

Memorandum for the Record

Subject: Topeka, Kansas Flood Risk Management Project, Feasibility Study Report and Environmental Assessment, Civil Works Review Board (CWRB)

1. The subject meeting was held 30 January 2009 from 0800 until 1015 hours Eastern Time. The Agenda (Attachment 1) and List of Attendees (Attachment 2) are provided.
2. The purpose of the meeting was to gain approval by the CWRB to release the Final Feasibility Study Report and Environmental Assessment for State and Agency (S&A) Review.
3. The meeting was opened by MG Don T. Riley who offered welcoming remarks and provided an overview of the meeting purpose for the benefit of the project Sponsors.
4. Col. Roger Wilson, Jr. provided the project briefing, followed by Sponsor statements. The Sponsors commented on the importance of the recommended project related to the economic and well-being of the City of Topeka that they represent.
5. BG William Rapp provided the NWD endorsement of the recommended project, followed by Mr. Thomas Hughes, who provided the HQ OWPR summary of issue resolution and a recommendation to release the report for S&A review. MG Temple spoke briefly about the importance of taking action and moving forward as expeditiously as possible.
6. The following is a summary of questions and discussion that was held during the meeting:
 - a) Questions regarding the design level of protection were raised, as well as the confidence of the existing structures to withstand an overtopping event. The existing project was authorized to pass a design flood flow of 314,000 cfs and the design level of protection was approximately a 300-year event. However, the potential weaknesses and failure modes are not from overtopping, but rather are geotechnical and structural in nature, primarily from under-seepage piping, structure uplift, and floodwall instability that would likely lead to failure long before overtopping begins. The proposed reliability improvements are required to make the project function as initially intended.
 - b) Are the South Topeka and Oakland Units independently justified and if so, why combine them? Although both units are incrementally justified, they were combined in response to guidance provided by HQUSACE, which indicated that the two units are linked together from a hydraulic engineering standpoint and therefore perform as a single unit.

- c) How was the determination made to pursue reconstruction, wherein new authorization would be required, rather than a design deficiency that could be addressed under existing authority? Extensive and numerous discussions between HQ and field office staffs over a period of approximately eight months were unable to produce any design data to support a claim for a flaw in the Federal design or construction of the original project to interfere with the project's authorized purposes of full usefulness as intended by the Congress at the time of original project development. Therefore, although design deficiency was investigated, it was determined that the project did not qualify, and reconstruction was pursued. A question was then raised as to why this was reconstruction vs. something that was an operation and maintenance (O&M) responsibility under operation, maintenance, repair, rehabilitation and replacement (OMRR&R). The response given was that reconstruction was intended to address project deficiencies where the features have reached the end of their service life and are unable to perform under original design conditions (as referenced in Para. 2.e., Definition of Reconstruction, contained in CECW-PB Memorandum dated 16 August 2005, subject: Reconstruction of U.S. Army Corps of Engineers Structural Flood Damage Reduction Projects for which Non-Federal Interests are Responsible for Operation, Maintenance, Repair, Rehabilitation and Replacement).
- d) A question was raised in regard to the existing pump stations. Two of the stations would need strengthening with the proposed project to prevent uplift failure and one other would be removed. The pump equipment has been maintained by the levee districts and is in good working condition.
- e) What is the value of the mitigation (i.e., tree planting to replace the loss of approximately 7.5 acres of woodland from project construction) and was an incremental cost analysis done? The total cost for the recommended mitigation plan contained in the EA is estimated at approximately \$78,000. Cost was optimized based on variations in tree planting schemes. A follow-on question about the overall estimated cost of the proposed project was also raised. Project costs have and will continue to be periodically reviewed and adjusted, as appropriate, to maintain a high degree of confidence.
- f) It was noted that an Environmental Assessment (EA) was prepared, rather than an Environmental Impact Statement (EIS), since the proposed improvements and borrow areas do not extend outside previously disturbed areas and are within the existing project footprint. Additionally, the impacts of the proposed project are localized, short-term effects that are not significant. As a result, only temporary easements would be needed for lay-down areas during construction, with no permanent land acquisition required for the proposed project.
- g) It was discussed that while each proposed remedy in the recommended plan is individually justified, the individual units perform together as a system.
- h) A question was raised on residual risk and the value of the cost that could be reduced with the proposed project. An estimated decrease of approximately two-thirds would

- be anticipated with the proposed project and that potential costs associated with residual risk were understood by the sponsor to be their responsibility.
- i) A discussion on safety assurance took place during the meeting. It was understood that a plan was needed and that one would be prepared during the PED phase of the proposed project. This was followed by a question about the PED costs for the proposed project, which were estimated at approximately two million dollars, and that currently proposed incremental funding streams would not be sufficient to complete PED.
 - j) A question was raised regarding the current codes for the City of Topeka and whether they would alter or prevent floodplain development. The sponsor indicated that the City is in the process of upgrading their codes to help limit such development, and that a recent organizational restructuring of several City offices should provide additional oversight.
 - k) What is the anticipated impact of the proposed project to minority and low income families located behind the levees? The City will continue to protect and provide support to the predominantly Hispanic community populations that have located behind the levees.
 - l) It was indicated during the meeting that a formal Feasibility Scoping Meeting (FSM) had not been conducted. However, several vertical team meetings had taken place on the proposed project during the plan formulation process to include detailed discussions regarding potential levee failures, etc. and therefore, the equivalent of a FSM had been conducted and was more than sufficient.

