



**DEPARTMENT OF THE ARMY**  
OFFICE OF THE CHIEF OF ENGINEERS  
WASHINGTON, D.C. 20310-2600

REPLY TO  
ATTENTION OF

CECW-P (1105-2-10a)

DEC 30 2003

SUBJECT: Swope Park Industrial Area, Blue River, Kansas City, Missouri

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on the study of flood damage reduction improvements on the Blue River at the Swope Park Industrial Area, Kansas City, Missouri. It is accompanied by the report of district and division engineers. These reports are in response to a resolution adopted September 19, 1984, by the Committee on Public Works and Transportation of the House of Representatives, requesting review of the report of the Chief of Engineers on the Blue River, vicinity of Kansas City, Missouri and Kansas, published as House Document 332, 91<sup>st</sup> Congress, 2d Session, and other pertinent reports, to determine whether any modifications of the recommendation contained therein are advisable at the present time with particular reference to the Blue River from 75<sup>th</sup> Street upstream. Preconstruction engineering and design activities for this project will be continued under the cited authority.
2. The reporting officers recommend a plan which consists of construction of approximately 1,215 meters of reinforced concrete floodwall and approximately 869 meters of compacted earthen levee, as well as construction of an interior drainage system consisting of 1,030 feet of reinforced concrete pipe and a 1-hectare interior storm water retention pond. A rolling-gate closure would be constructed at the existing 75<sup>th</sup> Street entrance to the industrial park. The project also includes fish and wildlife mitigation consisting of planting of hardwood trees along the Blue River Parkway and excavating a small wetland riverward of the levee at a location just upstream of the Swope Park Industrial Area.
3. Based on October 2003 price levels, the estimated first cost of the recommended plan is \$14,987,000. Based on the cost sharing principles specified by the Water Resources Development Act (WRDA) of 1986, as amended by Section 202 of WRDA 1996, 65 percent (\$9,742,000) of the project first cost would be Federal and 35 percent (\$5,245,000) would be non-Federal. Total average annual charges, based on a discount rate of 5.625 percent and a 50-year period for economic analysis, are estimated to be \$946,000, including \$21,000 for operation, maintenance, replacement, repair, and rehabilitation (OMRR&R). The average annual economic benefits are estimated to be \$1,399,000, with net annual benefits of \$453,000.

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The benefit-to-cost ratio is 1.5 to 1.0. The plan is the national economic development (NED) plan.

4. The plan selected by the reporting officers is estimated to be over 90 percent reliable in protecting the Swope Industrial Park and access corridor from a flood which has a 1-percent chance of occurrence in any year (100-year flood) and 64-percent reliable in protecting against a flood with 0.2-percent chance of occurrence in any year (200-year flood). The plan would reduce total expected flood damages from a 100-year flood by more than 92 percent. The project would also reduce the threat to loss of life and reduce health and safety services disruptions. A change in the primary industrial area access from the northwest to the southwest side is consistent with the sponsor's newly developed access plan for the Industrial area. Several features of the plan are designed to minimize effects of the project on the environment, including constructing the floodwall over levee for the most part and aligning the floodwall close to the industrial area and other developed properties. Unavoidable impacts would be fully compensated for by creation of a 0.16 hectare wetland riverward of the levee, selected riparian plantings surrounding the wetland and extending along the left bank of the river for over 1 kilometer, and hardwood trees planted along the Blue River Parkway.

5. Washington level review indicates that the plan recommended by the reporting officers is technically sound, economically justified, and environmentally and socially acceptable. The plan conforms with essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies and complies with other administrative and legislative policies and guidelines. Also, the views of interested parties, including Federal, State and local agencies, have been considered.

