

# BEAVER LAKE PROPOSED LAND ACQUISITION

Public Scoping Workshop

Four Points by Sheraton  
Bentonville

Bentonville, AR

Tuesday, Sept. 13, 2022

4:00 – 7:00 p.m.



*“The views, opinions and findings contained in this report are those of the author(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation.”*



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# Overview

## **Problem**

- Since construction of the Beaver Lake Project, the fulfillment of Congressionally-authorized project purposes has been hampered by the inability of the Government to manage those parcels along the shoreline which are in private ownership.



## **Planning Objective**

- Maximize the ability of the Beaver Lake Project to manage the Congressionally-authorized purposes effectively and efficiently.



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# Environmental Assessment Guidelines and the National Environmental Policy Act (NEPA) Process

## NEPA GUIDES THE IMPACT ANALYSIS

NEPA is federal law that requires agencies to evaluate the potential environmental effects of proposed projects, and to inform and involve the public in the decision-making process.

An EA includes sections describing:

- Purpose and Need
- Alternatives
- Baseline Conditions
- Environmental Effects

## TYPE OF ENVIRONMENTAL EFFECTS

- Direct Effects
- Indirect Effects
- Conflicts with land use plans or policies
- Short-term use of the environment versus long-term productivity
- Irreversible or irretrievable commitments of resources

## IMPACT ANALYSIS CRITERIA

The U.S. Army Corp of Engineers (USACE) has identified a broad spectrum of general and project-specific criteria to analyze impacts of the action alternatives, including:

- Institutional Criteria
  - NEPA
  - Council on Environmental Quality Regulation
  - USACE Engineering Regulation 200-2-2
  - Environmental Laws and the associated Implementing Regulations and Guidance
- Technical Criteria
  - Flood Control
  - Hydropower
  - Water Supply
  - Environmental Responsibility
- Public Criteria
  - Comments

## WHAT IS THE PURPOSE OF THIS PUBLIC WORKSHOP?

NEPA is a public process designed to solicit public and agency comments regarding issues that an environmental document should consider.

This Public Workshop aims to:

- Share Information
- Seek Input on the Proposed **Willing Sellers Only** Acquisition Strategy
- Define How You Can be Involved

This is an opportunity for the public to provide comments on the Beaver Lake Proposed Land Acquisition.

**We Encourage Your Input During the NEPA Public Review Period!**

## **OVERVIEW OF THE NEPA PROCESS**

**Initial Scoping Period**  
May 11 – June 10, 2021

**Preparation of Draft EA**

**Draft EA Public Review**  
March 16 – April 15, 2022

**Re-Scoping Period**  
Sept. 13 – October 13, 2022

**Revision of Draft EA**

**Draft EA Public Review**

**Incorporate Comments into Final EA**

**Final EA submitted to District Commander for Approval**

**District Commander Signature (if approved)**

**Implementation**



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# Key Considerations in Developing Alternatives

**Completeness:** Completeness is the extent that an alternative provides and accounts for all investments and actions required to ensure the planned output is achieved. These criteria may require that an alternative consider the relationship of the plan to other public and private plans if those plans affect the outcome of the project. Completeness also includes consideration of real estate issues, operations and maintenance (O&M), monitoring, and sponsorship factors.

**Effectiveness:** Effectiveness is defined as the degree to which the plan will achieve the planning objective. The plan must make a significant contribution to the problem or opportunity being addressed.

**Efficiency:** The project must be a cost-effective means of addressing the problem or opportunity, and plan outputs cannot be produced more cost-effectively by another institution or agency.

**Acceptability:** A plan must be acceptable to Federal, state, and local government in terms of applicable laws, regulation, and public policy.

Impacts an alternative may have on the natural, cultural and human environment.

Impacts an alternative may have on dam safety, such as modifying water levels.

Impacts an alternative may have on recreational resources, such as modifying water levels.

Impacts an alternative may have on flood risk management to downstream life and property.

Impacts an alternative may have on hydropower generation.

Impacts an alternative may have on water supplies to surrounding communities.



