APPENDIX B: SCOPING REPORT

Lower Bois d'Arc Reservoir EIS
Scoping Report

May 2010

Prepared by the Mangi Environmental Group

for the

U.S. Army Corps of Engineers
Tulsa District

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1. Introduction

On Friday, 13 November 2009, in the *Federal Register* (Vol. 74, No. 218, pp. 58616-58617), the U.S. Army Corps of Engineers, Tulsa District (USACE) published a Notice of Intent (NOI) to prepare an EIS for the proposed construction of Lower Bois d'Arc Creek Reservoir in Fannin County, Texas. This NOI (Attachment A) was published subsequent to the USACE receiving an application for a Department of the Army Permit under Section 404 of the Clean Water Act (CWA) from the North Texas Municipal Water District (NTMWD) to construct Lower Bois d'Arc Creek Reservoir.

In accordance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 et seq.), the USACE determined that issuance of such a permit may have a significant impact on the quality of the human environment. Therefore, the USACE decided to require the preparation of an Environmental Impact Statement (EIS).

Within NEPA, scoping is the process by which a lead agency charged with carrying out a NEPA analysis and preparing an EIS or an Environmental Assessment (EA) determines the scope of the document, that is, which topics, issues, alternatives, and potential impacts it will address. During the scoping period, all interested public agencies and citizens are encouraged to let the lead agency know what they think the EIS should cover.

On the afternoon and evening of 8 December 2009, the USACE conducted a public scoping meeting in the Fannin County Multi-Purpose Complex in Bonham, Texas. This meeting was advertised beforehand in the online and print editions of a local newspaper (*Bonham Journal*), local radio stations, and by means of a public notice issued by the USACE (Attachments B and C). The format of the meeting was that of an "open house." At their leisure, attendees could pass through the large facility looking at exhibits, maps, reports, and information arranged on tables. They could also speak informally and at length with representatives of the USACE, the Texas Commission on Environmental Quality (concurrently conducting a public meeting on the 401 water quality certification associated with the 404 permit application), NTMWD, and contractors/consultants working for the USACE and the NTWMD. In addition, they could submit written comments on a comment form as well as on a diagram depicting phases and elements of the proposed action. Approximately 100 people participated in this event (Attachment D).

On the next day, 9 December 2009, the USACE held an inter-agency scoping meeting in Wylie, TX. Representatives of a number of federal and state agencies were in attendance. Attachment E is the attendee list for this meeting. Attachment F is notes from this agency meeting. Several concerns and issues were mentioned verbally by agencies in this meeting that do not appear in Table 2 on the following pages, among them the following:

- cumulative impacts from concurrent construction of Lake Ralph Hall (also in Fannin County)
- cumulative impacts on water flows in the Red River downstream of the proposed Lower Bois d'Arc reservoir project when considered in conjunction with consumptive water use

in “hydrofracking” [hydraulic fracturing] for natural gas extraction from the Haynesville Shale formation

- effects of the proposed action on the spread of terrestrial invasive species, particularly Chinese tallow, salt cedar, and tree-of-heaven.
- the need for a lakeshore management plan to protect water quality in the lake, and
- possible impacts on U.S. Forest Service plans to restore Lower Bois d’Arc Creek in its original channel at the Caddo National Grasslands downstream of the project site.

2. Issues Raised in Scoping

During scoping, members of the public and public agencies broached a wide variety of issues and topics related to the proposed action – reservoir construction and operation. Tables 1 and 2 show this diversity of opinions and topics. Table 1 lists comments that members of the public were invited to write with magic markers onto several large posters depicting flow diagrams, or more properly, C-E-Q (Cause-Effects-Questions) diagrams, which were prominently displayed on tables at the public scoping meeting in Bonham on December 8, 2009.

Table 1 – Comments/questions written onto C-E-Q Diagram* at public scoping meeting

SHEET #1 OVERVIEW – LOWER BOIS D’ARC CREEK DAM AND RESERVOIR	
Box(es) in C-E-Q Diagram	**Comment or Question**
Dam and Reservoir	What are the local economic implications?
Clearing trees	How many trees?
Facility Construction	Who?
Recreational facilities	What kind?
Facility Operation	Who?
Water supply	Needed. 2060 is around the corner
Recreation	What kind? How much $?
Plugging water wells	Oil and gas wells?
[New box added by commenter]	Wastewater treatment
Raw Water Transmission Line	Who does this effect? [sic]
New Water Treatment Plant	Cost?
Alternatives to Proposed Action	Recycle/Reuse? [New box added by commenter]
Ogallala Aquifer Alternative	Won’t have for too much longer!
Water conservation alternative	[Commenter changed to: Water conservation alternatives] Why not?
SHEET #2 SITE PREPARATION	
Box(es) in C-E-Q Diagram	**Comment or Question**
Equipment and Workers	Will local contractors and people be first in line for contracts?
Increasing housing needs?	Exceed school capacities Increase Fannin County land taxes
Disposal of construction waste	Where?
Burning of waste	What?
Exceed landfill capacity	What?

Harm wildlife/vegetation?	What happens to the endangered wildlife?
Construction of access roads	Where? Impact?
SHEET #3 SITE PREPARATION	
Box(es) in C-E-Q Diagram	**Comment or Question**
Clearing and grading	Local contractors given contracts first?
Loss of prime farmland?	*First commenter*: We still have lots left! *Second commenter*: I disagree
Loss of tax revenue?	To Fannin, Lamar, Collin, Grayson, Bryan counties
SHEET #4 FACILITY AND DAM CONSTRUCTION	
Box(es) in C-E-Q Diagram	**Comment or Question**
Equipment layout site – Harm wildlife/vegetation?	Bears, eagles, timber rattlers, American burying beetle
SHEET #5 FACILITY CONSTRUCTION – RESERVOIR IMPOUNDMENT	
General comments on this sheet: *First commenter*: Most people I know are 100% for the lake. *Second commenter*: You do not know very many people.	
Box(es) in C-E-Q Diagram	**Comment or Question**
Downstream – Decrease water flow?	Big Time Compromise existing irrigation systems
Decrease stream level?	Especially during drought
Change water chemistry?	Decreased water flow in Bois d'Arc will eventually change chemistry especially salinity
Change groundwater hydrology?	Will it?
Impoundment area	Evaporation? [New box added by commenter]
Sediment loading from upstream?	How much?
Block migration of terrestrial wildlife?	Where will they go?
Isolate populations?	Decrease areas for beef production Farm production? DFW FOODSHED?
Impact fisheries?	Due to increased salinity from Red River backflow Mussels
Upstream	Flooding of creek bottoms & farms? Will this lead to construction of Upper Bois d'Arc Reservoir?
Leaching of metals and minerals?	Residual pesticides from agricultural use of land?
Degrade water quality?	Inflows from sewer treatment and plants City of Bonham landfill (currently closed) County Road 2935.

*A C-E-Q (Cause-Effects-Questions) Diagram is like a flow chart with boxes and arrows connecting these boxes, which together depict elements of the proposed project and possible impacts of those elements.

Table 2 summarizes all written comments received by the USACE from both the public and agencies during the scoping comment period. These comments were furnished in several different modes: 1) on comment forms available at the public scoping meeting; these forms could be filled out and dropped into a box or mailed later; 2) emails sent to the USACE; and 3) hard copy letters mailed to the USACE.

The USACE received a total of 84 comment forms, emails, and letters submitted by more than 100 individual citizens and agencies. Several individuals sent more than one comment form, email or letter. Each form, email or letter contained multiple comments on different issues, sometimes many dozens of issues. Each of these was tallied as a separate "comment" on that given issue or topic. For example, Table 2 indicates that 33 separate commenters covered the topic "Impacts on native wildlife species and habitat." Even if a given commenter made more than one remark or observation concerning wildlife species and habitat, this was still tallied just one time for that commenter.

Table 2 needs the following disclaimer: During the review of submitted comments, attempts have been made to identify distinct topics and associate similar comments. While we are confident that all issues raised during the scoping process appear within the following table, the tabulation of numbers of commenters raising a particular issue implies precision that does not truly exist, as comments were expressed in similar form but may have emphasized different aspects of a particular issue.

By way of example, two commentors may have raised concerns for impacts to existing cemeteries or burials. In one instance, the emphasis may have been on potential flooding risks whereas in another comment, emphasis may have been on the unknown historical values at risk. Consequently, the numbers in the following table should be considered approximate and reflect a proportional level at which the issue was shared by other commentors. The numbers should be considered a rough gauge of how widely a listed concern is shared by the public.

