
The Lake Texoma Messenger

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State Officials Defend Developers Environmental Record

The State and Pointe Vista: *Separating Fact from Fiction*

In November, 2006, Keith Kuhlman, the Director of the Real Estate Division of the OK Commissioners of the Land Office (CLO) met with local residents at the former Lake Texoma State Park Lodge to answer their concerns about park privatization. Kuhlman described the developer requirements they were looking for:

- 1) Financially capable of completing the project,
- 2) Project design must meet CLO qualifications,
- 3) Resorts & golf courses will be retained by state.
- 4) Selection will be based on technical expertise.

Almost 6 years later, their choice, Pointe Vista Development, has demonstrated neither the experience nor financial capability required.

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TAKE BACK THE PARK

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Corps of Engineers Say Draft EIS Remains Unfunded

Governor Fallin Promotes PR Campaign for Developer

(Kingston, OK) – Rather than actually complete the federal Environmental Impact Statement (EIS) which was ordered by the Army Corps of Engineers, the developer and state officials focused on creating the public perception that Pointe Vista is in full compliance.

The Scoping Meeting for the Pointe Vista EIS was held September 22, 2009, almost three years ago. The full EIS was estimated to take from 24 -30 months to complete. Had it been funded, it would likely be complete by now.

According to the Madill Record (4/05/2012) Governor Fallin and Pointe Vista's Mark Fischer "discussed the possibility of beginning work – anything to show movement – such as tearing down the cabins on the property."

"Fallin said she told Fischer it's a matter of public perception – if you don't see things happening, they (voters and constituents) don't tend to believe you."

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"Anything to show movement" said Governor Fallin

"All that is necessary for the triumph of evil is for good men to do nothing." - Edmund Burke,

FROM THE EDITOR

I began publishing the Lake Texoma Messenger in 2009, as a vehicle for the Friends of Lake Texoma State Park. Our mission is to inform the public about the illegal federal land sales that threaten to literally liquidate our public parks for private profit.

The push for privatization is no accident. There has been a movement in our country since the early 80's for outsourcing jobs and privatizing public services in the name of fiscal restraint and "streamlining" government services. With the push for austerity come new threats to our state, local and national parks.

Governor Fallin helped set this park up during her tenure with former Governor Frank Keating. She was one of the biggest promoters of park privatization while they were starving Lake Texoma State Park of needed funding for repairs and maintenance in order to create the blight that led to the decision to sell the park.

Fallin's new Tourism Director, Deby Snodgrass hails from the Public Relations department of Cheseapeake Energy whose CEO is Aubrey McClendon. And he is one of the owners of Pointe Vista Development.

For information about the Friends of Lake Texoma State Park campaign including key documents:

www.friendsoflaketexomastatepark.org

The printed version of The Lake Texoma Messenger includes quotes and selections from my online blog:

www.thelaketexomamessenger.com

Stephen Willis, Editor,

Note – I am preparing to launch the news blog with at least two methods, including PayPal, for subscribers and donors. The Lake Texoma Messenger is not a NonProfit Corporation, so donations are not tax-deductible. But they do support quality investigative reporting and legal research in defense of our parks.

All personal correspondence will be kept confidential.

The Lake Texoma Messenger
PO Box 1781
Kingston, OK 73439

Lake Texoma Park Privatization

- Fraudulent Environmental Assessment

U.S. Fish & Wildlife Service claims the 2005 Environmental Assessment (EA) conducted by the Corps of Engineers failed to include an alternative for private development.

The Corps disregarded the impacts of selling the park because selling it (privatization) was not considered an option which would result from the land transfer to the state.

CLO's Kuhlman said that the State Resorts and Golf Courses would remain publicly held and leased out. This, he explained, would maximize the state's return on their investment dollar. If that was true, then why did they sell that parkland to Pointe Vista?

Why did they present the property as "ready to sell" when the entire park was protected under the Land and Water Conservation Fund (LWCF) Act?

- Failure to Comply with Full EIS Requirement

In August 2009, the U.S. Army Corps of Engineers (USACE) issued a public notice in the Federal Register announcing their requirement for a full Environmental Impact Statement (EIS) prior to any additional land transfer to Pointe Vista Development, LLC.

According to USACE environmental officer, Ken Singleton, it is reasonable to assume that the EIS was ordered at least in part to make up for the lack of a full EIS prior to the two land transfers to Pointe Vista n 2008.

So, three years after the Scoping Meeting, we have a governor claiming to have cut six months off the time required to complete an EIS that was never funded.

Federal law requires the state to comply with the National Environmental Policy Act (NEPA). Instead, state officials deceive the public on the issue, while the Corps appears ready to allow construction by Pointe Vista although they have no federal project approvals.

