

Appendix D

**Scoping Report for the
Greers Ferry Lake
Environmental Impact Statement**

Please note, only the main document of the *Scoping Report for the Greers Ferry Lake Environmental Impact Statement* is included in this appendix. The full document, including all attachments, can be viewed at <http://www.swl.usace.army.mil/projmgmt/gfreport.html>.

Scoping Report

for

the Greers Ferry Lake

Environmental Impact Statement

Prepared for

US Army Corps of Engineers

Little Rock District

Little Rock, Arkansas

by

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SECTION 1.0

INTRODUCTION

The US Army Corps of Engineers, Little Rock District (Little Rock District), conducted a public scoping meeting on December 5, 2000, to solicit input and comments on implementing a revised Shoreline Management Plan (SMP) for Greers Ferry Lake and the Environmental Impact Statement (EIS) being prepared for that SMP. The meeting was held at the Heber Springs High School Gymnasium, 800 West Moore, Heber Springs, Arkansas.

This report contains the details of that scoping meeting to include the oral and written comments received and the analysis of those comments.

1.1 BACKGROUND

The US Army Corps of Engineers, specifically the Greers Ferry Project Office, is responsible for developing and implementing a SMP for Greers Ferry Lake¹. The objective of this management plan is to achieve a balance between permitted private uses and resource protection for general public uses. Title 36 Code of Federal Regulations, part 327.30 Shoreline Management on Civil Works Projects states in part:

A Shoreline Management Plan, as described in 327.30(e) will be prepared for each Corps project where private shoreline use is allowed. This plan will honor past written commitments. The Plan will be reviewed at least once every five years and revised as necessary. Shoreline uses that do not interfere with authorized project purposes, public safety concerns, violate local norms or result in significant environmental effects should be allowed unless the public participation process identifies problems in these areas. If sufficient demand exists, consideration should be given to revising the shoreline allocations (e.g. increases/decreases). Maximum public participation will be encouraged as set forth in 327.30(e)(6).

The last 5-year review of the SMP began on January 26, 1999. Since Title 36 Code of Federal Regulations and the 1994 SMP required the Little Rock District to accept rezoning requests, a deadline period or moratorium for acceptance of rezoning requests was established. The deadline was April 1, 1999. An evaluation team of Rangers was assembled from outside the Greers Ferry Project to ensure impartiality. Using criteria furnished by the Little Rock District, the team completed evaluations on each of the requested sites. Each area received a numerical score based on the physical and managerial suitability of the site. Some areas were eliminated based on that evaluation criteria.

A public Open House was conducted on June 15, 1999, to encourage the public to bring issues and concerns to the attention of the Little Rock District. The Open House was also the means of presenting the scores received by each of the rezoning requests. This meeting was followed by a 30-day public comment period to allow the public time to identify issues and concerns for inclusion in the review.

¹ The shoreline consists of all government lands and flowage easement at Greers Ferry Lake. The Plan also considers means of shoreline restoration where degradation has occurred because of private exclusive use.

The public review process identified two main issues:

- Requests for additional areas for private/community docks.
- Changes to the vegetation modification limits allowed in the 1994 SMP.

The majority of the comments received indicated a desire for the current plan to be changed in the areas of additional boat dock zones and increased vegetation modification limits on public property.

On January 11, 2000, the Greers Ferry Project Office hosted a 5-hour public workshop to present the draft revision to the Greers Ferry Lake SMP and the corresponding draft Environmental Assessment (EA).

The 2000 SMP was approved on March 14, 2000. At a public meeting held at the Heber Springs High School on March 16, 2000, Colonel Holden announced the approval of the SMP.

Shortly after the approval of the SMP, an organization known as Save Greers Ferry Lake, Inc. filed suit in federal court claiming that the Corps failed to comply with the National Environmental Policy Act (NEPA). In May, U.S. District Judge William R. Wilson issued a temporary injunction that ruled that the Corps' EA did not support an overall finding of no significant impact (FONSI). Following the injunction, the Corps withdrew the 2000 SMP and reverted to the 1994 SMP. An EIS must now be prepared to assess a proposed new SMP.

