

## **Appendix F: Received Comments**

U.S. Army Corps of Engineers, Tulsa District  
ATTN: CESWT-PE-E  
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Tulsa, OK 74128-4629  
(918) 669-7660

9/11/08

Attention: Mr. Steve Nolen

Thank you for the opportunity to provide comments and recommendation regarding the proposed Denison Land Conveyance as part of the scoping process under the National Environmental Policy Act (NEPA). Our following comments and recommendations are provided more in depth in the attachments and on our web site [www.citizensforlaketexoma.com](http://www.citizensforlaketexoma.com).

We represent Citizens for Lake Texoma, a volunteer non-profit group of boaters, fishermen, hunters and persons that enjoy recreational activities in the Lake Texoma area. Our main objectives are and have been for several years to protect some of the most beautiful areas of the lake and to complete a comprehensive and in depth Environmental Impact Statement for Lake Texoma that will form a fact based foundation for sound future planning and development for the lake. We consider ourselves to be centrist and support reasonable development and an improved economy for Lake Texoma. We do not endorse development without constraint or environmental extremism.

We understand the U.S. Environmental Protection Agency, Department of Interior/U.S. Fish and Wildlife Service, Corps of Engineers and most other federal and counterpart state and local government organizations have placed a strong emphasis on use of a "Watershed" or systems approach for short and long range planning, development and evaluation of the human environment and natural resources. We are likewise concerned about various areas of the Lake Texoma "watershed", including but not limited to Little Mineral Bay and its pristine eastern shoreline owned, managed and protected by the Corps of Engineers for federal taxpayers including recreational enthusiasts.

We and other Lake Texoma area organizations, businesses and individuals have been advised for several years that the proposed land sales to the City of Denison and similar significant developments on Lake Texoma would require a comprehensive and in depth federally funded EIS for the entire lake to consider all types of cumulative and in depth information and impacts. We strongly supported that Corps action and tried several ways to obtain adequate and prompt federal funding.

We have been recently advised by Corps representatives that the proposed scope of the Denison Land Conveyance Environmental Impact Statement (EIS) will include limited fact finding, analysis and impacts restricted to the boundaries of the proposed property conveyance and only a very small sampling of the cumulative impacts by this and similar developments proposed or underway. The proposed scope of the Denison Land Conveyance Environmental Impact Statement (EIS) will be very seriously degraded and fatally flawed by taking these actions.

That is particularly true since the Lake Texoma EIS has not been updated since 1976, Master Plan (1978) and Shoreline Management Plan (1996) eventhough the official Corps policy requires updating these plans every five years. The Corps is in non-compliance with established headquarters level national policy.

Over thirty years and tens of thousands of cumulative and unrecognized changes have occurred since the EIS was conducted for Lake Texoma in 1976. The potential impacts would have far reaching consequences, resulting in permanent, irreversible changes to the landscape and waters of Lake Texoma.

Updates for all of the above key Lake Texoma plans are based on a comprehensive and in depth federally funded EIS for the entire lake, the federal Clean Air and Water Acts, a long list of other federal and Corps policies, standards and requirements that have not been considered or provided in updated versions of key foundation plans for Lake Texoma. And last but not least, the opportunity for all similarly situated Lake Texoma stakeholders to consider the comprehensive and in depth facts, analysis, alternatives, proposed updated plans and federal actions and opportunity to provide public comments required in NEPA.

The lack of updated prime Lake Texoma plans coupled with the fact that most of the key Lake Texoma Project Office management and staff personnel have or will soon retire or have been permanently reassigned to other geographic Corps duty stations has caused a serious loss of fact based in depth Corps knowledge and years of practical experience on Lake Texoma necessary for sound EIS data collection, analysis and recommendations. The EIS process must meet Corps and NEPA requirements. It is a long intensive process that can be seriously weakened by lack of necessary experienced Lake Texoma personnel and extended temporary duty assignments or extensive telephone coordination. A comprehensive and in depth Lake Texoma EIS is strongly justified to ensure that effective information is obtained, considered and acted upon by stakeholders and decision makers.

Federal actions to buy or lease additional Corps land at Lake Texoma must be halted until a comprehensive and in depth Lake Texoma Supplemental Environmental Impact Statement (EIS) is funded and completed by the federal government (not other parties with actual or potential conflicts of interest) for the entire lake.

We strongly oppose the sale and/or conveyance of the approximately 900 acres of Corps public land along the eastern shore of Little Mineral Bay due to the long list of significant negative impacts and available alternatives identified in the attachments and by input from other stakeholders. One of the primary reasons for our opposition is the proposed use of public shoreline including native forests, fish and wildlife habitat and "affordable" public recreational access predominately for de facto commercial and private use regardless of legal requirements (if any exist in the conveyance documents).

The federal government, because of shrinking resources and political pressures, is turning over key parts of federal reservoir and natural resource management and protection of affordable public recreation to private industry under the facade of privatization. History tells us this could

be a very dangerous path for "affordable" public recreation access, the human environment and the ecosystem.

In the case of the Denison Land Conveyance, the No Action EIS Alternative must be seriously considered and acted upon to honor the Public Trust Doctrine, avoid very serious negative environmental impacts and prevent any new sale, conveyance or lease of dedicated federal recreational land for the proposed project land and waters for other than affordable public recreation and ecosystem protection. Further, to prevent federal and/or local governments' non-compliance with their inherent responsibility to carry out the Public Trust Doctrine on the waters, shoreline and adjacent public recreation or park lands of Lake Texoma. The American public cannot and will not long tolerate the increased gentrification of affordable public recreational lands, special interest legislation and corporate welfare.

Sincerely,

  
Edward Phillips  
Citizens for Lake Texoma

Attachments:

-Ralph Hall Recreation Area/Greenbelt Trail, a Win-Win Alternative

-TPWD letter, 1/25/05, Lake Texoma and Little Mineral Bay (provided as attachment in the Recreation Area/Greenbelt Trail document above)

## Denison Land Conveyance EIS Scoping Comments and Recommendations

Edward Phillips, Citizens for Lake Texoma, 9-11-08

**Federal actions to buy or lease additional Corps land at Lake Texoma must be halted until a comprehensive and in depth Supplemental Environmental Impact Statement (EIS) is funded and completed by the federal government (not other parties with actual or potential conflicts of interest) for the entire lake.**

- The complexity of the proposed projects and their numerous impacts on the human and natural environment would have far reaching consequences, resulting in permanent, irreversible changes to the landscape and waters of Lake Texoma.
- The Lake Texoma EIS must be upgraded to a comprehensive and in depth Supplemental EIS of the entire lake due to cumulative factors and impacts not being considered and U.S Council of Environmental Quality (CEQ) and National Environmental Policy (NEPA) requirements such as but not limited to the letter and intent of, *new circumstances or information relevant to environmental concerns or substantial changes in the proposed action*.
- *\*Significant new circumstances or information relevant to environmental concerns or substantial changes in the proposed action that are relevant to environmental concerns may necessitate preparation of a supplemental EIS following either the draft or final EIS or the Record of Decision (CEQ NEPA Regulations, 40 C.F.R. § 1502.9(c)).*
- The historical and new circumstances and conditions at the Lake Texoma project certainly justify a comprehensive and in depth EIS for the entire lake.
- Failure to promptly complete an in depth and comprehensive EIS for Lake Texoma can have serious consequences for thousands of similarly situated stakeholders.
- The federal and local taxpayers as well as the public have not been adequately informed regarding the ultimate direct and indirect infrastructure and other costs necessary to sponsor or host the proposed development of the federal land. Project publicity has been focused on positive benefits.

Informal responses from Tulsa District Corps representatives indicate that the Water Resources Development Act 2007 legislation directs the Corps to approve a narrow Denison Land Conveyance EIS focused on the proposed Little Mineral land transfer combined with a very limited review of Lake Texoma for cumulative impacts. Funding of the EIS will be provided by the City of Denison, TX and subsequently by the developer despite repeated Corps assurances

that an EIS evaluation of cumulative lake-wide impacts on these types of developments would be required and only use federal funding. A similar methodology will likely be used by the Corps for other large developments around Lake Texoma multiplying exponentially the unknown impacts around the lake.

The proposed seriously constrained Denison Land Conveyance EIS scope appears to be designed to circumvent normal NEPA and EIS processes for these types of conditions and gain quick and easy approval of the proposed developments around the lake at minimum cost and time to the Corps and large developers. The proposed scope provides inadequate collection, evaluation and analysis of cumulative and in depth facts lake-wide and inadequate information to the Corps, other government agencies, other professionals and the public to make informed decisions regarding Lake Texoma now and in the future. As a result the public and other similarly situated stakeholders will not be provided adequate consideration of alternatives, impacts and consequences normally provided in an in depth and comprehensive EIS for the entire lake.

**Critical Corps of Engineers Lake Texoma documents have not been updated every five years as required by Corps policy. The last Corps Lake Texoma updates are; EIS (1976), Master Plan (1978), Shoreline Management Plan (1996).**

- The Corps is in non-compliance with established headquarters level national policy.
- Federal decisions regarding Lake Texoma are fatally flawed since they do not comply with Corps policy and other federal laws and statutes such as but not limited to the Clean Water Act, Clean Air Act and National Environmental Policy Act (NEPA).
- The EIS, Master Plan and Shoreline Management Plan documents must be updated for Lake Texoma due to severe lack of current and comprehensive information for planning, operations, evaluation of proposals and alternatives and decision making of the Corps and other agencies and stakeholders.
- Key Lake Texoma organizations have signed recent resolutions requesting the Corps to complete a comprehensive update to the EIS, Master Plan and Shoreline Management Plan and requested expedited federal funding.
  - Lake Texoma Advisory Committee comprised of representatives from Oklahoma, Texas, Arkansas and Louisiana
  - Red River Valley Association comprised of representatives from Oklahoma, Texas, Arkansas and Louisiana.
  - Lake Texoma Association
  - Citizens for Lake Texoma
- Other federal, state and local agencies have also requested comprehensive and in depth updates for the three Lake Texoma documents.

- The Corps has repeatedly stated that they do not have adequate funding to complete the Lake Texoma EIS and other updates that they quoted as costing approximately \$3 million for the EIS alone.
- The Corps has repeatedly stated that adequate federal funding is required for a comprehensive and in depth EIS for Lake Texoma. They repeatedly stated that non-federal funding is not acceptable in-lieu-of federal funding for the large and multiple Lake Texoma developments. Yet, the Corps budgets have included very few EIS funding requests over the years for Lake Texoma.

**The Lake Texoma EIS should include but not be limited to;**

- Human Environment ( such as “affordable” public boating and land side recreation lake access and use, boating, fishing, hunting and all types of outdoor activities, health benefits of outdoor recreation, economic impacts)
- Air Quality and the Clean Air Acts
- Clean Water Act/Waters of the U.S.
- Cultural Resources
- Endangered and Threatened Species
- Environmental Justice
- Essential Fish Habitat
- Fish and Wildlife Coordination
- Floodplain Management
- Invasive Species
- Migratory Birds
- Natural Areas
- Prime and Unique Farmlands
- Riparian Areas
- Scenic Beauty
- Wetlands

**Examples, but not limited to, missing or obsolete Lake Texoma information causing serious lack of current information for planning, operations, evaluation of proposals and alternatives and decision making of the Corps and other agencies and stakeholders.**

- Lack of current and comprehensive Lake Texoma data base and information in order to comply with NEPA, Clean Water and Air Acts, Corps of Engineers and other federal and laws, statutes, policies and standards.
- Long-term lack of adequate factual information regarding the EIS factors listed above.
- The Lake Texoma EIS, Master Plan and Shoreline Management Plan provide a sound and balanced user approach to the use and protection of Lake Texoma waters and land. For example the Master Plan provides land classifications (zoning) for balanced public and private/commercial use of different areas along the lake shoreline. Sale and loss of the Master Plan zoning consideration will have serious negative impacts that will not be considered around the lake in the proposed limited EIS scope.
- Lack of current and accurate (GIS based) land surveys and maps around the lake to provide adequate Corps and public information required for:
  - Effective management and classification of land use (zoning), planning, and land use compliance.
  - Resolution and/or prevention of boundary disputes.
  - Preventing repeated boundary and vegetation control non-compliance issues and significant and sometimes irreversible damages to the environment and fish and wildlife habitat.
- Lack of cumulative impact information on Lake Texoma identified by professionals.
  - The Corps frequently permits actions such as clearing of vegetation, docks, leases for marinas and concessions, donating, selling or leasing lands, easements for pipelines, encroachment of private buildings, and other relatively small projects that cumulatively impact habitat at Corps projects.
  - Lands previously available for public uses such as camping, hiking, hunting, and fishing frequently then become unavailable to the general public. Often little or no mitigation is implemented for many of these actions.
  - The Corps continues to address the impacts of these small projects individually rather than cumulatively and rarely determines the effects to be anything but insignificant.
  - The Corps even considers many such actions to be exempt from the National Environmental Policy Act (NEPA) and does not allow the public and other stakeholder organizations to review and comment on these actions.
  - Such an approach violates the intent of NEPA and other federal statutes.

- The potential cumulative effects related to out-grants, transfers, permits, leases, and other land use issues on Corps land must be addressed and meet NEPA, Corps and other federal requirements.
- Over thirty years and tens of thousands of cumulative changes have occurred since the EIS was conducted for Lake Texoma in 1976 and clearly justifies conducting a comprehensive and in depth EIS for the entire lake.
- An informative federal cost vs benefit study and assessment of the proposed Denison Land Conveyance has not been provided to inform stakeholders and decision makers since the land conveyance has been mandated by special interest federal legislation. How are the public and taxpayer interests considered and protected?
- Lack of current “public” and intergovernmental information regarding lake surface and underwater surveys and mapping such as Lake Texoma 1 to 5 foot contours, bottom profiles and impacts of past, current and future sedimentation.
- Long term planning, evaluation and analysis of siltation, volumetric studies and other effects on the overall and specific areas of the lake as well as the impacts on the project primary purposes; flood control, hydroelectric power generation, water supply, recreation as well as the ecosystem.
- In depth, current and comprehensive economic baseline study of Red River, Washita and their tributary inflows into Lake Texoma and the proposed and completed “cumulative” impacts of ;
  - Proposed and completed multiple Red River Chloride Control Projects.
  - Excessive chloride and water removal from the Red River, its tributaries and Lake Texoma impacts due to multiple causes such as but not limited to chloride control, and reallocation of water from hydroelectric to municipal, agricultural and industrial water use.
  - Multiple state concerns affecting the Red River Compact and other interstate agreements and plans such as minimum environmental, economic and navigation flows of the Red River and lake levels of Lake Texoma.
    - Cumulative lake-wide impacts of losing federal management and classification of lake shore area land use due to sale of federal land to state, local and/or private interests normally provided in current Corps Master and Shoreline Management Plans.
      - For example, some adjacent lake counties do not have current and approved ordinances and/or FEMA land use and flood plain maps and restrictions to manage individual housing, structures, or major developments and shoreline protection on existing and future lakeshore areas. Unnecessary and expensive future flooding, damages and litigation can be expected for residences, other structures and the environment.

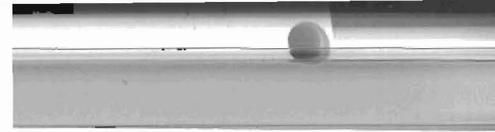
- Cumulative land sales and multiple local and county jurisdictions will create a patch work of inconsistent zoning and land use around the lake.
    - Affordable public tourism, recreation, and access can be severely affected as well as the entire lake ecosystem.
  - Cumulative lake-wide impacts of approving sale and/or conveyance of federal lands down to the 619 msl elevation instead of maintaining the federal land boundary at the critical and historical 645 msl or FEMA 100-year flood plain level. For example, sale of federal land below the 645 level will in effect encourage or allow eventual removal, thinning, modification or replacement of natural shoreline terrain, vegetation, fish and wildlife habitat and essential environmental buffers from onshore developments.
  - The Lake Texoma Conservation Pool elevation is 617 msl. The Seasonal Pool varies from 619 msl (the upper limit of the Seasonal Pool) down to a 615 msl lake water elevation.
- The only good public beaches in or near Little Mineral Bay with enough water for boaters to pull up on and enjoy are along the undeveloped eastern shoreline. Everything else is church, marina, school or posted private access to any decent beach causing de facto blockage of affordable public access. Island View Beach on the west side of Preston Peninsula could be helpful but it's closed. If the Corps public land along Little Mineral Bay's eastern shore is sold, the only public sand beaches from the Texas side of the lake for "affordable" public access will be in Oklahoma. The remaining public access beaches in Oklahoma are significantly reduced since several highly desirable Corps public beaches such as in the Lake Texoma State Park are being sold to large developers.
    - According to Corps information, Lake Texoma has over 6 million visitors a year. The majority travel to the lake for "affordable" access to federal public recreational land and waters.
    - If the proposed Denison Land Conveyance is approved, all of the land and beaches to the waters' east edge at 619 msl along the eastern shoreline of Little Mineral Bay will belong to the City of Denison, TX and/or Schuler Development.
    - One of the main objectives of the proposed development is to establish "upscale" condos, hotels, golf courses and a yacht club with extensive boat slips. They propose that the public will have access to most of these facilities constructed on prior Corps public shoreline land. But, in practice the facility access or use fees, memberships, etc. will soon be far above "affordable" and recurring public access for modest and even middle income families. Individuals that formerly used the federal public use areas will be significantly limited and de facto affordable public access restrictions will occur.

- Lack of effective initial, periodic ongoing, draft and final draft EIS professional peer reviews and coordination are essential even if the proposed project(s) do not meet federal financial thresholds.
- Effective peer reviews are essential due to the complexity of the proposed projects and their numerous impacts on the human and natural environment. The potential impacts would have far reaching consequences, resulting in permanent, irreversible changes to the landscape and waters of Lake Texoma.

### **EIS Alternatives for consideration**

**The federal government, because of shrinking resources, is turning over key parts of federal reservoir and natural resource management and protection of affordable public recreation to private industry. History tells us this could be a very dangerous path for the human environment and ecosystem.**

- The No Action EIS alternative must be considered and acted upon due to the serious and negative impacts of the proposed Denison land conveyance and cumulative negative impacts of several other developments around the lake.
- Several examples of negative environmental impacts and alternatives are provided in the attached briefing “Ralph Hall Recreation Area/Greenbelt Trail, a Win – Win Alternative”.
- Planting hundreds of nursery or privately grown trees on private or shoreline development land to mitigate significant removal of proposed native shoreline vegetation, forests and habitat along the 900 acres of Corps shoreline land is not acceptable due to the significant negative impacts.
- Establishing a new Corps/local government/private funded gun range may be useful to the area but possibly using it to offset loss of hunting land is not an acceptable mitigation to the loss of hundreds of acres of prime native shoreline hunting land and abundant deer, turkey and other wild game.
- Use of federal funds to enhance or incentivize development of the proposed private/commercial and/or City projects or provide mitigation of negative impacts on federal land and waters is not acceptable from a federal taxpayers standpoint.
- Approval of the proposed and attached briefing “Ralph Hall Recreation Area/Greenbelt Trail, a Win – Win Alternative previously presented to Corps, City of Denison, TX, Grayson County Commissioner and City of Pottsboro, TX representatives is recommended as an alternative to the proposed Denison Land Conveyance project.



- Use adjacent marinas in Little Mineral Bay and numerous local golf courses for residents and customers of the proposed development as an alternative to constructing boat houses, boat slips and golf courses on federal land.
  - We already have 22 marinas (with a large number of boat slip vacancies) around Lake Texoma with supposedly protected area concessions/franchises from the Corps, thousands of private boat slips, and scores of golf courses.
  - Why should the City of Denison, TX and their highly favored developer receive special interest federal legislation and treatment, a gift of valuable and scarce untouched lakeshore public land and waters and as well as profits from public property?
  - Why doesn't the City of Denison, TX and/or the developer use the several existing nearby marinas and hundreds of boat slips in Little Mineral Bay for their boaters, utilize several existing golf courses or build golf courses on their own private 2,000 acres?
  - Several existing marinas are less than 3 miles away from the proposed project with several hundred boat slips. Adding approximately 100 to 200 boat slips in the proposed project will jeopardize the long-range individual or cumulative economic viability of the Little Mineral Bay marina concessions/franchises from the Corps.
  - Constructing a marina and/or boat houses in Little Mineral East Cove will cause significant environmental damages to fish and wildlife habitat. Considerably more damages will occur if dredging or bulkheading of the shallow cove is approved.
  - The Texas Department of Parks and Wildlife Inland Fisheries Director has already raised very serious natural resource issues regarding proposed actions in this and other areas of Lake Texoma in his letter of 1/25/05 (copy attached).
- Lake Texoma has encountered heavy siltation in the main body of the lake and particularly in coves and bays for several years. Boat houses inhibit the natural wind and water currents that provide a natural flushing action to coves and bays increasing the progress of silt formations. Proposed boat houses and slips should be considered for negative environmental impacts in pristine and undeveloped areas. Boat houses and increased siltation also decrease the amount of public preferred water and beach areas in native undeveloped coves.
- The highest and best public use of the linear 900 acres of Corps land along the eastern shore of Little Mineral Bay could be part of a nature preserve or state park.

- Greenbelt Trail – proposed alternative is provided in the attached briefing “Ralph Hall Recreation Area/Greenbelt Trail, a Win – Win Alternative”.
- The State of Texas is considering establishing a major new “Regional” Texas State Park close to the Dallas/Ft. Worth metroplex that will include several thousand acres of recreational facilities.
  - A major new and enhanced State Park in the Denison, Sherman and Pottsboro area can provide a substantial increase in regional tourism, recreation, environmental and economic benefits to the area.
  - Use the existing 423 acre Eisenhower Texas State Park and additional Corps land under lease consideration.
  - Add Corps 900 acres tract of pristine public land and waters along the Little Mineral eastern shoreline as it is or as a Greenbelt Trail as proposed in the attached briefing “Ralph Hall Recreation Area/Greenbelt Trail, a Win – Win Alternative”.
  - Purchase and/or lease additional federal and private contiguous or close by land for expanded new and expanded Regional Texas State Park.

### **Public Trust Doctrine**

*Trust: an arrangement whereby a person (a trustee) is made the nominal owner of property to be held or used for the benefit of one or more others.*

For the first hundred, or so, years of America’s history public trust doctrine litigation and legislation generally tended to focus on providing for the public use of waterways for commerce, navigation, and fisheries; a consequence of the mandates established by Emperor Justinian. Court rulings at both the federal and state levels - and legislation including the relatively recent federal Endangered Species, Marine Mammal and Environmental Protection Acts - over the last 150 years, or so, added hunting. In recent years courts have added swimming, recreational boating, **and preservation of lands in their natural state** in order to protect scenic and wildlife habitat values as codified elements of the public trust doctrine.

