

## **AMENDMENT #858: TO PROVIDE FOR THE DISPOSITION OF CERTAIN FEDERAL LAND ORIGINALLY PURCHASED FOR A LAKE THAT NEVER MATERIALIZED LOCATED IN TEXAS COUNTY, OKLAHOMA.**

In 1936, Congress authorized construction of the Lake Optima reservoir and dam in Oklahoma to improve the water supply and flood protection. The project was completed until 1978. No lake ever formed, however, and Corps analysis indicates a continuous pool will never exist. Yet, the Corps has continued to spend hundreds of thousands of dollars to maintain the failed project.

This amendment would provide for the sale and transfer of the land and deauthorize the project.

### **Amendment**

The amendment is modeled after legislation that was enacted in 1999 (Public Law 106–53) to deauthorize the Candy Lake project. The amendment first deauthorizes the Optima Lake project, including any operation, maintenance, or other activities related to it. The Corps is directed to disable or remove, whichever option is most cost-effective, any flood control gate on the dam.

The Corps is then directed to transfer ownership of all land acquired by the United States for the project. The Corps is required to give the state of Oklahoma one year to purchase the land through an Act passed by the legislature and signed by the governor. If Oklahoma has not purchased the land within one year, the previous owners of the land will have the option to purchase it. These include descendants of the original owners of the land. The Corps must make a reasonable effort to identify these individuals and notify them by mail within 90 days of their

identification regarding the parcels of land available for sale and their fair market value. If there is more than one application for the same land parcel, the first application filed takes precedence. The land must be sold at fair market value. If no application is filed within 180 days of the notice, the Corps will dispose of the remaining land in accordance with existing applicable Federal law.

Any expenses associated with the project are to be offset with proceeds from the land sales. All land transfers and other requirements of the act must be carried out within 3 years of enactment.

## **Background**

The Optima Reservoir was originally authorized by the Flood Control Act of 1936 “for flood control in the North Canadian Valley in Oklahoma.”<sup>1</sup> In 1950, Congress again authorized construction of the reservoir so that “taken with the existing Fort Supply and Canton Reservoirs, there will remain available at all time to the maximum practicable extent, conservation storage capacity in Canton Reservoir as authorized by existing law.”<sup>2</sup> Construction was not completed in 1978, more than four decades after the original authorization, at a cost of \$46 million.

Following construction of the reservoir, the lake never materialized. Water has never reached the dam itself, and the rivers leading into and out of the reservoir are dry. Internal Corps analysis indicates a continuous pool will never exist. Evaporation,

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<sup>1</sup> Public Law 738, Authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, June 22, 1936.

<sup>2</sup> Public Law 516, Authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, May 17, 1950.

groundwater absorption, and agricultural water usage in the river basin exceed rainfall.

Nevertheless, the Corps continues to perform regular maintenance on gate motors and is required to test the gates in case they are every needed. In 2009, the Corps of Engineers nearly spent \$1.15 million to replace a guardrail in order to bring the roadway along the lake up to Federal Highway Administration standards. In 2010, a demolition project of unused structures at the lake site cost the federal government \$152,000.