On August 24, 2000, Judge Wilson issued a final ruling that, among other things, determined that the 32 boat dock permits that had been issued under the 2000 SMP were invalid. Five of those docks had been built and were placed on the lake before the injunction was issued. The other 27 docks were in various stages of construction. The ruling allowed the five completed docks to remain temporarily. The Corps will monitor these five docks and notify the court of any violations. If the EIS leads to an adequate new SMP that allows these 5 docks, or if the appellate court permits it, the docks would remain permanently. The other 27 docks will not be constructed. Some dock builders refunded money to people who's permits were declared invalid. Other permit holders are attempting to locate buyers for their docks and recover their investment or are locating their docks in areas that had been previously zoned for docks. Although the 32 permits under the 2000 SMP were declared invalid, dock permits can be issued in areas of the lake that were zoned for docks under the 1994 SMP.

Since the extensive 14-month public process identified and supported the changes, and Title 36 Code of Federal Regulations requires the changes to be implemented if they meet the conditions cited previously, the Little Rock District and the Greers Ferry Project Office was obligated to continue the "review" with the necessary studies and the EIS to determine whether there will be significant adverse impacts before a new SMP can be implemented.

1.2 PURPOSE OF SCOPING

In order to gage effectively the preparation of an EIS, the scope of the document must be determined - that is, what will be covered, and in what detail. Planning of this kind is a required

and essential component of EIS preparation². The scoping process is to be open to the public, state and local governments (including tribal governments), and affected federal agencies. The objectives of scoping are:

- To identify the affected public and agency concerns;
- To facilitate an efficient EIS preparation process through assembling the cooperating agencies, assigning EIS writing tasks, ascertaining all the related permits and reviews that must be scheduled concurrently, and setting time or page limits;
- To define the issues and alternatives that will be examined in detail in the EIS while simultaneously devoting less attention and time to issues that cause no concern; and
- To save time in the overall process by helping to ensure that draft statements adequately address relevant issues, reducing the possibility that new comments will cause a statement to be rewritten or supplemented. The goal of scoping is to produce an adequate and efficient EIS (CEQ, 1981).

The EIS is being prepared in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), Council on Environmental Quality (CEQ) Regulations Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508), and USACE regulations for implementing NEPA (33 CFR Parts 230 and 325). The EIS scoping process was developed on the basis of the CEQ guidance for scoping under NEPA.

1.3 INITIAL SCOPE OF THE ANALYSIS

In its Notice of Intent (NOI) published August 23, 2000 (see Appendix A), the Little Rock District identified the study area and region of influence (ROI) as Greers Ferry Lake in Van Buren and Cleburne Counties, Arkansas. The NOI stated the EIS would consider changes in the existing SMP that may have direct or indirect environmental impacts on Greers Ferry Lake and the surrounding environment. It also identified future impacts that might have an environmental impact on the lake. At the scoping meetings the Little Rock District presented an extensive list of resource areas and conditions to be considered for evaluation in the EIS (see Table 1-1). The Little Rock District then requested input from the public and various agencies in refining the scope to focus on the issues of greatest importance in developing an improved method for the consideration of cumulative effects.

**Table 1-1
Resource Areas to be Evaluated in the EIS**

Land use patterns and growth	Infrastructure systems
Aesthetics and visual resources	Traffic and transportation
Recreation facilities	Hazardous and toxic substances
Air quality	Socioeconomic conditions
Noise	Environmental justice and protection of children
Geology and soils	Community facilities (e.g., schools, hospitals)
Water resources	Community Services (e.g., police, fire protection)
Ecological systems	Cultural Resources

² The EIS is being prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 et seq.), Council on Environmental Quality Regulations Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR 1500-1508), and USACE regulations for implementing NEPA (33 CFR Parts 230 and 325). The EIS scoping process was developed on the basis of the Council on Environmental Quality guidance for scoping under NEPA.