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# Alternatives

## Alternatives originally evaluated

### Alternative 1 - No Action:

- Continue to operate Beaver Lake in the current condition.
- Portions of land and easements necessary for the operation and maintenance of Beaver Lake (as described in the Real Estate Design Memorandum) would remain unacquired.

### Alternative 2 (Original Proposed Action):

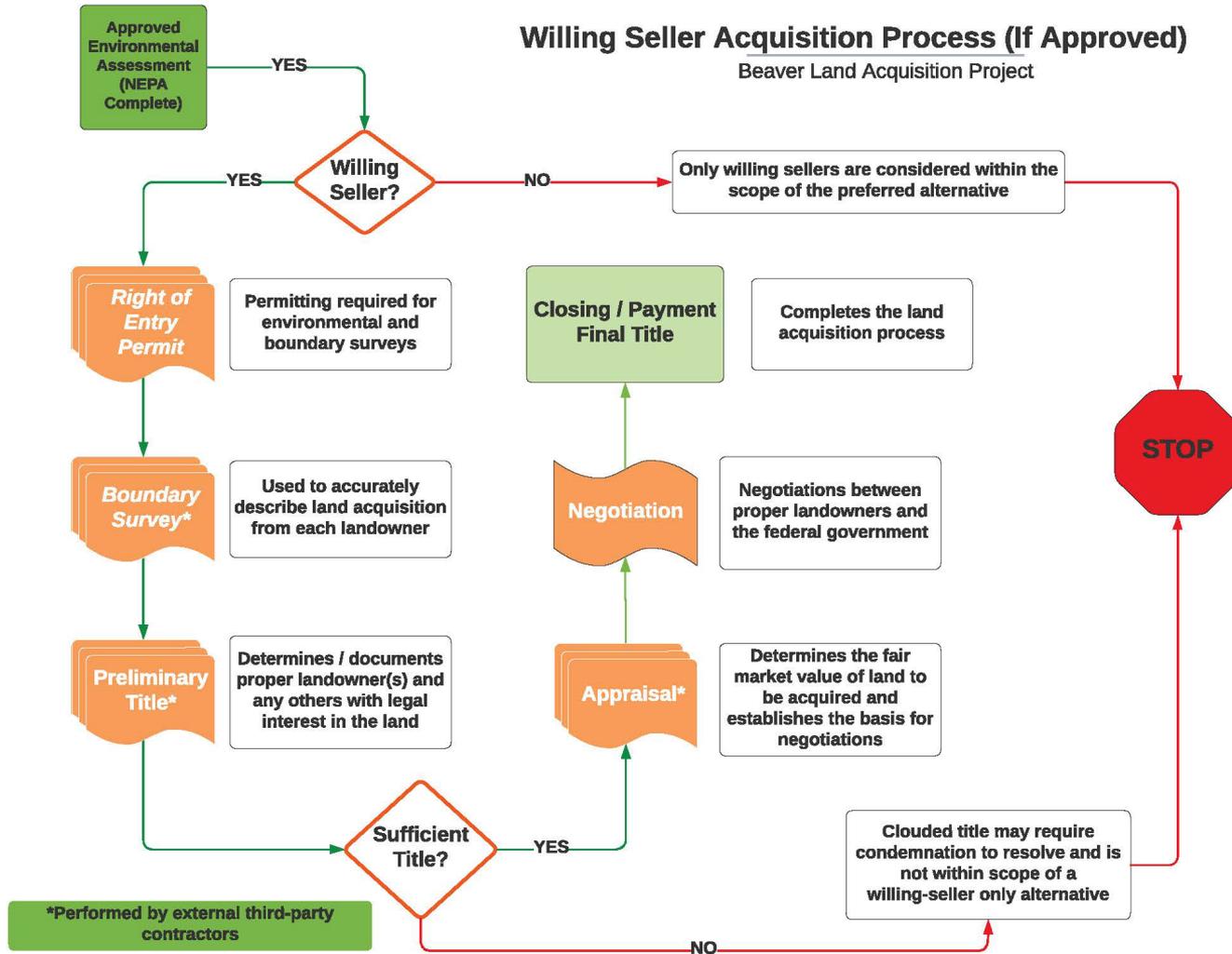
- Purchase land according to the prescribed elevations in the Beaver Lake Real Estate Design Memorandum (to elevation 1128') *by prioritizing acquisitions based on an established set of criteria.*

