

# McGee Creek Project

Jedediah S. Rogers  
Historic Reclamation Projects  
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Andrew H. Gahan  
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## **The McGee Creek Project**

The McGee Creek Project, located deep in the forested hills of southeastern Oklahoma, holds the distinction of being the easternmost water project constructed by the Bureau of Reclamation. It is located well to the east of the hundredth meridian that generally demarcates the well-watered East from the arid West. The multi-purpose project in the center of Atoka County, Oklahoma, is also a Johnny-come-lately, authorized in the mid-1970s and constructed in the 1980s when Reclamation had already begun to scale back construction activities and turn its focus to water management. The project not only provided an economic lift to a depressed region but also fulfilled a widely recognized and urgent need to supply water to Oklahoma City. This was the true significance of the McGee Project: it enjoyed near unanimous approval at the time of its authorization and, once constructed, provided tangible economic, social, and even environmental benefits to the project site and the state. Besides the practical benefits of providing a reliable water supply flood control benefits, the McGee Creek Project preserved some land from development with the creation of the 8,900-acre Bugaboo Canyon Natural Scenic Area and the 10,000-acre McGee Creek Wildlife Management Area.<sup>1</sup>

### **Project Location**

One writer describes Oklahoma as “a border region, neither North nor South, East nor West, neither all humid nor all arid, but rather like an old-fashioned quilt, made of

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<sup>1</sup> United States Department of the Interior, Bureau of Reclamation, “McGee Creek Project, Oklahoma,” <http://www.usbr.gov/dataweb/html/mcgeecreek.html>.

many pieces, some complementary and some contrasting.”<sup>2</sup> Southeastern Oklahoma is a distinct piece in that patchwork, consisting of humid coastal plains and forested mountain country. The Ouachita Mountains dominate southeastern Oklahoma and west central Arkansas. In Atoka County, the land is marked by narrow, steep canyons to the east of McGee and Potapo creeks, while the terrain is more flat and low-lying to the west. As a region at the edge of several climatic and geographic zones, southeastern Oklahoma features a combination of cold winters and hot summers, dry spells and wet periods. The area is rich in natural resources— asphalt, coal, oil, gas, stone, and timber—though due to geographic isolation and poor soil for agriculture it has seen sparse settlement.<sup>3</sup>

### **Historic Setting**

Oklahoma, as a place not only where different geographies but also different people have historically converged, has a checkered and colorful past. During the heady days of European colonization of North America, Spain, France, and England variously laid claim what is now Oklahoma. In the early nineteenth century it was carved into reservations for native tribes driven out of their traditional homelands in the old Southwest by the federal government. By the early twentieth century the government forced the break-up of the reservations and allotted the land to individual Indians opening the surplus land to white settlers. Over the years Indians, cattlemen, oilmen, farmers, and others settled Oklahoma, giving rise to the towns and cities that dot the landscape.

Literally hundreds of archeological sites in present southeastern Oklahoma date the earliest human presence back to the Paleo-Indian era, roughly 11,000 to 8,000 years

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<sup>2</sup> Donald E. Green, “Settlement Patterns,” *Encyclopedia of Oklahoma History and Culture*, <http://digital.library.okstate.edu/encyclopedia> (accessed June 24, 2008).

<sup>3</sup> Paul R. McGuff, Sue M. Moore, and C. Reid Ferring, *Historical Archaeology of the McGee Creek Project, Atoka County, Oklahoma*, Volume IV of the McGee Creek Archaeological Reports, Institute of Applied Sciences, University of North Texas, 1993, 5, 7.

ago. These prehistoric peoples were likely remnants of the Caddo culture, which refers to several groups who shared cultural and linguistic traits and inhabited a large area within the Gulf Coastal Plain and the Ouachita Mountains in present northwest Louisiana, east Texas, southwest Arkansas, and southeast Oklahoma. Hunters and gatherers, these prehistoric peoples created a loosely organized yet fairly complex society in the woodlands of the Ouachita Mountains—more so than other Plains peoples. Plains tribes like the Wichita and the Kitsai not only overlapped borders with the Caddo groups but shared linguistic characteristics with them. The Wichita differed from other Plains Indians, like the Comanche, in that they primarily depended on farming and not hunting and gathering for subsistence.<sup>4</sup>

The first European contact in the region brought incremental yet mighty changes to native peoples and cultures. Native groups developed symbiotic trading networks with European powers, and, as historians have observed, the Caddo were no different, developing a reliance on the trade economy in the eighteenth century. They moved away from traditional economic activities becoming more dependent on European goods. Their search for resources Euro-Americans desired dictated changes in migration pattern. At the same time, increasing hostility of neighboring native groups, devastating epidemics, and Anglo encroachment on the southern Plains weakened the Caddo hold on their traditional homeland.<sup>5</sup>

