was out of the city and unable to attend our meeting.

Please keep me advised as while you do not require my property, I do feel impacted and an acceptable access solution is important.

Thanks again,


Terrell J. Small, TBS Partners
309 Virginia Place
Fort Worth Tx 76107

City of Fort Worth
1000 Throckmorton St
Fort Worth Tx 76102

Attention: Mark Rauscher, AICP Transportation Manager

Concerns of Property Owner on North Rupert Street

MEETING WITH
LINDA BRISTOL
September 1, 2005

At the time of the original public meeting of the Trinity River Vision in December 2004 and viewing the display, it appeared that my property at 200 North Rupert would not be needed and that I should not be concerned..

Although I have not been advised otherwise nor invited to any meetings until the recent public meeting, I have come to realize since that I probably will be seriously impacted by the proposed bridges on White Settlement and Henderson.

After reviewing the colored map entitled "Preliminary Properties Impacted By Bypass Channel and Interior Water Feature" and from informal discussions with various parties involved at this latest Public Meeting, I have gleaned the following information that may or may not be accurate..

1. The bridges will extend 100-150 feet on both directions with an overall length of 300 ft. and a height of minimum 20 ft. above the railroad tracks and river.
2. There will be no access roads adjacent to the bridge for the length of the bridge.
3. Means of ingress and egress to the property on North Rupert to either White Settlement or Henderson are not shown on the map, however in view of the constraints of No. 1 & 2, the most discussed solutions appear unworkable or at least inadequate to achieve the present access of 1 to 1 1/2 blocks to either street.


The following questions do arise as to why the need for such high bridges and if not, what savings could have been accomplished.

1. The railroad handles a limited number of railcars per week to and from individual warehouses in the area. It is suspected that most or all of the railroad's other crossings are at grade crossings levels.
2. It is questionable if the clearance between the river channel and the bridges needs to match the clearance between the track and the bridges. This would result in a shorter bridge.

I acquired this property over 30 years ago and was attracted by the easy access to White Settlement and Henderson and hence downtown Ft. Worth that it offered for our retail, wholesale, and manufacturing ventures in the past and in the future as well as any future tenants.

I will look forward as to what to expect as to access to my property..

Respectfully submitted


TBS Partners, Terrell J. Small
200 North Rupert St. Fort Worth, Tx. 76107

-----Original Message-----

From: Jack O. Lewis [mailto:jolewis2@juno.com]

Sent: Wednesday, September 07, 2005 6:07 AM

To: Griffith, Rebecca S SWF

Subject: Trinity River

Rebecca,

I'm Jack O. Lewis in Haltom City, N. E. Tarrant County.

I served as Mayor and Councilmember in Haltom City for 13 yrs. Texas Silver Haired Legislator for 4 yrs.

Millions have been spent on the trinity river, Fossil Creek and other waterways in tarrant county. I believe its time we slowed down and re-evaluate taxpayers money on altering these waterways. This area was settled because of the waterways, now we altering their natural flow to benefit a few of the business and landowners.

I have been involved in the Tarrant County Community College and now they are proposing a campus downtown in Trinity Area to help revitalize this area.

Proposed money for Haltom City to address the area near Airport freeway 121 and other tax dollars are needed in the Gulf Coast Region.

I know Congress has the last word and I will be addressing our concerns to Congresswoman Kay Granger and others about priorities.

Thanks for listening. Do the best you can with funds available and let the rivers flow naturally. People should not locate their homes and business on the beach and in the floodway. We have too much land available even if the earth is two-thirds water.

Jack O. Lewis
Former Mayor
Haltom City

-----Original Message-----

From: greg hughes [mailto:greg.56@webpages4u.com]

Sent: Wednesday, September 07, 2005 7:14 AM

To: Griffith, Rebecca S SWF

Subject: Trinity Uptown Project in Fort Worth

The proposed Trinity Uptown project is not about flood control, it is about economic development. The Corps of Engineers has an \$11 million solution to a problem that has a very small likelihood of occurrence.

The City of Fort Worth has a \$435 million solution that is technically feasible, but financially foolish. The Corps own analysis anticipates loss of wetland and wildlife habitat if the project goes forward. The city's proposal requires a surge area upstream that removes many acres of very desirable land from the local market. And it creates an oversized pond, not a lake, downtown with little if any recreational potential.

Why does the downtown pond have so little potential? First, it is currently illegal to possess fish caught at or below the confluence of the Trinity River due to hazards in the water. So don't look for an active fishing pier. Second, the inflow of debris into the river system will provide a constant supply of trash for the shore of the pond. Not a scenic picture, but look at the current situation. And third, during droughts, the pond will either shrink to a mud flat or will need to be supplied by dropping the levels of true recreational lakes: Benbrook, Lake Worth, and/or Eagle Mountain. As an extension of the third point, the added surface area of the pond with respect to the river will result in increased evaporation and less water to flow downstream. And it's proposed size does not support any boating, no matter how many slips are rendered by artists.

With the country in need of every dollar for critical projects, please do not allow the Corps of Engineers to be duped into supporting this load of pork. Spend \$11 million if necessary and improve the flood control. But please don't waste \$400 million on this project.

Best Regards,
Greg Hughes
2544 Stadium Drive
Fort Worth, Texas 76109

From: Birchman4512 [mailto:birchman4512@charter.net]
Sent: Wednesday, September 07, 2005 8:19 AM
To: Griffith, Rebecca S SWF
Subject: Fw: Trinity River project

----- Original Message -----

From: [Birchman4512](#)
To: [Jimmy](#)
Cc: [Jimmy](#)
Sent: Wednesday, September 07, 2005 8:07 AM
Subject: Trinity River project

No, the project should not go forward. That kind of money needs/must go to New Orleans and all others that have a real need. I was born in 1941 @ 4512 Birchman. I do not have a political bone in my body therefore, I know and can see right from wrong. It seems to me that the main reason the politicians in Fort Worth want it is to beatify the city. It would be a crime to use that money here. Many many other cities need the help for 100% real reasons. Thanks James Moseley E- MAIL birchman4512@charter.net

From: TWL [mailto:twl3@mesh.net]
Sent: Wednesday, September 07, 2005 8:31 AM
To: Griffith, Rebecca S SWF
Subject: Trinity River Uptown Project--Fort Worth

Dear Ms. Griffith:

Katrina has proven how urgently needed flood control projects like Trinity Uptown are. I urge you to do what you can to see that the Trinity River Vision/Trinity Uptown project in Fort Worth moves forward without delay and with no funding cutbacks.

Sincerely,

Tom Lowe
3863 Crestline Road
Fort Worth, Texas 76107

From: fanmantex [mailto:fanmantex@charter.net]
Sent: Wednesday, September 07, 2005 8:36 AM
To: Griffith, Rebecca S SWF
Subject: Trinity Uptown flood control project (yea right)

We all know this is not being done for a flood control project, it is mainly for making a river walk kinda like San Antonio. The allotted money that the Corps will be getting should go to NEW ORLEANS and all others that have a 100% Real need. I personally am going to e mail the Fleecing of America commentator if this is done maybe before, it is just not right. So NO we should not proceed with the project for Fort Worth.

From: Catherine Clyde [mailto:ccllyde@sbcglobal.net]

Sent: Wednesday, September 07, 2005 8:55 AM

To: Griffith, Rebecca S SWF

Subject: Trinity Uptown

Dear Ms. Griffith,

I strongly oppose the Trinity Uptown project for the following reasons:

1. The previous flood control plan is adequate for 100 year flooding.
2. I have not read of any environmental study done and much of the land to be flooded has unknown waste buried beneath it.
3. The cost is exorbitant now in light of the more urgent funding needs of Louisiana, Mississippi and Alabama.

Thank you,
Catherine Clyde
3212 Binyon Ave,
Ft. Worth, TX 76133

From: Teresa Dunn [mailto:tdunn@hsc.unt.edu]
Sent: Wednesday, September 07, 2005 12:00 PM
To: Griffith, Rebecca S SWF
Subject: Trinity Uptown River Project

I believe it is absolutely ludicrous to spend \$435 million dollars on the river project when the corp had proposed a plan to fix the potential problem for \$9.1 million dollars. This is an absolute waste of money and should not be allowed.

Teresa J. Dunn
817-691-6540

-----Original Message-----

From: Nancy Crosskill [mailto:lakettes@sbcglobal.net]

Sent: Tuesday, September 06, 2005 6:27 PM

To: Griffith, Rebecca S SWF

Subject: Trinity River Projects comments

I believe the Trinity River Vision project will take much more money than ever projected. Especially in light of Katrina's destruction and the resulting higher costs which will ultimately drive up the cost for all goods and services.

The levees can be raised at a fraction of the cost of the "Trinity Beautification Project" and protect the city from the 100 year flood.

I believe this project is designed 1) to beautify downtown 2) to attract business to our community 3) for flood control.

It is not in anyone's best interest now or for future generations to use eminent domain for projects that are not necessary. This is nothing more than city government making promises to big business to get them to locate in Fort Worth at the expense of citizen tax payers and private property owners. I do not even live near the area nor do I own property in the area involved in this project but when you use eminent domain for the wrong reasons, it threatens all of our rights as property owners and tax paying citizens.

I urge you not to continue with this project. "Trinity River Vision" will quickly become "Fort Worth's Folly" as law suits are filed and prices escalate.

Nancy Crosskill

9848 Lake Haven Cir.

Fort Worth, Tx 76108

From: Kypreos, Nick [mailto:Nick.Kypreos@ttiinc.com]
Sent: Wednesday, September 07, 2005 9:26 AM
To: Griffith, Rebecca S SWF
Subject: TRINITY UPTOWN PROJECT

Dear Ms. Griffith:

I OPPOSE the current form of the Trinity Uptown Project.

I do not own any property or a business, nor do I work for a business that will be adversely affected by this project.

I oppose the project for the following reasons:

1. The current form of the project is too expensive. The \$435 million is not inclusive of all of the costs that will be required to complete the project in the future years. The full cost has not been disclosed. This cost will be a tremendous burden on the City of Fort Worth and the taxpayers for years to come. The city is not currently meeting its necessities such as road maintenance, and it now wants the taxpayers to take on the burden of building and maintaining this project.

2. The current form of the project will unfairly and adversely affect 80 property and business owners. A different form of the project would not affect this many property and business owners, and the project would work.

3. The politics that have directed the current form of the project:

a. The cheaper flood-control alternative of \$9.1 that was proposed and abandoned last year.

b. The local influence by the former mayor of Fort Worth upon the Texas Governor to exempt this project from the recent eminent domain law signed into law.

c. The local influence by the former mayor and project planner to have the cheaper flood-control alternative abandoned so that their own real estate holdings would appreciate from the current project. This will come at the expense of the 80 property and business owners and the taxpayers of Fort Worth.

Thank you,

Nick Kypreos

6616 Cherry Hills Drive

Fort Worth, Texas 76132

9/15/2005

817-292-8480

From: Al & Dale [mailto:dkriel1015@sbcglobal.net]

Sent: Wednesday, September 07, 2005 9:47 AM

To: Griffith, Rebecca S SWF

Subject: Trinity Uptown

Dear Sir,

My heart goes out to the people in Louisiana. But we are doing all we can do to help. Why should we have to give up something as important as the Trinity Uptown project because of another states problem. Charity starts at home. There is lots of work to be done in New Orleans lets let these people go back and rebuild. This is going to cost the tax payers in Texas. The real tax payers can't take mush more. We don't have enought money for our schools, but you bring in thousands more to school. Whats wrong with this picture. LET TRINITY PROJECT GO FORWARD. We are years behind on this alredy. Mrs Al Kriel 817-249-0491

-----Original Message-----

From: Jack Tollett [mailto:jtollett@fortworthisd.net]

Sent: Wednesday, September 07, 2005 11:44 AM

To: Griffith, Rebecca S SWF

Subject: Ft. Worth Flood control

It just seems stupid to me to spend half a billion dollars on "flood control" when it could be done for less than 10 million.

Jack Tollett

Texas History Teacher

William James Middle School

Subject: FW: Trinity Uptown Project

From: EMuelder@aol.com [mailto:EMuelder@aol.com]
Sent: Wednesday, September 07, 2005 11:19 AM
To: rebecca.s.griffith@swf02.usace.army.mil.
Cc: letters@star-telegram.com; District7@fortworthgov.org; crsilcox@fortworthgov.org;
mayor@fortworthgov.org
Subject: Trinity Uptown Project

If the aftermath of Katrina includes delaying funding for the Trinity Uptown Project, this diversion of funds may be the only positive effect of the storm. This project began as a flood-control effort; however, it has grown into something entirely different and apparently divorced from its original purpose.

I have several questions about this project. First, if it is indeed primarily intended to control flooding, then why is the city of Fort Worth trying to acquire (not buy, as in fair market value, but take by eminent domain) many acres downriver from the city which will then be used to contain floodwaters *created* by the upstream diversion? Also, why must \$435 million dollars be spent on a goal that could more easily, practically and effectively be accomplished for \$9.1 million by simply upgrading the existing levees? Finally, why is the city moving before final approval to begin restructuring North Fort Worth, as in *done deal*???

Some possible answers do occur to me. To the first question, it seems obvious that the primary goal of the Trinity Uptown Project is not flood control, but beautification of an area that is admittedly less than perfect. Which raises another question: does the federal government really want to pay for a city's extreme makeover? What kind of precedent does this set? And is this kind of funding legal and constitutional?

To the second question, refer to the above answer. And consider this additional query: how much more will it cost the longer it is delayed or tied up in court because of the legal questionability of using eminent domain for private profit? And how much of that cost will be passed on to the citizens of Fort Worth via additional taxation? The question of who will make up the difference between the federally authorized (not guaranteed) \$110 million and the estimated \$435 million cost has only been answered vaguely as "private funding."

Finally, could it be that the city is rushing things up in order to beat the legislative proposal to limit the use of eminent domain? Surely the mayor and city council are aware that what they want to do in order to attract business to the downtown area is about to be declared illegal. As most of us have long assumed that it was...especially those business owners on the North Side who are about to lose their livelihood for the benefit of other, more affluent and influential business owners. Does this situation seem kind of medieval to anyone else, or is it just me?

Sincerely,
Evelyn Muelder
6909 Windswept Circle
Fort Worth, TX 76135
817 237 1403

9/15/2005

-----Original Message-----

From: sisterfly2@earthlink.net [mailto:sisterfly2@earthlink.net]
Sent: Wednesday, September 07, 2005 9:33 AM
To: Griffith, Rebecca S SWF
Subject: Trinity Uptown

This project is a foolish and disgraceful use of taxpayer dollars. As Hurricane Katrina has so recently and powerfully demonstrated, building in a floodplane is unwise. Our elders showed us a safer and wiser way to live when, out of respect for the power of nature, they built on the high ground. That is why the French Quarter, one of the oldest developments in New Orleans, was not flooded like other neighborhoods, such as the Ninth Ward, one of the poorest, lowest, and hardest-hit neighborhoods.

New Orleans began sinking about 1718. The wetlands that should protect the coast have been decimated by the levees of the Corp of Engineers. The Dead Zone in the Gulf of Mexico grows as silt continues to be dumped there, instead of in the Mississippi delta, where it would naturally be deposited. What will the energy cost in the future to keep rebuilt parts of New Orleans dry and deal with future flooding?

The current plans for the Trinity Uptown are projected to cost \$435 million. This is only a tiny fraction of what reconstruction in New Orleans will cost, but building in the floodplain of Fort Worth is no less foolhardy. The earlier Corps of Engineer plans for the Trinity River would cost about \$9 million. Although the Trinity Uptown project has been illustrated in the Star-Telegram numerous times over the last year, I have not seen an illustration of the earlier plan and cannot knowledgibly address its shortcomings, but as long as it doesn't include the major real estate developments projected for Trinity Uptown, it seems much preferable.

With the Iraq War, the national deficit has ballooned into the millions of dollars. After future natural disasters, hazardous projects like Trinity Uptown will have costs that aren't included in the current projections, which will be shunted on to future taxpayers, just like the costs of New Orleans reconstruction projects, however wise or foolish, will be paid by tax dollars from the rest of the US. Not one more dollar should be spent on the Trinity Uptown project.

Elizabeth Bearer

From: Dwales2@aol.com [mailto:Dwales2@aol.com]
Sent: Wednesday, September 07, 2005 10:19 AM
To: Griffith, Rebecca S SWF
Subject: Trinity Uptown Project - Fort Worth TX

Corps of Engineers

Re: Trinity Uptown Project
Fort Worth, TX

It is readily apparent that this project, as proposed, incorporates a small portion for flood control considerations and an overwhelming amount for real estate development.

It is also clear that its proponents increasingly describe it as "flood control" in an obvious effort to evade eminent domain restrictions at the state level and, more importantly, to absorb as many federal tax dollars as possible.

The Corps' proposed \$9.1 million flood control project is dismissed by the same people who stand to benefit politically and financially from the bloated multi-million spending.

To reject the Corps' real flood control project so that "river views won't be obscured" is asinine. In this time of limited resources at all levels of government, the taxpayers' dollars should be spent wisely. This project is NOT an example of wise use of tax dollars.

And, as someone who has had family impacted by Katrina, I feel it is absolutely criminal to divert federal dollars from those truly in need in Louisiana, Mississippi and Alabama for what is, in reality, a massive real estate development project which will primarily benefit a prosperous few.

Federal assistance for flood control and other truly needed projects is desperately needed now in the hurricane affected areas. If anything more is to be spent for the Trinity Uptown project above the \$9.1 million for the Corps' flood control project, it should come from the City of Fort Worth or the State of Texas, not the federal government.

I suggest that those who feel this project has such merit allow the people of Fort Worth and / or the State of Texas to vote on the issue of its funding.

Dennis Wales
6607 Crestfield Dr.
Arlington, TX 76016

9/15/2005

From: Ann Lesok [mailto:Ann@williamstrew.com]
Sent: Wednesday, September 07, 2005 11:26 AM
To: Griffith, Rebecca S SWF
Subject: Trinity Uptown

I have real concerns about where the money is going to come from. I don't think the taxpayer is willing to pay more taxes.

Ann Lesok

-----Original Message-----

From: Marytom Abelson [mailto:mtabelson@ev1.net]
Sent: Wednesday, September 07, 2005 1:37 PM
To: rebecca.s.griffith@swf02.usace.army.mil.
Subject: Fort Worth Flood Control

The natural forks of the Trinity River as they approach downtown Fort Worth are awesome just as they are. For thousands of years they have provided this spectacular view from the bluff capping the city. This landmark view has enthralled countless generations of American Indians as well as the pioneers who built our city. It is priceless.

To rechannel the river represents not only a monumental financial project, but who knows what unexpected environmental surprises might be encountered?

A far less costly flood-control program developed by the Corps of Engineers already exists, with an estimated price tag of some \$9 million. The only prudent course for Fort Worth is to implement that plan as early as possible and to shelve (perhaps permanently) the outrageous \$400-\$500 million town lake project. In light of the tragic devastation to New Orleans and its citizens--which will involve many years and untold dollars for recovery, it is truly the "American" thing to do.

Sincerely,

MaryTom Abelson

Charles Dreyfus

2416 Park Place, Fort Worth, Texas 76110
817-924-9827

September 7, 2005

Dr. Rebecca Griffith, Project Manager
CESWF-PER-P
U.S. Army Corps of Engineers, Fort Worth District
P.O. Box 17300
Fort Worth, Texas 76102-0300,

Dear Dr. Griffith:

- A. I expect that Trinity Uptown will be world-class development and a delight to see.
- B. Planning Trinity Uptown has made clear a renewed threat to Trinity Park, and also to the Botanic Garden from a new fast road that would pretty much follow the State Highway 121 route proposal that was discredited and abandoned more than a decade ago. There was general agreement that it just did too much harm to what remains of these irreplaceable great historic parks. These parks must remain large and enjoyable for future generations. **Please see Item "G. Cumulative Impacts ..." of this letter.**
- C. This route to Trinity Uptown was exactly "A-Fast-Road-Past-the-Duck-Pond" in Trinity Park when part of it was presented to the Fort Worth Parks Board in 2002 in an Informational Item proposing a thoroughfare called "Trinity Parkway." It threatened our heritage. We take our children and grandchildren to the Duck Pond to entertain them with stories of going there with our own grandparents. The current alternate route that avoids the Duck Pond is expensive, improbable, and would still be very harmful to Trinity Park. We are talking heritage.
- D. This route is a fast diagonal shortcut:
- From North Main Street in Trinity Uptown (and beyond),
 - To Montgomery Street near I-30 and the proposed SH-121T toll road.
 - It would cross the White Settlement Road Bridge over the bypass channel.
- D. This fast diagonal shortcut route (with its City of Fort Worth projects (or proposed projects) known as "Trinity Parkway" and as "Harley Street Realignment") **is not shown in "Table 4 -8. Projects Considered During the Cumulative Impact Analysis" which begins on page 215, Chapter 4 - Environmental Consequences, Upper Trinity River Central City, Fort Worth, Texas, Draft Environmental Impact Statement", 25_May_2005_DEIS_indexed.pdf.**
- There is nothing in the DEIS about this route and these projects:
- Although this new route depends on the proposed White Settlement Road Bridge; and
 - Although it would have a major cumulative impact on Trinity Park; and
 - Although far more distant and less relevant projects are considered in the Cumulative Impact Analysis in the DEIS, for example IH 820 from IH 35W to SH 26.
- Note:** These projects themselves must be shown in the DEIS Cumulative Impact Analysis because of their short close connection by existing streets and the existing

park drive to the proposed White Settlement Road Bridge. This is true no matter what the USACE may state about the new traffic route described in this letter.

E. **The DIES and its Cumulative Impact Analysis are deficient in not considering or presenting this route and these projects, and must be revised.** The necessary information has apparently been available since about 2002 (and definitely since 2004) from the City of Fort Worth, and Streams and Valleys, Inc. See also NTCOG, TXDOT, TRWD, Gideon-Toal, and more.

F. The above mentioned route begins at the proposed intersection of North Main Street and White Settlement Road, and

1. Goes westward on White Settlement Road, and
2. Crosses the proposed White Settlement Road Bridge over the bypass channel, and
3. Almost immediately turns southward before reaching the railroad tracks, and
4. Goes the short distance southward to West Seventh Street, either
 - a. On existing streets including Greenleaf Street and Harrold Street, or
 - b. On new pavement.
5. Crosses Seventh Street going southward as the proposed thoroughfare project called "Trinity Parkway" and,
 - a. In the current 2004 City of Fort Worth Master Thoroughfare Plan (MTP) goes southward along the west foot of the levee at the edge of Trinity Park, crowds past the new Marriott Residence Inn, continues southward as it crosses under the Lancaster Street Bridge (at approximately a 90 degree angle to the bridge) at the same place that it also crosses over the levee at a location that is high above the existing park drive and west of the existing park drive. The thoroughfare would continue as divided highway on two bridges climbing higher from the top of the levee, turning westward, crossing above the railroad trestle, returning to ground level, and eventually leaving Trinity Park at University Drive. In this expensive and improbable version the new Trinity Park Thoroughfare ("Trinity Parkway") would enter Trinity Park at the Lancaster Street Bridge.

NOTE: See "Trinity Parkway Alignment Study, Fort Worth Parks Board Meeting, January 18, 2005. To understand this presentation from the PowerPoint document it is necessary to listen at the same time to the voice recording of the presentation and following comments. The recording was made by City of Fort Worth Parks and Community Services Department personnel. I have a copy of it for you. Board members continued to comment after citizen comment.

NOTE: The presentation document of that more than \$105, 000 study did not disclose that the consultant's preferred alignment is substantially the same as the adopted 2004 MTP.

NOTE: This version that thoroughfare is shown avoiding the Duck Pond with a bridge that is improbable because of expense, because this route would crowd the new hotel immediately west of Trinity Park on Seventh Street, and because it could not be widened even though it will be near its maximum traffic capacity from day one according to the consultant's spoken

statement to the Parks Board that city personnel recorded.

- b. The new Trinity Park Thoroughfare was shown to the Parks Board in 2002 as an Informational Item. It entered Trinity Park at Seventh Street on the existing scenic park drive, passed very close to the Duck Pond, curved westward still on the existing park drive, and left Trinity Park at University Drive. The Informational Item called it "Trinity Parkway." Staff stated that there was "no feasible or prudent alternative" to converting the parkland to a thoroughfare. See Parks Board Informational Item on file with the City of Fort Worth Parks and Community Services Department. See also City Transportation and Public works Department documents.
 - c. The "Trinity Park Alignment Study" in "item 5. a." above also shows that if routed south from Seventh Street on Foch Street, the thoroughfare could serve almost as well as it would as shown in the 2004 MTP.
6. The Trinity Park Thoroughfare ("Trinity Parkway") crosses University Drive and continues as the Harley Street Realignment thoroughfare project. It goes between the Botanic Garden and Will Rogers Memorial Center turning southwest, and connects to Montgomery Street near I-30 and proposed Toll Road SH-121T. That intersection is planned to be considerably south of the presently existing intersection of Harley and Montgomery. This was confirmed in 2005 as still the intention of the City of Fort Worth Director of Transportation and Public Works. City of Fort Worth bond funds are already available for it in the \$10,000,000 range, and includes relocating a city maintenance service center, and some parking for a large new indoor professional sports arena.
 7. This is basically the same route from Montgomery Street to North Main Street as the SH-121 route to North Main Street that was rejected by Fort Worth citizens more than a decade ago because it was too intrusive to Trinity Park and the Botanic Garden. Northbound I-35 already gets very congested in the approximately one mile between I-30 and SH-121 which is the airport freeway. I hope part of the answer is not eventually to continue the above stated route to become a new airport thoroughfare or freeway. See records of NTCOG, TXDOT, and City of Fort Worth. The governments seem to be setting up for that possibility. What is there in existing records about this? What is the plan for getting from Trinity Uptown to DFW Airport?

