



Operations Questions

Q1: When did the Corps last have an onsite staff at Optima?

A: 1995

Q2: Why did the Corps discontinue onsite operations?

A: Funding had declined to the point where the Tulsa District could no longer afford to keep a staff at Optima and keep the office open. Utilization of the facilities at Optima had declined to the point where keeping the parks open and operating could not be justified.

Q3: Who takes care of the dam and the land area at Optima?

A: The Corps staff at Fort Supply maintains the dam and oversees the land and real estate interests. Both the U.S. Fish and Wildlife Service and the Oklahoma Department of Wildlife Conservation have licenses with the Corps to manage most of the land area, including the lake bottom, for wildlife.

Q4: Why can't the Corps fix up at least one of the parks and operate it again?

A: There is insufficient funding appropriated to the Optima project to resume operation of any of the recreation areas. The Corps did attempt to operate Angler Point throughout the late 1990s up until 2002, when further budget cuts and very low usage forced the Corps to abandon operation of the park. Texas County requested and was granted permission from the Corps in 2003 to operate Angler Point, but they later discontinued operations of the park. Numerous attempts were made before and after this timeframe to locate another entity or agency to operate the park, to no avail.

Q5: Lack of funding is repeatedly cited as a primary reason for cessation of the recreation program at Optima. How much does it cost to operate a park?

A: There is considerable expense associated with operating a recreation area. Parks require mowing, cleaning, trash pickup, utilities (electric and water), road and facility repair and maintenance, signage, fee collection, surveillance and security. All of this requires staffing support.

Recovery Act Project: Guardrail, Road Closure, and Demolition of Recreation Facilities Questions

Q6: Will the public still be able to come onto and use Optima project lands if the embankment road is closed and the recreation facilities removed?

A: The only area that will be restricted that is now open to access will be the road on top of the dam embankment. No other areas will be closed to public access.

Q7: Is this just the first step to getting Optima de-authorized?

A: No. The road closure and removal of damaged and dangerous recreation facilities will be done because of public safety issues.

Q8: What were the criteria used to select Recovery Act projects?

A: There were five criteria in the Congressional report accompanying the Recovery Act, namely that the projects:

- Be obligated/executed quickly;
- Result in high, immediate employment;
- Have little schedule risk;
- Be executed by contract or direct hire of temporary labor, and
- Complete a project phase, a project, an element, or will provide a useful service that does not require additional funding.

Q9: What Recovery Act project was originally selected for Optima? Why?

A: The originally selected project was a \$1,150,000 project for a contract to "Replace Embankment Guardrail - Provide Public Safety." Public safety is the Tulsa District commander's number one priority. The guardrails alongside the roadway crossing the 120-foot high embankment are deficient, and during periodic guardrail inspections, were determined unsafe due to unsound structural integrity. The project met the Recovery Act criteria, including being able to execute quickly with little schedule risk.

Q10: Why are Optima guardrails considered unsafe?

A: Based upon the results of guardrail inspections conducted at all Tulsa District projects, these guardrails were determined to be deficient. Many of the original posts are splintered, cracked or sufficiently loose at the base such that their structural integrity is unsound, contributing to a public safety hazard for traversing across an embankment that is 120 feet high in some locations. Typical design life of wooden guardrail posts is approximately thirty years.

Q11: Why did you cancel the guardrail project at Optima, and what is the replacement project?

A: Due to congressional concerns of best use of Recovery Act funds nationwide, the Optima Dam guardrail project was one of the projects that was flagged as a concern. In response to this concern, the Tulsa District commander agreed to investigate possibly less expensive alternatives. During the evaluation of alternatives, additional safety concerns were identified, including the unmaintained roadway and vandalized, unmaintained and unsafe public use areas. The new \$225,000 project includes locked gates on both ends of the embankment, demolition of unsafe facilities in the public use areas, and disposal of the demolition debris. Safety remains the commander's number one priority.

Q12: Are guardrails still being constructed at other projects?

A: Yes. Guardrail replacement is continuing at 27 other projects scattered throughout Tulsa District in Oklahoma, Texas and Kansas.

Q13: What happened to the Recovery Act money that was originally approved for the guardrails?

A: Some of the funds are being used for other Recovery Act projects in Oklahoma which need additional funding. Any remaining funds will be returned to Corps Headquarters for other national needs.

Q14: There's a notice on your website that a DRAFT Environmental Assessment is being compiled and that public comments are wanted. Do our comments really count?

A: Public comments definitely matter, and are part of the decision making process for the Environmental Assessment. Should the Environmental Assessment result in findings that would not allow a Finding of No Significant Impact, the contract would not be awarded and the project would be modified or cancelled. The public comment period has been extended until March 7. The draft Environmental Assessment is available for your review on the Tulsa District website at www.swt.usace.army.mil, the Guymon Public Library, the Olive Warner Memorial Library in Hooker, and the Liberal, Kansas, Memorial Library.