The following sections describe the process of soliciting public and agency input in refining the scope of the EIS (Section 2.0), provides a summary of the comments received during the scoping process (Section 3.0), and conclusions. (Section 4.0). The appendices contain the bulk of the information provided in the scoping meeting, the comments received, and the analysis of the comments.

SECTION 2.0

SCOPING MEETING SUMMARY

The scoping meeting was held to explain the NEPA process, the proposed action and alternatives for the Greers Ferry Lake EIS, and to solicit public comments on the 2000 SMP and on the scope of the EIS. The Greers Ferry Lake EIS scoping process consisted of five elements:

- Publication of a Notice of Intent in the Federal Register
- Distribution of a Public Notice/Press Release to federal, state, and local agencies and officials, local and regional media, and other interested parties in newspapers in the region of influence
- Agency coordination letters
- Public scoping meeting
- Review and evaluation of comments received

Each of these elements is described in more detail in the following subsections.

2.1 PUBLIC NOTICES

On June 15, 2000 the Little Rock District issued a news release (#64-00) regarding the withdrawal of the SMP and their intent to prepare an EIS (see Appendix B).

The Notice of Intent (NOI) to prepare an EIS for Greers Ferry Lake was published in the Federal Register on August 23, 2000 (see Appendix A), as well as being published several times to a wide range of news agencies and submitted to the general public.

On September 19, 2000 a letter was mailed to the mailing list from the original scoping meeting (conducted for the EA of the 2000 SMP) which included over 1200 names (see Appendix C).

The NOI initiated the scoping process and included information pertaining to the project's region of influence, alternative scenarios, and other supplemental information supporting the Little Rock District's decision to prepare the draft EIS. In addition, the NOI identified the Little Rock District as the lead federal agency.

The NOI identified the following major aspects to be analyzed in the draft EIS:

- Limited development zoning
- Boat dock distribution
- Vegetation modification
- House boat regulations
- Wildlife enhancement permits
- Dry-storage offsite
- Grandfathered docks

The NOI encouraged full public participation to promote open communication on the issues surrounding the proposal. All federal, state, and local agencies and other persons or organizations were urged to participate in the scoping process. Ms Patricia Anslow of the Planning, Environmental & Regulatory Division of the Little Rock Corps of Engineers, P.O. Box 867, Little Rock, AR 72203-0867 was listed as point of contact for further information.

In October 2000 a web site was developed to further assist the public in the understanding of the EIS process. The web site was located at the following address: www.swl.usace.army.mil/projmgmt/greersferryeis.html. An e-mail address was published for the submission of written comments. The email address was Gf.smp.eis@usace.army.mil.

2.2 **NEWSPAPER PUBLICATION OF PUBLIC NOTICE**

Public Notices announcing the conduct of a scoping meeting for the draft EIS were published in several newspapers in the region (see Table 2-1 and Appendix B). The notices included information on the proposed project, as well as the dates and location of the public scoping meeting. Inquiries regarding the need for a sign language interpreter were solicited. The point of contact for questions and comments was Ms. Patricia Anslow of the Planning, Environmental & Regulatory Division of the Little Rock Corps of Engineers, P.O. Box 867, Little Rock, AR 72203-0867.

