Black Mesa State Park and Preserve
Resource Management Plan
2013

Cimarron County, Oklahoma

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Acknowledgements

The authors acknowledge the assistance of numerous individuals in the preparation of this Resource Management Plan (RMP). On behalf of the Oklahoma Tourism and Recreation Department’s Division of State Parks, staff members were extremely helpful in providing access to information and in sharing of their time. The essential staff providing assistance for the development of the RMP included Bruce Divis, Regional Manager of the Western Region, with assistance from other members of the staff throughout OTRD. In particular, assistance was provided by Deby Snodgrass, Kris Marek, and Doug Hawthorne – all from the Oklahoma City office of the Oklahoma Tourism and Recreation Department.

Significant information was also provided by individuals from the Kenton Museum, from the Cimarron County Historical Society, and from Ron Mills, a former manager of Black Mesa State Park.

It is the purpose of the Resource Management Plan to be a living document to assist with decisions related to the resources within the park and the management of those resources. The authors’ desire is to assist decision-makers in providing high quality outdoor recreation experiences and resources for current visitors, while protecting the experiences and the resources for future generations.

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Mission Statement of the Oklahoma Tourism and Recreation Department

The mission of the Oklahoma Tourism and Recreation Department is to advance Oklahoma’s exceptional quality of life by preserving, managing, and promoting our natural assets and cultural amenities.

Vision Statement

The vision of the Oklahoma Tourism and Recreation Department is to promote and enhance tourism throughout the state; protect and preserve the environment and natural resources; educate the public about Oklahoma’s people and places; provide exceptional customer service to all citizens and visitors; create a team environment in which all employees are successful, productive, and valued; embrace and seek diversity in our workforce and those we serve.

OTRD Values

- Responsibility and leadership
- Respect
- Quality
- Exemplary customer service
- Balance and self-fulfillment
- Teamwork and communication
- Flexibility
- Creativity and innovation
- Coordination
- Commitment
- Integrity
Figure 0.1 – High point monument within Black Mesa Preserve
Chapter 1 – Introduction

Resource Management Plan: Purpose and Process

The Resource Management Plan (RMP) program and policy is to document management responsibilities to balance the use of water and land resources as they relate to recreation; in this instance, Black Mesa State Park and Preserve. As a guiding plan, the RMP seeks to propose long-term policies that limit adverse impacts to critical resources while providing protection and management of fish, wildlife, and other natural and cultural resources. In addition, the RMP will provide guidelines for public health and safety, public access, and a wide variety of outdoor recreational opportunities.

The purpose and scope of the RMP is to provide background information, identify the policies and goals governing the management of Black Mesa State Park and Preserve and its incorporated resources, summarize the plan’s components, and provide descriptive and historical information related to the project.

The ultimate purpose of the RMP is to establish a management framework for the conservation, protection, enhancement, development, and use of the physical and biological resources at Black Mesa State Park and Preserve. With regard to Black Mesa State Park and Preserve, the RMP is to:

- Provide managers and decision-makers with long-term direction and guidance for the successful management of the resources at Black Mesa State Park and Preserve;
- Ensure that management of the resources is compatible with authorized purposes;
- Ensure that recreation experiences and facilities are compatible with other environmental resources;
- Ensure that planned developments are based on public need and the ability of the environmental resources to accommodate such facilities and use; and
- Resolve issues and concerns related to management of the environmental resources.

Planning Process

The planning process for preparation of this Resource Management Plan included discussion between research staff at Oklahoma State University (OSU) and management personnel from Oklahoma State Parks. In addition, the process incorporated (1) the acquisition of archival information from libraries, state parks, books, research reports, and other sources; (2) interviews of state park personnel; (3) records provided by state park management; (4) input from members of the public through surveys, comments cards, and focus groups; and (5) searches of the internet for information that expanded on other archives.

The purposes of public involvement are to inform the public and solicit public response regarding their needs, values, and evaluations of proposed solutions. Public involvement programs are designed not only to meet state and federal regulations, but also to include interested individuals, organizations, agencies, and governmental entities in the decision-making process. Techniques used for public involvement include interviews, workshops, advisory
committees, informational brochures, surveys, and public hearings. The process of public involvement is important to help strengthen the relationship between public and government agencies involved in the proposed plan. The relative success of public involvement techniques and the participation of supporting government agencies regarding the program, as a whole, is indicated by how well informed the public is and by how much the public has contributed to making environmentally sound, feasible decisions that are supported by a significant segment of the public. The public involvement process for the Black Mesa State Park and Preserve RMP is incorporated into the text of this document.

The original concept in preparation of an RMP is a federal action that requires compliance with the National Environmental Policy Act (NEPA); therefore, the public involvement process must fulfill the RMP and NEPA requirements as well as those of other entities. Oklahoma State Parks has committed the agency to follow a similar model at the state level for all state parks.

Representatives from OSU compiled and analyzed the data, using several public involvement methods, to gain insight into the concerns of the public and governmental agencies potentially affected by provisions of the Black Mesa State Park and Preserve RMP. The public involvement process offered citizens and various interest groups information about the project and its potential impacts. This course of action was used to gather information, ideas, and concerns regarding the different issues to be compiled and addressed to determine issues of public concern. The issues were then evaluated resulting in alternative solutions and recommendations for the park.

Finally, the RMP process included integration of global positional system (GPS) technology into Geographic Information System (GIS) software to document features and attributes within the park. This component of the process permits an on-going record of facilities with their respective attributes, locations, and conditions. As a result, the GPS and GIS components of the RMP process are integral to on-going implementation and application of the planning effort.

**Agencies Involved**

In 2006, Oklahoma State Parks, through the Oklahoma Tourism and Recreation Department (OTRD), contracted with Oklahoma State University to prepare Resource Management Plans for each park. This agreement has been renewed annually since 2006. The current agreement specified Black Mesa State Park and Preserve during 2012 – 2013, and the intent of the agreement is to continue the RMP process across all state parks in Oklahoma.

The RMP agreement became effective July 1, 2012 between Oklahoma Tourism and Recreation Department and Oklahoma State University. Following a meeting between OTRD and OSU staff, information, reports, and comment cards were provided to OSU for review. In accordance with the RMP contract, OSU performed research services and delivered reports to OTRD concluding with a written plan for Black Mesa State Park and Preserve in June 2013.

