

Timothy S. Dalbey
2719 Santa Cruz Drive
Dallas, Texas 75227

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Department Of The Army
U. S. Army Corps Of Engineers
Southwestern Division
(ATTN: General Edwin J. Arnold, Jr.)
1100 Commerce Street
Dallas, Texas 75242-0216

Dear General Arnold,

Thank you for including me in the "*Dialogue*" meeting scheduled for Arlington, Texas 10 August 2000, I will try to attend. I received your invitation 24 July 2000 about two weeks before the meeting. This is not much time to find out some more information about the "workshops," do some research, and put together coherent statements about the water resources and environment for this new century. The problem with these "workshops" is that some of the public may attend, although on a week day with people getting in their vacations right before school, or as some schools are starting, the public attendance will be low.

Another aspect of these "workshops" that is missing in our Texas region include the local municipalities (cities, counties), state agencies (ie. TNRCC, TRA. etc.), other Federal agencies (ie. EPA, TxDOT, etc.) and developers (engineering firms ie. HTNB, Halff, etc.) that have, or, know about future development in a myriad of different areas and are aware of future plans. These people will not be in attendance so that the public does not have a clue what is in the future planning, short-term, for instance the next ten years, or twenty years. To do this task would probably require a week long conference with representative planning agencies on the local, state and national levels present. This would provide an opportunity for the public to be more informed and work with the appropriate agencies on various projects at various levels that they could manage within their interests, and within their time constraints.

In your cover letter dated 12 July 2000 it appears that the United States Army Corps of Engineers (USACE) is trying to put

together a 100 year "vision" (I prefer to view this as USACE civil job opportunity's paid for by taxpayers) for the entire country through 14 nation wide "workshops" for the new century. As required by several laws it is commendable that USACE is including the public. Although in reality, I am afraid that these "workshops" are being carried out to meet the criteria set forth in the laws and the public's input will be negligible, as so aptly stated by several CESWF Corps employees, "we do what we want to do."

Some taxpayers as well as Congressional representatives (for example Congressman Daschle of Missouri) prefer that USACE stay out of civil developmental projects because local engineering firms and municipalities can not compete with the Federal appropriated (tax) dollars that USACE brings to the table to leverage projects on their behalf. This type of arrangement appears to represent a Federal conflict of interest. Instead, water resource projects should be presented on a need basis, by local, county, or state agencies on a Federal grant basis refereed by the EPA and USACE, as well as others, as the major stewards of the national waters.

In the civil world USACE performs a valuable service by regulating the waters of the U. S. under the Rivers and Harbors Act. However, in our region the CESWF (Corps of Engineers Southwest District Fort Worth) Regulatory Branch hardly ever refuses any permits, has no clout when it comes to permit violators, or, deal with individuals or companies that do not even apply for permits. It would be encouraging to see the CESWF Regulatory Branch enforcement strengthened, or at least take a more rigid stance on encroachment into SPF floodplains. This needs to be done nation wide as well.

A more rigid approach to preventing landfills within the SPF floodplain needs to be taken by the CESWF and USACE as a whole. Many landfills are placed within the SPF floodplain zone. USACE in concert with the EPA needs to change their philosophy about allowing landfills within the SPF flood zone. These often lead to contractions within the SPF floodplain, as well as add unneeded pollutants to the surface and groundwater, diminish wetlands, diminish bottomland hardwood forests (BHF), and exacerbate air pollution. The overlap between USACE and the EPA needs to have further clarification, presently the agencies have duplicate roles in some aspects of the Section 404 permit process.

If the next 100 years long term approach is truly important

and meaningful to USACE, they need to embrace the philosophy that good clean water freshwater (non-marine) is a precious resource, is limited within the earth's atmospherical envelope, and important to sustaining all life. Freshwater is not an adversary that needs to be brought under control by an army of structural projects. Freshwater is not an enemy but our lifeline. People need to be brought under control and educated about the need for water, respect freshwater, and take the actions necessary to ensure that freshwater is enhanced.

Throughout your brochure accompanying your letter USACE provides lip service to the concepts of reducing pollution, clean up, restoring, and improving the environment that has suffered from past actions. Many of the laws protecting the environment were put in place in the late 60's and early 70's, have been amended many times, diluted and modified many times by political lobbying interest groups, or, were not enforced. In the most recent CESWF public relations publication "Service-Tradition-Change: A History of the Fort Worth District, U. S. Army Corps of Engineers 1975-1999," CESWF is mostly concerned with their structural projects outside of their military projects. Under recreation they tout environmental enhancements but these are a result of structural reservoir projects many of which do not have environmental mitigation. The one environmental mitigation area they do tout is White Oak Mitigation Area (WOCMA) which was brought about as a result of a civil lawsuit, brought by a citizenry group, otherwise it would not exist. In planning for the next 100 years USACE needs to demonstrate a real commitment to the environment instead of lip service.