Table 2 – Issues Raised in Written Scoping Comments

Topics and related comments	**Number of commenters who cited**
Air Resources	
• Increased water surface & subsequent evaporation from all existing and planned reservoirs may increase humidity in region	3
• Effects on air quality and greenhouse gas emissions	1
Alternatives	
• Reservoir is unnecessary and better alternatives are available	10
• Each alternative needs to include water conservation	3
• Pipeline(s) from existing reservoirs would be cheaper & better option	3
• Water conservation and reuse is better alternative	2
• Mitigation needs and costs for each alternative should be identified	2
• Desalination plant at Gulf to tap into inexhaustible water of ocean	2
• Identify the least environmentally damaging alternative (LEDPA)	1

Topics and related comments	Number of commenters who cited
Alternatives (cont.)	
• Consider combinations of alternatives	1
• Groundwater alternative – Carrizo-Wilcox formation is renewable	1
• Oklahoma has “vast water resources”	1
• Obtain water from Red River itself	1
• Dam the Trinity; it’s closer to Dallas and would provide more recreation	1
• Higher water pricing will curtail water use	1
• More water could be desalinated from Lake Texoma	1
• NTMWD doesn’t actively encourage water conservation because it would lose money	1
• Is there a practicable alternative with less adverse impact to jurisdictional waters?	1
• Why are other existing reservoirs rejected solely on basis of cost?	1
• Need for reservoir not established	1
Biological Resources	
• Impacts on native wildlife species and habitat	33
• Spread of invasive species, e.g. zebra mussel, hydrilla, feral hogs	9
• Endangered, threatened, rare species and habitats	8
• Impacts on trees and bottomland/riparian forests	7
• Impacts to Louisiana black bear	3
• Impacts to American burying beetle	3
• Removal of timber from areas being purchased for reservoir	3
• Effect on Caddo Grasslands and its wildlife	2
• Displaced wildlife will compete with existing wildlife on other sites	2
• Impacts to timber rattlesnake	2
• Importance of ensuring that mitigation areas adequately replace lost area	2
• Impacts to rare plants	1
• Impacts to bald eagle	1
• Impacts to wild turkey & habitat	1
• Impacts to migratory birds	1
• Impacts to fisheries	1
• Impacts to cougars	1
• Impacts to state-listed freshwater mussels	1
• Proposed mitigation site does not have same habitat as Lower Bois d’Arc Creek	1
• State-listed species	1
• Wildlife will get mired in mudflats	1
• Aquatic life below the reservoir and means of minimizing adverse impacts	1
• TPWD has creek as an Ecologically Significant Stream Segment	1
• Need to develop a mitigation plan to offset unavoidable impacts	1
• Mitigation ratio	1

Topics and related comments	Number of commenters who cited
Cultural Resources	
• Impacts to Indian artifacts or burial sites	11
• Impacts to unmarked slave and pioneer cemeteries	9
• Damage to historic/cultural/archeological properties	7
• Camp Benjamin Confederate Soldiers near former Onstatt Lake	4
• Need for surveys given high cultural resource potential of area	1
• Paleontological resources (e.g. sharks teeth)	1
• Historic farmhouses	1
Geology and Soils	
• Possible oil and gas resources beneath reservoir footprint	5
• Permanent loss of fertile, productive soils	2
Human Health and Safety	
• Increase in disease vectors, e.g. mosquitoes	7
• Health in jeopardy	1
• Traffic control, police coverage, emergency access	1
• Health risks from chemicals used to control mosquitoes and aquatic weeds	1
• Emotional stresses on the local population	1
Land Use	
• Zoning effects on property rights and lakefront development	8
• Fate of mitigation land (Riverby property)	6
• Adverse impact to Legacy Ridge golf course and Country Club	4
• County's best farmland is in reservoir footprint	3
• Loss of acreage for beef production	2
• Public infrastructure and utilities	1
• Areas will be made inaccessible	1
• Who enforces Rural Property Protection Act?	1
• Purpose of land purchase near Leonard	1
Recreation	
• Shallow &fluctuating lake will not be conducive to aquatic recreation opportunities	10
• Impact on existing hunting opportunities	5
• Added recreational opportunities in county	1
• Encourage development of scuba park/training area in reservoir	1
• Impact on existing recreation opportunities and potential for future ones	1
Socioeconomics	
• Adverse impact to agricultural economy & livelihoods in county	29
• Less tax revenue to county and heavier tax burden on remaining residents	23

Topics and related comments	Number of commenters who cited
Socioeconomics (cont.)	
• Displacement of multi-generational residents, farmers and ranchers; loss of farming/ranching/rural heritage	20
• Reputed recreational & related economic benefits are questionable because of fluctuating lake level and shoreline, mudflats, etc. – look at other reservoirs in area where claimed benefits have not been realized	17
• Losing own home, land, and/or job	9
• Lost food production and its economic value	8
• Will benefit Lake Lavon (by maintaining water level) and its residents at expense of Fannin County residents	8
• Project will encourage beneficial local economic development	7
• New reservoir won't be able to compete with established lakes that already offer high-quality recreational experience & real estate properties	7
• Eliminating family businesses	4
• Culture of area will change against wishes of longtime residents due to influx of outsiders who don't share values; social cohesion eroded	4
• Landowner compensation needs to be fair, by purchasing entire, not partial, properties	4
• Cost of relocation	2
• Direct, indirect and cumulative impacts of economic development stimulated by the lake	2
• Lakefront zoning effects on property rights and quality of development	2
• Project will undermine economic prospects of Fannin County	2
• This project will be detrimental to cattle production	2
• Tax revenues will increase because of project	1
• A few people will make a lot of money	1
• Crime will worsen	1
• Reservoir will provide for increased population in service area	1
• Water from reservoir will be used to hold cost down	1
• Life of Woodbine Aquifer will be extended due to reservoir	1
• NTMWD's acquisition of all water rights in basin will prevent cattle production, which needs irrigation, from expanding	1
• Loss of revenue stream from timber harvest over time	1
• Loss of revenue from hunting and fishing	1
• Impacts on Sam Rayburn ISD	1
Transportation	
• Potential for adverse effects on existing roads and bridges	3
• Effects on private roads	1
• Traffic and control	1
• Opening Red River to barges and freight traffic	1
• Navigation potential of Red River may be compromised from lower flow	1

Topics and related comments	Number of commenters who cited
Utilities	
• Who is responsible for rerouting infrastructure during construction?	2
• Issues arising from NTMWD's demand for electricity to pump water	1
Water Resources	
• Water is being wasted and needs to be conserved	23
• Concerned that reservoir may cause flooding in Bonham, along tributaries, and upstream areas	19
• Fluctuating lakeshore and resultant unattractive mudflats	12
• Limited viable lifetime of reservoir (storage capacity loss over time from siltation)	11
• Shallow depth of reservoir/reservoir only partially full much of year	7
• Benefit of adding more water supply/additional water will be needed	7
• Impacts on wetlands and their values and functions	5
• What is the scope and purpose of the reservoir?	5
• Taking Fannin County's water	3
• Hydrological and ecological effects upstream and downstream	3
• Ill-suited site for reservoir because of low gradient	3
• Will deep water well systems have to move to this surface supply?	3
• Lake evaporation rate and losses	2
• Reducing availability of water for neighbors downstream	2
• Cumulative impacts on aquatic resources over time, including Red River	2
• Impacts of the pipeline on water resources at stream crossings	2
• Continuation of existing irrigation rights	2
• How much water will Fannin County have access to?	2
• Impact on farmers downstream on Bois d'Arc who use it for irrigation	2
• How realistic are yield projections?	1
• Is it necessary for each house to have a swimming pool?	1
• Reservoir will reduce flooding	1
• Inter-basin transfer of water is good	1
• Backflow from Red River will increase Lower Bois d'Arc salinity	1
• Do groundwater rights go with surface water rights or are they separable?	1
• Does water right condemnation to build lake require taking flood easement and/or groundwater?	1
• Potential for shoreline erosion due to alignment of lake with SW winds	1
• Impacts of pipeline at stream crossings and wetlands	1
• Impacts of reservoir itself on wetlands and waters of the U.S.	1
• Existing condition of Pilot Grove Creek and impacts of inter-basin transfer	1
• Will citizens be allowed to use their own groundwater?	1
• Impacts of project on flood attenuation and nutrient storage services provided by existing wetlands	1
• Changes in volume and frequency of upstream and downstream flows	1
• Mitigation Plan for biological and wetlands resources using HEP	1

Topics and related comments	Number of commenters who cited
Water Quality	
• Poor water quality in reservoir from upstream pollutants	17
• Upstream wastewater treatment plant discharges (treated & raw sewage)	10
• Effects of chemical (arsenic) residues from cotton farming	9
• Impact of reservoir on water quality of private wells nearby	6
• Old VPG plant contaminants	5
• Impact on underground sewer and septic systems	4
• Effects on Woodbine, and by extension, Whiteshed Water and Bois d'Arc Mud water systems	3
• Water from lake will be unreliable, of lower quality and cost more	2
• Lake likely to become hog wallow; effects on WQ?	1
• Effects of trihalomethanes from decomposing tree tops	1
• Threat of water contamination from MTBE (gasoline additive)	1
• Unacceptable odors in water	1
• Will ranchers be allowed to water their cattle in the lake?	1
• Releases from dam to downstream creek will be lower temp. & oxygen	1
• Maintenance of water quality during and after construction	1
• Existing water quality in Pilot Grove Creek and effects of adding water transferred from Lower Bois d'Arc Creek	1
• Stagnant, shallow water in reservoir	1
Miscellaneous comments on process and preferred outcome*	
• Project and lake will be negative for county	8
• Project and lake will be positive for county	7
• USACE previously denied this project, proving it does not make sense; why is USACE reconsidering it?	6
• NTMWD is treating landowners fairly in purchasing their properties	4
• Need 3rd party study of who really gains and loses from reservoir	4
• NTMWD is treating landowners unfairly	3
• NTMWD purchasing land without approved permit	2
• Unduly lengthy approval and permitting process	1
• Reservoir opponents are stubborn and resist change	1
• Local residents believe project is being pushed on them	1
• Stop this atrocious infringement upon the rights and liberties of county citizens	1
• Wants to delay or prevent project	1
• Majority of county residents opposed to project	1
• Majority of county residents support project	1
• Lack of communication with NTMWD	1
• If homes are flooded many lawsuits will be filed	1
• Lower Bois d'Arc Creek should be preserved as a wilderness area	1
• Rights are being trampled and due process is just a formality	1

*These miscellaneous comments were received by the USACE and are here documented in this scoping report, but are not necessarily within the scope of topics to be covered in the EIS, which by the NEPA statue and CEQ regulations considers potential environmental consequences.