In 1892, the Supreme Court declared that the "Sovereign Lands" of a state are held in trust by the State for all present and future generations, and that such land may not be sold for development incompatible with uses covered by the Public Trust Doctrine. In this and a very long list of Public Trust Doctrine cases and papers the state responsibility continues from the

common law source. Park or recreational land can be included particularly when adjacent to and directly associated with bodies of water.

**The landmark California Mono Lake case clears up some of the Public Trust Doctrine ambiguity.** In earlier court cases, particularly *Marks v. Whitney*, the public trust doctrine had been understood to protect more than simply public access to certain resources; **it also protects recreation, aesthetic values, and ecology.** This interpretation was reinforced by the Mono Lake decision.

**How can we save our public heritage for the future when our government acts like everything is up for sale to the highest bidder?** Fortunately our laws have always recognized that some things are so important that they are not for sale like other property. In fact, the public itself is the owner of some particularly valuable resources. This enhanced legal protection comes in the form of the public trust doctrine, a time-tested set of legal principles based on the idea that certain resources are managed by the state for the benefit of present and future generations of the state's people. The public trust doctrine is found within each state's laws and it enables the public not only to reclaim certain resources for public use, but also to redirect development on a more sustainable path. Cautionary mechanisms are in place to shield these assets from the temporary economies of short-term development. The problem is that most people and many public agencies are simply unaware of their rights and responsibilities under this legal framework and it is only rarely enforced. We aim to raise the profile of the trust in contemporary development debates and encourage public trustees to live up to their duties.

**The public trust doctrine has served many times throughout our history to help our management institutions regain balance in situations where pure market forces have threatened long term public values.** The law protects more than mere public access to trust resources for present and future generations; it creates stewardship responsibilities for trustees and protects a public decision-making zone where public choices are made. Hard as it may be to believe, in many cases we already have the tools we need to make responsible decisions. But our communities and leaders have yet to learn about them. (the Public Trust Alliance and other sources)

### **Public Trust Action**

Federal, state and local legislators and officials have the Public Trust stewardship responsibility for federal, state and local lands at Lake Texoma and it is our obligation as citizens to take action to ensure that they carry out their duties and responsibilities, provide full disclosures and keep the public effectively involved in proposed transactions and decision making processes.

**In the case of the Denison Land Conveyance, the No Action EIS Alternative must be seriously considered and acted upon to honor the Public Trust Doctrine and prevent any**

**new sale or lease of dedicated federal recreational land for the proposed project. Further, to prevent federal and/or local governments' non-compliance with their inherent responsibility to carry out the Public Trust Doctrine on the waters, shoreline and adjacent public recreation or park lands of Lake Texoma.**

The Public Trust Doctrine can be applied retroactively.

### **User and Other Environmental Considerations**

Major developments along the shores of Little Mineral Bay must be closely evaluated for the entire Bay and on Lake Texoma to assess environmental impacts such as, but not limited to water quality and supplies, swimming, fish and wildlife.

The shoreline property owned by the Corps of Engineers, particularly on the eastern shore and southern half of Little Mineral Bay has served as an “essential environmental buffer and habitat” for thousands of wildlife, fish and marine life since Lake Texoma was constructed in the 1940's. This Corps land has been used for years by hunters, fisherman and boaters.

The woods, open grassy fields and several old gravel pits along Little Mineral's eastern shore provide critical cover and habitat for wild life. The nearby lake provides drinking water and unimproved shoreline habitat. Wild deer, turkey, ducks, quail, and other wild life are also plentiful in the unimproved Little Mineral area.

Hunters, wild life photographers, hikers and other people enjoy the outdoor recreation the area provides. This quality of wildlife resources and land are rapidly disappearing and should be protected for future generations.

The coves and shoreline in this area of Little Mineral are choice spawning grounds for several species of fish and other marine life in the food chain.

Boaters and their families and friends love the sheltered coves and natural beaches for swimming, boat camping and just relaxing from their normally busy lives. The coves provide safe sanctuary in storms and overnight stays.

Other nearby Lake Texoma deep water coves along the highly desirable cliff areas of Lake Texoma have been filling up with new boat houses, slips and mooring buoys preventing use of public beaches, fishing areas and safe sanctuary increasing the cumulative impacts.

The Corps land along the Little Mineral shores can and must be preserved and still used for low density public recreational activities such as hiking, primitive camping, wildlife observation, biking, photography, hunting, or similar activities.

## **Related Plans Dependent on the Lake Texoma EIS**

**The Environmental Impact Statement (EIS) for the entire lake is an essential link and first step in the critical path to update the Corps Master Plan and Shoreline Management Plan and related federal, state and local plans and decisions.**

The following are example plans to indicate planning relationships and do not include a complete list. A large number of plans rely on information and planned actions identified in the Corps of Engineers plans. Conversely, changes in related plans should be updated and reflected in the Corps plans every five years according to their own regulations.

**These plans provide key information to decision makers at all levels.**

### **U.S. Government Plans**

- **U.S. Army Corps of Engineers (USACE)**
  - Master Plan: Status - last updated 1978, waiting on EIS and Corps funding
  - **Environmental Impact Statement (EIS) for entire federal Lake Texoma area: Status - last updated 1976, waiting on Corps funding**
  - Shoreline Management Plan: Status - last updated 1996, waiting on EIS and Corps funding
- **U.S. Environmental Protection Agency (EPA)**
  - Lake Texoma Watershed Plan
  - Environmental plans
    - Fresh and waste water management
    - Environmental protection plans
    - Hazardous materials
    - Petroleum spill recovery plans
- **U.S. Fish and Wildlife Service (FWS)**
  - Lake Texoma Watershed Plan for fish and wildlife
  - Hagerman National Wildlife Refuge
  - Tishomingo National Wildlife Refuge

- **U.S. Department of Transportation (DOT)**
  - Regional transportation plans
  - Bridges
  - Hiking and biking trails
- **U.S. Department of Homeland Security (DHS)**
  - Emergency preparedness plans
    - □ Natural disasters
    - □ Civil defense
  - Emergency communications
  - Security of federal assets
  - Support of state, county and local authorities
  - U.S. Coast Guard and Coast Guard Auxiliary
    - Boating and Water Safety
    - Navigation
    - Petroleum spills
- **U.S. Geological Survey**
- **Oklahoma and Texas State**
  - Tourism, Recreation and Economic Development Plans (OK and TX)
  - Environmental (DEQ and TCEQ) Plans
  - Fish and Wildlife (OK Dept. of Wildlife, TX Parks and Wildlife Dept.)
  - Environmental (OK Dept of Env. Quality, TX Commission on Env. Quality)
  - Water (OK Water Resources Board, TX Water Development Board)
  - Transportation (OK and TX)

- **City, County and Tribal Plans**

Types of plans usually mirror most state organizations and provide more detailed plans

- Public law enforcement, fire and safety services
- Building and flood control plans and ordinances
- Tribal Plans
- Chambers of Commerce
- Tourism and Economic Development

- **Business Plans**

- Large and medium business plans
- Small and sole proprietor business plans

- **Individual Plans**

- Recreation and tourism
- Quality of life for work and play
- Jobs in area
- Permanent residence
- Retirement

# ***Ralph Hall Recreation Area/Greenbelt Trails***

## ***A Win – Win Alternative***



# Congressman Ralph Hall Dedication

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- We have a limited opportunity to dedicate a Recreation Area for a distinguished Congressman, Ralph Hall.
- The Ralph Hall Recreation Area and Greenbelt Trails proposal can be mutually beneficial to several interested parties and the public.
- Lake Texoma is a dynamic engine for tourism that generates jobs and economic benefits for thousands of local and regional individuals and companies.
- The Fourth Congressional District of Texas includes the south shore of Lake Texoma from Denison to Gainesville, Texas.
- Congressman Hall has represented his 4th District constituents and country well since 1980 as a member and leader of several key House Committees.
- During his distinguished career, Congressman Hall has maintained a good balance of concern for the district economy, businesses and for family oriented hunters, fisherman, boaters and others that enjoy outdoor recreation.
- It is altogether fitting and proper that the citizens of the United States and Fourth Congressional District recognize Congressman Ralph Hall's life long contributions by designating one of the most beautiful areas of Lake Texoma in his honor.

# Recreation Area/Greenbelt Trails Proposal

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## Designate a Recreation Area/Greenbelt Trail in honor of Congressman Hall

- The U.S. Army Corps of Engineers owns over a thousand acres of unimproved public land within the proposed area described on the Little Mineral Bay map.
- The Corps property has served as an “essential environmental buffer and habitat” for thousands of wildlife, fish and marine life since Lake Texoma was constructed in the 1940’s.
- This Corps land has been used for years by hunters, fisherman and boaters.

## Why Preserve This Area?

- The woods, open grassy fields and several old gravel pits along Little Mineral’s eastern shore provide critical cover and habitat for wild life.
- The nearby lake provides drinking water and unimproved shoreline habitat. Deer, wild turkey, ducks, quail, and other wild life are also plentiful in the unimproved Little Mineral area.
- Hunters, wild life photographers, hikers and other people enjoy the outdoor recreation the area provides. This quality of wildlife resources and land are rapidly disappearing and should be protected for future generations.

# Recreation Area/Greenbelt Trails Proposal – cont'd

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- The coves and shoreline in this area of Little Mineral are choice spawning grounds for several species of fish and other marine life in the food chain.
- Boaters and their families and friends love the sheltered coves and natural beaches for swimming, boat camping and just relaxing from their normally busy lives. The coves provide safe sanctuary in storms and overnight stays.

## Options For Consideration

- The Corps land along the Little Mineral shores can be preserved and still be used for low density public recreational activities such as hiking, primitive camping, wildlife observation and photography, hunting, or similar activities.
- Other possibilities include use as a greenbelt corridor/ bicycle trail with very limited and low-density compatible improvements.
- The U.S. Army Corps of Engineers land that borders the shoreline can be designated as a Recreation Area and Greenbelt Corridor/Trail.
- This land can be utilized as it is currently zoned by the Corps for Recreation – Low Density [reference Corps of Engineers Planning document EP 1130-2-550, paragraph 3.5g(5)(a)].

# Recreation Area/Greenbelt Trails Proposal – cont'd

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- The terrain, dimensions and zoning of the Corps lakeshore property will determine the types of trails that may be established. The types of trails can vary from basic dirt or small aggregate surfaces up to paved asphalt trail areas.
- Linear parks or linkages are usually developed around a natural resource such as a creek, river or lakeshore.
- Not only can a linear park/linkage system preserve valuable natural environmental buffers and essential natural wildlife habitats, it can provide:
  - a natural environment for walking, jogging, and bicycling trails
  - a transportation corridor linking communities and recreational areas
  - a variety of passive recreational opportunities all free or relatively free from automobile interference

## Other Examples and Considerations

- An example of a Greenbelt Corridor and Linear Park exists from the Lake Ray Roberts dam at Sanger, Texas along the Elm Fork of the Trinity River down to Lake Lewisville (copy attached).
  - The Greenbelt Corridor includes a walking, hiking, bicycling and a parallel equestrian trail.
  - The Corps of Engineers provided the capital trail improvements and the Texas Parks and Wildlife Department operates and maintains the trails.

## **Recreation Area/Greenbelt Trails Proposal – cont'd**

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- The Corps would continue to manage the federal property as they do now with the same zoning and no significant change in their budget requirements other than trail capital improvements.
- The Texas Parks and Wildlife Department will be requested to operate and maintain all or part of the proposed trail system and Recreation Area on Little Mineral Bay similar to the Greenbelt Trail below Lake Ray Roberts. Additional TPWD funding would be necessary.
- The Dallas and Fort Worth area has constructed an extensive regional Trinity Trail System for biking and walking that encompasses the DFW area and will extend up to the Willis Bridge on Lake Texoma. (Map provided).
- The proposed Recreation Area can include a related Texoma Trail System that connects the Trinity Trail System to the Ralph Hall Recreation Area and on across the Denison Dam to Oklahoma.
- The Texoma Trail System can connect to points all around Lake Texoma.
- The Ralph Hall Recreation proposal can include the Texoma (or Ralph Hall) Trail System as part of a long range improvement plan for 4th Congressional District constituents and economic development for the Lake Texoma businesses.

## **Recreation Area/Greenbelt Trails Proposal – cont'd**

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- Federal and state grants and local participation can provide financial support.
- All of these low-density recreational uses provide meaningful alternatives to the high density level recreational activities currently under consideration.

# Little Mineral Bay Environmental Considerations

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- Several current and near term environmental impacts must be considered in order to continue to use the bay for swimming, fishing, marine and wildlife habitat and fresh water intakes.
- The west side of Little Mineral Bay has been highly developed with several marinas, several housing sub-divisions and high density recreation areas.
- Little Mineral Bay is relatively shallow (less than twenty-feet deep) in the southern quarter of the bay.
- The Little Mineral Bay has a significant problem with a high number of overloaded and antiquated shoreline septic tanks, an overloaded Pottsville sewage treatment plant and other negative environmental impacts.
- The treated waste water is discharged into Little Mineral Creek that runs into the southern end of Little Mineral Bay.

## **Little Mineral Bay Environmental Considerations – cont'd**

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- A Waste Water Treatment Study under consideration by Pottsboro and Denison recommends joint expansion of the existing Pottsboro plant from 350,000 gallons per day of treated waste water discharged into Little Mineral Bay to 1 million gallons per day (MGD) by 2007 and 2 MGD by 2009 to accommodate the proposed new subdivisions in Tanglewood and the Denison/Schuler Preston Shores development.
- Discharge of high levels of treated waste water can cause serious environmental problems for Little Mineral Bay such as excessive nutrients, oxygen depletion and chlorine effects on fish and marine life in concentrated areas.
- Major developments along the shores of Little Mineral Bay must be closely evaluated for the entire Bay and on Lake Texoma to assess the environmental impacts.
- Retention of the Corps shoreline land as an environmental buffer and wildlife habitat around the proposed Recreation Area is essential to protect the future of Little Mineral Bay and Lake Texoma.
- The Texas Parks and Wildlife Department has stated very clearly that they strongly object to the negative environmental impacts that could be experienced with the current development proposal. A copy of their letter to the Corps of Engineers is attached.

## Win-Win Alternative

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- The City of Denison will be a winner with this alternative, since the City can still gain a new Schuler Development sub-division with expensive homes and condos to create construction jobs and significantly increase the tax base.
- If the City of Denison withdraws their sponsorship of using Corps property for golf courses, a yacht club and other improvements, Schuler Development will not be able to proceed with their current proposal for use of Corps land.
- This alternative will give the new home and condo owners in the proposed Schuler Development and other new subdivisions in the area access to the unspoiled woods, deer and other wildlife, as well as several miles of prime hiking and biking trails, lake shoreline, beaches and coves which are highly prized by most home owners.

### **Existing Services Are Within Minutes**

- The Denison Country Club and golf course is available and is less than three miles away with adequate capacity to absorb the new home owners. Other golf courses are available within ten miles. Of course, the developer could also construct a golf course on their private land if it is considered to be an essential part of their development.
- Grand Pappy and several other full service marinas, boat launching ramps and boat slips are available and have more than adequate vacancies for all sizes of boats that the new condo or home owners might want to use.

## Win-Win Alternative – cont'd

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- These benefits will be very attractive features for selling lots and homes.
- The nearby facilities with nice amenities are already in place with no capital improvement costs that would be passed on to the new sub-division home owners in their initial purchase price.

### **Dedication of this land will be attractive to local and regional people and with City, County and District voters if presented properly**

- It can also help resolve the escalating conflict between Schuler Development and hunters, fishermen, boaters and local/federal taxpayers over use of federal land primarily for private use and benefit.
- The City of Denison, Grayson County and other lake area communities and businesses can gain the use of a significant Recreation Area and Greenbelt Trails with minimum investment.
- The City of Denison can avoid unnecessary financial risk and long-term liabilities of having the primary responsibility for operating and maintaining the golf courses, yacht club and other infrastructure related to the Corps owned property.
- The City can avoid sponsoring the loss of valuable deer herds, wildlife and hunting land, environmental buffers and boating/fishing areas in order to build golf courses and boat houses/slips used primarily for private purposes on federal public land.

# Win-Win Alternative – cont'd

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## Many Benefits Will Be Realized

- People travel locally and from all over the nation to enjoy the beauty and outdoor recreation provided by Lake Texoma and dedicated federal areas such as the Little Mineral arm of the lake.
- Tourism is vital to the entire Lake Texoma area including Denison businesses and individuals.
- Hiking and biking trails have become a very desirable recreational activity for nearby and area residents and tourists with the emphasis on exercise and lower-cost/lower energy use family recreation.
- *These recreational activities contribute greatly to the economy of the entire lake area and overshadow the economic benefits gained by one developer using Corps land along these critical environmental areas.*
- The Ralph Hall Recreation Area/Greenbelt Trails proposal provides a unique win-win opportunity to honor a distinguished Congressman.
- It also provides valuable benefits for the City of Denison, Grayson County and federal taxpayers and outdoor enthusiasts to save valuable natural resources and provide a beautiful shoreline area for future generations.

## Next Steps and Potential Funding

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- The City of Denison is invited to join in honoring Congressman Ralph Hall, an outstanding and long standing North Texas Representative.
- Request that the City of Denison consider the win-win Ralph Hall Recreation Area/Greenbelt Trails alternative which makes more sense in the short and long term than the Schuler Development proposed use of the federal shoreline property.
- Some funds may be available to honor Congressman Hall and to purchase part of the Schuler Development land or an easement along the shoreline to slightly expand the dedicated Recreation Area/Greenbelt Trail.
- Partial funding may expedite subdivision plans and infrastructure improvements such as sewage treatment plant expansion or site preparation.
- Request the City of Denison to consider withdrawing their sponsorship and proposal to the Corps of Engineers for the use of the Corps land for golf courses, yacht clubs and other purposes.
- Gain the active support of Grayson County, Pottsboro, Texoma Council of Governments, Lake Texoma area businesses, organizations and the public for the Ralph Hall Recreation Area/Greenbelt and Texoma/Ralph Hall Trail System.

## Next Steps – cont'd

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- Continue with application to the Corps for a Recreation Area/Greenbelt Trails honoring Congressman Hall and gain their support to provide the capital improvements for the proposed Recreation Area and Greenbelt Trails.
- Establish an agreement with Texas Parks and Wildlife Department and gain their sponsorship to operate and maintain the proposed Recreation Area and Greenbelt Trails particularly on designated Corps property.
- Obtain federal and state grant funds for the proposed areas and trails.

# Attachments & Maps

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- **Attachments**

- Texas Parks and Wildlife Department Letter to Corps regarding Little Mineral Bay
- Greenbelt Corridor, Lake Ray Roberts to Lake Lewisville
- Texoma Trail System – Conceptual Proposal

- **Maps**

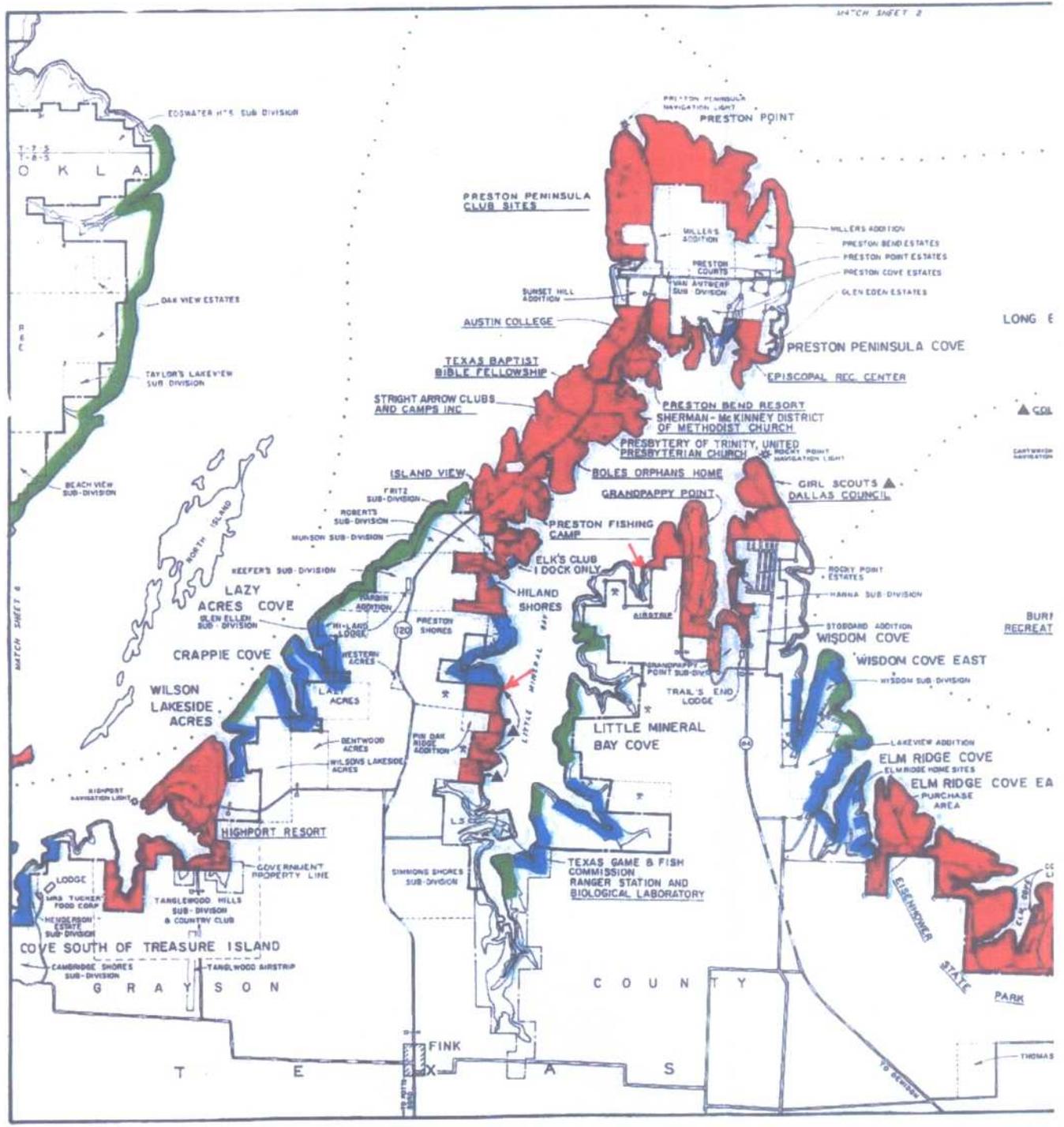
- Little Mineral Bay with the proposed Recreation Area, Greenbelt Trails and proposed Corps land
- Schuler Development maps (not attached)
- Lake Texoma area with proposed regional trails
- Grayson County Tax Appraisal Property Maps 11, 22 and 26 for the eastern and southern shores of Little Mineral Bay (not attached)

Ralph Hall Recreation Area

and

Greenbelt Trails

Attachments



LONG E

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RECREAT

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STATE

PARK

THOMAS

TO

ROAD

January 25, 2005



Mr. Ron Jordan  
Lake Texoma Area Office  
U.S. Army Corps of Engineers  
351 Corps Road  
Denison, Texas 75020-6425

Re: Lake Texoma Shoreline Management Plan

- COMMISSIONERS
- JERRY B.C. FITZGERALD  
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SAN ANTONIO
  - LEE M. BARR  
CHAIRMAN-EMERITUS  
FORT WORTH
  - ROBERT L. COON  
EXECUTIVE DIRECTOR

We appreciate the opportunity to provide comments on the Lake Texoma Shoreline Management Plan (SMP). As the agency responsible for protecting and managing the fish and wildlife resources of Texas, and for providing quality public access to those resources, Texas Parks and Wildlife Department (TPWD) staff is concerned about activities that may have detrimental effects on public natural resources. There is currently considerable pressure on portions of the lake and shoreline from existing and proposed development, and recreation access and demographic trends indicate that this pressure will only increase. It is important that the lake and adjacent shoreline areas continue to be managed to provide good quality habitat for fish and wildlife populations and esthetic opportunities to support the activities of sportsmen and recreationists. Public access to those resources should be provided by means that are not detrimental to the resources.