The authority for the agreement between OTRD and OSU is based upon Title 74 § 2213 as authorized by Engrossed Senate Bill 823 of the 2005 session: “The Commission may contract for the study, analysis, and planning as reasonably necessary to aid in determining the feasibility of leasing, selling or privately managing or developing the property or facilities under the control of the Commission. The Commission shall be exempt from the competitive bidding requirements of the Competitive Bidding Act for the purpose of soliciting, negotiating, and effectuating such a contract or contracts.”
Further, this authority is specified in Title 74 § 2215 which states: the Division of State Parks, subject to the policies and rules of the Commission shall formulate, establish, maintain, and periodically review, with public participation, a Resource Management Plan for each state park. The Resource Management Plan, upon approval by the Commission, shall be considered a guide for the development, utilization, protection, and management of the state park and its natural, cultural, historic, and recreational resources.

![North entry sign for Black Mesa State Park](image)

*Figure 1.1 – North entry sign for Black Mesa State Park*
Figure 1.2 – Fort Nichols and Santa Fe Trail markers outside the park

These signs and resources are located outside Black Mesa State Park
Chapter 2 – Project Description

About Black Mesa State Park and Preserve

The Division of State Parks, a part of the Oklahoma Tourism and Recreation Department, is governed by the laws of the state of Oklahoma. These laws define the authority for the Division and the context in which individual state parks are managed. Title 74 § 2214 of the Oklahoma Statutes states that the Division of State Parks shall, subject to the policies and rules of the Commission:

1. Conserve, preserve, plan, supervise, construct, enlarge, reduce, improve, maintain, equip and operate parkland, public recreation facilities, lodges, cabins, camping sites, scenic trails, picnic sites, golf courses, boating, and swimming facilities, and other similar facilities in state parks reasonably necessary and useful in promoting the public use of state parks under the jurisdiction and control of the Commission;

2. Supervise the management and use of state properties and facilities under the jurisdiction of the Commission. The Commission may adopt rules to lease concessions in any state-owned facility if the Commission deems it feasible;

3. Authorize those employees in the Park Manager job family classification series, as established by the Oklahoma Office of Personnel Management, to maintain administrative control over all facilities, programs, operations, services, and employees in the park to which they are assigned; and

4. Enforce the rules and policies governing the use of and conduct of patrons in all recreational facilities and properties of the Commission.

Purpose and Significance of Black Mesa State Park and Preserve

An initial requirement of the RMP process is the development of a purpose statement for the property under consideration. The process selected for the development of Resource Management Plans for state parks requires purpose statements and statements of significance for each park. These statements drive the decisions in planning for the respective parks, since individual parks in the state park system do not have identical purposes or intents.

At the initiation of this project, a purpose statement for Black Mesa State Park and Preserve did not exist. As a result, it was necessary that one be developed. Research staff from OSU worked with OTRD staff, representing Black Mesa State Park and Preserve and the broader agency, to develop a draft purpose statement. During that process staff created the following statement.

Black Mesa State Park and Preserve serve distinctly different, but related purposes. Oklahoma State Parks protects and provides for the public enjoyment of the natural, scenic, geological, and ecological values that exist within the properties encompassed by the park and preserve. As the highest point in Oklahoma, Black Mesa defines the principal attraction for the preserve, offering educational, research, and interpretive opportunities. Black Mesa State Park
provides important supporting recreational and lodging amenities encouraging regional recreation activity.

Similarly, in response to requests from the research staff, OTRD personnel, in cooperation with the research staff, developed a statement of significance for Black Mesa State Park and Preserve. That statement follows:

Black Mesa State Park and Preserve are significant for distinctly different, but related reasons. Black Mesa State Park provides minimally developed, but essential, recreation amenities in a distinctive environment and under-served portion of the state. As the only preserve in the Oklahoma State Park system, Black Mesa Preserve protects and provides public access to the highest point of elevation in Oklahoma. The park and preserve safeguard geological, archeological, paleontological, and ecological resources for recreational, educational, and interpretive experiences.

![Figure 2.1 - Utilization of purpose and significance statements](source: National Park Service)

Figure 2.1 demonstrates the inter-relationship of purpose and significance statements with the mission of the management agency in decisions related to a given park or property. This model has been developed by the National Park Service to assure consistency between the mission of the National Park Service and the operation of their respective properties. In a similar manner, park purpose statements and park significance must be consistent with the mission of the Oklahoma Tourism and Recreation Department.

**Geographic Location of Black Mesa State Park and Preserve**

Black Mesa State Park and Preserve are located in the extreme northwestern corner of Oklahoma in Cimarron County. Just north of the Preserve, the states of Oklahoma, New Mexico, and Colorado mark the three-state intersection. This three-corner intersection is commemorated with a monument atop Black Mesa (page 12), specifying distance and direction to that location.
**Figure 2.2 – Cimarron County, Oklahoma**
Source: Google Maps

**Figure 2.3 – Black Mesa State Park**
Inset detail for Black Mesa State Park
Black Mesa State Park is located 37 miles northwest of Boise City, Oklahoma, along highway 325. The park is accessible by county road N0080 leading northwest from highway 325. This county road (numbered D0073) passes through the park and continues north to again intersect with highway 325. From the park north, this road is numbered D0077. Similarly, Black Mesa State Preserve is slightly northwest of the state park accessible along a well-marked county road. Maps with various insets (Figure 2.3 and Figure 2.4) of Black Mesa State Park and Preserve show their respective locations in the rural environment of Cimarron County at the extreme northwestern edge of the state.

Cimarron County extends from the Colorado/Oklahoma border on the north to the Oklahoma/Texas border on the south. Texas County of Oklahoma borders Cimarron County to the east. To the west Cimarron County adjoins New Mexico. To the south, Cimarron County borders Texas. To the north, Cimarron County adjoins Colorado and Kansas. In this location, Cimarron County adjoins four states in addition to its home locale in Oklahoma.

Boise City is the county seat, with a population of 1,483. Maps of Oklahoma identify a number of small communities in the county including Kenton, Wheeless, Felt, Griggs, Keyes, and Sturgis.
Travel to and from Black Mesa State Park and Preserve requires access along federal Highway 64/412 extending east and west across the county. Highway 56 connects to federal Highway 64/412 in Boise City as well as linking with federal Highway 385 and Highway 287. Oklahoma State Highway 3 follows the route of Highway 64 to Boise City, and then heads north to the Colorado state line with Highway 287.

**Community and Regional Context**

**Brief History of Cimarron County**

The following history of Cimarron County was written by Norma Gene Young for the Oklahoma Historical Society and retrieved from the website for the Oklahoma Historical Society (http://digital.library.okstate.edu/encyclopedia/entries/C/CI003.html). Figures included in the following material are incorporated directly from this citation and credited to the Oklahoma Historical Society.