**Table 2-1
Public Notices**

Date of Publication	Publication	General Content
October 25, 2000	<i>Heber Springs Times</i>	Little Rock District sets public meeting on shore line plan
November 2, 2000	News Release #136-00 Little Rock Corps of Engineers	Announcement of notice of award to prepare the EIS
November 17, 2000	News Release #139-00 Little Rock Corps of Engineers	Announcement of scoping meeting date, time, and agenda
November 27, 2000	<i>Jonesboro Sun</i>	Announcement of scoping meeting
November 29, 2000	<i>Heber Springs Sun Times, Van Buren County Democrat</i>	Reminder notice about December 5, 2000 scoping meeting, and details on how to submit written comments
December 1, 2000	<i>Heber Springs Sun Times</i>	Advertisement placed by the Save Greers Ferry Lake organization encouraging people to attend the meeting
December 1, 2000	<i>The Batesville Guard</i>	Legal Notice announcing the scoping meeting
December 1, 2000	<i>Heber Springs Sun Times</i>	Legal Notice announcing the scoping meeting
December 3, 2000	<i>The Searcy Daily Citizen</i>	Legal Notice announcing the scoping meeting
December 3, 2000	<i>The Conway Log Cabin Democrat</i>	Legal Notice announcing the scoping meeting
December 4, 2000	<i>Jacksonville Patriot</i>	Newspaper article on the upcoming scoping meeting

2.3 PUBLIC SCOPING MEETING

The scoping meeting was held at 7:00 p.m. on Tuesday, December 5, 2000 at the Heber Springs High School Gymnasium, 800 West Moore, Heber Springs, Arkansas (Cleburne County). The site was chosen based on its central location and on the population density within the region. The scoping meeting was held to explain the NEPA process, the proposed action and alternatives for the Greers Ferry Lake SMP EIS, and to solicit public comments on the scope of the draft EIS (see Appendix D for a copy of the slide presentation.) A history of the SMP process and an explanation of the elements of the SMP were also provided.

At the gymnasium entrance, each attendee was encouraged to sign the attendance roster and was given a package of information that included an agenda, an information booklet on the Scoping Meeting, and a blank comment sheet for written comments (see Appendix E). Attendees also received a copy of the slide presentation (see Appendix D). There were 140 people in attendance (Appendix F contains the attendance roster). Attendees also were given the opportunity to sign in on a separate oral comment sign-up sheet if they planned to make oral comments. Fourteen people signed up for Oral Comments, four later declined. Colonel Thomas Holden, Jr. of the Little Rock District, U.S. Army Corps of Engineers, opened the meeting. Mr. Tommy Park, Operations Manager of Greers Ferry Lake presented background of the 2000 SMP and Mr. Mike Betteker of Tetra Tech, Inc., continued with a presentation on the NEPA process. Ms. Patricia Anslow, Project Manager, of the Little Rock Corps of Engineers discussed various elements of the SMP.

Following the presentation, attendees were asked to gather in the cafeteria for one-on-one discussion and to submit oral comments. Commentors were instructed to state their names and affiliations, if any, and then spell their names for the record. The commentors were asked to limit their comments to approximately 5 minutes. Ten speakers gave oral comments. Appendix G contains the oral comment sign-up sheet and Appendix H contains a copy of the transcript of the oral comments made at the scoping meeting. Written comments were collected at the end of the meeting.

Two certified public stenographers recorded and transcribed the public scoping meeting and all oral comments to ensure that comments were accurately documented for the public record. No requests for a sign language interpreter were submitted before the meetings. Appendix I contains the full transcript of the December 5, 2000 public scoping meeting. All attendees of the meeting were encouraged to submit written comments by January 31, 2001, to Ms Patricia Anslow of the Planning, Environmental & Regulatory Division of the Little Rock Corps of Engineers, P.O. Box 867, Little Rock, AR 72203-0867 (time was extended from January 20, 2001). In addition, an agency coordination letter was mailed to federal, state, and local agencies, officials, and organizations on January 25, 2001 to inform them of the action to prepare an EIS for Greers Ferry Lake and to request their comments on this matter (Appendix J). Appendix K contains copies of any written comments received from federal, state, or local agencies. Appendix L contains copies of all written comments received.