The current SMP allocates the lake shoreline into different classifications that provide a range of intensity of public access and protection for natural resources. TPWD encourages the Corps of Engineers to at least maintain current levels of classifications of protected and esthetic areas and to strictly enforce existing classifications. Proposed changes of shoreline classification or development on public lands should require public input and coordination with appropriate state resource agency(ies) as part of the completion of an Environmental Impact Statement.

Consideration should be given to returning protected status to important habitat areas that are currently classified for limited development. Development and vegetation alteration within and adjacent to the lake adversely affect fish and wildlife habitats, water quality, and the ability of the public to freely access the shoreline by trail or boat. Higher intensity recreation infrastructure like parks, golf courses, or private boathouses, such as have been proposed in the vicinity of Grandpappy Point for example, would have significant adverse impacts that could be avoided by implementing a protected shoreline classification.

In addition to terrestrial habitat and water quality impacts from this kind of development, TPWD staff is concerned about the direct and cumulative adverse impacts from continued construction of new private boat docks. While private boat docks are governed by the same rules as commercial boat docks regarding fuel and sewage handling, they are already too numerous for much more than casual inspection. Construction of private boat docks also has direct adverse impacts to on-shore and near-shore fish and wildlife habitats and the stability of the shoreline. Due to the shallowness of some coves, such as Little Mineral Cove East, dredging would be required to access private docks. The erodible nature of soils in the area may also require bulkheading to stabilize the shoreline.

*To manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations.*



Take a kid  
hunting or fishing  
• • •  
Visit a state park  
or historic site

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AUSTIN, TEXAS 78744-3291  
512 389-6800  
www.tpwd.state.tx.us

Dredging and bulkheading adversely impact fish spawning and nursery areas. Additional private boat docks also detract from esthetics of public recreation areas. Finally, private boat docks tend to limit public access to the shore by boat, particularly in wind-protected areas and coves.

In areas not currently being mowed, the current SMP allows a maximum 30-foot-wide strip of public land to be altered as a buffer for private properties, including mowing, brush-hogging, and tree trimming. Mowing and brush-hogging is allowed from 1 April to 15 November. TPWD staff believes that buffers desired by private landowners between existing managed public lands and private property should be created by activities on the private property rather than by degrading public natural resources. A 30-foot mowed buffer would adversely impact over 3.6 acres of public habitat resources per mile of public/private land interface. On a large lake such as Lake Texoma, this has the potential to allow the unnecessary cumulative loss of hundreds of acres of public resources. Clearing and frequent mowing also tend to favor the spread of exotic turf grasses and other species from adjacent private lots onto public land, to the detriment of native grasses and ground cover species. This further degrades the quality of public land as wildlife habitat. In addition, the allowed tree trimming, mowing and brush-hogging season coincides with the nesting period of many native birds, including ground-nesting birds. The Migratory Bird Treaty Act (MBTA) implicitly prohibits the intentional and unintentional take of migratory birds, including their nests and eggs; therefore, measures should be taken to avoid impacting them. TPWD staff therefore recommends that the clearing allowance be removed when the SMP is reviewed and updated. ~~If clearing is to be allowed, it should be more restricted in time and frequency to minimize adverse impacts, avoid the nesting period of ground-nesting birds native to the area, and maintain compliance with the MBTA.~~ Activities such as tree felling and vegetation clearing or mowing should occur outside of the April 1 – July 15 migratory bird nesting season. If migratory birds or their nests are present, they should not be disturbed and the U.S. Fish and Wildlife Service should be contacted at (817) 277-1100.

Again, we appreciate the opportunity to provide comments on this plan and look forward to future coordination on the conservation of this important natural and recreational resource. Questions can be directed to Tom Heger in Austin (512-389-4592).

Sincerely,



Phil Durocher  
Director of Inland Fisheries Division

PD:JRM:TGH:dh

## Greenbelt Corridor – Lake Ray Roberts Dam to Lake Lewisville Headwaters

**Little Mineral Bay Greenbelt Corridor** – this information will provide the reader with examples of benefits and considerations for a similar greenbelt corridor around the eastern shore and southern perimeter of Little Mineral Bay on Lake Texoma.

**The Ray Roberts Lake/Lake Lewisville Greenbelt Corridor is a 20 mile multi-use trail system** (12 miles for equestrian and 10 for hike and bike use) that begins at the Ray Roberts Dam and ends at the headwaters of Lake Lewisville. This unique trail corridor meanders along the heavily wooded banks of the Elm Fork Branch of the Trinity River. Equestrians, hikers, bikers, canoeists, birdwatchers, anglers, and other outdoor enthusiasts can access the trail at one of three trailheads, located at FM 455, FM 428 and Hwy. 380. Canoe and kayak rentals are available by calling Greenbelt Canoe Rentals (817/228-9496).

- [Link to Greenbelt Corridor Map In PDF format](#) (LARGE file 356k) You will need Adobe Acrobat Reader to view the pdf map. [Go here for a free download.](#)

**The Greenbelt Corridor** is a joint venture by the U.S. Army Corps of Engineers, Texas Parks and Wildlife Department and others.

The Corps of Engineers owns the federal land along both sides of the Elm Fork Branch of the Trinity River and constructed the trails through the greenbelt corridor. The greenbelt corridor borders and other information are indicated on the following map. The Texas Parks and Wildlife Department operates and maintains the Greenbelt Corridor in an agreement with the Corps of Engineers.

The Corps of Engineers can and does establish a similar type of greenbelt corridor with trails along the shoreline of a Corps managed lake. A sponsoring government non-profit organization can sponsor this type of corridor such as the state, county or city/town or a “cooperating association”. The corridor/trails take several forms from very few improvements with low-density recreation hunting, primitive hiking/camping and wildlife conservation areas up to medium density recreation cleared dirt equestrian trails and paved bicycle trails, restrooms and picnic areas.

We prefer to retain the low or medium-density recreational use and possible dirt equestrian trails for the eastern shoreline and southern perimeter of Little Mineral Bay. Higher density recreational trails could be established (where the terrain permits) along the shoreline of other Public Recreation Areas indicated in red on the second following Corps Shoreline Management Plan map from Highport Marina to the dam and connect to the related proposed Texoma Trail System.

The Cities of Denison and Pottsboro as well as Grayson County should seize the opportunity now to develop a highly prized trail system around the south shore of Lake Texoma starting with the eastern and southern perimeter of Little Mineral Bay.

**Federal and State grant funds are available for Trails.**

Texas Parks and Wildlife administers the National Recreational Trail Fund under the approval of the Federal Highway Administration. This federally funded program receives its budget from a portion of federal gasoline taxes paid on fuel used in non-highway recreational vehicles. Local administration of the National Recreational Trail Fund includes a grant program to develop or rehabilitate trail systems.

The deadline for this program is **June 1<sup>st</sup> of each year**. Grant funding for this program is a on a cost reimbursement basis.

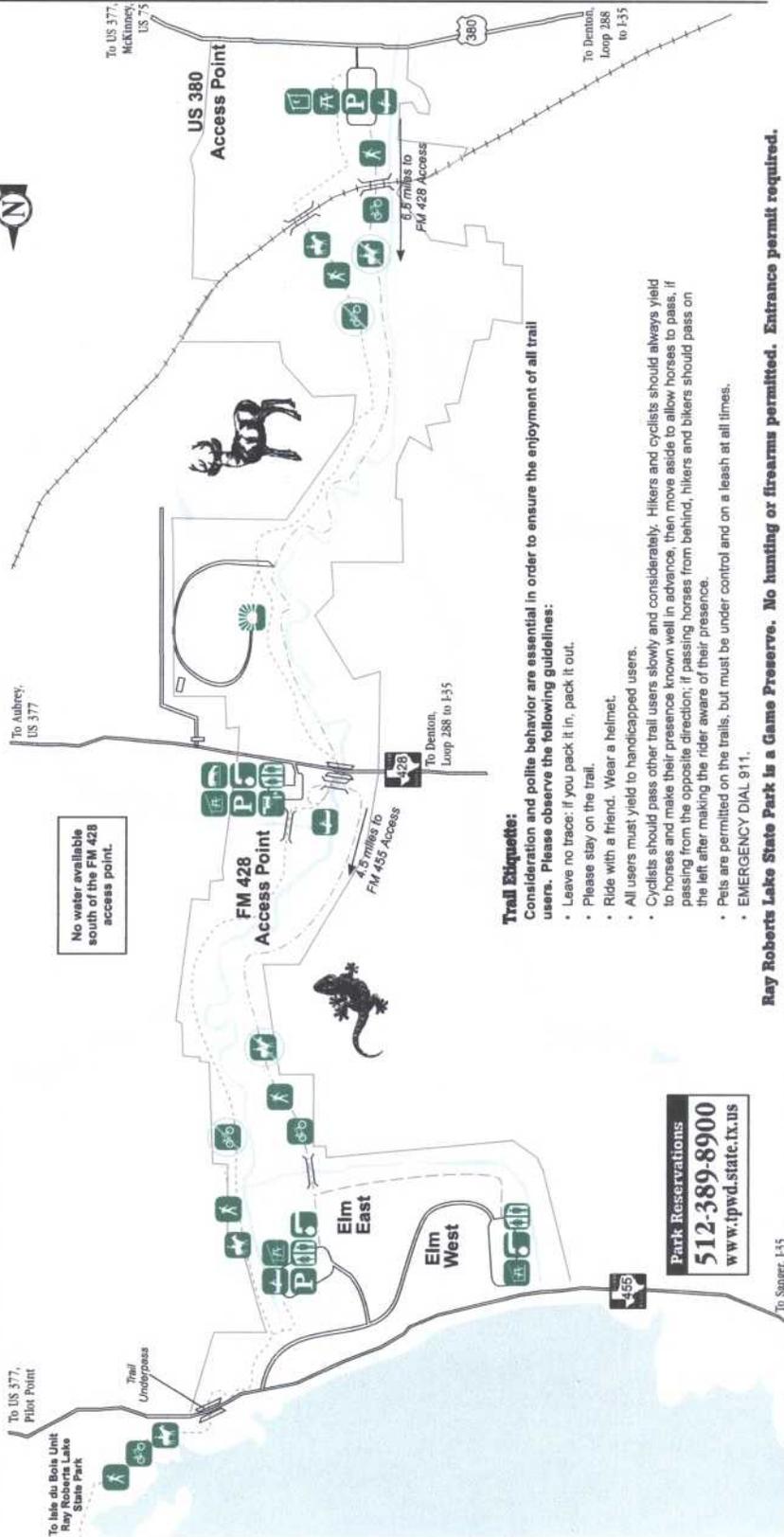
**Eligible projects include:** Construction of new recreation trails on public or private lands, trail restoration or rehabilitation, Americans with Disabilities Act upgrades, acquisition of easements, acquisition of property, maintenance of existing trails, environmental mitigation, and the development of trail-side and trail-head facilities (signs, restrooms, parking areas, water fountains, horse-watering, corrals, hitching posts, tool storage, bike racks, benches, picnic tables, and fencing).

**Greenbelt Map Note:**

The map for the following greenbelt corridor starts at the Lake Ray Robert dam on the left side of the map and goes to the headwaters of Lake Lewisville at Highway 380. The left side of the map is towards the north. Rotate the left side of the map to the up position and the actual geographic directions will be presented.

# Ray Roberts Lake

## State Park - Greenbelt



### Legend:

- Rest Rooms
- Chemical Toilets
- Hiking Trail
- Biking Trail
- Equestrian Trail
- Equestrian Water
- Equestrian Parking
- Parking
- Water Spigot
- Picnic Area
- Picnic Shelter
- Canoe Launch
- Scenic View
- Concrete Trail
- Dirt Trail
- Improved Trail
- Park Boundary

100 PW 4137  
Pilot Point, TX 76258  
1-940-686-2148

#### Trail Etiquette:

Consideration and polite behavior are essential in order to ensure the enjoyment of all trail users. Please observe the following guidelines:

- Leave no trace: if you pack it in, pack it out.
- Please stay on the trail.
- Ride with a friend. Wear a helmet.
- All users must yield to handicapped users.
- Cyclists should pass other trail users slowly and considerately. Hikers and cyclists should always yield to horses and make their presence known well in advance, then move aside to allow horses to pass, if passing from the opposite direction; if passing horses from behind, hikers and bikers should pass on the left after making the rider aware of their presence.
- Pets are permitted on the trails, but must be under control and on a leash at all times.
- EMERGENCY DIAL 911.

**Ray Roberts Lake State Park is a Game Preserve. No hunting or firearms permitted. Entrance permit required.**

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**TOYOTA** Proud Sponsor of Texas Parks and Wildlife

**From:** [Nolen, Stephen L SWT](#)  
**To:** [Smith, Mark A SWT](#);  
**Subject:** FW: Denison Land Conveyance EIS Scoping  
**Date:** Monday, November 24, 2008 8:00:43 AM  
**Attachments:** [Ltr to Corps on Denison EIS Scoping, 10-9-08.doc](#)

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**From:** Edward Phillips [mailto:[ephillips61@verizon.net](mailto:ephillips61@verizon.net)]  
**Sent:** Thursday, October 09, 2008 6:18 PM  
**To:** Nolen, Stephen L SWT  
**Subject:** Denison Land Conveyance EIS Scoping

Thank you for the opportunity to provide additional comments and recommendation regarding the proposed Denison Land Conveyance as part of the scoping process under the National Environmental Policy Act (NEPA).

Our comments and recommendations are attached and on our web site [www.citizensforlaketexoma.com](http://www.citizensforlaketexoma.com).

Edward J. Phillips  
Citizens for Lake Texoma  
(972) 317-3055

U.S. Army Corps of Engineers, Tulsa District  
ATTN: CESWT-PE-E  
1645 S. 101<sup>st</sup> East Avenue  
Tulsa, OK 74128-4629  
(918) 669-7660

10/9/08

Attention: Mr. Steve Nolen

Thank you for the opportunity to provide additional comments and recommendation regarding the proposed Denison Land Conveyance as part of the scoping process under the National Environmental Policy Act (NEPA). Our comments and recommendations are provided below and on our web site [www.citizensforlaketexoma.com](http://www.citizensforlaketexoma.com).

We represent Citizens for Lake Texoma, a volunteer non-profit group of boaters, fishermen, hunters and persons that enjoy recreational activities in the Lake Texoma area. Our main objectives are to protect some of the most beautiful areas of the lake and to complete an Environmental Impact Statement for Lake Texoma that will form a fact based foundation for sound future planning and development for the lake. We consider ourselves to be centrist and support reasonable development and an improved economy for Lake Texoma. We do not endorse development without constraint or environmental extremism.

We understand the U.S. EPA, Department of Interior/U.S. Fish and Wildlife Service, Corps of Engineers and most counter part state and local government organizations have placed a strong emphasis on use of a "Watershed" or systems approach for short and long range planning, development and evaluation of water resources and quality. We are likewise concerned about various areas of the Lake Texoma "watershed", including but not limited to Little Mineral Bay and Little Mineral Creek.

We applaud the efforts by the City of Pottsboro, Texas to upgrade and expand their present treated waste water plant located at the headwaters of Little Mineral Creek and Little Mineral Bay. We have been advised that the City has had significant past problems operating, staffing, maintaining and repairing the current facility. We understand the waste water plant is now operated by a contractor and that modernization and expansion will be limited by TCEQ to not to exceed one million gallons per day discharge into Little Mineral Creek and Little Mineral Bay.

We are concerned about the proposed sale and development of approximately 900 acres of Corps owned and managed public land along the eastern shore of Little Mineral Bay otherwise known as the Denison Land Conveyance and the cumulative negative impacts on Little Mineral Bay and the Lake Texoma Project. Further, that the new and revised NEPA, EIS and Corps requirements, policies and allowances (or at least their interpretation) for the proposed Denison Land Conveyance development will establish precedents for similar developments around the lake accentuating broad and cumulative impacts.

## **Background and Little Mineral Bay Environmental Considerations**

Several current and near term environmental impacts must be considered in order to continue to use the bay for swimming, fishing, aquatic and wildlife habitat and fresh water intakes.

The west side of Little Mineral Bay has been highly developed with several marinas, several housing sub-divisions and high density recreation areas. The Little Mineral Bay has a significant problem with a high number of overloaded and antiquated shoreline septic tanks, an overloaded Pottsboro sewage treatment plant and other negative environmental impacts. The Pottsboro plant was previously permitted for 350,000 gallons per day of treated waste water discharge into Little Mineral Bay. But the Pottsboro plant has not able to actually handle over 200,000 gallons per day as reported in December of 2004. New Pottsboro housing is being constructed at a rapid pace further overloading the existing facility.

A regional sewer system study has been underway for Lake Texoma and Grand Lake in Oklahoma. In 2000 and 2001, representatives of the Oklahoma Water Resources Board (OWRB) and the Greater Texoma Utility Authority (GTUA) met with area residents living around the two popular lakes (Lake Texoma and Grand Lake) to discuss health and environmental hazards associated with dangerously aging septic tanks.

Many of those individual septic systems are buried within a stone's throw of the lakes' shorelines. One of the areas studied for improvement is the Pottsboro, Texas and Preston Peninsula. The study we believe was funded by the Corps and has not been completed as far as we know.

Correction of the dangerously aging and overloaded septic tank problem is not significantly addressed in local planning until after 2015 in current studies and plans and continues to be a serious problem.

A draft Waste Water Treatment Study funded by the Texas Water Quality Board and considered by Pottsboro and Denison recommended joint expansion of the existing Pottsboro plant from 350,000 gallons per day of treated waste water discharged into Little Mineral Bay to 900,000 gallons per day by 2007 and 2 million gallons per day (MGD) by 2009 to accommodate the proposed new subdivisions in Tanglewood and the City of Denison/Schuler Preston Shores development.

Citizens for Lake Texoma and others objected strongly and we understand that TCEQ issued the permit for now at not to exceed 1 million gallons per day of treated wastewater discharge. A new Denison waste water treatment plant is being discussed near the area where Highway 70 and Highway 84 meet that will discharge into the Red River below the dam. This treatment plant (if constructed) may or may not provide service to the proposed development on Little Mineral Bay.

Little Mineral Bay is relatively shallow (less than twenty-feet deep) in the southern quarter of the bay. Previous non-governmental testing at the shallow end of Little Mineral Bay has indicated excessive level of fecal coliform bacteria during and after heavy rain conditions. The excessive levels could have been caused by the previously malfunctioning Pottsboro waste water treatment plant and/or numerous overloaded and aging septic tanks in the area.

We asked local officials if water quality testing and monitoring was in place or documented for any part of Little Mineral Bay. We were advised by the officials that no testing or monitoring had taken place and that none was planned during and after the Pottsboro waste water treatment plant was upgraded or expanded. Monitoring and testing would be limited to the plant discharge point not in Little Mineral Bay.

Discharge of high levels of treated waste water particularly in concentrated areas such as creeks and shallow ends of coves and bays can cause serious environmental problems in Little Mineral Bay such as excessive nutrients, oxygen depletion and chlorine effects on fish and marine life. Sewage treatment equipment bypass during heavy rains, breakdowns, or personnel error can cause serious public safety problems for swimming and other human contact, fishing and drinking water intakes.

For example, City officials in Tishomingo, Oklahoma reported a sewage station dumped two million gallons of raw sewage into a creek in July 2005. Investigators with the U.S Fish and Wildlife Service and state Department of Environmental Quality were looking into the situation (reported by TV station KXII, Sherman, TX on 8-2-05).

### **User and Other Environmental Considerations**

Major developments along the shores of Little Mineral Bay must be closely evaluated for the entire Bay and on Lake Texoma to assess environmental impacts such as, but not limited to water quality and supplies, swimming, fish and wildlife.

The shoreline property owned by the Corps of Engineers, particularly on the eastern shore and southern half of Little Mineral Bay has served as an “essential environmental buffer and habitat” for thousands of wildlife, fish and marine life since Lake Texoma was constructed in the 1940’s. This Corps land has been used for years by hunters, fisherman and boaters.

The woods, open grassy fields and several old gravel pits along Little Mineral’s eastern shore provide critical cover and habitat for wild life. The nearby lake provides drinking water and unimproved shoreline habitat. Wild deer, turkey, ducks, quail, and other wild life are also plentiful in the unimproved Little Mineral area.

Hunters, wild life photographers, hikers and other people enjoy the outdoor recreation the area provides. This quality of wildlife resources and land are rapidly disappearing and should be protected for future generations.

The coves and shoreline in this area of Little Mineral are choice spawning grounds for several species of fish and other marine life in the food chain.

Boaters and their families and friends love the sheltered coves and natural beaches for swimming, boat camping and just relaxing from their normally busy lives. The coves provide safe sanctuary in storms and overnight stays.

The Corps land along the Little Mineral shores can be preserved and still used for low density public recreational activities such as hiking, primitive camping, wildlife observation, biking, photography, hunting, or similar activities.

A very large development is proposed along the eastern shore of Little Mineral Bay. The Schuler/Preston Shores conceptual master plan proposal includes over 2,000 acres, one or more hotels, conference center, condominium towers, and a large subdivision of residential homes.

The City of Denison and Schuler Development have proposed to establish two golf courses, a yacht club and 150 or more boat slips/boat houses on approximately 900 acres of Corps of Engineers Little Mineral Bay shoreline property that is adjacent to the above development.

The approximate 900 acres of shoreline Corps property proposed for extensive development of shoreline trees, vegetation and Little Mineral East Cove can cause a major reduction of the natural environmental buffer zone and other adverse environmental impacts along the eastern shore, fish and wildlife habitats and waters of Little Mineral Bay.

The Texas Parks and Wildlife Department has stated very clearly their concerns about the proposed development along the shoreline (a copy of their letter was provided in our previous comments on the Denison Land Conveyance).

Shoreline trees and vegetation on Corps land will be significantly thinned or eliminated for the two golf courses and other commercial and residential developments. The shallow Little Mineral Cove East will need to be dredged and bulkheads installed to provide adequate water depth and areas for over one hundred boat slips.