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<sup>4</sup> Raymond D. Fogelson, editor, *Southeast*, volume 14, in *The Handbook of North American Indians*, William C. Sturtevant, editor (Washington, D.C.: Smithsonian Institution, 2004), 616; Raymond J. DeMallie, editor, *Plains*, volume 13, part 1, in *The Handbook of North American Indians*, William C. Sturtevant, (Washington, D.C.: Smithsonian Institution, 2001), 548; Robert L. Brooks, “Prehistoric Native Peoples,” *Encyclopedia of Oklahoma History and Culture*, <http://digital.library.okstate.edu/encyclopedia> (accessed October 30, 2008).

<sup>5</sup> DeMallie, *Plains*, vol. 13, 548-51; Fogelson, *Southeast*, vol. 14, 619-20.

In 1830 Congress created the Indian Territory west of the Mississippi River for the purpose of opening up Indian lands in the east to white settlers. Over the next decade, by presidential order, the federal government forced the removal of thousands of Native Americans of five autonomous tribes, commonly referred to as the Five Civilized Tribes—Cherokee, Chickasaw, Choctaw, Creek, and Seminole—from their ancestral lands and relocate in the Indian Territory. The Five Civilized Tribes settled the eastern portion of present-day Oklahoma. The Chickasaw and Choctaw, distantly related, occupied the south-central and southeastern portions of present Oklahoma. The Chickasaw were an agricultural people, but the relocation from their homeland and constant warfare with neighboring Comanche and Kiowa tribes made life difficult. Meanwhile, the region’s native group, the Caddo, either relinquished their homelands in exchange for annuity payments or relocated to a reservation on the lower Brazos River then in western Oklahoma.<sup>6</sup>

The southeast corner of Oklahoma has always been more isolated and southern-oriented than other parts of the state. In the nineteenth century southeast Oklahoma had few communication or transportation connections to the rest of the state. Relatively little is known of the peoples who lived there. The Ouachita Mountains provided respite for the Choctaw who settled in the mountain valleys to avoid contact with white culture that had forced their removal from Mississippi.<sup>7</sup> Typically, Indian and non-Indians who settled down in the region hailed from the South. The slave-holding Chickasaw, for instance, sided with the Confederacy during the Civil War and abandoned slavery reluctantly and not without opposition. Like southerners generally, the Chickasaw and

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<sup>6</sup> Fogelson, *Southeast*, vol. 14, 162-5, 620.

<sup>7</sup> McGuff, et al., *Historical Archaeology of the McGee Creek Project, Atoka County, Oklahoma*, 1.

Choctaw suffered tremendously during the Civil War losing much of their land after it ended.

By 1885 the government had created many small reservations in Oklahoma and placed other Indian tribes on them—land that had previously been promised to the Five Civilized Tribes. The reservations did not last long. Farmers, cattlemen, and land-hungry settlers from Kansas, Texas, and Arkansas looked to the open ranges in Oklahoma to expand their operations. Cattlemen driving cattle through the territory, eager settlers, and the arrival of railroads pressured the federal government to open land to white settlement. Two years after passage of the Dawes Severalty Act of 1887, President Benjamin Harrison gave his consent to open Indian lands to white settlement, precipitating in that year the first of several land rushes. The government forced the tribes, one by one, to accept allotment and sold off surplus lands to white settlers. The Kiowa-Comanche-Apache and Wichita-Caddo reservations were allotted in 1901 through a lottery, and other reservations were dissolved in 1905.

Oklahoma was not cut from larger territories, as were other western states. Rather, it gradually expanded with the acquisition of reservation lands until by the year of statehood in 1907 it had reached its present size.<sup>8</sup> The City of Atoka was founded in the 1850s and named for Captain Atoka Oshlatubee, Chief of the Pushmataha district, who came to the area in 1833. His name was derived from the Choctaw “hitoka” or “Hetoka” meaning “ball ground.” The county was first named Shappaway and later in 1885 changed to Atoka. Chief Atoka built the first log cabin in Atoka in 1850, where he later operated a stage station. A federal court was established in Atoka in the 1850s.

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<sup>8</sup> Green, “Settlement Patterns,” and W. E. H., “Oklahoma,” Howard R. Lamar, editor, *The New Encyclopedia of the American West* (New Haven: Yale University Press, 1998), 814-6.