3. Main Issues and Topics Raised in Scoping

Table 3 lists the top issues/topics from Table 2, as cited by the members of the public and governmental agencies. These are a gauge of the highest priority concerns that agencies and the public feel need to be addressed in the EIS.

Table 3 – Top Issues Raised by Proposed Lower Bois d'Arc Reservoir

Place	Issue/Topic	Number of commenters who cited
1	Impacts on native wildlife species and habitat	33
2	Adverse impact to agricultural economy & livelihoods in county	29
3	Reduced tax revenues to county and heavier tax burden for remaining residents	23
3	Water is being wasted and needs to be conserved	23
5	Displacement of multi-generational residents, farmers and ranchers; loss of farming/ranching/rural heritage	20
6	Concerned that reservoir may cause flooding in Bonham, along tributaries, and upstream areas	19
7	Reputed recreational & related economic benefits are questionable because of fluctuating lake level and shoreline, mudflats, etc. – look at other reservoirs in area where claimed benefits have not been realized	17
7	Poor water quality in reservoir from upstream pollutants	17
9	Fluctuating lakeshore and resultant unattractive mudflats	12
10	Impacts to Indian artifacts or burial sites	11
10	Limited viable lifetime of reservoir (storage capacity loss over time from siltation)	11
12	Shallow &fluctuating lake will not be conducive to aquatic recreation opportunities	10
12	Upstream wastewater treatment plant discharges (treated & raw sewage)	10
14	Effects of chemical (arsenic) residues from cotton farming	9
14	Spread of invasive species, e.g. zebra mussel, hydrilla, feral hogs	9
14	Impacts to unmarked slave and pioneer cemeteries	9
14	Losing own home, land, and/or job	9
18	Endangered, threatened, rare species and habitats	8
18	Zoning effects on property rights and lakefront development	8
18	Lost food production and its economic value	8
18	Will benefit Lake Lavon (by maintaining water level) and its residents at expense of Fannin County residents	8
22	Impacts on trees and bottomland/riparian forests	7
22	Increase in disease vectors, e.g. mosquitoes	7
22	Damage to historic/cultural/archeological properties	7

22	Project will encourage beneficial local economic development	7
22	New reservoir won't be able to compete with established lakes that already offer high-quality recreational experience & real estate properties	7
22	Shallow depth of reservoir/reservoir only partially full much of year	7
22	Benefit of adding more water supply/additional water will be needed	7

It should be emphasized that this particular delineation/breakdown of issue topics is somewhat arbitrary. Thus, this particular ordering of priority issues is also somewhat arbitrary. Nevertheless, from a close examination of the wide diversity of hundreds of comments received by citizens and public agencies during the Lower Bois d'Arc Reservoir scoping process it is clear that the main concerns relate to: 1) possible impacts on wildlife and habitat; 2) socioeconomic impacts on the area's residents and agricultural economy and fiscal impacts on county government and services; 3) water conservation and quality; 4) flooding; 5) the possibility of overstated economic and recreational benefits due to the proposed lake's shallow depth, allegedly fluctuating shoreline, and limited useful life; and 6) possible impacts to cultural resources. The EIS will address these issues and concerns.

The EIS will also address the significant issues raised by written comments the USACE received in response to the Public Notice on the original 404 permit application. As noted in the attached NOI (Attachment A to this Scoping Report):

> Issues to be given analysis in the EIS are likely to include, but will not be limited to: The effects of the lake on the immediate and adjacent property owners, nearby communities, downstream hydraulics and hydrology, wetlands, surface water quality and quantity, groundwater quality and quantity, geological resources, vegetation, fish and wildlife, federally-listed threatened and endangered species, soils, prime farmland, noise, light, aesthetics, historic and pre-historic cultural resources, socioeconomics, land use, public lands, public roads, air quality, and the effects of construction of related facilities.

The USACE verbally reiterated these issues at the outset of the 9 December 2009 agency scoping meeting in Wylie, TX, stating:

> Things the USACE sees [being covered in the EIS] include, but are not necessarily limited to: the magnitude of the project; its impacts on landowners and livelihoods; impacts on forested wetlands and other wetland habitats and other aquatic resources; mitigation of projected wetland losses; impacts on downstream lands including riparian forest lands, U.S. Forest Service (USFS) Caddo National Grasslands, social and economic impacts (e.g., roads); changes to downstream flow regime; conversion of agricultural lands to lakebed or mitigation lands (loss of agricultural production on local economy); changes (loss to quasi-public purposes) to the tax base in Fannin County; impacts to the school district (quality and funding); project alternatives (alternative lake sites or water sources); environmental and social costs incurred by Fannin County when other counties benefit from the water; whether adequate conservation measures are in place; potential archeological/ cultural resources. This is not an exhaustive list.

Attachment A – Notice of Intent

electronic means," or "reasonable means." What changes, if any, are needed to the rule regarding electronic certificates? Should foreign manufacturers be required to issue a certificate?

IV. Details Regarding the Workshop

The workshop will be held from 9:30 a.m. to 4 p.m. on Thursday, December 10, 2009, and Friday, December 11, 2009 at the CPSC's headquarters building at 4330 East West Highway, Bethesda, Maryland 20814, in the 4th Floor Hearing Room.

The workshop will open with a review of CPSC staff's current work on sections 14(a) and 14(d)(2) of the CPSA, including a discussion of the factors involved in sampling and an overview of the economic issues, followed by break-out sessions on the following subjects:

- The Consumer Product Labeling Program;
- Reasonable Testing Programs;
- Sampling Plans;
- Safeguarding Against Undue Influence on Product Testing;
- Additional Third-Party Testing Requirements for Children's Products; and
- Verification of Children's Product Testing Results.

The panels at the break-out sessions will consist of Commission staff and invited members from the public. If you would like to make a presentation at the workshop or be considered as a panel member for a specific break-out session, please send, via electronic mail (e-mail), a note indicating your desire to participate and/or indicating which of the break-out sessions you wish to join. We ask that you limit the number of break-out sessions to no more than three. We will select panelists and persons who will make presentations at the workshop, based on considerations such as: The individual's familiarity or expertise with the topic to be discussed; the practical utility of the information to be presented (such as a discussion of specific standards, methods, or other regulatory approaches), and the individual's viewpoint or ability to represent certain interests (such as large manufacturers, small manufacturers, consumer organizations, *etc.*). The e-mail should be sent to Robert Howell at *rhowell@cpsc.gov* no later than November 20, 2009. In addition, please inform Mr. Howell of any special equipment needs required to make a presentation. While an effort will be made to accommodate all persons who wish to make a presentation, the time allotted for presentations will depend on the number of persons who wish to speak on a given topic and the workshop schedule. We recommend that individuals and organizations with common interests consolidate or coordinate their presentations and request time for a joint presentation. If you wish to make a presentation and want to make copies of your presentation or other handouts available, you should bring copies to the workshop. We will notify those who are selected to make a presentation or participate in a break-out session panel at least 3 weeks before the workshop. Selections will be made in attempt to ensure that a wide variety of interests are represented.

If you do not wish to make a presentation, you do not need to notify the CPSC, but please be aware that seating will be on a first-come, first-served basis.

If you need special accommodations because of disability, please contact Mr. Howell at least 7 days before the workshop.

In addition, we encourage written or electronic comments to the docket. Written or electronic comments will be accepted until January 11, 2010. Please note that all comments should be restricted to how the CPSC should interpret and implement the requirements found in sections 14(a) and 14(d)(2) of the CPSA so as to promote increased product safety while minimizing possible adverse impacts or unintentional consequences of the implementing regulations to be developed.

Dated: November 6, 2009.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. E9–27328 Filed 11–12–09; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare an Environmental Impact Statement for the Proposed Construction of Lower Bois d'Arc Creek Reservoir in Fannin County, TX

AGENCY: Department of the Army, U.S. Corps of Engineers, DoD.

ACTION: Notice of Intent.

SUMMARY: The U.S. Army Corps of Engineers, Tulsa District (USACE) has received an application for a Department of the Army Permit under Section 404 of the Clean Water Act (CWA) from the North Texas Municipal Water District (NTMWD) to construct Lower Bois d'Arc Creek Reservoir. In accordance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), the USACE has determined that issuance of such a permit may have a significant impact on the quality of the human environment and, therefore, requires the preparation of an Environmental Impact Statement (EIS).

The USACE intends to prepare an EIS to assess the direct, indirect, and cumulative environmental, social, and economic effects of issuance of a Department of the Army permit under Section 404 of the CWA for discharges of dredged and fill material into waters of the United States (U.S.) associated with the construction of the proposed water supply reservoir. In the EIS, the USACE will assess potential impacts associated with a range of alternatives. The preparation of an EIS begins with a scoping process to determine the issues to be addressed in the EIS.

The NTMWD provides wholesale treated water supply, wastewater treatment, and regional solid waste services to 45 member cities and customers in a service area covering all or parts of Collin, Dallas, Denton, Fannin, Hunt, Kaufman, Rains, and Rockwall Counties in north central Texas. The Lower Bois d'Arc Creek Reservoir, if constructed, would be a non-federal project constructed, owned and operated by NTMWD.

DATES: A Public Scoping Meeting will be held December 8, 2009, from 3 p.m. to 8 p.m.

ADDRESSES: The Public Scoping Meeting location is Fannin County Multi-Purpose Complex, 700 FM 87, Bonham, Texas 75418, approximately 1.5 miles west of Bonham off Highway 56.

FOR FURTHER INFORMATION CONTACT: For further information or questions about the proposed action and EIS, please contact Mr. Andrew R. Commer, Supervisory Regulatory Project Manager, by letter at Regulatory Office, CESWT–RO, U.S. Army Corps of Engineers, 1645 South 101st East Avenue, Tulsa, Oklahoma 74128–4609; by telephone at 918–669–7400; by electronic mail *Andrew.Commer@usace.army.mil*. For special needs (visual or hearing impaired, Spanish translator, etc.) requests during scoping meetings, please contact Andrew Commer by November 24, 2009.