Q15: If the project proceeds, who would be doing the demolition and clean-up work?

A: This project would be a task order on an existing, previously competed, contract, of which there are four contractors. These contractors have been highly encouraged to seek out local subcontracting opportunities for the gate

and demolition work. The task order will be awarded to the contractor with the lowest price.

Q16: If the project proceeds, are you going to remove all the picnic tables?

A: If the project proceeds, the picnic tables in good condition will remain.

Q17: Why was the site visit that was scheduled with the contractors cancelled?

A: On a national level, there are concerns that some Corps of Engineers recreation-related expenditures do not meet Administration priorities for the use of Recovery Act funds. Corps Headquarters directed all its field offices to temporarily cease Recovery Act contracting actions for pending or planned contracts with recreation elements or on recreation areas. The Corps is now reviewing all Recovery Act projects to ensure they conform to policy and guidance for the use of those funds. Corps Headquarters will issue clarifying guidance as soon as possible to enable field offices to permanently cancel any Recovery Act work that is not in compliance with policy and to proceed with all other work.

Q18: The road over the dam is used by local people including the U.S. Post Office. Why are you closing it?

A: Based upon the results of guardrail inspections conducted at all Tulsa District projects, these guardrails were determined to be deficient. Many of the original posts are splintered, cracked or sufficiently loose at the base such that their structural integrity is unsound, contributing to a public safety hazard for traversing across an embankment that is 120 feet high in some locations. Closing the road provides the safest and least costly alternative while still allowing access to all other Corps' owned public land.

Q19: If you close the road over the dam what will happen when there's an emergency such as a fire?

A: Texas County District 1 Commissioner Ted Keeling, who has been a good neighbor in providing basic roadway maintenance and some Public Use Area mowing for special events, has agreed to provide key control for emergency vehicles to cross the roadway. Mr. Keeling will ensure that all fire, law enforcement, and other emergency response agencies are provided with keys to the gate across the roadway.

Q20: Are there other options to closing the road across the dam?

A: Other options considered included:

- 1) No action
- 2) Replace the guardrail along the roadway across the dam embankment
- 3) Installation of measures to increase public awareness of the existing safety hazards. This would include reducing the speed limit, adding reflectors, and posting "danger" and "rule of use" signs.

These options either compromised public safety or were too costly to implement. The Corps is open to other options to prevent having to close the road. Recently, the State (by

February 9, 2010, letter from Rep. Gus Blackwell to Col. Funkhouser) expressed an interest in having the road over Optima Dam turned over for State management. There are precedents, as the State has highway easements over both Tenkiller and Keystone Dams, and maintains these roadways. Also, Osage County has an easement and maintains the road over Skiatook Dam.

Q21: If the project proceeds, will the public still be able to access the recreation areas?

A: Yes, the public will have access to the recreation areas.

Q22: Why did the Recovery Act demolition project not include replacement of recreation facilities?

A: The level of Operations and Maintenance funding that we have would not allow us to maintain any newly constructed facilities.

Q23: Is there a process for getting Operations and Maintenance appropriations to accomplish actions that citizens request?

A: In the case of Optima and other projects managed by Tulsa District, the district submits budget requests in accordance with Performance Based Budget Criteria. The only other way to obtain funding is through a congressional insert which adds to, or takes away from, the President's Budget. If citizens do have requested improvements, they should submit such requests to Tulsa District for consideration. If submitted as part of a future budget request, such packages will compete nationally with all other packages within a limited amount of available budget.

Future of Optima Public Lands Questions

Q24: Is the Corps reopening the de-authorization of public lands issue that was the subject of so much debate almost 20 years ago?

A: At the request of Senators Coburn and Inhofe, the Corps is evaluating the existing project to determine if operational changes should be recommended. The Corps will do an Initial Appraisal study which will evaluate the existing conditions at the project to determine if further investigation is warranted. The Initial Appraisal will include a brief assessment of several alternative plans ranging from a "No-Action" Plan, which would result in no operational changes at the lake, to one which would include de-authorization of the project.

Q25: Does the Corps understand the importance of these lands are to the citizens in the panhandle area?

A: To those who live and work in the area, the public access at Optima is important. It is because of that importance we are interested in keeping that access and use safe for all, whether they reside in the panhandle area or not. We recognize that lands open to the general public are minimal and that Optima is used regularly by residents from Oklahoma, Kansas, and Texas for hunting and watching wildlife and to stage field trials for various hunting dog groups and enthusiasts. We appreciate their contribution to

the local economy, and we want all users to enjoy the area safely.