G. Cumulative Impacts to be Included in the DEIS:

The Central City Draft Environmental Impact Statement (DEIS), shows some of Fort Worth's greatness and special assets: its people, history, unique character, and some already world-class attractions, including Trinity Park and the Botanic Garden.

The DEIS needs to show the cumulative impacts on the Botanic Garden and Trinity Park of proposed new roads and traffic routes that would connect North Main Street in Trinity Uptown to Montgomery Street near I-30 and the proposed toll road SH-121T. These new roads and

traffic routes will have a very large amount of vehicle traffic in the future. When funding is available, the new thoroughfare very probably will be located in Trinity Park (Please see 2002 "Trinity Parkway presentation to Parks Board) where it can grow ever wider in the future to connect Trinity Uptown (and beyond) major new development served by SH-121-T.

Very specifically, the Draft Environmental Impact Statement (DEIS) is deficient, and must be revised to include cumulative impacts on at least Trinity Park and the Botanic Garden from a new thoroughfare shown in the Adopted City of Fort Worth Master Thoroughfare Plan (MTP), and also shown in Informational Items presented to the City of Fort Worth Parks and Community Services Advisory Board (Parks Board) in 2002 and in 2005. It is described above, and includes the City of Fort Worth's proposed "Trinity Parkway", as well as the continuation of the "Trinity Parkway" across University Drive as the "Harley Street Realignment." It is part of the route described in the preceding paragraph.

Trinity Park (with the adjacent Botanic Garden and remnants of Rock Springs Park) is the oldest great regional park in Fort Worth. The land is part of the historical traditions of multiple generations of families growing throughout present and last centuries.

The Trinity Park Duck Pond was and is a beloved frequent outing for children as a tradition in so many families. (See Fast-Road-Past-the-Duck-Pond proposal to Parks Board in 2002. This route may be needed if the proposed thoroughfare gets the expected heavy traffic.)

Although the Amon G. Carter Foundation rebuilt the Duck Pond about thirty years ago, the site itself qualifies as historic. It is a historic site, a historic destination because of enduring family traditions, and because it is at the core of the land heritage of Fort Worth's citizens. We take our children and grandchildren to the Duck Pond to entertain them with stories of going there with our own grandparents. The current alternate route that avoids the Duck Pond is expensive, improbable, and would still be very harmful to Trinity Park. We are talking heritage. The nearby Trinity Park shelter is definitely historic.

The DEIS must consider both the 2002 route through Trinity Park, and also the route of the 2004 city of Fort Worth Master Thoroughfare Plan (MTP), because the 2002 plan is still probable.

Building Interstate 30 took land and dried up springs (historic, archeological, natural) in Trinity Park, and in the adjacent former Rock Springs Park, and in the adjacent Botanic Garden.

University Drive (c. 1950) took parkland for its then new route in Trinity Park and the Botanic Garden, and grew now to six, even seven lanes wide. It cuts off parts of the park from others, makes many acres too noisy and too dangerous with fast traffic for family recreation.

University Drive is still growing busier and wider in Trinity Park. The proposed new Trinity Park thoroughfare is presently drawn to make University Drive even wider near Harley and Crestline. (2004 drawings presented to Parks Board in January, 2005)

The negative visual and sound impacts of University Drive and I-30 are very far reaching in the parks. Part of the reason for locating University Drive in Trinity Park and Botanic Garden was that the road could grow much wider by taking parkland.

Before the West Fork of the Trinity River was dug to its present channel, Trinity Park extended south to the University Drive Bridge. The new channel and I-30 together greatly lessened Trinity Park south of I-30. Then the city sold Trinity Park south of I-30.

The new river channel also negatively impacts Trinity Park by making fast traffic on Forest Park Boulevard a visual nuisance. More and more, we see fast moving cars as we look from the park.

The railroad trestle crossing Trinity Park is a very negative visual impact that combines with the other added environmental impacts to reduce the attractiveness of more and more of the park.

Combining with the visual nuisances of the railroad trestle, fast traffic on Forest Park Boulevard, the Lancaster Street Bridge, and the proposed "Trinity Parkway" a very large portion of Trinity Park will be entirely surrounded with visual nuisances. This cumulative impact of would thoroughly diminish a large portion of what remains of Trinity Park.

The PARK DRIVES themselves are recreational and historic. There is great relaxing value in a seeming country drive on the way home with a 20 mph speed limit. This is not "cut through traffic."

The park drives in Trinity Park continue to diminish with the Trinity Uptown project. Consider slow relaxing park drives as heritage, a pleasure associated with slower moving times in history when we truly enjoyed the scenery. One of many examples other than Trinity Park is the more than century old carriage trail system at Acadia National Park.

South of I-30 the City sold what was left of the scenic park drive that was part of Trinity Park. At University Drive and Crestline what was the park drive is less recreational because it is wide and fast.

The consultant's preferred alignment for the Trinity Park thoroughfare (to serve Trinity Uptown) presented to the Parks Board in January 2005 also greatly diminishes the park drive. So does the 2004 adopted MTP. The park drive may seem like a freeway access road beside the proposed new thoroughfare. Compare under the Rosedale Bridge at University Drive. The Trinity Park thoroughfare's two proposed bridges together should be wider according to present planning. They would be located beside the park drive for a long distance. The pleasant country drive feeling would be ruined, as would another important part of our vanishing historical recreational heritage.

It is probable that the new thoroughfare will connect to Montgomery at I-30 and SH-121T by running along the existing western boundary of the Botanic Garden. All categories of negative cumulative environmental impact to the Botanic Garden should be considered. Some Botanic Garden impacts are stated with Trinity Park above.

The DEIS should be revised to include at least the above comments on cumulative impacts to Trinity Park and the Botanic Garden.

Sincerely,



Charles Dreyfus

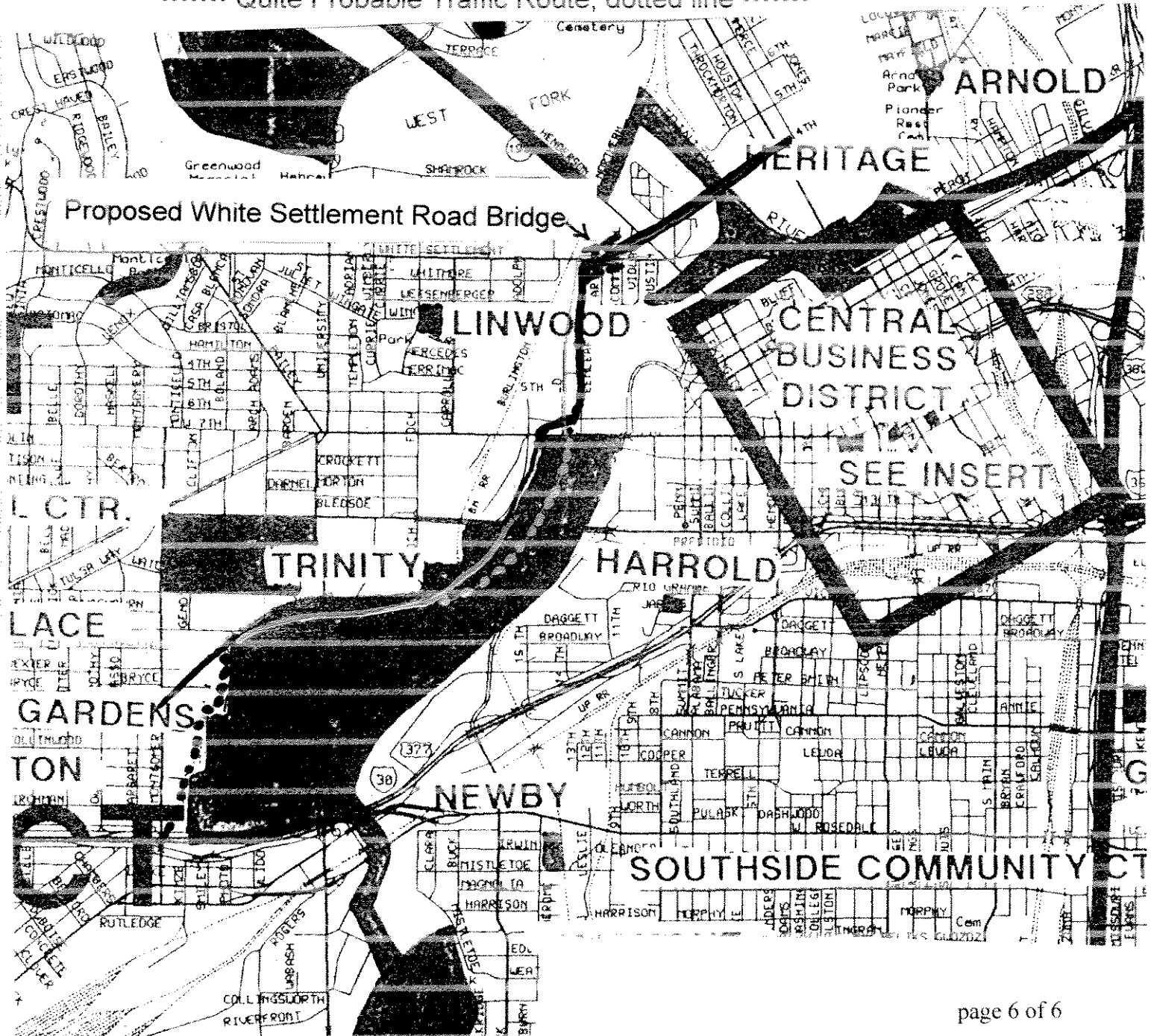
enclosure: one map

Parks and Street Map

Route from North Main Street in Trinity Uptown
to Montgomery Street near I-30 and Proposed SH-121T

_____ Currently Proposed Traffic Route (approximate),
solid line _____

..... Quite Probable Traffic Route, dotted line



Dear Rebecca Griffith,

I am solidly against (for many reasons) the Trinity Uptown project. The \$9.1 million plan is great all we need is to protect the land.

Thank you

Kathryn Speight
4300 Newchurch Dr
Athens GA 30609
817 924-5942



Fort Worth Business Assistance Center
1150 South Freeway
Fort Worth TX 76104

817-871-6001

817-871-6031-fax

www.fwbac.com

RESOLUTION IN SUPPORT OF TRINITY RIVER PROJECT

WHEREAS the Fort Worth Business Assistance Center is a 501(c)(6) non-profit organization with the mission of supporting entrepreneurs through training, mentoring, counseling, networking and procurement opportunities; and

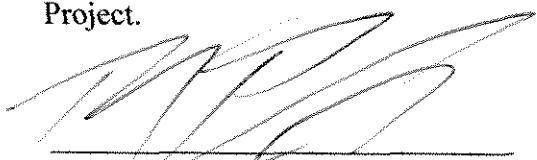
WHEREAS the result of the Trinity River project will be job and business creation and opportunities for entrepreneurs to flourish, and

WHEREAS the Business Assistance Center is available to assist and support these entrepreneurs and business owners, and

WHEREAS security is the key to a healthy economy and high quality of life; and this project provides both physical security in the form of flood protection and financial security in the form of growth opportunities, and

WHEREAS a strong central city forms the nucleus of a strong community

THEREFORE BE IT RESOLVED, that the Fort Worth Business Assistance Center urges a favorable decision on moving forward with the Fort Worth Trinity River Project.



Reed Pigman, Chair

Date: July 20, 2005

Urbis Mc Keever

Frost Bank
777 Main St
FTW, TX 76102

I am sympathetic to the business owners that will be displaced by this project. I want them to be paid a fair price for their property. However, the importance and scope of this project and what it can mean to the future of Ft. Worth is, I think, almost staggering.

Our current Trinity River Trail system is something that we should all be proud of. It is one of the best recreational environments for a City of the size of Ft. Worth in the entire country. This was a very small trail system along a portion of the river over 25 years ago. At that time, a group of civic leaders formed a river interest group of community volunteers called Streams and Valleys. It is their VISION of a 25-year development of the Trinity River Trail System that we all use in its completed form today.

Sundance Square was a vision in the early 1980's. ~~Bass Hall was a vision in the 1990's.~~

Cultural District

The Riverwalk in San Antonio was once a vision.

The Pier Development on the Lake Front in Chicago was once a vision.

I know it has been argued whether this project is Flood Control or Economic Development. It is clear to me that it is both ... much improved flood control that IS needed by a growing city with the benefit of the vision of this grand project that will forever transform Ft. Worth. I urge you to support this important project.

✓

SUPPORT FOR THE TRINITY RIVER VISION CENTRAL CITY PROJECT

I'M TOM HARRIS, SENIOR VICE PRESIDENT OF HILLWOOD PROPERTIES, *a Perot Group Company.*
HILLWOOD SUPPORTS THE TRINITY RIVER VISION CENTRAL CITY PROJECT BECAUSE IT WILL FURTHER ENHANCE THE CITY'S DOWNTOWN VITALITY, PROVIDE FUTURE ECONOMIC DEVELOPMENT AND WILL CREATE ANOTHER GREAT DESTINATION FOR FORT WORTH.

AS ONE OF THE TOP REAL ESTATE DEVELOPERS IN TEXAS AND THE DEVELOPER OF THE 17,000-ACRE ALLIANCE TEXAS PROJECT IN NORTH FORT WORTH, HILLWOOD REALIZES THE IMPORTANCE OF A STRONG DOWNTOWN. MORE THAN 60 FORTUNE 500 COMPANIES HAVE LOCATED FACILITIES AT ALLIANCE TEXAS SINCE INCEPTION. AMONG THE REASONS FOR THEIR SELECTING ALLIANCE TEXAS WERE THE CULTURAL, ENTERTAINMENT AND BUSINESS OPTIONS PROVIDED BY FORT WORTH. WITH ALL THE NEARBY LAND AVAILABLE FOR ANNEXATION, FORT WORTH HAS THE ABILITY TO DOUBLE IN SIZE. IT ONLY MAKES SENSE THAT DOWNTOWN GROWS IN THE SAME WAY AND PROVIDES MORE OFFICE AND RETAIL AND ENTERTAINMENT OPTIONS, THAT WILL HELP FORT WORTH REMAIN ONE OF THE WORLD'S MOST LIVABLE CITIES.

HILLWOOD IS EXCITED ABOUT THE ECONOMIC DEVELOPMENT OPPORTUNITIES THAT WILL BE CREATED BY THIS CENTRAL CITY PROJECT. THE PROJECT ALREADY HAS ATTRACTED THE NEW CORPORATE CAMPUSES OF RADIO SHACK AND PIER ONE AND AN EXCITING NEW DOWNTOWN CAMPUS FOR TARRANT COUNTY COLLEGE. THE UNIQUENESS OF THE TRINITY RIVER VISION CENTRAL CITY PROJECT WILL ATTRACT NEW COMPANIES AND RETAILERS TO FORT WORTH. THE NEW TAX REVENUES PAID BY THESE

AND INFRASTRUCTURE

COMPANIES WILL HELP FUND AND SUPPORT SERVICES THAT WILL NEED TO INCREASE AS THE CITY CONTINUES TO GROW.

FORT WORTH IS KNOWN AROUND THE WORLD FOR ITS GREAT DESTINATIONS. SUNDANCE SQUARE, THE STOCKYARDS, THE MUSEUMS IN THE CULTURAL DISTRICT AND TEXAS MOTOR SPEEDWAY HAVE ATTRACTED A TREMENDOUS NUMBER OF TOURISTS AS WELL AS PROVIDED ENTERTAINMENT OPTIONS FOR THE MORE THAN 5 MILLION RESIDENTS OF THE NORTH TEXAS REGION. THIS CENTRAL CITY PROJECT WILL NOT ONLY COMPLEMENT THESE DISTRICTS BUT IT WILL OFFER ANOTHER UNIQUE PLACE FOR RESIDENTS TO ENJOY AND TOURISTS TO VISIT.

THESE ARE ONLY A FEW OF THE MANY REASONS WHY THIS CENTRAL CITY PROJECT SHOULD MOVE FORWARD. THIS AREA HAS A LEGACY OF GREAT LEADERS WHO WITH VISION AND FORTITUDE HAVE CREATED PROJECTS THAT ENSURE THE TREMENDOUS QUALITY OF LIFE THAT WE CURRENTLY ENJOY. THE TRINITY RIVER VISION CENTRAL CITY PROJECT IS THE NEXT PROJECT THAT WE ALL SHOULD LOOK FORWARD TO BECOMING A REALITY.

ENSURE THE TREMENDOUS QUALITY OF LIFE THAT WE CURRENTLY ENJOY.

TRINITY RIVER: VISION OR FANTASY

By Steve Hollern
Chairman, Tarrant County Republican Party (1988-1998)

Ladies and Gentlemen:

Thank you for the opportunity to discuss the merits of the proposed \$435 million Trinity River project. I sincerely hope comments by the citizens of Fort Worth will weigh heavily on your minds as this project is being evaluated – not just put into a due diligence file.

On the federal level, our annual deficits have been running between a third and a half of a trillion dollars – not counting the off-budget items that push those numbers even higher. Our national debt is in excess of \$7 trillion, or more than \$100,000 for every family of four in the United States. On top of that, the Social Security surpluses that should have been invested have been lent to other parts of the federal government and spent. And the only way the government can repay those funds to Social Security is to raise future taxes.

On the local level, City officials admit that Fort Worth has over 700 miles of streets that are in serious need of repair and that those repairs will cost well over \$400 million dollars. (This, by the way, does not include those streets in new developments that are experiencing premature failure either because of inadequate construction standards or practices.) In the last road bond election, voters were asked to approve \$65 million in road repair and improvement bonds. Simple math leads even a school child to the conclusion that Fort Worth has over \$350 million in unfunded repair costs that can not be met.

To compound this shortfall in available funds, the Star-Telegram reported several months ago that the City's budget for the upcoming year was \$15 million in the red and that major cuts and/or wage restrictions were being evaluated to overcome the deficit in the General Fund.

Contributing to our financial problems is the fact that the City has the highest level of bonded indebtedness in the State and has one of the largest amounts of property off the tax rolls because of rebates, tax increment financing districts (TIFs), and public improvement districts (PIDs) of any major city in the State of Texas. Somehow there appears to be a disconnect in the minds of our public officials as to their budget problems and decisions they have made to subsidize corporate and private businesses.

I understand the Corps had originally proposed a genuine flood-control project that cost less than \$10 million. Obviously, the difference between \$10 million and \$435 million means there are significant improvements being proposed that go way beyond flood control. Thus, the real question here is: Can we afford to spend money for a "nice-to-have project" at a time when neither the federal nor the city governments are able to live within their means. That's like irresponsible parents buying ice cream and cake for their children when they don't have money for meat and vegetables.

On another side of the issue lies the practice of condemnation by use of eminent domain. It's one thing to take private property for roads or public buildings – it's quite another to take one person's private property and turn it over to other private owners for the purpose of economic development. Simply put, this is wrong! If government can take an individual's property because the government doesn't think the individual is putting the property to its highest and best use, then there is no such thing as private property rights. This is nothing more than the slippery slope down the road to communism and socialism – a situation concerning property rights where the state's interests are superior to those of individuals. That's not why this Country was created, and that's not why men and women have fought and died for liberty from Valley Forge to Iraq.

Flood?

Were you here during the flood of 1957?

Was your house or lot underwater during that flood?

Did you know that the levee that has protected your home will have
Gaps cut into it?

Are you concerned that these gaps in the levee will allow flooding
to be directed to your home?

If this bothers you, talk to your homeowners association, city council person, and sign the petition at Teague Lumber (2501 White Settlement Rd.) and say no to this **Costly** idea.

✓
Mary Ann Kleuser

Citizen

I ~~am~~ support the Trinity
Uptown Project.

I have nothing profound
to add to those articulate
and well considered
speakers who have
preceeded me on both sides of

I believe cities with
^{the issue}
vision

- plan for the future
- plan big
- revitalize their
center core

- provide places and
a sense of place
for all their citizens

I want Fort Worth to
be a city with vision.

Mary Ann Kleuser
7012 Jumbuling Trail
Ft. Worth, TX

76116

817-731-9919

The following comments were received by voicemail.

September 2, 2005

Dr. Barbara Fannin. 4101 Mary's Creek Dr., Fort Worth, Texas, 76116

Message left: Project is unnecessary, a waste of government dollars, and an encroachment of property rights.

September 7, 2005

Mr. Frank Losos.

Message left: Supports the P&G Alternative.

✓

**Comments Regarding the Upper Trinity River, Central City
Project**

Bob Lukeman, property owner in affected area.

Thank you once again Colonel, for this additional opportunity to address the Corp. I have reflected upon yesterday's meeting and I wanted to express some observations.

The well-dressed and articulate business community was very well represented here last night, and probably tonight as well. They are enthusiastic about the project. They know that there will be a lot of money to be made. Good.

We had the municipal representatives who were supporting their project. More development stimulus. Fine.

Our Property Owners were vocal about their rights and trying to express how they feel about their condemnation situation and property values. Understandable.

Then, there stood the Corp. And as represented by you, Sir, straight and proud as you must be to stand here for the U.S. Army Corps of Engineers.

As Mr. Woodard quoted last night... aloof. You remind me of my father, a retired Major General who served under the Air Force Joint Chief in the Pentagon until his retirement.

My father had no tolerance for foolishness. He was well paid, and had a comfortable retirement. And, while he did have to lobby Congress for funds for the creation of SAC, the SR-71 and the B-1 Bomber, he was in some ways insulated from the political fray. He never worried about his personal gain because he was well paid and worked very hard for his country. Professional and aloof.

I make this point because the Corp has announced this new direction in assisting communities with projects like The Trinity River Vision. This will put the Corp right in the middle of the convergence of politics and money. From Capital Hill to the banks of the Trinity River. Welcome.

It's time to give you one example of what is at the heart of the Vision.

It's the Money.

The business groups know it, the municipal folks know it, and believe me, the property owners know it.

It's the Money.

Welcome to the team Colonel,

Here is what your team members are willing to do for the Vision and the money.

Prior to the Supreme Court's now infamous and unpopular decision regarding eminent domain, Fort Worth State Representative Charlie Geren submitted and passed H.B 2639, a bill witnessed by only one recorded citizen, Jim Oliver of the Tarrant Regional Water Board. Giving the Vision Project cover in case the Supreme Court ruled in favor of property owners.

This bill, and accompanying documents I place into the record.

This bill is the most narrow special interest legislation that anyone in the room will ever read. Geren, a principal with one of Fort Worth's largest commercial real estate companies, has legislated very effectively for himself, the Project, as well as for the whole commercial real estate group that was represented here last evening and had their proclamation read into the record.

It's the Money.

This bill was passed in relative obscurity, has not been covered well in the mainstream press, and it grants such sweeping and unlimited powers of eminent domain to the TRWB, that it puts them in the real estate business, even able to form corporations to work with the development community, and the power to loan monies to these projects.

It's the Money.

Even now the state legislature is in its second special session, unsuccessfully grappling with school finance. The eminent domain bills sit in the State House and Senate while we property owners anxiously await some form of relief, with overwhelming public sentiment against the horrid practice. These bills sit there while the legislators disagree because the author wants a clean bill, and Representative after Representative, Senator after Senator, try to insert exclusions for their pet projects, projects that proliferate with each passing day endangering the property rights of citizens across this land.

It's the Money.

How are we to watch the legislatures for these abusive actions? We have our jobs to do, our lives to live, our families to raise. We send our representatives to Austin and Washington D.C. with the hopes that they will represent US, not themselves and their cronies.

Welcome to the team Colonel.

Welcome to the convergence of politics and money.

My father, the general, had no tolerance for foolishness.

It was not tolerated and neither should this blatant example of special interest because, while we are asked to be altruistic about our property condemnation and our city's future...

It's all about the Money.

Thank you Sir.



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Bill: HB 2639 - **Legislative Session:** 79(R)

Council Document: 79R 07304

Enrolled 06/18/2005 **E Effective on** 9/1/05

Relating to the powers and duties of the Tarrant Regional Water District and the abolition of the Rio Grande Authority.

Author: Geren

Sponsor: Brimer

Subjects: TARRANT REGIONAL WATER DISTRICT
LOWER RIO GRANDE AUTHORITY
Special Districts & Authorities--Water & Utility

Senate Committee: [Natural Resources](#)

Status: Out of committee

Vote: Ayes=9 Nays=0 Present Not Voting=0 Absent=2

House Committee: [Natural Resources](#)

Status: Out of committee

Vote: Ayes=7 Nays=0 Present Not Voting=0 Absent=2

Senate Conferees: 05/27/2005 Brimer , Chair | Averitt | Harris | Jackson, Mike | Staples

05/27/2005 Geren , Chair | Cook, Robby | Hardcastle | Puente | Solis



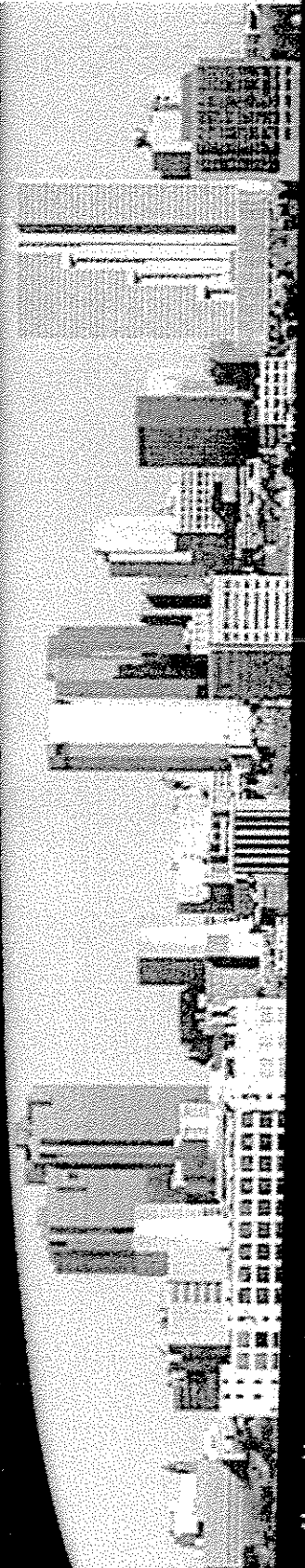
Receive Notification on Bill Changes

Receive daily e-mail notification regarding changes in actions or bill text for HB 2639 .