**The reduction of the natural shoreline environmental buffer will significantly increase the environmental impacts on Little Mineral Bay from the proposed developments and further decrease the ability of the Bay to assimilate the planned increased levels of treated waste water discharged from the Pottsboro facility.**

Our fundamental issue is with the use of Corps of Engineers shoreline and water property primarily for private purposes causing significant environmental impacts to that area, Little Mineral Bay and Lake Texoma.

We have proposed meaningful alternatives such as a Recreation Area and Greenbelt Trail that would preserve the low density use, environmental buffer and wildlife and fish/aquatic resources for Little Mineral Bay.

### **Lake Texoma Environmental Impact Statement**

The Congress encourages active public participation in the federal planning and environmental processes. We need to do our part to protect Lake Texoma public boating, fishing, hunting, and outdoor recreation areas. We also need to plan and manage development based on factual information.

### **Need for an Environmental Statement**

Several federal, state and local organizations, fish, wildlife and environmental professionals, developers and hundreds of people are concerned about Lake Texoma, particularly the need for an in depth Environmental Impact Statement (EIS). A full EIS study and analysis of the entire lake with intensive research, peer review and scientific information is required. It is also required by the by the National Environmental Policy Act (NEPA) because of the lack of factual information and significant and cumulative impacts of past and proposed developments for the lake.

The U.S Army Corps of Engineers (USACE), the lead federal agency for Lake Texoma started in the fall of 2004 with a proposed Environmental Assessment process to evaluate the results before proceeding to an EIS or other alternatives for the entire Corps area around Lake Texoma. As the NEPA national environmental process is implemented, it usually begins with an Environmental Assessment (EA) which culminates into a finding of No Significant Impact (FONSI) or an EIS with a Record of Decision. When the government agency identifies significant impacts in the initial EA process they can decide to proceed with an EIS which culminates into a Record of Decision.

The U.S. Army Corps of Engineers Tulsa District announced March 29, 2005, *“That a Supplement to the Final Environmental Impact Statement will be needed in order to revise the Lake Texoma Shoreline Management Plan. The decision was made in light of concerns raised during the 30-day public comment period. Comments were received from individuals and resources agencies as well as the local, state, and federal government. The Corps review of the comments determined the need for a Supplemental Final Environmental Impact Statement rather than the Environmental Assessment originally proposed.*

*The comments covered a broad spectrum of shoreline management issues from pro-development rezoning proposals to total shoreline preservation alternatives. They confirmed that complex, unresolved shoreline management issues at Lake Texoma justify the need for a Supplemental Environmental Impact Statement. Socioeconomic and environmental conditions have changed dramatically since the original Environmental Impact Statement was completed in 1976”. Funding sources and a schedule for completing the supplemental statement have not yet been determined.*

An EIS and subsequent Supplements to the core EIS document are used by federal agencies to plan actions and make decisions. This process enables federal agencies, decision makers, and the public to make informed judgments regarding a proposed project's or plans merits. The federal Council for Environmental Quality outlines procedures for creating and implementing the EIS. The responsibility for preparing the EIS rests with the lead federal agency in charge of the proposed action (Corps of Engineers for Lake Texoma). An EIS must be prepared at an early stage in the planning process before final hearings on proposed projects or plans are conducted.

An Environmental Impact Statement primarily focused on Operations and Maintenance for the Lake Texoma Corps Project was completed in 1976 but is extremely limited in scope and depth. The EIS is almost thirty years old and does not include the major new policies, standards and in depth research now required by the federal Clean Air and Water Acts, National Environmental Policy Act and Corps of Engineers. The facts are not present in the current EIS to make federal decisions or conduct effective coordination with the public and other necessary federal, state and local government offices.

**The EIS must contain enough technical information for professionals and specialists to identify significant individual and cumulative environmental impacts, other information regarding outdoor recreation, economic development and other essential areas.** However, it must also be written clearly and in laymen's terms so that the general public can understand all the environmental consequences of the proposed action. It is crucial that in presenting this information, the EIS include all reasonable alternatives to the proposed action. These alternatives provide choices for developing a proposed action that do not significantly affect the environment. When alternatives are available, the lead agency is more able to choose the one that best balances the environmental impacts with the social needs of the proposed action.

The Lake Texoma EIS should include but not be limited to; Human Environment, Air Quality and the Clean Air Act, Clean Water Act/Waters of the U.S., Cultural Resources, Endangered and Threatened Species, Environmental Justice, Essential Fish Habitat, Fish and Wildlife Coordination, Floodplain Management, Invasive Species, Migratory Birds, Natural Areas, Prime and Unique Farmlands, Riparian Areas, Scenic Beauty, and Wetlands.

The EIS and subsequent Supplements must have credibility and transparency with stakeholders during all phases of the process. For example, contract consultants and investigators supporting the EIS should be reasonably challenged for their methodologies if they are conducting field tests during the dry season of the year and pertinent data collection is only valid during the rainy season of the year. Initial, concurrent and draft coordination of the EIS by stakeholder groups will be critical to its success.

An updated comprehensive and in depth EIS is the only way to establish a baseline for thorough economic, environmental, and development evaluation as well as decision making on plans and projects for Lake Texoma. The core EIS document and Supplements

require updating to include the major new policies, standards and in depth research now required by the federal Clean Air and Water Acts, National Environmental Policy Act and Corps of Engineers.

The final EIS would provide very useful information for a new and updated Corps of Engineers Lake Texoma Shoreline Management Plan that has not been updated since 1996. The EIS can also provide essential information to update the Lake Texoma Master Plan, dated 1978 that also needs to be updated. These plans are normally updated by the Corps of Engineers every five years but have been deferred due to ongoing shortages of funding, staffing or other reasons.

**We, therefore, strongly recommend that the Corps of Engineers, Legislators, stakeholder Federal, State and Local organizations and the public require a comprehensive, in depth and updated Environmental Impact Statement and public participation. The EIS should include the full Lake Texoma Project including but not limited to federal onshore, shoreline land and lake areas at Lake Texoma.**

### **Federal Funding is Required**

**Funding to complete the Environmental Impact Statement is essential to balance the protection of natural resources and manage economic development in the Lake Texoma area. The Corps of Engineers must fund the EIS for the entire lake area to maintain the objectivity of the study, analysis and final decisions. Federal funds are not presently available for the EIS in the current budget or appropriations.**

A comprehensive, in depth and up to date Environmental Impact Statement for Lake Texoma requires a substantial federal investment. However, it is a sound investment for the future of Lake Texoma considering the billions of dollars of infrastructure, wildlife and fisheries already in place, hundreds of millions of economic benefit dollars from annual recreational activities and millions of visitors, and millions of dollars of proposed developments. **Federal funds for the EIS need to be made available as soon as possible.**

The Lake Texoma EIS should consider the cumulative impacts of waste water plants, septic plants and other sources of pollution on the Lake Texoma Watershed including Little Mineral Bay.

### **Testing and Monitoring of the Lake Texoma “Watershed”**

The U.S. EPA has required each state to test the water quality of state water bodies and establish a list in accordance with federal regulations. The State of Texas has established the Texas Surface Water Quality Standards and the Texas 2000 Clean Water Act Section 303(d) List. The December 19, 2002 version of the Texas list indicates two impaired areas on the Texas side of Lake Texoma.

Big Mineral Creek (unclassified water body north of Whitesboro in Grayson County), segment 0203A, has a low priority (L) for Total Daily Maximum Load (TDML) development. The sources of concern come from both Point Source and Non-Point Sources. The parameter of concern is “Bacteria levels sometimes exceed the criterion established to assure the safety of contact recreation (L/NS – water bodies that are not supporting their uses as designated in the Texas Surface Water Quality Standards)”.

Red River above Lake Texoma, segment 0204, has a medium priority (M) for TDML development. The sources of concern come from both Point Source and Non-Point Sources. In the lower 25 miles, bacteria levels sometimes exceed the criterion established to assure the safety of contact recreation (M/NS – water bodies that are not supporting their uses as designated in the Texas Surface Water Quality Standards).

**We are concerned about the apparent lack of water quality testing, monitoring and factual baseline information on other more densely populated and utilized areas of Lake Texoma such as Little Mineral Bay and Little Mineral Creek. The designated use of Little Mineral Bay should be for water contact recreation, fishing and water intakes if not already designated. Adequate testing may or may not result in Little Mineral Bay being included on the Texas Clean Water Section 303(d) list of impaired waters based on factual tests. We are also concerned about the cumulative environmental impacts in the area indicated previously on Lake Texoma.**

We are aware that the Corps of Engineers has conducted water testing on Lake Texoma using a contract with the University of North Texas. However, sensors were placed on main lake areas and concentrated on turbidity and other water parameters other than the testing normally associated with water quality testing (see references on testing below).

Testing, monitoring and baselining of water quality are recommended for Little Mineral Bay and Little Mineral Creek and to make that information available to the public for planning and development considerations. The information should also be made available to the public for use in making timely decisions on water contact recreation such as swimming and water skiing, fishing and for other purposes. Examples of water quality measurements for water quality are provided in reference EPA document – Measuring Effluents <http://www.epa.gov/ost/WET/atx.pdf> .

We believe that the comments and recommendations are consistent with the Clean Water Act and watershed objectives of the U.S. EPA, TCEQ and other government agencies.

We note with concern that these and other similar comments about water quality and safety sometimes result in the response from federal, state and local agencies that these issues are not within their responsibility for water quality, safety and environmental impacts on an area. Responsibility and action can end up in a circle.

In closing, please ensure that the Little Mineral Bay and Lake Texoma waters are safe for swimming and other human water contact, fishing, fresh water intakes and that fish and wildlife habitat is protected.

Thank you for your consideration,

/s/

Edward J. Phillips  
Citizens for Lake Texoma  
(972) 317-3055

## **Definitions from EPA and TCEQ**

**Pollution** - The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to public health, safety or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

**National Pollutant Discharge Elimination System (NPDES)** - Water pollution degrades surface waters making them unsafe for drinking, fishing, swimming, and other activities. As authorized by the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. In most cases, the NPDES permit program is administered by [authorized states](#). Since its introduction in 1972, the NPDES permit program is responsible for significant improvements to our Nation's water quality.

**Significant waste discharge** - Point source discharges of waste or pollutants to receiving water that have been identified to cause pollution without regard to whether or not the discharges are authorized by the commission.

**Total maximum daily load (TDML)** - Pursuant to Clean Water Act, §303(d), states are required to develop total maximum daily loads for waters within the state for which the effluent limitations required by the Clean Water Act, §301(b)(1)(A) and (B) are not stringent enough to implement any water quality standard applicable to such waters.

**Do Permits Protect Against Pathogens, Such as *Cryptosporidium* and *Giardia*?**  
Many NPDES permits provide a level of protection against these pathogens. EPA's 1986 water quality criteria for pathogens provides a relevant tool for establishing water quality-based effluent limitations for infrequent blended discharges. The 1986 criteria serves as an indicator (not a direct measure) for a wide range of pathogens in wastewater, including viruses and parasites, that can produce acute gastrointestinal disease symptoms. The data supporting the 1986 bacteria water quality criteria were obtained from a series of epidemiological studies that examined the relationship between swimming-associated illness (namely, acute gastrointestinal illness) and the microbiological quality of the waters used by recreational bathers. Hence, we believe the 1986 criteria is a relevant indicator for protecting against gastrointestinal disease associated with potential exposure to ambient waters.

This proposed policy encourages states that have not already done so to adopt water quality standards based on EPA's 1986 pathogen criteria and to include appropriate limits in permits.

### **Chlorine Treatment of Waste Water**

Chlorine disinfection also has its disadvantages. Numerous toxicity studies have shown adverse effects due to chlorination (Rein, 1992; Hall, 1981; Ward, 1978). Any discharge of chlorinated effluent into a receiving water body may involve some release of chlorine residuals and chlorine byproducts. Free chlorine and combined chlorine residuals are toxic to aquatic life at certain concentrations. The lethal effects of free chlorine are more rapid and occur at lower concentrations than chloramines. Chlorine will also react with organic material to form trace amounts of chlorinated hydrocarbons called trihalomethanes (THMs). THMs are suspected as being carcinogens and are strictly monitored in drinking water.

**From:** [Nolen, Stephen L SWT](#)  
**To:** [Wegner-Johnson, Maria M](#); [Smith, Mark A SWT](#);  
**Subject:** FW: Statement for Sept. 11, 2008 Scoping Meeting  
**Date:** Thursday, September 18, 2008 4:28:03 PM

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**From:** Ramona [mailto:[ltainformation@sbcglobal.net](mailto:ltainformation@sbcglobal.net)]  
**Sent:** Friday, September 12, 2008 10:36 AM  
**To:** Nolen, Stephen L SWT  
**Subject:** Statement for Sept. 11, 2008 Scoping Meeting

September 11, 2008

Stephen L. Nolen  
Chief, Environmental Analysis and Compliance Branch  
Department of the Army  
Corps of Engineers, Tulsa District  
1645 South 101 East Avenue  
Tulsa, Oklahoma 74128-4609

Dear Mr. Nolen:

The Lake Texoma Association's mission is to promote and preserve Lake Texoma. In an effort to accomplish these goals, we believe it is vital to have a comprehensive and in depth federally funded Environmental Impact Study completed on the approximately 900 acres of Federal land in Grayson County located along the eastern shore of the Little Mineral Arm and the entire Lake Texoma area before these lands are sold or conveyed to the City of Denison, TX. As the Corps of Engineers is aware, the Lake Texoma Association has advocated and has requested expedited federal funding for a comprehensive and in depth EIS of the entire lake for years.

The LTA does not oppose development of the developer's adjacent private land. The proposed sale of the 900 acres of Corps land would cause the loss of valuable and affordable public access to federal land and waters for local

residents and tourist coming into one of the few remaining pristine areas for boating, fishing, hunting and other outdoor recreation. In addition the development of this property could have serious negative environmental impacts to the entire ecosystem. The full ramification of this development is an unknown until an in depth and comprehensive federally funded EIS is completed for the entire lake.

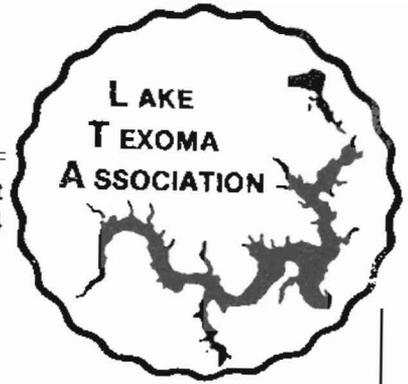
Sincerely,

Ramona Clark-Judd  
Executive Director

# LAKE TEXOMA ASSOCIATION

P. O. Box 610, Kingston, OK 73439  
Phone (580) 564-2334

Itainformation@sbcglobal.net  
Fax (580) 564-2344



September 11, 2008

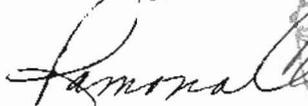
Stephen L. Nolen  
Chief, Environmental Analysis and Compliance Branch  
Department of the Army  
Corps of Engineers, Tulsa District  
1645 South 101 East Avenue  
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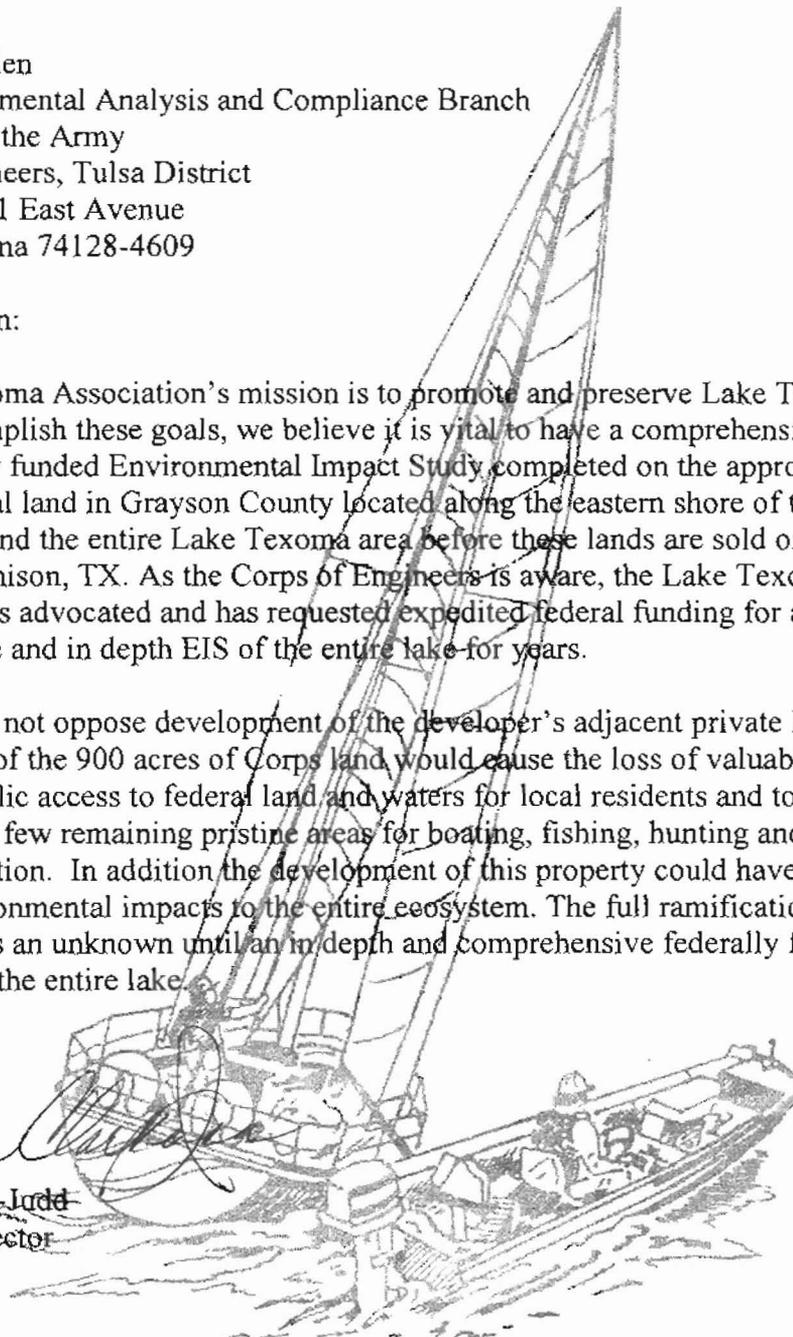
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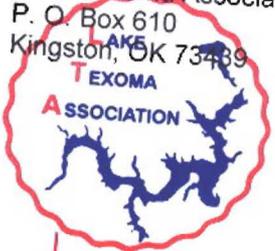
Sincerely,

  
Ramona Clark-Judd  
Executive Director



**"LAKE FOR ALL SEASONS"**

Lake Texoma Association  
P. O. Box 610  
Kingston, OK 73439



P.O. Box 610  
Kingston, Okla. 73439

Stephen L. Nolen  
Chief, Environmental Analysis and Compliance  
Branch  
Department of the Army  
Corps of Engineers, Tulsa District  
1645 South 101 East Avenue  
Tulsa, Oklahoma 74128-4609

*"LAKE FOR ALL SEASONS"*

## To Whom It May Concern:

As a long time boater and part-time resident of Lake Texoma I'm deeply concerned over the conveyance of Federal land at Lake Texoma (Lake) to the city of Denison, TX (Denison). After careful review of the master plan to build single and multi-family residential housing, hotel and conference facilities, golf course(s), retail and commercial space, public boat ramp(s), beach and yacht clubs, and related commercial development facilities I humbly request attention to my concerns and recommendations regarding socioeconomic impacts, major impacts on shoreline, public access, fish and wildlife, aesthetics, and lake water quality.

Socioeconomic factors to consider are current economic and social environments surrounding the Lake and how the proposed development could affect it. Proponents of the development claim it will boost tax revenues and pump \$1 billion into the economy over ten years. No studies have been done, to my knowledge, regarding the net gain to Denison, if any, generated from such an undertaking. The cost of infrastructure and city services required should be carefully analyzed both during and after the development is completed to ensure Denison does not incur significant hardship.

In my twenty years on the Lake I've also taken notice of the unique economic conditions surrounding the Lake. The most successful businesses cater to fisherman, hunters, boaters, and vacationers. Soldier Creek and Alberta Creek have very small restaurants with low overhead and a year around stream of fisherman and hunters as customers, not just boaters and vacationers during the summer season. In contrast, The Pointe and Highport restaurants, who target boaters and vacationers during the summer season, have never been able to maintain profit; managers and menus change every year and their high prices don't appeal to fisherman and hunters.

Dredging, excavation, and brush clearing required for the proposed development would have significant adverse effects on fish and wildlife. Such an impact will negatively impact other businesses with revenues generated year around by hunting and fishing. The residential homes, hotel facilities, golf courses, boat ramps, private beaches and yacht club specifically target boaters and vacationers. This target, coupled with the Lake's fluctuating water level, is an economic gamble. Flood and drought conditions on the Lake have significant negative impacts on the local economy. Plans for development would increase Denison's economic dependency on favorable lake conditions. The ability of the development to survive financially in extreme flood and drought conditions should be carefully studied to ensure economic disaster is avoided.

Lake businesses are also vulnerable to unfavorable economic conditions. Because this development targets boaters and vacationers with disposable income, a recession will have significant adverse affects on its ability to generate

revenue. The seasonal nature of the Lake is also an unfavorable economic condition for a development of this size. It will be very difficult for outside businesses to maintain year around profit, especially retail, when sales occur primarily during the summer. Should the development experience a combination of the above-mentioned economic factors and in consecutive years, financial failure would be eminent.

Furthermore, competition is abundant on the Lake. There are currently four golf courses within 10 minutes of the proposed development, which are underutilized and struggle to maintain business. Full marina facilities are available at four marinas within two miles of this property. There is no economic need for a development of this size. The ability for this development to compete and/or survive in such a competitive area should be carefully examined.

Little Mineral Cove currently has heavy boat traffic during summer seasons, which can be attributed to existing public ramps and three existing marinas in Little Mineral Cove. The developments proposed additional boat ramps, private boathouses, yacht club, waterfront hotel, and residential tower would increase this traffic and further narrow the passage through Little Mineral Cove. A study should be conducted to ensure the safety of boaters is not threatened by heavy boat traffic.

As a boater I have the fortunate opportunity to enjoy the beautiful shoreline that is Little Mineral Cove. The specific area proposed for a yacht club naturally shelters boats from wind, waves, and currents of the open water. Yachts use this natural protection to overnight and enjoy the natural beauty of the shoreline. Boaters enjoy getting out of the main channel where there is the most traffic. The development includes plans for private boathouse condominiums, boat retail stores, private beaches, and yacht clubs. Such an undertaking would destroy the natural beauty of the shoreline and limits public access to the shore particularly in wind protected areas. These plans would render some five miles of heavily utilized shoreline to private use. This lack of public access would also increase boat traffic because the boaters will not have a place of shelter. Undeveloped protected coves are rapidly decreasing due to the development of private boathouses and marinas. Careful consideration should be made regarding future preservation to this cove to ensure a safe refuge for boaters.