The year 1889 marked the end of an old era and beginning of a new one in Oklahoma. Thereafter, agriculture became the state's staple industry. Previous to the land rush agriculture was a marginal enterprise in the territory, with only 8,826 farms according to the 1890 census; but by 1910 there were 190,192 farms in Oklahoma. Farmers produced corn, winter wheat, and cotton. In the twentieth century farmers pushed to diversify crop production in order to survive periods of depressed agricultural prices.<sup>9</sup>

Social, economic, political, and technological forces converged to bring powerful changes in the late nineteenth and early twentieth centuries. Land rushes, beginning in 1889, created the environment for the rapid settlement and urban growth that Oklahoma witnessed. For example, Oklahoma City sprang into being on April 22, 1889, with a population of 10,000, and in 1910, three years after statehood, it became the state capital. The completion of railway lines accelerated the state's economic development, giving rise to flour and cotton mills and meat processing plants, which facilitated economic and social diversity.

As they did elsewhere in the state, these forces converged to transform community and economic development in Atoka County. Primarily as a result of the timber industry, but also due to coal mining and farming, the city of Atoka climbed from a population of 800 in 1890 to 1,968 in 1910 and 2,038 in 1920. At the turn of the century, the county's primary economic asset was hard wood timber, found in thick stands in the area. Timber men first established sawmills then expanded to form lumber companies to develop the resource. After statehood, the economy in Atoka County

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<sup>9</sup> Gilbert C. Fite, "Farming," *Encyclopedia of Oklahoma History and Culture*, <http://digital.library.okstate.edu/encyclopedia> (accessed June 24, 2008).

shifted from timber to ranching and farming. Farmers cleared forested areas and planted crops. Ranching became an important feature of the local economy after 1940.<sup>10</sup>

### **Investigations**

In the 1930s the United States began to consider construction of municipal and industrial water projects as important facets in its water resources development policy. Postwar urban growth contributed to the urbanization and industrialization of the West, and municipalities and cities clamored for better infrastructure, along with a larger share of the region's finite water resources. This effort to provide domestic water supplies entailed a major shift in Reclamation policy from primarily providing water for irrigation use to developing multiple water use that included municipal and industrial water aspect. As Commissioner Floyd Dominy stated before the House Irrigation and Reclamation Sub-committee in February 1959, Reclamation "would construct many of its present reservoirs on a different basis making maximum use of reservoir sites for multiple-purpose development."<sup>11</sup>

In Oklahoma population growth put strains on the state's water supply—though perhaps less so than in some other western states. In the mid-1950s Oklahoma City looked to McGee Creek as a potential source for municipal and industrial water, but it took over a decade for state and local interests to become serious about the prospect. In 1967 the Oklahoma City Municipal Authority contracted with an independent firm to identify future water supplies of the state. McGee Creek constituted an integral part of the state's long-term water supply forecast. On February 8, 1968, at hearings held by the

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<sup>10</sup> Priscilla A. Maine, "Atoka," and James C. Milligan, "Atoka County," in *Encyclopedia of Oklahoma History and Culture*, <http://digital.library.okstate.edu/encyclopedia> (accessed June 24, 2008).

<sup>11</sup> United States Congress, House Committee on Interior and Insular Affairs, *Cheney Division, Wichita Project, Kansas: Hearing before the Subcommittee on Irrigation and Reclamation*, 86<sup>th</sup> Cong., 2<sup>nd</sup> sess. (June 3, 1960), 23.

Oklahoma Water Resources Board (OWRB), Oklahoma City officials requested putting the project on the state's short range water development plan. To prepare for the as-yet unauthorized water project, the City of Atoka, Atoka County, Southern Oklahoma Development Trust, and Oklahoma City filed for and received the water rights on McGee Creek. Meanwhile, OWRB, Southern Oklahoma Development Association (SODA), and Oklahoma City requested the Bureau of Reclamation do a feasibility study.<sup>12</sup>

In 1973 the Southern Oklahoma Development Association held hearings on authorizing Reclamation to conduct the studies. Public Law 93-122 authorized the feasibility studies, which Reclamation began in May 1974. It also formed planning development teams to offer input and held at least one field trip and a few public meetings to discuss the project with the public. At one public meeting, reportedly fifty-two people attended and “unanimously” supported the project. In gathering information for the project, Reclamation closely coordinated with other agencies and organizations. It also used information that had been collected by the Corps of Engineers—an environmental inventory of the states’ southeastern counties, economic data, social impacts for the Central Oklahoma Project water conveyance system, information on McGee Creek Lake, and future water data—in its previous consideration of a flood control project on McGee Creek.<sup>13</sup>

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<sup>12</sup> United States Congress, Senate Committee on Interior and Insular Affairs, *McGee Creek Project: Hearings on S. 2194*, 94<sup>th</sup> Cong., 2<sup>nd</sup> sess. (June 15, 1976), 13, 23.

