

**Oklahoma Tourism & Recreation Department**  
**Response to 'Friends of Lake Texoma State Park' Contentions**

1) *"The State LWCF manager, Kris Marek, was required by law to consult with a NPS-LWCF Manager prior to any appraisal activity."*

There is no such legal requirement for appraisal consultation. Marek did notify a NPS-LWCF Program Manager (in a letter dated Aug. 3, 2005) as dictated by procedure regarding the potential conversion. Of course, any sale of land owned by a state or federal entity would require appraisals prior to any sale – and that of course did happen on Areas A and B (Area C has not yet sold). This claim is without merit.

2) *"OTRD was required by law to seek NPS approval prior to any conversion or sale of any lands contained within the 6(f)(3) boundary. They did not."*

As has been stated many times, approval for conversion is a process. OTRD is following – in the way it has since 1965 – the CFRs (Code of Federal Regulations) that dictate management of LWCF at the state level. If one reads some of the subparagraph language associated with such activity, there is clear language to support the conversion approval as a process. It is important to understand, OTRD is in that process and, as stated above, has met the requirement of notifying the NPS-LWCF Program Manager in a letter from OTRD dated Aug. 3, 2005 — well in advance of any transfer of property.

3) *"The CLO was required by law to seek NPS approval prior to closing the State Park Lodge and 70 cabins in December 2006. They did not."*

The lodge and cabins did not operate on real property which was under LWCF restrictions. Assuming the above named lodge and cabin properties were under LWCF restrictions, there is no such legal requirement for NPS approval prior to closure. There is requirement for notification, which again was accomplished in the Aug. 3, 2005 letter from OTRD to NPS.

4) *"OTRD was required by law to seek NPS approval prior to their decision not to restore the flood-damaged campgrounds last spring. They did not."*

Again, there is no such legal requirement. Further, Tourism did restore a portion of the campgrounds from its own revolving fund in an effort to ensure some camping and comfort facilities were available to the visiting public, which allowed economic benefit to the area. It is important to clarify here, the Catfish Bay area facilities were NOT built using LWCF funds; therefore, that area is not governed by LWCF restrictions. Yes, there were campgrounds and group camp facilities in the former Chickasaw Pointe area of Texoma which were constructed with LWCF funds. However, assets were removed in the 1990s to make way for Chickasaw Pointe Golf Course. The letter from OTRD to NPS issued at that time is on file at OTRD. The same process of notification to convert was followed at that time.

5) *"The CLO and OTRD were required by law to seek NPS approval and comply with the National Environmental Policy Act prior to the sale of newly acquired park lands to Pointe Vista Development. They did not."*

In fact, environmental studies have been conducted on Areas A & B and will be done on Area C. The U.S. Army Corps of Engineers conducted an Environmental Assessment of Areas A & B which was sold by CLO to Pointe Vista Development. The Corps is in the process of conducting an even more stringent Environmental Impact Study prior to the sale of Area C. These federal studies, whether EA or EIS, ensure compliance with NEPA.

6) *"The Environmental Review Process for Area C, which has not yet begun, must analyze not only the Section 6(f)(3) area proposed for conversion, but also the development of the replacement park land. The 2005 Environmental Assessment did not include an analysis of replacement park land for Areas A & B. Therefore, the sales of Areas A & B should be invalidated and those park lands returned to State ownership."*

The Environmental Assessment on Areas A & B has been completed and the Environmental Impact Study has begun. Documents have been submitted to the Army Corps and several follow-up conversations and requests made through the Corps to determine the extent of the study and the timeframe are anticipated. These environmental studies impact only those lands to be sold. As part of the conversion process, there is documentation required that converted lands will have a statement attached to its documentation which states land sought as replacement does not carry with it environmental concerns/issues; i.e. underground storage tanks, need for clean-up etc. There is no such legal requirement on converted lands that an EA or EIS be performed; rather documentation showing that the property does not come with existing environmental issues is required.

7) *"The Corps of Engineers was misled by the CLO and OTRD to believe that their sale of Lake Texoma lands was for the purpose of enhancing public access. Instead, once transferred, it was sold to Pointe Vista Development."*

There has never been an attempt to mislead the Army Corps or the general public. Both the CLO and OTRD met many times with the Army Corps prior to the sale to discuss the potential development. Several public meetings have been held, with considerable media coverage, all giving indication as to the scope and scale of the development.

The Corps has never been misled.

Further, the proposed development will greatly enhance public recreational opportunities in the area. Pursuant to State law, Tourism is required to have a park presence in the area and is working with appropriate entities to acquire property to meet the requirement.