It is rather impossible to predict what will occur within the next 100 years, therefore it is not out of limits to request that USACE address the real problem of global climate warming (*Houghton, John, 1994, Global Warming, The Complete Briefing, Cambridge University Press*) and the effect it will have on rising sea level as polar ice sheets and glaciers melt causing inundation of developments along U. S. shorelines, inundation of estuaries, as well as the possibility of aridity that may cause less rainfall creating less freshwater runoff. It may be possible that overall weather patterns will shift or change and floodplains may become more influenced by violent storms and rapid runoff in some parts of the nation. USACE should be instrumental in changing the national attitude toward lessening the development along national shorelines in fatality prone hurricane

areas and the damaging of coastal environments. USACE should be instrumental in developing a storm buffer along storm prone shorelines. The cost of insurance claims from rivers flooding or hurricane damage along the edge of coastal shorelines effects us all, such that taxpayers have to pay out twice, once for the USACE project or permit, and the second time by paying higher insurance premiums because of all the storm or flood damage. Damage claims could be lowered drastically if developed property did not exist in harms way of floods and coastal storms.

Although I do not know for sure about all of the property under the control of USACE as stewards of the Cultural Resources on the property that they own, but it is a sure thing that USACE is out of compliance with the regulations set forth in Section 110 of the National Historic Preservation Act of 1969 (NHPA). This regulation requires that all government agency property owners survey, record, and manage the Cultural Resources on their properties. When I worked (1991-1996) for the CESWF, under Section 106 and Section 110 of the NHPA we were aggressive about advising military "customers" (installations throughout our military district and the DoD that included Air Force, Navy, Marines, AMC, JTF 6, and others) that they had to pay us (because of our Cultural Resources management expertise) to manage projects for them in order to get their installation in compliance with the Cultural Resources laws by having their property surveyed for Cultural Resources and develop a Cultural Resources Management Plan.

But when it came to the 25 lake properties owned by CESWF (25 lakes >300,000 acres of land, a little over 3,000 Cultural Resource properties known) they do not have one Cultural Resources Management Plan developed for any of the lakes, or survey program in place to meet the requirement set forth under Section 110. Instead they have a mosaic of small surveys mostly related to timber cutting, rights of way, or properties recorded previously, or just haphazardly found. Many of the known Cultural Resources properties have been destroyed by lakeshore erosion, or negligence. Many of the properties are presently being destroyed by lakeshore erosion and there is no program to stabilize shorelines were known significant Cultural Resources are being destroyed. Without surveys an unknown number of Cultural Resources have been destroyed or may be destroyed in the future. Cultural Resources are non-renewable and represent our, as well as those that came before us cultural past. There is no Cultural Resources survey program being

conducted by CESWF, that I know of, to meet the research design standards of the State of Texas in the various regions where the lakes are located. Over 30 years after the NHPA was passed. This is unconscionable. I am sure other USACE Districts are out of compliance as well. Since when is the Federal government allowed to get away with such illegal non-compliance. I am sure that, if an individual, an agency, or a municipality was out of compliance with Federal law this long, expensive fines and penalties would be levelled against them. In the near future, not over the next century, USACE needs to provide funds so that all of USACE property can come into compliance and the Districts can survey their properties and manage their Cultural Resources.

As in other parts of the world for about 20 years now the practice of doing palaeohydrology has been used to estimate probable maximum flood elevations. Perhaps this needs to be added by USACE in determining the SPF, or regional maximum flood (RMF), as part of the probable maximum flood (PMF) estimates. This would entail incorporating historic literature sources on floods, as well as research into floodplain deposits to determine the absolute chronology of paleofloods, palaeoclimates, and palaeoenvironments, to determine the RMF and the PMF elevations. These longer spans of time consider paleofloods during climate changes over millennia in order to estimate the PMF.

These are just some of the issues that need to be addressed, others include: diluting project mitigation areas by establishing future mitigation banks, intra-Corps predatory competition between Districts and competition for which District brings in the most money, does CEFMS really work and at what taxpayer costs, instead of lip service the real point of view by USACE on the future of non-structural projects which are counter to what the current USACE philosophy has been for almost 200 years (Shallot, 1996) which is structural.

I look forward to the opportunity to discuss these issues at the "workshop."

Sincerely,


Timothy S. Dalbey