<sup>13</sup> Senate Committee, *McGee Creek Project*, 23; U.S. Department of the Interior, Bureau of Reclamation, “Annual Project History, McGee Creek Project,” Volume 2, 1980, 15, 16, 17, in Record Group 115, Records of the Bureau of Reclamation, Accession 8NS-115-93-213, Box 97, National Archives and Records Administration, Denver, Colorado; hereafter “Project History” followed by appropriate volume and page numbers.

## **Project Authorization**

The McGee Creek Project was introduced into Congress in 1976 as S. 2194. The bill authorized the secretary of the interior to construct, operate, and maintain the project, which would store, regulate, and convey water for municipal and industrial use, conserve and develop fish and wildlife resources, and provide recreation and flood control benefits. The legislation gave the secretary the authority to purchase “up to 20,000 acres of private land” for a scenic recreation area, to construct the recreation facilities, and to create rules to govern the area. Before the project could proceed, Reclamation law required a contract with an appropriate water managing agency for repayment of the construction costs, and that the project could be transferred to an operating agency at the end of the contract period or completion of the project.<sup>14</sup>

At the hearing in Washington D.C., where the Oklahoma congressional delegation and proponents of the project testified before the Senate Energy Resources and Water Resources Subcommittee, informants discussed the merits of the project. The project, they argued, would benefit the state, region, and communities and counties in southeastern Oklahoma. Particularly, it would benefit the state’s capitol where the need for additional water was most pressing. Oklahoma City used 70,000 acre feet of water in 1975.<sup>15</sup>

Yet it was the seemingly desperate need for a water project in rural Oklahoma that led Senator Henry Bellmon from Oklahoma, to observe, “The McGee Project is the only project that I have been aware of over the past several years that is totally free of opposition from local citizens.” When members of the Senate committee pressed the

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<sup>14</sup> Senate Committee, *McGee Creek Project*, 1, 7, 8.

<sup>15</sup> *Ibid.*, 24.

informants on this point, the answer was the same: the project had not one known opponent, except perhaps a few small land owners, but this was “because he didn’t know what he was going to get [for his land].” In an age of increasing environmental awareness, and in some cases ardent opposition to water projects, this was truly remarkable, and not lost on the committee. Although the secretary of the interior had sent a letter to the Committee chairman recommending that he delay action on the bill until completion of the feasibility report, and although the committee had pressed Reclamation to complete the studies in 1977, Congress authorized the project on September 28, 1976. Public Law 94-123 (Title VII) authorized the construction, operation, and maintenance of the project in accordance with Federal Reclamation Laws.<sup>16</sup>

The final environmental statement (FES) and the definite plan report were released in 1978 and 1979 respectively. In 1974 Reclamation created a steering committee and a plan formulation team and held public meetings on the draft FES following its release. A product of local, state, and federal coordination since 1969, the draft FES benefited from comments by agencies, organizations, and individuals. As in the congressional hearings, there was no real opposition to the project, and the only criticisms to the draft ES were directed to a specific aspect of the project, not the merit of the project as a whole. Bob Trent, a private citizen, complained about the proposed fencing of the project area, and Gary E. Payne, also a citizen, proposed the project be used for power generation and irrigation.<sup>17</sup>

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<sup>16</sup> Ibid., 26, 31.

<sup>17</sup> U.S. Department of the Interior, Bureau of Reclamation, *Final Environmental Statement: McGee Creek Project*, Regional Office, Southwest Region, Amarillo, Texas, Oklahoma, 1978, CC-1, CC-2, 66, 68.

## The Plan

As authorized, the project called for construction of an earthfill dam and dike. The 155-foot high dam would straddle McGee Creek a few miles downstream from the confluence with Potapo Creek, and the dike would be built in a low-lying section on the west side of the reservoir area. The reservoir would have a capacity of 103,000 acre feet of water at conservation pool elevation with an additional 86,000 acre feet of storage for flood control. A non-concrete-lined spillway for flood releases would be built about a half mile to the west of the dam in a low-lying saddle. The river outlet works, located at the dam on the east side of the river channel, controlled releases from the reservoir and consisted of an intake structure, three conduits, and a stilling basin. As the principal purpose of the project was to provide a municipal and industrial water supply to Oklahoma City, Reclamation designed municipal outlet works, a five pump unit pumping plant, and an 18.5-mile-long pipeline to deliver the water to Lake Atoka. Releases for M&I use would flow through the outlet works to the pumping plant, then through the pipeline to Lake Atoka, where it would then be delivered to the state's urban center via an existing distribution system.<sup>18</sup>

In addition to these features, Reclamation would also acquire land and develop the area for wildlife conservation and recreation. At the reservoir, the plan was to partially clear the area of brush and construct recreation facilities. Some project lands would be set aside and preserved as a natural scenic area.<sup>19</sup>

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<sup>18</sup> U.S. Department of the Interior, Bureau of Reclamation, "McGee Creek Project, Oklahoma," <http://www.usbr.gov/dataweb/html/mcgeecreek.html>; hereafter Project Data, Online.