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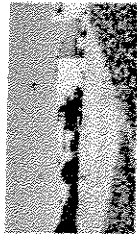
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Leviza Warehouse

Featured Listing



**155,000 SF total building,
90,000 SF - 35' clear, 65,000
SF, 16' clear, building is in
hell condition, 85' sign tower,
18 dock doors, 4 grade level.**

Kelly, Geren & Searcy has grown in the Dallas/Fort Worth Metroplex since 1962; headquartered in Fort Worth; offering experienced personnel and a diverse range of real estate brokerage services for office, retail, industrial, multi-family, investment properties and vacant land including leasing, sales and acquisition, and tenant/landlord representation.

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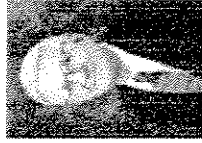
Meet Our Team



Charlie
Geren



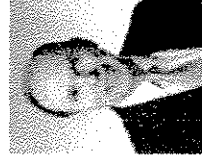
Craig
Kelly



Byron B.
Searcy



Roland
Drechsel



Joseph
King



J.K.
Searcy



Chris L.
Stewart



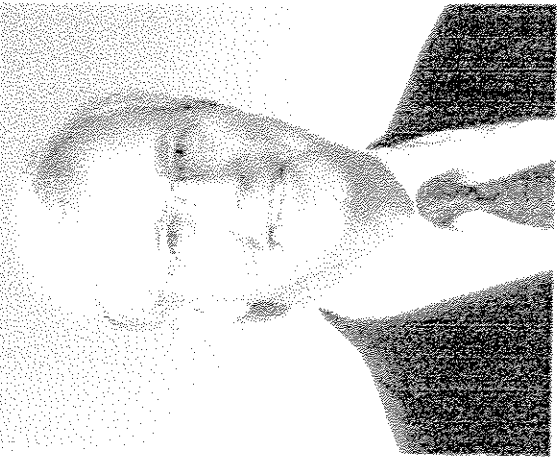
Gary E.
Vasseur



Doug
Woodson

Click on the picture of any of our team for more information.

All of the above are licensed salesmen or brokers by the State of Texas.



Charlie Geren

Charlie Geren, a graduate of Southern Methodist University and a principal in the firm, has strong brokerage experience in the purchase and sale of raw land, income properties, and office leasing. He currently handles project leasing for several individual owners. Geren has also been active in farm and ranch real estate sales and leasing for 20 years. He currently serves as a member of the Texas Legislature and serves as Vice

Chairman on the State Cultural and Recreational Resource Committee and serves on the Natural Resource Committee. He has been past chairman of the Finance Committee of the Texas Water Development Board, and past chairman of Texas Water Resource Finance Authority. He serves as the Director of the Southwest Exposition and Livestock Show, Ronald McDonald House, and Because We Care and former Director of the Tarrant County Water Control and Improvement District No. 1.

cgeren@sbcglobal.com

All of the above are licensed salesmen or brokers by the State of Texas.

WITNESS LIST

HB 2639
HOUSE COMMITTEE REPORT
Natural Resources Committee

April 11, 2005 - 2:00P or upon final adjourn./recess
For: Oliver, James M. (Tarrant Regional Water District)



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	DESCRIPTION	COMMENT	DATE	JOURNAL PAGE
H	Filed		03/10/2005	0
H	Transmitted to the Governor		03/14/2005	0
H	Read first time		03/16/2005	997
H	Referred to Natural Resources		03/16/2005	997
H	Scheduled for public hearing on		04/11/2005	0
H	Considered in public hearing		04/11/2005	0
H	Committee substitute considered in committee		04/11/2005	0
H	Testimony taken in committee		04/11/2005	0
H	Left pending in committee		04/11/2005	0
H	Recommendations filed with the Speaker		04/12/2005	1740
H	Considered in formal meeting		04/20/2005	0
H	Committee substitute considered in committee		04/20/2005	0
H	Reported favorably as substituted		04/20/2005	0
H	Comte report filed with Committee Coordinator		04/29/2005	2520
H	Committee report printed and distributed	05:41 PM	04/29/2005	0
H	Committee report sent to Calendars		05/02/2005	0
H	Considered in Calendars		05/04/2005	0
H	Placed on General State Calendar		05/10/2005	0
H	Read 2nd time		05/12/2005	3181
H	Amended	1-Geren	05/12/2005	3181
H	Passed to engrossment as amended		05/12/2005	3182
H	Read 3rd time		05/12/2005	3325
H	Passed		05/12/2005	3325
H	◀View House Vote▶		05/12/2005	3325
H	Reported engrossed	08:06 AM	05/13/2005	3491
S	Received from the House		05/13/2005	2153
S	Read first time		05/16/2005	2245

S Referred to Natural Resources	05/16/2005	2245
S Scheduled for public hearing on	05/19/2005	0
S Considered in public hearing	05/19/2005	0
S Reported favorably as substituted	05/21/2005	2769
S Recommended for local & uncontested calendar	05/21/2005	0
S Committee report printed and distributed	08:42 PM 05/22/2005	0
S Placed on local & uncontested calendar	05/25/2005	0
S Laid before the Senate	05/25/2005	3544
S Read 2nd time & passed to 3rd reading	05/25/2005	3544
S ◀Vote recorded in Journal▶	05/25/2005	3544
S Three day rule suspended	05/25/2005	3544
S ◀Record vote▶	05/25/2005	3544
S Read 3rd time	05/25/2005	3544
S Passed	05/25/2005	3544
S ◀Record vote▶	05/25/2005	3544
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H Senate Amendments printed and distributed	03:54 AM 05/26/2005	0
H House refuses to concur in Senate amendments	05/27/2005	4930
H House requests conference committee	05/27/2005	4930
H House appoints conferees	05/27/2005	4930
S House refuses to concur-reported	05/27/2005	4306
S House requests conference committee-reported	05/27/2005	4306
S House appoints conferees-reported	05/27/2005	4306
S Senate grants request for conference comm.	05/27/2005	4353
S Senate appoints conferees	05/27/2005	4353
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H Senate appoints conferees-reported	05/28/2005	5291
H House discharges conferees	05/28/2005	5231
H House concurs in Senate amendment(s)	05/28/2005	5231
H ◀View House Vote▶	05/28/2005	5231
H Text of Senate Amendment(s)	05/28/2005	5231
S House discharges conferees-reported	05/28/2005	4708
S House concurs in Senate amendment(s)-reported	05/28/2005	4708
H Reported enrolled	10:20 AM 05/29/2005	5894
H Signed in the House	05/29/2005	5862
S Signed in the Senate	05/30/2005	5121
E Sent to the Governor	05/31/2005	5895
E Signed by the Governor	06/18/2005	5899
E Effective on 9/1/05	06/18/2005	0

H.B. No. 2639

AN ACT

relating to the powers and duties of the Tarrant Regional Water District and the abolition and distribution of the assets of the Lower Rio Grande Authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 17(a), Chapter 268, Acts of the 55th Legislature, Regular Session, 1957, is amended to read as follows:

(a) The district may make and enforce reasonable rules, permits, orders, and ordinances necessary to accomplish the district's authorized purposes, including:

(1) to secure and maintain safe, sanitary, and adequate plumbing installations, connections, and appurtenances as subsidiary parts of sanitary sewer systems;

(2) to preserve the sanitary condition of all land and water controlled by the district;

(3) to prevent the waste or unauthorized use of water;

(4) to regulate residing, hunting, fishing, boating, and camping, and all recreational and business privileges on any body or stream of water, or any body of land, or any easement owned or controlled by the district; ~~and~~

(5) to regulate privileges on any land, easement, or property interest adjoining a reservoir or other property of the district to prevent activities on such adjoining land, easement, or property interest that could adversely affect the purity of water in this state; and

(6) to promote state or local economic development and stimulate business and commercial activity in the district.

SECTION 2. Chapter 268, Acts of the 55th Legislature, Regular Session, 1957, is amended by adding Section 17A to read as follows:

Sec. 17A. A determination by the board of directors of the district that a public works project is intended to conserve and develop the natural resources of this state, to promote recreation or economic development, or to control, store, preserve, develop, or distribute the district's storm and flood waters, and the waters of the district's rivers and streams, is conclusive with regard to whether the project serves the purposes for which the district was created or authorized.

SECTION 3. Section 18, Chapter 268, Acts of the 55th Legislature, Regular Session, 1957, is amended to read as follows:

Sec. 18. The district may provide for or participate in the acquisition, construction, development, operation, or maintenance of recreational facilities to the full extent authorized by Section 59, Article XVI, Texas Constitution, the Water Code, or other applicable law.

SECTION 4. Chapter 268, Acts of the 55th Legislature, Regular Session, 1957, is amended by adding Section 18A to read as follows:

Sec. 18A. (a) The district may provide for or participate in the acquisition, construction, development, operation, or maintenance of facilities intended to promote economic development to the full extent authorized by Section 52-a, Article III, Texas Constitution.

(b) The district may engage in activities intended to stimulate business and commercial activity in the district, including making loans or grants of money for economic development purposes in accordance with Section 52-a, Article III, Texas Constitution, and may acquire for economic development purposes the fee simple title or a lesser property interest in land for the district's use or for the sale or lease of the land for a reclamation, economic development, or water control or development project.

(c) The district may sponsor and participate in an economic development program intended to strengthen the economic base and further the economic development of this state.

(d) A determination by the board of directors of the district that an economic development program is intended and expected to accomplish the program's stated purposes is conclusive with respect to whether the program serves the purposes of this section.

(e) An economic development program must be within the boundaries of the district.

(f) An economic development program may be established only by formal action of the board of directors of the district.

(g) If the board of directors of the district establishes an economic development program, the board must:

- (1) establish the goals of the program;
- (2) impose requirements on persons participating in or receiving a benefit from the program; and
- (3) provide restrictions, procedures, and budget limits that the board of directors determines are necessary to ensure that the governmental purposes of this section and the program are achieved.

(h) An economic development program may involve the granting or lending of money, services, or property to a person engaged in an economic development activity.

(i) The district may employ staff and spend its resources, other than money received from an ad valorem tax or a general appropriation, to further an economic development program.

(j) The district may apply for and receive money, grants, or other assistance from any source to implement an economic development program.

(k) The district and any public or private person may enter into an agreement concerning an economic development program, including an agreement under Chapter 791, Government Code.

SECTION 5. Chapter 268, Acts of the 55th Legislature, Regular Session, 1957, is amended by adding Section 18B to read as follows:

Sec. 18B. (a) The board of directors of the district may by resolution create one or more nonprofit corporations to act on behalf of the district as the district's authority and instrumentality.

(b) A nonprofit corporation created under Subsection (a) of this section shall:

- (1) establish and maintain the principal office of the corporation inside the boundaries of the district; and
- (2) exercise the corporation's powers relating to real property or tangible personal property only inside the boundaries of the district.

(c) Except as otherwise provided by this section, the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes) applies to a corporation created under this section.

(d) Sections 5-29 and 33-36, Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), apply to a corporation created under this section.

(e) A corporation created under this section may exercise the power of eminent domain and the power to acquire, lease, purchase, or sell real property only on approval of the board of directors of the district. When exercising a power under this section, a corporation and the corporation's board of directors have the same powers as the district and the district's board of directors, including the power to issue bonds or other obligations or otherwise borrow money on behalf of the district to accomplish any purpose of the corporation.

(f) The board of directors of a corporation created under this section may exercise the power to issue an obligation granted to the governing body of an issuer under Chapter 1371, Government Code.

(g) A corporation created under this section and the district may:

(1) share officers, directors, employees, equipment, and facilities; and

(2) provide goods and services to each other at cost without the requirement of competitive bidding.

(h) The board of directors of the district shall appoint the directors of a corporation created under this section. The directors of the corporation serve at the will of the district's board of directors.

(i) A member of the district's board of directors may serve as a member of the corporation's board of directors.

(j) The budget of a corporation created under this section must be approved by the board of directors of the district.

(k) The activities of the district's corporation are subject to the continuing review and supervision of the district's board of directors.

(l) The issuance of bonds or other obligations under this Act by a corporation created under this section must be approved by the board of directors of the district.

(m) The district's board of directors may sell, lease, loan, or otherwise transfer some, all, or substantially all of the real property of the district to a corporation created under this section. The property transfer must be made under terms approved by the board of directors of the district.

(n) Under Section 52-a, Article III, Texas Constitution, a corporation that has been created in accordance with this section may guarantee or otherwise provide credit support for any public security or other obligation or contract of the corporation if the board of directors of the district determines that the guarantee or other credit agreement:

(1) is beneficial to a public purpose of the district; and

(2) is for the public purpose of:

(A) the development and diversification of the economy of this state;

(B) the elimination of unemployment or underemployment in this state; or

(C) the development or expansion of commerce in this state.

(o) A determination by the board of directors of the district under subsection (n) of this section is conclusive.

(p) A guarantee or other credit agreement authorized by

Subsection (n) of this section may provide for the guarantee of or other credit support for public securities or other obligations or contracts of the corporation, all or a portion of which may be authorized, executed, and delivered in the future.

(g) Chapter 1202, Government Code, applies to a guarantee or other credit agreement under this section as if the guarantee or other credit agreement were a public security.

SECTION 6. Section 21, Chapter 268, Acts of the 55th Legislature, Regular Session, 1957, is amended to read as follows:

Sec. 21. (a) Subchapter I, Chapter 49, Water Code, applies to the district, except when the district is purchasing goods or services described by Section 252.022, Local Government Code.

(b) The district may use the competitive proposal method when the board of directors of the district determines that doing so is in the best interest of the district.

SECTION 7. REPEALER. Title 126, Article 8280-144, Vernon's Texas Civil Statutes, Acts of the 52nd Legislature, Regular Session, 1951, is repealed. Any property or other assets of an entity abolished under this section shall vest in the entity created by Acts of the 78th Legislature, Regular Session, Chapter 385, 2003 Tex. Gen. Laws 1615, May 28, 2003.

SECTION 8. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 2639 was passed by the House on May 12, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2639 on May 28, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2639 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor



FAX MEMORANDUM

DATE: WEDNESDAY, JULY 27, 2005

TO: DR. REBECCA GRIFFITH

COMPANY: U.S. ARMY CORPS OF ENGINEERS

FAX: 817.886.6498

FROM: TIM KELEHER
TITLE: VICE PRESIDENT, GOVERNMENTAL & URBAN AFFAIRS

COMPANY: FORT WORTH CHAMBER OF COMMERCE
PHONE: 817.336.2491 EXT. 264
FAX: 817.877.4034
E-MAIL: tkeleher@fortworthchamber.com

NUMBER OF PAGES INCLUDING COVER PAGE: 3

Dr. Griffith, please find attached the Fort Worth Chamber of Commerce's Resolution In Support Of The Trinity Uptown Plan that I read into record during public testimony on Tuesday, July 26, 2005.



**RESOLUTION
IN SUPPORT OF THE TRINITY UPTOWN PLAN**

- WHEREAS** the Trinity Uptown plan evolved from the Central City segment of the Trinity River Vision Master Plan and was initiated by the joint efforts of the City of Fort Worth, Tarrant Regional Water District, Tarrant County, Streams and Valleys and the U.S. Army Corps of Engineers; and
- WHEREAS** U.S. Congresswoman Kay Granger is a champion of this project and has garnered the endorsement of the United States Congress; and
- WHEREAS** the project has been approved for \$110 million of federal funding authorized by the U.S. Congress for flood control which involves construction of a by-pass channel, an urban lake and reengineering of the existing levees along the Trinity River; and
- WHEREAS** an additional \$16 million for transportation-related improvements is included in the House version of the TEA-21 (Transportation Equity Act of the 21st Century) federal transportation funding bill; and
- WHEREAS** an additional benefit of the Trinity Uptown plan is the revitalization of an aging commercial and industrial area adjacent to downtown as well as providing a critical neighborhood link between downtown, the Cultural District and the Stockyards; and
- WHEREAS** the riverfront development will result in a new mixed-use/mixed-income area, essentially doubling the size of downtown Fort Worth, while addressing existing environmental concerns; and
- WHEREAS** the Trinity Uptown plan has the potential to attract over 10,000 households and an additional 3,000,000 sq. ft. of commercial, educational, office, and civic spaces; and
- WHEREAS** the project will add over \$2.1 billion dollars to the local property tax base over a 50 year build-out period and will include parks, schools, transportation improvements, environmental restoration, water quality management and other civic amenities.

NOW, THEREFORE, BE IT RESOLVED that the Fort Worth Chamber of Commerce supports the Trinity Uptown plan as a community partnership project that will transform the Trinity River into an integral part of our city's economic growth and quality of life.

APPROVED THIS 25th DAY OF JULY, 2005 BY THE EXECUTIVE COMMITTEE OF THE FORT WORTH CHAMBER OF COMMERCE.



Albon Head
Chairman of the Board



Bill Thornton
President & CEO

From: Halsey, Susan [mailto:shalsey@jw.com]
Sent: Tuesday, July 26, 2005 9:08 PM
To: Griffith, Rebecca S SWF
Subject: Fort Worth Central City Project

Rebecca, I spoke at the Open House tonight in favor of the Central City Project. I have attached the written copy of the resolution I read into the record. Please call me if you have any questions.

<<Resol001.PDF>>

Susan A. Halsey
Jackson Walker L.L.P.
301 Commerce Street, Suite 2400
Fort Worth, Texas 76102
(817)334-7203 phone
(817)334-7290 fax

The statements contained herein are not intended to and do not constitute an opinion as to any tax or other matter. They are not intended or written to be used, and may not be relied upon, by you or any other person for the purpose of avoiding penalties that may be imposed under any Federal tax law or otherwise.

7/27/2005

RESOLUTION IN SUPPORT OF TRINITY RIVER PROJECT

WHEREAS, the Greater Fort Worth Real Estate Council is a 501(c)(6) non-profit organization which was formed for the purposes of representing the public affairs interests of the Greater Fort Worth-area commercial real estate industry and undertaking activities designed to promote the image and advance the purposes of the industry while strengthening the overall community; and

WHEREAS, the Central City Project will accomplish flood control in a manner which will improve the river's accessibility to the public, attract more people to its banks, and increase its prominence within the city; and

WHEREAS, once the public infrastructure provided by the Central City Project is complete, Trinity Uptown will provide a mixed-use waterfront area centered around the confluence of the West Fork and Clear Fork of the Trinity River, resulting in a combination of vital urban development, recreation access for all citizens of Fort Worth, continued economic stability for the central city and flood protection; and

WHEREAS, the security provided by the flood control protection and the subsequent revitalization of the 800-acre area north of downtown Fort Worth will encourage mixed use development linking the Stockyards, Downtown Fort Worth and the Cultural District and provide a vibrant, stimulating environment which will strengthen our whole community.

THEREFORE, BE IT RESOLVED, that the Greater Fort Worth Real Estate Council strongly supports a decision to proceed with the Fort Worth Central City Project.

THE GREATER FORT WORTH REAL ESTATE COUNCIL

By:


Susan Halsey, Chair

Date: July 26, 2005



July 27, 2005

Dr. Rebecca Griffith
CESWF-PER-P
U.S. Army Corps of Engineers
Fort Worth District
817 Taylor Street, Room 10G02
Fort Worth, TX 76102

RE: Kleinheinz Comments Regarding the Draft Environmental Impact
Statement for Upper Trinity River/Central City Project

Dear Dr. Griffith,

It was a pleasure meeting you at the public forum last night and I enjoyed the chance to talk to you in person about the Trinity River Vision/Central City project. I look forward to discussing the matters further in more detail as things progress.

I have enclosed a copy of my verbal statements presented last night for your review and also for permanent record keeping purposes as it relates to the project.

Sincerely,

A handwritten signature in black ink, appearing to be "JBK", is written over the typed name.

John B. Kleinheinz

JBK/er

Comments Regarding the Upper Trinity River, Central City Fort Worth, Texas Draft Environmental Impact Statement

I. The Commenter

My name is John Kleinheinz. I comment tonight for myself and for my neighbor, Mary Ralph Lowe. Both Ms. Lowe and I own residential property in the Riverbend area and we and our properties would be adversely affected by both the Corps' preferred alternative and the overall project.

My comments focus on four areas of deficiency in the Draft Environmental Impact Statement:

1. Consideration of alternatives
2. Valley storage mitigation site analysis
3. Land appraisal and acquisition
4. General quality of the DEIS

II. Consideration of Alternatives

The EIS must "[r]igorously explore and objectively evaluate all reasonable alternatives." 40 C.F.R. § 1502.14(a). The EIS's explanation of alternatives must be "sufficient to permit a reasoned choice among different courses of action." *Mississippi River Basin Alliance v. Westphal*, 230 F.3d 170, 174 (5th Cir. 2002).

The DEIS has only two action alternatives: the Principles and Guidelines-Based Alternative and the Community-Based Alternative. For a project of this magnitude that contains so many different components, a broader range of alternatives must be presented to provide both the public and the agency decisionmaker with a basis for a reasoned choice.

The Corps appears to have considered various options for the different components of the two action alternatives actually analyzed in the DEIS, but these options were rejected outside of the required NEPA process of full public disclosure and response to comments. Moreover, these options were often rejected solely for economic reasons rather than due to any environmental consideration. Because the DEIS does not contain an analysis of the environmental impacts of these rejected options, the reader cannot determine whether these potential options or alternatives elements would avoid or minimize adverse impacts or enhance the quality of the human environment, which is the purpose of the action-forcing requirements of the EIS.

In fact, it appears from the DEIS that the Corps has pre-selected the Community-Based alternative as the project that will be implemented and has drafted the DEIS to justify that alternative.

III. Valley Storage Mitigation Site Analysis

The DEIS's discussion of the Corps' evaluation of various valley storage mitigation sites is deficient for a number of reasons.

- It identifies 40 possible sites by number only. The reader has to refer to a map to determine where these sites are, and even then it is not possible to tell exactly what area the proposed site encompasses.
- The acre-foot storage mitigation amount is identified for each site, but not the number of acres or type of land to be inundated.
- The Corps ranked the sites using economic considerations only, i.e. cost per acre-foot of storage achieved. There is no discussion of how all of these sites ranked when other considerations identified in the DEIS were thrown in, namely proximity to other improvements, project staging, impacts to existing vegetation, implementation, and ecosystem enhancement or impact opportunities. Therefore, there is no legitimate explanation of why the mitigation sites included in the Community Based Alternative were selected.
- The Community Based Alternative refers to a group of six valley storage mitigation sites as the Downstream Mitigation sites. Based on economic considerations, these six sites are ranked as numbers 6, 8, 15, 17, 18, and 24. There is no discussion as to why higher ranked sites were not used.
- While the Riverbend site ranked second in terms of economics, this ranking is probably erroneous because it appears that the Corps undervalued the land in calculating acquisition costs.

Overall, this analysis fails to meet the detail required under NEPA "to allow those who did not participate in the [EIS] preparation to understand and consider the pertinent environmental influences involved." *Westphal*, 230 F.3d at 174.

IV. Land Appraisal and Acquisition

The DEIS indicates that it will cost \$12.2 million to purchase the land designated as the Riverbend mitigation site. DEIS at Appendix C, Table 2-3. This estimate significantly undervalues the property encompassed by the Riverbend site. Although the DEIS does not describe how many acres are included in this \$12.2 million estimate, unless it is fewer than 60, the estimate is woefully short of the fair market value of the land.

Moreover, the DEIS fails to set forth any information as to how this \$12.2 million figure was derived. Aside from a brief reference to a "mass appraisal" by Norwood in Appendix E, there is no data for the reader to evaluate as to how the value of this land was determined. This omission of the data and methodology relied on for the land acquisition cost estimate violates NEPA's requirement that federal agencies

“shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for the conclusions in the” EIS. 40 C.F.R. § 1502.24. Further, the data used in reaching such conclusions must be made available for public review during the DEIS comment period. *Id.* § 1502.21. The Corps must disclose in the DEIS the relevant shortcomings of its data and the methodology used in its appraisal process. See *Land Council v. Powell*, 395 F.3d 1019, 1032 (9th Cir. 2005); *Davis Mountains Trans-Pecos Heritage Ass’n v. FAA*, No. 02-60288, 2004 WL 2295986, at *5 (5th Cir. Oct. 12, 2004). The Corps has failed to do so here and cannot proceed further with this DEIS process until these serious flaws are remedied.

V. General Comments Regarding the DEIS

NEPA directs agencies to prepare environmental impact states that are “concise, clear, and to the point.” 40 C.F.R. § 1502.1. This DEIS falls short of that standard. It is difficult to find even the most basic information about the proposed alternatives without wading through voluminous appendices. The reader should be able to easily locate all of the necessary information in the text of the DEIS because “[t]he EIS must gather in one place the discussion of environmental impacts and alternatives so that it serves as a comprehensive document on which responsible agency officials and others might rely.” *Assn. Concerned About Tomorrow, Inc. v. Dole*, 610 F. Supp. 1101, 1109 (N.D. Tex. 1985).