Next, the proposal mentions private beaches, most likely for its high-rise waterfront hotel. Nowhere on the Lake are there any private beaches; this standard must be strictly enforced on all developments.

Construction of private boathouses also has direct adverse impacts to on-shore and near-shore fish and wildlife habitats and the stability of the shoreline. Due to the shallowness of Little Mineral Cove, dredging would be required to access private docks. The instability and erosion of soils in the area may also require bulkheading to stabilize the shoreline. Dredging and bulkheading adversely

impact fish spawning and nursery areas. I request careful studies be conducted to determine the precise affects the development will have on fishing and other near shore habitats. Because of the constant dredging needed to maintain a yacht club and private boathouses, the study should address significant short-term and long-term affects.

Specific plans for golf courses have also been proposed. An 18-hole golf course requires three to four tons of various germicides, herbicides, and pesticides every year to keep the green and fairways healthy, to combat weeds, and kill insects. Some of these chemicals are carcinogenic, while others are known to cause deformities and nerve damage. There have been reports of massive fish kills in fish hatcheries polluted by toxins in the water from golf courses. The nitrogen and phosphorus in the fertilizers will mix with rainwater and eventually flow into a reservoir. The high nutrient content of water will also stimulate the growth of algae. Golf courses use pesticides containing organic phosphorus. After application, the pesticides evaporate in the air and are absorbed by the human body via the skin and lungs. Caddies and greenkeepers often experience health problems because of the air pollution. Golfers themselves breathe in the toxins as they walk the course before the newly sprayed pesticides have settled down. Winds sometimes carry the chemical agents to surrounding neighborhoods, and people living near golf courses worry that their health may also be affected. Golf has an image as a healthy sport, but it may be quite different in reality. (<http://www.american.edu/projects/mandala/TED/jpgolf.htm>). Careful consideration should be made to assess the harmful affects the run-off from golf courses will have on fish, wildlife, and humans.

Texoma's natural beauty is one of its greatest assets. Local Lake residents, vacationers, and boaters flock to the Lake for its natural beauty. The picturesque landscape attracts visitors from far and wide. Diamond Pointe is an existing high-rise condominium located next to the land to be conveyed. The structure, which stretches as high as 10 stories, significantly altered the aesthetics of the Lake and shoreline. Diamond Pointe's master plan calls for three additional high-rise condominiums. Denison's development proposal has plans for a high-rise hotel and two residential high-rise buildings. When both projects are completed there will be a total of 7 high-rise structures all within 1-2 miles of shoreline. People come to the Lake to get away from the city and enjoy what nature's finest has to offer, not to stare at high-rise buildings. It is not fair for the view of a handful of people to negatively impact all boaters and all nearby residences. My family and I do not want another heavily developed lake like Lake Travis (TX) or Lake Grand (OK). Should the hotel, boat retail centers, and yacht club not be profitable, the structures will deteriorate for lack of maintenance. A development of this size will affect the shoreline for decades; what will these building look like fifty years from now when my grandkids come to the lake. I request strict deed restrictions to preserve the natural landscape and existing shoreline. More specifically, restrictions should be made to reduce the height of buildings and prohibit significant destruction to existing near shore landscape. Default provisions

should be implemented for the land to convert back to Federal land in the event these structures, if allowed, can not be sufficiently maintained.

The water quality in and around the proposed development shoreline is currently in danger. In the 2008 Texas Water Quality Inventory report by the Texas Commission on Environmental Quality specifically expresses concern over the water quality of Little Mineral Cove. This area of the Lake does not get good circulation and can become stagnate during low water levels and hot temperatures. The private boathouses and yacht club will provide more challenges for an already struggling water reservoir. Studies should be conducted to ensure the water quality would not be jeopardized.

In conclusion, I request that significant restrictions be placed on the land to be developed by Denison. Specifically, the shoreline should be preserved for public access and natural beauty. No private boathouses, hotels, boat retail stores, or yacht clubs should be constructed that restrict the passage of boaters and their public access to shoreline. No outrageous structures should be built that alter the aesthetics of the Lake. Any plans for commercial and retail businesses should be carefully reviewed for economic feasibility.

Respectively,

Andrew Barg  
305 Moore Creek Rd.  
Hurst, TX 76053  
arbarg@barg-henson.com  
817-437-2516

**From:** Akins, Thomas [mailto:TAkins@cityofdenison.com]

**Sent:** Thursday, October 23, 2008 1:43 PM

**To:** Kelly, Pamela SWT

**Cc:** Nolen, Stephen L SWT

**Subject:** RE:

Steve-

Attached please find comments filed by the City of Denison regarding the scoping activity undertaken by the Corps pursuant to the conveyance of federal land pursuant to WRDA, '07. I have been authorized to submit same on behalf of the City Council and ask that you include the comments in the file. The mayor was unable to submit the comments on behalf of the City of Denison, in that he is in S.D. pheasant hunting without his city attorney.

Tom Akins

City Attorney

City of Denison

903.464.4442

takins@cityofdenison.com

**A. Overall Scope of the EIS.**

The scope of the EIS should be broad enough to cover all of the Corps' activities in connection with conveying land to the City and the City's proposed development plans for the land. Section 3182 of the Water Resources Development Act of 2007 (Pub. L. 110-114) ("WRDA 2007"), directs the Secretary of the Army to convey to the City of Denison all right, title and interest of the United States in and to approximately 900 acres of land that was the subject of an application for public park and recreation purposes dated August 17, 2005 (the "subject parcel"). Upon conveyance, the City intends to develop the subject parcel and adjacent private land with a mixed-use project consisting of hotels, golf courses, single and multi-family housing, public parks, open space, and recreational amenities (the "Preston Harbor project").

Developing the Preston Harbor project will require actions from the Corps of Engineers in addition to the conveyance of the subject parcel, which could include amending the Lake Texoma Shoreline Management Plan, issuing permits under Section 404 of the Clean Water Act, issuing permits or real estate instruments pursuant to the Lake Texoma Shoreline Management Plan and leasing Corps of Engineers' lands to the City. The EIS scope should satisfy the full extent of the Corps' NEPA obligations in connection with each of these potential actions.

**B. Purpose and Need.**

NEPA requires the Corps to identify the purpose for undertaking its proposed actions and the needs that the actions will address. The Corps is taking this action in direct response to the land conveyance requirement of Section 3182 of WRDA 2007, which Congress included in order to stimulate economic growth in Denison. The purpose and need for the Corps' proposed action therefore should include both satisfying the land conveyance requirement of WRDA 2007 and fulfilling the City's need for economic development opportunities. The purpose and need statement should also include the need for additional wastewater treatment capacity in and around Little Mineral Bay and Grandpappy Peninsula to replace failing septic systems. The City intends to address this need by developing a new wastewater treatment plant if the Corps conveys the subject parcel for the Preston Harbor project.

**C. Alternatives**

The Notice of Intent (NOI) identifies four "reasonable alternatives" that the Corps will consider in the EIS.

1. Convey varying amounts of acreages. The Corps should not carry this alternative forward for detailed analysis in the Draft EIS. WRDA 2007 directs the Secretary to convey a set number of acres to the City – defined in the legislation as the land identified in the City's August 17, 2005 lease application. Conveying fewer acres would be inconsistent with the law and therefore would not meet the Corps' purpose of complying with WRDA 2007.

2. Impose deed restrictions on conveyed lands. While deed restrictions are appropriate to ensure that no permanent structures are constructed in the Lake's floodway (defined as the elevation between 619 and 645 feet), the Corps should reject any alternatives that include deed restrictions above 645 feet elevation. The Corps should also refrain from including alternatives with unnecessary deed restrictions, such as deed restrictions aimed at addressing an environmental concern that is otherwise covered or protected under a Federal, state or local regulatory process.<sup>1</sup> The Corps should consult with the City regarding the applicability of regulations and particularly City ordinances that may address the Corps' concerns.
3. Consider different development features and locations and nature of shoreline development. Congress directed the Secretary to convey the subject parcel to the City to allow the City and the region to recognize the economic benefits of the Preston Harbor project. The Corps should reject any alternative that would unreasonably limit development features or shoreline uses and diminish the economic development benefits of Preston Harbor.
4. Consider No Action Alternative. NEPA requires the Corps to study a No Action Alternative as the baseline against which the Corps must assess the impacts of the build alternatives.<sup>2</sup> The No Action alternative for the Corps' proposed action must include any development that *would* occur on the private property adjacent to subject parcel if the Corps does not convey the subject parcel. The Corps should request that the owner of the adjacent private land provide a description of how the private land will be developed if the Corps were not to convey the subject parcel.

#### **D. Environmental Impacts.**

The impacts section of the EIS should address the following:

1. Effects. NEPA requires the EIS to study the direct and cumulative impacts of the Corps' actions. The EIS should assess the direct impacts of the Corps conveying the subject parcel to the City and the City's development plans for the subject parcel and the adjacent private lands (*i.e.*, the Preston Harbor project). The geographic scope of the Corps analysis should be limited to assessing impacts on (i) the land to be conveyed, (ii) the adjacent private property, and (iii) Lake Texoma and its shoreline in the vicinity of the conveyance. While NEPA requires the Corps to also consider other "reasonably foreseeable" actions or

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<sup>1</sup> For example, the Corps should not consider a deed restriction aimed at protecting a species or habitat that is subject of a Section 7 consultation under the Endangered Species Act or protecting a wetland that is subject to the Clean Water Act Section 404 permitting process.

<sup>2</sup> See NEPA's Forty Most Asked Question, Question and Answer 3 (No Action means "the proposed activity would not take place, and the resulting environmental effects from taking no action would be compared with the effects of permitting the proposed activity or an alternative activity to go forward. Where a choice of "no action" by the agency would result in predictable actions by others, this consequence of the "no action" alternative should be included in the analysis.")

projects on the Lake as part of its cumulative impacts analysis, this does not equate to, and therefore the Corps should not include in the EIS scope, a detailed study of all projects proposed for the Lake.

2. Economic and Social Benefits to the City. NEPA requires that an EIS analyze the economic and social effects of a proposed action.<sup>3</sup> Accordingly, the EIS must identify and consider each of the benefits that the Corps' actions will have on the City, including increasing property tax revenues by bringing additional land within the City's tax base; attracting additional people to the area who will frequent local businesses, directly benefiting business owners and generating increased sales tax revenue; and creating jobs during construction and following completion of the project. The City has commissioned an economic impacts study of Preston Harbor to study these impacts, which we will provide to the Corps for incorporation into the EIS.
3. Wastewater Treatment Improvements. The EIS should also consider the benefits of the proposed wastewater treatment plant that the City plans to build to serve the Preston Harbor project and existing development on Grandpappy Peninsula. The Corps should consider construction of the wastewater treatment plant as another benefit of the Preston Harbor project because it will improve the health and quality of the Lake and its surrounding environment by replacing failing septic systems and supplementing the existing Pottsboro treatment plant, which is nearing capacity, and creating a true regional wastewater system.
4. Environmentally-Conscious Development. In assessing the environmental impacts of the Corps' proposed actions, the EIS should consider the environmentally conscious manner in which the City and its development partner will develop Preston Harbor. The project's development plans call for cluster development and integrating the project into the natural landscape, which will minimize the need for removing trees and other vegetation, and reduce erosion and sedimentation. The City's stringent zoning regulations require that the Preston Harbor development protect views of the lake, preserve sensitive environmental resources and landscape elements, and mandate community open space and public access.
5. Recreational Benefits. The EIS should identify and consider the recreational benefits that the Preston Harbor project will provide. Preston Harbor will preserve and expand upon passive and active recreational opportunities in and around Lake Texoma by providing public boat ramps and boat docking facilities to allow additional access to the Lake, public parks, open spaces and a trail network for walking, jogging and biking, and two planned golf courses that will be open to the public for daily play.

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<sup>3</sup> See 40 CFR 1508.8(b).



## United States Department of the Interior

NATIONAL PARK SERVICE  
Intermountain Region  
12795 West Alameda Parkway  
Lakewood, CO 80228



IN REPLY REFER TO:  
ER-08/0850

### **NO HARD COPY TO FOLLOW**

September 5, 2008

Stephen L Nolen  
Tulsa District  
US Army Corps of Engineers  
CESWT-PE-E  
1645 S 101<sup>st</sup> E Ave  
Tulsa, OK 74128-4629

Subject: National Park Service comments on the Notice of Intent to prepare an Environmental Impact Statement on the Lake Texoma, Conveyance of Federal Lands to the City of Denison, TX

Dear Mr. Nolen:

The National Park Service has reviewed the subject project in relation to any possible conflicts with the Land and Water Conservation Fund (L&WCF) and found that Eisenhower State Park of L&WCF project 48-00007, Eisenhower State Park, is located in the study area.

We recommend you consult directly with the official who administers the L&WCF program in the State of Texas to determine any potential conflicts with Section 6(f)(3) of the L&WCF Act (Public Law 88-578, as amended).

The administrator for the L&WCF program in Texas is Mr. Tim Hogsett, Director, Recreation Grants Branch, Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744-3291.

Thank you for the opportunity to comment on this project. If you have any questions, please contact Roger A. Knowlton in our Midwest Regional Office at 402-221-1558.

Sincerely,

/s/

Roxanne Runkel  
Planning/Environmental Quality Technician



US Army Corps  
of Engineers®

## Denison Land Conveyance Questions, Comments, or Suggestions

The Corps of Engineers is interested in your concerns, questions, and suggestions for developing the Environmental Impact Statement for this action. Your input is an important part of the National Environmental Policy Act process. Please write your question, comment, or suggestion on the space provided below. If you would like to be kept informed about this study please provide your name and address. Feel free to use the back of this form or additional pages if needed. You may also take this form with you and return it to the address below. Your comment will become a part of the public record for the study.

I believe the development will be good for the area's economy, image & tourism activity. One of the most appealing things about the development is the consistence of quality throughout an area on the lake. There is too much of a mixtore elsewhere, plus, the advantage of having sewer to the area is enormous.

Optional Information:

Name: Ellen Darr Affiliation: Realtor  
Address: 930 Reeves Rd. City: Pottsboro State: TX  
Zip: 75076 Phone: 903-463-3355 E-mail: ellen.darr@GRA.com

Point of Contact:

Steve Nolen

U.S. Army Corps of Engineers

Attn: CESWT-PE-E

1645 South 101st East Avenue

Tulsa, OK 74128-4629

(918) 669-7660

Fax: (918) 669-7546

E-mail: [Stephen.L.Nolen@usace.army.mil](mailto:Stephen.L.Nolen@usace.army.mil)

**From:** [Nolen, Stephen L SWT](#)  
**To:** [Wegner-Johnson, Maria M;](#)  
[Smith, Mark A SWT;](#)  
**Subject:** FW: Schuler Development  
**Date:** Thursday, September 18, 2008 4:45:55 PM

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**From:** Joseph Piazza [mailto:[jpiazza@hotmail.com](mailto:jpiazza@hotmail.com)]  
**Sent:** Tuesday, September 16, 2008 4:35 PM  
**To:** Nolen, Stephen L SWT; [joe@piazza-construction.com](mailto:joe@piazza-construction.com)  
**Subject:** Schuler Development

Dear Mr. Nolen

Is it true that the construction of the Schuler development will eliminate public access to the beaches on the East side of the Little Mineral Bay? As an avid boater and frequent user of those beaches it causes great concern. As you may know there are almost no other sandy beaches on the Texas side of the lake, and none in the Denison vicinity. I feel that I speak for a large group of people that have no objection to the development provided that the beaches that are freely enjoyed by so many of the public are not taken away for the use of the few.

Concerned Citizen  
Joe Piazza

---

Want to do more with Windows Live? Learn "10 hidden secrets" from Jamie. [Learn Now](#)

Gene & Kat Johnson  
26 Lakeshore Dr.  
Pottsboro, TX 75076  
903-786-2574 home  
214-244-6408 cell

September 11, 2008

Steve Nolen  
U.S. Army Corps of Engineers  
Attn: CESWT-PE-E  
1645 South 101<sup>st</sup> East Ave.  
Tulsa, OK 74128-4629

Dear Steve,

This letter is to let you know that we are opposed to the Denison Land Conveyance of 900 acres along the East bank of Little Mineral Bay.

First we do not need any more marinas on Lake Texoma. We already have 22 marinas on Lake Texoma and these marinas have approximately 1,000 vacancies in them. Also I understand that Catfish Bay has asked for approval to add 400 boat slips at that location.

The building of more marinas and resort type developments on Lake Texoma will only have a serious negative environmental impact on the native forest, vegetation, fish and wildlife habitats.

We appreciate your attention to this matter.

Sincerely,

Kat Johnson



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Gene Johnson



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US Army Corps  
of Engineers

## Denison Land Conveyance Questions, Comments, or Suggestions

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SEE ATTACHED

### Optional Information:

Name: JIM PIERCE Affiliation: \_\_\_\_\_  
Address: 344 SHORELINE RD City: POTTSBORO State: TX  
Zip: 75476 Phone: 903-786-2117 E-mail: jimpie@ACL.COM

### Point of Contact:

Steve Nolen

U.S. Army Corps of Engineers

Attn: CESWT-PE-E

1645 South 101st East Avenue

Tulsa, OK 74128-4629

(918) 669-7660

Fax: (918) 669-7546

E-mail: [Stephen.L.Nolen@usace.army.mil](mailto:Stephen.L.Nolen@usace.army.mil)

**Jim Pierce**  
**344 Shoreline Road**  
**Pottsboro, Texas 75076**  
**(903)786-2127**  
**(903) 624-5494 cell**

11 September 2008

Steve Nolen  
U.S. Army Corps of Engineers  
Attention: CESWT-PE-E  
1645 South 101<sup>st</sup> East Avenue  
Tulsa, OK 74128-4629

Dear Mr.Nolen:

I live on the western side of Little Mineral Arm of Lake Texoma. I can see the wild rugged land on the eastern side of this bay for which this meeting was scheduled. I have lived here about 28 years. One of the main reasons I moved to this location was because of the nice view of these wild lands and the wildlife which inhabit it.

Since this was public land under the control of the Corps of Engineers and there were no other plans for it's long range use by local municipalities (Denison included), I felt it would remain free to the wildlife forever and there would always be the feeling of being close to nature.

I regularly boated along this shore and observed deer hidden back in the underbrush.

Near my home on the western shore of the Little Mineral Arm I spend time in the winters looking with my spotting scope along the eastern shore of the Little Mineral Arm for bald eagles, both perched and flying. They are looking for fish, their natural food. I see quite a few eagles - both perched and flying. I also see large flocks of turkey vultures and black vultures perched in the trees.

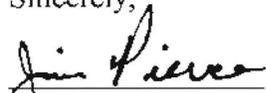
I am a birder and do lots of volunteer work for Hagerman NWR. I usually help with the Eagle Count each Januaruy, which the Corps is involved with, and my territory usually includes the Preston peninsula. It starts at Grandpappy point and follows the shore around Little Mineral Arm and on around the peninsula to High Port.. In the 2006 Lake Texaoma eagle count, the largest number of eagles were seen in or over the acreage considered in your EIS.

I am very much opposed to letting public wild land pass to the control of a private developer. If

this land goes to development, the wildlife will be gone. Instead of looking at wildlife, trees and hills we will be looking at poles and condos. If you want to dispose of this property, why don't you give it to Hagerman NWR. Wild land is in short supply and developers are continuously devising ways to take it out of the public domain for their development, reducing the amount of public wild land.

If you do sell it, you should charge the same price per acre that Schuler will get for his choice acreage. This could and should buy some nice wild land some place.

Sincerely,

  
Jim Pierce

CC:

Sierra Club

Defenders of Wildlife

Environmental Defense Action Fund

Hagerman NWR

Jim McClure



**US Army Corps  
of Engineers®**

## Denison Land Conveyance Questions, Comments, or Suggestions

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*The Main Reasons for the Conveyance:*

*1. Give control over sewer and water disbursements to locations that could better serve the area in question.*

*2. It will encourage economic growth that is properly developed under the auspices of one developer assigned to this area.*

**Optional Information:**

Name: JOE REED Affiliation: landowner  
 Address: 116 Hilltop Ln City: Pottsville State: TX  
 Zip: 75076 Phone: 903-706-2714 E-mail: jyrjr@texoma.net

**Point of Contact:**

Steve Nolen

U.S. Army Corps of Engineers

Attn: CESWT-PE-E

1645 South 101st East Avenue

Tulsa, OK 74128-4629

(918) 669-7660

Fax: (918) 669-7546

E-mail: [Stephen.L.Nolen@usace.army.mil](mailto:Stephen.L.Nolen@usace.army.mil)



10/14/08



US Army Corps  
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# Denison Land Conveyance Questions, Comments, or Suggestions

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I would like to express my opposition against the transfer of U.S. Army Corps of Engineers public lands on Lake Texoma in Little Mineral Area to the City of Denison. The amount of public access to Lake Texoma and around Lake Texoma has been disappearing annually. The 900 acres in question is now used for public hunting of which there is very little in Grayson County. This would all be lost with no additional area available. It also has several sandy beaches used by recreationists which would be lost. The coves in this area provide areas for boats to (over) →

Optional Information:

Name: John Moczysombe Affiliation: Citizen  
Address: 501 Crow City: Whitesboro State: TX  
Zip: 76273 Phone: 903 564 6454 E-mail: johnkaym@verizon.net

Point of Contact:

Steve Nolen  
U.S. Army Corps of Engineers  
Attn: CESWT-PE-E  
1645 South 101st East Avenue  
Tulsa, OK 74128-4629  
(918) 669-7660  
Fax: (918) 669-7546  
E-mail: [Stephen.L.Nolen@usace.army.mil](mailto:Stephen.L.Nolen@usace.army.mil)

anchors while on the lake. This would be greatly diminished ~~and~~ under the proposed development. The shoreline and cove areas provide spawning and nursery areas for important forage & sport fishes. This would be also greatly diminished. The development would also ~~hamp~~ hamper fishing access.

I would like to see the "no action alternative" taken.

501 Crow  
76273

FORT WORTH TX 761

13 SEP 2008 PM 2 T

"LET US BARE TO BE  
THINK, SPEAK  
John Adams, 17th  
power@there

Steve Nolen  
U.S. Army Corps of Engineers  
Attn: CESWT-PE-E  
1645 South 101<sup>st</sup> East Ave.  
Tulsa, OK 74128-4629

74128+4637

|||||

**From:** [Nolen, Stephen L SWT](#)  
**To:** ["glenmurley@netscape.net";](mailto:glenmurley@netscape.net)  
**cc:** [Nolen, Stephen L SWT](#); [Wegner-Johnson, Maria M](#);  
[Smith, Mark A SWT](#);  
**Subject:** RE: LAKE TEXOMA MTG. 09/11  
**Date:** Wednesday, September 10, 2008 7:20:27 AM

---

Mr. Murley:

I have received and appreciate your comments. I hope to see you at our public meeting if you can make it. I will add you to our mailing list for this action so that you receive future information as it develops. Thanks again for taking the time to provide comments.