Q26: What are the authorized purposes of Optima Lake, and are they being met?

A: Optima Lake was authorized for the purposes of flood control, water supply, recreation, and fish and wildlife. The ongoing initial appraisal will review the project to determine if, and how well, the authorized project purposes are being met. The initial appraisal is scheduled for completion in September 2010 and will involve public input.

Q27: What is the initial appraisal that the Corps is doing? What is the schedule? Will the public have a chance to comment?

A: The initial appraisal is being performed under the authority of Section 216 of the Flood Control Act of 1970 which allows the Corps to review the operation of completed projects to determine if changes in the physical, economic, or environmental conditions warrant changes in either the operation or the features of the project. The initial appraisal is scheduled to be completed in September 2010. The public will have a chance to comment a number of different ways during the course of the study, including at a public workshop which we plan to hold in Guymon this spring.

Q28: How is a lake deauthorized?

A: De-authorization would require an Act of Congress.

Q29: Is Optima Lake going to be deauthorized? If so, how long would the process take, and what is the public comment process?

A: We won't know what the recommendations will be until we complete the entire study process. The study process has multiple phases and could take 5 to 7 years or it could take much longer, depending on a number of things including the types of analyses that have to be completed and the availability of funding. Public involvement and comment will be an important part of each phase of study. The study phases are:

INITIAL APPRAISAL: Will determine if a reconnaissance study is warranted; will evaluate economic, environmental, and engineering issues, and public involvement results. (100% Federally funded)

RECONNAISSANCE STUDY: If recommended, will utilize limited data and is primarily a means to determine if there is sufficient need for Federal involvement and for identification of a non-Federal cost-share sponsor for Feasibility studies. Reconnaissance studies typically take 1 year to complete. (100% Federally funded)

FEASIBILITY STUDY: If recommended, will include sponsor and stakeholders involvement in detailed data collection and analysis. Studies include evaluation of a full array of alternative plans and an assessment of environmental and social impacts which would be documented in an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). Feasibility study recommendations would be provided to Congress. Feasibility studies typically take

about 3 years to complete if fully funded in a timely manner. (Cost Shared: 50% Federal – 50% Non-Federal)

IMPLEMENTATION: Implementation of plan recommended in a Feasibility study typically requires Congressional authorization. If the authorized plan includes changes in the project or its operation, implementation would be done in partnership with a non-Federal sponsor and would be cost shared according to project purpose. If the Feasibility study recommends project de-authorization, Congress could de-authorize the project and direct the Corps to decommission or remove the features of the project and dispose of the project lands; de-authorization would likely be 100% Federally funded.

Q30: Does the Corps have to do studies in order for Congress to deauthorize a project?

A. No. Congress could elect to deauthorize the project and direct the decommissioning, removal, and disposal of the lands at any point in time, with or without a study recommendation. However, before Congressional direction could be implemented, all the requirements of Federal law would have to be fulfilled including the completion of an Environmental Impact Statement and all the associated studies. Federal funding would have to be provided by Congress, both for the Environmental Impact Statement and for the implementation of Congressional directive.

Q31: If Optima Lake is deauthorized, what is the process for disposal of public lands?

A: Unless specifically directed to do otherwise by Congress in the de-authorization legislation, excess lands are turned over to the General Services Administration for disposal pursuant to its disposal regulations promulgated under the Federal Property and Administrative Services Act of 1949. Typical disposal priorities for excess Department of Army real property are:

- 1) Transfer to other Department of Defense agencies
- 2) Transfer to other Federal agencies
- 3) Screening by HUD for homeless needs as required by McKinney-Vento Act
- 4) Conveyance to eligible non-Federal entities
- 5) Sale to the public

Q32: If Optima Lake is de-authorized, what happens to the existing agreements with U.S. Fish and Wildlife Service and the Oklahoma Department of Wildlife Conservation?

A: There are two large land areas, encompassing approximately 12,396 acres of project land, presently managed by the USFWS (4334 acres) and ODWC (8062 acres). Congress may direct that this land be included in whatever disposal method that may be defined in the legislation or through GSA. Or, Congress may direct that this land be transferred to those agencies for the purposes as presently defined. These are but a few examples of what may happen if the project is de-authorized. They should not be interpreted as the only scenarios that may develop if de-authorization of the project is directed by Congress.

General Questions

Q33: Is it true that the Corps was told to “leave Optima alone?”

