

RECORD OF DECISION
CITY OF DENISON LAND CONVEYANCE, LAKE TEXOMA
GRAYSON COUNTY, TEXAS

The Final Environmental Impact Statement (FEIS), dated July 2012, provides documentation supporting the conveyance of approximately 635 acres of federal land located in Grayson County, Texas to the City of Denison, TX. Based on the FEIS, the reviews of other Federal, State, and local agencies, input from the public, and the review by my staff, I find the plan as directed by the Secretary of the Army and authorized by Congress to be technically feasible, in accordance with environmental statutes, and in the public interest. Thus, I approve the City of Denison Land Conveyance for implementation.

This project was authorized in Section 3182 of the Water Resources Development Act (WRDA) of 2007 (Public Law 110-114), which directed the Secretary of the Army (Secretary) to offer for conveyance, at fair market value to the City of Denison, Texas, all right, title, and interest of the United States in and to approximately 900 acres of land located in Grayson County, Texas. The real property is currently held in fee by the U.S. Government and managed by the Tulsa District Corps of Engineers (Tulsa District) as a part of Lake Texoma, a multipurpose reservoir located along the Red River in Oklahoma and Texas.

Lands subject to this action are located along the eastern shore of Little Mineral Arm of Lake Texoma. Upon receipt of title to the property, the City of Denison intends to retain portions for development of public facilities and to transfer remaining portions to a private developer (Schuler Development) for construction, along with adjoining private property, of residential housing and commercial and recreational amenities.

A broad range of alternatives was developed and screened to determine viable alternatives to carry forward for detailed impacts analysis in the EIS. The conveyance of federal property, along with ultimate disposition and intended future use of conveyed land, resulted in three federal actions to be analyzed under NEPA: (1) the mandated conveyance of federal lands to the City of Denison; (2) future actions regarding the Lake Texoma Shoreline Management Plan (SMP) in the area of conveyance; and (3) decisions regarding issuance of federal permits under Section 404 of the Clean Water Act of 1972 (404 permits) and Section 10 of the Rivers and Harbors Act of 1899 (Section 10 permits). Alternative screening incorporating each of the three federal actions was conducted based on requirements of WRDA 2007 legislation and associated implementation guidance issued by USACE Headquarters dated 29 September 2008. The result was four final alternatives analyzed in the EIS:

- Alternative 1: No Action alternative as required under NEPA. Under this alternative, the proposed conveyance would not occur (i.e., lands would remain under federal ownership) no changes to the SMP would occur, and no Section 404 or Section 10 permits would be issued.
- Alternative 2: This alternative would include the proposed conveyance of approximately 635 acres of federal land in accordance with the WRDA 2007 mandate. No changes to

the SMP or deviations from an existing Tulsa District 2005 moratorium on private docks (as explained in the EIS) would occur. A condition of conveyance would include an associated flowage easement deed restriction between elevations 619 ft and 645 ft National Geodetic Vertical Datum (NGVD) on conveyed lands to allow the Tulsa District to continue efficient operation of Lake Texoma for authorized flood control purposes.

- Alternative 3: This alternative would include conveyance and associated flowage easement as described for Alternative 2. No changes would occur to the SMP; however, under this alternative, the 2005 moratorium would be lifted along the conveyance land shoreline (only) to allow for issuance of SMP permits for and installation of private docks in two areas appropriately zoned under the current (1996) Lake Texoma SMP.
- Alternative 4: This alternative would include the proposed conveyance and associated flowage easement as described for Alternatives 2 and 3. Under this alternative, the 2005 moratorium would be lifted for the proposed conveyance land shoreline only and the SMP would be modified, as appropriate, for proposed shoreline development in the area of conveyance. Details for shoreline allocations under this alternative are provided in the EIS. No other changes to the existing (1996) Lake Texoma SMP would occur. Alternative 4 is the preferred alternative.

No specific Section 404/10 permits would be issued under any alternative. While the EIS identifies anticipated activities that could require future permits on both private and proposed conveyance properties, all future permit applications would be submitted to and reviewed by the Tulsa District Regulatory Office according to requirements current at the time of submission.

The environmentally preferable alternative is the no action alternative (Alternative 1). However, this alternative does not meet the legislative mandate for property conveyance as specified in Section 3182(j) of WRDA 2007. All practical means to avoid or minimize environmental harm while maintaining compliance with the WRDA 2007 legislative mandate have been incorporated into the proposed action. Future monitoring will include enforcement of the flowage easement deed restriction to ensure that the Tulsa District is capable of continued operation of Lake Texoma for authorized flood control activities. No compensatory mitigation in the form of replacement lands or habitat is appropriate or proposed.

All applicable laws, executive orders, regulations, and guidelines were considered in evaluation of alternatives and selection of the recommended action. Based on a review Sections 3182 (j) and (k) of WRDA 2007 and the City of Denison Land Conveyance EIS, I approve the implementation of Alternative 4 as summarized above and as detailed in the EIS. This Record of Decision completes the National Environmental Policy Act process.

16 Oct 2012

Date

Thomas W. Kula

Thomas W. Kula
Brigadier General, U.S. Army
Commanding