VI. Conclusion

I and Ms. Lowe will be submitting further written comments identifying additional flaws in the DEIS. But in the meantime, the flaws discussed in these oral comments are sufficient to demonstrate that the Corps has undermined NEPA’s twin goals of informed decisionmaking and informed public participation. Because the Corps’ DEIS fails in these crucial respects to comply with NEPA, the agency must withdraw the DEIS and prepare a new DEIS that fully responds to the issues raised in these comments. That new DEIS must be circulated for public review and comment before the Corps is able to proceed to a decision on this project.

September 7, 2005

VIA CERTIFIED MAIL

Dr. Rebecca Griffith
CESWF-PER-P
U.S. Army Corps of Engineers
Fort Worth District
P.O. Box 17300
Fort Worth, TX 76102-0300

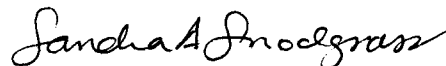
Re: Comments on Upper Trinity River, Central City, Fort Worth, Texas Draft Environmental Impact Statement, 70 Fed. Reg. 36582 (June 24, 2005).

Dear Dr. Griffith:

On behalf of our clients, John Kleinheinz and Mary Ralph Lowe, we submit the enclosed comments on the Upper Trinity River, Central City, Fort Worth, Texas Draft Environmental Impact Statement, dated June 2005 ("DEIS"). Please consider these comments and referenced exhibits and materials and include them in the administrative record for this matter.

Thank you for the opportunity to comment on the DEIS. We look forward to providing additional comments once the Army Corps of Engineers provides all of the documents we previously requested and once our technical consultants have had adequate time to review those documents previously provided, some of which were received only recently.

Sincerely,



Sandra A. Snodgrass
for Holland & Hart LLP

Enclosures

cc: John Kleinheinz

3447908_1.DOC

COMMENTS OF
JOHN KLEINHEINZ
AND
MARY RALPH LOWE

ON THE

DRAFT ENVIRONMENTAL IMPACT STATEMENT

FOR

UPPER TRINITY RIVER

CENTRAL CITY FORT WORTH, TEXAS

Submitted by:

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Counsel for John Kleinheinz and
Mary Ralph Lowe

September 7, 2005

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INTRODUCTION

I. Background and Procedure.

A. The Commenters

John Kleinheinz and Mary Ralph Lowe (collectively “the Commenters”) submit these comments on the Draft Environmental Impact Statement for the Upper Trinity River Central City Fort Worth, Texas (“DEIS”) dated June 2005 and prepared by the U.S. Army Corps of Engineers Fort Worth District.

Kleinheinz and Lowe each own property in the Riverbend area that will be directly flooded and physically invaded by the proposed Army Corps of Engineers (“Corps”) activities and Upper Trinity River project. Kleinheinz and Lowe reside on a portion of their respective properties. They hold and use other portions of their properties to enjoy the scenic beauty, environmental resources, and tranquility of this unique area located near the city life of Fort Worth. The properties also have a future highest and best use of subdivision potential, and Mr. Kleinheinz and Ms. Lowe are actively investigating and preparing for that planned future use. The properties also have oil and gas resource development and mineral lease values.

Kleinheinz and Lowe will be adversely affected by the Corps’ Central City Trinity River Project which will cause the condemnation and direct flooding of significant portions of their property. They will also be adversely affected by the impacts of storing water on and adjacent to their remaining property that will not be condemned by the Corps, including visual and olfactory impacts of standing water and its attraction of disease bearing insects. The Central City Trinity River Project will directly interfere with the use, enjoyment, quality of life and safety associated with these properties, and it will significantly impair the value of their remaining property and practically limit uses to which that property may be put.

B. The DEIS

The DEIS purports to address the effects of two action alternatives with the common goals of flood protection, ecosystem restoration, and recreation enhancement for the Central City area of the Trinity River, together with a “no action” alternative. Yet the DEIS fails to identify with clarity the exact set of federal actions triggering the environmental impact statement (“EIS”) process or the purpose and need for those federal actions.

One of the action alternatives was developed using the Economic and Environmental Principles and Guidelines for Water Related Land Resources Implementation Studies (the “Principles and Guidelines”). *DEIS* at 92. The Principles and Guidelines dictate that the alternative that is developed using these guidelines must contribute to national economic development. *Id.* Secondary goals for such an alternative (the “P&G Alternative”) are environmental quality, regional economic development, and other social effects. *Id.* This framework is a cost-benefit analysis, where the costs of the project must be exceeded by its benefits. *Id.* This alternative involves the raising of levees in the West Fork District Levee and West Fork North Main Levee Loop reaches which brings flood protection to the SPF+4’ level. *Id.* at 98, 101. Other elements include:

- Development of riparian woodland on 55.47 acres;
- Improvements of riparian corridor on 64.51 acres;
- Wetland development on 21.56 acres;
- Wetland improvement on 2.76 acres;
- Channel realignment equaling 2.54 acres;
- Slope restoration on 1.40 acres;
- Installation of 7,818 linear feet of new 12-foot wide concrete multipurpose trail linking the southern end of the proposed project to the Trinity Trail System;

- Replacement of 5,189 linear feet of trail disturbed during construction;
- Creation of four new trail heads to provide linkage for surrounding neighborhoods;
- Creation of self-guided interpretive signage;
- Creation of mile marker signage; and
- Installation of six benches.

DEIS at 106. The total investment costs for the P&G Alternative are estimated to be \$9.1 million with an annual operation and maintenance cost of \$559,420. *Id.*

The second action alternative considered (the “Community Based Alternative”) was developed using a free-form planning framework involving public participation with unconstrained goals and objectives. *Id.* at 93. This alternative had the additional purpose of promoting urban revitalization. *See id.* at 186. The elements of the Community Based Alternative include:

- Creation of a bypass channel approximately 8,400 feet in length and 300 to 400 feet wide between the top of levees, extending downstream of Fifth Street on the Clear Fork to upstream of Northside Drive on the West Fork;
- Creation of a levee system, adjoining embankment, natural edge on the western edge of the bypass channel, and “hard edge” design on the eastern edge of the bypass channel;
- Construction of three isolation gates designed to restrict flood flows to the new bypass channel and to isolate the interior area from flood flows;
- Improvements for Henderson Street and White Settlement Road bridges over the bypass channel, including railroad grade separations, and the North Main Street bridge over the bypass channel;
- Pavement and traffic engineering improvements to improve capacity, movement and provision for automobiles and public transit;
- Improvements of White Settlement intersection with Henderson Street and extension of White Settlement Road east, to intersect with North Main Street;

- Creation of an additional White Settlement Road bridge over the proposed interior water feature;
- Modifications to University Drive north of the existing bridge over the West Fork to the intersection with Jacksboro Highway;
- Other street improvements associated with bypass channel, levee and major thoroughfare work;
- Utility relocations, including water, sanitary and storm sewer, electric, gas, and telecommunications to enable construction of the bypass channel, levee system, and transportation and storm drainage improvements;
- Creation of an interior area for urban revitalization, bordered by the existing West Fork to the north, east, and south and the bypass channel to the west;
- Creation of an water feature in the interior area approximately 900 feet in length;
- Acquisition and flooding of private property at Riverbend and downstream of Samuels Avenue for mitigation of flooding effects of bypass channel;
- Enhanced river accessibility including trail network of 10 miles of waterfront trails and 3.5 mile boating loop.

DEIS at 127-28. Estimated project costs for the Community Based Alternative are

\$435,000,000.00 with annual operating and maintenance costs of \$256,443.00. *Id.* at 245.

C. **Comment Summary**

The DEIS suffers from several key flaws concerning the scope of the DEIS analysis. *See* 40 C.F.R. § 1508.25. First, the DEIS’s statement of purpose and need is inadequate because it does not disclose the project’s congressional authorization. Congress authorized the Corps to “undertake the Central City River Project, as generally described in the Trinity River Vision Master Plan, dated April 2003 . . . if the Secretary determines the work is *technically sound and environmentally acceptable.*” Consolidated Appropriations Act, 2005, Pub. L. No. 108-447 § 116 (2004)(emphasis added). The DEIS’s purpose and need statement fails to disclose the fact

that the Corps was apparently responding to this Congressional authorization, with additional substantive requirements, in developing its alternatives.

Second, the DEIS contains an inadequate scope of alternatives. The DEIS fails to identify the proposed action that triggered the need for the DEIS, a fundamental flaw that makes it impossible to determine what constitutes reasonable alternatives to that action. Also, the DEIS examines only two possible actions alternatives, the P&G Alternative and the Community Based Alternative, which is inconceivable for a project of this magnitude. It specifically identifies, but fails to examine, numerous alternative components of the alternatives selected. This unacceptably limited scope of alternatives is exacerbated by the fact that the P&G Alternative is not a legitimate alternative because it does not meet the Corps' stated purpose and need. Moreover, in its analysis of the so-called alternatives, the DEIS evinces the Corps' predisposition in favor of the Community Based Alternative by not including a Section 404(b) analysis or Fish and Wildlife Coordination Report for the P&G Alternative and by using biased descriptions of the alternatives' effects and benefits. Further, the "no action" alternative is inadequately analyzed because it does not fully justify or support its assumptions and conclusions. Thus, the most central component of the DEIS, the alternatives analysis, is fatally flawed and inadequate under NEPA.

Third, the DEIS contains an inadequate analysis of the existing environmental conditions. The DEIS provides improperly cursory descriptions of existing conditions, and fails to provide the data or methodology used to identify such conditions or contains incorrect references to such information. These failures to fully disclose up front the data relied upon or limitations of the analyses used render the DEIS inadequate.

Fourth, the DEIS contains an inadequate analysis of the effects of the alternatives. The DEIS hydraulic analysis contains modeling flaws and undisclosed limitations, and there are several instances of effects discussions that contain no analyses, data or methodology, and are entirely conclusory, contrary to NEPA's requirements. Moreover, the proposed channel realignment of the Community Based Alternative actually *exacerbates* flooding in many areas.

Fifth, the DEIS contains an inadequate discussion of measures to mitigate adverse environmental impacts of the Community Based Alternative for a number of reasons, including its insufficient development of mitigation plans and its erroneous conclusion that the impacts to woodlands will be fully mitigated. The Corps' selection of the Riverbend site for flood storage mitigation is a particularly egregious example of the DEIS's inadequate analysis of mitigation measures. Review of the relevant factors and consideration of the assumptions and limitations used in the Corps' modeling indicates that the Riverbend valley storage mitigation site (1) is poorly conceived as flood storage mitigation, *i.e.*, it will not effectively mitigate the flood storage problems due to its location in comparison to the location of the anticipated peak flows; (2) fails to meet the criteria established in the Corridor Development Certificate manual; (3) provides little flood storage benefit as an undertaking independent of the project; and (4) represents an imprudent and unnecessary expense that ill serves the public trust. Further, the DEIS's analysis of flood storage mitigation drastically underestimates the acquisition costs of the Riverbend site based on current land values. The failure to include a reasonably complete discussion of possible mitigation measures makes the DEIS defective.

Any one of these fatal flaws is sufficient to require the DEIS be re-drafted and re-submitted for public comment. Taken together, the aggregate of these flaws entirely undermines

NEPA's twin goals of informed decision-making and public participation and requires that the DEIS be withdrawn.

D. Request For Inclusion of Comments

The Commenters specifically request that all of these comments and referenced exhibits and materials be included as part of the administrative record in this matter. *See County of Suffolk v. Secretary of Interior*, 562 F.2d 1368, 1384 & n.9 (2d Cir. 1977) (addressing scope of NEPA administrative record); *Silva v. Lynn*, 482 F.2d 1282, 1283 (1st Cir. 1973) (same); *see also Thompson v. United States Dep't of Labor*, 885 F.2d 551, 555 (9th Cir. 1989) (administrative record consists of all documents and materials directly or indirectly considered by agency and includes evidence contrary to agency's position).

These comments have been prepared in coordination with a technical review of the DEIS prepared for the Commenters by Riverside Technology, inc. ("RTi"). Those technical comments from RTi are attached as **Exhibit A** to these comments and are incorporated by reference herein and are also requested to be included in the administrative record in this matter.

E. Reservation of Right to Submit Additional Comments

NEPA requires that an agency candidly disclose in an environmental impact statement the adverse environmental effects of its proposed actions. 42 U.S.C. § 4332(2)(A)-(C). This requirement is designed to make certain that the agency will have available and will carefully consider detailed information concerning significant environmental impacts; it also guarantees that the relevant information will be made available to the larger audience that also may play a role in both the decisionmaking process and the implementation of that decision. 42 U.S.C. § 4332(C); *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989); *Sabine River Auth. v. Dep't of Interior*, 951 F.2d 669, 676 (5th Cir. 1992). The form, content, and preparation of the environmental impact statement must encourage both "informed decision-making and

informed public participation.”” *Idaho Conservation League v. Mumma*, 956 F.2d 1508, 1519 (9th Cir. 1992) (quoting *California v. Block*, 690 F.2d 753, 761 (9th Cir. 1982)).

As to the specific content of an environmental impact statement, NEPA requires the Corps to make available for public review the data that support its conclusions made in the environmental impacts statement. *See* 42 C.F.R. § 1502.21; *see also California v. Block*, 690 F.2d 753, 765 (9th Cir. 1982); *Lands Council v. Powell*, 395 F.3d 1019, 1031, 1032 (9th Cir. 2005) (“NEPA requires that the Environmental Impact Statement contain high quality information and accurate scientific analysis.”). Courts have stated that “quantified or detailed information is required. Without such information, neither the courts nor the public, in reviewing the [agency's], (smart quote) decisions, can be assured that the [agency] provided the hard look that it is required to provide.” *Neighbors of Cuddy Mountain v. U.S. Forest Service*, 137 F.3d 1372, 1379-80 (9th Cir. 1998); *see also Davis Mountains Trans-Pecos Heritage Ass’n v. FAA*, No. 02-60288, 2004 WL 2295986, at *5 (5th Cir. Oct. 12, 2004) (unpublished) (Department of Defense’s failure to provide data providing a reliable picture of wake vortex impacts from low-level overflights “cannot satisfy the hard look requirement of NEPA and thus” violates NEPA). Further, courts have specifically stated that an agency may not rely on conclusory statements unsupported by data, authorities, or explanatory information. *Neighbors of Cuddy Mountain*, 137 F.3d at 1379-81.

The Commenters have requested that the Corps make available: 1) the mass appraisals of land performed by James K. Norwood as part of the DEIS that are referenced in Section 1.5.1 on page 2 of Appendix E to the DEIS; and 2) the Upper Trinity River Clear Fork / West Fork Interim Feasibility Study (2001 – Unpublished) referenced on page 97 of the DEIS. Both of these documents are referenced in the DEIS and contain the supporting information for

conclusions made in the DEIS. Because these documents contain the data and support for the DEIS's conclusions, NEPA requires they be disclosed to the public. Without this supporting data, the "quantified or detailed information" that the law requires, it is impossible for the public, in reviewing the Corps' decision, to be assured that the Corps' provided the hard look at the environmental consequences of the proposed action that NEPA requires. The DEIS also fails to promote NEPA's goals of "informed decision-making and informed public participation."

The Corps has refused to make the appraisals available. See **Exhibit B**. Also, to date, the Corps has not made the interim feasibility study available. NEPA provides that minimum public review period that can be provided for a draft environmental impact statement is 45 days. 40 C.F.R. § 1506.10(c). Because NEPA also requires that the documents the Commenters requested be available during the comment period, the Commenters reserve their right to provide additional comments on the DEIS up to 45 days after they are provided with the documents they requested and have a right to review.

Additionally, many documents providing the required support or documentation of the DEIS discussions were not made available to the Commenters or other members of the public until just shortly before the close of the comment period. There was inadequate time provided under the CEQ regulations to review and address these items and incorporate them into these comments. Accordingly, **the Commenters also reserve the right to submit supplemental comments addressing these items and further identifying the data, analyses, and support for the comments and the accompanying technical review.**

COMMENTS

II. The DEIS's Statement of Purpose and Need Is Inadequate Because It Does Not Disclose the Congressional Authorization.

The CEQ regulations require that an environmental impacts statement “briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.” 40 C.F.R. § 1502.13. The courts have recognized that this requirement is interrelated with the requirement that an EIS “[r]igorously explore and objectively evaluate all reasonable alternatives,” 40 C.F.R. § 1502.14(a), because the goals of the action define the universe of reasonable alternatives. *See Davis v. Latschar*, 202 F.3d 359, 367-68 (D.C. Cir. 2000).

The DEIS states that the purpose and need of the Central City project is:

to evaluate potential modifications to the existing system of levees and channels that would protect or enhance existing levels of flood protection, restore components of the natural riverine system that were sacrificed in the construction of the existing flood control system, facilitate urban revitalization, and provide major quality-of-life enhancements for citizens of the region.

DEIS at 1.

The purpose and need statement does not acknowledge that Congress authorized the Corps to “undertake the Central City River Project, as generally described in the Trinity River Vision Master Plan, dated April 2003 . . . if the Secretary determines the work is technically sound and environmentally acceptable.” Consolidated Appropriations Act, 2005, Pub. L. No. 108-447 § 116 (2004) (emphasis added). Thus, the purpose and need statement fails to disclose the fact that the Corps was responding to this Congressional authorization in developing its alternatives.

The problem with this omission is two-fold. First, as discussed further below, the Corps' failure to properly describe the purpose and need of the project resulted in an inadequate range of

reasonable alternatives. The Corps evaluated only two action alternatives, one of which does not comport with the Congressional authorization. This deficiency may have been avoided if the purpose and need statement had acknowledged that the Central City River Project as generally described in the Master Plan was a starting point for the development of alternatives. Second, the purpose and need statement does not recognize that the project is required to be “technically sound and environmentally acceptable.” This is a substantive requirement that is not normally included in NEPA’s procedural mandate, and thus should have been disclosed in the project’s purpose and need.

III. The DEIS Contains an Inadequate Scope of Alternatives.

NEPA requires that as part of its preparation of an EIS, an agency must “study, develop, and describe appropriate alternatives to recommended courses of action,” 42 U.S.C. § 4332 (2)(E), and discuss alternatives that it has considered, 40 C.F.R. § 1502.14. The agency’s discussion of reasonable alternatives forms the “heart” of the EIS. *Id.*

Under the applicable Fifth Circuit standards, an EIS must show that (1) the agency has in good faith objectively taken a hard look at the environmental consequences of the proposed action and alternatives; (2) the EIS provides details sufficient to allow those who did not participate in its preparation to understand and consider the pertinent environmental influences involved; and (3) the EIS provides an explanation of alternatives that is sufficient to permit a reasoned choice among different courses of action. *Sierra Club v. Sigler*, 695 F.2d 957, 965 (5th Cir. 1983). NEPA mandates that federal agencies “provide legitimate consideration to alternatives that fall between the obvious extremes.” *Colorado Envtl. Coalition v. Dombeck*, 185 F.3d 1162, 1175 (10th Cir. 1999). Also, NEPA is violated when an agency dismisses the consideration of an alternative “in a conclusory and perfunctory manner that [does] not support a

conclusion that it was unreasonable to consider them as viable alternatives.” *Davis v. Mineta*, 302 F.3d 1104, 1122 (10th Cir. 2002).

The DEIS fails to identify the proposed action that triggered the need for the EIS, a fundamental flaw that makes it impossible to determine what the reasonable alternatives to that action are. In addition, the DEIS examines only two possible actions alternatives, one of which does not meet the Corps’ stated purpose and need, and it specifically identifies, but fails to examine, numerous alternative components of the alternatives selected. Finally, the “no action” alternative is inadequately analyzed. For these reasons, the most central component of the DEIS, the alternatives analysis, is fatally flawed and inadequate under NEPA.

A. No Proposed Action Identified

The time at which an agency makes a decision to undertake a major federal action that significantly affects the quality of the human environment is the “statutorily fixed point” when an environmental statement must be prepared. *See Environmental Defense Fund, Inc. v. Johnson*, 476 F. Supp. 126, 128 (S.D.N.Y. 1979); *see also* 42 U.S.C. § 4332(2)(C). As part of preparing an EIS, the agency must specify the underlying purpose and need for the major federal action that the agency proposes taking, *i.e.*, the proposed action. *See* 40 C.F.R. § 1502.13; *Half Moon Bay Fisherman’s Marketing Ass’n v. Carlucci*, 857 F.2d 505, 508 (9th Cir. 1988) (“an agency’s failure to disclose a proposed action before the issuance of a final EIS defeats NEPA’s goal of encouraging public participation in the development of information during the decision making process”). The stated goals of a proposed action and the underlying purpose and need for the proposed action necessarily dictate the range of “reasonable” alternatives that must be considered. *Davis v. Latschar*, 202 F.3d at 367-68.

Failing to meet the most basic requirement of an environmental impact statement, the DEIS does not identify the action that the Corps proposes to take which triggered the need for an

EIS. *See also DEIS*, Appendix K, Notice of Intent (“NOI”) Oct 16, 2002 for absence of any specific proposed action (DEIS “will be prepared to evaluate and compare ecosystem restoration, flood damage reduction, and recreation alternatives”). Accordingly, it is unclear why the Corps determined an EIS was needed or how it developed the DEIS’s stated purpose and need. As noted above, courts have recognized that the statement of purpose and need delimits the range of reasonable alternatives that an agency must “[r]igorously explore and objectively evaluate.” *Davis v. Latschar*, 202 F.3d at 367-68; 40 C.F.R. § 1502.14(a). Thus, if there is no identifiable proposed action, which defines the purpose and need, then it follows that the alternatives developed in the absence of a proposed action are also deficient.

In addition, it is clear that the purpose and need was altered in December 2004 when, as a result of congressional authorization of federal participation in the “Central City project,” urban revitalization was included in the purpose and need for the project. *DEIS* at 227. However, by December 2004, the two action alternatives had already been developed and the study of their impacts was well underway. *See DEIS*, Appendix K, Oct 16, 2002 NOI and October 22, 2004 NOI for requisite notices of intent to prepare the DEIS, both before December 2004. There is no indication in the DEIS that the Corps conducted a new review of alternatives after the purpose and need was revised. This was required because the congressional authorization provided additional new information bearing on the alternatives formulation and preparation of the DEIS. *See* 40 C.F.R. § 1502.9(c)(1) (supplemental) (DEIS should be prepared when “[t]here are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts”); *see also id.* § 1502.9(c)(1)(i).

Because the purpose and need for the project was altered well after the creation of alternatives and because there is no proposed action, the DEIS obfuscates the actual purpose and

need, creates uncertainty as to the nature of the proposed action, and fails to consider a reasonable range of alternatives to that proposed action.

B. Only Two Action Alternatives Examined

The DEIS discusses the impacts of two action alternatives, which envision very different actions. One alternative involves the creation of a river channel bypass combined with massive ecosystem, urban revitalization, and recreation promotion measures at a substantial public cost of \$435 million. The other involves the correction of existing levees to provide flood protection equivalent to the other alternative with minor recreation and ecosystem promotion measures at a much more modest cost of \$9.1 million. Notably, the additional \$426 million required for the Community Based Alternative over the P&G Alternative does not add *any* additional flood control storage.

As discussed above, the DEIS fails to identify a proposed action derived from the actual purpose and need for the project. Regardless of this fundamental flaw, there are a number of reasonable alternatives to the ultimate stated purpose and need that should have been evaluated, and that NEPA requires to be evaluated. The alternatives could include a number of variations on a project that provides different levels of flood protection to various areas, provides for mitigation of downstream flooding by the creation of mitigation storage in different areas, and combines elements of a bypass channel and the raising of levees. The DEIS must provide a basis for a reasoned choice among different courses of action. *Sierra Club v. Sigler*, 695 F.2d at 965; *California v. Block*, 690 F.2d 753, 766-69 (9th Cir. 1982) (where policy at hand requires resource trade-offs, that trade-off cannot be intelligently made without examining whether the environmental effects can be “softened or eliminated” by considering a reasonable range of alternatives). As discussed below, in developing the alternatives, the Corps outright rejected a number of components of alternatives that it never analyzed. The conclusory rejection of these

viable alternatives without examining their impacts is a violation of NEPA. *See, e.g., Muckleshoot Indian Tribe v. U.S. Forest Service*, 177 F.3d 800, 814 (9th Cir. 1999) (existence of a viable but unexamined alternative renders the environmental impact statement inadequate).

C. Numerous Components of Alternatives Rejected and Not Analyzed

The DEIS is replete with examples of components of the two alternative analyzed that were identified but rejected without analysis. Various combinations of these components could constitute reasonable alternatives that would meet the stated purpose and need and should be examined in the DEIS.

For example, in development of the P&G Alternative, the Corps identified but did not examine a number of alternatives that could meet the flood protection goal. One alternative involved construction of dedicated flood storage on the West Fork in Wise County near Boyd, but the Corps did not examine this option due to public opposition. *DEIS* at 97. The Corps also did not examine upstream detention because there was no support or sponsorship for such ideas. *Id.* The Corps also identified a buy-out program for flood prone areas, but the idea was rejected as too expensive at an estimated cost of \$170 million. *Id.* Interestingly, this cost is little more than one-third of the cost associated with the recommended plan of the Community Based Alternative at \$435 million.

The Corps also identified the option of lowering the floor of the channel, but never considered the option because it “is almost always more feasible” to raise the top of the levee. *Id.* So the Corps elected to develop an alternative, the P&G Alternative, that involved raising the levee after the identification and conclusory rejection of various other alternatives. This analysis falls short of the Corps’ obligation to devote “substantial treatment” to and “rigorously explore and objectively evaluate all reasonable alternatives.” 40 C.F.R. § 1502.14. The Corps also limits its evaluation of levee raising options based on the potential area of damage. The area of

damages was delineated based on “unpublished data” on levee failure in flood events. Failure to include, reference, or make available the data on which the Corps relied in making this decision is a violation of NEPA. 40 C.F.R. §1502.24 (agencies “shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement.”); *Dubois v. United States Dept. of Agriculture*, 102 F.3d 1273, 1287 (1st Cir. 1996) (agency must explicate fully its course of inquiry, its analysis, and its reasoning).