<sup>19</sup> See *Final Environmental Statement: McGee Creek Project*, A-1 to A-11.

## Construction History

The FES also noted that the project would require an estimated five years with a work force of fifty-three personnel to construct the project.<sup>20</sup> Reclamation began construction activities in 1980 with thirty-three employees working out of a temporary office in Farris, Oklahoma. A few minor contracts had been awarded in 1979. The next year Ye-Con Construction Company and Clyde Taylor, a joint venture, of Kingston, Oklahoma, received the first major contract for construction of an operation and maintenance shop, office, and caretakers' apartment building. Reclamation also awarded contracts for aerial photographs and drawings, appraisals, and seismotectonic studies.<sup>21</sup>

As often is the case, estimated costs inched upward as planning progressed and construction began. In 1980 Reclamation revised the total construction costs to \$116,415,000; the next year the costs had increased to a projected \$131,944,000 due to cost indexing and more accurate estimates.<sup>22</sup>

The major and minor contracts awarded in 1981 included contracts to build access roads, construct fencing, clear land, and plug oil wells in the project area. In the meantime, Reclamation's Office Engineering Division and Survey Branch gathered design data on various features, including the dam, aqueduct, project boundaries, and access roads. Reclamation also worked on acquiring title to land in the project area, and by the end of 1981, about fifty percent of the land had been purchased or was in condemnation.<sup>23</sup>

Construction activities from 1979 to 1982 were largely preliminary to the work on the dam, dike, aqueduct, and power plant. In 1982 Reclamation awarded to Claterbos,

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<sup>20</sup> *Final Environmental Statement: McGee Creek Project*, A-2.

<sup>21</sup> "Project History," Volume 2, 1980, 3, 12, 21, 22, 24.

<sup>22</sup> "Project History," Volume 2, 1980, 14; "Project History," Volume 3, 1981, 13.

<sup>23</sup> "Project History," Volume 3, 1981, 9, 20-3, 30.

Inc., of Astoria, Oregon, the contract to construct the dam and dike. At the groundbreaking ceremonies held at the dam site on July 10, 1982, Governor George Nigh of Oklahoma, Congressman Wes Watkins, Commissioner of Reclamation Robert Broadbent, Regional Director Darrell Webber, and McGee Creek Trust Authority Official Haskell Magridge spoke. The officials and estimated 600 people in attendance witnessed an explosion on top of the right abutment on the McGee Creek dam site.<sup>24</sup>

By the end of 1984 the concrete structures at the dam site were mostly in place—the M&I intake tower, piers, conduit, and footbridge, the stilling basin, the spillway, and the outlet channel. That year the contractor also placed riprap in the outlet channel and made extensive progress on the embankment dam. To prepare the dam site for the earthfill, bulldozers cleared the foundation of loose soil and packed in the ground. In the case of the right abutment and the left slope of the cutoff trench, workers placed “dental concrete” to patch up holes in the bedrock of shale, siltstone, and sandstone. The contractor continued work on the outlet and inlet works, the placement of zone material and riprap, and the earthwork through 1986.<sup>25</sup>

While work progressed on the dam and dike, Reclamation awarded the contract to construct the aqueduct and power plant to the Spiniello Construction Co. The contractor prepared floor slabs, completed structural steel, set pumps and motors on their pedestals, placed concrete structures, and installed electrical equipment at the pumping plant. In 1985 the contract and multiple subcontractors continued detail work on the power plant: installing piping, switch boxes, conduits, receptacles, type B luminaries, control panels,

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<sup>24</sup> Project Data, Online; “Project History,” Volume 6, 1984, 35.

<sup>25</sup> “Project History,” Volume 6, 1984, 52-3, 57, 59-62, 64-5, 66, 70, 74-5.

and breakers in the pump room, and working on electrical work in the chlorination and chlorine injection rooms.<sup>26</sup>

On the aqueduct, the contractor excavated the trenches and began laying the 72-inch diameter pipeline. Later, it placed backfill, installed gates on the outlet structure, cleaned the aqueduct of debris that had built up inside the pipes, and worked on several other miscellaneous tasks. The contractor completed the work on the pumping plant and aqueduct earning a gross payment of over \$17 million.<sup>27</sup> Reclamation awarded additional contracts for construction of access roads, a bridge at Muddy Boggy Creek, and recreational facilities.<sup>28</sup>

