CHAPTER 7
PUBLIC INVOLVEMENT, REVIEW AND CONSULTATION

PUBLIC INVOLVEMENT

PURPOSE OF PROGRAM

This Feasibility Study focused on the development of an economically feasible, environmentally acceptable, publicly supportable solution to the flooding problems within Travis County, and the cities of Austin and Sunset Valley. Numerous meetings and conversations have been held with the various entities and interested citizens to share the latest possible information and to focus this study toward investigating the most viable alternatives. In addition, various public workshops/meetings were held in the study area for the citizens to give input into the problems and possible solutions, as stipulated by Public Law 99 662 and Public Law 104-303.

The Final Programmatic Environmental Impact Statement (PEIS) for Flood Damage Reduction and Ecosystem Restoration, Lower Colorado River Basin, Colorado River, Texas dated August 2005 was prepared for the LCRA and Corps sponsored projects in the lower Colorado River basin. This document underwent a public involvement process as required by the National Environmental Policy Act (NEPA), of which the Onion Creek Interim Feasibility Study was a part of. Meetings were held throughout the basin as described in Chapter 8 of that document. The meetings held at McKinney Roughs, Texas are described below as they targeted the Austin Area.

PARTICIPANTS

The study team worked closely over a four-year period in an effort to inform and involve the concerned citizens in the study area. The team did this by holding various public workshops and by maintaining a project website that was updated monthly. The project website is located at www.fdep.org. The public involvement team included members from the Corps, the City of Austin, City of Sunset Valley, Travis County and LCRA. In addition to the public meetings, the project sponsors hold monthly business meetings, which are open to the public. These meetings are held in Austin.

PUBLIC WORKSHOPS

Public involvement for the Lower Colorado River Basinwide Feasibility Study, to which this document is tiered, started very early in the process as documented in Chapter 8 of the *PEIS*. This document can be found on the Fort Worth District at www.swf.usace.army.mil . A summary of the public involvement for the PEIS is as follows:

1. On July 31, 2001, the Corps issued a Notice of Intent (NOI) to prepare an Environmental Impact Statement
2. Three NEPA Public Scoping Meetings were held on the following dates and locations:
    a. September 16, 2003, LCRA Western District Complex at Buchanan Dam, Texas
    b. September 17, 2003, LCRA McKinney Roughs facility near Bastrop, Texas
    c. September 18, 2003, Bay City Civic Center in Bay City, Texas
3. A Notice of Availability of the Draft PEIS was mailed out to the public and 3 public meetings were held to answer questions and receive comments on the following dates and locations:
    a. April 12, 2005, LCRA McKinney Roughs facility near Bastrop, Texas

b. April 13, 2005, LCRA Western District Complex at Buchanan Dam, Texas
c. April 14, 2005, Bay City Civic Center in Bay City, Texas

Public involvement was considered to be imperative for a study of this magnitude. Therefore a project website was created for the entire Lower Colorado River Basinwide Study. The project website has a project tab for each of the proposed projects. The Onion Creek study has a project specific website where all publicly available information is posted. In addition, all meeting minutes are posted to the website. The project website is www.fdep.org and is maintain by the LCRA.

Public scoping for the Onion Creek Interim Feasibility Study began on March 5 and 6, 2002 with the LCRA, city of Austin, city of Sunset Valley, Travis County and the Corps holding two public information meetings, right after a major storm event on Onion Creek. The meetings were held at the Mendez Middle School for Onion Creek residences and at St. Elmo Elementary School for Williamson Creek Residences. These meetings were held to inform the public about the Onion Creek Interim Feasibility Study and the partnership between the LCRA and other local sponsors and the Corps. A presentation was shown explaining the Corps planning process and a timeline for completion of the feasibility study.