The ecosystem restoration component of the P&G Alternative also includes examples of alternatives or alternative elements identified but not analyzed. The DEIS rejected the following options, with absolutely no explanation as to why they were eliminated from further study: 1) eliminating woodlands within 50 feet either side of the toe of the levee, 2) eliminating woodlands within 50 feet of the channel bank, 3) eliminating woody understory and midstory between the levees, and 4) not planting trees closer than 50 feet on center of the channel. *DEIS* at 102.

In developing the Community Based Alternative, the Corps also identified a number of alternatives that were summarily rejected. In developing the alignment for the new channel, the Corps identified a “series of variations” for alignments, but decided on one alignment because it stated that this was the “most desirable compromise” between the urban revitalization goal and the physical constraints of re-alignment. *DEIS* at 114. The DEIS does not analyze and disclose to the public the impacts of any of the “series of variations” of alignments, nor does the public have the opportunity to comment on those possible alternatives. The conclusory dismissal of these alternative alignments is in violation of NEPA.

The DEIS also identifies a number of sites for a channel dam that is necessary to meet the urban revitalization goals. The DEIS identifies numerous locations including a site downstream

of the confluence of Marine Creek but upstream of Samuels Avenue, sites immediately downstream of Samuels Avenue and upstream of the railroad bridges, and sites downstream of Samuels Avenue and the railroad bridges. *DEIS* at 115-116. However, none of these sites was analyzed as an alternative element in the DEIS.

The DEIS also identifies a number of configurations for the isolation gates which are required to protect interior flows and meet the urban revitalization goal. *Id.* at 118. The DEIS identifies the criteria the Corps used in evaluating the configurations, but does not provide the analysis. Then the DEIS provides the conclusion that a fixed-wheel (roller) gates are the “most appropriate choice.” *Id.* at 118. The analysis for the selection of the roller-gate configuration is not identified nor is there any analysis of the impacts of the other five configurations that were rejected.

As discussed more below, the proposed channel re-alignment actually *exacerbates* flooding in many areas. As a result of this new flooding, the Community Based Alternative requires hydraulic mitigation. The DEIS lists a number of methods of hydraulic mitigation that are available, including excavating a wider channel and providing off-line storage basins. *Id.* at 119. Yet the DEIS does not provide the public and the decisionmaker with the option of widening the channel because it does not include an analysis of the impacts of this option. As discussed below in more detail, the DEIS identifies a total of forty individual off-site storage sites, but only analyzes *one* alternative that utilizes a select few sites. *Id.* Thus, the public is denied the opportunity to understand the varying impacts and choices that a range of these alternatives, or a combination thereof, may have. *See California v. Block*, 690 F.2d at 766-69. The DEIS also lists various drawdown alternatives to mitigate flooding, which include providing structures or channel roughness. A channel dam concept was identified but outright rejected.

DEIS at 120. The concept of a large bridge was similarly rejected without being analyzed. *Id.* The *DEIS* also identified various combination of channel modifications. However, like numerous other alternatives, they were rejected. *DEIS* at 120-121.

This pattern of the identification or listing of alternatives or alternative elements, dismissal without thorough explanation or discussion, and dismissal without analyzing impacts continues throughout the *DEIS*. It is repeated with the selection of an interior water feature and selection of bridge configurations. *Id.* at 122-123. The *DEIS* is even more lacking in transparency in its discussion of the selection of ecosystem restoration elements and selection of recreational features. To select the ecosystem elements, “substantial discussions” were held by staff from various agencies. *Id.* at 125. There is no information in the *DEIS* about the nature of the discussion, only the conclusions of the meetings and the elements that were determined to be appropriate. *Id.* Similarly, the recreational features were developed “in conjunction with the various stakeholders.” *Id.* at 126. The most basic elements of this selection process, such as the methodology used, are undisclosed, as is a description of the analysis or alternatives considered and rejected.

The facts that the *DEIS* initially identifies or lists such a wide variety of alternatives or alternative action elements available and then fails to analyze any in depth and summarily rejects a number of them with no explanation demonstrates that the *DEIS* range of alternatives addressed in detail is wholly inadequate under NEPA.

D. Principles and Guidelines Alternative Does Not Meet Stated Purpose and Need

Assuming for the sake of argument that the Corps could have considered only two action alternatives for an undertaking of this magnitude, the P&G Alternative is not a legitimate action alternative. It fails to satisfy the stated purpose and need of the project. By including only one

action alternative that meets the project's purpose and need, the Corps has not examined "alternatives" as required by NEPA and has effectively preordained the alternative to be selected.

The DEIS explicitly identifies the facilitation of urban revitalization as part of the purpose and need for the project. *DEIS* at 1; *see also DEIS* at 227 (noting that the Congressional authorization "changed the purpose and need of the project under study by USACE by including urban revitalization."). Nonetheless, the Corps offered, as one of only two action alternatives, the P&G Alternative which, by the DEIS's own admission:

does not explicitly address Urban Revitalization. Except insofar as the existing flood hazard constrains economic activity within the study area, the P&G Based Alternative *would make no contribution to the project goals and objectives under the Urban Revitalization purpose.*

Id. at 186 (emphasis added). The P&G Alternative also does not meet the project goal of providing direct access to the river nor does it address any of the interior drainage issues. *Id.* at 176, 188.

The CEQ regulations require agencies to evaluate all "reasonable alternatives" to the proposed action. An alternative that does not accomplish the purpose of the action is not a "reasonable" one. *See Citizens' Committee to Save Our Canyons v. United States Forest Service*, 297 F.3d 1012, 1031 (10th Cir. 2002). The CEQ regulations also provide that the "range of alternatives discussed in environmental impact statements shall encompass those to be considered by the ultimate agency decisionmaker." 40 C.F.R. § 1502.2(e). Because the P&G Alternative does not accomplish the purpose of the project, either as stated in the DEIS or as recognized in the Congressional authorization, it is not a reasonable alternative. Moreover, the P&G Alternative is not one that, in reality, will be considered by the ultimate agency decisionmaker because it does not satisfy the Congressional authorization.

Thus, by including this straw man alternative, the only true action considered by the Corps is the Community Based Alternative, which constitutes a failure to satisfy NEPA's requirement to take a "hard look" at a sufficient range of alternatives. *See Oregon Natural Desert Assn. v. Singleton*, 47 F. Supp. 2d 1182, 1195 (D. Or. 1998) (BLM failed to take a hard look by setting up two straw men alternatives for comparison that were completely at odds with the applicable policy objectives). Due to the Corps' failure to consider other alternatives that would satisfy all of the project's goals and objectives, the DEIS is inadequate. *See Muckleshoot Indian Tribe*, 177 F.3d at 814 (a viable but unexamined alternative renders the environmental impact statement inadequate).

In addition to its shortcomings with respect to the project's purpose and need, the P&G Alternative suffers from a number of other deficiencies. The DEIS fails to disclose the fact that the Record of Decision for the Trinity River and Tributaries Environmental Impact Statement and the Corridor Development Certificate process both require a level of protection equivalent to SPF+4'. Record of Decision Regional Environmental Impact Statement Trinity River and Tributaries (Apr. 28, 1988); Corridor Development Certificate Manual (3d Ed.) at 24. Failing to acknowledge this requirement and considering lesser levels of flood protection in development of the P&G Alternative is misleading because even though the SPF+1' would produce the greatest net economic benefits, the Corps could not legally implement this lesser level of flood protection. The inclusion of this irrelevant analysis of SPF+0' through +2' levels of protection is contrary to the purpose of NEPA. 40 C.F.R. § 1500.1(b) ("NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail"). Moreover, this unnecessary analysis confuses the reader, especially since only the SPF+4' level was considered for the Community Based Alternative.

Another flaw in the P&G Alternative is the description of its ecosystem improvement components. The text of DEIS identifies the number of acres for improvements to the various habitats, but does not indicate where these acres would be located or who currently owns the land on which these improvements would be completed. *DEIS* at 104. The location of the improvements cannot be determined without a detailed comparison of the components of the various ecosystem improvement plans buried in Appendix C. This does not meet NEPA's requirement for a "clear presentation of the alternatives." 40 C.F.R. § 1502.10; *see Gerber v. Norton*, 294 F.3d 173, 179-182 (D.C. Cir. 2002) (failure to provide or make available map of off-site mitigation parcel in endangered species permitting case deprived commenters of opportunity to meaningfully comment on the environmental value of this parcel).

The DEIS is also biased against the selection of the P&G Alternative in a number of ways. The DEIS includes a Clean Water Act Section 404(b)(1) analysis for the Community Based Alternative, but not the P&G Alternative. Similarly, the Corps obtained a Fish and Wildlife Coordination Report for the Community Based Alternative, but not the P&G Alternative.

Further, the language the DEIS uses to describe the effects of the two alternatives indicates a predisposition against the P&G Alternative. For example, in the section discussing the long-term water quality impacts of the P&G Alternative, the DEIS states:

The project wetland restoration feature would provide a slight water quality improvement for the long-term. Wetlands provide a mechanism to *partially* remove excess nutrients through plant life uptake and retain or filter sediments and other suspended solids.

DEIS at 190 (emphasis added). By contrast, in describing such effects of the Community Based Alternative, the DEIS states:

Wetland development is a beneficial feature to the Community Based Alternative. Wetlands would serve as an *excellent* natural

treatment mechanism to reduce stream nutrient loads. Depending on the wetland size and water retention characteristics, this feature could offset much of the slight adverse effects of the Community Based Alternative. As result of wetland implementation, fewer nutrients would be available in downstream waters for algae uptake and growth.

DEIS at 191 (emphasis added).

This disparity in the description of the benefits of wetlands is contrary to NEPA’s mandate to “objectively” evaluate the alternatives. 40 C.F.R. § 1502.14. It is even more inexcusable when one considers the fact that the P&G Alternative has an output of 33.7 acres of wetlands while the Community Based Alternative’s output is only 20.5 acres. *DEIS* at 178. This predisposition towards the Community Based Alternative is impermissible under NEPA, for an EIS must not be “a subterfuge designed to rationalize a decision already made.” *Metcalf v. Daley*, 214 F.3d 1135, 1142 (9th Cir. 2000).

E. “No Action” Alternative Inadequately Analyzed

The CEQ regulations require the consideration of a “no action” alternative, which is intended to allow agencies to compare the potential impacts of the proposed action to the known impacts of maintaining the status quo. *Bob Marshall Alliance v. Hodel*, 852 F.2d 1223, 1228-29 (9th Cir. 1988); *Akiak Native Community v. United States Postal Service*, 213 F.3d 1140, 1147 (9th Cir. 2000) (the “no action” alternative provides for evaluation of the status quo); 40 C.F.R. § 1502.14(d). As discussed further below in Section V.A, because the DEIS does not fully justify or support its assumptions and conclusions with respect to the “No Action” Alternative, it cannot reliably analyze the potential impacts of the action alternatives. Thus, in addition to the shortcomings with the P&G Alternative, DEIS fails to consider an adequate range of alternatives because the analysis of the “No Action” Alternative is deficient.

IV. The DEIS contains An Inadequate Analysis Of The Existing Environmental Conditions.

Federal agencies must ensure the scientific integrity of the EIS by considering appropriate studies and data, and identifying any methodologies used. 40 C.F.R. § 1502.24. The DEIS's description of the existing environmental conditions is inadequate in many instances because the DEIS fails to provide the data or methodology used to identify existing conditions or contains incorrect references to such information.

A. Inadequate Description of Existing Wildlife Conditions

The DEIS provides a very short four-paragraph description of the existing environmental conditions as they relate to wildlife. *DEIS* at 35. The DEIS identifies the bird species that “were observed or have been reported” in the area, but it does not identify any information about the reports, including any written summaries or documentation of such reports, or reference any specific studies performed. In that description, the DEIS also states that the quality of terrestrial habitat “was determined” implying some study was performed, but does not refer the locations of any data, summaries or analysis involved in that study. *Id.* At best, the paragraph provides the study conclusions, but none of the data or analysis performed.¹ This lack of information violates NEPA. *See O’Reilly v. United States Army Corps of Eng’rs*, 2004 WL 1794531, *5 (E.D. La. 2004) (“The Corps must provide enough analysis and data so that a reviewing court can insure that the Corps has complied with NEPA.”).

B. Inadequate Description of Significant Resources

The discussion of existing conditions as they relate to “significant resources” is similarly brief and especially general. *DEIS* at 38. The one page description identifies 23 species that are

¹ It appears that some of this data may be provided in the technical memos in Appendix G, but the DEIS does not refer the reader to the relevant appendices.

significant resources which the Corps has determined to be in the area based on USFWS studies. However, there is no information about any field work done to confirm the presence of these species and there is no identification of the portions of the study areas in which these species may be located. *Id.*

Similarly, the section identifies that within the study area there are existing wetlands, riparian forest and riverine aquatic habitats that are significant resources, but does not identify the most basic information about these habitat such as their location or size, or aquatic resource functions and values. Such detailed information is required by NEPA. *See Sierra Club v. Sigler*, 695 F.2d at 965; *California v. Block*, 690 F.2d at 763-65 (EIS-based decision to pursue development must be supported by detailed, site-specific EIS description of the areas to be affected). Furthermore, though this section contains at least one reference to the location of where certain information relating to data and methodology might be located, the reference is incorrect. The DEIS states “See Table 8 in Appendix G.1.” *DEIS* at 38. Within Appendix G, there is no document labeled Appendix G.1. Even after reviewing all the documents in Appendix G it is difficult to determine to which, if any, of the documents the reference was made.

C. Inadequate Description of Existing Noise Conditions

In one of the more egregious examples of the deficient descriptions of existing conditions, the DEIS states the following about existing noise conditions:

The study area is located adjacent to Downtown, but is generally buffered from the main urban traffic noises. Localized low speed traffic crosses the study area on Seventh, Henderson, Northside and Main Streets. Ongoing construction near the study area has increased the background sound level temporarily. Traffic conditions vary but generally are more intense during morning and evening rush hour periods. Traffic on I-30 and I-35 generally travels at higher speeds and often consists of trucks in addition to automobiles. The study area lies within the southern flight path of

Fort Worth Meacham International Airport and is east of the Naval Air Station Joint Reserve Base Fort Worth.

DEIS at 61. Obviously and painfully lacking is any analysis or baseline measurement of actual noise levels. Also absent is any delineation of the areas of different noise levels that are, to even the most casual observer, present. For instance, areas of Riverbend that are predominantly rural, residential, and agricultural are undoubtedly going to have different ambient and peak noise levels than the central urban industrial areas of the project.

D. Inadequate Description of Existing Light Conditions

In similar casual and cursory manner, the *DEIS* described the existing light conditions as follows:

The study area has areas of direct lighting from business activities and from street lighting. Evening baseball games at the renovated LaGrave Field generate additional lighting of the area. Several special events are held outdoors each year within the study area. Many of these events include evening activities.

DEIS at 61. The inadequacies of the foregoing description of existing light conditions, again lacking any baseline details illumination levels and associated effects, are glaringly obvious.

E. Inadequate Description of Existing Cultural Resource Conditions

The *DEIS* states that, with regard to the existing archeological resource conditions, in two areas where studies identified cultural resources, the areas will require “intensive archeological testing” to determine the extent of the sites. *DEIS* at 41. But this statement fails to satisfy NEPA’s informed disclosure standard. Moreover, the evaluation of such issues cannot be left until after a decision is made when that decision is supposed to incorporate a full consideration of environmental effects.

F. Inadequate Description of Land Use and Land Values

In a mere two paragraphs, two tables, and one figure, the DEIS summarizes the existing land uses and land values for the study area. *DEIS* at 58. For the description of existing land uses, the DEIS categorizes land uses into eight categories: commercial/industrial, vacant, residential, acreage, unclassified, utilities, farm/ranch, and residential inventory. *Id.* The DEIS does not provide a description of what types of uses fall into each of these categories, nor does it attempt to explain what uses may be in the “unclassified” category. The land use description also refers to Figure 2-11 for a map depicting the location of the categorized uses within the study area. *Id.* The scale of the map in the Figure is inadequate for determining with any precision in which particular category a specific piece of property has been placed. *DEIS*, Figure 2-11. Because of this inadequate description, the Commenters are unable to tell whether the descriptions of land uses on any specific property, including their own, are accurate.

In a similar cursory manner, the DEIS describes the existing land values for properties within the study area. The DEIS concludes that average residential land value per acre in the project area is \$18,252 and \$60,481 for commercial/industrial land. *DEIS* at 59. The DEIS does not provide any of the data on which these conclusions are based and it does not explain the methodology used for calculating these values. Furthermore, because there is no cross-reference to the section regarding land uses, it is unclear whether these determinations of land value are based on the land use classifications described in the prior paragraph of the DEIS. To assume that the land values are based on the land use classifications would be questionable because the DEIS does not discuss land values for the other seven categories of land uses the DEIS identified. Without the data and methodology used, it is impossible for the Commenters, other DEIS reviewers, or the decisionmaker to determine the accuracy of the DEIS’s conclusions.

The outright failure to the DEIS to provide the most basic description of the existing environment fails to meet NEPA's disclosure requirements. This section highlights only a few of the conditions that were inadequately described. These are examples of an overall pattern in the DEIS of inadequate study and observation followed by inadequate disclosure of data and methodology.

V. The DEIS Contains An Inadequate Analysis Of The Effects Of The Alternatives.

A. Inadequate "No Action" Alternative

To satisfy its NEPA obligations, the Corps must "insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements" and "identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement." 40 C.F.R. § 1502.24. The discussion in the DEIS of the effects of the "No Action" Alternative does not meet this requirement in that it fails to adequately support its conclusions. Thus, the DEIS also does not provide a sufficient basis for comparison of the effects of the action alternatives.

For instance, the DEIS provides no basis for the following assumptions and conclusions made in determining the effects of the "No Action" alternative:

- The DEIS indicates a that hydrologic and hydraulic analysis was performed for future without-project conditions, which resulted in an expected 17% increase in damages over existing conditions. *DEIS* at 94. But the DEIS does not provide this analysis or indicate what assumptions were made in determining the 17% increase.
- There is no explanation for the DEIS's use of a 50-year study period for estimating future conditions. *DEIS* at 94.

- The DEIS refers to a “long-range forecasts performed by the NCTCOG,” for estimates regarding increases in employment and the number of households in Tarrant County and the study area. *DEIS* at 95-96. **But the DEIS fails to provide a citation to these forecasts or include them in an appendix to the DEIS.**
- The DEIS states that “there are clear indications that this [anticipated] economic growth is occurring in anticipation of a major river project in the Central City area. Absent such an economic injection, sustained economic development and growth in employment within the immediate project area cannot, with confidence, be projected.” *DEIS* at 96. **The DEIS does not disclose what those “clear indications” are or what is meant by a “major river project,” nor does it provide any other support for its implication that economic growth will not likely occur without such a project.**
- The DEIS states, with respect to wetlands, “It was assumed that existing values would diminish to one half of their current value by year 10 and to the point of having no value by year 50 (Table 4 - 4).” *DEIS* at 179. **The DEIS does not explain the basis for this assumption as to the future deterioration of wetlands.**
- For riparian woodlands, the DEIS estimates that “the value would decrease to 97.5 percent of existing value by year 10 and to 90 percent of existing value by year 50.” *DEIS* at 180. **It provides no justification for these estimates or explanation of how they were determined.**
- With respect to upland woodlands, the DEIS assumes that “there would be a loss of 20 percent of the existing acreage and 10 percent of habitat value over the

planning period.” *DEIS* at 180. There is no indication of how this assumption was determined or whether it is supportable.

- Similarly, the DEIS states that “it is anticipated that 15 percent of grassland area would be lost during the 50-year planning period.” *DEIS* at 180. It fails to provide any justification for this assumed loss of grassland.

Based on these deficiencies, the DEIS does not satisfy NEPA’s requirement to identify methodologies and to make explicit reference to the scientific and other sources relied upon for conclusions in the statement. 40 C.F.R. § 1502.24; *Lands Council*, 395 F.3d at 1031-32 (NEPA requires “up-front disclosures of relevant shortcomings in the data or models” used; failure to identify the relevant methodologies and shortcomings used in an EIS renders that EIS inadequate under NEPA).

B. Inadequate Analysis Of Action Alternatives

NEPA requires that an agency candidly disclose in its EIS the adverse environmental effects of its proposed actions. 42 U.S.C. § 4332(2)(A)-(C). Federal agencies must ensure the scientific integrity of the EIS by considering appropriate studies and data, and identifying any methodologies used. 40 C.F.R. § 1502.24. The agency must respond to credible opposing points of view, and it may not ignore reputable scientific opinion. *See, e.g., Seattle Audubon Soc’y v. Espy*, 998 F.2d 699, 704 (9th Cir. 1993); *Public Service Co. v. Andrus*, 825 F. Supp. 1483, 1496-99 (D. Idaho 1993); *see also Sierra Club v. Watkins*, 808 F. Supp. 852, 864-69 (D.D.C. 1991). An agency’s NEPA analysis must expose scientific uncertainty regarding the risk of a proposed action and inform decisionmakers of the full range of responsible scientific opinions on the environmental effects of the proposed action. *Friends of the Earth v. Hall*, 693 F. Supp. 904, 926, 934 (W.D. Wash. 1988). It must consider the “degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.” 40 C.F.R. §

1508.27(b)(5). An agency may not rely on conclusory statements unsupported by data, authorities, or explanatory information. *Neighbors of Cuddy Mountain*, 137 F.3d at 379-81.

1. General Improper Presentation of Impact Analysis Data and Methodology

The DEIS is replete with examples of conclusions reached by utilizing models or methodologies that are not provided. For instance, in determining the valley storage mitigation required for the Community Based Alternative, the DEIS states that it used hydraulic modeling. DEIS at 119. However, the model used or data input are never identified or referenced. The DEIS also states that the modeling was performed in compliance with “Corridor Development Certificate guidelines,” but does not reference where these guidelines are available and does not append them to the DEIS. *Id.* Without this information, it is impossible to determine whether the Corps conclusion that 5,250 acre feet of mitigation is required, *id.*, is correct. 40 C.F.R. § 1502.24 (agencies must “identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement”).

2. Inadequate Analysis of Hydrologic and Hydraulic Effects

The DEIS used both a hydrologic and a hydraulic model in its discussions. The hydrologic model describes the amount of water and streamflow that might be produced in various flood scenarios in a time-dependent fashion. The hydraulic model is a backwater model, HEC-RAS, that computes detailed water elevation information. However, the Corps makes a key assumption limiting the use and applicability of these models when it takes the peak flow from the hydrologic model and inserts that as an input variable into the backwater hydraulic model, HEC-RAS. The flaw in this approach is that it fails to consider the dynamic effect of the time-dependent flow variation in the hydrologic model. Thus, neither DEIS reviewers nor the decisionmaker can see how, for instance, changes in the operations of the gates of the Samuels Avenue Bridge might affect streamflow levels or the need for additional storage areas.

In short, the Corps has used a number of simplifying assumptions here without clearly identifying those assumptions and limitations for review in the DEIS. The scope of the project here - in terms of dollars required, environmental effects, displacement of private property, and other factors—requires a stronger and more robust hydraulic analysis. NEPA requires that the Corps provide a more transparent analysis that includes “up-front disclosures of relevant shortcomings in the data or models.” *Lands Council*, 395 F.3d at 1032. The Corps has failed to do so here. At a minimum, these analyses should be revisited by applying the hydraulic backwater model in its dynamic mode for a more complete disclosure of potential effects and the need for additional storage capacity.

3. Inadequate Analysis of Impacts to Wildlife

There is no analysis of the direct impacts to wildlife in the projects area. Instead, for each alternative, the DEIS provides a general description of the output in acreage and “habitat unit” for “types” of habitat. *DEIS* at 178, Table 4-3. The DEIS also provides a description of the increase or decrease in the output of the alternatives compared to existing conditions. *Id.* at 181-183. However, the DEIS does not identify how wildlife is impacted by these changes in habitat. The DEIS identifies species that are present in the project area, 23 of which are significant resource species (those possibly eligible for protection as endangered or threatened species). *DEIS* at 38. In not analyzing how the habitat modification will impact wildlife, the DEIS fails to comply with NEPA.

4. Inadequate Analysis of Noise and Light Impacts

As noted above, the analysis of existing noise and light conditions is incomplete. The corresponding analysis of the noise and light impacts of the alternatives is equally deficient. The analysis of the impacts of both action alternatives provides as follows:

Noise

P&G Based Alternative

Implementation of the P&G Based Alternative would result in impacts to noise levels. These impacts would be associated with construction activities. Because construction activity would not be occurring throughout the entire project area simultaneously, these impacts would be intermittent across approximately a 3-year construction period.

Community Based Alternative

Implementation of the Community Based Alternative would result in impacts to noise levels. These impacts would be associated with construction activities. Because the construction activity would not be occurring throughout the entire project area simultaneously, these impacts would be intermittent across approximately a 10-year construction period.

....

Light

....

P&G Based Alternative

No impacts to light levels would occur as a result of implementing the P&G Based Alternative.

Community Based Alternative

No impacts to light levels would occur as a result of implementing the Community Based Alternative.

DEIS at 208.