Steve Nolen

-----Original Message-----

From: [glenmurley@netscape.net](mailto:glenmurley@netscape.net) [<mailto:glenmurley@netscape.net>]  
Sent: Tuesday, September 09, 2008 6:06 PM  
To: Nolen, Stephen L SWT  
Subject: LAKE TEXOMA MTG. 09/11

Mr. Nolen, I don't believe Corps of Engr'. should sell 900 acres to Denison so Denison can deed it to Schuler Dev.

Please help keep some Texas beach, scenery and clean water.

Best Regards

Glen Murley  
[glenmurley@netscape.net](mailto:glenmurley@netscape.net)  
77 Harlan Rd.  
Pottsboror, TX

**From:** [Nolen, Stephen L SWT](#)  
**To:** [Smith, Mark A SWT](#); [Wegner-Johnson, Maria M](#);  
**Subject:** FW: Denison Project  
**Date:** Thursday, October 23, 2008 9:34:59 AM

---

[Another comment to include. Thanks.](#)

[sln](#)

---

**From:** L Westall [mailto:sunshine0425@sbcglobal.net]  
**Sent:** Tuesday, October 21, 2008 8:24 PM  
**To:** Nolen, Stephen L SWT  
**Subject:** Denison Project

I am one of those negatively impacted by the Point Vista fiasco in Kingston, OK. Why repeat your mistakes? I work in Denison and respectfully request that you think very hard about the negative impact this new project will have. The local and federal economy is a mess, the election is a mess, Lake Texoma in Kingston is a mess...and you want to extend this to Denison! Now not only do I have to worry about my home town, I now have the added burden of the community I have worked in for the past 20 years. This is a sad day for the Army Corps of Engineers and the public.

Linda Westall

Attn: Steve Nolen  
USA Corp of Engineers  
Attn:CESWT-PE-E

9/28/08

Subject: Denison Land Conveyance

I attended the public hearing in Denison re the subject project and I am very supportive of the project. I believe the planned development will add to the economic development of the region with new jobs, new entertainment opportunities and will clearly add to the local tax base. As a boater on Lake Texoma, I welcome the addition of new facilities and restaurants.

My only concern is access to beach areas in the central cove (north-south) of the area in question. If private land goes all the way down to elevation 617, I believe that disputes will arise between land owners and boaters who like to sit on the sand beaches in this cove. I recommend private ownership only go down to perhaps elevation 625. Under normal lake conditions, this would allow a narrow band for public use at the waterfront.

I am not concerned about the cove at the southern end---this is not an area currently suitable for beach activities.



Kent M. Black  
1636 Georgetown Rd  
Pottsboro, TX 75076  
903-786-3409  
kent@texoma.net



US Army Corps  
of Engineers

## Denison Land Conveyance Questions, Comments, or Suggestions

The Corps of Engineers is interested in your concerns, questions, and suggestions for developing the Environmental Impact Statement for this action. Your input is an important part of the National Environmental Policy Act process. Please write your question, comment, or suggestion on the space provided below. If you would like to be kept informed about this study please provide your name and address. Feel free to use the back of this form or additional pages if needed. You may also take this form with you and return it to the address below. Your comment will become a part of the public record for the study.

I favor the establishment of a new development in Lake Tennesse and the Denison Area for many reasons.

First a development of this type would boost the local economy for many years. By bringing in new tourist & business to the area. Also, a new infrastructure will help maintain the

Natural Beauty of The Lake. Finally the existence of a single contractor would facilitate speedy progress & consistency. A development of this magnitude would make Lake Tennesse one of the most premier resort areas in the southeast.

Optional Information: Name: LINDA COOK Affiliation: \_\_\_\_\_  
Address: 2131 W. Monticello St. 101 City: Denison State: TX  
Zip: 75020 Phone: 903-819-5999 E-mail: LindaCook29@yahoo.com

Point of Contact:  
Steve Nolen  
U.S. Army Corps of Engineers  
Attn: CESWT-PE-E  
1645 South 101st East Avenue  
Tulsa, OK 74128-4629  
(918) 669-7660  
Fax: (918) 669-7546  
E-mail: [Stephen.L.Nolen@usace.army.mil](mailto:Stephen.L.Nolen@usace.army.mil)



US Army Corps  
of Engineers.

## Denison Land Conveyance Questions, Comments, or Suggestions

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I believe this project could jump start development on the eastside of Denison, TX. I believe this project will be considered the best development at Lake Texoma. This development could bring almost \$1,000,000,000 in ~~new~~ property to the tax rolls.

Optional Information:

Name: \_\_\_\_\_ Affiliation: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_  
Zip: \_\_\_\_\_ Phone: \_\_\_\_\_ - \_\_\_\_\_ E-mail: \_\_\_\_\_

Point of Contact:

Steve Nolen

U.S. Army Corps of Engineers

Attn: CESWT-PE-E

1645 South 101st East Avenue

Tulsa, OK 74128-4629

(918) 669-7660

Fax: (918) 669-7546

E-mail: [Stephen.L.Nolen@usace.army.mil](mailto:Stephen.L.Nolen@usace.army.mil)

13 October 2008

Stephen L. Nolen  
Chief, Environmental Analysis and Compliance Branch  
U.S. Army Corps of Engineers  
CESWT-PE-E  
1645 S. 101<sup>st</sup> E. Ave  
Tulsa, OK 74128-4629

**Re: Denison Land Conveyance – Little Mineral Arm, Lake Texoma**

We appreciate the opportunity to provide comments relative to the conveyance of Federal lands at Lake Texoma. It is our understanding that intensive private development is planned along the eastern shore of the Little Mineral Arm. While these lands are located solely within the State of Texas, we feel impacts and future precedence will extend to Lake Texoma as a whole, including portions of the lake in Oklahoma.

Privatization of public lands comes at a loss to sportsmen and recreational users. This project and others surrounding the lake continues the precedence to sell prime public land limiting quality access to fishermen, hunters and outdoor enthusiasts. The creation of proposed “upscale” development may benefit a few individuals while restricting recreational opportunities for many. Traditional public use areas are already reduced by the significant number of quasi-public areas designated for use by specific organizations.

The Lake Texoma Shoreline Management Plan (SMP) of 1996, while outdated, was created to establish policy and guidance for the protection of desirable environmental characteristics of the lake. Shoreline within the proposed land sale is currently classified as Protected Shoreline, Aesthetic Area or Limited Development. Intensive development within this area, including single and multi-family residential housing, hotel and conference facilities, golf courses, retail and commercial space, office and light industry, and yacht clubs would certainly violate the SMP. According to the presented conceptual plans, development is planned or will be potentially allowed throughout the entire shoreline including the zones labeled Public Boat Ramp/Public Open Space and Natural Forest Preserve/Passive Open Space Uses. Additionally, up to 20% of the shoreline could be converted to private boat docks under these plans while specifically prohibited by the SMP (4-02-c) in a significant amount of this area. ODWC urges the Corps of Engineers to honor the existing SMP and protect this prime piece of public real estate.

Irreversible changes to the shoreline could have significant adverse impacts on the natural terrestrial and aquatic habitats. Of significant concern is the potential privatization of shoreline near the bottom of flood control pool (619 msl). Flood easements serve as an environmental buffer as well as provide fish and wildlife benefits. Seasonally inundated terrestrial vegetation provides essential spawning and nursery habitat for fish. This is recognized in the seasonal pool management plan currently in place and recommended by the Lake Texoma Advisory Committee. This buffer also contributes to shoreline stability, reducing localized erosion and sedimentation. With these important environmental roles, shoreline within the flood pool should remain natural and unavailable for private purchase.

While ODWC recommends the No Action EIS alternative, several other recommendations and/or alternatives follow.

- The proposed EIS appears to focus on the potential Little Mineral land transfer and a limited review of Lake Texoma for cumulative impacts. We urge the Corps to upgrade this plan to a complete and comprehensive Environmental Impact Statement (EIS) for Lake Texoma. Additionally, the outdated SMP requires updating prior to further consideration of the Denison land conveyance or similar modifications to the plan.
- Limit the land conveyance to elevations above the historic 645 msl boundary maintaining Corps easement of the entire flood pool. Privatization within the flood pool may lead to the eventual thinning, removal or modification of the natural shoreline vegetation and terrain within this environmentally sensitive buffer. Private ownership within the flood pool may also lead to future conflicts with pool manipulation (e.g. flood control and environmental manipulations). Additionally, potential flood damage will be minimized using this recommendation.
- The purpose of the SMP was to “establish policy and guidance for the protection of desirable environmental characteristics of the lake and restoration of the shoreline where degradation has occurred through private exclusive use”. This statement reveals the original protective intent of this document and the potential destructive nature of private exclusive use. The SMP (1-04 Private Exclusive Use) further states that private floating facilities won’t be permitted in a variety of areas including those with aesthetic values worthy of preserving and areas designated for fish and wildlife. Much of the shoreline proposed to be developed is classified as protected and aesthetic areas thus illustrating the scenic and beneficial components of this shoreline. As already discussed, this shoreline is much too important to consider as part of the land conveyance.
- The SMP continues to state that “the policy of the Chief of Engineers is to manage and protect the shoreline and the available resources by making as much of the shoreline as possible available to the general public for unrestricted use, while at the same time honoring our past written commitments and not

endangering the safety and health of all users”. With this acknowledged, the EIS should consider limiting the acreage of conveyance thus reducing the environmental impacts and loss of public lands.

- The proposed conveyance would result in a loss of recreational hunting opportunities by the general public. Not only would the conveyed lands be converted from public to private use, nearby hunting opportunities would be impacted as well. Hunting activities, including the discharge of firearms, on adjacent lands may pose public safety concerns for new developments and the increased activities associated with such development. We believe that future conflicts between the interests of private landowners and hunting activities would result in a loss of opportunity for Lake Texoma sportsmen. Ultimately, we are concerned about hunting and fishing opportunities being disproportionately displaced by private ownership and shoreline development. We believe that the impacts this development would have on current and future recreational uses should be addressed by the EIS.
- Potential mitigation should be implemented locally in similar high quality areas and available to the general public for activities currently allowed. Proceeds accrued from the prospective land sale should be made available for the Lake Texoma project and not transferred elsewhere.
- The conceptual plan states that shoreline erosion control measures will be considered where needed. We recommend utilizing an environmentally friendly method that protects spawning habitat and the natural aesthetics of the area. Methods for erosion control should be determined through consultation with the appropriate resource agencies, including the USACE, TPWD, USFWS, and ODWC.
- The proposed location of the yacht club is in a shallow cove which may require dredging to achieve its intended use and future dredging for maintenance. This activity coupled with bulkheading has been shown to negatively impact fish spawning, shoreline vegetation, and invertebrate communities utilized by fish and migratory birds. Other options, such as utilizing existing nearby marinas should be explored. Furthermore, the cumulative effect of private docks tends to generate conflict between property owners and the fishing public. The SMP (4-02-a) established limitations on the density of shoreline development in areas classified as limited development areas. These standards, or preferably more restrictive, should apply to the yacht club cove.
- Localized water quality issues may deteriorate from the effects of increased boating and wave action, soil disturbance and vegetation removal associated with construction activities, as well as excessive nutrient inputs from the fertilization of lawns, landscaping and golf courses. All allowable development activities should follow best management practices which minimize negative impacts on the

environment. Golf courses should be engineered to minimize rapid runoff and incorporate nutrient filtration.

- The conceptual plan calls for tree removal and/or selective pruning to enhance lake views and pedestrian shoreline access using a variety of methods. Tree trimming, pedestrian access paths, and mowing should be in accordance with the SMP. Considering the size of this intensively proposed development, additional restrictions should be explored due to cumulative effects. Landscaping within the flood pool easement should be restricted to only native vegetation which is beneficial to wildlife.
- The conceptual plan lacks specific details necessary to justify the proposed acreage and to fully review and provide comments (e.g. size and number of structures and location and description of golf courses). Additional details should be provided which demonstrates appropriate zoning and environmental planning. Furthermore, detailed plans on the public boat ramp and associated parking should provide evidence for ample public opportunity.
- Impacts to fish and wildlife, including threatened and endangered species and migratory birds, should be thoroughly investigated as well as cultural resources surveyed.
- If a No Action alternative is accepted, potential buffers between public lands and private property should be created on the private lands rather than degrading public resources.

Again, we appreciate the opportunity to provide comments relative to this project and urge the Corps of Engineers to maintain the protective and public classification of this area by accepting the No Action EIS alternative.

Sincerely,

Greg D. Duffy, Director  
Oklahoma Department of Wildlife Conservation



**US Army Corps  
of Engineers**

## Denison Land Conveyance Questions, Comments, or Suggestions

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I am concerned about the loss of 900 acres of public hunting  
land. I want the Environmental Impact Statement to include  
mitigation for the 900 acres of lost public hunting land. The  
mitigated land should be situated around Lake Texoma on the Texas  
side on United States Army Corps of Engineers land that is not  
currently open to public hunting.

**Optional Information:**

Name: Paula Scoggins Affiliation: \_\_\_\_\_  
Address: 1400 N Hwy 91 City: Denison State: TX  
Zip: 75020 Phone: 903-465-5892 E-mail: \_\_\_\_\_

Point of Contact:  
Steve Nolen  
U.S. Army Corps of Engineers  
Attn: CESWT-PE-E  
1645 South 101st East Avenue  
Tulsa, OK 74128-4629  
(918) 669-7660  
Fax: (918) 669-7546  
E-mail: [Stephen.L.Nolen@usace.army.mil](mailto:Stephen.L.Nolen@usace.army.mil)



US Army Corps  
of Engineers.

## Denison Land Conveyance Questions, Comments, or Suggestions

The Corps of Engineers is interested in your concerns, questions, and suggestions for developing the Environmental Impact Statement for this action. Your input is an important part of the National Environmental Policy Act process. Please write your question, comment, or suggestion on the space provided below. If you would like to be kept informed about this study please provide your name and address. Feel free to use the back of this form or additional pages if needed. You may also take this form with you and return it to the address below. Your comment will become a part of the public record for the study.

As a life-long resident of Denison, I have  
watched our City continue to dwindle in population.

A development of the size Mr. Schuler is planning  
can only help our City to grow and compete  
with our sister cities. More homes, more tax  
base, better economy for us all.

The number of jobs alone which will be created  
during construction would be a much needed boost to  
our area.

Optional Information:

Name: Peggy Coley

Affiliation: Grayson Co. Title

Address: 210 W. Main

City: Denison

State: TX

Zip: 75020

Phone: 903-465-2545

E-mail: peggy.coley@graysontitle.com

Point of Contact:

Steve Nolen

U.S. Army Corps of Engineers

Attn: CESWT-PE-E

1645 South 101st East Avenue

Tulsa, OK 74128-4629

(918) 669-7660

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FEEL THAT THIS PROJECT IS VERY POSITIVE FOR THIS  
AREA AND LAKE TEXOMA. LAKE TEXOMA IS  
UNDER DEVELOPED AND HAS A LOT OF  
POTENTIAL! THIS PROJECT WILL INCREASE LAKE  
ACCESS ON THE TEXAS SIDE.  
ENVIRONMENTAL IMPACT STUDY SHOULD  
FOCUS ON PROJECT AREA, NOT THE ENTIRE  
LAKE.

Optional Information:

Name: VERNON SYLVESTER, JR. Affiliation: BAIKER  
Address: 2820 W. FM 120 City: DENISON State: TX  
Zip: 75020 Phone: 903 464 9100 E-mail: \_\_\_\_\_

Point of Contact:

Steve Nolen

U.S. Army Corps of Engineers

Attn: CESWT-PE-E

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Rec'd 9/17/08



US Army Corps of Engineers®

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*I would like to appeal to Congress and the Corps to speed up the process of the EIS and limit the study only to the affected area instead of the entire lake. Texoma is one of the most under developed lakes in Texas and Oklahoma. Economically, we need the project to get going as soon as possible. It doesn't make sense to take 2-3 yrs. to do this study and delay this project.*

Optional Information:

Name: Ronnie Cole Affiliation: Business owner member Denison Development  
Address: 16 Ambassador Court City: Denison State: TX  
Zip: 75020 Phone: 903-465-6713 E-mail: crouche@ad.com *Foundation*

*former mayor of Denison.*

Point of Contact:

Steve Nolen

U.S. Army Corps of Engineers

Attn: CESWT-PE-E

1645 South 101st East Avenue

Tulsa, OK 74128-4629

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Lake Texoma General Proposition.txt

10-06-2008

To: Various Parties (address list attached)

RE: Proposed Sale of Approx. 900 acres of Lake Texoma Shoreline, known as the east shore of Little Mineral Bay or Little Mineral Arm, by the City of Denison, Texas to a private developer

Ladies and Gentlemen:

This letter is written on behalf of many concerned citizens who have signed the enclosed petitions. (128 petition signatures enclosed) Numerous additional signatures will be submitted in the near future. The enclosed represents the beginning only of the evidence that many voters and tax payers are against the proposed sale and development currently under consideration by the City of Denison, Texas. Please consider the following:

1. We concur with issues set forth in the January 25, 2005 letter written by the Texas Parks & Wildlife Department and we do not feel these issues have been fully considered.
2. State biologists have determined the lands in question are the best in the Lake Texoma area for deer habitat and hunting, wild turkey habitat and hunting, and creek, marshland and shallow areas which support nesting fisheries needed to repopulate the lake. That is why they were given the highest protective rating. Now they will be lost to development. Less than 5% of the Lake Texoma shoreline has natural hunting habitat and fishing coves like this area. 95% of coves on Lake Texoma that can be used for boathouses and marinas are already taken. This last 5% should stay protected.
3. Neither the Corp of Engineers nor the City of Denison have the personnel or funds to police the increase in building and water traffic that the proposed development will bring. Little Mineral Bay is already crowded during the summer months and more traffic will bring dangerous conditions.
4. There are 22 marinas on Lake Texoma with 1000 empty boat slips. There are 4 golf courses within a short distance of the proposed new 2 golf courses and none of the existing golf courses stays booked.
5. If the City of Denison wants a park, they can open and maintain Island View Park on Preston Peninsula which only a short distance from the proposed new park. It was closed several years ago for lack of use, expense to maintain and crime due to inability to spend the money for security. Parks on Lake Texoma are already under utilized most of the year.
6. The future of tourism at Lake Texoma depends on maintaining the scenic beauty of undeveloped shoreline. Recreationists are drawn to this area because of the natural environment. If that disappears, the hunters, boaters and fishermen will go somewhere else.
7. Developers are trying to take protected public property to line their own pockets on Lake

### **Lake Texoma General Proposition.txt**

Texoma. The developers have sold the City of Denison a bill of goods so the City will obtain this land under the guise of a public park, change its "protected" zoning status and then sell or lease it to the developers. This "park" status is misleading because only a portion might be a public park. It is two golf courses and an exclusive yacht club to which the average citizen will have no access. What this project does is destroy prime hunting and fishing areas that have been designated as "protected" and not for development under the Lake Texoma Shoreline Management Plan ("SMP") since the lake was built. The project will also likely leave the City of Denison with a life cycle liability when the developers flip the property and/or go bankrupt. Developers should not now be able to change those rules to the detriment of the public. This property deserves the protection it has had for 50 years.

8. **A full Environmental Impact Statement Necessary:** This study examines hunting, fishing, boating, economic, environmental and recreational development on the lake and the entire surrounding area. A full environmental impact statement ("EIS") as required by law has never been done on the lake. It has been 28 years since even a limited operational and maintenance EIS was done. A full EIS will provide a factual basis upon which public debate can determine what kinds of development should be allowed on the lake and where that development should be. This project and several others elsewhere on the lake will have such a cumulative and significant impact on the lake that a whole lake EIS, not a mere environmental assessment urged by developers, must be done. Further development of the lake should be stopped until an EIS is completed. People who attended the Corps of Engineers "EIS Scoping" open house on September 11, 2008 were told by developers present that this was already a "done deal" and the EIS would not stop the development.

9. **The tax payers of the City of Denison will no doubt be expected to fund bringing utilities and roads to the proposed development.** This project constitutes short term gain by a developer at the expense of long term profit by the community. This is conversion of public land for private profit and quick sale. There is no risk for the developers and huge risk for taxpayers. There are no guarantees for the City of Denison or its citizens.

10. **Deep coves must be protected from development pressure of buoys, boathouses, development and pollution. Wonderful hunting and fishing areas will be lost for our children forever.**

**We are currently in economic upheaval in this country. Our citizens have lost much in the last few days. The last thing they should lose is public land use. Where is the Public Trust Doctrine when we need it? What would Teddy Roosevelt think about this proposal? Please stop this proposed sale before it's too late.**

**Address List for Petition Letter on Little Mineral Arm Development:**

Chairwoman of US Senate Environment & Public Works Committee

U S. Senator Barbara Boxer  
112 Hart Senate Office Building  
Washington, D. C. 20510-4302

Lake Texoma Project Manager Joe Custer  
U S Army Corps of Engineers  
351 Corp Road  
Denison, TX 75020

Texas Representative Larry Phillips  
421 North Crockett  
Sherman, TX 75090

Mayor of City of Denison  
P O Box 347  
Denison, TX 75021-0347

Tom Hedge  
Texas Parks & Wildlife Dept.  
4200 Smith School Rd  
Austin, TX 78744

U S Senator John Cornyn  
517 Hart Senate Office Building  
Washington, D. C. 20510-4302

Texas State Senator Craig Estes  
Bank One Tower  
4245 Kemp Blvd., Suite 306  
Wichita Falls, Texas 76308

U S Senator Kay Bailey Hutchinson  
284 Russell Senate Building  
Washington, D. C. 20510-0776

U S Representative Ralph Hall  
2405 Rayburn HOB  
Washington, D.C. 20515-4304

U. S. Army Corps of Engineers  
Assistant Secretary of Army for Civil Works  
108 Army Pentagon, Room 3E446  
Washington, D. C. 20310-0108

Steve Nolen, U S Army Corps of Engineers  
Attn: CESWT-PE-E  
1645 South 101<sup>st</sup> East Avenue  
Tulsa, OK 74128-4629

Office of Chief of Engineers  
U. S. Army Corps of Engineers  
441 G Street, NW  
Washington, D.C. 20314-1000

Commander General  
U S. Army Corps of Engineers Division, Southwestern  
1100 Commerce Street, Suite 831  
Dallas, TX 75242-1317

Chairwoman of the House Water Resources & Environment Subcommittee  
U S Representative Eddie Bernice Johnson  
236 Cannon House office Building  
Washington, D. C. 20515

Chairman of House Committee on Transportation & Infrastructure  
U S Representative James L. Oberstar  
2365 Rayburn House Office Building  
Washington, D. C. 20515-2308

Texas Parks & Wildlife letter.txt

January 25, 2005

Mr. Ron Jordan  
Lake Texoma Area Office U.S. Army Corps of Engineers  
351 Corps Road  
Denison, Texas 75020-6425

Re: Lake Texoma Shoreline Management Plan

We appreciate the opportunity to provide comments on the Lake Texoma Shoreline Management Plan (SMP). As the agency responsible for protecting and managing the fish and wildlife resources of Texas, and for providing quality public access to those resources, Texas Parks and Wildlife Department (TPWD) staff is concerned about activities that may have detrimental effects on public natural resources. There is currently considerable pressure on portions of the lake and shoreline from existing and proposed development, and recreation access and demographic trends indicate that this pressure will only increase, it is important that the lake and adjacent shoreline areas continue to be managed to provide good quality habitat for fish and wildlife populations and esthetic opportunities to support the activities of sportsmen and recreationists. Public access to those resources should be provided by means that are not detrimental to the resources.