SUPPLEMENTARY INFORMATION:

1. *Description of Proposed Project:* The proposed reservoir dam would be located in Bois d'Arc Creek, in the Red River watershed, approximately 15 miles northeast of the town of Bonham,

between Farm-to-Market (FM) Road 1396 and FM Road 409, in Fannin County, TX. The proposed project site consists of 17,068 acres. Approximately 38 percent of the project site is cropland, 37 percent is bottomland hardwoods and riparian woodlands. The remaining 25 percent is mostly upland deciduous forest.

The purpose of the proposed project is to impound the waters of Bois d'Arc Creek and its tributaries to create a new 16,641 acre water supply reservoir for NTMWD. Approximately 427 acres would be required for the construction of the dam and spillways. NTMWD has requested the right to impound up to 367,609 acre-feet of water, to produce an estimated firm yield of 126,200 acre-feet of water per year. State population projections show the NTMWD service population to increase from 1.6 million to 3.3 million by 2060. The Lower Bois d'Arc Creek Reservoir would provide a new water supply to help meet this increasing demand.

Lower Bois d'Arc Creek Reservoir Dam would be about 10,400 feet in length and would have a maximum height of about 90 feet. The design top elevation of the embankment would be 553.5′ msl with a conservation pool elevation of 534.0′ msl controlled by a service spillway at elevation 534.0′ msl with a crest length of 150 feet. The service spillway would be located at the right (east) abutment of the dam. Required low-flow releases would be made through a 36-inch diameter low-flow outlet. An emergency spillway would also be located in the right abutment of the dam. The emergency spillway would be a 1,400-foot wide uncontrolled broad crested weir structure with a crest elevation of 541′ msl. This elevation was selected to contain the 100-year storm such that no flow passes through the emergency spillway during this event.

Raw water from the reservoir would be transported by 29 miles of 90-inch pipeline to a proposed water treatment plant near the City of Leonard in southwest Fannin County. To allow the NTMWD the ability to treat water from Lower Bois d'Arc Creek Reservoir at its existing facilities in Wylie, TX, 14 miles of 66-inch pipeline would also extend from the water treatment plant to an outfall on Pilot Grove Creek, a tributary of the East Fork of the Trinity River, to deliver raw water to Lake Lavon, in the Trinity River basin.

Construction of the dam and impoundment of the water within the normal pool elevation of 534′ msl would result in direct fill impact or inundation of approximately 120 acres of perennial streams, 99 acres of intermittent streams, 87 acres of open water, 4,602 acres of forested wetlands, 1,223 acres of herbaceous wetlands, and 49 acres of shrub wetlands.

2. *Alternatives:* Alternatives available to the USACE are to: (1) Issue the Department of the Army permit; (2) issue the Department of the Army permit with special conditions; or (3) deny the Department of the Army permit. Alternatives available to NTMWD include: (1) Construct Lower Bios d'Arc Creek Reservoir as proposed; (2) construct Lower Bois d'Arc Creek Reservoir as proposed by NTMWD, with modifications; (3) developing or acquiring other water supply sources; or (4) no action. As part of the EIS process, a full range of reasonable alternatives, including the applicant's preferred alternative, will be evaluated.

3. *Scoping and Public Involvement:* A public notice for the Section 404 CWA permit application was issued on the proposal on October 14, 2008 soliciting comments from federal, state, and local agencies and officials, interested individuals and the general public. The 30-day comment period was extended by 30 days until December 12, 2008 to afford ample opportunity for public and agency comment on this project. A public Scoping Meeting will be held regarding the proposed action to seek public comments on the proposed project and its potential effects to the human environment (*See* **DATES AND ADDRESSES**). The USACE will be conducting the public scoping meeting to describe the project, preliminary alternatives, the NEPA compliance process, and to solicit input on the issues and alternatives to be evaluated and other related matters. Written comments for scoping will be accepted until January 9, 2010.

4. *Significant Issues:* Issues to be given analysis in the EIS are likely to include, but will not be limited to: The effects of the lake on the immediate and adjacent property owners, nearby communities, downstream hydraulics and hydrology, wetlands, surface water quality and quantity, groundwater quality and quantity, geological resources, vegetation, fish and wildlife, federally-listed threatened and endangered species, soils, prime farmland, noise, light, aesthetics, historic and pre-historic cultural resources, socioeconomics, land use, public lands, public roads, air quality, and the effects of construction of related facilities.

5. *Cooperating Agencies:* The USACE has invited the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Forest Service, Texas Commission on Environmental Quality, Texas Parks and Wildlife Department, Texas Historical Commission, and Texas Water Development Board to be Cooperating Agencies (CA) in the formulation of the EIS. No decisions have been made on CA status at this time. Regardless of final CA status decisions, these agencies, as well as other federal, tribal, state, and local governmental entities are expected to be involved in the review and comment of the Draft EIS.

6. *Additional Review and Consultation:* Compliance with other Federal and State requirements that will be addressed in the EIS include, but are not limited to, state water quality certification under Section 401 of the CWA, protection of water quality under the Texas Pollutant Discharge Elimination System, protection of air quality under the Texas Air Quality Act, protection of endangered and threatened species under Section 7 of the Endangered Species Act, and protection of cultural resources under Section 106 of the National Historic Preservation Act.

7. *Availability of Draft EIS:* The Draft EIS is projected to be available by September 2010. There will be a public comment cycle (a public meeting(s) and opportunity for public hearing) following the release of the Draft EIS.

David A. Manning,
Chief, Regulatory Office.

[FR Doc. E9–27262 Filed 11–12–09; 8:45 am]
BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army

Record of Decision for Stationing and Training of Increased Aviation Assets Within U.S. Army Alaska

AGENCY: Department of the Army, DoD.

ACTION: Notice of Availability (NOA).

SUMMARY: The Department of the Army announces the availability of its Record of Decision (ROD) that documents and summarizes the decision for implementing actions to increase numbers and types of aviation assets and training within U.S. Army Alaska (USARAK). The decision is based on the analysis described in the Final Environmental Impact Statement (FEIS) for Stationing and Training of Increased Aviation Assets within U.S. Army Alaska (August 2009), supporting studies, and comments provided during formal comment and review periods.

ADDRESSES: Requests for copies of the Army's ROD may be made to Ms. Carrie McEnteer, Directorate of Public Works,

Attachment B – Display Ad/Public Notice in *Bonham Journal*

PROPOSED LOWER BOIS D'ARC CREEK RESERVOIR

Published: Monday, November 30, 2009 10:11 AM CST

Public Meeting in Bonham

Tuesday, December 8, 2009 (3 to 8 p.m.)

Fannin County Multi-Purpose Complex

The U.S. Army Corps of Engineers, Tulsa District (USACE) has received an application for a Permit under Section 404 of the Clean Water Act from the North Texas Municipal Water District (NTMWD) to construct Lower Bois d'Arc Creek Reservoir. The USACE has determined that issuing this permit may have a significant impact on the quality of the human environment and, therefore, requires the preparation of an Environmental Impact Statement (EIS).

The USACE intends to prepare an EIS to assess the environmental, social, and economic effects of issuing a Section 404 permit for discharges of dredged and fill material into waters of the U.S. associated with the construction of the proposed water supply reservoir. In the EIS, the USACE will assess potential impacts from a range of alternatives. EIS preparation begins with a scoping process to determine the issues to be addressed in the EIS and the public helps to determine what issues are important.

The NTMWD provides wholesale treated water supply, wastewater treatment, and regional solid waste services to 45 member cities and customers in a service area covering all or parts of eight counties in north-central Texas. The Lower Bois d'Arc Creek Reservoir, if constructed, would be a non-federal project constructed, owned and operated by NTMWD.

The USACE will be conducting a public scoping meeting to describe the project, preliminary alternatives, the NEPA compliance process, and to solicit input on the issues and alternatives to be evaluated and other related matters. Written comments for scoping will be accepted until January 9, 2010.

A Public Scoping Meeting will be held on Tuesday, December 8, 2009, from 3 to 8 p.m., at the Fannin County Multi-Purpose Complex, 700 FM 87, Bonham, Texas 75418. The Complex is about 1.5 miles west of Bonham, north of Hwy 56.

For further information or questions about the proposed action and EIS, please contact Mr. Andrew R. Commer, Supervisory Regulatory Project Manager, by letter at Regulatory Office, CESWT-RO, U.S. Army Corps of Engineers, 1645 South 101st East Avenue, Tusla, Oklahoma, 74128-4609; by telephone at 918-669-7400; by electronic mail

Andrew.Commer@usace.army.mil. For special needs (visual or hearing impaired, Spanish translator, etc.) request during scoping meetings, please call Mr. Commer.

Attachment C – USACE public notice for scoping meeting

Public Notice

U.S. Army Corps of Engineers
Tulsa District

Reply To:

U.S. Army Corps of Engineers
ATTN: Regulatory Office
1645 South 101st East Avenue
Tulsa, OK 74128-4609

SWT-0-14659
EIS Scoping Meeting
Public Notice No.

November 6, 2009
Public Notice Date

January 9, 2010
Expiration Date

PURPOSE
The purpose of this public notice is to inform you of a proposal for work in which you might be interested and to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest.

SECTION 10
The U.S. Army Corps of Engineers is directed by Congress through Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition, or capacity of navigable waters of the United States. The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404
The U.S. Army Corps of Engineers is directed by Congress through Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharges of dredged and fill material into all waters of the United States. These waters include lakes, rivers, streams, mudflats, sandflats, sloughs, wet meadows, natural ponds, and wetlands adjacent to other waters. The intent of the law is to protect these waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical, and biological integrity.