THANK YOU, FRIENDS!

I want to thank the many folks who have supported “the Friends” or inspired us to take action to stop this illegal park privatization. You didn’t give up and neither did we!

Kingston residents Boyd Steele and Vicki Gaylor spoke out at our 2009 public meetings and helped explain the threat to our public park lands and Lake Texoma ecology from over-development of the lakeshore.

John Wigley and Boyd Steele told me the story about Pointe Vista’s attempt to takeover the Oak Ridge Property Owner’s Association (ORPOA) in 2008. They explained that Oak Ridge was Area D of the Pointe Vista Development, and would fulfill the housing requirements in their land contracts with the state CLO, if they could gain possession of Area C.

They also quoted Mark Fischer as saying, “We don’t have \$2 million and we’re not going to do an EIS.” This led to The Friends’ successful letter-writing campaign demanding a full EIS on the 1,022 acres – Area C – which Pointe Vista still wants.

The Friends may re-incorporate as an Oklahoma non-profit corporation to assist in the continuing battle to defend our parks... in federal court. If you are not ready to let them have the park, please join us.

Email: defendlaketexoma@gmail.com

SUPPORT OUR FRIENDS AT:

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1205 N Washington Ave, Durant, OK

So They Tore Down the Cabins; Now What?

How long can the governor and Tourism Director and Pointe Vista pretend to be doing the EIS and actually expect it won’t matter? The EIS is not optional in major actions like privatizing over a thousand acres of pristine federally-protected lakeshore property. Or 750 acres.

The Corps of Engineers has the power to enforce the federal laws but they have chosen to ignore the ongoing segmenting of the project, in violation of NEPA.

When a developer and their sponsor refuse to fund a mandatory environmental study, and instead launch a PR stunt to create the appearance of “progress,” you have to know that something is seriously wrong. It will likely require a federal lawsuit to resolve in the courts.

An economic crime occurred in Marshall County in December, 2006, when the State Park Resort Lodge and over 70 State Park Cabins were shut down in direct violation of the Land and Water Conservation Fund Act.

Many small businesses such as self-employed fishing guides and others were dependent on the business volume generated by park visitors. I have interviewed business owners who lost 80-90% of their gross income since December, 2006.

The Water Resources Development Act of 1999 is federal law that authorized land transfers at Hugo Lake and Lake Texoma State Park to the State of Oklahoma. (Public Law 106-53 – Aug. 17, 1999)

Before conveying approximately 1580 acres which was leased to the State of Oklahoma for public park and recreation purposes, the Secretary of Interior shall “ensure that the conveyance complies with the National Environmental Policy Act of 1969 (NEPA).”

On June 26th, KXII reported, “Terri Watkins , the Communications Director for The Commissioners of the Land Office says Pointe Vista Development is still in compliance with their contract which states that the project must be substantially completed by 2014. So far, the company has met the guidelines laid out in that contract.”

There is also a clearly worded requirement in those sales contracts for Pointe Vista to comply with all state and federal environmental laws, including NEPA.

Why isn’t CLO staff attorney Perry Kaufman making the same claims of environmental compliance? Or is this just the CLO joining the governor in serving up more PR for the benefit of Pointe Vista and Aubrey McClendon?

LTM 2012 CHECKLIST

Build Litigation Team for 2013

Take Back Lake Texoma State Park!

State Senator Brecheen Interviewed

“If Pointe Vista doesn’t begin construction by early September, they will not be able to meet the May 2014 deadline in their land purchase agreements to have their hotel substantially completed,” Brecheen said.

He agrees that there is no way that the EIS can be completed by the Corps before early September. Brecheen said Pointe Vista may start construction in an effort to “piece meal” the 3,000 acre development without an EIS. (Piece mealing is illegal under NEPA.)

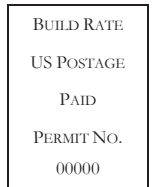
“If the Corps of Engineers doesn’t comply with NEPA (by requiring the federal EIS), then why should the State of Oklahoma? The reason they want to piece meal the project is because they can’t do it any other way,” he said. He’s basically saying that it can’t be built legally.

He was asked, “If Pointe Vista refuses to comply with NEPA, and they are not able to meet the May, 2014 deadline, would you support voiding the original 2008 land sales and restoring Lake Texoma State Park to the public domain for the people of Marshall County?”

Brecheen responded, “I don’t want to throw Pointe Vista under the bus. If we publicly embarrass them at this point, they may never get off the ground.”

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Email: defendlaketexoma@gmail.com



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