The current SMP allocates the lake shoreline into different classifications that provide a range of intensity of public access and protection for natural resources. TPWD encourages the Corps of Engineers to at least maintain current levels of classifications of protected and esthetic areas and to strictly enforce existing classifications. Proposed changes of shoreline classification or development on public lands should require public input and coordination with appropriate state resource agency(ies) as part of the completion of an Environmental Impact Statement.

Consideration should be given to returning protected status to important habitat areas that are currently classified for limited development. Development and vegetation alteration within and adjacent to the lake adversely affect fish and wildlife habitats, water quality, and the ability of the public to freely access the shoreline by trail or boat. Higher Intensity recreation infrastructure like parks, golf courses, or private boathouses. such as have been proposed in the vicinity of Grandpappy Point for example, would have significant adverse impacts that could be avoided by implementing a protected shoreline classification. In addition to terrestrial habitat and water quality impacts from this kind of development, TPWD staff is concerned about the direct and cumulative adverse impacts from continued construction of new private boat docks. While private boat docks are governed by the same rules as commercial boat docks regarding

**Texas Parks & Wildlife letter.txt**

**fuel and sewage handling, they are already too numerous for much more than casual inspection. Construction of private boat docks also has direct adverse impacts to on-shore and near-shore fish and wildlife habitats and the stability of the shoreline. Due to the shallowness of some coves, such as Little Mineral Cove East, dredging would be required to access private docks. The credible nature of soils in the area may also require bulkheading to stabilize the shoreline.**

**Dredging and bulkheading adversely impact fish spawning and nursery areas. Additional private boat docks also detract from esthetics of public recreation areas. Finally, private boat docks tend to limit public access to the shore by boat, particularly in wind-protected areas and coves.**

**In areas not currently being mowed, the current SMP allows a maximum 30-foot-wide strip of public land to be altered as a buffer for private properties, including mowing, brush-hogging, and tree trimming. Mowing and brush-hogging is allowed from 1 April to 15 November. TPWD staff believes that buffers desired by private landowners between existing managed public lands and private property should be created by activities on the private property rather than by degrading public natural resources. A 30-foot mowed buffer would adversely impact over 3.6 acres of public habitat resources per mile of public, private land interface. On a large lake such as Lake Texoma, this has the potential to allow the unnecessary cumulative loss of hundreds of acres of public resources. Clearing and frequent mowing also tend to favor the spread of exotic turf grasses and other species from adjacent private lots onto public land, to the detriment of native grasses and ground cover species. This further degrades the quality of public land as wildlife habitat. In addition, the allowed tree trimming, mowing and brush-hogging season coincides with the nesting period of many native birds, including ground-nesting birds. The Migratory Bird Treaty Act (MBTA) implicitly prohibits the intentional and unintentional take of migratory birds, including their nests and eggs: therefore, measures should be taken to avoid impacting them. TPWD staff therefore recommends that the clearing allowance be removed when the SMP is reviewed and updated. If clearing is to be allowed, it should be more restricted in time and frequency to minimize adverse impacts, avoid the nesting period of ground-nesting birds native to the area, and maintain compliance with the MBTA. Activities such as tree felling and vegetation clearing or mowing should occur outside of the April 1 - July 15 migratory bird nesting season. If migratory birds or their nests are present, they should not be disturbed and the U.S. Fish and Wildlife Service should be contacted at (817) 277-1100.**

**Again, we appreciate the opportunity to provide comments on this plan and look forward to future coordination on the conservation of this important natural and recreational resource. Questions can be directed to Tom Heger in Austin (512-389-4592).**

**Page 2**

**Sincerely,**

**Phil Durocher Director of Inland Fisheries Division PD:JRM:TGH:dh**

PETITION

THE UNDERSIGNED STRONGLY OPPOSE THE SALE OF 900 ACRES OF LAKE TEXOMA PUBLIC LANDS ALONG THE EASTERN SHORE OF LITTLE MINERAL BAY BY THE CITY OF DENISON, TX TO PRIVATE DEVELOPERS. THESE LANDS AND THE WATERS THEY ADJOIN WERE CREATED FOR AFFORDABLE PUBLIC USE BY FISHERMEN, CAMPERS, HIKERS, HUNTERS, BIRD WATCHERS, BOATERS, AND OUTDOOR ENTHUSIASTS. TO SELL THESE LANDS FOR DEVELOPERS TO BUILD LUXURY HIGH END HOMES AND FINANCIALLY BENEFIT IS A COMPLETE TRAVESTY AND SHOULD BE STOPPED.

DATE	PRINT FULL NAME	ADDRESS	CITY	ZIP CODE	SIGNATURE, SAME AS PRINTED
1 9-23-08	LARRY DEVORE	2708 THORNDALE	PLANO TX	75074	<i>Larry Devore</i>
2 9-23-08	BILL SIRKEL	2327 FOOTHILL	MC KINNEY, TX	75070	<i>Bill Sirkel</i>
3 9/23/2008	EDWARD SAMUEL	1926 TOBIN TRAIL	GARLAND, TX	75043	<i>Ed Samuel</i>
4 9/23/08	BILLY FORESTER	3113 DEEP VALLEY	FR. PLANO TX	75075	<i>Billy Forester</i>
5 9/23/08	CORRIE SMITH	3300 PONY DR	PLANO TX	75074	<i>C Smith</i>
6 9/23/08	KATHLEEN JESTER	3301 NORTH STAR RD	RICHARDSON, TX	75082	<i>Kathleen Jester</i>
7 9/23/08	ROBERT SMITH	5601 KENSINGTON CT	PARKER, TX	75002	<i>Robert Smith</i>
8 9/23/08	ANGELA BOLANDER	2016 HAYMEADOW	CARROLLTON	75007	<i>Angela Bolander</i>
9 9/23/08	RICHARD K ALVAREZ	3000 CLAYBROOK DR	WYLIE	75098	<i>RB</i>
10 9-23-08	ROY SAMBEANO	406 E 60th	ANNA	75109	<i>Roy Sambeano</i>

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	DATE	PRINT FULL NAME	ADDRESS	CITY	ZIP CODE	SIGNATURE, SAME AS PRINTED
1	9/23	Rolando Lopez	P.O. Box 931	ANNA	75409	Rolando Lopez
2	9/23	Ross - niel	557 CR4901	wolfe city	75496	Ross McDonald
3	9/23	JERRY COOPER	15788 TRL WESTERN	FRISCO	75035	Jerry Cooper
4	9-23-08	Vance Moore	10388 CR289	Anna	75409	Vance Moore
5	9/23/08	RANDY WYATT	600 Maple Leaf Ln	McKinney	75071	Randy Wyatt
6	9/23/08	Alice Rosales	1226 Iron Horse St	Wylie	75098	Alice Rosales
7	9/23/08	Arnoldo Rosales	1228 Iron Horse St	Wylie TX	75098	Arnoldo Rosales
8	9/23/08	Peggy McDermott	705 Bray Central Dr.	Allen TX	75013	Peggy McDermott
9	9/23/08	RANDY HERBISON	5007 SHADY Knolls Dr.	PARKER TX	75002	Randy Herbison
10	9/23/08	MICHAEL FISCH	742 YALE DR	ALLEN TX	75002	Michael Fisch

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	DATE	PRINT FULL NAME	ADDRESS	CITY	ZIP CODE	SIGNATURE, SAME AS PRINTED
1	9-23	RICHARDO GARCIA	3505 Hill Ridge	ALAMO	75011	Richardo Garcia
2	9-23	Ricky SNOW	311 Long Prairie	Furney	75126	Ricky Snow
3	9-23	Linnie Jester	3301 North St. Rd	Richardson	75082	Linnie Jester
4	9-23	Chris Richter	P.O. Box 531	Prosper	75078	Chris Richter
5	9-23	Lovie Toney	9557 Dale Gade	Dallas	75217	Lovie Toney
6	9-23	ALEX PIERCE	1017 AVE F	PLANO	75074	Alex Pierce
7	9-25	CHARLES O'BIER	P.O. Box 2341	McKinney	75070	Charles O'Bier
8	9/25	Willie Bette	1746 N Jupiter	Garland	75042	Willie Bette
9	9/23	[Signature]	1101 Sitter	Uptown	75088	[Signature]
10	9/23	William K. Steickland	5601 PR 5281	Celina	75009	William K. Steickland

PETITION

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DATE	PRINT FULL NAME	ADDRESS	CITY	ZIP CODE	SIGNATURE SAME AS PRINTED
09/23/08	Karissa Townsend	903 Segmore Cir.	Denison	75000	
09/23/08	Nakesha Branum	227 E Heron St	Denison	75000	
09/23/08	Jan Holston	2722 Stafford	Denison	75000	
09/23/08	Ginger Stein	903 Saymore	Denison	75000	
09/23/08	Darney Howell	923 Picketts	Sherman	75090	
9/23	Kevin Branum	227 E Heron	Denison	75001	
9/23	Wissa Ball	2722 Stafford	Denison	75000	
9/23	Vicky Branum	403 Cole Ln	Denison	75001	
9/24	Johnnie Sherrill	3803 Bayside	Arlington	76010	
9/24	Johnny Ray Sherrill	3803 Bayside	Arlington	76010	

JOHNNY RAY SHERRILL

PETITION

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	DATE	PRINT FULL NAME	ADDRESS	CITY	ZIP CODE	SIGNATURE, SAME AS PRINTED
1	9/21/08	Doug Harrison	1095 Thornridge	Greyle	75226	Doug Harrison
2	9-21-08	Rita Harden	2829 Prescott	Carrollton	75006	Rita Harden
3	9/27/08	Natalie Baerwaldt	8907 Groveland	Dallas	75218	Natalie Baerwaldt
4	9/27/08	Aaron Baerwaldt	8907 Groveland	Dallas	75218	Aaron Baerwaldt
5	9/27/08	Beverly Ridley	2689 Clear Springs Ct.	Richardson	75082	Beverly Ridley
6	9/27/08	Roy Ridley	2689 Clear Springs Ct.	Richardson	75082	Roy Ridley
7	9/27/08	Mary Bramble	133 McLean Dr. Pottsboro	Pottsboro	75076	Mary Bramble
8	9/27/08	BRANDON HUMPHREYS	350 PRESTON SHORE DR	POTTSBORO	75076	Brandon Humphreys
9	9/27/08	John Farrell	839 Denison Dr	Pottsboro	75076	John Farrell
10	9/27/08	Brandon Humphreys	350 Preston Shore Dr	Pottsboro	75076	Brandon Humphreys

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DATE	PRINT FULL NAME	ADDRESS	CITY	ZIP CODE	SIGNATURE, SAME AS PRINTED
1 9/19/08	HERBERT W. BAERWALD JR	169 SHORELINE	POTTSBORO	75076	H. W. Baerwald Jr
2 9/20/08	Shelley A. Dawson	5310 Kellersprings #133	Dallas	75248	Shelley A. Dawson
3 9/21/08	Sherra Kay Reed	4569 Highridge	The Colony	75056	Sherra Kay Reed
4 9/20/08	TANYA J. ALLEN	9306 Hurly 71	Belcher, LA	71004	Tanya J. Allen
5 9/20/08	Lynn Allen	9306 Hurly 71	Belcher, LA	71004	Lynn Allen
6 9/20/08	James Kurt Nienberger	14673 WAYSIDE OF	ADDISON, TX	75001	James Kurt Nienberger
7 9/20/08	Julie Castaneda	275 E. VISTA RIDGE MALL DR. #6537	LEWISVILLE, TX	75067	Julie Castaneda
8 9/20/08	Jack Hamilton	275 E. VISTA RIDGE MALL DR #6537	LEWISVILLE, TX	75067	Jack Hamilton
9 9/21/08	L. Kay McCain	7929 Hannah	PLANO, TX	75025	L. Kay McCain
10 9/21/08	Debra Miller	1095 THORNTON	ARROYO, TX	76020	Debra Miller

PETITION

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DATE	PRINT FULL NAME	ADDRESS	CITY	ZIP CODE	SIGNATURE, SAME AS PRINTED
1 9/24/08	Shelly Wilson	829 Topac De	McKinney	75071 TX	<i>Shelly Wilson</i>
2 9/24/08	Anna Alvarez	710 Standiford	McKinney	TX	<i>Anna Alvarez</i>
3 9/24/08	Amy Brinson	2708 Gabriel Dr	McKinney	75071	<i>Amy Brinson</i>
4 9/24/08	Brooks Brinson	"	"	"	<i>Brooks Brinson</i>
5 9/24/08	Grace Bradshaw	4093 Central Express	Allen	TX	<i>Grace Bradshaw</i>
6 9/24/08	Angie Pennington	507 B Jefferson	Van Alstyne	TX	<i>Angie Pennington</i>
7 9/24/08	Maithe Hunt	311 Scarlet	McKinney	TX 75070	<i>Maithe Hunt</i>
8 9-24-08	Enca Lovelady	3405 Truman	McKinney	75071	<i>Enca Lovelady</i>
9 9/24/08	DAVID CLARKE	2833 Sundance Dr	McKinney	75071	<i>David Clarke</i>
10 9/24/08	DeAnn Purdy	809 Brookwater Dr.	McKinney	75071	<i>DeAnn Purdy</i>

PETITION

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	DATE	PRINT FULL NAME	ADDRESS	CITY	ZIP CODE	SIGNATURE, SAME AS PRINTED
1	9/24	Tiffany Oliver	904 Topaz Dr.	McKinney	75071	Tiffany Oliver
2	9/24	Riclie Oliver	904 Topaz Dr.	McKinney	75071	Riclie Oliver
3	9/24	Bryan Oversee	2121 Diane Dr.	Plano	75074	Bryan Oversee
4	9/24	Courtney Lee	8813 Rocko Dr. Apt. 10	Irving	75063	Courtney Lee
5	9/24	JACK WILSON	829 TOPAZ Dr.	McKinney	75071	Jack Wilson
6	9/25	Tommy Mills	2924 Ashley Ln	Anna	75409	Tommy Mills
7	9/24	Charles Johnson	9910 Lakewood Ct.	BRUNN	15063	Charles Johnson
8	9/25	Zacharias Thomas	285 Grindstone St	Sunnyvale	75182	Zacharias Thomas
9	9/25	Anthony Platter	4110 maplesprings Dr	Arlington	76001	Anthony Platter
10	9/25	Paul J. Ordaz	4726 Paradise Cove Condom		75043	Paul J. Ordaz

PETITION

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DATE	PRINT FULL NAME	ADDRESS	CITY	ZIP CODE	SIGNATURE, SAME AS PRINTED
1 9-23-08	Graciela de la Rosa <small>Louis A. WAGES</small>	1814 mapleton Dr.	Dallas	75228	Graciela de la Rosa
2 9-23-08	Louis A. Wages	1814 mapleton	DALLAS TX	75228	Louis A Wages
3 9-27-08	ELOISA de la ROSA	3901 Keele Dr.	Garland TX	75041	Eloisa de la Rosa
4 9-27-08	John Amburgey	3810 Kazak Blvd	Garland	75041	John Amburgey
5 9/27/08	Norma Hoffman	101 S. Winnetka	Dallas	75208	Norma Hoffman
6 9-27-08	Antonio Cisnera	703 Shadywood	Richardson	75080	Antonio Cisnera
7 9/27/08	JOAN YOUNGBLOOD	703 SHADYWOOD	Richardson	75080	Joan Youngblood
8 9/27/08	Sandra Amburgey	3810 KAZAK	Garland TX	75041	Sandra Amburgey
9 9/27/08	Ruby de la ROSA	3901 Keele	"	TX 75041	Ruby de la Rosa

From: Graciela de la Rosa <graciela24@mac.com>  
 Subject: Fwd: Petition Against Private Development of E. Side of Little Mineral  
 Date: September 23, 2008 11:48:17 AM CDT  
 1 Attachment, 221 KB [Save](#)



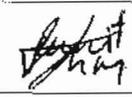
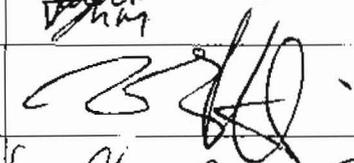
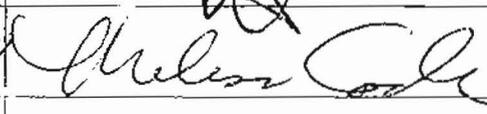
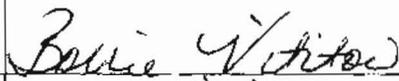
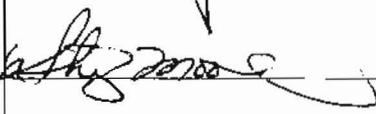
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	DATE	PRINT FULL NAME	ADDRESS	CITY	ZIP CODE	SIGNATURE, SAME AS PRINTED
1	9/27	Juana Maria Sirkel	2327 FOOTHILL RD	MCKINNEY	75070	Juana Maria Sirkel
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	DATE	PRINT FULL NAME	ADDRESS	CITY	ZIP CODE	SIGNATURE, SAME AS PRINTED
1	04/29/08	Whitney E. Bizzell	3517 Diamond Place	Plano	75025	
2	9/24/08	Rohit Dhing	640 Gray St Ln	Richardson	75081	
3	9/29/08	RYAN J. BOSCHETTI	4200 Horizon N North Pkwy #2310	DALLAS	75287	
4	9/30/08	Melissa Cook	7973 Briaridge Rd Dallas TX 75248	Dallas	75248	
5	9/30/08	Bobbie Vititow	1312 Oxford Pl	Mesquite	75149	
6	10/1/08	Victoria J. Harsh	6201 Chapel Hill Blvd #1723	Plano	<del>75043</del>	
7	10/2/08	Shirley Moore	2803 N Surrey	CARROLLTON	75006	
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DATE	PRINT FULL NAME	ADDRESS	CITY	ZIP CODE	SIGNATURE, SAME AS PRINTED
1 9-27-08	HECTOR H. CARDENAS	1709 CLEAR POINT DR	WORLDWIDE, TX	75041	Hector H. Cardenas
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From: Graciela de la Rosa <graciela24@mac.com>  
Subject: Fwd: Petition Against Private Development of E. Side of Little Mineral  
Date: September 23, 2008 11:52:23 AM CDT  
1 Attachment, 221 KB Save



PETITION

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	DATE	PRINT FULL NAME	ADDRESS	CITY	ZIP CODE	SIGNATURE, SAME AS PRINTED
1	9/24/08	Jason Richard Powell	489 Red Moore Rd	Whitewright	75491	Jason R. Powell
2	9/25/08	Marcia L Powell	190 FM 814	Whitewright	75491	Marcia L Powell
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	DATE	PRINT FULL NAME	ADDRESS	CITY	ZIP CODE	SIGNATURE, SAME AS PRINTED
1	9/25/08	JACKIE LOVING	6211 W. NW HWY	DALLAS	75225	Jackie Loving
2	9/25	EUNICE KANE	3330 NORTHAVEN	DALLAS	75229	Eunice Kane
3	9/25	LESLIE MASON	3956 High	Summit Dls	75244	Leslie Mason
4	9/26	Nora Dollehan	6211 W NW Hwy	Dallas	TX 75225	Nora Dollehan
5	9/26	Betty McClure	1322 Rock Dr	Allen	TX 75002	Betty McClure
6	9/27	Cheryl Hill	11 Ken Ct	Dallas	TX 75219	Cheryl Hill
7	9/27	ENEID DELACANAL	4139 Rosser	DALLAS	TX 75219	Eneid Delacanal
8	9/27	Susan Allen	6211 W. NW. Hwy	DALLAS	TX 75225	Susan Allen
9	9/27	Danny Willis	6211 W. NW. Hwy	Dallas	75225	Danny Willis
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DATE	PRINT FULL NAME	ADDRESS	CITY	ZIP CODE	SIGNATURE, SAME AS PRINTED
1 9-24-08	Michael Christopher Phillips	497 Saddle Trail	OAK Point	75068	<i>Michael Christopher Phillips</i>
2 9-24-08	Rodney Wayne Key	6601 West Plano Pkwy Apt 2123	Plano	75093	<i>Rodney Wayne Key</i>
3 9/24/08	Kevin Wayne Berstenkar	605 Woodard Tr. Dr. McKinney, TX 75071	McKinney	75071	<i>Kevin Wayne Berstenkar</i>
4 9/24/08	Eric M Lindberg	6679 Oak Hill Lane Celina, Tx 75009	Celina	75009	<i>Eric M Lindberg</i>
5 9/24/08	Cathy Denise Powell	404 Dixie Ln Whitewright, TX 75491	Whitewright	75491	<i>Cathy Powell</i>
6 9/25/08	Jacob Eli Fulmer II	3991 W Hwy 56 Elton, Tx 75439	Elton	75439	<i>Jacob Eli Fulmer II</i>
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PETITION

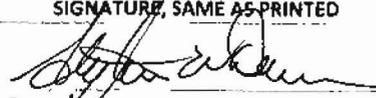
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DATE	PRINT FULL NAME	ADDRESS	CITY	ZIP CODE	SIGNATURE, SAME AS PRINTED
1 9-23-08	Jill HARMAN	3500 North Star Rd # 316	Richardson	75082	Jill Harman
2 9/24/08	JUDY RILEY	2755 SPY GLASS	CARROLLTON	75007	Judy Riley
3 9/24/08	Stephanie Stephenson	5200 Town + Country Blvd. Apt. #1524 Frisco, Texas	Frisco	75034	Stephanie Stephenson
4 9/24/08	Blythe T. Adkins	358 Stonewall Dr. Str	Streetman	75859	Blythe T. Adkins
5 9/24/08	Tracy McRae	505 CR 292	Collinsville	76633	Tracy McRae
6 9/24/08	Hank Hernandez III	9319 Pariscala Dr.	Dallas	75218	Hank Hernandez III
7 9/25/08	STEVEN NASH	401 S. LEAS LN	RICHARDSON	75081	Steven Nash
8 9/25/08	SONIA HORTON	5602 FAIRMONT DR	ROWLETT	75088	Sonia Horton
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872 661 4738 on Cell

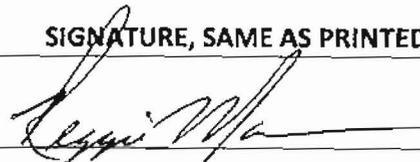
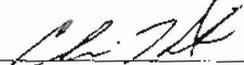
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	DATE	PRINT FULL NAME	ADDRESS	CITY	ZIP CODE	SIGNATURE, SAME AS PRINTED
1	9-28-08	STEPHEN W. DAWSON	1404 Huntington	Richardson	75080	
2	9-29-08	BARBARA J. DAWSON	DR 1404 Huntington	Richardson	75080	
3	9-30-08	Eran Kriegshauser	4640 Parnell Ln	Plano	75024	
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PETITION

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	DATE	PRINT FULL NAME	ADDRESS	CITY	ZIP CODE	SIGNATURE, SAME AS PRINTED
1	9-27-08	Reggie Marr	208 Preston Shore Dr.	Pottsboro	75076	
2	9-28-08	Chris Hicks	418 Denison Dr.	Pottsboro	75076	
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**SHELLEY A. DAWSON**  
**5310 Keller Springs Rd #133**  
**Dallas, TX 750248**  
**214-356-4356**

September 5, 2008

Attn: Stephen L Nolen  
Corp of Engineers

RE: Scoping Process for EIS on 900 acres  
Lake Texoma

Gentlemen:

I am writing to you because I am not certain I can attend the Open House on September 11<sup>th</sup> regarding the EIS on the 900 acres of federal land to be sold to the city of Denison.