On September 24 and 25, 2002, the local sponsors and the Corps held a second set of public information meetings to disclose the results of Phase 1 of the OCIFS and present the Onion Creek Interim Feasibility Study Information Paper. Meetings were again held at Mendez Middle School for Onion Creek Residences and St. Elmo Elementary School. A presentation was given that presented the preliminary screening of alternatives and which damage centers would move forward for feasibility level design.

On January 26, 2005 the Corps and city planners met with citizens to discuss recreation components of all of the areas of interest.

On June 28 and 29, 2005, a third set of public information meetings were held at Mendez Middle School for Onion Creek Residences and at Woodlawn Baptist Church for Williamson Creek Residences. This meeting was held to disclose the findings of Phase 2 of the OCIFS. A presentation was given showing what the Corps was recommending as the combined multipurpose federal plan. There were 16 registered public comments. Onion Creek Residences generally commented that they wished that the study timeframe would be shortened and that they felt their houses were more valuable than previous appraisals showed. Several residents want to be bought out. 32 comments were received from the Williamson Creek Residences. The majority of the commenter's did not support the proposed multi-purposed federal plan.

As a result of the June 2005 public meeting on Williamson Creek and the public opposition to the federal plan on Williamson Creek, the Corps met with local residents on August 13, 2005 at two locations to further discuss the proposed plan. As a result of this meeting and continued opposition, the local sponsors and the Corps arranged for a follow-up workshop with Williamson Creek neighborhood representatives that was held on January 25, 2006. At this meeting, it was decided that a series of workshops needed to be conducted with a group of individuals form each neighborhood group to resolve issues with the project. During these small workshops, select individuals recommended by the neighborhood groups met with members of the City of Austin or Sunset Valley and the Corps. Plans were shown to the neighborhood representatives for them to go back and share with the other members of the neighborhoods and the report suggestions back to the cities and the Corps on a locally preferred plan. Meetings were held at the City of Sunset Valley on the following dates with the following representatives:

- February 1, 2006 – Radam Neighborhood
- February 2, 2006 – Bayton Loop Neighborhood
- February 8, 2006 – Broken Bow Neighborhood
- February 9, 2006 – Heartwood Neighborhood

Follow-up meetings were held on the following dates with the following representatives:

- March 2, 2006 – Bayton Loop Neighborhood
- March 9, 2006 – Radam Neighborhood
- March 23,2006 – Heartwood Neighborhood
- April 27, 2006 – Sunset Valley Residents

The workshops documented that the residents did not support the proposed recreational trails as detailed in the recommended Federal plan. In addition, Bayton Loop residents in the city of Austin did not support ecosystem restoration directly behind their houses. The majority of residents in Broken Bow still oppose all features of the project in their neighborhood. As a result of these workshops the Corps received a second letter dated April 4, 2006, enclosed in Appendix H, stating that they would like to formulate a locally preferred plan consisting of removing all of the trails from the Williamson Creek plan, continuing with the federal plan without recreation in all areas of interest, continuing with the structural benching plan only in Broken Bow and Bayton Loop areas of interest, and the structural benching plan with ecosystem restoration in Heartwood and Radam. The letter also stated that the city council may request further modifications to the locally preferred plan prior to the beginning of the preconstruction, engineering, and design phase of the project.

The residents in the city of Sunset Valley do not completely support the Federal plan as the project is helping city of Austin residents primarily and the project features are predominately located in the city of Sunset Valley. However, the residents of Sunset Valley are willing to enter into the next phase of the project as it does provide flood protection and provide a substantial amount of ecosystem restoration for the city of Sunset Valley. The City of Sunset Valley provided a letter dated May 18, 2006, supporting the combined plan, with several modifications.

In addition to public meetings and workshops, the project study team holds monthly business meetings at the LCRA, City of Austin, or City of Sunset Valley offices. All of or portions of these meetings are open to the public. There were citizens that attended many of these meetings for the past couple of years.