SECTION 3.0

SCOPING COMMENTS

The scoping process resulted in the presentation or submission of comments from approximately 263 individuals and organizations. The comments received were submitted to the Little Rock District via written correspondence, e-mail, and oral comments taken at the scoping meeting. The comments received are contained in the appendices of this report. The following section discusses the process of reviewing, organizing, evaluating, and responding to those comments.

3.1 REVIEW AND ORGANIZATION OF SCOPING COMMENTS

Scoping comments were identified through review of the scoping meeting transcripts and written submissions. Each comment was carefully reviewed, and the issues were highlighted and numbered. In addition, each comment was condensed to assist in the organization of comments by general topic. Upon review, it was noted that the scoping comments generally concerned one or more of the issues listed in Table 3-1. Comments that did not clearly fall within one of these areas were grouped together under Other Issues. The condensed version of the comments are provided in Appendix M, along with comment analysis.

3.2 COMMENT DESCRIPTIONS

Comments of a similar nature have been grouped by subject matter into broad categories based on their common issue. Listed in Table 3-1 are the issues addressed in the written comments and the number of comments received regarding that issue. The issues are sorted by greatest number of comments received.

Table 3-1
Issues

Issue	Number Received	Issue	Number Received
Docks	228	Zoning	15
EIS	118	Lake Levels	15
Water Quality	73	Recreation	12
Vegetation Modification	61	Natural State	11
Aesthetics & Beauty	60	1994 SMP	10
2000 SMP	46	Public Use	9
Mowing	41	Economy	9
Corps	40	Shoreline	6
Marinas	38	Pollution	6
Compliance & Enforcement	25	Traffic	4
Other	23	Septic Tanks & Sewage Control	4
Shoreline Erosion	21	Easements	4
Developers & Development	21	1981 EIS/Study	3
Population Growth	20	Regulations	3
Other Lakes	17	Protection of Resources	3
Boats	17	Buffer Zone	3
Wildlife	16	Boat Ramp	3

Due to the volume and variety of concerns raised on the issue of “docks,” that category was then broken down further into a 9 subcategories as presented in Table 3-2. The potential impact from additional docks to the environment and to recreational use of the lake were the primary concern of the commentors.

Table 3-2

Dock Issues

Docks- Impact	102
Docks- Private	35
Docks- Community	23
Docks- Accessibility	16
Docks- Approval	19
Docks- Previously Approved	15
Docks- Other	9
Docks- Design	3
Docks- Grandfathered	3

SECTION 4.0

CONCLUSIONS

The Little Rock District has completed its formal scoping process, however, recognizing that scoping is an iterative process, the Little Rock District will continue to give due consideration to all input received throughout the development of the EIS. Coordination will continue with regulatory agencies and the public. Following the publication of this scoping meeting report the draft EIS will be made available for review and comment in the Fall of 2001.

A total of 263 public comment letters and oral comments were received in response to the Scoping Meeting. Each comment was carefully reviewed and grouped into 41 broad categories of common issues as previously described. The comments were studied further to determine the specific issues of concern. As a result 985 specific concerns were identified. The analysis of the comments is provided in Appendix M.

The scoping comments presented areas of focus for the EIS. At the outset of the scoping process, the Little Rock District identified seven potential elements that comprised SMP alternatives for analysis in the EIS. A draft proposed action and alternatives were also offered for consideration. A wide range of resources areas were presented and the physical boundaries of the study area to be considered were discussed.

As a result of the public and agency scoping, the proposed action and alternatives were refined. A draft Description of the Proposed Action and Alternatives (DOPAA) that more clearly states the Little Rock District's intended action, the purpose of and need for that action, and alternatives to the action is provided in Appendix N. The study area has been defined and the resources areas to be analyzed have been established.

All of the comments received will be considered in the EIS and will be covered under the analysis of resource areas. Many comments, such as compliance and enforcement, easements, regulations, and protection of resources, will be addressed under multiple resource areas. Resource areas to be evaluated in the EIS are described below. Emphasis (bolded text) is added to those resources areas receiving particular attention in the scoping comments.