NOTICE TO PUBLISHERS
This public notice has been provided as a public service and may be reprinted at your discretion. However, any cost incurred as a result of reprinting or further distribution shall not be a basis for claim against the Government.

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, TULSA DISTRICT
1645 SOUTH 101ST EAST AVENUE
TULSA, OKLAHOMA 74128-4609

November 6, 2009

Application No. SWT-0-14659

PUBLIC NOTICE

U.S. Army Corps of Engineers (Corps), Tulsa District

Announcement of Public Scoping Meeting

Proposed Lower Bois d'Arc Creek Reservoir
Environmental Impact Statement (EIS) Process

Interested parties are hereby notified that the District Engineer has scheduled a Public Scoping Meeting related to the Clean Water Act (CWA) Section 404 permit application by North Texas Municipal Water District (NTMWD) for the proposed construction of Lower Bois d'Arc Creek.

The application is to construct a dam on Bois d'Arc Creek to impound a water supply reservoir, Lower Bois d'Arc Creek Reservoir. The purpose of the work is to expand water supply resources of the North Texas Municipal Water District.

The Corps intends to prepare an EIS to assess the direct, indirect, and cumulative environmental, social, and economic effects of issuance of a Department of the Army permit under Section 404 of the CWA for discharges of dredged and fill material into waters of the United States associated with the construction of the proposed water supply reservoir. In the EIS, the Corps will assess potential impacts associated with a range of alternatives. The preparation of an EIS begins with a scoping process to determine the issues to be addressed in the EIS.

Date and Location of Meeting: **December 8, 2009**
3:00pm to 8:00pm
Fannin County Multi-Purpose Complex
700 FM 87
Bonham, Texas
(Complex is about 1.5 miles west of Bonham, north of Hwy 56)

A public notice for the Section 404 CWA permit application was issued on the proposal on October 14, 2008 soliciting comments from Federal, State, and local agencies and officials, interested individuals and the general public. The 30-day comment period was extended by 30 days until December 12, 2008, to afford ample opportunity for public and agency comment on this project. A public Scoping Meeting is being held regarding the proposed action to seek public comments on the proposed project and its potential effects to the human environment. The Corps will be conducting the public scoping meeting, assisted by its Third Party EIS Contractor (Mangi Environmental Group), to describe the project, preliminary alternatives, the National Environmental Policy Act compliance process, and to solicit input on the issues and alternatives to be evaluated and other related matters. Written comments for scoping will be accepted **until January 9, 2010**.

Project Description: The proposed reservoir dam would be located in Bois d'Arc Creek, in the Red River watershed, approximately 15 miles northeast of the town of Bonham, between Farm-to-Market (FM) Road 1396 and FM Road 409, in Fannin County, Texas. The proposed project site consists of 17,068 acres. The purpose of the proposed project is to impound the waters of Bois d'Arc Creek and its tributaries to create a new 16,641-acre water supply reservoir for NTMWD. Lower Bois d'Arc Creek Reservoir Dam would be about 10,400 feet in length and would have a maximum height of about 90 feet. The design top elevation of the embankment would be 553.5 feet mean sea level (' msl) with a conservation pool elevation of 534.0' msl controlled by a service spillway at elevation 534.0' msl with a crest length of 150 feet. Raw water from the reservoir would be transported by 29 miles of 90-inch pipeline to a proposed water treatment plant near the City of Leonard in southwest Fannin County. To allow the NTMWD the ability to treat water from Lower Bois d'Arc Creek Reservoir at its existing facilities in Wylie, Texas, 14 miles of 66-inch pipeline would also extend from the water treatment plant to an outfall on Pilot Grove Creek, a tributary of the East Fork of the Trinity River, to deliver raw water to Lake Lavon, in the Trinity River basin.

Texas Commission on Environmental Quality (TCEQ): Permitting under the CWA Sections 401 and 404 is conducted jointly between the Corps and the TCEQ, with the TCEQ making a State water quality certification decision concurrent with the Corps permit application decision. For the purposes of conducting a TCEQ public meeting, the TCEQ will participate in this EIS Scoping Meeting and will be available for questions and comments regarding the TCEQ's role in reviewing the 404/401 permit application submitted by the NTMWD for the proposed Lower Bois d'Arc Creek Reservoir.

For Additional Information: For further information or questions about the proposed action and EIS, please contact Mr. Andrew Commer, Supervisory Regulatory Project Manager, by letter at Regulatory Office, CESWT-RO, U.S. Army Corps of Engineers, 1645 South 101st East Avenue, Tulsa, Oklahoma, 74128-4609; by telephone at 918-669-7400; by electronic mail *Andrew.Commer@usace.army.mil*. For special needs (visual or hearing impaired, Spanish translator, etc.) requests during scoping meetings, please contact Andrew Commer by November 24, 2009.

David A. Manning
Chief, Regulatory Office

Attachment D – Attendee List for Public Scoping Meeting

Proposed Lower Bois d'Arc Creek Reservoir, Fannin County
Texas Environmental Impact Statement
December 8, 2009 Public Scoping Meeting – Bonham, TX
Sign-In Sheet

Name	Address	Affiliation
Jim Crooks	PO Box 507 Decatur, TX 76234	USFS
Jackie Lackey	PO Box 225 Dodd City, TX 75438	Landowner
Kenneth Tredway	PO Box 92 Dodd City, TX 75438	Landowner
Carl Bysen	13508 E. FM 1396 Windom, TX 75492	Landowner
Tom & Tommie Sue Turner	300 E. Russell Bonham, TX 75418	Commercial Office Rental
Maeta Lee	703 W Market Honey Grove, TXX 75446	Landowner
Glenn Lee	703 W Market St Honey Grove 75446	Landowner
Craig Richards	908 E. 10th St Bonham, TX 75418	Landowner
Gloria Walker	340 Boyd Loop Bonham, TX 75418	Landowner
Harry Allen	14891 FM 1396 Windom, TX 75492	
Dick & Eleanna Crawford	690 CR 37500 Summer, TX 75486	
Diane Payne	1775 CR 2655 Telephone, TX 75488	
Chad Clour	2996 CR 2655 Telephone, TX 75488	
Thomas R. Brewer	126 Carpenter loop Bonham, TX 75418	
RET. US Navy Chief George Sutterfield	283 CR 2273 Telephone, TX 75488-6216	
Tami Sundquist	1445 Ross Ave Dallas, Tx 75202	
Harry Hammett	1494 CR 2917 Dodd City, TX 75438	

Mike Scheiler	2628 S. Hwy. 121 Bonham, TX 75418	
Carlos A. Pardo	2653 C.D. 2900 Bonham, TX 75248	
Michael Yarbrough	2325 CR 2765 Honey Grover, TX 75446	Rancher
Troy & Carol Boreham	2160 CR 2950 D. Dodd City, TX 75438	Rancher
Ronnie Knight	317 CR 2950 Dodd City, TX	Cattle
Randy Moore	200 E. 1st st. Bonham, TX 75418	USDA- NRCS
Wes Reed	4519 W. Lovers Lane Dallas, TX 75209	Rancher
Dustin Knight	1037 CR 2950 Dodd City, TX 75438	Cattle
Ken Jones	3054 CR 2730 Honey Grove, TX 75446	Rancher
Sandra Loschke	874 CR 2750 Honey Grove, TX 75446	Rancher/ farmer
Don Belk	205 CR 2650 Telephone, TX 75488	Rancher Live on Boisedearc
Nathan Ryser	602 Oak St. Honey Grove, TX 75446	Farmer
Harold & Jean Gillineath	1283 CR 2960 Dodd City, TX 75438	
John Yarbrough	3576 CR 2765 Honey Grove, TX 75446	
Charles Yarbrough	404 Pecan St Honey Grove, TX 75446	
Stewart Richardson	9086 FM 100 Honey Grove, TX 75446	
Beth R. Porter	418 Jo Aynn Circle Bonham, TX 75418	
Ralph W. Thomas, Jr.	614 Chestnut St. Bonham, TX 75418	
Mary & Kyle Payne	626 CR 2615 Telephone, TX 75488	
Bob Payne	1775 CR 2655 Telephone, TX 75488	
John Loschke	874 CR 2750 Honey Grove, TX 75446	Farmer
Nathan & Ellen Nelson	3385 E. State Hwy 56 Dodd City, TX 75438	Farmer/ Landowner
Gregory Hall	328 CR 1035 Ravenna, TX 75476	

Julia Russell	790 CR 2900 Dodd City, TX 75438	
Michele Holmes	15924 E FM 1396 Windom, TX 75492	
Chad Knight	489 CR 2950 Dodd City, TX 75438	
Sam Bullock	785 CR 2620 Telephone, TX 75488	
Jarett & Rachael Tucker	4484 CR 2610 Bonham, TX 75418	
Doug Kopf	2713 CR 2998 Windom, TX 75418	Landowner
Rebecca Knight	317 CR 2950 Dodd City, TX 75438	Landowner
Dennis Troutz	PO Box 996 Windom, TX 75492	Landowner
John & Kay Burnett	402 Mockingbird Bonham 75418	Bonham City Council
Larry N. Patterson	PO Drawer 305 Lewisville, TX 75067	UTRWD
Sue Carpenter	2177 CR 2945 Dodd City, TX 75438	
Joe Carpenter	2177 CR 2945 Dodd City, TX 75438	
Justin Staton	281 CR 265 Telephone, TX 75488	
Leroy Tarpley	295 S. St. Hwy 78 Bonham, TX 75418	
Jimmy Newhouse	2438 CR 2730 Honey Grove, TX 75446	
Larry Franklin	15387 E FM 1396 Windom, TX 75492	
Patti Chun	6232 South FM 1743 Windom, TX	
Tony Brawner	9898 E FM 273 Ivanhoe, TX 75447	
Ross Griffith	PO Box 28 Bonham, TX 75418	
Millard D. Brant	PO Box 46 Dodd City, TX 75438	
Danny R. Gilbreath	3315 Oliver Dallas, TX 75202	
Pat Hilliard	32015 FM 2099 Bonham, TX 75418	FanninCo.
Dale McQueen	1352 E FM 1396 Ivanhoe, TX 75447	
Denise Hickey	505 E. Brown Wylie, TX 75098	