On April 2, 1987, Reclamation closed the gates at the river outlet works to begin filling the reservoir. Although various miscellaneous structures and tasks still needed attention, this event essentially marked the end of construction.<sup>29</sup>

### **Post-Construction History**

The principal stated purpose of the McGee Creek Project was to provide water to Oklahoma's urban centers and to facilitate development in the southeastern corner of the state. In the years after authorization of the project, thinking it would take more than a water project to pull the region out of perennial depression and 14 percent unemployment, Oklahoma Congressman Wes Watkins introduced a bill in Congress that would facilitate oil and gas development in the project area. Secretary of the Interior James Watt responded to the plan that would ease restrictions in private, commercial,

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<sup>26</sup> "Project History," Volume 6, 1984, 32; "Project History," Volume 7, 1985, 30-57.

<sup>27</sup> "Project History," Volume 8, 1986, 47.

<sup>28</sup> "Project History," Volume 7, 1985, 13.

<sup>29</sup> "Project History," Volume 9, 1987, 28.

and, possibly, residential development in characteristic form: “Sounds like a splendid Republican option; let’s pursue it.”<sup>30</sup>

On December 4, 1981, Congress passed legislation permitting the U.S. Department of the Interior to reverse the restrictions on mineral resource development in the project area. Public Law 97-88 provided safeguards against unlimited and potential environmentally impacting development:

That mineral and subsurface interests shall be acquired by subordination in the conservation pool area of the reservoir, natural scenic recreation area, and the wildlife management area in such a manner as to allow the present mineral owners, their successors, and assignees the right to explore for and extract minerals under restrictions required to protect the project.

Senator David Boren introduced and passed the amendment requiring Reclamation buy subordination rights, which would give the federal government oversight over development.<sup>31</sup>

Still, the reversal allowing oil and gas exploration and drilling on project lands began to unravel the consensus that had stood firmly behind the project’s construction. As an employee of the U.S. Fish and Wildlife Service (F&WS) wrote to the regional director of Reclamation in Amarillo, Texas, “It is our belief that development of minerals as now proposed is an affront to the entire conservation community which heartily supported the McGee Creek Project as planned and authorized.” The original project enjoyed unanimous support in large measure because it jointly developed water and set aside land for preservation. Now, the potential for mineral exploration, new roads, oil

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<sup>30</sup> See *Energy and Water Development Appropriation for 1982*, February 23, 24, March 19, 1981, *Congressional Record*, 46.

<sup>31</sup> U.S. Department of the Interior, Bureau of Reclamation, *Draft Supplement to Final Environmental Statement: McGee Creek Project, Oklahoma*, November 1982, summary in the front matter, I-1, I-2; “Wildlife Federation fears mineral leasing,” *The Atoka County Times*, December 31, 1981, in *Draft Supplement to Final Environmental Statement: McGee Creek Project, Oklahoma*, Appendix 1.

and gas wells, and other developments promised to threaten the area's wilderness qualities, wildlife, and water quality. Federal, state, and local agencies and organizations formally expressed concern regarding the health and environmental impacts of the proposed mineral development. F&WS recommended either no drilling in the project area, or no surface development in Bugaboo Canyon and the reservoir.<sup>32</sup>

Reclamation held public hearings and received comments from critics and proponents of mineral development during the drafting of the final supplement to the Final ES. In the FES, Reclamation favored the implementation Plan No. 1 in lieu of Plan No. 2, and outlined stipulations for oil and gas drilling, well site location, access roads, and environmental and cultural resources protection in the development areas. In a nutshell, the plan provided for fee purchase or no surface occupancy in the reservoir or the scenic areas, thus partially satisfying conservation groups who opposed mineral development and oil companies who clamored for full mineral development on public lands.<sup>33</sup>

In 1987 Reclamation implemented a policy that required federal agencies to develop Resource Management Plans (RMP) for their projects. At each project the RMP would evaluate all management practices and principles with the intent to develop a “guiding plan” to resource use and environmental stewardship. At McGee Creek Project, the RMP process began in 1992. Reclamation closely coordinated with private, local, state, and federal agencies in drafting the RMP, which, when released in 1995,

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<sup>32</sup> Field Supervisor of the Fish & Wildlife Service, Tulsa, Oklahoma, to Regional Director of Reclamation, Amarillo, Texas, June 28, 1982, in *Draft Supplement to Final Environmental Statement: McGee Creek Project, Oklahoma*, Appendix I.