PUBLIC REVIEW

On August 18, 2006 a Notice of Availability was sent out to the public officially releasing the draft Report for a 30-day public review period. A copy of the report was sent to the Pleasant Hill Library in Austin. The Notice of Availability (Appendix H) was sent to the PEIS mailing list as well as a local mailing list provided by the city of Austin, Travis County and City of Sunset Valley. The draft report was also made available on the Fort Worth District Website at www.swf.usace.army.mil and a direct link was placed to the Fort Worth District Website from the Project Website.

Several comments from the general public were received on the proposed project and will be discussed in the Comments and Responses section later in this chapter.

Several public meetings were held during the comment period. A total of five meetings were held at the flowing locations and dates. Meetings were held from 7:00 p.m. to 9:00 p.m.

- August 31, 2006, Woodlawn Baptist Church, Bayton Loop Area
- September 5, 2006, Woodlawn Baptist Church, Broken Bow Area
- September 7, 2006, Woodlawn Baptist Church, Radam and Heartwood Areas
- September 13, 2006, Mendez Middle School, Onion Creek Forest/Yarrabee Bend Area
- September 14, 2006, Dell Valle Junior High, Timber Creek Area

The meetings had very high participation, to the point that there was not sufficient time to answer all of the questions from the public. The Williamson Creek meetings held on August 31, September 5, and September 7, 2006, were generally attended by residents that did not support the project because they did not feel that the environmental impacts associated with the Recommended Plan were justified given the small level of protection. This was particularly true for the Bayton Loop and Broken Bow meetings. The Radam and Heartwood meeting was attended by residents that both supported the project because they had been historically flood several times in the past and by those that did not support the project for the same reason.

The Onion Creek Forest/Yarrabee Bend meeting was attended by over 250 people. Some residents supported the project because they wanted to be bought out and some did not. Some people that are not being considered to be bought out, but still reside in the 1% ACE floodplain and have been flooded in the past wanted to be included in the Recommended Plan to be bought out. It was explained that these houses were between the 4% and the 1% and that the proposal was just for the 4% floodplain and below. There were a substantial amount of questions about the relocation assistance.

AGENCY COORDINATION

Agency coordination began with the preparation of the PEIS. This is documented in Chapter 8 of that document. Several documented and undocumented natural resource agency coordination meetings were conducted as part of the OCIFS. Documented meetings occurred on February 24, 2003, March 9, 2006, April 26, 2006, August 8, 2006, and September 13, 2006, with TPWD and USFWS. Multiple undocumented meetings occurred with TPWD and USFWS while conducting habitat assessments for the project areas. These agencies were also represented at the public meetings described in the public involvement section. They have been involved with the project since its inception. General scoping letters were sent to all agencies during the preparation of the Environmental Assessment. Coordination activities by agency are listed below.

USFWS has been involved with the study since its inception. They have been a project team member and coordination includes phone conservations, emails, attending the Feasibility Scoping Meeting, attending site visits, attending public meetings, attending project team meetings, and holding natural resource agency meetings. The Corps received a Planning Aid Letter dated October 11, 2002 from the USFWS (Appendix D), which transmitted the results of the initial habitat assessment and endangered species information. A draft Fish and Wildlife Coordination Act Report (CAR) was received on August 23, 2006. The Corps responded to the USFWS on September 19, 2006 with minor comments. A final CAR will be included in Appendix D.

TPWD has been involved in the same meetings and coordination as USFWS. The Corps received letter dated October 3, 2006 from TPWD (Appendix H) in which they stated their support for the Onion Creek Forest/Yarrabee Bend and Timber Creek portions of the study. TPWD did not support the Williamson Creek portion of the study, especially in the Bayton Loop and Broken

Bow Reaches. The issues TPWD have with the Williamson Creek portions of the study is not a big concern since that component has been removed from the Recommended Plan; however these issues will continue to be worked out when Williamson Creek is studies during the next feasibility study.