6. I concur in the findings, conclusions, and recommendation of the reporting officers. Accordingly, I recommend that flood damage reduction improvements for the Swope Park Industrial Area, Kansas City, Missouri, be authorized generally in accordance with the reporting officers' recommended plan, and with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost-sharing, financing, and other applicable requirements of WRDA 1986, as amended by Section 202 of WRDA 1996. Also, this recommendation is subject to the non-Federal sponsor agreeing to comply with applicable Federal laws and policies, and that it shall be responsible for the following items of local cooperation:

a. Provide a minimum of 35 percent, but not to exceed 50 percent, of total project costs as further specified below:

(1) Enter into an agreement which provides prior to construction 25 percent of preconstruction engineering and design (PED) costs;

(2) Provide during the first year of construction any additional funds needed to cover the non-Federal share of PED costs;

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(3) Provide during construction a cash contribution equal to 5 percent of total project costs allocated to flood control;

(4) Provide all lands, easements, and rights-of-way, including suitable borrow and dredged or excavated material disposal areas, and perform or ensure the performance of all relocations determined by the Federal Government to be necessary for the construction, operation, and maintenance of the project;

(5) Provide or pay to the Federal Government the cost of providing all retaining dikes, wasteweirs, bulkheads, and embankments, including all monitoring features and stilling basins, that may be required at any dredged or excavated material disposal areas required for the construction, operation, and maintenance of the project; and

(6) Provide during construction any additional cash as necessary to make its total contribution equal to 35 percent of total project costs;

b. Grant the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon land that the local sponsor owns or controls for access to the project for the purpose of inspection and, if necessary, for the purpose of completing, operating, maintaining, repairing, replacing, or rehabilitating the project;

c. Assume responsibility for OMRR&R of the completed project, including mitigation features, without cost to the Federal Government, in a manner compatible with the project authorized purposes and in accordance with applicable Federal and State laws and specific directions prescribed by the Federal Government in the operation and maintenance manual and any subsequent amendments thereto;

d. Hold and save the Federal Government free from all damages arising from the construction and OMRR&R of the project and any project related betterments, except for damages due to the fault or negligence of the Federal Government or its contractors;

e. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project to the extent and in such detail as will properly reflect total project costs and expenses incurred pursuant to the project to the extent and in such detail as will properly reflect total project costs;

f. Perform, or cause to be performed, any investigations for hazardous substances as are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Public Law 96-510, as amended (42 U.S.C. 9601-9675), that may exist in, on, or under lands, easements, or rights-of-way necessary for the construction, operation, and maintenance of the project. Except that the non-Federal sponsor shall not perform such investigations on lands, easements, or rights-of-way that the Federal Government determines to

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be subject to the navigation servitude without prior specific written direction by the Government;

g. Assume complete financial responsibility for all necessary cleanup and response costs of any CERCLA regulated materials located in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be necessary for the construction, operation, or maintenance of the project;

h. To the maximum extent practicable, operate, maintain, repair, replace, and rehabilitate the project in a manner that will not cause liability to arise under CERCLA;

i. Prevent future encroachments on project lands, easements, and rights-of-way which might interfere with the proper functioning of the project;

j. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Public Law 100-17, and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way, and performing relocations for the construction, operation, and maintenance of the project, and inform all affected persons of applicable benefits, policies, and procedures in connection with said act;

k. Comply with all applicable Federal and State laws and regulations, including, but not limited to: Section 601 of the Civil Rights Act of 1964, PL 88-352 (42 U.S.C. 2000d) and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army;" and all applicable federal labor standards requirements including, but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 [revising, codifying and enacting without substantive change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*) and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c)];

l. Provide 35 percent of that portion of total cultural resource preservation mitigation and data recovery costs attributable to flood control that are in excess of 1 percent of the total amount authorized to be appropriated for flood control;

m. Comply with the floodplain management requirements of Section 402 of WRDA 1986, as amended (33 U.S.C. Section 701b-12);

n. Do not use Federal funds to meet the non-Federal sponsor's share of total project costs unless the Federal granting agency verifies in writing that the expenditure of such funds is expressly authorized; and

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o. Provide and maintain necessary access roads, parking areas, and other public use facilities, open and available to all on equal terms.

7. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities in the formulation of a national civil works construction program or the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to the Congress, the sponsor (the City of Kansas City, Missouri), the State of Missouri, interested Federal agencies, and other parties will be advised of any significant modifications and will be afforded an opportunity to comment further.



ROBERT B. FLOWERS  
Lieutenant General, U.S. Army  
Chief of Engineers