Wayne & Betty Burk	2000 CR 2950 Dodd City, TX 75438	
Ronnie & Ronda Fitzwater	Bonham, TX 75418	
Joe L. Ward	1626 CR 2315 Telephone, TX 75488	
Roger Skipper	3243 CR 2955 Dodd City, TX 75438	Texas AgriLife Extension
Joan Snider	615 Willow Bonham, TX 75418	Fannin Co.
Ray Floyd	408 Rainey Bonham, TX 75418	City of Bonham
Lynda Floyd	408 Rainey Bonham, TX 75418	
Curtis E. Carlson Jr.	PO Box 292 364 Lewisville, TX 75029	Landowner
Jack Black	13759 Bandera Ranch CR Roanoke, TX 76262-5866	Landowner
Glenn Estes	232 CR 2650 Telephone, TX 75488	Telephone
Corby Alexander	301 E 5th Bonham, TX 75418	City of Bonham
Ronny & Marilyn Hart	1782 CR 2925 Dodd City, TX 75438	
Richard Danner	321 CR 2040 Ravenna, TX 75476	Solid Ground Realtors
Jessica Kirkpatrick	2501 N Center Bonham, TX 75418	Fannin Newspapers
Galen L. Raper	767 CR 4779 Winnsboro, TX 75494	Six Pines Natural Resources
W.A. Harcues Jr.	5782 CR 2610 Bonham, TX 75418	
Joyce Hassell	14562 CR 565 Farmersville, TX 75442	
Kenneth Hassell	14262 CR 565 Farmersville, TX 75442	
Joseph Y. Reed	116 Hilltop Pottsboro, TX 75076	Landowner
J. D. Moore	10165 W Hwy 82 Savoy, TX 75479	
Dennis Holman	989 CR 2650 Telephone, TX 75488	Landowner
Allen Rich	425 CR 2601 Bonham, TX 75418	
Wilma Arnold	2203 Pecan St. Bonham, TX 75418	

Ronald Ford	PO Box 103 Bonham, TX 75418	City of Bonham
Joe Hafertepe	5331 Yolanda Dallas, TX 75229	Landowner
Joel Shepard	1112 CR 2145 Telephone, TX 75488	USPA Forest Service
Gordon Locke	2601 N SH 121 Bonham, TX 75418	Landowner
Cathy Melson	3385 E. HWY 56 Dodd City, TX 75438	Landowner

Attachment E – Attendee List/Sign-in Sheet for Agency Scoping Meeting
December 9, 2009 – Wylie, Texas

Name	Agency	Address
Robert McCarthy	NTMWD	505 E. Brown Wylie, TX 75087
Mike Rickman	NTMWD	505 E. Brown Wylie, TX 75087
Ashley Burt	NTMWD	505 E. Brown Wylie, TX 75087
Tami Sundquist	US EPA, Region 6	1445 Ross Ave. Dallas, TX 75202
Lynn Jackson	U.S. Forest Service	415 S. First Street Ste.110 Lufkin, TX 75901
Chalonda Jasper	U.S. Forest Service	415 S. 1st St. Ste.110 Lufkin, TX 75901
Dave Peterson	USFS	415 S. 1st St. Ste.110 Lufkin, TX 75901
Mark Fisher	TCEQ	MC-150 P.O. Box 13087 Austin, TX 78711-3087
Jeanene Peckham	EPA	1445 Ross Ave. Dallas, TX 75202
Andrew Commer	U.S. Army Corps of Engineers	1645 S. 101st E. Ave. Tulsa, OK 74128
Randall Howard	Freese & Nichols, Inc.	10814 Jollyville Blvd. 4 Ste. 100 Austin, TX 78759
Steve Watters	Freese & Nichols, Inc.	4055 International Plaza Fort Worth, TX 76109
Alan Skinner	AR Consultants, Inc.	11020 Audelia Rd. Ste. C105 Dallas, TX 75243
Gordon M. Wells	Freese & Nichols, Inc.	4055 International Plaza Fort Worth, TX 76109
Shane Charlson	U.S. Army Corps of Engineers	1645 S. 101st E. Ave. Tulsa, OK 74128
David Galindo	TCEQ	12100 Park 35 Cin. Austin, TX 78711
Peter Schaefer	TCEQ	12100 Park 35 Cin. Austin, TX 78711
Clint Robertson	TPWD	P.O. Box 1685 San Marcus, TX 78667
Ryan McGillicuddy	TPWD	4200 Smith School Rd Austin, TX 78744
Leon Kolankiewicz	Mangi Environmental	7927 Jones Branch Dr. #150 McLean, VA 22102
Tom Cloud	U.S. F.W.S	711 Stadium Dr., #252 Arlington, TX 76011
Sid Puder	U.S. F.W.S	711 Stadium Dr. Arlington, TX 76011
Jim Crooks	U.S.F.S	PO Box 507 Decatur, TX 76234

Thomas Philipps	U.S.F.S	415 South First St Lufkin, TX 75901
Anna Lundin	Mangi Environmental	24858 Richmond Hill Rd. Conifer, CO 80433
Joel Stone	Daniel B. Stephens & Associates, Inc.	4030 W. Braker Ln. Ste.325 Austin, TX 78759
Nick Trierweiler	Ecological Communications Corp.	4009 Banister Ln. Ste. 300 Austin, TX 78704
Tom Gooch	Freese and Nichols	4055 International Plaza Ste.200 Fort Worth, TX 76132
Michael Votaw	Freese & Nichols	4055 International Plaza Ste.200 Fort Worth, TX 76132
Karen Hardin	TPWD	4200 Smith School Rd Austin, TX 78744

Attachment F – Agency Scoping Meeting Notes

Proposed Lower Bois d'Arc Reservoir EIS
Agency Scoping Meeting, Wylie, TX
December 9, 2009

AGENCY SCOPING MEETING NOTES

USACE (Andy Commer) opened the meeting with introductory remarks on the purpose of the scoping meeting. It helps the USACE focus its vision on what needs to be covered in EIS in order to inform decision-making on the 404 permit application. Environmental, social, and economic impacts will all get covered in the EIS. The internal Preliminary Draft EIS is the next step. The next opportunity for agencies to engage is at publication of the DEIS.

The proposed project is being handled by the USACE, which is the decision-maker and lead federal agency. The USACE has invited cooperating agency status from other federal and state agencies, not all of which have yet responded. Texas Parks and Wildlife and the US Fish and Wildlife Service have both accepted while the Texas Water Development Board has declined. The USACE is still awaiting replies from the U.S. Forest Service and Environmental Protection Agency.

Since there is no funding for internal EIS preparation by the USACE, costs are borne by 404 permit applicants. A third party contractor prepares the EIS, in this case the Mangi Environmental Group.

Mangi (Leon): EIS project manager from Mangi, made brief remarks about Mangi's and his own role and experience.

USACE (Andy) then had everyone introduce themselves and state their agency affiliation.

See Attachment A for the full list of attendees along with their affiliations and contact info.

NTMWD (Mike) gave an overview for the North Texas Municipal Water District. The population will more than double within its service area. They need to find additional water supplies. NTMWD has to bring online the equivalent of one Lake Lavon every decade for the next five decades in order to meet the water needs of people coming here. The City of Bonham can't meet its own needs past 2020. The Lower Bois d'Arc Creek Project will also meet needs in the immediate vicinity of the lake in Fannin County. Lake Bonham cannot alone supply all of Fannin County's water supply needs with its projected future growth.

Since the last meeting, NTMWD has opened an office in Bonham and begun acquisition of lands. So far, land purchase in the basin has been done on a willing seller basis only. NTMWD has acquired almost 10,000 acres of the reservoir footprint already. Recently, they became aware of the Riverby Ranch for sale along the Red River and recognized its potential as a mitigation site. They entered into contract to purchase this ranch, about 14,700 acres in size and

with seven miles of Red River frontage. NTMWD is scheduled to close on the deal in mid-February; they are well aware that they are taking a risk in having purchased this, if the 404 permit is not approved, but they would be able to re-sell it.

USACE (Andy) then opened the meeting to the agencies present, in order to provide a forum for the agencies to ask questions and raise issues. What issues need to be addressed in the EIS? Some of those present have already been involved in the Habitat Evaluation Procedures (HEP) and instream flow studies. This meeting is for the USACE to listen to agency concerns.

EPA (Jeanene): What issues are in the USACE's focus, that is, what does the USACE see as being within the scope of the EIS now?

USACE (Andy): Things the USACE sees include, but are not necessarily limited to: the magnitude of the project; its impacts on landowners and livelihoods; impacts on forested wetlands and other wetland habitats and other aquatic resources; mitigation of projected wetland losses; impacts on downstream lands including riparian forest lands, U.S. Forest Service (USFS) Caddo National Grasslands, social and economic impacts (e.g., roads); changes to downstream flow regime; conversion of agricultural lands to lakebed or mitigation lands (loss of agricultural production on local economy); changes (loss to quasi-public purposes) to the tax base in Fannin County; impacts to the school district (quality and funding); project alternatives (alternative lake sites or water sources); environmental and social costs incurred by Fannin County when other counties benefit from the water; whether adequate conservation measures are in place; potential archeological/ cultural resources. This is not an exhaustive list. All comments received by the USACE as a result of the Public Notice are part of the EIS scoping.