“Covering a total land and water area of 1,842.2 square miles, Cimarron County is the farthest west of the three Oklahoma Panhandle counties. Black Mesa, in the northeastern corner of the county, is the highest point in Oklahoma, rising to 4,972.97 feet above sea level. In the county’s northern portion the Cimarron River flows eastward turning north into Kansas, while the North Canadian, or Beaver River, traverses the county’s southern section. Cimarron is the only county in the United States that touches five states: Kansas, Colorado, New Mexico, Texas, and its own, Oklahoma. Kenton, in the far northwestern corner, is the only Oklahoma community on Mountain Time. The county is served by U.S. Highways 56/65/412 east and west and 287/385 north and south.

In the Black Mesa area numerous dinosaur tracks and fossils have been discovered, including examples of brontosaurus, camptosaurus, stegosaurus, and ceratosaurus. The area’s paleontological history is commemorated on State Highway 325 east of Kenton, where a replica of a brontosaurus femur on a pedestal sits outside a dinosaur quarry. Also near Kenton, the Kenton Caves contained artifacts that represent thousands of years of area occupation. A few of the finds include rock art, projectile points, potsherds, seeds, storage bags, cloth, shell jewelry, the desiccated body of a child, and other items. One of the last precontact groups to live in the area would have been the Antelope Phase Culture (between 1200 and 1500 A.D.). Francisco Vasquez de Coronado may have crossed the county on his return trip from Quivira in Kansas. At Castle Rock, a publicly inaccessible, controversial landmark, the explorer (or more likely a member of his party) may have been the one who inscribed the words
“Coronatto 1541” into the stone. Autograph Rock, northwest of Boise City, is a well-documented feature of the famed Cimarron Cutoff of the Santa Fe Trail, which transects Cimarron County. On the rock face are more than three hundred signatures dating from the early nineteenth century into the twentieth century. Cold Spring and Inscription Rock Historic District were listed in the National Register of Historic Places in 1994 (NR 94000317).

Prior to the Oklahoma Organic Act of May 2, 1890, there was no law in No Man’s Land, also called the Public Land Strip (now known as the Oklahoma Panhandle), and scant population in what later became Cimarron County. Of the inhabitants, some were felons searching for places to avoid the law, a few were sheep ranchers from New Mexico Territory, and several were cattle ranchers from surrounding states. There were no schools in the county and only one post office, Mineral City, before 1890.

In 1890 the entire Public Land Strip became Beaver County, Oklahoma Territory, and in that year the United States conducted the first census. Only two communities in the area, Carrizo (just over the line, in New Mexico Territory) and Mineral City, had enough residents to bother enumerating. Carrizo claimed eighty-three inhabitants and Mineral City ninety-eight. According to that census, the two earliest citizens, John Thredkell, from Kentucky, and Charles Grammar, a German immigrant, had been there since 1873. Earlier, a prominent New Mexican sheepherding family, the Bacas, ran sheep in the county. A few of their pastores, including Juan Cruz Lujan, continued sheep ranching in Cimarron County into the twentieth century.

At 1907 statehood Cimarron County was created, and within it were twenty post offices and fifty-six schools. In 1908 the Southwestern Immigration and Development Company of Guthrie, Oklahoma, composed of J. E. Stanley, A. J. Kline, and W. T. Douglas, established the town of Boise City. Seven communities fought for the county seat designation, including Boise City (approximately in the center of the county), Cimarron (three miles north of Boise City), Doby (five miles northwest of Boise City), Hurley (five miles northeast of Boise City), Willowbar (twelve miles east of Boise City), and Centerview (location unknown). Rail access arrived relatively late. The Elkhart and Santa Fe Railway completed a line from Elkhart, Kansas, into the county in 1925 and on into New Mexico in 1932, but service ended in 1942. The same corporation completed tracks from Colorado to Boise City in 1931 and south to Texas in 1937. Operated as part of the Atchison, Topeka and Santa Fe Railway system, by 2000 the remaining line was part of the Burlington-Northern Santa Fe system.

Until the county seat election of June 11, 1908, Kenton, which had previously been named the temporary county seat, held the county records. Boise City won a runoff election over Doby to
capture the designation. A Boise City contingent soon confiscated the county seat papers, prior to the end of the mandatory thirty-day waiting period, creating a controversy and a local legend that Boise City stole the courthouse.

Agriculture and cattle ranching remained the economic base throughout the twentieth century. Wheat and grain sorghum were important crops. After the area recovered from the 1930s devastating dust storms that centered in the Panhandle, the wheat harvest rose to a high of 4.7 million bushels in 1980; grain sorghum also peaked in 1980 at 4.6 million bushels. There were 481 farms in 2000, involving 1,077,004 acres of land. In the 1950s the county earnestly commenced natural gas and oil extraction, with 7,411,981 barrels of oil and 1,316,791,103 cubic feet of natural gas produced between 1979 and 1993. In 1959 a large extraction plant at Keyes began taking advantage of rich helium gas deposits beneath the area. Cimarron County’s per capita income in 2000 was $22,907, ranking ninth of the seventy-seven Oklahoma counties.

In 1907 the population stood at 5,927. Census counts have varied since statehood, generally trending lower, with 4,553 in 1910, 3,436 in 1920, 5,408 in 1930, 4,589 in 1950, 4,145 in 1970, 3,301 in 1990 and 3,148 in 2000. In 1930 the populations of the existing towns included Boise City, 746, Keyes, 252, Felt, 136, and Kenton, 96. During World War II 428 men and women from Cimarron County served their country. Population figures in 2000 revealed that the majority of residents were white, and Hispanics ranked second.

Historical and natural points of interest attract tourists to Cimarron County. Traces of the Santa Fe Trail can be seen at many locations. The remnants of Camp Nichols, a historic military site, are listed in the National Register of Historic Places (NR 66000628) and are a National Historic Landmark. Col. Christopher “Kit” Carson established the camp in 1865 to protect the Cimarron Cutoff. The lack of law enforcement in No Man’s Land attracted several outlaws, and one such group, led by William Coe, reportedly built a rock building on top of a strategically situated mesa that became known as Robbers’ Roost. Lake Carl Etling, inside the Black Mesa State Park, Rita Blanca National Grassland, and numerous mesas attract many hikers and outdoors enthusiasts to the area. The Cimarron Heritage House in Boise City interprets the county's history. Actor Vera Miles was born in Boise City, and western movie hero Jack Hoxie moved to Keyes after he retired from the film industry.”
Demographic and Socioeconomic Conditions and Impact

The U.S. Bureau of Census provides summary data related to the demographic profile of the residents of Cimarron County. The 2010 Census provided the statistical basis for the detail related to the population of Cimarron County in 2012.

The following tables provide this summary based upon data retrieved during May 2012 from http://factfinder2.census.gov.

Table 2.1 – Population of Cimarron County

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<th>Year</th>
<th>2000</th>
<th>2010</th>
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<td>Cimarron County</td>
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The population of Cimarron County has decreased at a rate of 21.4% over the past ten years, continuing – and accelerating – the decline in population addressed by Young in the history of Cimarron County.