<sup>33</sup> U.S. Department of the Interior, Bureau of Reclamation, *Final Supplement to Final Environmental Statement: McGee Creek Project, Oklahoma*, September 1983, Appendix I, Summary of Public Hearings, 3, 42.

considered numerous issues such as management of the Natural Scenic Recreation Area, development of equestrian campgrounds, protection of threatened and endangered species, and improved access to the northern end of the reservoir.<sup>34</sup> The RMP boat ramps and access roads in the upper McGee and Potapo creek areas were developments anticipated by many. A local resident from Bradley, Oklahoma, endorsed the idea of boat access and roads on the north arm of the reservoir on McGee Creek and Potapo Creek because “of the miles it would save visitors from the north, not to mention the crowded boat ramps at Buster Heights and Potapo Creek by the dike.”<sup>35</sup>

The RMP also reported on ongoing archaeological studies that had stretched back from before construction began on the project. Reclamation funded these studies for the purpose of protecting prehistoric and historic sites in the project area. In 1975 Archaeological Research Associates of Tulsa, Oklahoma, surveyed thirty-three sites. In following years the Environmental Assessments, Inc. (EA Inc.) surveyed 20,325 acres along the main creek and tributaries, as well as some land in the wildlife management and national scenic recreation areas at the northern end of the project area, and the University of North Texas surveyed uplands, ridges, and floodplain areas. Eventually, the University of North Texas located 300 sites within a forty-eight square mile area. At publication of the RMP, over 500 sites had been found dating back 11,000 to 8,000 years in what was the largest archaeological survey in the Ouachita Mountains.<sup>36</sup>

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<sup>34</sup> U.S. Department of the Interior, Bureau of Reclamation, McGee Creek RMP Team, *McGee Creek Project: Resource Management Plan/Environmental Assessment*, Oklahoma City, Oklahoma, December 1995, I-1, I-2, I-3.

<sup>35</sup> *McGee Creek Project: Resource Management Plan/Environmental Assessment*, VI-29, VI-31; see Letter from Jay Selzer, n.d., in “Part II: Comments and Responses.”

<sup>36</sup> Timothy K. Perttula and Paul McGuff, *A Cultural Resources Survey of the McGee Creek Project Area, Atoka County, Oklahoma*, Volume I of the McGee Creek Archaeological Project Reports, Institute of Applied Sciences, University of North Texas, 1993, 1; McGuff, et al., *Historical Archaeology of the McGee Creek Project, Atoka County, Oklahoma*, 241-44; *McGee Creek Project: Resource Management*

In 1987 and, again, in 1990 the McGee Creek Authority proposed renegotiating the repayment contract in order to repay immediately in full the cost of construction owed to the federal government. The Reclamation Projects Authorization and Adjustment Act of 1990, known as title XIII of H.R. 2567, would have authorized the secretary of the interior to enter into a contract with the Authority canceling out the fifty-year, \$122 million repayment plan for a lump sum of \$88,629,000. Title to the project features was to remain with the federal government. As Sen. Don Nickles explained to the Subcommittee on Water and Power, the law would allow the Authority to pay off debt immediately “by financing the project on the open market,” and it would be beneficial to the government to receive “immediate payment of a long-term debt.” Though it had apparently expressed support of the plan only a short time before, Roger K. Patterson, the Great Plains regional director of Reclamation, testified in opposition to it based on the point that “We simply have not gone through that process to determine whether or not, when all things are considered, the prepayment represents the full amount to keep the United States whole in this case.”<sup>37</sup>

At the Senate hearings, Nickles drilled Patterson on the point that Reclamation had had three and a half years to do the cost analysis. Preliminary estimates were \$90 million, not much higher than the \$88.6 million proposed by the city, but this did not include approximately \$9.9 million settlement made in court over a construction contract Reclamation believed the city ought to pay. There was also the question of whether the

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*Plan/Environmental Assessment*, III-31. See also Paul R. McGuff, *Testing of Archaeological Sites in the McGee Creek Project Area, Atoka County, Oklahoma*, Volume II of the McGee Creek Archaeological Project Reports, Institute of Applied Sciences, University of North Texas, 1993.

<sup>37</sup> *Reclamation Wastewater and Groundwater Study Act and Reclamation Projects Authorization and Adjustment Act of 1990*, CIS-NO: 91-S311-28, H.R. 2567, 101<sup>st</sup> Cong., 2<sup>nd</sup> sess., *Congressional Record* (September 27, 1990): 48-49.

government would lose money if the Authority made payments with taxable bonds rather than non-taxable bonds. In any case, senators at the hearing pressed the “urgency” of the matter, and Reclamation promised to provide the information by “next week,” though it apparently did not make the deadline. The matter was shortly settled, however, when on September 1, 1990, the McGee Creek Authority assumed operation and maintenance of the project, and on November 5, 1990, when Congress authorized the revision of the repayment contract. The Authority paid out \$88.6 million on October 30, 1992.<sup>38</sup>

