

Scoping Summary Report

Denison Land Conveyance, Lake Texoma, OK and TX

NEPA Scoping Open House 11 September 2008

Hosted by the
U.S. Army Corps of Engineers,
Tulsa District



US Army Corps
of Engineers®
Tulsa District

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MEMORANDUM FOR RECORD

SUBJECT: Public Information/Scoping Open House, Denison Land Conveyance and Associated Development

Project Overview

The Water Resources Development Act of 2007 directs the Secretary of the Army to offer to convey approximately 900 acres of public lands at Lake Texoma to the City of Denison, Texas. The U. S. Army Corps of Engineers, Tulsa District (Tulsa District) is tasked with preparing an Environmental Impact Statement (EIS) to assess impacts associated with the land conveyance. The open house is a part of the scoping process, as defined under the National Environmental Policy Act of 1969 (NEPA).

Notice of Intent

In accordance with 40 CFR 1501.7, a Notice of Intent (NOI) for this action was published in the Federal Register on 6 August 2008. A copy of the NOI is included in Appendix A.

Coordination and Cooperating Agencies Letters

In accordance with 40 CFR 1501.6, the Tulsa District sent coordination letters and cooperating agency letters to appropriate agencies. Copies of these letters are included in Appendix B. Only one agency, Texas Historical Commission, responded with a request to be included as a cooperating agency. Additionally, coordination letters to initiate Section 106 consultation as required by the National Historic Preservation Act of 1966 (as amended) were mailed to appropriate Native American tribes. Copies of these letters are also included in Appendix B.

Public Information/Open House Purpose

On 11 September 2008 from 5:30 p.m. to 8:30 p.m., the Tulsa District hosted a public information/scoping open house in Denison, Texas. The open house was held at the Denison Senior Citizens Center, 531 W Chestnut, Denison, TX. The purpose of the open house was to provide information to the public regarding the initiation of the Environmental Impact Statement and answer questions and identify concerns expressed by individuals attending the meeting. These issues, questions and concerns will be incorporated into the project's environmental documentation and study process and will form the basis for issues to be addressed in the EIS.

Participation and Public Notification

On 7 September 2008 and again during 10-11 September 2008, paid display advertisements were placed in the *Durant Daily Democrat* on and the *Denison Herald Democrat*. The advertisements announced the open house and beginning of the comment period for the NEPA scoping process. A media release was sent on 18 August 2008 by the Tulsa District Public Affairs Office to media outlets in the project area. A copy of the advertisements and media release are included in Appendix A.

Tulsa District hosted the open house, which was conducted in a semi-structured manner and included the following features:

- Participants were asked to sign-in at a table where staff provided the participants with information regarding the structure of the open house, comment forms, and postage paid envelopes to return comment forms.
- After signing in, participants were directed to an area where topic-specific information tables were set up. Large-scale boards were displayed at each table to convey information about the following topics:
 - Public Involvement Process
 - Project Overview
 - Overview of the NEPA Process
 - Environmental Impact Statement
 - Description of Alternatives
 - Proposed Development (including maps)
- At each of the information tables and throughout the meeting room, Corps representatives were available to answer questions and receive comments.
- Attendees were able to dictate comments to two available court reporters.

Tulsa District, City of Denison, and land developer representatives who attended the open house are listed in Appendix C. Display boards utilized at the meeting are documented in Appendix D. Similarly, handouts provided at the meeting are included in Appendix E.

Attendees

A list of individuals who signed in at the sign-in table at the open house is provided in Appendix C. While the contact information will not be included in any public documents to ensure the privacy of the attendees, contact information obtained from the sign-in sheets will be used to update the Tulsa District's mailing list for future NEPA public involvement activities. Individuals who indicated on the sign-in sheet that they were not interested in being on the mailing list will be excluded from future updates.

Approximately 109 persons attended the open house in Denison, representing a variety of stakeholder groups and individual viewpoints.

Categorization of Comments Received

Interested persons had the opportunity to comment about the project using a variety of methods, including the following.