Cimarron County shows a population with very little diversity by race, demonstrated by 84.7% of the population being White. This percentage is much higher than that demonstrated within the state of Oklahoma. By contrast related to ethnicity, Cimarron County presents a population with a considerably higher percentage of Hispanic residents (20.8%) than is true across Oklahoma (8.2%). This composition of the population is rooted in historic settlement of the area and in recent employment activity.

Table 2.2 on the following page provides detail on the population characteristics of Cimarron County. Of particular note is the median age in Cimarron County at 45.8 years, whereas the state of Oklahoma shows a median age of 36.3 years. This composition of population affects the local workforce and recreation activity, as well as educational opportunities throughout the county.

The residents of Cimarron County are older than the general population of Oklahoma, with a higher percentage of one race (White). However, the residents of Cimarron County also reflect a higher percentage of Hispanic ethnicity than is true across the state of Oklahoma.
Table 2.2 – Demographic Characteristics of the Population

<table>
<thead>
<tr>
<th>Factor</th>
<th>Detail on factor</th>
<th>Cimarron County Number (Percent)</th>
<th>Oklahoma Number (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sex and Age</td>
<td>Male</td>
<td>1,232 (49.8%)</td>
<td>1,816,749 (49.4%)</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>1,243 (50.2%)</td>
<td>1,858,590 (50.6%)</td>
</tr>
<tr>
<td></td>
<td>Median age (years)</td>
<td>42.7</td>
<td>36.3</td>
</tr>
<tr>
<td></td>
<td>Under 18 years of age</td>
<td>630 (25.5%)</td>
<td>911,484 (24.8%)</td>
</tr>
<tr>
<td></td>
<td>18 years of age and over</td>
<td>1,845 (74.5%)</td>
<td>2,762,318 (75.2%)</td>
</tr>
<tr>
<td></td>
<td>65 years of age and over</td>
<td>530 (21.4%)</td>
<td>491,422 (13.5%)</td>
</tr>
<tr>
<td>Race</td>
<td>White</td>
<td>2,097 (84.7%)</td>
<td>2,720,135 (72.2%)</td>
</tr>
<tr>
<td></td>
<td>Black or African American</td>
<td>6 (0.2%)</td>
<td>267,179 (7.4%)</td>
</tr>
<tr>
<td></td>
<td>American Indian/Alaskan Native</td>
<td>19 (0.8%)</td>
<td>259,809 (8.6%)</td>
</tr>
<tr>
<td></td>
<td>Asian</td>
<td>8 (0.3%)</td>
<td>61,581 (1.7%)</td>
</tr>
<tr>
<td></td>
<td>Native Hawaiian/Pacific Islander</td>
<td>0 (0.0%)</td>
<td>3,967 (0.1%)</td>
</tr>
<tr>
<td></td>
<td>Two or more races</td>
<td>45 (1.8%)</td>
<td>263,896 (7.2%)</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>Of any race</td>
<td>514 (20.8%)</td>
<td>302,167 (8.2%)</td>
</tr>
</tbody>
</table>

Table 2.3 on the following page reports the household characteristics of the population in Cimarron County. The aging nature of the population is again revealed with a much higher percentage of households in Cimarron County (36.9%) having one or more members of the household over the age of 65 than is true in the general population of Oklahoma (9.9%). Cimarron County also shows a higher percentage of vacant housing units (34%) than is true in the rest of Oklahoma (13.5%), an indication of the declining population.
Table 2.3 – Household Characteristics in Cimarron County

<table>
<thead>
<tr>
<th>Household Related Factor</th>
<th>Cimarron County Number (Percent)</th>
<th>Oklahoma Number (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of households</td>
<td>1,047</td>
<td>1,421,705</td>
</tr>
<tr>
<td>Population in households</td>
<td>2,468 (99.7%)</td>
<td>3,563,497 (96.9%)</td>
</tr>
<tr>
<td>Households with a child or children under 18</td>
<td>277 (26.5%)</td>
<td>425,149 (29.9%)</td>
</tr>
<tr>
<td>Households with person 65 years and over</td>
<td>386 (36.9%)</td>
<td>140,851 (9.9%)</td>
</tr>
<tr>
<td>Occupied housing units</td>
<td>1,047 (66.0%)</td>
<td>1,421,705 (86.5%)</td>
</tr>
<tr>
<td>Vacant housing units</td>
<td>540 (34.0%)</td>
<td>222,523 (13.5%)</td>
</tr>
<tr>
<td>Owner occupied housing units</td>
<td>761 (72.7%)</td>
<td>969,959 (68.2%)</td>
</tr>
<tr>
<td>Renter occupied housing units</td>
<td>286 (27.3%)</td>
<td>451,746 (31.8%)</td>
</tr>
</tbody>
</table>

Another characteristic on which the population of Cimarron County differs from the general Oklahoma population is household income. The median household income in Cimarron County is lower than the statewide average. Median household income as reported by the U.S. Bureau of Census may be somewhat misleading: by definition 50% of the population in the county is above the median income level and 50% is below that number. The mean household income in Cimarron County is $48,141, an indication that a small number of households are doing quite well, while a large number of households are at the lower end of the income base. Ten households in Cimarron County (0.9%) reported incomes exceeding $150,000, whereas 511 (48.8%) reported household incomes below $50,000.

It is important to recognize that about 20% of the population of Cimarron County is identified as being below federal poverty guidelines. The percentage of households below poverty levels and the percentage of individuals in those households are above the comparable statistics for the state of Oklahoma. It can be concluded that the residents of Cimarron County present household economic conditions lower than the comparable financial characteristics for Oklahoma households.

Table 2.4 – Financial Characteristics in Cimarron County

<table>
<thead>
<tr>
<th>Characteristic or Factor</th>
<th>Cimarron County</th>
<th>Oklahoma</th>
</tr>
</thead>
<tbody>
<tr>
<td>Median household income</td>
<td>$34,096</td>
<td>$42,979</td>
</tr>
<tr>
<td>Households below poverty level</td>
<td>16.4%</td>
<td>11.9%</td>
</tr>
<tr>
<td>Individuals below poverty level</td>
<td>20.2%</td>
<td>16.2%</td>
</tr>
</tbody>
</table>
Residents of Cimarron County also present education characteristics that are associated with the financial status of the county. In Cimarron County, the greatest variation from the statewide educational pattern is in the percentage of individuals with less than a 9th grade education. It is also evident that a lower percentage of Cimarron County residents have earned college degrees at any level. This may reflect the out-migration of younger members of the population. Education levels have been shown to be highly correlated with other economic measures.