While Oklahoma City, Atoka, Atoka County, and the Southern Oklahoma Development Trust held the rights to the project water for municipal and industrial purposes, the U.S. Department of Interior, Bureau of Reclamation continued to hold title to the project, except for the project office, aqueduct and appurtenances, and other operation and maintenance related facilities. In 1998, a year after entering discussions regarding a transfer of title, Reclamation and the McGee Creek Authority signed a Memorandum of Agreement which stipulated what needed to be done before the proposed transfer could be enacted. However, the agreement expired in September 2002 before passage of the necessary legislation to convey certain project lands and facilities to the Authority. In 2006 the agencies repeated the process. On December 4, 2007, the House passed the McGee Creek Project Pipeline and Associated Facilities Conveyance Act, H.R. 2085, which sailed out of the House and as of this writing is now on the Senate Legislative Calendar. However, the bill will have to be reintroduced if the 110th

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<sup>38</sup> *Reclamation Wastewater and Groundwater Study Act and Reclamation Projects Authorization and Adjustment Act of 1990*, 50-54.

Congress fails to come back for a lame duck session and consider the bill prior to the close of the legislative season.<sup>39</sup>

### **Benefits and Uses of Project Water**

The direct economic benefits of the McGee Creek Project reach rural and urban Oklahoma. As one of the demonstration projects under the Carter Administration's "Small Community and Rural Development Policy,"<sup>40</sup> the McGee Creek Project has firstly aided the economic situation in rural southeast Oklahoma. Cost sharing allowed Atoka County and the rural area to share with Oklahoma City the benefits of the project. Though not used for agriculture like many other federal water projects, project water has been developed for non-agricultural industrial uses, subsequently increasing employment and allowing local communities to develop nearby resources. In addition to the rural portion of the state, Oklahoma City receives the lion's share of project water. The project provides the city and nearby municipalities with a clean, reliable water supply to supplement existing municipal and industrial supplies.<sup>41</sup>

The other major benefits of the project include flood control, fish and wildlife conservation and development, and recreation. The project provided an estimated \$1,939,000 in flood control benefits from 1950 to 1999.<sup>42</sup> Unique to this project is the

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<sup>39</sup> Reclamation Commissioner Robert W. Johnson and Chairman of the McGee Creek Authority Pete White, testifying in favor of the McGee Creek Project Pipeline and Associated Facilities Conveyance Act, H.R. 2085, on September 18, 2007, to the Subcommittee on Water and Power, CIS not yet assigned, 110th Cong., 1st [?] sess., *Congressional Quarterly, Inc.*, accessed online. James Hess, Associate Director of Operations, Reclamation, email to the author, October 31, 2008.

<sup>40</sup> The Carter administration's rural policy featured a number of initiatives addressing "rural problems in the areas of housing, health, water and sewer, education, income maintenance, social services and legal aid, job creation, economic development, energy, transportation, communications, capacity building, and environment and natural resources." President Jimmy Carter, *The Carter Administration: Small Community and Rural Development Policy* (Washington, D.C.: U.S. Government Printing Office, 1979), Abstract.

<sup>41</sup> "Project History," Volume 2, 1980, 7-8.

<sup>42</sup> Project Data, online.

creation of natural scenic recreation and wildlife management areas, totaling 18,900 acres. These lands encompass some of the most scenic and pristine areas in Oklahoma. Part of the 8,900-acre natural scenic recreation area is Bugaboo Canyon, into which a few gravel roads provide access. Although not officially designated Wilderness, the area is managed by the Oklahoma Department of Tourism and Recreation for low impact recreation. In addition to this area and the wildlife management area, managed by the Oklahoma Department of Wildlife Conservation, the project includes boat ramps, parking areas, picnic tables, and various recreation facilities designed to provide outdoor recreation to nearby urban dwellers.<sup>43</sup>

## **Conclusion**

Despite being one of Reclamation's last large-scale dam projects, the McGee Creek Project had few detractors and nearly unanimous support from local and state interests when it was authorized. No doubt, this was due to the multiple tangible benefits it promised Oklahoma. Although some wildlife and environmental interests criticized the legislation permitting the exploration and development of natural resources in the project area, the project continued to enjoy an enthusiastic, broad-based reception. Situated "in the heart of this chronic unemployed, rural, depressed area," in the words of Oklahoma Congressman Wes Watkins, the project directly or indirectly benefits rural and urban areas and satisfies the needs of scenic, wildlife, and recreation enthusiasts.<sup>44</sup>

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<sup>43</sup> *Final Environmental Statement: McGee Creek Project, Oklahoma, A-7, A-8, A-9.*

<sup>44</sup> Comments spoken on *Energy and Water Development Appropriation for 1982*, February 23, 24, March 19, 1981, *Congressional Record*, 46.

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