It is difficult to fathom that the Community Based Alternative, a project that re-develops acres of land and involves the construction of a river channel that is over 1.5 miles long and 300 feet wide, new bridges, roads, a recreational boating loop and 10 miles of trails, many of which are proposed to be lighted, will only have noise and light impacts during construction. Without the required disclosure of methodology, data, and analysis used to develop these findings, these conclusions cannot be verified. *Neighbors of Cuddy Mountain*, 137 F.3d at 1379-80 (“some quantified or detailed information is required” to actually “consider” environmental effects in an EIS).

5. Inadequate Cultural Resources Impacts Analysis

As a preliminary matter, the opening line for the description of the impacts on the cultural resources states that the archeological and architectural resources “would be analyzed independently for clarity of potential impact.” *DEIS* at 193. This sentence indicates the flaw in the DEIS’s evaluation of this particular impacts analysis. This portion of the analysis is supposed to evaluate the impacts of the proposed action and alternatives. It is not supposed to discuss future plans to study and identify impacts and potential plans for mitigation, which is what it does. A plan to study the environmental impacts of a project in the future does not constitute adequate mitigation. An agency cannot “act first and study later.” *National Parks & Conservation Ass’n v. Babbitt*, 241 F.3d 722, 734 (9th Cir. 2001).

The description of the P&G Alternative impacts says it “could impact previously unidentified buried cultural resources.” *DEIS* at 193. The Community Based Alternative states that it has the greatest “potential” for impact to cultural resources so, the project “would be subject to a comprehensive cultural resources survey.” *Id.* at 193-194. Further, the “analysis” provides that mitigation measures “would be developed through consultation with the SHPO.” *Id.* at 194. Again, this is not an analysis of the impacts that will occur from project

implementation. Instead, it is only a prospective plan to identify and mitigate impacts at some future time. However, the time to identify those impacts is now, and that process cannot be deferred until after go/no go decisions and project approvals are made.

6. The DEIS Does Not Adequately Analyze the Economic Impacts

The analysis of economic impacts is flawed because it is based on false assumptions about the actual costs of the Community Based Alternative. Moreover, the appraisal data and methodology regarding the land condemnation costs are not disclosed.

a) **Inflation Rates and Land Appreciation**

The DEIS proposes that the Community Based Alternative be implemented over a ten year period beginning in 2006. *DEIS* at 243-244. The DEIS estimates that the costs of the Community Based Alternative are \$435,000,000 in January 2005 dollars. *Id.* at 245. The DEIS specifically states that costs do not include escalation to the mid-point of construction and are based on January 2005. *DEIS*, Appendix E, page 2.² This cost estimate is inaccurate because of the flawed calculating methodology used that reflects project costs much lower than the actual costs of the project will be. NEPA requires that the shortcomings and assumptions in the methodology used be identified in the DEIS. *See Lands Council*, 395 F.3d at 1032; *Davis Mountains Trans-Pecos Heritage Ass'n*, 2004 WL 2295986, at *5. The DEIS does not identify such flaws.

The methodology used in the cost estimate is flawed because it underestimates the costs by failing to take into account a variety of inflationary factors that will impact construction over the 10-year schedule. One factor that must be address is basic inflation. Inflation in the general

² The DEIS does not explicitly reference the methodology or data used to reach this cost estimate, which is required by 40 C.F.R. § 1502.24. However, Appendix E appears to contain some information relating to the methodology and data used in the developing the cost estimate. *DEIS*, Appendix E.

economy is approximately 3% per year. More significantly, inflation in raw materials such as concrete and steel has been as much as 20% in the last year, with numerous economists estimating double-digit increases in the upcoming years. Adjusting the costs to reflect inflation alone will significantly increase the total cost estimate.

Another factor that the methodology does not account for is the appreciation in land values. The DEIS estimates that property acquisition and relocation will cost \$95,000,000.00 in January 2005 dollars. *DEIS* at 245. The Commenters' property in the Riverbend mitigation area is scheduled to be flooded in 2010-2011. *DEIS* at 243. It also appears that other areas will not be flooded until 2013-2014. *Id.* at 244. In calculating the land acquisition costs, the appreciation in the fair market value of the land through the date of acquisition must be acquired must be considered. Consideration of an appreciation rate would cause a significant increase in the cost estimate. In sum, the DEIS must acknowledge the variety of inflationary factors which will impact the cost estimate, or identify these flaws in its analysis.

b) Land Values

The Community Based Alternative will require the acquisition and/or condemnation of 149 private properties. *Id.* at 114. Though the DEIS addresses the existing land uses and values, it does not analyze the impact of the action alternatives on land uses and land values as a result of the project. *Id.* at 186-87.

c) Incorrect Land Appraisals

The DEIS indicates that it will cost \$12.2 million to purchase the land designated as the Riverbend mitigation site. *DEIS* at Appendix C, Table 2-3. The DEIS fails to set forth any information as to how this \$12.2 million figure was derived. Aside from a brief reference to a

“mass appraisal” by Norwood in Appendix E,³ there are no data in the DEIS for the reader to evaluate as to how the value of this land was determined.

The Commenters requested that the Corps make such appraisal available so that the Commenters might be better able to evaluate the conclusions. The Corps denied the Commenters’ request. *See Exhibit B.* This omission of the data and methodology relied on for the land acquisition cost estimate violates NEPA’s requirement that federal agencies “shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for the conclusions” in the EIS. 40 C.F.R. § 1502.24. Further, the data used in reaching such conclusions must be made available for public review during the DEIS comment period. *Id.* § 1502.21. The Corps must disclose in the DEIS the relevant shortcomings of its data and the methodology used in its appraisal process. *See Lands Council*, 395 F.3d at 1032; *Davis Mountains Trans-Pecos Heritage Ass’n*, 2004 WL 2295986, at *5. The Corps has failed to do so here and cannot proceed further with this DEIS process until these serious flaws are remedied.

The failure to provide the data and methodology makes it impossible to verify the accuracy, applicability, or assumptions used in the land acquisition costs evaluation. Moreover, the DEIS does not describe how many acres are included in this \$12.2 million estimate. As set forth in the Declaration of John B. Kleinheinz, attached as *Exhibit C*, Mr. Kleinheinz purchased his property in the Riverbend area for approximately \$250,000 per acre. Unless the number of acres to be acquired is fewer than 49, the estimated acquisition cost is woefully short of the fair market value of the land.

³ There is no reference in the DEIS text to the appraisal information in Appendix E, which is required by 40 C.F.R. § 1502.24.

VI. The DEIS Contains An Inadequate Discussion Of Measures To Mitigate Adverse Environmental Impacts.

An “important ingredient of an EIS is the discussion of steps that can be taken to mitigate adverse environmental consequences.” *Robertson*, 490 U.S. at 351. NEPA requires a “reasonably complete discussion” of possible mitigation measures. *Id.*; *see also Citizens Advocates for Responsible Expansion v. Dole*, 770 F.2d 423, 432 (5th Cir. 1985) (EIS must include identification of measures to mitigate “to the fullest extent possible” harmful effects to environment). “Without such discussion, neither the agency nor other interested groups and individuals can properly evaluate the severity of the adverse effects.” *Robertson*, 490 U.S. at 352. Neither a “perfunctory description” nor a “mere listing” of mitigation measures, without supporting analytical data, is adequate. *Okanogan Highlands Alliance v. Williams*, 236 F.3d 468, 473 (9th Cir. 2000). A reasonably complete mitigation discussion helps guarantee that the decisionmaking agency has taken a “hard look” at the environmental consequences of the proposed action. *Robertson*, 490 U.S. at 352.

The CEQ regulations require that an EIS address mitigation measures in evaluating the proposed action, alternatives to proposed actions, and environmental consequences. 40 C.F.R. §§ 1502.14(f), 1502.16(h), & 1508(25)(b). The Corps must address mitigation measures in explaining its decision. 40 C.F.R. § 1505.2(c). According to the CEQ, the mitigation measures discussed in an EIS “must cover the range of impacts of the proposal.” CEQ’s Forty Most Asked Questions Concerning CEQ’s NEPA Regulations, 46 Fed. Reg. 18026, 18031 (1981). Furthermore, “[a]ll relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are outside the jurisdiction of the lead agency.” *Id.*

The CEQ regulations define mitigation to include:

- Avoiding the impact altogether by not taking a certain action or parts of an action.

- Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- Compensating for the impact by replacing or providing substitute resources or environments.

40 C.F.R. § 1508.20.

The DEIS is deficient with respect to its discussion of mitigation measures in the Community Based Alternative for a number of reasons, including its insufficient development of mitigation plans, its erroneous conclusion that the impacts to woodlands will be fully mitigated, and its inadequate analysis of flood storage mitigation.

A. Mitigation Measures Have Not Been Sufficiently Developed

The DEIS indicates that the Community Based Alternative will result in a loss of high quality riffle pool habitat in Marine and LeBow Creeks. *DEIS* at 183. It then states that the Corps is “currently coordinating” with the USFWS and local sponsors to develop a mitigation plan for the loss of this high quality habitat and the lists a number of mitigation measures currently under evaluation. *Id.* at 183-84. **This perfunctory listing of possible mitigation measures, for which the evaluation is unfinished, does not constitute the “reasonably complete” discussion required under NEPA.** There are no supporting analytical data, no discussion of the feasibility or likelihood of the success of any of these measures, and no indication of the ultimate costs of such measures, which makes it impossible to evaluate the severity of the Community Based Alternative’s ultimate impacts to Marine and LeBow Creeks. This analysis does not

satisfy NEPA's requirement that mitigation "be discussed in sufficient detail to ensure that the environmental consequences have been fairly evaluated." *Carmel-By-the-Sea v. U.S. Dep't of Transp.*, 123 F.3d 1142, 1154 (9th Cir. 1997) (quoting *Robertson*, 490 U.S. at 353).

The DEIS also acknowledges that there is a potential for the Community Based Alternative to have long-term impacts on water quality as a result of water stagnation and algal problems. *DEIS* at 191. It then identifies a number of "operational strategies" to mitigate water quality problems if they were to develop. *Id.* However, there are no supporting data, no discussion of the feasibility or likelihood of success of these "strategies," no quantification of their costs, and no indication of when the implementation of these measures would be triggered or who would be responsible for carrying them out.

The discussion of mitigation measures with respect to the potential adverse effects of the Community Based Alternative on historic architectural properties is similarly inadequate. *DEIS* at 195. The DEIS merely provides a generic and cursory list of potential mitigation measures, *id.*, without any analysis or elaboration whatsoever, which is exactly the type of "perfunctory description" or "mere listing" that court courts have found to be inadequate. *Okanogan Highlands Alliance*, 236 F.3d at 473.

Likewise, with respect to potential cumulative impacts on architectural properties from implementation of the Community Based Alternative plus Trinity Uptown Features, the DEIS claims such impact would be fully mitigated, in accordance with legal requirements. *DEIS* at 225. This statement is insufficient for two reasons. First, it overlooks the fact, recognized elsewhere in the DEIS, that private development is not obligated to identify and mitigate for impacts to architectural resources under Section 106 of the National Historic Preservation Act. *DEIS* at 195. Since the Trinity Uptown Features include private development, there is no

support that the impacts to architectural properties will be fully mitigated. Second, a future promise to mitigate impacts in some unspecified way falls short of the reasonably complete discussion of mitigation measures required by NEPA and does not allow the reader to evaluate of the consequences of the proposed action.

B. Analysis Of Hydraulic Mitigation Is Insufficient

Despite the fact that the Corps insists that the project is a flood protection project, the Community Based Alternative actually exacerbates the flood control issues, resulting in a need for hydraulic mitigation to compensate for the increased flooding potential. *DEIS* at 119. The *DEIS*'s analysis of hydraulic mitigation for the Community Based Alternative is flawed in a variety of ways, including its improper rejection of alternative mitigation options, its lack of data and methodology, its failure to consider other feasible mitigation options, and its failure adequately analyze the mitigation options selected.

1. Alternative Mitigation Options Improperly Eliminated

The *DEIS* states that a total of forty individual sites were identified for valley storage potential and then evaluated and ranked based on such factors as storage capacity, acquisition cost, potential contamination, potential environmental impacts, degree of impact on current land owners, and degree of impact on current public and/or private utilities located on each property. *DEIS* at 119-20.

This evaluation and ranking was done completely outside of the NEPA process, with no opportunity for public input or review. The *DEIS* provides no description of the location, current ownership, land use, or size of the potential mitigation sites, identifying them only by number in Appendix C. It includes a table with the purported improvement costs for the potential sites, *DEIS* App C. at Table 2-3, with no justification for how those costs were determined. This omission is critical since it allocates only \$12.2 million for property acquisition costs at the

Riverbend site, *id.*, which grossly undervalues the property at that site. *See Native Ecosystems Council v. United States Forest Service*, -- F.3d --, 2005 WL 1906996, *7 (9th Cir. Aug. 11, 2005) (“To take the required ‘hard look’ at the proposed projects effects, an agency may not rely on incorrect assumptions or data in an EIS.”).

The DEIS then provides a table that ranks the sites based on the purported cost per acre-foot of flood storage for each site, *DEIS*, App. C at Table 2-4, again with no support as to how those costs were derived and no way to verify whether this ranking is accurate. Moreover, the purpose of this ranking is not apparent, since the sites ultimately selected for the Community Based Alternative were ranked 2, 6, 8, 15, 17, 18, and 24 out of 40. **The DEIS fails to fully disclose the Corps’ reasons for rejecting the other potential mitigation sites or explain why these alternatives were not feasible.** *Mid States Coalition for Progress v. Surface Transp. Bd.*, 345 F.3d 520, 536 (8th Cir. 2003) (EIS held deficient where agency failed to include a reasoned discussion of its rationale for omitting other mitigation alternatives).

2. Did Not Consider Other Feasible Alternatives

The DEIS arbitrarily limited its evaluation of the potential hydraulic mitigation sites to the West Fork downstream from Riverside Drive to upstream of Westworth Boulevard, and to the Clear Fork from its confluence with West Fork to U.S. Interstate 30. *DEIS* App. C at 2-12. It provides no justification for selecting this area, which in and of itself is a violation of NEPA. *Cf. Habitat Education Center, Inc. v. Bosworth*, -- F. Supp. 2d --, 2005 WL 1876105, *5 (E.D. Wis. Aug. 8, 2005) (agency violated NEPA where it failed to disclose in the EIS how it chose the geographic area in which it conducted its cumulative impact analysis).

The DEIS further provides no reason for its failure to analyze other options beyond that arbitrary area of investigation. For instance, **the DEIS does not even consider the use of Lake Worth, Eagle Mountain Lake, or the downstream Texas Industries Gravel Pit as valley storage**

sites, so there is no analysis as to whether these options would be feasible or even preferable to the sites included in the Community Based Alternative. Furthermore, the DEIS does not address the possibility of changing operations at the proposed Samuel Avenue dam to keep the water levels higher during storm events, thus increasing valley storage. Finally, the DEIS did not consider the possibility of creating or installing levees downstream of the project area to compensate for the loss of floodplain storage caused by Community Based Alternative or explain why such downstream levees would not be feasible. The failure to analyze these alternatives renders the DEIS inadequate. *See Muckleshoot Indian Tribe*, 177 F.3d at 814 (a viable but unexamined alternative renders the environmental impact statement inadequate).

3. Riverbend Inadequately Analyzed

Even with respect to the mitigation sites included in the Community Based Alternative, the DEIS fails to sufficiently analyze the effects of inundating such sites. It states, with respect to the Riverbend site, that: “If, based upon the final hydraulic and earthwork analyses, the level of encroachment of the back levee into sumps 7 and 8 needs to be lessened to maintain or improve flood protection, several adjustments to the plan are available to accomplish this while maintaining the same level of valley storage mitigation required under the CDC process.” *DEIS* at 177. It then lists a number of potential adjustments, including additional excavation and elimination of the back levee designed to protect private property. *Id.* This language and analytic approach - together with the frank acknowledgment that additional hydraulic and earthwork analyses are required - demonstrates that the effects of using the Riverbend site as a storage site have not been fully evaluated. Thus, the Corps has failed to take a “hard look” at the effects of the Community Based Alternative as required by NEPA.

In addition, the DEIS acknowledges that the trail extensions associated with the Community Based Alternative would support over 500,000 visitor experiences per year. *DEIS* at

188. Some of the trail extensions are in the Riverbend area, but the DEIS fails to estimate the increase in the number of visitors to that area and the potential adverse impacts of such visitors on the private property owners in the area. Thus, the DEIS has not fully analyzed the growth-inducing effects of the Community Based Alternative, as it is required to do. 40 C.F.R. § 1508.8(b); *Davis*, 302 F.3d at 1123.

Moreover, the Corps apparently has overestimated the effectiveness of the Riverbend site in mitigating the valley storage problem. Based on hydraulic and hydrologic modeling performed by RTi, it appears that during significant flood events, most of the excess stream flow would be affect the Clear Fork of the Trinity River, downstream of the Riverbend site. *See Exhibit A*. This means that the DEIS's conclusion that the Riverbend site would serve as adequate flood storage mitigation is incorrect. Therefore, as a result of the DEIS's faulty conclusion, the DEIS proposes the condemnation of acres of private land that will not even serve the purpose for which they will be condemned. Further, because the Riverbend site will not adequately mitigate the downstream flows, the DEIS does not adequately disclose the impacts of the proposed project.

The shortcomings in the mitigation analysis identified here and similar shortcomings in other sections of the DEIS entirely undermine the public disclosure and informed decisionmaking purposes of NEPA. These shortcomings mandate that the DEIS be re-drafted and recirculated to contain the reasonably complete identification and discussion of possible mitigation measures required by NEPA. The development of these mitigation measures cannot be deferred until the final EIS or until a Record of Decision is issued. NEPA must be complied with at this DEIS stage of the proposed action if decisionmakers and the public are to carefully

consider detailed information on significant environmental impacts at the time the decision on the Corps' proposals is made.

VII. The DEIS Contains Additional Flaws.

To achieve the purposes set forth in 40 C.F.R. § 1502.1, agencies shall prepare environmental impact statements in the following manner:

- (a) Environmental impact statements shall be analytic rather than encyclopedic.
- (b) Impacts shall be discussed in proportion to their significance. There shall be only brief discussion of other than significant issues. As in a finding of no significant impact, there should be only enough discussion to show why more study is not warranted.
- (c) Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA and with these regulations. Length should vary first with potential environmental problems and then with project size.

40 C.F.R. § 1502.2. The DEIS in no way conforms to 40 C.F.R. § 1502.2. It is encyclopedic, voluminous, full of extraneous materials and incorrect cross-references and challenging to comprehend.

A. Inability to Easily Locate the Most Basic Information

1. Description of P&G Alternative

The description of the elements of the P&G Alternative is verbose and full of confounding or vague cross references to prior sections and appendices. As discussed above, the DEIS contains two pages of extraneous discussion of the SPF+0' though SPF+2' flood protection levels that are not even part of the P&G Alternative. *DEIS* at 98-99. Then, in describing the elements of the SPF+4' flood protection level, which is a part of the P&G

Alternative, instead of stating what the elements of that flood level protection are, the DEIS refers back to the SPF+0' through SPF+2' levels and explains the SPF+4' elements in relation to those. Specifically, the DEIS states that the SPF+4' alternative "is similar to the three described previously except that the levee replacing the Main Street Floodwall would have a crest elevation on 550.7', a base width of 110', and a total volume of 14,490 cubic yards." *Id.* at 100. The DEIS then states that the SPF+4' level requires measures "in addition to that previously discussed at the Tarantula Bridge." *Id.* So, in order to understand what elements are part of SPF+4', the reader has to wade through the discussion of SPF+0' through SPF+2' flood protection levels and determine which of these elements were carried through to the SPF+4' level.

Finally, for information on the SPF+4' elements involving the low sections of the levee loop, the DEIS refers the reader to "Appendix C". Appendix C is comprised of two main documents, one for the P&G Alternative and one for the Community Based Alternative. The P&G Alternative contains two documents, one titled Civil Analysis the other titled Structural Analysis. Only by reading through the 11 pages of documents in the P&G Alternative portion Appendix C can the reader determine what improvements will be made to the lower levee loop.

The foregoing is only one example of how the DEIS contains irrelevant information and hides the most basic information through vague cross references. As a result, the DEIS is far from the concise analytical document required by 40 C.F.R. § 1502.2.

2. Community Based Alternative Effects

The DEIS's presentation of the effects of the Community Based Alternative is often difficult to follow and nearly impossible to verify. For instance, in its discussion of the impacts on wetlands, the DEIS states that there will be loss of 8.8 acres of emergent wetlands, but does not mention how many average annual habitat units ("AAHUs") will be lost. *DEIS* at 181. It

then states that 15 acres of wetlands would be restored, again, without indicating how many AAHUs would be restored. *Id.* The DEIS then concludes that the Community Based Alternative would result in a net gain of 6.2 acres and 12.5 AAHUs, *id.* at 182, with no explanation of how those 12.5 AAHUs were derived.

Similarly, for riparian woodlands, the DEIS states that the Community Based Alternative would initially impact 34.5 acres, but does not specify the number of AAHUs lost. *Id.* It then claims that riparian habitat improvement and development would result in a net increase of 85.3 acres and 42.1 AAHUs, *id.*, without indicating how many acres or AAHUs would be created through such improvement and development. With respect to upland woodlands, the DEIS indicates that 64.4 acres would be lost initially, but does not describe the number of AAHUs lost. *Id.* It then states that management of 13.3 acres of existing upland woodland and development of 45.5 acres of upland woodland would result in a net loss of 3.4 acres and 16.7 AAHUs. *Id.* It is unclear why 13.3 acres of existing habitat can mitigate for lost habitat. It is also unclear, even if the 13.3 acres were legitimately considered as mitigation, how the 3.4 acres were calculated since $64.4 - 13.3 - 45.5 = 5.6$, not 3.4. Finally, there is no indication of how the net loss of AAHUs were calculated. *Id.*

For grasslands, the DEIS identifies an initial loss of 372.9 acres of habitat, but no indication of how many AAHUs would be affected. *DEIS* at 182. It concludes that, after considering the changes that would occur to grassland even without a project, the net loss would be 271.4 acres of grassland and 100.3 AAHUs. *Id.* The DEIS does not identify how those 271.4 acres or 100.3 AAHUs were calculated. This is especially important since there are no measures to mitigate the loss of grasslands.

B. Inadequate Section 404(b)(1) Analysis

The Section 404(b)(1) regulations provide that, “no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.” 40 C.F.R. § 230.10(a). Furthermore,

Where the activity associated with a discharge which is proposed for a special aquatic site . . . does not require access or proximity to or siting within the special aquatic site in question to fulfill its basic purpose (i.e., is not “water dependent”), practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise. In addition, where a discharge is proposed for a special aquatic site, all practicable alternatives to the proposed discharge which do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise.

Id. § 230.10(a)(3). The Section 404(b)(1) analysis included in the DEIS fails to comply with these requirements.

The Community Based Alternative contemplates the fill of the lower 400 linear feet of Lebow Creek and the inundation of 1,875 linear feet of Marine Creek, both of which are high quality ecosystems with riffle-pool complexes, which are considered special aquatic sites. *DEIS* at d, 183-84; 40 C.F.R. § 230.45. Because the discharge would affect these special aquatic sites, the regulations presume that there are other practicable alternatives available that have less adverse impacts on the aquatic ecosystem. 40 C.F.R. § 230.10(a)(3). **The Corps’ Section 404(b)(1) analysis for the Central City Project fails to acknowledge that the discharge would involve special aquatic sites, fails to consider any alternatives to this discharge, and fails to clearly demonstrate that other alternatives would not be practicable or have a greater adverse impact.** Thus, the Corps has failed to comply with the Section 404(b)(1) regulations for this project.

CONCLUSION

As set out above, the Corps has failed to comply with the full scope of its NEPA obligations here. The myriad flaws in the DEIS noted in these comments have undermined NEPA's twin goals of informed decisionmaking and informed public participation. *See Robertson*, 490 U.S. at 349; *California v. Block*, 690 F.2d at 761. The applicable Fifth Circuit standards require that the EIS show that the Corps has (1) "in good faith objectively . . . taken a hard look at the environmental consequences of [the] proposed action and alternatives; (2) . . . provide[d] details sufficient to allow those who did not participate in [the statement's] preparation to understand and consider the pertinent environmental influence involved; and (3) . . . [provided an] explanation of alternatives [that] is sufficient to present a reasoned choice among different courses of action." *Sierra Club v. Sigler*, 695 F.2d at 965. For the reasons detailed above, the Corps' DEIS here fails to satisfy these required standards of EIS adequacy.

The DEIS shortcomings discussed here "are not mere legal nitpicking, but go to the heart of the NEPA process." *California v. Bergland*, 483 F. Supp. 465, 493 (E.D. Cal. 1980), *aff'd in part sub nom. California v. Block*, 690 F.2d 753 (9th Cir. 1982). Because the DEIS has failed in so many crucial respects to comply with the NEPA standards for EIS preparation and analysis, the Corps must withdraw the DEIS and prepare a new DEIS that fully responds to the requirements of the CEQ regulations and the issues raised in these comments.

Respectfully submitted this 7th day of September 2005.