**Table 2.5 – Education Characteristics in Cimarron County**

<table>
<thead>
<tr>
<th>Educational Attainment</th>
<th>Cimarron County Number (Percent)</th>
<th>Oklahoma Number (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 9th grade</td>
<td>220 (13.0%)</td>
<td>115,248 (4.8%)</td>
</tr>
<tr>
<td>9th to 12th grade, no diploma</td>
<td>130 (7.7%)</td>
<td>232,987 (9.8%)</td>
</tr>
<tr>
<td>High school diploma or equivalency</td>
<td>623 (36.8%)</td>
<td>775,478 (32.6%)</td>
</tr>
<tr>
<td>Some college, no degree</td>
<td>328 (19.4%)</td>
<td>559,367 (23.5%)</td>
</tr>
<tr>
<td>Associate degree</td>
<td>107 (6.3%)</td>
<td>159,557 (6.7%)</td>
</tr>
<tr>
<td>Bachelor’s degree</td>
<td>247 (14.6%)</td>
<td>362,043 (15.2%)</td>
</tr>
<tr>
<td>Graduate or professional degree</td>
<td>39 (2.3%)</td>
<td>176,139 (7.4%)</td>
</tr>
</tbody>
</table>

Another demographic factor that is highly correlated with financial characteristics and educational characteristics is employment. The employment figures for Cimarron County are reported in Table 2.6. As of 2010, Cimarron County reported unemployment to be approximately 3.7% as compared with a statewide 7.7%, better conditions than nationally in 2010.

**Table 2.6 – Employment Characteristics in Cimarron County**

<table>
<thead>
<tr>
<th>Characteristic or Factor</th>
<th>Cimarron County Number (Percent)</th>
<th>Oklahoma Number (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population in the labor force (16 years and over)</td>
<td>1,222 (63.0%)</td>
<td>1,806,858 (63.0%)</td>
</tr>
<tr>
<td>Employed</td>
<td>1,192 (97.5%)</td>
<td>1,674,765 (92.3%)</td>
</tr>
<tr>
<td>Private wage and salary workers</td>
<td>634 (53.2%)</td>
<td>1,260,965 (75.3%)</td>
</tr>
<tr>
<td>Government workers</td>
<td>320 (26.8%)</td>
<td>285,562 (17.1%)</td>
</tr>
<tr>
<td>Self-employed (non-incorporated business)</td>
<td>226 (19.0%)</td>
<td>124,013 (7.4%)</td>
</tr>
<tr>
<td>Unpaid family workers</td>
<td>12 (1.0%)</td>
<td>4,225 (0.3%)</td>
</tr>
</tbody>
</table>
Another demographic factor that assists in understanding the local population is related to persons with disabilities. The 2010 census reported that among those persons in Cimarron County between the age of five and seventeen, there are 41 individuals (7.7%) of the population with a disability. This percentage increases in the population from ages 21 to 64 years to 13.4% or 190 individuals. Among those persons aged 65 years or more, 46.7% or 248 individuals have one or more disabilities.

In summary, Cimarron County comprises an extreme rural area with approximately 1.34 persons per square mile as compared to an average of 50.3 for Oklahoma. The largest community in the county (Boise City) reports almost 60% of the populace for Cimarron County. That population shows an average household income lower than the statewide average; a larger percentage of Cimarron County residents are below the poverty level than is true statewide. The residents of the county have achieved educational levels beyond high school diplomas at lower percentages than is true statewide.

**Competing and Complementary Recreational Opportunities**

Extreme northwestern Oklahoma encompasses an area of limited population and few public recreation areas. However, The Comanche National Grasslands, managed by the U.S. Forest Service in the Department of Agriculture, offers terrain similar to that within Black Mesa State Park and Preserve. The Comanche National Grasslands are located immediately north of Cimarron County in Colorado. These grasslands include a few primitive campsites and picnic areas, areas for hiking, and public access locations associated with hunting leases. Similarly, about thirty miles south of Black Mesa State Park, the Rita Blanca National Grasslands include portions of Oklahoma and Texas, extending into New Mexico as the Kiowa National Grasslands. These grasslands offer similar facilities to those within the Comanche National Grasslands. In like manner, Cimarron National Grassland in southwestern Kansas provides comparable recreation opportunities to those in the Comanche and the Rita Blanca grasslands.

The closest state park to Black Mesa State Park and Preserve is Clayton Lake State Park in New Mexico, about 50 miles from Black Mesa State Park. Clayton Lake State Park offers 23 sites for camping, a visitor center and observatory, plus day use areas for picnicking and lake access. As shown in Figure 2.5, Clayton Lake State Park offers a similar appearance to the terrain in the vicinity of Black Mesa State Park. In conversations with visitors to Black Mesa State Park, several individuals revealed personal preferences for the Oklahoma state park over the New Mexico state park. The rationale for this preference tended to be based on amenities provided in

![Figure 2.5 – Clayton Lake State Park, New Mexico](http://www.emnrd.state.nm.us/SPD/claytonlakestatepark.html)
the respective parks, maintenance of the individual parks, and management practices. Based on these comments, the distance between the two parks, and the relatively poor roads to travel, it is unlikely that Clayton Lake State Park attracts the same clientele as does Black Mesa State Park.

Several private camps and “bed and breakfast” accommodations in the vicinity of Black Mesa State Park offer group lodging. However, the level of service and amenities offered by these camps varies greatly from the quality of the lodging and other accommodations at Black Mesa State Park.

A complementary resource benefiting Black Mesa State Park and Preserve is the Great Plains Trail of Oklahoma, a cooperative venture of several organizations including Oklahoma Wildlife and Prairie Heritage Alliance, Oklahoma Department of Wildlife Conservation, Oklahoma Tourism and Recreation Department, Playa Lakes Joint Venture, Oklahoma Economic Development Authority, High Plains RC&D, and Great Plains RC&D. Black Mesa State Park and Preserve are identified stops on the Black Mesa Loop of the Great Plains Trail, highlighted because of its high point in Oklahoma, its topography along Carrizo Creek, and bird-watching opportunities.

The Great Plains Trail is marked along Oklahoma highways with signs as shown in Figure 2.6. In addition, visitors traveling the trail benefit from printed materials, web-based materials, and additional support information to enrich the travel experience along the route.

**Regional and Park History**

As indicated in the prior discussion of regional history and context for this area in Cimarron County, the area surrounding Black Mesa State Park and Preserve has a long and colorful interaction between humans and the environment. Clearly the history of the region predates human activity as the geology of the area includes Triassic and Jurassic rock formations. Geologists indicate that the structure of Black Mesa represents over 140 million years of geological history. Among the life forms that predated human activity in the area were numerous dinosaurs including the Brontosaurus, Stegosaurus, Ornithopoda, and the Allosaurus. Between 1935 and 1942, J. Willis Stovall mapped the geology of the area and led multiple archeological expeditions throughout the county.