EPA (Jeanene): Last night at the public scoping meeting I heard someone say that this project had been proposed and rejected twice by the USACE in the past.

USACE (Andy): Those earlier projects were different (multi-purpose), and the USACE's conclusions are being inappropriately transferred by opponents to the current project. The earlier USACE proposals were rejected by the USACE itself in the past due to cost/benefit analyses and multi-purpose needs stipulations. The USACE determined that the lakes weren't feasible. However, we cannot extrapolate the findings of those projects onto this proposal. Also, the USACE needed a local sponsor and may not have been able to find one. Both Upper and Lower Bois d'Arc Creek locations were determined not to be feasible for further investigation. The differences between the present project and past proposals evaluated and rejected previously are that 1) this is not a USACE project, and 2) this is a water supply lake, not a multi-purpose proposal. That is, the water supply purpose stands on its own. While there may be recreation added, recreation is not a primary purpose. Thus, some of the comparisons between the present proposal under consideration, and for which a 404 permit is being sought, and past discarded proposals, are not appropriate.

TCEQ (Mark Fisher): Regarding that earlier USACE proposal, what phase of analysis/ investigation did it reach?

USACE (Andy): The earlier proposal never got to the point of discussing a permit.

NTMWD (Mike): The USACE could not find a local sponsor. Having a local sponsor is a funding requirement.

USACE (Andy): I think now that joint projects need 35% local funding, but don't quote me.

TCEQ (Mark): Should this history be included in the EIS?

USACE (Andy): The EIS will provide clarifying information on why the USACE is considering once more what it rejected earlier.

TCEQ (Mark): What is the timeframe of the EIS?

Mangi (Leon): We're shooting for the latter part of 2010 for the draft EIS.

EPA (Jeanene): What about Mangi review of work that has been done to date?

Mangi (Leon): Mangi will provide an independent review of all prior work, neither accepting it nor dismissing it out of hand, nor repeating what has already been done, if it's adequate. Everything that has been done to date appears to be kosher – although that doesn't mean it's complete.

EPA (Jeanene): All roads that are impacted need to be evaluated, not just public roads.

EPA (Jeanene): One of my comments [in EPA's letter on the 404 permit application] is that the EPA wants to include a plan to reduce water use in the EIS – a conservation plan – will Mangi be looking at such a plan?

Mangi (Leon): Conservation has to be part of at least one alternative; however, even with conservation measures, there is not currently adequate water supply to meet projected demands.

EPA (Jeanene): We are asking for a plan to reduce water use. Also, as a cumulative impact, we want the impacts of all water impounded to date in the State of Texas included and considered in the EIS. Data on this topic (total impoundment acreage) were in EPA's comment letter and date to 2006. For cumulative impacts, the EIS should also consider reasonably foreseeable impoundment proposals in its cumulative analysis. Would the most current estimates of the amount of impounded water in the State be updated and included in the EIS?

Mangi (Leon): You want both existing and planned impoundments in the state to be included in the cumulative analysis of the EIS? OK.

USFS (Tom): Does the water district have legislative authority to mandate conservation measures?

NTMWD: No

Mangi (Leon): The EIS will look at legislative options, e.g. what it would take to mandate conservation.

EPA (Jeanene): What about funding?

NTMWD (Mike): NTMWD would fund the Lower Bois d'Arc Creek Reservoir 100% through bonds.

EPA (Jeanene): Is NTWD seeking funds from TWDB?

NTWMD (Mike): It's a possibility.

EPA (Jeanene): How would rates be affected by the project?

NTMWD (Mike): The proposed project will impact (increase) consumer rates.

USFS (Tom): How about the impact on USFS lands (Caddo National Grasslands)? Would there be a land exchange? There is no congressional authority needed to designate the donated land (e.g., the mitigation bank) as part of the National Grasslands as per the Bankhead-Jones Act. This 1930's era statute gives the USFS authority to accept that land; only administrative activity will be needed. (The Grasslands boundary is an "Administrative Boundary" and not a "Proclamation Boundary" under Bankhead Jones. This allows the USFS to include, acquire, or receive lands that are outside of the administrative boundary. A proclamation boundary would not allow such.)

EComm (Nick) : The Texas Historical Commission (THC) is not here. Has anything been initiated with them?

USACE (Andy): Yes, a programmatic agreement (PA) is all but signed with THC. It lays down the rules of engagement and will contain methodology on how to evaluate cultural resources in the EIS. The PA will include a research design for cultural resource investigations, and once the PA is signed and executed, the research design will be implemented and the field sampling will begin. Work on a research design has begun. The next step is fulfilling the research design and doing stratified, random samples in select areas of the basin. There will be surface searches, and probably backhoe trenching, to explore the need for further research and/or recovery. Alan Skinner will probably be involved in this fieldwork.

EPA (Jeanene): With respect to the instream flow study, how far downstream does the USACE intend to look at downstream impacts? A TPWD report shows that Lower Bois d'Arc Creek is an important tributary/discharge to the Red River. The Red River is now being used for "hydrofracking" [hydraulic fracturing] for natural gas extraction from Haynesville Shale in LA and TX. Haynesville Shale exploration has mushroomed recently, and drilling as well. The EIS needs to look at cumulative impacts on the flow of the Red River.

USACE (Andy): We will be looking at the downstream impacts in the EIS. We don't know where the downstream impacts analysis will be limited to yet. Is there a lot of water use associated with the natural gas/shale activity in LA?

EPA (Jeanene): Yes, 5 MGD is needed for hydraulic fracturing of each well.

Mangi (Leon): We haven't brought up how cultural resource studies fit into the EIS; the idea is to have the results of the studies included in the EIS.

USACE (Andy): Work on the EIS is to inform the permit application. Cultural fieldwork will be concurrent; it may not be complete for the draft, but will be complete by the Final EIS. The USACE will then make its decision based on the best available information. We won't issue a 404 permit that says we'll look into impacts later; on the other hand, we may still issue a permit that calls for ongoing or future monitoring.

TPWD (Karen): Is recreation an identified purpose of the proposed project?

NTMWD: Recreation is a secondary purpose of the reservoir. Water supply is the primary purpose.

TPWD (Karen): How fully will recreation effects be evaluated in the EIS?

USACE (Andy): The current forecast of recreation projections may not be fully accurate (it may assume there would be more recreation than what would actually occur); we will make sure the projections are accurate. It is an indirect impact which will be considered in the EIS.

TPW (Karen): Why would recreation impacts be considered secondary and indirect?

USACE (Andy): The impacts to current recreation use within the actual reservoir footprint are a direct impact and will be analyzed as such.

TPWD (Karen): I don't understand why recreation is considered a purpose of this project at all. Isn't recreation more appropriately identified as a benefit of the project?

NTMWD: We're building the reservoir as a water supply lake. Recreation will be a secondary benefit.

TCEQ: If Lower Bois d'Arc is operated primarily as a water supply lake, a fluctuating water level, and lakeshore, will occur. Will water levels fluctuate and be varied according to the water supply?

NTMWD: Water levels will not be kept constant for recreation. The miles of shoreline have not been measured; the use of the shoreline is a concern to the water quality of the reservoir.

TCEQ: Wastewater treatment plants (WWTPs) discharge effluent upstream.

NTMWD: Existing effluent discharge standards for these WWTPs are based on downstream water uses. A downstream water supply reservoir such as the proposed Lower Bois d'Arc may change the standards to be achieved and may result in upgrade costs for local municipalities. (Discharge permits and effluent quality may need to be upgraded up and downstream of the project in order to protect water quality in the reservoir.) NTMWD is committing to not place financial burden on cities – if upgrades to WWTPs are required by the State, NTMWD would pay the costs of these upgrades to meet higher standards.

EPA (Jeanene): Is all of this included in the cost of the project?

NTMWD: Yes.

Ryan: How fully will recreational impacts be addressed in the EIS?

USACE (Andy): Local opposition to the lake is concerned that economic projections overstate claimed benefits. They point to other lakes where recreation hasn't really developed, or at least not developed as quickly as hoped, such as Lake Chapman. New recreation would be an indirect impact and may be hard to predict. The USACE can't take control over this with its permit decision and EIS.

USFS (Tom): Another issue that needs to be addressed is invasive species, especially giant salvinia. There needs to be a sound weed management plan and weed prevention measures in place. The new lake will need signs and wash stations.

USACE (Andy): We know aquatic invasives are an issue. The EIS also needs to look at the zebra mussel.

USFS (Dave): Zebra mussels are already in Lake Texoma. Aquatic weeds are a major problem. Another problem is that reservoirs become a sink for pollutants, primarily mercury. There are health advisories on many local lakes for fish consumption because of high mercury levels. Anytime you create a large outfall area, you have mercury and other pollutants.

Bois d'Arc Creek was channelized back in the 1940s; we want to restore the Creek back to its natural flow. This is difficult since the original channel is elevated in the flood plain above the flow line of the current channel

We are concerned with invasives and concerned with the reservoir becoming a sink for fallout from atmospheric pollution (mercury etc.). All these issues are concerns for us because the reservoir is upstream of where we want to restore the Creek. Shoreline development of the new lake is also a concern to us which hasn't really been addressed yet.