The Corps coordinated early on with the State Historic Preservation Officer (SHPO). An archaeological site files search and reconnaissance survey entitled *Cultural Resources Overview of Six Areas in the Onion Creek Watershed, Travis County, Texas* was completed under contract by Prewitt and Associates, Inc., for the Corps in 2001. This survey effort was conducted in consultation with, and the report and it's recommendations were reviewed by, the SHPO. Based upon the findings of this overview study, the Corps determined that further survey would be necessary once specific project areas had been defined within the areas of interest. The SHPO concurred with this determination in a letter dated January 8, 2002. Field surveys consisting of pedestrian walk-over and shovel testing have been conducted in the three areas of interest where non-structural buyouts are being proposed and no Historic Properties were identified. Coordination with the SHPO regarding the results of those surveys is ongoing. Deeper backhoe investigations will be conducted during the Preconstruction, Engineering and Design (PED) Phase at the Williamson Creek project area when the Corps has easements in place to conduct the excavations. On July 13, 2006, these findings and the proposal to conduct the Williamson investigations during PED was forwarded to SHPO and the Indian Tribes. A letter was sent to SHPO on August 16, 2006, transmitting a draft Programmatic Agreement (PA) for SHPO review. On August 18, 2006, SHPO sent comments on the draft PA to the Corps, and on August 21, 2006 having not received the letter from SHPO yet, a second letter was sent to SHPO transmitting the draft Project Report, with the same draft PA included in the Report. Therefore, since the draft Report still had the same draft PA without SHPO's comments addressed, a second letter was received from SHPO on September 18, 2006, in which SHPO stated that the Corps was not in Section 106 compliance because the draft PA had not been changed. Since then, the Corps has submitted the final PA to SHPO via email as requested in the letter and the final PA is being negotiated. After the PA is approved, the Corps will be in compliance with Section 106, which is expected any day. The Corps has received email notification that SHPO had no comments on the final PA and a letter stating that the Corps is in compliance with Section 106 is being prepared by SHPO, but has not been received by the Corps to date. In addition to SHPO coordination, the Indian Tribes were copied on all SHPO coordination. The Comanche Nation responded asking the Corps to please keep them involved in project progress and if any issues arise or archaeological items are discovered to cease work and notify them immediately.

A letter was sent on August 1, 2005 to the Federal Aviation Administration (FAA) to initiate early coordination of the proposed alternatives in accordance with the Advisory Circular 150/5200-33 as described in the environmental compliance section (Appendix H). To date the Corps has not received a written response stating their agency's position on the proposed plan.

A coordination meeting was held with the EPA on June 6, 2006, in which the Corps presented the recommended plan. The EPA offered minor comments but overall made no significant comments on the proposed plan. EPA documented more information on 404 permitting requirements would be needed before EPA could make substantial comments.

A meeting was held with the TCEQ at their office in Austin on June 23, 2006 in order to discuss the Onion Creek Study. TCEQ supported the buyout plans. TCEQ was concerned about the potential impacts of the benching to the aquatic resources. TCEQ commented on the draft report with a letter dated September 18, 2006. The Corps responded to the comments with a letter dated September 27, 2006 (Appendix H). The comments were generally requests fro additional information on the Williamson Creek Project. The information was provided in a subsequent letter dated September 27, 2006. Subsequent project changes resulted in no water quality certification for Williamson being needed. TCEQ was notified since there were potential issues and they are only preparing the needed water quality certification for the Wharton Project.

A coordination letter was sent to the National Marine Fisheries Service (NMFS) since they requested coordination as a result of the PEIS effort. A response to the Corps' coordination letter dated June 5, 2006, stated that no further coordination was needed since no impacts to the coastal area were expected (Appendix H).

The Corps received a letter dated October 31, 2005, from the city of Austin in which the City advised The Corps that they supported the Federal plan for the Onion Creek area and that they supported the structural plan for Williamson Creek without recreation trails (Appendix H). In addition, they wanted to see if the plan would still be viable without ecosystem restoration in the immediate vicinity of the project. A second letter was received after extensive public involvement described in the Public Involvement Section, which further refined the project on Williamson Creek.