The region extending into northern New Mexico and southern Colorado was inhabited by various groups of people, including the famous “Folsom man.” Archeological evidence shows that some of these early inhabitants established agricultural societies while others cultures were more nomadic. More recent Plains Indians were primarily nomadic societies and included the contemporary nations of Kiowa, Comanche, Cheyenne, and Arapaho.

In 1933, local residents discovered a mummified body in a cave near Kenton, Oklahoma. The story of the archeological find was carried by the Associated Press (Figure 2.7 on the following page) and published in nationwide newspapers. Mummy Cave remains a local attraction, documenting the intrigue of human activity in the region.
Additional historical evidence was revealed from an inscription carved upon a canyon wall in old Castilian text as “Coronatto 1541.” This inscription is believed to be evidence of Spanish explorers associated with Coronado who explored this region in the 1500s, although there are questions of its authenticity. This inscription, as with the Mummy Cave, is on private property, not immediately accessible from Black Mesa State Park and Preserve.

An unmistakable aspect of the attraction associated with Black Mesa State Park and Preserve is the dramatic local environment, vastly different from the rest of Oklahoma. For most visitors coming from areas to the east, the drive across the Panhandle of Oklahoma contrasts sharply with the change in topography, the open range, the mesas and plateaus in northwestern Cimarron County.

The immediate history of Black Mesa State Park and Preserve is documented in property files included in Appendix A. This history includes cooperation between the Oklahoma Department of Wildlife Conservation, the Commissioners of the Land Office responsible for school lands in Oklahoma, the Nature Conservancy, and the Oklahoma Tourism and Recreation Department.

The Oklahoma Department of Wildlife Conservation constructed an impoundment of South Carrizo Creek in 1958. This impoundment permitted the retention of waters named Lake Carl Etling. Lake Carl Etling was designed to have a surface area of 159 acres, a volume of 1,717 acre
feet of water, with an average depth of 10.8 feet. Severe drought since 2005 has severely limited the water levels in Lake Carl Etling,

**Figure 2.9 – Lake Carl Etling**
Above: lake levels in 2012
Right: photo from Kenton Museum of flooding into Black Mesa State Park
Figure 2.10 - Lake Carl Etling
Source: Oklahoma Department of Wildlife Conservation
With the development of the dam, ODWC also included minimal recreation access areas primarily designed for anglers. Following the development of Lake Carl Etling, OTRD entered an agreement with ODWC on December 5, 1960 to manage 210 acres, more or less, including 159 surface acres of water as Black Mesa State Park. An additional permanent lease of 259 acres of school land through the Commissioners of the Land Office provided the basis of 310 acres of land and the 159 acres of Lake Etling for Black Mesa State Park. The OTRD agreement with ODWC was amended in 1983 to update agency titles and place all ODWC lands under OTRD oversight.

In August 1959, the state of Oklahoma purchased 90 acres at the top of Black Mesa from Cecil and Marie Walker. However, owning the top of the mesa provided little opportunity for public access or recreational use of the property. During the latter decades of the 20th century, the Nature Conservancy began acquisition of additional properties adjoining the mesa. For the Nature Conservancy, these properties had “aesthetic, scientific, educational and ecological value” in an area that had not been subject to development or exploitation. On April 11, 1991, OTRD acquired 1,460 acres from the Nature Conservancy. During 1991 and into 1992, OTRD acquired an additional 160 acres by special warranty deeds, thereby consolidating 1,620 acres with the former 90 acres to form Black Mesa Nature Preserve—a total of 1,710 acres.

The actual top of Black Mesa extends into New Mexico and Colorado beyond the boundaries of the Nature Preserve.

The agreement for the state of Oklahoma to acquire the Black Mesa Nature Preserve includes several covenants detailed in Appendix A. In summary, these covenants require OTRD to manage the Nature Preserve with minimal environmental impacts.

**Natural Resources in the Park**

**Climate and Air Quality**

Using the Koeppen classification of climate types, Cimarron County is in the Midlatitude Steppe—a dry climate with deficient precipitation during most of the year. Average precipitation for Cimarron County ranges from 15 to 20 inches per year, with a reported average of 17.26 inches. This precipitation may include about 26.5” of snow annually, with the balance of precipitation occurring largely from thunderstorms during the spring and summer. Temperatures average 56°F, with the coldest average temperature occurring in January (33°F) and the warmest average temperature occurring in August (72°F). The highest recorded temperature in Cimarron County occurred June 29, 1998, in Boise City at 109°F. Similarly, the lowest recorded temperature (-24°F) occurred in Boise City on January 4, 1959.

Winds from the south to southwest are quite dominant, averaging just over twelve miles-per-hour. Relative humidity, on average, is 57% during the day. During the year, humidity is highest in May and June and lowest in August. Winter months tend to be cloudier than summer months. The percentage of possible sunshine ranges from an average of about 55% in winter to nearly 70% in summer.

Thunderstorms occur on about 40 days each year, predominantly in the spring and summer. During the period 1950 – 2003, Cimarron County recorded 31 tornadoes. Cimarron County typically has about two events each year of hail exceeding one inch in diameter. As information
collection has improved, both the number of reported tornadoes and the number of severe hail events have increased (OK Climatological Survey).

The Pollution Information Site (Scorecard) reports that 94% of all days in Cimarron County show good air quality, with the primary pollutants being particulate matter (PM-2.5 and PM-10). Having said that, according to the Clean Air Task Force website, Cimarron County is at the 80th percentile for PM-2.5 and 90th percentile for PM-10 emissions placing it among the “dirtiest counties in the United States” (Clean Air Task Force).

**Archeology of Black Mesa State Park and Preserve**

While archaeological evidence was reported in the history of Cimarron County, an archeological survey of Black Mesa State Park and Preserve has not been completed. J. Willis Stovall and other geologists initiated archeological efforts in Cimarron County between 1935 and 1942. Others have followed with a greater emphasis on archeology rather than geology. Roger S. Saunders prepared *Archeological Resources of Black Mesa State Park, Cimarron County, Oklahoma* with support from the Oklahoma Archeological Survey.

The Oklahoma Archeological Survey (2012) reports several findings in caves near Kenton, OK. While these caves and other quarries are in the region, they are outside the boundaries of Black Mesa State Park and Preserve. The OK Archeological Survey notes, “The Kenton Caves, as important archeologically as they are, could have answered all these questions had the archeological excavations been carried out in a scientific manner. The Kenton Caves and other sites around the world like them have taught archeologists a valuable lesson in the importance of preserving sites for future generations when scientific advances will allow even more information to be gleaned from the archeological record.”

Because of the potential richness and value of properties at Black Mesa State Park and Preserve, a thorough archeological survey would be necessary prior to further development.

