



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT
2488 EAST 81ST STREET
TULSA, OKLAHOMA 74137-4290

PUBLIC NOTICE

REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER SECTION 408

TITLE: Pointe Vista Development, LLC, Municipal Water Intake Structure, Lake Texoma

PUBLIC NOTICE COMMENT PERIOD:

Begins: Jan 5, 2023

Ends: Jan 19, 2023

REQUESTER: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, Pointe Vista Development, LLC (Requester) has requested permission from the U.S. Army Corps of Engineers (USACE) for the construction of a municipal water intake structure, raw water transmission line, and municipal water treatment plant at Lake Texoma, Oklahoma.

LOCATION: The Pointe Vista Development is located on the northern side of Lake Texoma approximately 4.0 miles east of Kingston, Marshall County, Oklahoma

REQUESTERS PROPOSED ACTION: The Pointe Vista Development is planning to construct a surface water treatment plant to provide potable water to the development and potentially to nearby developments. The surface water treatment plant will be comprised of an intake structure located at Lake Texoma, a water treatment plant, and a raw water transmission line to transport the water from the intake structure to the water treatment plant. The system will be located on the west side of Lake Texoma and south of Highway 70. The intake structure, water treatment plant, and raw water transmission line will be sized for an initial capacity of approximately 4.2 million gallons per day (MGD) of potable water and a full build out capacity of approximately 8.4 MGD of potable water. The system components will all be designed and constructed to meet the design requirements of the Oklahoma Department of Environmental Quality (ODEQ) for a potable water system. A more detailed description of the main project components is provided below.

The intake structure will be comprised of the main structure that will be located along the high bank of Lake Texoma. The structure will be constructed of reinforced concrete with the top elevation being at an approximate elevation of 670.00 ft with the bottom of the structure being at an approximate elevation of 570.00 ft. Screening and pumping equipment will be included within the main structure. Lake Texoma water will be brought to the main intake structure be either three pipes that will be bored out into the lake from the structure at elevations ranging from 600.00 ft to 575.00 ft or by a channel dug in the lake back to the structure at an approximate elevation of 575.00 ft. A piping and valve vault will be constructed next to the intake structure to header the pipes together into the raw water transmission line. A chemical feed building will be constructed at the intake structure site to feed pretreatment chemicals into the raw water transmission line. A standby generator will be provided for at the site to provide for backup power for the intake structure and chemical feed building. System redundancy will be included in the project design to ensure the system is able to provide raw water to the water treatment plant in the event of a power

outage and/or mechanical equipment failure. Provisions will also be provided for future maintenance needs of the structure. The site improvements at the intake structure location will comprise an access drive, retaining walls, sight lighting, and perimeter fencing.

The main raw water transmission line will be a 24" line. A second smaller 12" or 16" line will possibly be constructed next to the main line for system redundancy in the event the main line would need to be taken out of service in the future for maintenance. The line(s) will be installed mainly within a roadway corridor that will be part of the Pointe Vista development. The line(s) will be installed with a minimum bury depth of 4 feet to the top of pipe and a maximum bury depth of 7 feet. Fittings, valving, and air release structures will be located along the water alignment as necessary to meet design requirements.

The water treatment plant will be a conventional water treatment plant designed to take the water from Lake Texoma and provide treatment necessary for the potable water to meet the requirements of ODEQ and the U.S. Environmental Protection Agency. The treatment system will be comprised of the necessary tanks, structures, and equipment required for the treatment processes. An operations/maintenance building will be located at the water treatment plant site for the location of the control room, laboratory, maintenance area, and other plant operator functions. A standby generator will be provided at the site to provide for backup power for the water treatment plant. System redundancy will be included in the project design to ensure the water treatment plant is able to provide potable water to the development in the event of a power outage and/or mechanical equipment failure. The site improvements at the water treatment plant will comprise of access drives, possible retaining walls, sight lighting, and perimeter fencing.

ENVIRONMENTAL IMPACTS OF PROPOSED ACTION: USACE has determined an Environmental Assessment (EA) will be required in compliance with the National Environmental Protection Act of 1969. The EA will include an assessment of the impacts to the natural and human environment and a draft document will be made available for public and agency comment upon completion. USACE review of pre-application documents and preliminary designs for this proposed alteration and no concerns of impacts to threatened and endangered species and cultural resources have been identified at the time of this Public Notice.

AUTHORITY: The authority to grant permission for a temporary or permanent use, occupation, or alteration of any USACE Civil Works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 U.S.C. 408 (Section 408). Section 408 authorized the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a public interest and will not impair the usefulness of the project. The Secretary of Army's authority under Section 408 has been delegated to the USACE, Chief of Engineers. The USACE Chief of Engineers has further delegated the authority to the USACE, Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

LIMITS OF SECTION 408 AUTHORITY: A Requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. Section 1344), and/or Section 103 of the Marine Protection,

Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). In addition, an approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

EVALUATION FACTORS: The decision whether to grant the requested permission for project alteration under Section 408 will be based on several factors. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. Review of requests for alteration will be reviewed by a USACE technical review team considering the following factors:

- 1) Impair the Usefulness of the Project Determination. The review team will determine if the proposed alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes, or outputs. In order for an alteration to be approved, the Requester must demonstrate that the alteration does not impair the usefulness of the federally authorized project.
- 2) Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest evaluation depend upon the type of USACE project being altered and the nature of the proposed alteration and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The benefits that reasonably may be expected to accrue from the proposal must be compared against its reasonably foreseeable detriments. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks and by the net impact of the alteration on the public interest using the public interest factors.
- 3) Environmental Compliance. A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While USACE is responsible for ensuring environmental compliance, the Requester is responsible for providing all information that the Tulsa District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and procedures. NEPA and other analysis completed to comply with other environmental statutes (e.g., Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the USACE project. The Tulsa District will work with the Requester to determine the requirements, which will be scaled to the likely impacts of the proposed alteration and should convey the relevant considerations and impacts in a concise and effective manner.