Also, the EIS should address how outflows from the reservoir would be prevented from causing downstream erosion and storm water damage. What are the potential effects on Caddo NG from the expected downcutting within the channel downstream of the dam? How does this project affect the goal that Fisheries has of restoring downstream flows in the original channel? It is proven that there is lower fisheries diversity in reservoirs; the species diversity in the Creek will

drop as a result of this project. We will lose native bass in this reach; the Florida hybrid will be put in. Native northern largemouth bass have disappeared from habitats. Non-native fish will likely benefit at the expense of native species because of the project.

Don't forget about terrestrial invasives; water acts as a vector for the spread of these invasives. Chinese tallow, salt cedar, and tree of heaven are terrestrial invasives that may be affected by the project and should be considered in the EIS.

The proposed mitigation bank may have suitable habitat for sensitive species. Among possible rare plants in the mitigation tract is the globally threatened Arkansas meadow rue. The reach of the Red River that might be protected by the proposed mitigation area could possibly benefit the federally endangered Ouachita rock pocketbook mussel.

The EIS needs to have a clear explanation of how the mitigation area compensates for habitat loss – and you need to make sure the mitigation bank adequately compensates for the habitat loss.

USFWS (Tom Cloud): How does the mitigation area compensate for the loss of jurisdictional areas? The EIS needs to do a comparison of whether the mitigation site adequately addresses the loss of quality and quantity in the affected areas.

TCEQ (Mark): Is a functional assessment required?

USACE (Andy): The HEP baseline is available. HEP analysis on the lake basin is the baseline for impacts. HEP analysis will have to be done on the baseline condition of the mitigation tract. Mitigation boost will be predicted on basis of same HEP process.

TCEQ (Mark): How will the ongoing instream flow study be integrated into the EIS?

USACE (Andy): There have been difficulties scheduling field data collection because of rainfall and high water. F&N says they can finish report in March 2010.

F&N (Michael): We'll be getting back into the field ASAP, once water levels retreat. We are compiling already collected field data right now.

F&N (Steve): Conditions can be difficult and dangerous if the creek's flow is over 30-40 cfs.

TCEQ (Mark): Will the water rights permit be integrated into the EIS?

USACE (Andy): There is no linkage at all; the water rights permit is an independent process from the 404 permit.

TCEQ: If water right changes, would that require a supplement to the EIS?

USACE (Andy): Possibly.

TCEQ (Mark): I think the water right is controlling in terms of the amount of water that can be stored and used in the reservoir. The instream flow study is a coordinated effort. Ultimately, decision-making authority is vested in two separate bodies.

EPA (Jeanene): Will the local government get involved at some point (e.g., for zoning and shoreline development issues)? A Lakeshore Management Plan is needed to protect water quality

NTMWD (Mike): The local governments are already involved; the NTMWD meets regularly with County commissioners regarding zoning and the 13 cities that are incorporated in Fannin County.

EPA (Tami): Who has zoning authority in Texas?

NTMWD (Mike): Cities typically have zoning authority in Texas. Fannin County requested development authority (zoning responsibility) from the State Legislature.

Mangi (Leon): Land use will be a section in the EIS.

TCEQ: How will mitigation be considered? Land has already been acquired, but we don't want to be locked into this particular property. What will be done to be sure we're not locked in?

USACE (Andy): The District contacted the USACE about the possible mitigation site and a meeting was held. NTMWD wanted feedback from the USACE as to whether this was a viable option, not a be-all-and-end-all. Was it a good option in the USACE's opinion? I haven't visited the site, but the District presented good info on what is there, what natural features persist, for floodplain, restoration, bottomland wetlands, etc. In short, the USACE sees this as a good opportunity. The USACE told the District that if they have the opportunity, they should pursue it. Opportunities like this are unusual. No promises were made to NTMWD that this is all the mitigation that would be required. The USACE and NTMWD have had no discussion as to whether the District would receive mitigation credit for this site, or how the site would have to be developed for mitigation. Mitigation is not the only issue on the 404 permit application, but having this single large tract in close proximity to the project is something that the USACE rarely sees.

USFS (Tom): I concur with Andy that this property has real potential; its location in proximity to the proposed reservoir and on the Red River are advantages.

USFWS (Syd): I second what Tom says.

NTMWD (Mike): The NTMWD fully recognizes the risk of purchasing the land at this point.

USACE (Andy): The District is indeed taking some risk.

F&N (Steve): This is a rare opportunity for mitigation that almost never occurs. F&N will examine the potential of the site. The District will not take a risk at this point by making an irretrievable commitment. If necessary, they want to be able to turn around and sell the property.

NTMWD (Mike): The cost of the property is $34.5 million.

TCEQ (Mark): What is the baseline in terms of the functional assessment? When does formal compensatory mitigation come into place? What is the environmental baseline against which to calculate mitigation?

USACE (Andy): The HEP was conducted last summer (2008) and this is the baseline. In the last two years however, some timber cutting has been occurring on land within the reservoir footprint that has been purchased by the NTMWD as part of the NTMWD negotiations. As soon as the USACE was made aware of this, I sent a letter to the NTMWD stating that all timber cutting (irretrievable commitment of resources) must stop as part of negotiations. It has stopped.

Some cutting is still occurring but these are private actions by individual land owners, not NTMWD. From what I have seen, there haven't been violations of 404; what has gone on are private actions over which the USACE has no control. Still, we will go by the habitat conditions documented in the HEP.

NTMWD (Mike): The District is now buying timber in place.

USFWS (Syd): We have to use the date in which the HEP was done.

F&N (Steve): The area was flown just months before the HEP.

USACE (Andy): We have asked for a clearing plan in which some areas would be left in standing timber. The USACE wants to preserve some timber stands as part of this project to eventually provide structure in aquatic habitat. The only change in the scope of the project since the Public Notice is the location of the water treatment plant and its pipeline. All pipelines/roads etc. directly impacted by this proposal will be part of the EIS.

NTMWD: The NTMWD has purchased the land that the water treatment plant will be located on.

Ryan: I have a question on the geographic scope. What elements of the project will be included in EIS?

USACE (Andy): All connected actions will be covered, including water treatment plant, pipelines, and outfall on Pilot Grove Creek.

TCEQ: All infrastructure that has to be removed will be covered?

USACE (Andy): Yes, all existing facilities.

TCEQ: Potential impacts to Pilot Grove Creek are to be included?

USACE (Andy): Yes. The change in water flow due to the outflow pipe in Pilot Grove Creek will be evaluated in the EIS. The Creek flow may be monitored pre- and post- reservoir construction.

EPA (Jeanene): We are very interested in a strong look at alternatives to the proposal, possibly combinations of projects.

EPA (Tami): What is the baseline measure for the possible mitigation site?

USACE (Andy): We need to establish the baseline conditions for the mitigation site. The District will begin to work on this. We will use the same HEP tools that were used to evaluate the reservoir footprint area. We will establish existing conditions and see what might be developed and look at how credit could be built up over time.

USFS: As far as cumulative impacts, how will Lake Ralph Hall be considered?

USACE (Andy): The Lake Ralph Hall project is in the same county as this proposal and is slightly ahead of this project with respect to the EIS and permit application. The USACE is fully aware of the need to assess the cumulative impacts of both reservoirs constructed in the same county. The EIS contractor for the Lake Ralph Hall project is in contact with Mangi and a full analysis of the cumulative impacts of both projects will be included in both EISs. Economic and tax roll impacts may interact. There could be a possible increase in traffic and other simultaneous impacts. Michael Baker is the consulting firm handling the EIS on Lake Ralph Hall.

EPA (Jeanene) – Will the Marvin Nichols project also impound water into Fannin County?

NTMWD (Mike) – No, it won't.

Restroom and Coffee Break

USACE (Andy): We are conducting formal scoping now. Please have all comments to me by January 9th. Nevertheless, comments can continue to be received throughout the EIS process and we will address any new issues that arise during the process.

USFWS (Syd): Endangered species and trust species have to be part of the EIS. There is a newly discovered bald eagle nest by on USFS land near Coffee Mill Lake, though the eagle was recently taken off the ES list. There is a possibility that the interior least tern may be in the project area, as well as the Louisiana black bear.

USACE (Andy): We are fully aware that we have to comply with ESA. Interior least terns use the Red River and possibly very lower portion of Lower Bois d'Arc Creek. Other species include the American burying beetle (evidence at Camp Maxey east of Bonham) and Ouachita rock pocketbook mussel (speculative).

EPA(Jeanene): The EIS should also address state-listed species.

USACE (Andy): The EIS will address state-listed species. Species of concern, if brought to our attention, would be covered. State-listed species don't establish any separate procedures for compliance, that is, they have no regulatory protection.

TCEQ (Mark): Will the instream flow study address mussels?

F&N (Mike): It will address their presence.

TCEQ (Mark): Will any additional water quality modeling be done for downstream reaches? How is water chemistry in downstream changes being considered?

F&N (Steve): The instream flow study has four parameters: hydrology/hydraulics, biology, fluvial geomorphology, and water quality (including downstream DO concentrations), Collection of data is proceeding for these standard parameters. The proposed facility will include a multi-level control structure that will allow for low flow water quality releases from different levels of the water column within the reservoir.

TCEQ: Will the comments received today and last night be included in the EIS?

USACE (Andy): All comments from the public notice and from the public meetings will be included in an appendix to the EIS. Will check to see if there is a requirement to prepare a "scoping report" – not promised unless required.

Acronyms and Abbreviations

USACE – U.S. Army Corps of Engineers, Tulsa District
EPA – U.S. Environmental Protection Agency
F&N – Freese & Nichols
Mangi – Mangi Environmental Group
NTMWD – North Texas Municipal Water District
TCEQ – Texas Commission on Environmental Quality
TPWD – Texas Parks & Wildlife Department
USFS – U.S. Forest Service
USFWS – U.S. Fish and Wildlife Service