- Making verbal comments to a court reporter;
- Filling out a comment form at the open house;
- Taking a comment form home to be returned in a pre-stamped envelope;
- Submitting a comment using electronic mail; and
- Submitting a comment and mailing it in on letterhead or choice of paper.

Comments were received from concerned citizens, interest groups, partner agencies, other government agencies, and businesses. In total, comments of some form were received from 48 correspondents. Copies of comments are included in Appendix F. Comments made to the two court reporters were compiled separately and are included in Appendix G.

The following discussion summarizes the comments received prior to 24 October 2008. However, Tulsa District will continue to accept comments throughout the scoping process. Ultimately, all comments will be incorporated into the project environmental documentation and study process.

- Initially, comments were broken down into three gross categories based on positive or negative expression. This level of categorization is marginally useful and ultimately not utilized in the structuring of the EIS. The first two categories were “Against Development” and “Against Conveyance.” Those comments that expressed opposition to either or both the conveyance and/or the proposed future development were counted. Those that expressed support or were silent on the matter were considered as the third category. The Corps received the following distribution of comments in this initial categorization:
 - “Against Development” (7)
 - “Against Conveyance” (10)
 - Supportive and/or silent comments as to both the Development and Conveyance (36)

All comments were subsequently re-categorized by compiling them according to their subject of concern. The resulting categories are generally unreflective of positive or negative expression or degree of intensity, even if the specific supporting comments exhibited such expression. Several respondents expressed concern over a wide variety of subjects. It should therefore be noted that

because categorization was accomplished by subject of concern, comments from some individuals are represented more than once.

- Categories by Subject of Concern (and frequency of comments)
 - Economic Benefits (24)
 - Public Access (17)
 - Endangered Species (2)
 - Habitat (10)
 - Recreation (21)
 - Environmental Quality (15)
 - Marinas (6)
 - Regulatory Issues (8)
 - Overcrowding (4)
 - Lake-wide EIS (13)
 - Wildlife (8)

The comment categories were subsequently further broken down and grouped into (1) major issues; (2) statutory requirements; and (3) other issues to be addressed. These sets of issues are the ones likely to be addressed in the EIS. A more detailed analysis of the major issues identified during scoping is included in Appendix H.

- Major Issues Identified during Scoping
 - Concerns Related to NEPA Process
 - Public Lands and Access Considerations
 - Socioeconomic Concerns
 - Recreation Opportunities
 - Fish and Wildlife Considerations
 - Water Quality Concerns
 - Visual/Scenic Considerations
 - Cumulative Effect Analysis

- Statutory Requirements
 - Threatened and Endangered Species (Endangered Species Act)
 - Section 106 (National Historic Preservation Act of 1966) Coordination
 - 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 substantial discussion)
 - Air Quality
 - Noise
 - Environmental Justice
 - Floodplain Management
 - Invasive Species
 - Riparian Areas
 - Migratory Birds
 - Wetlands
 - Prime and Unique Farmlands

Summary

The NEPA Scoping process for the Denison land conveyance project has focused on Public participation as the most appropriate means to identify issues of concern which will be addressed in an Environmental Impact Statement (EIS). To accomplish this goal, Tulsa District organized a Public meeting held in Denison, Texas on 11 September 2008. Many public comments were assembled from the meeting and the subsequent period in which comments were received by Tulsa District, which included the remainder of September and October 2008. Subsequent analysis of the comments identified a number of topics of concern, many of which were interrelated. Through several iterations of categorization, Tulsa District identified a number of major issues that will be addressed in an appropriate level of analysis and discussion in the EIS. These topics include, in no particular order, (1) concerns related to the 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; and (8) cumulative effects analysis. Other topics will be addressed in the EIS as well. Primary among these will include statutory requirements and the appropriate agency and Native American Tribal coordination. Laws and regulations to be addressed include, but are not limited to, (1) Endangered Species Act; (2) Section 106 of the National Historic Preservation Act; and (3) regulatory permits as required by Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Finally, the EIS will include limited discussions of a number of other issues that may be determined to be of minor importance in the project.

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