### **NEW Proposed Alternative 2 (Preferred Alternative)**

- Purchase land according to the prescribed elevations in the Beaver Lake Real Estate Design Memorandum ***from willing sellers only.***



# Willing Seller Acquisition Process



# How Can You Participate?

## ■ Today's Workshop

- Review display boards and handouts related to the revised strategy to purchase real estate from **Willing Sellers Only.**
- Ask the USACE Specialists questions.

## ■ Provide Comments

- Place comment cards in comment box today.
- E-mail comments to: **CESWL-BeaverLakeAcquisitionPublicComment@usace.army.mil**
- Mail comments to:

**U. S. Army Corps of Engineers, Little Rock District  
ATTN: Project Manager, PPMD  
P.O. Box 867  
Little Rock, Arkansas 72203-0867**

**3 Options to  
Submit Your  
Comments**



# How Can You Participate?

**For additional information, please visit our website:**

<https://www.swl.usace.army.mil/Missions/Real-Estate/Beaver-Lake-Land-Acquisition/>



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# Workshop Topics

**What is the Design Memorandum?**

**Why is a change needed?**

**What are fee and flowage?**

**Whose property may be affected?**

**What would be the process?**

**How would I be compensated?**

**When would this occur?**

**Who can I talk to about the plan?**

# What is the Design Memorandum?

- The Beaver Lake Real Estate Design Memorandum (REDM) identifies all land and interests in land that would be necessary for the **operation, maintenance, and control of the reservoir**
- The REDM was generated in support of the construction of Beaver Reservoir, which was authorized for flood control, power, and other purposes by the **Flood Control Act of 1954**, approved 3 September 1954 (Public Law 780, 83rd Congress, 2nd Session), as recommended by the Chief of Engineers in House Document No. 499, 83rd Congress, 2nd Session (referred to as the project document)
- The **fee acquisition line**, as a general rule, was **blocked out** along regular land subdivision or property ownership lines with the intent of including all lands below elevation **1128 ft. msl** and lands required for public access areas
- **Flowage easements** were intended to be acquired to elevation **1135 ft. msl** or up to elevation **1148 ft. msl** on the White River and up to elevation **1144 ft. msl** on War Eagle Creek



# Why is a change needed?

- Because of the terrain, the **blocking out** process did not encompass all lands required for the project in many places; the original acquisition effort to acquire land for Beaver Lake fell short of meeting the designed requirement
- In an effort to address the **designed operation of Beaver Lake**, the Corps of Engineers reviewed site specific data at various locations where the original acquisition did not purchase all required real property interests, affecting an estimated **500 landowners**
- A Beaver Lake Real Estate Design Memorandum – **Supplement** (REDM-S) will be generated to address and document the need to acquire these lands should the decision be made to acquire property