I have been enjoying recreational boating, fishing, birding and camping activities at Lake Texoma for many years. I have a boat at Little Mineral Marina. I am gravely concerned the 900 acres of shoreline will be sold by the city of Denison for private development. This will take away wonderful shoreline from boaters, fishermen, hunters, bird watchers and other outdoor activities. It will no longer be affordable to the general public. It may also have a negative impact on vegetation and water life, as well as species that habit the forests of this area. I have seen eagles, osprey, deer, beaver and many other birds and animals in this area.

Having just spent the Labor Day holiday weekend at Lake Texoma, the idea of another marina and more boaters in Little Mineral Bay is horrible. That part of the lake was exceeding crowded during the last weekend and so unsafe that I didn't take my boat out until Sunday when most of the people had gone home. We don't need another marina in this part of Lake Texoma. There are vacant slips at Little Mineral and Grandpappy. I'm not sure about the Light House marina, but I expect they also have empty slips. Building another marina and bringing more people to the shoreline in hotels,

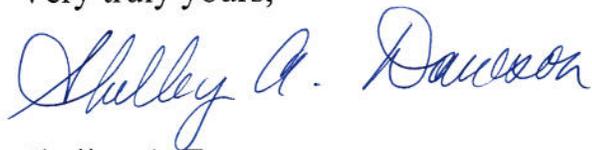
condos, and houses will only further crowd a part of the lake already dangerous on most summer weekends.

I also feel any EIS on this area should become part of an EIS for the entire lake. There are other developments already in process that will impact the lake and environment around it. The Corp's Shoreline Management Plan should also be reviewed in conjunction with this EIS.

I am not opposed to responsible development around Lake Texoma, or anywhere else. However, I believe Teddy Roosevelt would be shocked after all he did to preserve lands for the public to enjoy to know that currently we are moving in many areas to privatize the glorious public lands we all share. Little Mineral Bay shoreline should not be developed in my opinion.

Thank you for your consideration of my comments.

Very truly yours,



Shelley A. Dawson



**US Army Corps  
of Engineers.**

## **Denison Land Conveyance Questions, Comments, or Suggestions**

The Corps of Engineers is interested in your concerns, questions, and suggestions for developing the Environmental Impact Statement for this action. Your input is an important part of the National Environmental Policy Act process. Please write your question, comment, or suggestion on the space provided below. If you would like to be kept informed about this study please provide your name and address. Feel free to use the back of this form or additional pages if needed. You may also take this form with you and return it to the address below. Your comment will become a part of the public record for the study.

I am in favor of the proposed Denison Land Conveyance for the  
following reasons:

1) Septic tank pollution of Lake Texoma has been a long time  
concern; by having a single developer for most of the Hwy 84  
area, this will be controlled because the developer will install  
a central city sewer plant.

2) The planned development of the Hwy 84 area will create jobs  
and aid the local economical development.

3) A single developer will be much more interested in and likely  
to build a quality product, to maximize their profit.

### **Optional Information:**

Name: Steve Cook Affiliation: Individual  
Address: 225 Hwy 120 W. City: Pottsboro State: Tx  
Zip: 75076 Phone: 903.786-3355 E-mail: scookera@yahoo.com

### **Point of Contact:**

**Steve Nolen**

**U.S. Army Corps of Engineers**

**Attn: CESWT-PE-E**

**1645 South 101st East Avenue**

**Tulsa, OK 74128-4629**

**(918) 669-7660**

**Fax: (918) 669-7546**

**E-mail: *Stephen.L.Nolen@usace.army.mil.***



US Army Corps  
of Engineers®

## Denison Land Conveyance Questions, Comments, or Suggestions

The Corps of Engineers is interested in your concerns, questions, and suggestions for developing the Environmental Impact Statement for this action. Your input is an important part of the National Environmental Policy Act process. Please write your question, comment, or suggestion on the space provided below. If you would like to be kept informed about this study please provide your name and address. Feel free to use the back of this form or additional pages if needed. You may also take this form with you and return it to the address below. Your comment will become a part of the public record for the study.

I believe this project would improve the vitality of the surrounding communities. I manage an airport fueling operation. Right now we have little to draw corporate or private aircraft. Making this area a destination with better accommodations could be a real shot in the arm for the local economy.

Optional Information:

Name: Stephen Woodstenhulme Affiliation: Lake Texoma Jet Center  
Address: 3604 AIRPORT DR. City: Denison State: TX  
Zip: 75020 Phone: 903-786-2666 E-mail: steve.wood@texomajet.com

Point of Contact:

Steve Nolen

U.S. Army Corps of Engineers

Attn: CESWT-PE-E

1645 South 101st East Avenue

Tulsa, OK 74128-4629

(918) 669-7660

Fax: (918) 669-7546

E-mail: [Stephen.L.Nolen@usace.army.mil](mailto:Stephen.L.Nolen@usace.army.mil).

September 25, 2008

Steve Nolen

U. S. Army Corps of Engineers  
1645 South 101<sup>st</sup> East Ave.  
Attn: CESWT-PE-E  
Tulsa, Ok 74128-4629  
Re: Denison Land Conveyance

My wife and I owned a Corps lease, Little Glasses Resort, from 1995 until 2006 so have been keenly aware of impacts to Lake Texoma. Many safeguards were originally included in leases and shoreline development plans. However, these have been systematically circumvented by politics and developers wishing to make huge profits at the expense of the public.

Special interest legislation was attached to the 1999 WRDA bill and again to the 2007 WRDA bill to basically force the COE to sell land to private developers. We are very concerned that environmental impact will be glossed over due to the high level pressure on the Corps to quickly and quietly transfer the land to developers.

It is critical that a Lake wide Environmental Impact Study be conducted considering the impacts of multiple developments, chloride projects, increased use, additional water needs etc. Additionally, this effort must be government funded rather than by developers or cities which intend to pass all costs on the private developers.

Activities related to the Oklahoma State Park serve as an example of what is going on in Little Mineral Bay. This transfer started out simply as a means to modernize the lodge and enhance the park for the public. The original environmental impact analysis was limited to essentially that minor scope. However, it has evolved to a huge conversion of public land to private development which is still evolving. What was originally a destination for thousands of visitors to the lodge, cabins, and RV parks will become nothing more than a housing projects with very little public recreational focus. Although the developer claims to be building a tourist destination, the plans for affordable tourist activities are dwindling as the project progresses. For example, one golf course has disappeared, and approximately 225 RV spaces will be eliminated. The replacement for the lodge/cabins will not be affordable if ever built. Similarly, very little is known of the final development for the Little Mineral Bay area. cursory analysis may be given based on a relatively small project but after the assessment is completed the developer will likely greatly expand the project. It is therefore critical to assume maximum development of all possible projects on the lake so that the cumulative impacts can be considered.

Environmental information has been provided by experts and I will not try to add to this. My main point is to look at the bigger picture rather than individual small portions such as Little Mineral Bay. We all know how valuable COE lakefront property is and also

realize developers are working closely with politicians to obtain this land very cheaply and will make tremendous profits at the expense of the public. There will be a huge effort to grab additional COE land in the future and your analysis must assume many additional projects and associated impact to the lake. This is even more acute since the additions to the WRDA bill were intended to facilitate additional transfers.

A handwritten signature in black ink, appearing to read "Terry Borgmann". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Terry Borgmann  
91 Stone Hinge Dr.  
Mckinney, TX 75069

Terry Borgmann  
91 Stone Hinge Dr.  
Mckinney, TX 75069

NORTH TEXAS P&DC  
TX 750 71  
29 SEP 2008 PM



U. S. Army Corps of Engineers  
1645 South 101<sup>st</sup> East Ave.  
Attn: CESWT-PE-E  
Tulsa, Ok 74128-4629  
Re: Denison Land Conveyance

741284629 0006



**From:** [Nolen, Stephen L SWT](#)  
**To:** [Smith, Mark A SWT](#); [Wegner-Johnson, Maria M](#);  
**Subject:** FW: Denison Land sale  
**Date:** Thursday, October 16, 2008 9:00:20 AM

---

Comments from USFWS.

-----Original Message-----

From: Kevin\_Stubbs@fws.gov [[mailto:Kevin\\_Stubbs@fws.gov](mailto:Kevin_Stubbs@fws.gov)]  
Sent: Tuesday, October 14, 2008 4:44 PM  
To: Nolen, Stephen L SWT  
Cc: Ken\_Collins@fws.gov; Ken\_Frazier@fws.gov  
Subject: Denison Land sale

Steve,

The U.S. Fish and Wildlife Service (Service) is providing preliminary comments (via this email) for your scoping activities related to the Denison Land Conveyance Environmental Impact Statement (EIS). We will provide a letter with more complete comments as soon as possible. The EIS will address alternatives and impacts associated with conveyance of approximately 900 acres of U.S. Army Corps of Engineers (Corps) lands to the city of Denison, Texas. Our understanding is that the City of Denison proposes to sell the property to a developer and plans include a hotel/conference center, a yacht club, single and multi-family housing, wastewater treatment facility, recreational trails and possibly a golf course.

The Service is pleased to see the Corps preparing an EIS for this proposed conveyance of Corps land. We believe that the National Environmental Policy Act (NEPA) requires an EIS for projects of this magnitude and that appropriate alternatives, potential and cumulative effects, and adequate mitigation should be considered in your scoping process.

The Service is concerned about the cumulative effects of large land sales and leases at the Lake Texoma Project and the precedent it could set for other Corps projects. For example, a similar and recent sale of 500 acres of Lake Texoma Project lands to the state of Oklahoma was then re-sold for private development (housing, golf course, etc.). The Corps Environmental Assessment (EA) for that land conveyance did not include any alternatives with private development and did not provide any mitigation for the impacts to fish and wildlife habitat and

recreational use. The outdated 1976 Lake Texoma Environmental Impact Statement, 1978 Master Plan and 1996 Shoreline Management Plan, also do not include any description of land sales for private housing developments.

The Denison land conveyance could result in private development and use of 900 acres of formerly public land. This could negatively impact public access and recreational use in and near the affected area. The 900 acres would be part of 2,400 Lake Texoma acres that are authorized for sale and appear to be planned for private development, without any proposed mitigation. In addition to the 2,400 acres to be sold, 3,106 additional acres are leased to nonprofit and private organizations for recreational use by the lessee, and access and use by the public is usually excluded.

The cumulative effect of these sales and leases (5,506 acres) dramatically impacts the public's access and recreational use of Corps lands that were originally purchased and proposed for public recreational use.

These actions are not adequately addressed in the Shoreline Management Plan and constitute significant changes relative to the original project and outdated EIS. Compliance with the Fish and Wildlife Coordination Act also should be addressed. The impacts of selling 2,400 acres for private development goes well beyond any that could have been considered or anticipated when the Service and state resource agencies consulted with the Corps for mitigating project impacts. These actions do not appear to comply with NEPA or the Fish and Wildlife Coordination Act and the Corps should request assistance and focus resources to comply with these federal laws and provide appropriate mitigation.

We understand that the Corps does not get any of the revenue from these sales and funding may be a problem to mitigate by providing alternative areas for public recreation. The money from land sales would go to the general treasury and would not be available to benefit users of Lake Texoma. Impacts to public access, recreation, wildlife habitat, etc. could be minimized if the City of Denison or developer agreed to fund the mitigation, or if legislation requiring these sales were modified to include provisions for the revenue going back to the Corps (or other appropriate public agency) to provide adequate mitigation (such as acquisition and management of new land to replace the public lands sold).

Thank you for including us in your scoping process. Please call me if you have any questions.

Kevin Stubbs  
Fish and Wildlife Biologist  
US Fish & Wildlife Service  
Ecological Services  
Oklahoma Field Office  
9014 East 21st Street

Tulsa, OK 74129

Phone (918)382-4516

Fax (918)581-7467



TEXAS  
HISTORICAL  
COMMISSION

*The State Agency for Historic Preservation*

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

September 24, 2008

Stephen L. Nolen  
Chief, Environmental Analysis and Compliance Branch  
Department of the Army  
Tulsa District, Corps of Engineers  
1645 South 101<sup>st</sup> East Avenue  
Tulsa, OK 74128-4609

Re: Project review under Section 106 of the National Historic Preservation Act of 1966  
Notice regarding EIS for the conveyance of federal land to the City of Denison  
(COE-TUD)

Dear Mr. Nolen:

Thank you for your correspondence regarding the above referenced project. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

We apologize for being unable to attend the public meeting on September 11, 2008. This agency will participate as a cooperating agency in the NEPA process for this land transfer. Please note that under Section 106 of the National Historic Preservation Act, transfer of land out of federal ownership is considered an adverse effect on historic properties. Therefore, it will be important to conduct an archeological survey of the tracts to be conveyed and to evaluate sites for eligibility for inclusion in the National Register of Historic Places early in the process.

We look forward to working with you to achieve a successful preservation outcome. Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact Bill Martin at 512/463-5867.**

Sincerely,

A handwritten signature in cursive script, appearing to read "William A. Martin".

for  
F. Lawrence Oaks, State Historic Preservation Officer

FLO/wam



**US Army Corps  
of Engineers**

## Denison Land Conveyance Questions, Comments, or Suggestions

The Corps of Engineers is interested in your concerns, questions, and suggestions for developing the Environmental Impact Statement for this action. Your input is an important part of the National Environmental Policy Act process. Please write your question, comment, or suggestion on the space provided below. If you would like to be kept informed about this study please provide your name and address. Feel free to use the back of this form or additional pages if needed. You may also take this form with you and return it to the address below. Your comment will become a part of the public record for the study.

I am concerned about the loss of 900 acres of public hunting  
land. I want the Environmental Impact Statement to include  
mitigation for the 900 acres of lost public hunting land.

The mitigated land should be situated around Lake Texoma on the  
Texas side on United States Army Corps of Engineers land that is  
not currently open to public hunting. Enclosed is a public hunting  
map of Lake Texoma that has three locations circled which would  
provide adequate land for mitigation.

**Optional Information:**

Name: Todd R. Robinson Affiliation: \_\_\_\_\_  
Address: 1400 W Hwy 91 #323 City: Denison State: TX  
Zip: 75020 Phone: 903-465-5892 E-mail: todd.robinson@tpwd.state.tx.us

Point of Contact:  
Steve Nolen  
U.S. Army Corps of Engineers  
Attn: CESWT-PE-E  
1645 South 101st East Avenue  
Tulsa, OK 74128-4629  
(918) 669-7660  
Fax: (918) 669-7546  
E-mail: *Stephen.L.Nolen@usace.army.mil.*

# LAKE TEXOMA

PUBLIC HUNTING AREA



## LEGEND

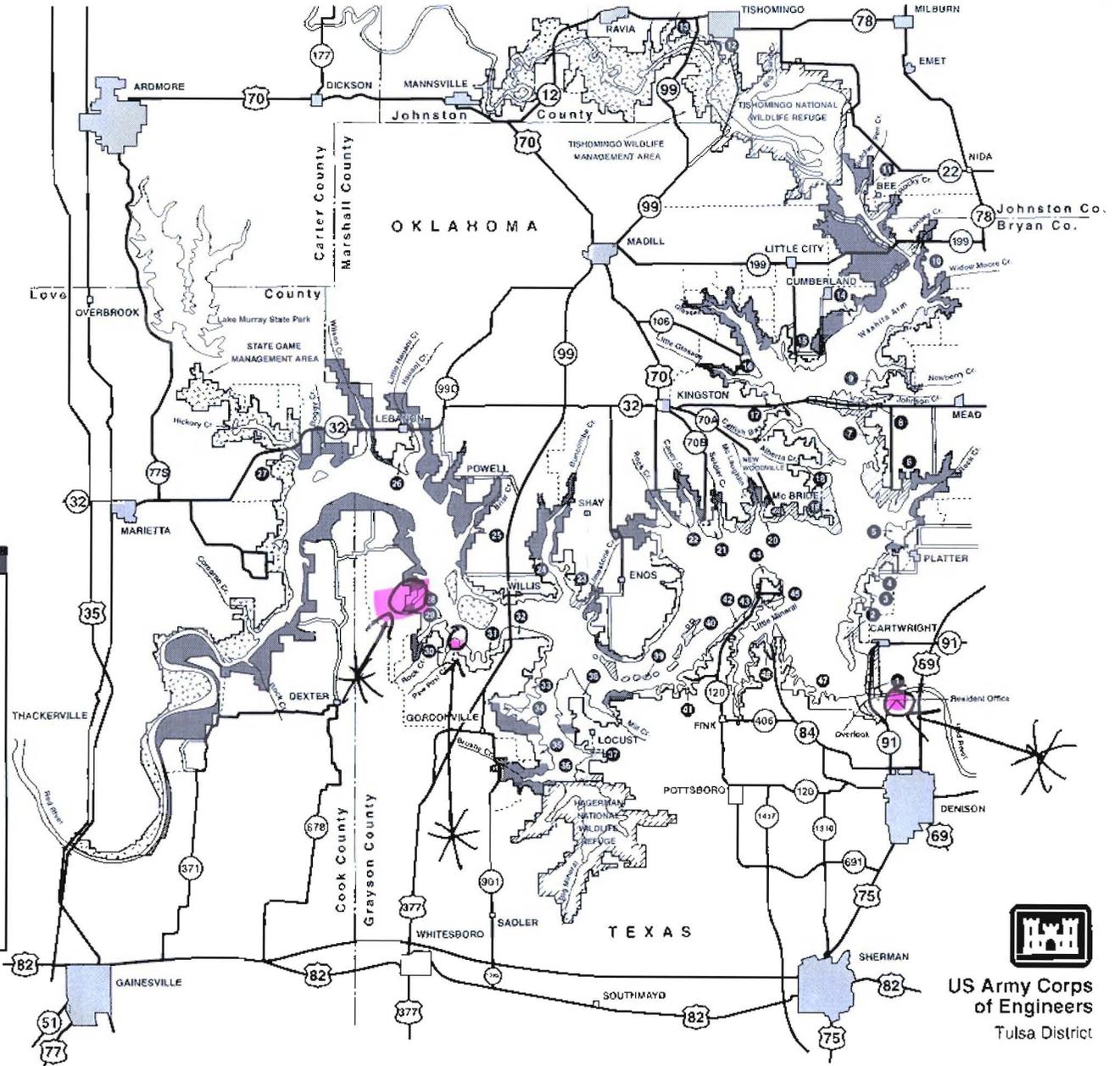
- Paved Road
- Improved Road
- County Road
- Project Boundary
- Corps Areas Open For Hunting
- State Areas Open For Hunting
- See Restrictions

## PUBLIC USE AREAS

- |                         |                         |                          |
|-------------------------|-------------------------|--------------------------|
| 1 Dam Site Area         | 17 Texoma State Park    | 37 Cedar Mills           |
| 2 Burns Run             | 18 Alberta Creek        | 38 Walnut Creek          |
| 3 Sunset Camp           | 19 Washita Point        | 39 Big Mineral           |
| 4 Willafa Woods         | 20 Roads End            | 40 Flowing Wells         |
| 5 Platter Flats         | 21 Soldier Creek        | 41 Paradise Cove         |
| 6 Lakeside              | 22 Caney Creek          | 42 Mill Creek            |
| 7 Willow Springs        | 23 Arrowhead Point      | 43 Treasure Island       |
| 8 Johnson Creek         | 24 Buncombe Creek       | 44 North Island          |
| 9 Newberry Creek        | 25 Bnar Creek           | 45 Highport Resort       |
| 10 Kansas Creek         | 26 Lebanon Resort       | 46 Island View           |
| 11 Butcher Pen          | 27 Hickory Creek        | 47 Preston Fishing Camp  |
| 12 Tishomingo City Park | 28 Rock Creek           | 48 Preston Point         |
| 13 Pennington Creek     | 29 Paw Paw Point        | 49 Preston Bend Resort   |
| 14 Cumberland Cove      | 30 Paw Paw Creek Resort | 50 Grandpappy Point      |
| 15 Bridgview            | 31 Cedar Bayou          | 51 Eisenhower State Park |
| 16 Little Glasses       | 32 Juniper Point        |                          |



**RESERVOIR DATA**  
 Top of conservation pool EL 617.0  
 580 shoreline miles at EL 617.0  
 Total project land & water acreage 193326



**US Army Corps of Engineers**  
 Tulsa District



US Army Corps  
of Engineers.

## Denison Land Conveyance Questions, Comments, or Suggestions

The Corps of Engineers is interested in your concerns, questions, and suggestions for developing the Environmental Impact Statement for this action. Your input is an important part of the National Environmental Policy Act process. Please write your question, comment, or suggestion on the space provided below. If you would like to be kept informed about this study please provide your name and address. Feel free to use the back of this form or additional pages if needed. You may also take this form with you and return it to the address below. Your comment will become a part of the public record for the study.

*I have a few concerns which I feel should be addressed - The majority of the affected shoreline should be protected from commercial or residential use up to a level not visible from the lake. Access should be granted for some public uses - hotel / restaurant / marina but only as small area. Traffic access on FM 84 needs to be addressed and provided. The density of the proposal cannot be fully handled by the current roadway.*

*I would appreciate continuing updates and hope the EIS can be completed expeditiously.*

Optional Information:

Name: William Rete

Affiliation: Monner Ridge Property Owners Assoc

Address: 66 Monner Ridge Dr City: Denison

State: TX

Zip: 75020

Phone: 903-327-8137

E-mail: RETEW@COMCAST.NET

Point of Contact:

Steve Nolen

U.S. Army Corps of Engineers

Attn: CESWT-PE-E

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