**Topography**

Black Mesa State Park and Preserve is situated in the Interior Plains using the Fenneman Physiography Classification. This ecoregion extends northwest from a diagonal line from Oklahoma’s northeastern corner to Lake Texoma. The Panhandle of Oklahoma lies within the Great Plains province in the Fenneman classification. Much of Cimarron County is in the High Plains section of that province, but the northwest corner, including Black Mesa State Park and Preserve, is located in the Raton province of the Great Plains.

The region is dominated by Black Mesa, a 180-million-year-old basalt lava flow, measuring fifty-five miles long, six hundred feet thick, and one-half to eight miles wide. This lava flow originated from a Colorado volcano named Piney Mountain located sixty-five miles north-northwest of Oklahoma.

**Geology**

Cimarron County and Black Mesa State Park and Preserve are situated in the Dalhart Basin as shown in Figure 2.1. According to Charpentier (2010) the Dalhart Basin encompasses most of Cimarron County. Other geologists provide differing classifications and explanations for the geology of Cimarron County. Stovall is credited with the most extensive work, establishing the
geologic map of Cimarron County and basic geology of the area with only minimal improvements in the past sixty years.

![Figure 2.11 – Geological regions in Oklahoma](image)

Source: Charpentier (2010)

Quoting from Suneson and Luza with the Oklahoma Geological Survey (A Field Trip Guide to the Geology of the Black Mesa State Park Area, Cimarron County, Oklahoma): “The oldest rocks are Triassic (more specifically Carnian and early Norian, i.e., 231 to 215 million years old) . . . the two Triassic formations that occur in this area – the older Sloan Canyon Formation overlain by the younger Sheep Pen Sandstone. . . The middle Jurassic Exeter Sandstone is overlain by the late Jurassic Morrison Formation. The Morrison is about 150 to 134 million years old and . . . is famous throughout the western United States for the dinosaur bones and footprints that are found in it. . . The late Jurassic Morrison Formation is overlain by a series of conformable early to late Cretaceous formation that range in age from about 106 million years to 92 million years.”

**Soil**

The Natural Resources Conservation Service (NRCS) gathers data and prepares custom soil resource reports for specific areas. In each report they define various terms related to soils and the related capacities. Soils with similar profiles make up a soil series. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.
Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, *Alpha silt loam, 0 to 2 percent slopes*, is a phase of the *Alpha* series. Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. *Alpha-Beta complex, 0 to 6 percent slopes*, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. *Alpha-Beta association, 0 to 2 percent slopes*, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. *Alpha and Beta soils, 0 to 2 percent slopes*, are an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. *Rock outcrop* is an example of a miscellaneous area (NRCS, 2010).

Information about soils in the study area provides background information about suitability for recreational development.

**Soil Suitability for Recreational Development**

The discussion of suitability of soils for recreational development will focus on Black Mesa State Park because of covenants limiting development at Black Mesa Nature Preserve. Figure 2.11 on the following page details the soil at Black Mesa State Park. The upper elevations of the park area, almost 40% of the park, are Travessilla stony loam with 3 to 12 percent slopes. The next most common composition, approximately 20% of the park, is Travessilla Rock outcrop.

A major concern related to these soils is the risk of corrosion of steel and iron structures due to soil-induced electrochemical or chemical action. The risk is rated as “high” throughout Black Mesa State Park.

A second issue related to soils in the park is associated with limitations for construction of roads and streets. This limitation is affected by excavation and grading to bedrock or cemented pan. The entire park area shows limitation for such development.

The potential for erosion is also severe throughout the park, with particular emphasis on those areas with greater slope. A final concern for the soil in the park is the potential for severe damage to nutrient, physical, and biotic soil condition by fire. The entire park is rated as “high risk” for such damage.
Figure 2.12 – Soil map of Black Mesa State Park
Source: Natural Resource Conservation Service
In the same manner, the soil map for Black Mesa Nature Preserve is presented in Figure 2.1 on the following page. As mentioned earlier, the covenants associated with ownership and management of this property limit development. However, OTRD does have the option of construction of a nature center on up to ten acres of the Nature Preserve. This ten-acre limit places restrictions on development of the Nature Preserve.

As is true with the state park property, the Nature Preserve also shows a high risk for corrosion of steel and iron elements in construction. This is true for the entire property.

The Travessilla stony loam and Travessilla-Rock outcrop formations, comprising almost 45% of the property, show high potential for damage by fire. Such damage is related to potential destruction of nutrient, physical, or biotic soil characteristics. Much of this is also associated with locations of greater slope. Fire would decrease vegetation and increase the potential for erosion.

<table>
<thead>
<tr>
<th>Map Unit Symbol</th>
<th>Map Unit Name</th>
<th>Acres in AOI</th>
<th>Percent of AOI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bc</td>
<td>Kim loam, 3 to 5 percent slopes</td>
<td>116.0</td>
<td>16.0%</td>
</tr>
<tr>
<td>Ca</td>
<td>Carnero loam, 1 to 3 percent slopes</td>
<td>35.7</td>
<td>4.9%</td>
</tr>
<tr>
<td>DAM</td>
<td>Large dam</td>
<td>1.5</td>
<td>0.2%</td>
</tr>
<tr>
<td>La</td>
<td>Coralina loamy fine sand, 0 to 1 percent slopes, occasionally flooded</td>
<td>4.6</td>
<td>0.6%</td>
</tr>
<tr>
<td>RF</td>
<td>Travessilla-Rock outcrop complex, 10 to 50 percent slopes</td>
<td>145.5</td>
<td>20.1%</td>
</tr>
<tr>
<td>Sa</td>
<td>Manzano clay loam, 0 to 1 percent slopes, occasionally flooded</td>
<td>22.3</td>
<td>3.1%</td>
</tr>
<tr>
<td>Ta</td>
<td>Travessilla stony loam, 3 to 12 percent slopes</td>
<td>265.7</td>
<td>39.5%</td>
</tr>
<tr>
<td>W</td>
<td>Water</td>
<td>112.1</td>
<td>15.5%</td>
</tr>
<tr>
<td><strong>Totals for Area of Interest</strong></td>
<td></td>
<td><strong>723.5</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

**Figure 2.13 – Legend for soil map on the previous page**
Source: Natural Resource Conservation Service
Figure 2.14 – Soil map of Black Mesa Nature Preserve

Source: NRCS
Hydrology

Cimarron County straddles portions of five watersheds, all of which cross the state’s borders into the surrounding states. These watersheds are shown in Figure 2.15 and identified as follows:

- 11040001 – Cimarron Headwaters (CO, NM, OK)
- 11040002 – Upper Cimarron (KS, CO, NM, OK)
- 11090103 – Rita Blanca (NM, OK, TX)
- 11100101 – Upper Beaver (NM, OK, TX)
- 11100103 – Coldwater (NM, OK, TX)

The watershed of immediate proximity to Black Mesa State Park is the Upper Cimarron. The watershed of immediate proximity to Black Mesa Nature Preserve is the Cimarron Headwaters. All water from the county flows in a general southeastward direction into either the Cimarron River or the North Canadian (Beaver) River.