A: No. The Recovery Act project was temporarily halted because, on a national level, there were concerns that some Corps of Engineers recreation-related expenditures did not meet Administration priorities for the use of Recovery Act funds. Corps Headquarters directed all its field offices to temporarily cease Recovery Act contracting actions for pending or planned contracts with recreation elements or on recreation areas. The Corps is now reviewing all Recovery Act projects to ensure they conform to policy and guidance for the use of those funds. Corps Headquarters will issue clarifying guidance as soon as possible to enable field offices to permanently cancel any Recovery Act work that is not in compliance with policy and to proceed with all other work. The initial appraisal was unaffected by the halt and will be conducted as planned.

Q34: How much Operations and Maintenance funds are appropriated each year for Optima, and how are they used?

A: Federal Operations and Maintenance appropriations from Congress for the Optima Lake project during the past five years have ranged from a low of \$55,000 in Fiscal Year 2006 to a high of \$214,000 in FY 2008. In general, O&M funds for Optima Lake are used to pay for ranger patrols and surveillance of the project property, dam and gate equipment inspections and maintenance, and embankment maintenance which includes contracts for mowing and herbicide application. During years with higher appropriations, O&M funds have also been used to award contracts to conduct piezometer maintenance and cleaning, undertake repairs to a fire-damaged guardrail, repair erosion on the dam embankment, and clean out the discharge conduit.

Q35: Do you have any further meetings scheduled?

A: On March 12, from 1:00-2:30 p.m., John Roberts, deputy district engineer for programs and project management, will join a panel discussion on the Optima Wildlife Management Area during Ag Appreciation Days at the Texas County Activity Center. In the future, a public workshop will be held in connection with the initial appraisal.

Q36: How can we stay informed?

A: Visit Tulsa District on the web at www.swt.usace.army.mil where the Draft Environmental Assessment is posted for public comments. These Questions and Answers along with all of tonight’s presentations will be posted there, and we will continue to keep it updated. Further questions may be sent to the Public Affairs Office at CESWT-PA@usace.army.mil.

Q37: During the 1996 flood, were the Optima flood gates broken, resulting in waters from the pool being released downstream?

A: No, the gates were in a closed position at the time of the significant rainfall event in May 1996, and no releases were made from the gates. The bottom of the gates in the closed position is at elevation 2708. During the May 1996 rainfall event, the pool did rise to approximately 2720 feet, 12 feet above the bottom of the gates, and the project operated as designed, storing the runoff from the flood event. Downstream flow at Beaver in May 1996 was just over 700 cubic feet per second due to local runoff below the Optima Dam. Due to evaporation, the lake gradually fell from elevation 2720 feet in 1996 to 2717.7 in April 1998. By April 2003, the pool had receded back to below the bottom of the gates.

Q38: Since the gates are now left open when not in use, can they be opened or closed from the Fort Supply office in a timely manner to manage a flood?

A: At present, the gates are in good repair, operable and still open. The Fort Supply office can quickly close the gates when a major rainfall event occurs that would cause a forecast for the pool to rise above elevation 2708. The gates at Optima were closed on October 2, 1978, after the dam was completed, and remained closed until April 21, 2003. The only exception was during the gate operability tests that occur at least once a year. No water was released during the operability tests, even during the 1996-2003 period when the pool level was above the bottom of the closed gates, because emergency gates were put in place before the tests. Since April 2003, the gates have been left in an open position to prevent them from sitting in the mud which can cause corrosion. The pool elevation has remained below elevation 2708 (the bottom of the gates in the closed position) since 2003.

Q39. Does the Corps own mineral rights for land acquired in the sixties?

A: Of the 13,248 acres acquired for the Optima project, the United States bought the mineral interests in only one tract of land containing approximately 640 acres.

Q40. If so, how much income does the Corps receive and what happens to the money?

A: Any lands owned by the United States where minerals exploration, discovery, or mining occurs, the Bureau of Land Management (BLM) performs leasing agreements for the U.S. Government. Thus, no income would be received by the Corps. Corps' records do not reflect any BLM leases at Optima or that any mineral exploration, discovery, or production has occurred to date for the minerals underlying this approximately 640 acre tract of land. Thus, no funds have been received for mineral rights owned by the federal government at Optima.

The Corps has granted four consents for oil or gas production to companies which own or lease minerals on land where the federal government did not acquire the underlying mineral interests. The Corps has collected a total of \$20,000 in surface damages for these consents.

Q41. Who would receive the mineral rights if the land were returned to the original heirs or another agency?

A: The United States purchased only one tract of land, comprising approximately 640 acres along with the underlying mineral interest. The General Services Administration (GSA) would dispose of the surface and mineral rights as defined by current law, unless directed differently by congress. This process includes screening the land through DOD, federal Agencies, and assessed by HUD under the McKinney-Vento Act. If the property clears the screening process, a formal competitive process for disposal would occur.