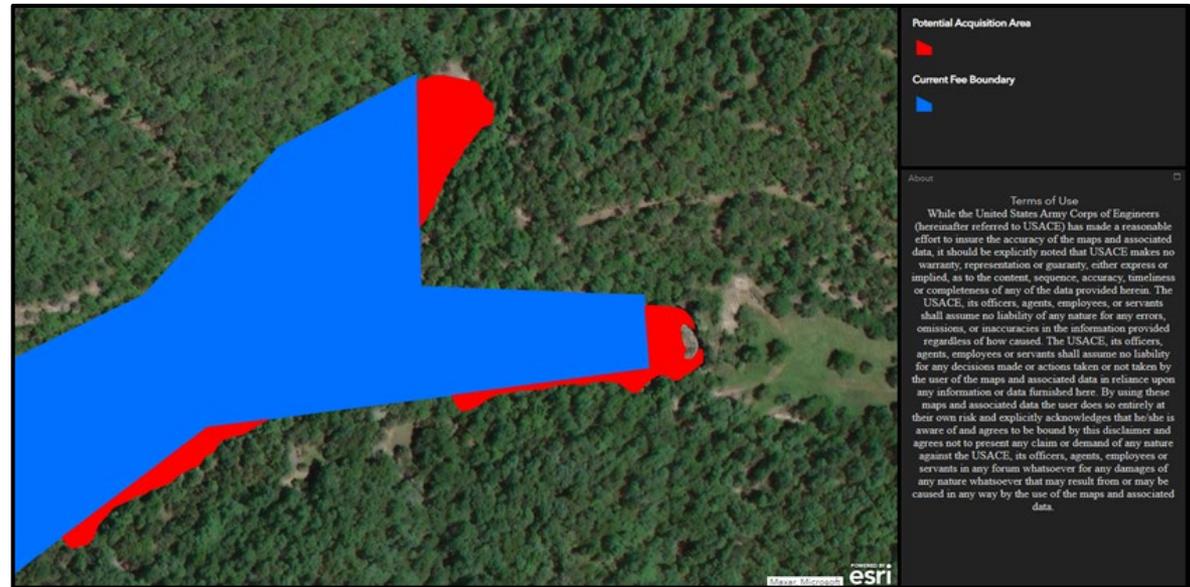


# Why is a change needed?

*Below: One example of a possible acquisition*

**Current boundaries** (*in blue*) are overlaid on top of the **Proposed Acquisition area** (*in red*) (*right*) to demonstrate the proposed changes

The **current boundary** (*in blue*) illustrates how the land was initially acquired in 1954, and how the **“blocked”** nature of the area does not correspond to the **contour** of the lake (*in red*)



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# What are fee and flowage?

- **Fee** acquisition includes the **purchase** of nearly all land rights and results in the subsequent **transfer** of property owners
- **Flowage** acquisition allows the property owner to **retain ownership** of the land but conveys to the government the right to **occasionally flood and restrict construction** of structures without approval
- **Fee acquisition** is the primary effort for this project
- Analysis of identified unacquired properties showed that primarily **fee** acquisition is needed in areas up to **1128 ft.** msl
- A small amount of **flowage** acquisition may be necessary
- These elevations are in accordance with the original REDM and will follow the elevation **contour**, instead of the **blocked-out** survey



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# Whose property may be affected?

- Currently, the Little Rock District Corps of Engineers estimates roughly **500 impacted landowners** are potentially affected
- USACE has identified areas where the original acquisition did not purchase all necessary real property interests and would acquire these areas from **willing sellers only**
- **Current and future funding allocations will** dictate how much land can be acquired



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# What would be the process?

- Once willing sellers are identified, **Right of Entry (ROE)** permits will be sent out to landowners as applicable for the first step of the Acquisition process
- Through the ROE, the Corps of Engineers is requesting **permission** to enter the property in order to conduct required **environmental surveys** and **traditional land surveys** (**at no cost** to the landowner)
- An **external appraiser** would then estimate the value of the property
- If applicable, the Corps of Engineers would acquire the land **as funding allows**



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# How would I be compensated?

- The **external appraiser** determines the fair market value of the land
- **Negotiations** occur between the Corps of Engineers and the landowner
- Eminent domain through condemnation is **authorized**, however will not be used in this new willing seller approach
- All land acquisitions will be **in compliance with** the Uniform Relocation Act and federal land acquisition law



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## When would this occur?

- The surveys and preparatory work could take around **12 months** for any willing sellers, if approved.
- The entire project could take **several years** and is contingent upon available funding for acquisition

# Who can I talk to about the plan?

Please feel free to ask questions from USACE specialists **TODAY**. For questions about this project after today's workshop please contact:

## By Phone:

Beaver Lake Project Office at (501) 340-1230 or  
The Little Rock District at (501) 324-5551

- OR -

## By Email:

[CESWL-BeaverLakeAcquisitionPublicComment@usace.army.mil](mailto:CESWL-BeaverLakeAcquisitionPublicComment@usace.army.mil)

*\*\*Please note that official public comments for the NEPA public comment period must be submitted **in writing** via the e-mail inbox, court reporter, website, or regular mail.*