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TECHNICAL ADDENDUM TO COMMENTS OF
JOHN KLEINHEINZ
AND
MARY RALPH LOWE

ON THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT

FOR
UPPER TRINITY RIVER

CENTRAL CITY FORT WORTH, TEXAS

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September 7, 2005

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Executive Summary

John Kleinheinz and Mary Ralph Lowe each own property in the Riverbend area that will be condemned by the U.S. Army Corps of Engineers (USACE) for development of flood storage as part of the mitigation plan for the Fort Worth Central City (FWCC) Project. The project consists of a bypass channel, levee system and associated improvements to divert flood flows around a segment of the existing Trinity River adjacent to downtown Fort Worth (DEIS, Appendix A, p1). Levees will be removed from the segment of the river adjacent to downtown to permit access to the river and to create an area for urban revitalization. Flood isolation gates will be constructed at the inlets and the outlet of the river segment where levees are to be removed to isolate the area from flood flows on the upstream forks of the river and in the bypass channel. The river segment will thus cease to convey flow during floods. Because the bypass channel is shorter than the existing river segment it will result in a net loss of floodplain or valley storage in the Upper Trinity River system, which could exacerbate flooding in downstream reaches. To compensate for this expected loss of valley storage, USACE proposes multiple valley storage mitigation sites where additional storage not currently considered to be available will be created by excavation of land and relocation of levees. The largest valley storage mitigation site is known as the Riverbend site, and the majority of the property at this location is owned by Kleinheinz and Lowe.

Because Kleinheinz and Lowe will be adversely affected by the FWCC Project, this technical addendum presents an evaluation of the valley storage mitigation aspects of the project to assess the suitability and appropriateness of the Riverbend site and to consider other potential mitigation alternatives, several of which were not fully evaluated or in some cases were not mentioned as possibilities. The evaluation therefore considers the hydrology and hydraulics of the project, downstream impacts of development, timing and evolution of flood peaks, and relative benefits of various locations for valley storage mitigation.

It is the conclusion of this evaluation that:

- ❑ The complexity and nature of the FWCC project justifies more detailed analysis of hydrologic and hydraulic factors in evaluating the effectiveness of valley storage mitigation alternative, including consideration of timing and spatial distribution of peak flows and an evaluation of the effectiveness of storage mitigation alternatives during a flood with a Clear Fork storm center
- ❑ The Riverbend valley storage mitigation site is inferior to other sites evaluated for flood storage mitigation for the FWCC project
- ❑ The Riverbend valley storage mitigation site fails to meet the criteria established in the Corridor Development Certificate (CDC) manual
- ❑ The Riverbend valley storage mitigation site provides marginal flood storage benefit as an undertaking independent of the FWCC Project, and
- ❑ Alternative valley storage configurations are likely to provide a more cost effective approach to storage mitigation

In our opinion, the scope, cost, and complexity of this project justifies a more extensive hydrologic and hydraulic evaluation and related consideration of alternatives that comply with

both the intent and the letter of the CDC process, as well as the priorities of the USACE in flood damage reduction. The following material describes an evaluation of basic hydrologic and hydraulic considerations and associated modeling based on the USACE HEC-1 flood hydrograph simulation model and HEC-RAS steady flow model and datasets developed by the Fort Worth district for the this project and provided to RTi for review. Detailed descriptions of the hydrologic and hydraulic modeling are documented in Appendices A and B.

General Comments

RTi requested copies of all hydraulic and hydrologic model datasets referenced in the DEIS in a letter dated August 8, 2005. The final hydrologic model data files were not delivered until August 25, 2005. This made it difficult to complete a review of the project by the due date for comments on the DEIS. As a result, the appendices documenting the hydrologic and hydraulic analyses performed for this study were not available for inclusion as part of this submittal, but will be provided at a later date for reference by the USACE.

The 1995 information paper referenced in the DEIS evaluated the feasibility of a number of other projects to achieve flood benefits. It is not clear why these were not presented and discussed as potential mitigation for this project.

On page 2-3 of Appendix A of the DEIS computed hydrographs upstream and downstream of the project area are discussed. The effect of the mitigation storage on the shape of the hydrograph is noted. The hydrographs are shown in figures 1 and 2 of the report. Both figures suggest that the valley storage mitigation has a very large effect on hydrograph shape both upstream and downstream of the project. Visual inspection of the plots suggest that a significant flow volume is stored at the mitigation sites, represented by the difference in discharge from about hour 20 to hour 100. A rough calculation from figure 1 suggests that nearly 50,000 acre-feet of storage has been accessed. From a review of the HEC-1 input dataset it appears that the parameterization of the Riverbend mitigation storage reach in the HEC-1 model for the 100-year discharge inadvertently overstates the available storage by an order of magnitude for discharges above 10,000 cubic feet per second (cfs) due to a misalignment of characters.

Figures 1 and 2, below, show a revised comparison of the baseline and proposed 100-year flood hydrographs upstream and downstream, respectively, of the project area. The revised figures illustrate that the project with mitigation succeeds in preventing an increase in downstream peak flow. An interesting insight that can be drawn from this apparent error in the model is that even assuming a ten-fold increase in storage mitigation at the Riverbend site, the peak flow downstream of the project is left relatively unchanged, as shown in DEIS Appendix A, Figure 2.

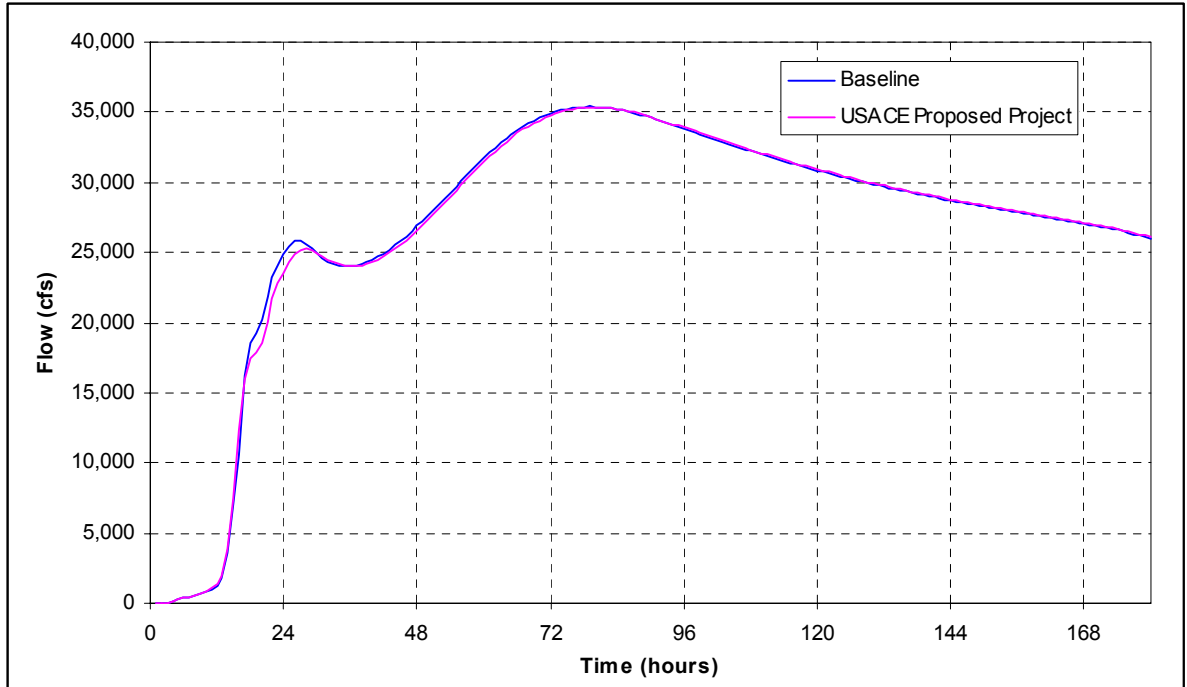


Figure 1: Updated hydrographs for West Fork above Clear Fork

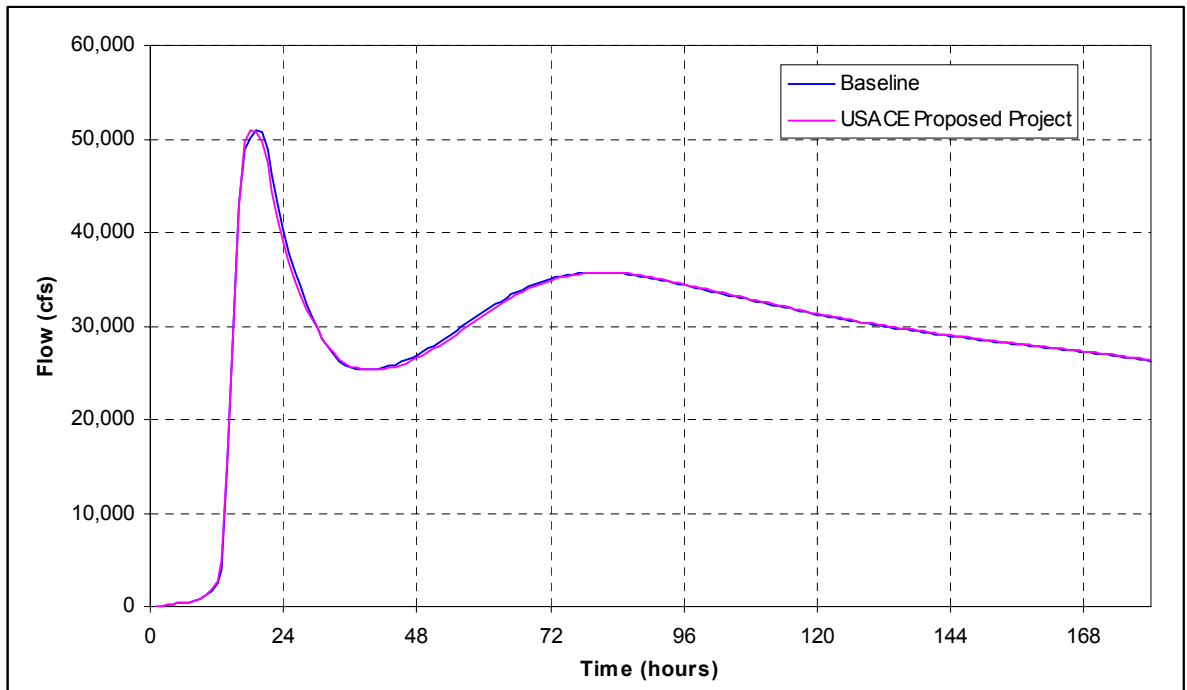


Figure 2: Updated hydrographs for West Fork above Sycamore Creek

Valley Storage Mitigation Considerations

A major theme in the presentation of the FWCC Project is the mitigation of valley storage that will be lost as a result of the creation of a bypass channel to divert flood flows away from the newly created Central City waterfront, which would effectively remove approximately 15,000 feet of river channel and associated valley storage from the system, and also would result in reduced water surface elevations within the bypass channel, with an additional loss of valley storage. The need to condemn the property of John Kleinheinz and Mary Ralph Lowe stems directly from the need to compensate for this lost valley storage in accordance with USACE regulations outlined in its 1988 Record of decision and developed in the third edition of the CDC Manual, September 2002; approved by the Trinity River Steering Committee.

The purpose of the regulations promulgated in the CDC manual and to which the USACE is adhering in seeking valley storage mitigation is to stabilize flood risks and to ensure that floodplain development does not exacerbate flooding (CDC, P 1).

The overall channel storage in the Upper Trinity River basin represents a significant reservoir with capacity for attenuation of flood peaks and associated stages. Reduction of storage as a result of encroaching development tends in general toward reducing associated attenuation and increasing the peak discharges that are transmitted downstream. The variety of timing and location of concurrent storms in the basin generally make it difficult to predict the specific effects of any given development, but the cumulative effects of encroachment without mitigation will predictably increase flood peaks for downstream communities. The CDC process, therefore generally maintains available storage in the river basin by requiring replacement of valley storage lost due to specific development encroachment.

In addition, the CDC process requires no increase in the 100-year flood or significant increase in the Standard Project Flood (SPF) water surface elevations. This criteria effectively regulates unique situations in which the overall effect of a project would result in increased stages (possibly through increased discharges), although valley storage is preserved. One key provision of the CDC criteria is that valley storage compensation is to be provided along the same reach as the project (CDC Manual, p 23). Storage change is to be considered on-site, although compensating valley storage can also be provided at another site, if approved by the local floodplain administrator (CDC Manual, p 27). Two important reasons for limiting storage mitigation to the project reach are 1) that distant downstream mitigation sites may leave the intervening reaches with higher discharges and 2) that distant upstream mitigation sites may fail to compensate for floods whose source is on a tributary whose confluence with the main river is between the storage mitigation site and the project, where the storage has been lost. Any proposed storage mitigation that is distant from the project site, therefore, must be evaluated against these factors before an exception is approved.

Any proposed storage mitigation upstream of the FWCC project requires special consideration of the location, timing, and evolution of flood peaks for a number of reasons as outlined below:

1. Confluence – the project is at the confluence of two major forks of the Trinity River, the West Fork, which continues downstream of the confluence, and the Clear Fork, which ends at this confluence. The hydrograph characteristics of each of these two forks is distinct and open up the possibility that mitigation storage on one fork may fail to compensate for lost project storage when flood peaks originate on the other fork.
2. Benbrook Dam – Benbrook is a major flood control project on the Clear Fork with capacity to store 100-year inflows for release after downstream flows have receded. During the SPF only a fraction of downstream peaks include a component of Benbrook releases.
3. Lake Bridgeport, Eagle Mountain Lake, and Lake Worth – these projects on the West Fork, although they have no dedicated flood space, provide a significant attenuating effect on flows such that during the 100 year event the peak flow on the West Fork downstream of Lake Worth does not occur until the fourth day following heavy rainfall.
4. Drainage areas – The uncontrolled drainage area on the Clear Fork upstream of the project is about 90 square miles, whereas the uncontrolled drainage area on the West Fork upstream of the project is only about 20 square miles. The drainages are adjacent to one another, such that any storm large enough to produce flood flows on the West Fork above the confluence will either produce much larger flows on the Clear Fork, or will be sufficiently attenuated on the West Fork so as not to coincide with peak flows on the Clear Fork.
5. Given the USACE’s priority for flood control and flood damage reduction, and its responsibility for effective use of public resources, careful attention should be given not only to the relative cost per acre-foot to develop a site but also to relative flood mitigation benefits of a site, including the evaluation of timing, location, and evolution of flood peaks.

As an example, Figure 4 shows a plot of the 100-year baseline hydrographs for the Clear Fork and West Fork upstream of their confluence, together with the Combined West Fork flow downstream of the confluence. This plot illustrates clearly the potential difference in the timing of hydrograph peaks for the same event on different rivers.

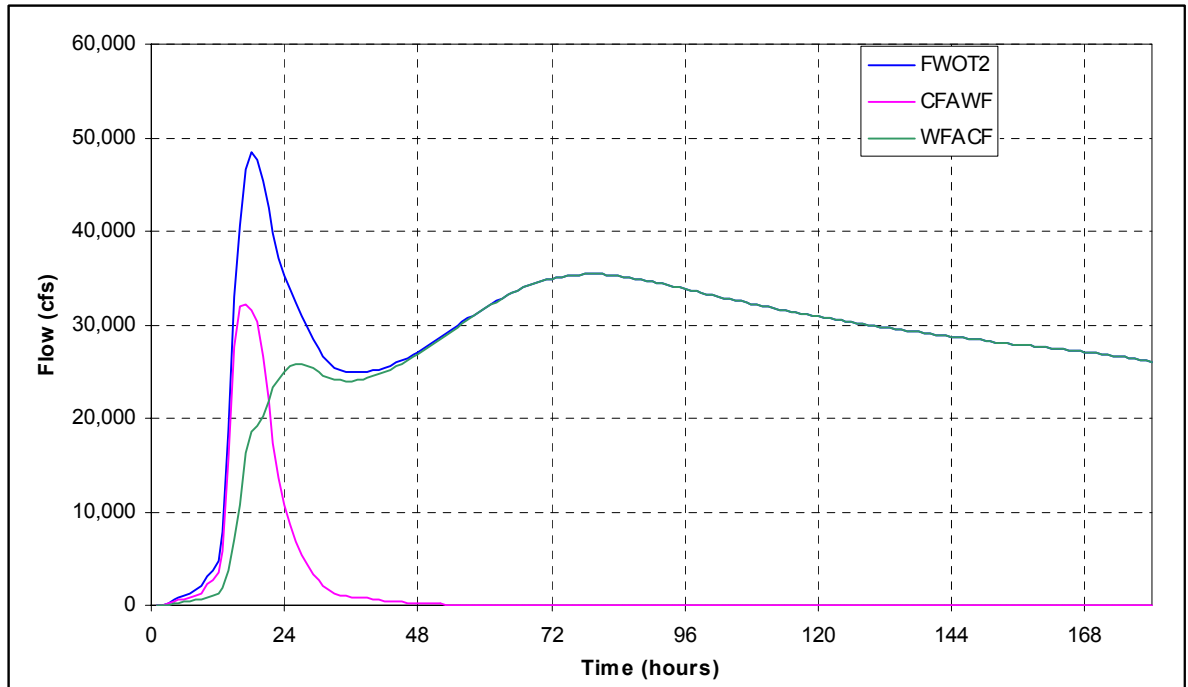


Figure 3: Baseline 100-year flood hydrographs at FWCC project

The following discussion addresses these considerations in evaluating the Riverbend valley storage mitigation site.

Riverbend Valley Storage Evaluation

While a thorough evaluation of dynamic flow conditions might include the development of an unsteady flow model using HEC-RAS with runoff hydrograph inputs from HEC-1 at all hydraulic model boundaries for each alternative, a simplified approach was used in this evaluation due to the time constraints of the comment period.

RTi requested and obtained from USACE copies of the HEC-1 and HEC-RAS datasets for the 100-year flood and for the Standard Project Flood (SPF) for both baseline and with-project conditions. The overall effectiveness of a variety of storage mitigation alternatives was evaluated by incorporating the hypothetical mitigation storage into various routing reaches in the HEC-1 models and comparing resulting hydrographs and peak flows. A hydraulic analysis of water surface profiles resulting from various alternatives was performed by considering individual critical peak flows together with consistently timed tributary or mainstem flows as appropriate. Details of the hydrologic analyses are found in Appendix A, and the hydraulic analyses are documented in Appendix B.

Hydrologic Studies

Hydrologic analyses considered five potential project configurations and considered both the 100-year and SPF conditions for each. The project configurations are described in Table 1.

Table 1: Project configurations evaluated with HEC-1

Config ID	Title	Description/Notes
00	Baseline (2050)	Baseline future conditions without FWCC project
01	Project w/ Riverbend	Project conditions, including Riverbend valley storage mitigation
02	Project w/o Riverbend	Project conditions, without Riverbend mitigation
03	Project w/ CC storage	Project conditions, with Riverbend storage hypothetically relocated to the Central City area
04	Project w/ Gravel site storage	Project conditions, with Riverbend storage hypothetically relocated to gravel pit upstream of the confluence with Village Creek
05	Project w/ EAM storage	Project conditions, with Riverbend storage hypothetically relocated to Eagle Mountain Lake.

Hydrographs at key locations for the baseline configuration are presented in Appendix A. Tables 2a and 2b, below, present the peak discharges at the same key locations along the West Fork of the Trinity River. At the level of detail performed for these analyses there are no changes in peak discharges along the Clear fork for any of the hypothetical project configurations analyzed.

Table 2a: SPF peak discharges for project configurations

Location	Project Configuration					
	00	01	02	03	04	05
FLWT2	56,400	56,400	56,400	56,400	56,400	56,000
WFACF	59,800	57,500	59,700	59,700	59,700	59,100
FWOT2	119,000	115,100	118,600	118,600	118,600	117,900
WFAMAR	118,900	115,000	118,600	118,300	118,600	117,900
WFBMAR	122,400	120,800	123,300	120,700	123,300	122,900
WFASYC	127,300	127,100	128,800	123,600	128,800	128,500
WFBSYC	156,400	156,200	157,900	152,200	157,900	157,700
WFABFL	147,800	146,100	148,200	143,600	148,200	147,900
WFAVIL	192,400	190,200	191,700	186,700	189,300	191,600

Table 2b: 100-year peak discharges for project configurations

Location	Project Configuration					
	00	01	02	03	04	05
FLWT2	35,400	35,400	35,400	35,400	35,400	35,200
WFACF	35,400	35,400	35,400	35,400	35,400	35,200
FWOT2	48,400	47,200	48,400	48,400	48,400	47,800
WFAMAR	48,100	47,200	48,300	48,100	48,300	47,700
WFBMAR	50,300	49,400	50,400	49,700	50,400	49,800
WFASYC	50,900	50,900	51,500	50,400	51,500	51,000
WFBSYC	72,800	73,600	73,600	69,800	73,600	73,300
WFABFL	63,300	63,500	63,900	61,800	63,900	63,500
WFAVIL	79,200	79,500	79,700	77,600	79,000	79,500

A number of important observations can be made from a review of hydrographs and peak flows at various locations in the river system that result from simulations of each of the above cases.

1. Configurations 01, 03, 04, and 05 each incorporate the Riverbend storage mitigation at some point along the West Fork.
2. The mitigation storage provides differing benefits along differing reaches, depending on the location of the mitigation.
3. The project configuration that eliminates the Riverbend storage mitigation without replacement (02) still compares favorably with the baseline condition in the project vicinity and results in only slightly higher peaks than the baseline condition in downstream reaches.
4. The project configuration that mitigates storage within the Central City reach is the most effective configuration in reducing downstream peaks for both the 100-year and SPF conditions. This is illustrated by a comparison of hydrographs at West Fork above Sycamore creek for the proposed configuration (01) and the Central City storage configuration (03) in Figure 4.

5. Providing storage mitigation by changing release operations at Eagle Mountain Lake is about as effective as the Riverbend site.
6. The timing of the peaks from the West Fork and the Clear Fork result in the Riverbend site providing little storage benefit prior to and during downstream flood peaks. (Eagle Mountain Lake and Lake Worth provide so much attenuation that valley storage immediately below them does not come into play in governing downstream peaks).
7. Storage mitigation well downstream of the project provides benefits downstream of the mitigation site itself, but for the intervening reach provides no benefits, although increases above the baseline condition are minimal.
8. Flows from the Clear Fork peak higher and earlier than those on the West Fork. This is especially pronounced at the 100-year flood level.

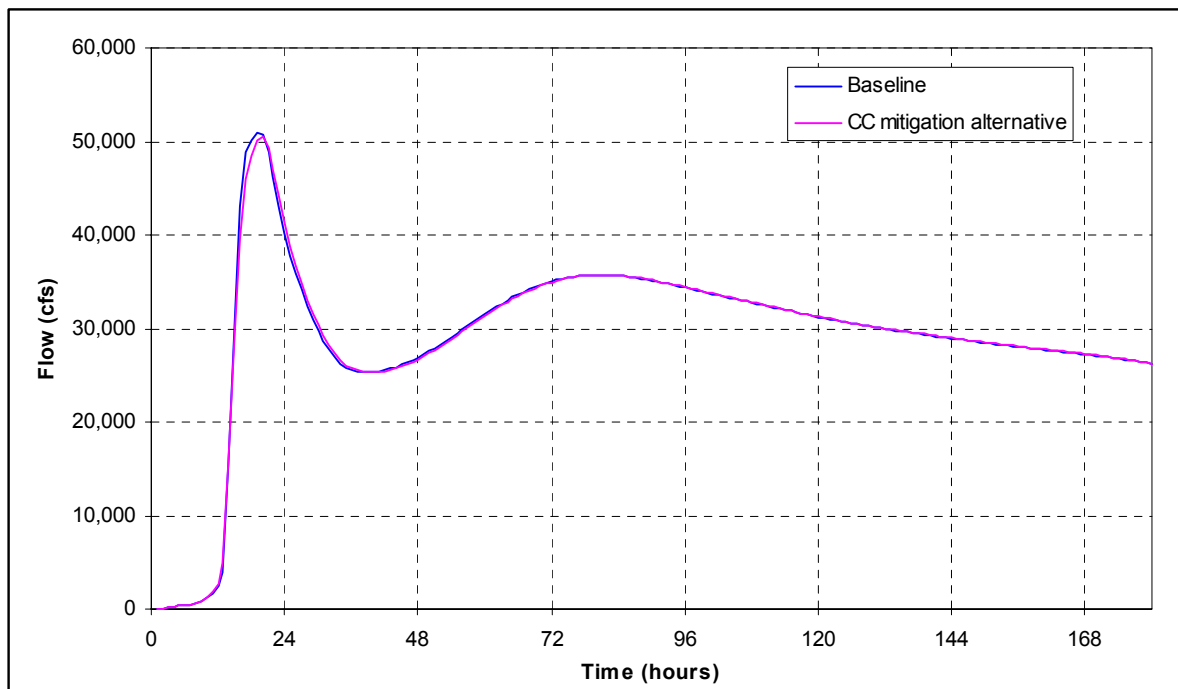


Figure 4: Storage mitigation configurations 01 and 03 at West Fork above Sycamore Creek

One of the most important conclusions to be drawn from the above observations and analysis of the simulated hydrographs is that mitigation storage located upstream of the project on the West Fork is less effective in attenuating flood peaks downstream of the project, particularly for higher frequency events (100-year and below), because it has little effect on the higher peaks that are generated by the large unregulated area on the Clear Fork downstream of Benbrook Dam. Although no Clear Fork storage configuration was considered in the above analysis, it is likely that it would provide greater benefits than upstream on the West Fork if it were located immediately upstream of the project and did not involve a constriction of flow that might delay peaks to coincide with those from the West Fork.

The Riverbend storage is not fully utilized until some time after the downstream flood peaks have crested, and therefore provides little benefit. The Lake Worth SPF storm center is likely to be the most critical case for evaluation of the Riverbend storage. Any storm centers further upstream on the West Fork that would produce greater discharges through the Riverbend site would activate the storage on the rising limb and, due to the current storage that already exists upstream on the West Fork would produce extended elevated discharges that would not be attenuated by Riverbend storage. Likewise, any other storm centers would not produce sufficient flow on the West Fork to activate the Riverbend storage in a coordinated fashion to mitigate downstream peak flows.