Although The Corps has not received a letter, Travis County supports the proposed Federal plan for Timber Creek area of interest and for Bear/Onion Confluence at this particular point in time. Travis County has already held a bond election in order to support the project.

The Corps received a letter from the City of Sunset Valley dated May 18, 2006 in which the city expressed their locally preferred plan and their intent to support the proposed project into the next phase. The residents in the city of Sunset Valley do not completely support the Federal plan as the project is helping city of Austin residents primarily and the project features are predominately located in the city of Sunset Valley. However, the residents of Sunset Valley are willing to enter into the next phase of the project as it does provide flood protection and provide a substantial amount of ecosystem restoration for the city of Sunset Valley.

The TWDB has been a project partner due to the fact that they are providing 50% of the funding requirements of the Non-Federal Sponsor for the Feasibility Study. Their participation in this effort has allowed the Lower Colorado River Authority and the City of Wharton to participate in the study without being an excessive cost burden. TWBD has been a valuable project partner.

COMMENTS AND RESPONSES

Agency comments are described in the Agency Coordination section above. Comments received during the public meetings in the questions and answer session are not addressed, but the generalized comments are discussed in the Public Review Section above.

FEMA provided their boiler plate response to the draft Report, that the proposed project should be coordinated with the local floodplain administrator. Ms. Stacey Scheffel, Travis County Floodplain Coordinator, is aware of the proposed project and has no negative comments on the Recommended Plan. Travis County is a sponsor of the Timber Creek area of interest and supports the project.

A public meeting was held as a question and answer session during the 30-day public review period of the draft Integrated Report. Since this was a question and answer session, comments were not recorded for the record. Generalized questions and comments were described in the Public Review Section of this Chapter.

A total of twenty-three written or emailed comments were received. Eighteen comments were received regarding the Williamson Creek portion of the study and five comments were received on the Onion Creek portion of the study. These comments can be generally summarized as people that support the project, people that opposed the project and people that were just asking for information.

Three comments supported the Tentatively Selected Plan in Williamson Creek related to flood control. These residents were located in the Radam and Heartwood areas. One additional comment supported the ecosystem restoration efforts and said that all things including benefits needed to be considered if the plan was to be implemented, not just the impacts to trees. This resident lived in Broken Bow.

Ten comments were received from people that opposed the Tentatively Selected Plan for Williamson Creek. These residents lived throughout the areas of interest. A summary of the main reasons for not supporting the plan are as follows 1) the residents feel that since the project does not provide them much benefit, that the impacts to woodlands are not worth it, 2) there are increased security risks and a decrease in privacy with ecosystem restoration, 3) they have flood insurance to protect them if they are flooded, 4) the cancellation of the greenbelt portion in makes the plan less beneficial to the neighborhood as a whole, 5) the maintenance of the habitat restoration seems quite optimistic at best, 6) enlarging the conveyance at bridges would be more beneficial than the current plan 7) the impacts to the woodlands will reduce habitat value in the creek, and 8) they do not feel that their house is actually at flood risk.

Two additional comments from Williamson Creek simply stated thanks for the meeting and the work. Another two emails requested information on how their property would be affected. Maps with the proposed plan zoomed into their address were provided back in response to the email.

A letter will be sent to each of the people that commented on the Williamson Creek portion of the study advising them that the Williamson Creek portion of the study has been deferred from action at this time, but may be included in a future phase of the Lower Colorado River Basin, Texas Study.

Three people in the Onion Creek Forest/Yarrabee Bend area commented that they support the plan. Two people asked for additional information about why their house was included in the proposed plan when they have never flooded, but other people had. A response was provided stating that the proposed buyout is only at a 4% ACE level and due to community cohesion and the need for alternative uses of the land, total sections had to be bought whether people flooded or not. One parcel could not remain in the middle if the alternate use of the land was going to be a park facility.