

Appendix H: Detailed Summary of Comments

**City of Denison Land Conveyance Action
Summary of Public Comments
Scoping Process – Environmental Impact Statement**

Summary

Major Issues Identified during Scoping

1. Concerns Related to the National Environmental Policy Act (NEPA) Process
2. Public Lands and Access Considerations
3. Socioeconomic Concerns
4. Recreation Opportunities
5. Fish and Wildlife Considerations
6. Water Quality Concerns
7. Visual/Scenic Considerations
8. Cumulative Effects Analysis

Major Statutory Requirements

1. Threatened and Endangered Species (Endangered Species Act)
2. Section 106 (National Historic Preservation Act of 1966) Coordination
3. Section 10 (Rivers and Harbors Act of 1899) and Section 404 (Clean Water Act) Permits

Other Issues (to be addressed, but not likely to result in important discussion/analysis)

1. Air Quality
2. Noise
3. Environmental Justice
4. Floodplain Management
5. Invasive Species
6. Riparian Areas
7. Migratory Birds
8. Wetlands
9. Prime and Unique Farmlands
10. Hazardous, Toxic, and Radiological Waste (HTRW)

Major Issues Identified During Scoping

I. Concerns Related to the National Environmental Policy Act (NEPA) Process

Need for Environmental Impact Statement (EIS) and Scope

Federally-funded EIS is required for entire lake

Scope of EIS should be limited and process should be expedited

EIS should focus on project area, not entire lake

EIS should address action as precedent-setting
EIS should address cumulative effects
EIS should address land sales for private development
EIS should address previous instances where the ultimate action that occurred went beyond what was considered in consultation and in the NEPA process
EIS should address the previous planning documents for Lake Texoma, including the 1976 EIS; 1978 Master Plan; and the 1996 Shoreline Management Plan
EIS must look at the action objectively, and not as a “done deal”
EIS should form a fact-based foundation for sound future planning and lake development
EIS should be scientific in nature, be derived from intensive research, and should be peer-reviewed
Data collection in EIS should be defensible and representative of factors that may affect the data (e.g., weather, season, etc.)
EIS should be written clearly and in layman’s terms
Limit the land conveyance to elevations greater than 645 feet amsl
Privatization of land below 645 feet amsl will lead to a number of problems, including access conflicts, erosion, habitat loss, environmental buffer loss, and future conflicts in floodpool manipulation
Scope of EIS should be broad enough to address all Corps activities in connection with land conveyance
Purpose and need for action in EIS should include satisfying requirements for action in Water Resources Development Act of 2007, and for fulfilling City’s need for economic development; need for additional wastewater treatment capacity should also be addressed

Alternative Development

Alternatives must detail the private development included in the action
Alternatives should not address conveyance of fewer than 900 acres
Alternatives should not address deed restrictions on land above 645 feet amsl
Alternatives should not address deed restrictions on land below 645 feet amsl that are unnecessary or otherwise tied to particular concerns that are addressed through other regulatory means (e.g., endangered species act)
Alternatives that unreasonably limit development features or shoreline uses should be rejected
No action alternative should be based on current plans for developing the adjacent private property
EIS should address alternatives other than the land sale

Mitigation Plans

Mitigation should address both fish & wildlife and recreation issues
Mitigation discussion should address the development of environmentally conscious plans, including minimization of tree and vegetation loss, reduction of erosion and sedimentation into the lake, viewshed protection, preservation of sensitive environmental resources, increased public access, and mandated community open space

II. Public Lands and Access Considerations

Loss and fragmentation of Public Lands
Existing uses of Public Lands (e.g., quasi-public leases of federal land)
Leased government land is not public and should not be considered public
Shoreline access
Public Trust Doctrine
Access to lands identified for transfer
Public/private conflicts
“Private” nature of development and exclusivity issues
Difficulty of access to Public Lands throughout reservoir
Changes in use of Public Lands over time
Access to land below floodpool and identified as easement
Beaches (e.g., “Pocket Beaches”) and exclusive use of a private nature
Public use areas within the planned development
Proportions of Public Lands available/unavailable at reservoir and in adjoining states
Nature of action as “precedent-setting”
Future likelihood of legislatively-mandated land transfers of a similar nature
Differences between OK and TX in terms of access to public lands (e.g., more or fewer restrictions; better or more restricted access)
Shoreline ruggedness as a factor in public access
Impact on Eisenhower State Park (Texas State Parks)