A storm center of particular interest that was not considered due to time limitations is the Clear Fork storm center. Considering the results of the foregoing analysis, it is possible that due to a lack of mobilization of West Fork valley storage upstream of the Clear Fork confluence that the loss of valley storage at the project would result in higher peaks at downstream locations as a result of the project.

Hydraulic Analysis

The procedure outlined in the CDC manual and described in the DEIS for evaluation of project impacts and assessing the volume of valley storage mitigation required and developed involves applying the peak discharges derived from associated HEC-1 simulations to a steady-state hydraulic backwater analysis using HEC-RAS. This program computes the volume of valley storage in the project reach corresponding to the baseline and proposed project conditions. The program also computes water surface elevations for baseline and proposed conditions for comparison and so that appropriate mitigation can be provided to satisfy the CDC criteria. Because the extent of the majority of projects governed by the CDC process is likely to be limited to a confined river reach with a single peak discharge at the upstream and downstream ends of the project, these procedures are appropriate for the vast majority of project evaluations. The FWCC project, however, differs fundamentally from typical river projects in at least four important ways.

1. The project encompasses approximately a 12 mile section of the river
2. The project extends upstream and downstream of the confluence with the Clear Fork, a major tributary to the West Fork of the Trinity.
3. The project envisions a significant re-alignment of the river during flood flows, including relocating the confluence of the river and isolating a major bend in the river.
4. The hydrologic characteristics of the two forks of the river upstream of the project produce peaks with significantly different timing.

In particular, the computed valley storage and water surface profiles upstream of the West Fork/Clear Fork confluence assume that downstream peaks occur simultaneously with the

upstream peaks. This is not necessarily the case, especially on the West Fork where the peak flow for the 100-year event occurs several days after the peak on the Clear Fork. Appropriate evaluation of alternatives would be better performed by comparing alternatives at various combinations of steady flows that have some likelihood of occurring simultaneously, given the hydrographs developed by the hydrologic models. This concept is illustrated in Figure 5, below, which shows water surface profiles on the West Fork under varying discharge conditions. The DEIS baseline profile was computed assuming discharges of 32,100 cfs, 35,400 cfs, and 48,400 cfs on the Clear Fork, West Fork above confluence, and West Fork below confluence, respectively. Because these flows never occur simultaneously, this represents an implausible flow condition and results in the highest possible water surface profile conditions. The West Fork Peak profile was computed assuming discharges of 1 cfs, 35,396 cfs, and 35,397 cfs, corresponding to Clear Fork, West Fork upstream and West Fork downstream discharges at hour 79 of the hydrograph simulation, while the Clear Fork Peak profile was computed assuming discharges of 31,619 cfs, 18,624 cfs, and 48,369 cfs, corresponding to associated discharges at hour 18 of the hydrograph simulation.

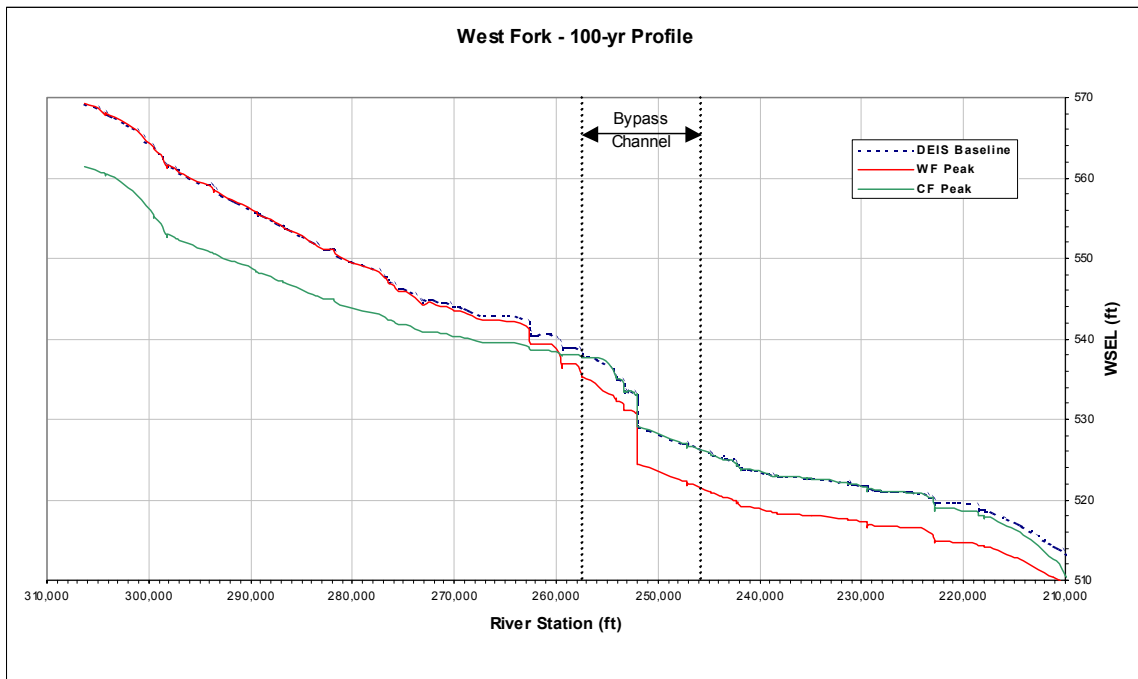


Figure 5: Comparison of profiles on the West Fork using peak and instantaneous flows

As expected, when the Clear Fork peak flow occurs, reduced water surface elevations result upstream on the West Fork. When the upstream West Fork peaks, the Clear Fork contribution has passed and the much smaller total flow downstream of the confluence results in significantly reduced water surface elevations downstream of the confluence, while elevated profiles persist upstream of the confluence. This disparity suggests that storage mitigation at upstream locations may not be available when peaks are generated on separate tributaries.

Table 3 presents the total computed volume of channel storage under varying flow conditions for the baseline and with project configurations. These volumes were computed using HEC-

RAS models based on those provided by USACE. The with project case was modified to incorporate the Riverbend storage as ineffective flow area on the upstream West Fork reach.

Table 3: Comparison of total channel volume under various flows scenarios

Event	Total System Volume (Acre-ft)	
	<i>Baseline</i>	<i>Proposed Project</i>
Future 100-year	33,328	34,139
100yr-CFPK	29,989	28,607
100yr-WFPK	21,836	22,673
Future SPF	76,864	76,620
SPF-CFPK	62,336	61,444
SPF-WFPK	57,604	57,913

The data demonstrate that the proposed mitigation may be available when peak flows are assumed to occur simultaneously, but when plausible flow scenarios are evaluated, it may not be available. Since much of the mitigation storage is found on the upstream West Fork, it is to be expected that this storage is not available when the Clear Fork peaks. This is especially important because the largest peak flows in the design floods come from the Clear Fork.

Proposed mitigation at the project site or downstream of the project would be expected to be available regardless of the source of the peak flows, since they are combined at the project. Such storage mitigation would therefore satisfy the CDC criteria regardless of the discharge scenario used to compute channel storage.

As with the hydrologic analysis, an evaluation of valley storage mitigation based on a Clear Fork storm center might be important in determining the relative effectiveness of mitigation alternatives. It is likely that due to lower discharges on the West Fork at the time of the Clear Fork peak that the loss of valley storage at the project would not be mitigated by a corresponding volume on the upstream West Fork.

Valley Storage Mitigation Alternatives

Based on the foregoing analysis, it is clear all valley storage mitigation sites are not equally effective in compensating for lost storage due to the project. Several valley storage mitigation alternatives are presented and discussed below. These alternatives might be considered more favorably in light of the conclusions of this evaluation of the quality of various valley storage configurations. Additional valley storage alternatives include the following:

- ❑ Downstream mitigation - Focus on Valley storage mitigation sites downstream of the confluence with Clear Fork
- ❑ Original Channel - Consider reserving/using several feet of the original channel for a portion of valley storage/conveyance
- ❑ Samuels Avenue Dam - Keep the Samuels Avenue dam gates partially raised to maintain an elevated water surface profile during floods to increase valley storage; protect resulting affected areas with higher levees.
- ❑ Bypass Constriction - Constrict the bypass channel at Northside Drive bridge to increase water surface elevations and reclaim valley storage within and upstream of the bypass.
- ❑ Gravel Pits - Consider the use of downstream valley storage mitigation sites, including the gravel pits formerly owned by Texas Industries and the Trinity Waste borrow area.
- ❑ Eagle Mountain - Add an extra 4-6 inches of mitigation storage in Eagle Mountain Lake by means of minor changes in operating procedures during large floods.
- ❑ Consider a combination of the above alternatives for both valley storage mitigation and flood reduction benefits.

Each of these alternatives is discussed in more detail below.

Downstream Mitigation

Of the forty individual mitigation sites analyzed for the DEIS, several are downstream of the project. The results of this evaluation suggest that higher priority should be placed on those mitigation sites immediately downstream of the project, as these will tend to achieve the greatest flood peak reduction benefits.

Original Channel

The current project plan requires mitigation for valley storage lost due to the isolation of the existing channel during flood events. By closing only one of the three isolation gates, inflows from the Clear Fork could be split between the existing channel and the bypass channel, allowing a portion of flood flow to be carried in the existing channel, re-combining with the main channel downstream of the bypass. Thus, a portion of Clear Fork flows would be conveyed in the existing channel, while the remainder plus the West Fork flows would be conveyed in the bypass channel. Preliminary analyses suggest that under this configuration the 100-year flow could be passed through the Central City area with maximum incremental increases in water surface of less than 10 feet at the upstream end of the reach. For infrequent larger floods, the gates could be closed to protect the Central City area while preserving the incremental storage at the 100-year level until after the flood peak passes. This would have

the added benefit of maintaining the existing channel with a more natural river character while protecting it from extreme floods. This alternative also qualifies as providing valley storage within the reach of the project. Table 4 shows the total system volume that could be achieved to compensate for lost storage with this alternative for a variety of discharges up to the 100-year event.

Table 4: Comparison of channel storage alternative using original channel for flood flow

Event	Total System Volume (Acre-ft)	
	<i>Baseline (No Project)</i>	<i>Bifurcation Option</i>
Future 1-year	7,943	7,863
Future 2-year	9,881	9,788
Future 5-year	14,430	14,636
Future 10-year	17,671	17,926
Future 25-year	23,604	23,880
Future 50-year	28,760	28,965
Future 100-year	34,256	34,511

Samuels Avenue Dam

Current plans for the Samuels Avenue Dam are to lower the leaf gates out of the river flow path during large floods to increase conveyance. An alternative would be to keep the gates raised to impede flow until after the passage of the flood peak to increase valley storage at the peak and then to lower the gates to evacuate excess storage on the falling limb until the upstream water surface approaches the design elevation of 525 feet. Figure 6 shows water surface profiles on the West Fork assuming peak 100-year discharges at all river locations for this configuration. Hydraulic analysis of the resulting additional channel storage indicates that this would be sufficient to fully mitigate loss of storage for the 100-year flood, although additional storage mitigation would be required for the SPF.

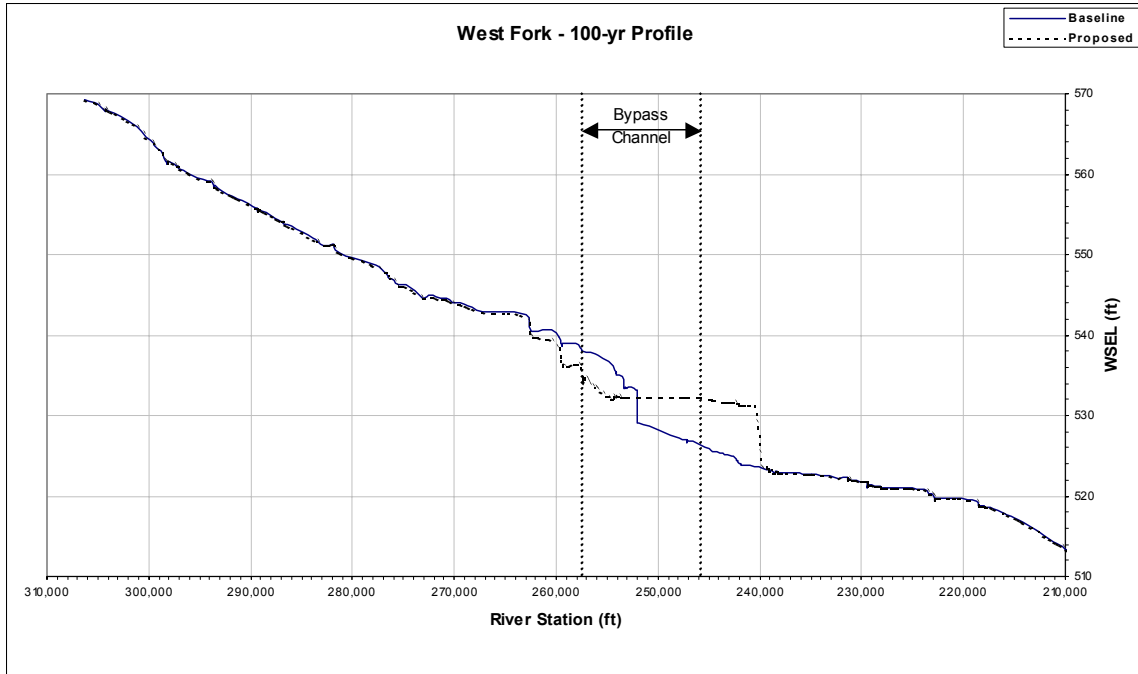


Figure 6: Water surface profile for Samuels Avenue Dam operation alternative

Although water surface elevations upstream of the dam would be increased for a certain distance, this area could be protected with raised levees as part of the overall project design.

Bypass Constriction

A significant amount of valley storage mitigation is required to compensate for the lower water surface elevations that result from the efficiency and increased gradient of the bypass channel. A constriction at the Northside Drive bridge just downstream of the bypass channel similar to the proposal for university drive on the West Fork could be used to increase water surface elevations within the bypass channel and upstream. Although additional flood protection for increased water surface elevations might be required, and anticipated benefits of reduced water surface elevations along the bypass channel might be reduced, this alternative has the benefit of providing the mitigation within the project reach where it is most effective in attenuating downstream peaks.

Gravel Pits

Two potential downstream valley storage sites have been identified that would provide direct attenuation benefits for further downstream reaches on the Trinity River. The first site is a 700 acre site previously owned by Texas Industries, Inc. This site was deed restricted by USACE until July 25th, 2005. These deed restrictions would have prohibited this site from consideration as a possible valley storage site. However, with the deed restrictions removed, this site has merit as a potential valley storage site. The site discharges into the West Fork of the Trinity River 15-river miles downstream of the West Fork of the Trinity River at Airport Freeway (Hwy. 121).

For the past 50 or more years the site has been continually mined for sand and gravel. The site is flooded by the West Fork of the Trinity River when the river leaves its banks and it is also flooded by two major tributaries of the West Fork of Trinity River which cross the property, Walker Branch and Calloway Branch. These two tributaries drain a large portion of the Cities of Hurst and Bedford and as such represent a very large developed watershed that drains into the West Fork of the Trinity River.

Preliminary studies of this site by others suggest that 3,000 to 3,750 acre-feet of valley storage could be available for the FWCC project. The cost of this valley storage would be the cost to excavate the valley storage area plus the cost of purchasing the valley storage created.

Another alternative valley storage site is an approximate 200 acre site 5.5 miles downstream of the West Fork of the Trinity River at Hwy. 121. This site directly abuts the West Fork of the Trinity River. Ninety (90) acres of this site is presently used as a borrow area adjacent to the West Fork of the Trinity River. This area was originally planned as a borrow area and subsequent valley storage site for Laidlaw Waste Systems, now Trinity Waste Systems. Trinity Waste Systems presently owns any valley storage created on the 90 acre site and could be a possible seller of up to 2,000 acre feet of valley storage. The borrow area could be expanded on the east portion of the site and valley storage could then be created by draining the entire borrow area into the Trinity River through a gravity flow drainage system. This would create valley storage for the West Fork of the Trinity River. The cost of this alternative would include the cost to complete excavation in the existing borrow area and construct the gravity drain, and the cost to purchase Trinity Waste's rights to the valley storage created.

Additional valley storage to that described above could also be created by excavating immediately west of the above described borrow area. Preliminary studies show that 500 to 750 acre-feet of additional valley storage could be created on the property abutting Fossil Creek and the West Fork of the Trinity River.

Eagle Mountain

Eagle Mountain lake has a surface area fringing from approximately 8,700 acres at conservation pool elevation to over 13,000 acres at maximum pool during the 100-year flood (as estimated from the CDC HEC-1 model data). To provide 3300 acre feet of storage, therefore, would require that release operations be modified to store an additional three inches of water at the peak 100-year discharge. Little information was available to RTi at the time of this writing regarding the nature of the outlet works and spillway configuration and capacity at the dam. Furthermore, it is likely that the current flood operation plan is more complex than is reflected in the elevation-discharge used in USACE HEC-1 model for the reservoir. However, given the role of the dam operator as a FWCC project sponsor, this information, together with an explanation of potential consequences of a minor adjustment to the operation of the reservoir during floods could provide insight into the possibility of using Eagle Mountain surcharge storage as mitigation storage for the project. As noted previously, preliminary hydrologic analyses indicate that this change in operation would provide greater flood attenuation benefits to downstream areas than is provided by the Riverbend valley storage site.

Combination

All of the alternatives presented above involve tradeoffs in terms of project objectives, cost, and effectiveness of valley storage. It is likely, however, that some combination of alternatives may satisfy valley storage mitigation requirements at a reasonable cost while providing real flood mitigation benefits. In particular, an alternative that combines the downstream mitigation sites with additional mitigation in the project vicinity downstream of the Clear Fork/West Fork confluence or within the existing channel is likely to be far superior to any storage mitigation on the upstream West Fork.

Conclusions

Based on the foregoing analysis and discussion, the following summary conclusions and recommendations are drawn for USACE to consider and address in preparing subsequent drafts of the EIS or the final EIS for the FWCC project:

1. The USACE should explore more detailed hydrologic analyses to evaluate the most effective locations for valley storage in reducing downstream impacts of development of the FWCC project based on computed downstream peak flows.
2. Evaluation of compliance for valley storage mitigation should compare with and without project valley storage using key discharge scenarios that include plausible simultaneous discharges based on simulated discharge hydrographs, as opposed to using absolute peak flows without regard for their timing.
3. The Clear Fork storm center should be included as an additional case in evaluating effectiveness of valley storage mitigation, considering both downstream peak flows and resulting storage mitigation volumes based on hydraulic simulation using the approach noted in item 2 above.
4. Valley storage mitigation sites on the West Fork upstream of the Clear Fork confluence are inferior mitigation sites for the FWCC project because they fail to provide storage mitigation for peak flows that originate on the Clear Fork, which represent the more critical peak flow case for the FWCC project reach and downstream reaches.
5. The Riverbend valley storage mitigation site in particular does not qualify as being on the same reach as the FWCC project and therefore fails to meet the CDC criteria. An exception to the criteria is not justified given the very different character of flood hydrograph characteristics between the project and the Riverbend site.
6. Additional valley storage mitigation alternatives should be considered within and downstream of the FWCC project to comply with the intent of the requirements of the CDC process.

A consideration of these issues will result in an improved overall project with more appropriate, consistent and effective valley storage mitigation, better overall flood mitigation, and reduced downstream project impacts.



Reply to
Attention of

DEPARTMENT OF THE ARMY
SOUTHWESTERN DIVISION, CORPS OF ENGINEERS
1100 COMMERCE STREET
DALLAS, TEXAS 75242-0216
September 2, 2005

Office of Counsel

SUBJECT: Freedom of Information Act (FOIA) Request Regarding Mass Appraisal Reports for Lands within the Proposed Central City, Fort Worth, Texas, Project

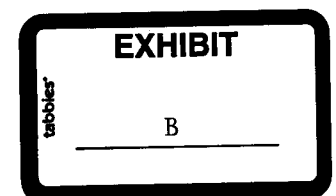
Ms. Jennifer Hall
Holland & Hart, L.L.P.
600 East Main Street, Suite 104
Aspen, CO 81611

Dear Ms. Hall:

On August 31, 2005, I received your Freedom of Information Act (FOIA) request dated August 9, 2005, for copies of mass appraisal reports evaluating property located within the proposed Central City, Fort Worth, Texas, Project, Upper Trinity River. The Fort Worth District has forwarded your request to me for a determination regarding release of the records. These appraisal reports were prepared to establish land costs for planning purposes and to support the draft EIS for the proposed Project. As the District advised you by letter dated August 29, 2005, your request must be processed under the FOIA pursuant to implementing regulations under the National Environmental Policy Act (NEPA).

The policy of the Department of the Army is to release the maximum amount of information under the FOIA unless the information is exempt from release and a significant reason exists for non-disclosure. I have reviewed the appraisal reports and have determined to withhold them pursuant to Exemption 5 of the FOIA, 5 United States Code 552(b)(5).

Exemption 5 allows materials to be exempt from release when such information is a part of the agency's predecisional, deliberative decision-making process. Jordan v. Department of Justice, 591 F.2d 753 (D.C. Cir. 1978). NLRB v. Sears Roebuck & Co. 421 U.S. 131 (1975). Exemption 5 also protects the integrity of the decision-making process to permit full and frank deliberations by Government officials. The appraisal reports are considered intra-agency documents since they were prepared for use by the Government in the decision making process for implementation of the project. Exemption 5 protects the "consultative functions" of the Government by maintaining the confidentiality of "advisory opinions, recommendations, and deliberations comprising part of a process by which Governmental decisions and policies are formulated." Carl Zeiss Stiftung, et al. v. V.E.B. Carl Zeiss, Jena, et al., 40 F.R.D. 318, aff'd per curiam, 384 F.2d 979, cert. denied, 389 U.S. at 952 (1967); Quarles v. Department of the Navy, 893 F.2d 390 (D.C. Cir 1990); Taylor Woodrow International, Ltd. v. Department of the Navy, No. 88-429R (W.D. Wash, April 6, 1989). Additionally at 32 C.F.R. § 518.37, under Subpart C, Exemptions, Number 5, more specifically at (e)(1)(iv):

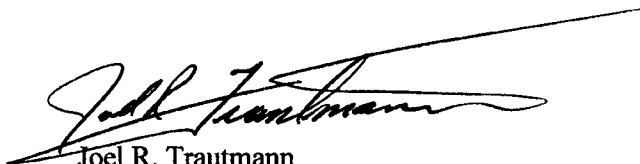


Information of a speculative, tentative, or evaluative nature or such matters as proposed plans to procure, lease or otherwise acquire and dispose of materials, real estate, facilities or functions, when such information would provide undue or unfair competitive advantage to private personal interests or would impede legitimate Government functions.

In Hoover v. Department of Interior, 61 F.2d 1132 (1980), the Court held that the Government enjoys qualified privilege protecting contents of appraisal reports and this qualified privilege is to be recognized to avoid premature disclosure of the Government's appraisal report.

I trust that you will appreciate the consideration upon which this determination is based. However, because your request has been denied regarding the appraisal reports, you are advised of your right to appeal this determination through this office which will forward it to our Washington Office for processing to the Secretary of the Army (Attn: General Counsel). An appeal must be received within 30 days of the date of this letter. The envelope containing the appeal should bear the notation, "Freedom of Information Act Appeal," and should be sent to U.S. Army Corps of Engineers, Southwestern Division, Attn: CECC-SWD, 1100 Commerce Street, #824, Dallas, Texas 75242-0216.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel R. Trautmann", with a long horizontal flourish extending to the right.

Joel R. Trautmann
Deputy Division Counsel

Copy Furnished:

Fort Worth FOIA Officer

DECLARATION OF JOHN B. KLEINHEINZ

I, John B. Kleinheinz, declare and state as follows:

1. I make the statements in this declaration based on my own personal knowledge and facts personally known to me.

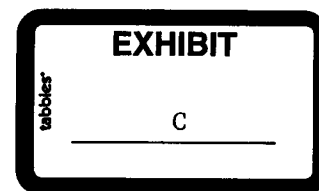
2. I own 40 acres of property adjacent to the Trinity River west of downtown Fort Worth in what the Army Corps of Engineers refers to the "Riverbend" area.

3. I purchased this property in April 2005 for a purchase price of approximately \$250,000 per acre.

4. Based on this purchase price, my property was worth \$10.1 million at the time of its purchase.

5. As part of the Trinity River Vision proposal outlined in the Upper Trinity River, Central City, Fort Worth, Texas Draft Environmental Impact Statement prepared by the Army Corps of Engineers, the Corps or others propose to condemn or otherwise acquire 22 acres of my property for flood control and water storage purposes. Based on the price I paid to purchase the property, that 22-acre parcel should have a market value of at least \$5.5 million as of April 2005.

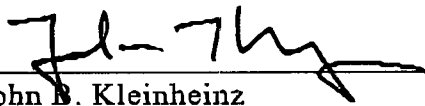
6. I know that vacant land parcels in the nearby Rivercrest Landing Subdivision are selling for between \$202,500 for a less than half acre parcel to \$443,746 for parcels of slightly more than an acre.



7. The figures for the valuation of my property presented in this declaration are based on my own personal knowledge of the price I paid for the property in April 2005. That value may change based on changing market conditions or other factors that may cause an increase to the property's value.

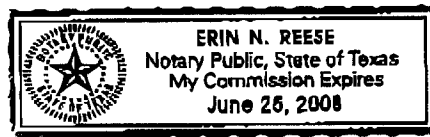
I declare under penalty of perjury that the foregoing is true and correct.

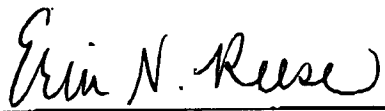
Executed on this 6 day of September 2005.



John B. Kleinheinz

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Notary Public