- **Land use and land cover:** Land use refers to human use of the land for economic production (residential, commercial, industrial, recreational or other purposes) and for natural resource protection. While a particular parcel of land may support many uses simultaneously, some uses are mutually exclusive. Similarly, while the quantity of land is fixed, there are infinite combinations of land uses. Land use describes what is practiced, permitted, or planned. Land cover, an increasingly important attribute of land use, describes what is physically on the ground. (This resource area would include analysis of development, developers, growth, rezoning, and shoreline.)
- **Aesthetics and visual resources:** Visual and Aesthetic Resources are those natural resources, landforms, vegetation and man-made structures in the environment that generate one or more sensory reactions and evaluations by the observer, particularly in regard to pleasurable response.
- **Recreation and recreational facilities:** A separate study will be undertaken to determine recreational carrying capacity of Greers Ferry Lake. The findings of this study will be incorporated into the EIS. (This resource area would include analysis of comments pertaining to boats, boat ramps, docks, and marinas.)

- **Air quality:** This resource area analyzes the potential impact of implementing the SMP on air quality.
- **Noise:** Noise is unwanted sound heard by people or wildlife in proximity to manmade activities. In terms of the EIS, analysis of noise impacts would generally be considered as an indirect effect resulting from Little Rock District management activities.
- **Geology and soils:** This resource area considers the environmental aspects of stratigraphy, topography, soils and sediments, engineering properties of the materials, seismic hazards, slope stability, earthworks, mineral resources, unique landforms, and geological conditions that may limit development or that influence contaminant distribution and migration or influence ground water resources. (This resource area would include analysis of shoreline erosion, buffer zone, mowing, and vegetation modification.)
- **Water resources:** Under this resource area analysis Water Resources includes various bodies of water residing or flowing in basins, channels, and other various natural and artificial landforms found on the earth's surface. This resource areas would include analysis of surface water, hydrogeology, ground water, watersheds and flood plains. (Comments concerning water quality, shoreline erosion, docks, lake levels, shoreline, and other lakes would be included in this analysis.)
- **Ecological systems:** NEPA requires that analyses conducted for an EIS consider ecological information. Direct and indirect impacts that result in the loss of native vegetation, populations or species of fish and wildlife, sensitive species, and sensitive habitats must be considered for any action involving disturbance in naturally vegetated areas. The EIS will look at flora, fauna, sensitive habitats, wetlands, aquatic resources, terrestrial resources, and threatened and endangered species. (This resource area would include analysis of vegetation modification, mowing, shoreline erosion, a natural state, and wildlife.)
- **Cultural resources:** The EIS must identify those properties within the Little Rock District area that are on or eligible for the National Register of Historic Places (NRHP) or that qualify as Native American traditional cultural properties.
- **Infrastructure systems, utilities, and traffic and transportation systems:**
 - Utilities analysis will include potable water treatment and distribution, sewer collection and treatment to include septic systems and on-site wastewater treatment systems, storm water collection and discharge, electricity, natural gas, solid waste, and telecommunications systems.
 - Transportation resources analysis will include road networks, traffic, parking facilities are also included as the quality and capacity of these facilities at a location could affect the effectiveness of other neighboring ground transportation modes.
- **Hazardous and toxic substances and pollution:** This resource area will analyze hazardous materials management, hazardous waste management as it relates to Little Rock District activities, concession activities, and the indirect impacts such as public activities allowed on the lake like power boating.
- **Socioeconomic conditions:** Socioeconomics comprises the social, economic, and demographic characteristics of a region. The socioeconomic analysis will consider changes in employment, income, business volume, and population characteristics, which

in turn can affect resources such as housing, public services, and infrastructure. Socioeconomic studies performed for the EIS will focus on five primary areas: the economy, sociological environment, quality of life, environmental justice, and protection of children. Consideration of environmental justice and protection of children is required by Executive Order.