

A Petition to

REVIEWED Texas Commission on Environmental Quality  
And

OCT 21 2013  
By AL

U.S. Army Corps of Engineers

WR  
56975

CHIEF CLERKS OFFICE

2013 OCT 21 AM 10:33

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

For the Denial of

*Water Rights*

TCEQ Permit # 12151 and USACE CWA Section 404 Permits

We, the undersigned, respectfully request that you deny TCEQ permit #12151 and the USACE CWA Section 404 permit to North Texas Municipal Water District for the construction of the Lower Bois d' Arc Reservoir based on the following facts.

North Texas Municipal Water District had plans to bring in fresh water from other sources (Oklahoma) and water from Lake Texoma, which is salty, and blend them in Lower Bois d' Arc Reservoir to meet water quality standards. This action would keep the reservoir levels up and create a nice, nearly constant level reservoir and could bring economic development to Fannin County according to NTMWD.

The U.S. Supreme Court unanimously ruled in June of 2013 to uphold two lower court's rulings which upheld Oklahoma's state law barring the sale of water across state lines. This action stopped the importation of fresh water to Lower Bois d' Arc since there is no other unused source of fresh water available nearby.

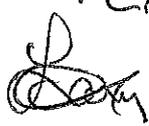
Since the finding of zebra mussels in Lake Texoma in 2009, water transfers from Lake Texoma have been prohibited to other reservoirs by the Lacey Act and other state regulatory rules.

These actions together make the operation of the proposed Lower Bois d' Arc Creek Reservoir, at river mile 24.8, essentially the same as they were proposed for the reservoir at the river mile 23.5 site studied in 'Bois D' Arc Creek Basin Section 905(b) (WRDA 86) Analysis', published by the US ACE in 2000. In this report, "reservoir sites in the lower portion of the basin (at river miles 23.5, 24.8 and 28.6) were eliminated primarily because of the lack of effective flood control and potential technical and environmental problems associated with locating reservoirs in wetland areas in the lower Bois d' Arc Creek Basin. The best location for a reservoir in the lower portion of the basin at river mile 23.5 would inundate an existing Forest Service lake and significant wetland areas. In addition, the shallow nature of the reservoir would potentially pose water quality problems." The main difference in the two locations (the site at 23.5 and the current proposed site at 24.8) is that the current proposed reservoir is south of the Caddo National Grasslands and would have less deep water and the

current permit request is for overdraft operation, further exacerbating the shallow nature and potential water quality problems.

TCEQ must certify state water quality standards will be met for any U.S. ACE CWA Section 404 permits and without the option of adding water to the reservoir and an overdraft permit requested, the previous findings of the Corps can only be greatly exacerbated. We, therefore request that these permits be denied.

Signature                      Printed Name                      Mailing Address

Sandra Boschke	✓ Sandra Boschke	✓ 874 CR 2750 H.G. TX 75446
Debbie Weddle	✓ Debbie Weddle	✓ 14385 E FM 1396 Windom TX
Linda Brewer	✓ Linda Brewer	✓ 292 CR 2610 Bonham, TX
Casey Hall	✓ Casey Hall	✓ 13632 efm 1396
	✓ See Brewer	✓ 14159 E. Fm 1396
Charles Yarbrough	✓ CHARLES YARBROUGH	✓ 1404 Pecan St H.G.
Robin Shuck	✓ Robin Shuck	✓ 600 Pine Pluff Cleburne TX 76031
Renitta Hall	✓ Renitta Hall	✓ 13632 E FM 1396 Windom, TX 75492
<del>_____</del>		
Jamie Williams	✓ Jamie Williams	✓ 15690 E FM 1550 Honey Grove TX 75446
Charles Michael Yarbrough	✓ Charles Michael Yarbrough	✓ 2325 CE 2765 Honey Grove TX 75446
Robert E Conyers		
Larry Weddle	✓ Larry Weddle	✓ 14385 E. FM 1396 Windom TX
		
Wayne Ryser	✓ Wayne Ryser	✓ 16909 E FM 1396 Windom TX 75492
Stanley Owen	✓ STANLEY OWEN	✓ 2011 COUNTY RD 2745 HONEY GROVE, TX 75446
Martha Conyers	✓ Martha Conyers	✓ 13744 E FM 1396 Windom TX 75446
Robert E Conyers	✓ Robert E Conyers	✓ 13774 E FM 1396 Windom TX 75446
Betty Ryser		

*mw*

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Signature                      Printed Name                      Mailing Address

<i>Gordon Locke</i>	✓ Gordon Locke	✓ 13849 E. FM 1396 Windom
<i>Lloyd Woodke</i>	✓ Lloyd Woodke	✓ 2096 CR 2980 TSHRZ
<i>John Yarbrough</i>	✓ John Yarbrough	✓ 3576 CR 2765 Honey Grove, TX 75446

*MW*

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<u>Signature</u>	<u>Printed Name</u>	<u>Mailing Address</u>
<i>Charlotte Hartwell</i>	✓ Charlotte Hartwell	✓ 1996 CR. 2765 Honey Grove TX 75446
<i>Ann Boyd</i>	✓ Ann Boyd	✓ 1996 CR 2765 Honey Grove, TX 75446

*MW*

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Signature	Printed Name	Mailing Address
	RICHARD GWESSER	V383 CR 1452

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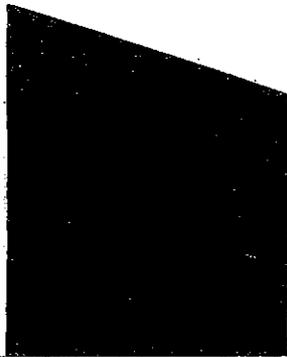
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<i>Nathan Ryser</i>	✓ Nathan Ryser	✓ 602 Oak St. Honey Grove, TX 75446
<i>Phyllis Ryser</i>	✓ Phyllis Ryser	✓ 16909 EFM 1396 Warden TX 75492
<i>Mae Lee</i>	✓ Mae Lee	✓ 703 W Market Honey Grove TX 75446

*MW*

From: Michael Yarbrough  
2325 CR 2765  
Honey Grove, TX 75446



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