III. Socioeconomic Concerns

Economic benefit (property values; tax base; increased tourism; jobs)
Economic growth stimulation
Infrastructure development (water; sewer; roads; electricity)
Traffic loading
Market analysis and competition (resorts; marinas; golf courses)
Facilities/opportunities already available; underutilized facilities
Economic effects of flood/drought conditions
Effects of development’s actions on other small businesses in area
Short-term and long-term economic viability
Annual/seasonal activities and economic viability
Impacts of infrastructure development on erosion, water quality, vegetation, fish, wildlife
Population, demographics, social groups living and recreating in area
Public/private conflicts
Socioeconomic group conflicts
Effects of development on lake operations (economic/political pressure)
Effects of floodpool easement on lake operations
Previous use of project area as rock quarries; effect on developing land
Quality of improvements because of single developer
Possible conflicts with Land and Water Conservation Fund project

IV. Recreation Opportunities

Boating
Fishing
Hunting
Swimming
Hiking
Archery hunting
Birding
Primitive camping
Recreational vehicle camping
Photography
Wildlife viewing
Access to/within cove
Shoreline access
Beach access/ “pocket” beaches
Safety (boating) and volume of users
Public/private conflicts
Public/hunting areas fragmentation and displacement
Impact of existing developments and quasi-public leases on public/hunting areas
Quality of recreation opportunities
Resorts, golf courses, and high-end recreation opportunities
New recreation facilities
Access and use of “natural” areas
Carrying capacity of Little Mineral arm and lake in general for boaters and recreators
Increased recreation benefits should be discussed, including public boat ramps, boat docks, public parks, open spaces, trails, and two public golf courses

V. Fish and Wildlife Issues

Ecosystem
Fish spawning and effects of dredging and bulkheading
Habitat, including “critical” habitat
Wildlife corridors
Environmental buffers
Shoreline habitat
Effects of floodpool easement on habitat
State species/habitat protective rating/state evaluation of habitat
Relationship to water quality
Habitat fragmentation
Fish and wildlife populations; effects on hunting and fishing
Previous use of project area as rock quarries
Migratory bird nesting season (1 April – 15 July)
Impact on eagle count (e.g., 2006 Texoma eagle count)

VI. Water Quality Concerns

Data on existing conditions
Local data over time in Little Mineral arm
Runoff expected from development
Pesticides and herbicides used for golf courses
Erosion and sedimentation; effects on water quality
Effects of vegetation removal on water quality
Effects of environmental buffers on water quality
Effects of poor water quality on fish and wildlife; vegetation
Impacts to/from chlorides in lake
Existing conditions for Pottsboro water treatment plant
Expected impacts/benefits from water treatment plant expansion/new plant construction
Data on increased fecal coliform bacteria, with emphasis on heavy rain events
Effects of dredging, bulkheading, and wave action on water quality
Effects of aging buried septic systems
Effluents and sources
Total daily maximum load
State water quality standards
State Clean Water Act Section 303(d) list
Build on University of North Texas study, which was insufficient
Effects of increased sedimentation (from development) in lake; impact on reservoir operations

VII. Visual/Scenic Considerations

Shoreline/scenic impacts
“Natural” areas
Visibility of development from water
Hi-rise structures and effect on visual quality
Existing hi-rise structures and effects (e.g., Diamond Pointe)
Impact of diminished scenery on tourism (revenues, visitation)
Returning “protected status” to habitat areas classified as limited development (as mitigation)

VIII. Cumulative Effects Analysis

Loss and fragmentation of Public Lands and access to remaining Public Lands in reservoir area, and in adjoining states
Loss and fragmentation of recreation opportunities
Changes in water quality
Changes in socioeconomic conditions
Loss of visual/scenic attributes and impacts on recreation and socioeconomic conditions

Planned marina addition (400+ boat slips) at Catfish Bay
Cumulative effects of outgrants, transfers, encroachments, permits, and leases
Sedimentation of reservoir (e.g., underwater surveys and mapping)
Effects on reservoir flood control, hydropower, and water supply
Cumulative effects analysis, including foreseeable actions, should not include detailed study of all projects proposed for the lake
Other projects planned or in development in the general area which could provide many of the proposed benefits for this action (e.g., Ralph Hall Recreation Area/Greenbelt Trail; “Regional” Texas State Park near Dallas/Fort Worth metroplex; upgrade of existing Eisenhower State Park at Lake Texoma
Court cases which address the Public Trust Doctrine and relationship to this action