



Recommendation for Action

File #: 23-3312, **Agenda Item #:** 69.

11/30/2023

Posting Language

Authorize negotiation and execution of a feasibility cost sharing agreement with the U.S. Army Corps of Engineers for the Boggy Creek Corps Flood Control Channel Ecosystem Restoration project for a term during Fiscal Year 2023-2024 at a cost to the City of \$250,000, plus an additional contingent amount of \$50,000 to cover potential cost overruns, for a total agreement amount not to exceed \$300,000.

Lead Department

Watershed Protection Department.

Fiscal Note

Funding is available in the Fiscal Year 2023-2024 Watershed Protection Department Capital Budget.

Prior Council Action:

August 5, 1986 - City Council approved Resolution No. 860508-18 authorizing the negotiation and execution of a local cooperation agreement with the United States Army Corps of Engineers for the Boggy Creek Flood Control Project.

For More Information:

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Additional Backup Information:

In 1981, the United States Army Corps of Engineers (USACE) recommended the undertaking of a flood control project on Boggy Creek due to recurring flooding in the area. The 1985 Supplemental Appropriations Act authorized USACE to initiate and fund construction of the project. The following year, the City entered into a local cooperation agreement for channel improvement consisting of approximately 1.1 miles of earthen and 1.7 miles of concrete channel. The project was completed in 1991.

Although the civil works project and its working plan addressed the need for flood control measures, it resulted in significantly diminished ecology and degraded environmental quality of the waterway. In addition, over the past two decades, it has proven difficult for the Watershed Protection Department to maintain and operate the channel in its current state. The city is partnering with the USACE to bring the channel back into compliance with the intended flood protection goals and provide mitigation alternatives to protect creek ecology from Jain Lane to U.S. Highway 183 South.

The proposed Boggy Creek Corps Flood Control Channel Ecosystem Restoration project will address ongoing sedimentation and erosion issues in channelized portions of the creek, while incorporating green design elements and nature-based solutions to achieve ecosystem restoration. It includes streambank stabilization, slope enhancements, removal of invasive species, and introduction of diverse native vegetation to rehabilitate the riparian habitat. These modifications will not only improve the overall condition of Boggy Creek while

maintaining flood protection provided by the initial civil works project but will also increase the environmental benefits for the community.

This project was selected as a new start for federal interest determination by the USACE under the Continuing Authorities Program (CAP), Section 1135 of the Water Resources Development Act of 1986, as amended. CAP consists of nine legislative authorities under which the USACE can plan, design, and implement certain types of water resources projects of limited size, cost, scope and complexity without obtaining project-specific congressional authorization. The USACE has approved investing in the project and entering into a Feasibility Cost Sharing Agreement with the City. The total estimated project feasibility study cost is \$600,000, with the City paying \$250,000 plus an additional contingent amount of \$50,000 to cover potential cost overruns, for a total cost to the City not to exceed \$300,000. The project feasibility study will be funded as follows: the USACE will pay the first \$100,000; the USACE and the City will evenly split costs in excess of \$100,000 up to the estimated project total of \$600,000; and in the event of cost overruns, the USACE and the City will evenly split costs in excess of \$600,000, with up to an additional \$50,000 paid by each party.

The Feasibility Cost Sharing Agreement will result in a Project Management Plan and Final Report from the USACE with the possibility of future federal funding of up to \$10 million for construction of the project.