

MEMORANDUM FOR RECORD

**SUBJECT:** Civil Works Review Board (CWRB), May Branch, Fort Smith, Arkansas, Flood Damage Reduction Feasibility Study

**DATE OF CWRB:** 26 October 2006; 0900 to 1130 EDT

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

**KEY PARTICIPANTS:**

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

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

SWL: Col Wally Walters, (Commander), Ms. Julia Smethurst (PM)

City of Fort Smith: Mr. Randy Reed (City Administrator), Mr. Ray Gosack (Deputy City Administrator), Mr. Stan Snodgrass (Director of Engineering)

ASA(CW): Mr. Terry Breyman

OMB: No Representation

**OWPR RECOMMENDATION:** Approval of the report for release for State and Agency Review.

**CWRB DECISION MADE:** Approval of release of the report for State and Agency Review.

Vote: Unanimous.

**ACTIONS REQUIRED PRIOR TO S&A REVIEW:** None.

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

1. Following the presentation made by COL Walters, MG Ronald Johnson stated that clear wording is important and asked why a portion of the project is shown to be outside of the area of Federal interest. The district explained the 800 cfs and 1.5 square mile policy rule, where in this case, the flood control features in reaches 5 and 6 are considered a local responsibility and the non-Federal sponsor would be required to pay 100 percent of the cost of these features.

2. MG Johnson asked why the projects annual benefits would increase by only \$100,000 for the Locally Preferred Plan (LPP) when storm damage reduction is afforded to an additional 40 structures. The project manager (PM), Julia Smethurst, explained that the added houses were at the upper end of the flood plain thus had fewer damages (benefits) per house.

3. It was noted that “prevent” is not a good word to use in describing what a Corps project accomplishes regarding flood damages, as a Corps project “reduces” flood damages, but does not prevent them. It was noted that the public needs to understand this difference and the associated risk of flood damages.

4. Mr. M.K. Miles questioned the “loss of life” risk. The district explained that such risk exists now. A young boy was swept into the drainage system. Later, it was explained the boy was retrieved a long way downstream, and the project would replace the existing closed drainage system reducing the risk of not being able to rescue someone for an extensive distance. The group discussed the "non-economic" factors that should influence project development. Noting that current budget criteria requires a BCR (benefit to cost ratio) greater than 3, MG Johnson noted that one life lost is too many regardless of the BCR. Mr. Tom Waters noted that it is important for the Corps to tell the whole story because the NED (National Economic Development) plan rules that we must follow, do not account for loss of life. Mr. Waters indicated that the Corps is pursuing risk-based decision-making. The sponsor stated they are pleased that the Corps will be more people-based as that is what their public is looking for.

5. MG Johnson inquired about the difference between the LPP and the NED plans. The PM described a major difference between the LPP and NED plan. The NED is an open ditch into which a vehicle could be swept, whereas with the LPP, the overland flow would be smaller with less risk of sweeping a vehicle, or a person, into the channel. MG Johnson noted that it is important to paint that picture. Mr. Waters asked if a risk analysis was used to estimate benefits. The district indicated they utilized risk-based analysis to estimate equivalent annual benefits.

6. MG Johnson asked why the study took so long to conduct (1998 FCSA, 2004 AFB, 2006 report). The district noted the one-year process for waiver of the requirement to recommend the NED plan and proffered that perhaps the draft report could be circulated with both plans (NED and LPP) and show the cost-sharing with and without the waiver. Ms. Robyn Colosimo and Mr. Terry Breyman explained the value of the concurrence of ASA(CW) prior to report completion; this saves time while the Chief's Report in processing through to OMB and Congress, that may be invisible to the field, but could become lengthy and complex if not resolved upfront. Ms. Patricia Rivers, also noted that such a draft report might confuse the

public who could think that they can make the choice instead of understanding that it is an executive decision to be made in future by the Army. Regarding the length of study, the district explained there were also problems with schedules for the in-kind work by the sponsor and contractor delivery conflicts.

7. MG Johnson asked if the study examined other geographic areas. The district explained the relationship to the Arkansas River system of levees and pumps which were extensively considered in project development for May Branch. MG Johnson noted the after action report required by the district and division should include Lessons Learned and how to do the study better/faster. MG Dorko noted the need to streamline, not just look at sequential processing, and stated the MSC/SWD will take that on.

8. MG Johnson asked about the probability that the Chief can sign a report by 31 Dec 06. HQ staff agreed the schedule could be made. Ms. Rivers requested that the MSC help the RIT track state & agency (S&A) review, and all the other steps needed; she requested detailed milestones to get to a Chief's report. MG Johnson asked BG Dorko, to keep this "on the 3 x 5 cards" and ensure coordination with Ms. Colosimo.

**LESSONS LEARNED.** MG Johnson asked for discussion:

1. MG Johnson noted the importance of communication with the public and that the initial public meeting on the project was 7 years ago. The Corps needs support from the sponsor to ensure the public is not surprised when the Corps PM shows up in a hard hat and starts putting a channel down their street. The communication needs to continue from now on.

2. BG Dorko also noted the passage of time impacts project development from planning to completion; we must not only document decisions as they are made, but continue to communicate. In addition to improving the process to expedite resolution of issues, we must not let things set too long.

3. Mr. Stockton pointed out that while not specific to this project, the Corps needs to engage outside groups, especially NGOs (non-government organizations), and that means not just invite them to public meetings. COL Walters explained his quarterly luncheons with environmental agency heads and executives of other groups like The Nature Conservancy.

4. MG Johnson noted the obvious problem of timeline. "Understanding it's not a parade field, but a battlefield, why eight years if everything goes right?" The district noted again the tornado that destroyed properties; the FEMA grant that allowed the city to purchase and demolish some properties. COL Walters complimented the sponsor for its patience, and noted the risk of recurrent flooding may increase with Corps involvement since we sometimes unintentionally drag out the time to identify and fund a solution. COL Walters noted construction is an opportunity to reduce the time to deliver the project to the sponsor.

CEMP-SWD/CESWP-PDS-P

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**FOLLOWUP ACTIONS:**

1. Release feasibility report/EA and Proposed Chief's Report for 30-day State and Agency Review (District).
2. Prepare Detailed List of Milestones to achieve Chief's Report and Track (SWD/Little Rock DST).
3. Coordinate Draft Chief's Report at HQ (RIT).
4. Prepare After Action Report on CWRB (EC 1105-2-406) to include improvements in study process (District/Division).

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