7. The following is a summary of lessons learned that were provided by Col. Roger Wilson, Jr. and others during the meeting:

- a) Establish more realistic schedules and budgets with greater consideration of incremental funding impacts and District resource prioritization.
- b) Be more proactive and work to resolve geotechnical and structural reliability evaluation methodologies earlier in the process.
- c) Establish work categorization and authority determination earlier in plan formulation.
- d) Improve vertical coordination on all aspects of policy and technical review process, especially regarding new and changing review requirements and processes.
- e) Establish and ensure In-Progress Reviews take place during plan formulation.

8. The meeting concluded with a positive, unanimous vote by the Board members to release the report for S&A review, with the intent to execute a Chief of Engineers report within the next 3-6 month time frame.

9. MG Don T. Riley thanked everyone for their attendance and participation and closed the meeting at 1015 hours Eastern Time.

Topeka, KS
Flood Damage Reduction Project
Civil Works Review Board
30 January 2009

AGENDA

- 0800 Welcome MG Don T. Riley
Deputy Commanding General, USACE and CWRB Chair
- 0805 Introductions MG Don T. Riley
CWRB Chair
- 0810 Project Briefing COL Roger Wilson, Jr.
District Commander, Kansas City District
- 0855 Sponsor Support Mr. Randy Speaker
Deputy City Manager, City of Topeka
- 0905 Division Commander Briefing BG William Rapp
Division Commander, Northwestern Division
- 0925 Policy Review Assessment Mr. Thomas Hughes
Review Manager, Office of Water Project Review
- 0935 Action MG Merdith (Bo) Temple
Deputy Commanding General, Civil & Emergency Operations
- 0945 Lessons Learned / After Action Report: COL Roger Wilson, Jr.
District Commander, Kansas City District
- What was supposed to happen?
 - What did happen?
 - Why did it happen that way?
 - How will we improve next time?
- 0955 Lessons Learned NWD, OWPR, Sponsor, Others
- 1005 Summary of Project Briefing COL Roger Wilson, Jr.
District Commander, Kansas City District
- 1015 Close MG Don T. Riley
CWRB Chair

Topeka, KS
Flood Damage Reduction Project
Civil Works Review Board
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Attendees

Civil Works Review Board

Deputy Commanding General and
 CWRB Chair
 Deputy Commanding General for
 Civil & Emergency Operations
 Chief, Planning Community of Practice (CoP)
 Chief, Civil Branch, Engineering & Construction CoP
 Chief, Great Lakes and Ohio River Division Regional
 Integration Team

Name:

MG Don T. Riley
 MG Merdith (Bo) Temple
 Mr. Theodore Brown
 Mr. Henri Langlois
 Mr. Michael Enschede

Office of Management and Budget

OMB Examiner
 OMB Examiner

Mr. William (Dick) Feezle
 Ms. Elizabeth Lien

Office of the Assistant Secretary of the Army (Civil Works)

Environmental Planner

Mr. Mark McKeivitt

Office of Counsel

Counsel, USACE

Mr. John (Max) Wilson

Planning & Policy Division

Acting Deputy, Planning & Policy Division

Mr. Bruce Carlson

Office of Water Project Review

Chief, Office of Water Project Review (OWPR)
 Review Manager
 Planning Manager, NWD RIT
 Real Estate
 Cost Engineering
 Environmental

Ms. Robyn Colosimo
 Mr. Thomas Hughes
 Mr. Charles Moeslein
 Mr. Robert Wright
 Mr. Miguel Jumilla
 Mr. Charles (Lee) Ware

**Topeka, KS
Flood Damage Reduction Project
Civil Works Review Board
30 January 2009**

Attendees (cont.)

Northwestern Division Regional Integration Team

Chief, Northwestern Division RIT
Deputy, Northwestern Division RIT

Mr. Edward Hecker
Ms. Carol Angier

Northwestern Division

NWD Division Commander
Chief, Planning
District Support Team Lead

BG William Rapp
Mr. David Ponganis
Mr. Martin Hudson

Kansas City District

NWK District Commander
Deputy, Programs and Project Management
Chief, Planning Branch
Project Manager
Economist
Geotechnical Engineer

COL Roger Wilson, Jr.
Mr. Steven Iverson
Mr. David Combs
Mr. Eric Lynn
Mr. Allen Holland
Mr. Scott Loehr

Louisville District

Agency Technical Review Manager

Ms. Jane Ruhl
(Participating via Telephone)

City of Topeka, Kansas - Non-Federal Sponsor

Deputy City Manager
Superintendent of Water Pollution Control

Mr. Randy Speaker
Mr. Robert Sample