PUBLIC INVOLVEMENT: The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; tribes; and other interested parties

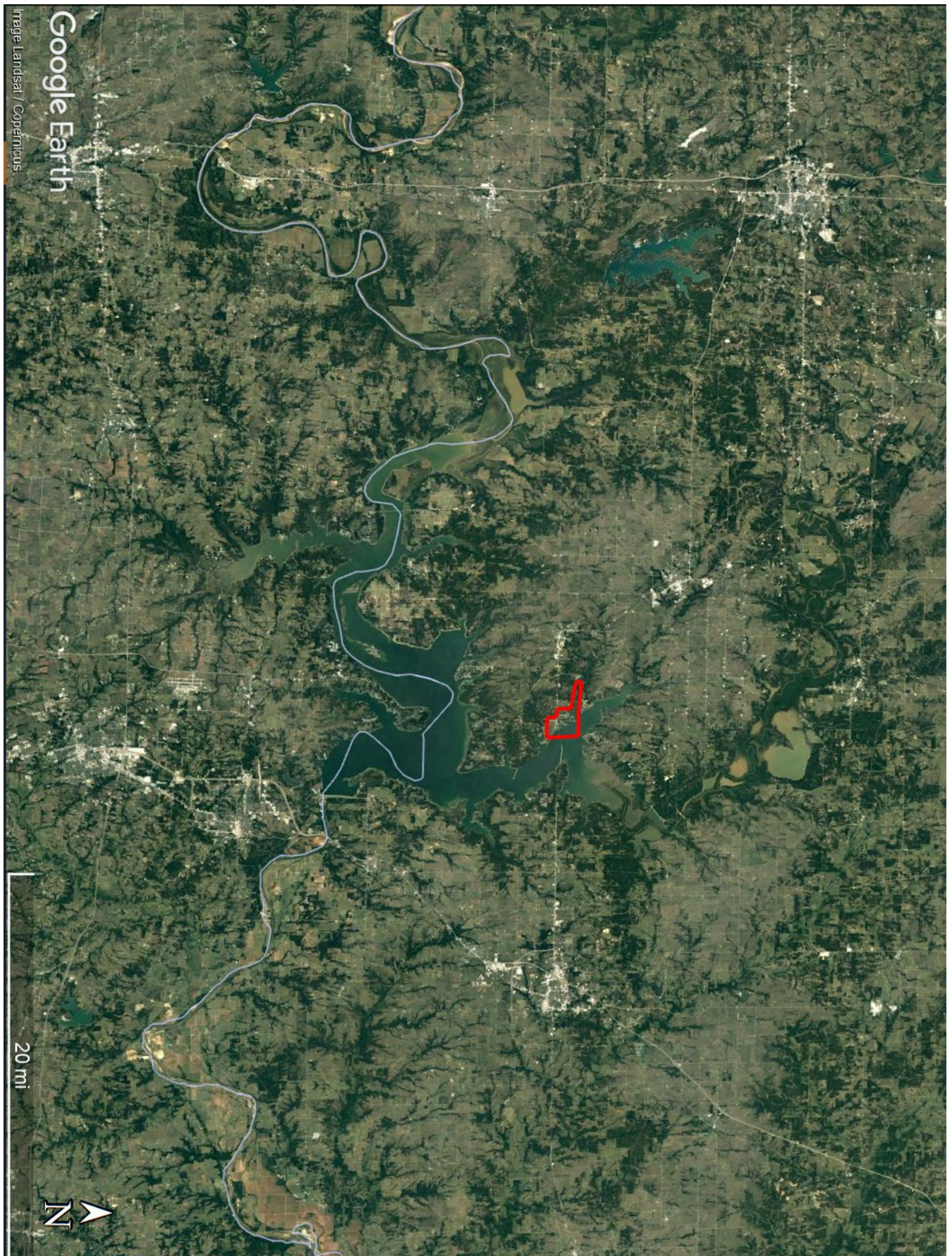
regarding the Pointe Vista Development, LLC, Municipal Water Intake Structure, Lake Texoma. Comments received within 15 days of publication of this notice will be used in the evaluation of potential impacts of the proposed action on important resources and in the evaluation of whether the proposed alteration would be injurious to the public interest and/or would impair the usefulness of the authorized project. Only the specific activities that have the potential to occupy, use, or alter Lake Texoma and Denison Dam will be evaluated. Please limit comments to the area of the alteration and those adjacent areas that would be directly or indirectly affected by the Requesters proposed project.

SUBMITTING COMMENTS: Written comments, referencing Identification Number 408-SWT-2022-0030 must be submitted to the office listed below on or before January 19, 2023.

Tony Clyde, Project Manager – 408 Coordinator
U.S. Army Corps of Engineers, Tulsa District
2488 E 81st Street
Tulsa, Oklahoma 74137

Email: Tony.Clyde@usace.army.mil

Attachment 1: Project vicinity.



Attachment 2: Project Location.