Surface waters in both watersheds have been identified as having impairments from lack of dissolved oxygen, sulfates, and enterococcus bacteria.

More specific information is provided by the Oklahoma Water Resources Board regarding water quality in Lake Carl Etling. The OWRD map on the following page and the Beneficial Use Monitoring Program (BUMP) in Figure 2.16 provide these details.

The 2008 BUMP report is somewhat dated, but provides the most recent information available. However, water levels in Lake Etling have declined significantly since 2005. At that time the water did not support wildlife propagation or meet aesthetic criteria. It was rated as supporting full body contact recreation. With reduction in volume of water, it is likely that there has been a correlated reduction in water quality.
Figure 2.16 – Lake Carl Etling
Source: Oklahoma Water Resources Board
### Figure 2.17 – BUMP report for Lake Carl Etling

Source: Oklahoma Water Resources Board
Vegetative Cover

Black Mesa State Park and Preserve is in the Juniper-Piñon Woodland area using the Kuchler Vegetation Classification. The southern portion of Cimarron County is classified as Bluestem-Grama Prairie, whereas the northeastern portion of the county is Sandsage-Bluestem Prairie.

The Lenihan Vegetation Classification identifies these areas with slightly different descriptors. The southern portion of Cimarron County is Shortgrass Prairie, with the northeastern corner identified as Tall Grass Prairie. The northwestern portion of the county, including Black Mesa State Park and Preserve is classified as Southwest Forest (Great Basin) using the Lenihan classification. This ecosystem supports distributions of *pinus edulis* or piñon pine, also known as the two-needle pine, as shown in Figure 2.18.

![Figure 2.18 – Juniper-Piñon Woodland](image)

Wildlife

As is true with all Oklahoma state parks, Black Mesa State Park and Preserve is a wildlife sanctuary. Due to its substantial size and location, Black Mesa State Park and Preserve serves a variety of roles for many forms of wildlife. For some, Black Mesa State Park and Preserve is a temporary or seasonal habitat as part of the migratory movement of birds and animals through the area. For others, Black Mesa State Park and Preserve may be the permanent habitat, providing an appropriate setting for the entire lifecycle.

The plateau, mesa, canyon, and prairie environment of Black Mesa State Park and Preserve provide a habitat for wildlife that is rarely found in other portions of Oklahoma. The Oklahoma Department of Wildlife Conservation reports patterns observed during field surveys. Among these patterns is a general decline in recent years of most raptors including ferruginous hawks, loggerhead shrikes, and Swainson’s hawks. By contrast, the number of Chihuahuan raven nests increased in recent years. Oklahoma is one of the top 10 states nationally for winter eagle viewing. Cimarron County offers opportunities throughout the year to observe bald eagles and occasional golden eagles.

During preparation of the RMP, research staff members were fortunate to encounter some of the variety of wildlife common to the Black Mesa area. Birds common to this region include several on the eastern fringe of preferred habitat as well as many more commonly found within the main
body of Oklahoma. Cimarron County is also home to white-tailed deer, Mule deer, elk, bighorn sheep and pronghorn antelope among the larger ungulates. As shown in Figure 2.19, Horned lizards, numerous lizards, and locusts add to the variety of wildlife found in and around Black Mesa State Park and Preserve. Additionally, several species of bats can be regularly observed in the evenings throughout the property. Bobcats and mountain lions are also reported, with video evidence of their presence.

**Nuisance Species**

Feral hogs are also present in Cimarron County, having been first observed in the county during the decade of the 1990s. The estimated feral hog density for Cimarron County was less than 13 hogs per square mile. At present, four small groups of feral hogs have been identified in various locations across Cimarron County (Stevens, 2007). One of those herds of feral hogs is located along the Cimarron River.

**Endangered or Threatened Species**

At present there are no state-listed threatened or endangered species listed for Cimarron County. However, federally listed endangered and threatened species that may be present in Cimarron County include: Lesser Prairie Chicken (*Tympanuchus pallidicinctus*), Interior Least Tern (*Sterna antillarum*), and Mountain Plover (*Charadrius montanus*). The Interior Least Tern is listed as endangered, whereas the Lesser Prairie Chicken and the Mountain Plover are candidate species under evaluation.

As is true across much of Oklahoma, the Interior Least Tern is a migratory bird that nests along isolated areas of several rivers. As a result, the Interior Least Tern is less likely to be
in Black Mesa Preserve and more likely to visit Lake Carl Etling in Black Mesa State Park. The Interior Least Tern is migratory and may be present during spring and summer.

The Mountain Plover was proposed for listing and protection, but was removed from the list of considered species in 2003. Mountain Plovers nest in sparsely vegetated habitats, including short-grass prairies, sage brush, and semi-desert environments – making Black Mesa State Park and Preserve to be ideal habitat.

Figure 2.22 – Lesser Prairie Chicken
Source: ODWC

The Lesser Prairie Chicken is identified by the Oklahoma Department of Wildlife Conservation as a species of greatest conservation need in Oklahoma. Nesting hens tend to avoid vertical structures – including wind turbines, transmission lines, and signs – because such structures provide roosting locations for hawks, eagles, and owls.

There are several measures in place to aid in conservation of the Lesser Prairie Chicken and its habitat. These efforts include the Lesser Prairie Chicken Habitat Conservation Program, designed to work with private landowners to enhance and manage habitat. Oklahoma has also developed The Oklahoma Lesser Prairie Chicken Spatial Planning Tool (OLEPCSPT 2010) to reduce adverse effects of development upon the Lesser Prairie Chicken and its habitat. This tool is designed to quantify the value of every acre within the range of habitat for the Lesser Prairie Chicken.

**Accessibility**

The Oklahoma State Parks Division strives for accessibility for those with disabilities in all park locations and facilities and has an access plan for the Division. Many parks and facilities were designed and constructed before the passage of the 1990 Americans with Disabilities Act (ADA), and well before the Americans with Disabilities Act Accessibility Guidelines (ADAAG) were developed. Further, by its very nature, the natural environment may not lend itself to easy access for those with mobility impairments.

The technical provisions of the ADA permit deviation from the stated guidelines. These provisions allow deviation from full compliance if accessibility cannot be provided because (1) compliance would cause substantial harm to cultural, historic, religious or significant natural features or characteristics; (2) substantially alter the nature of the setting or purpose of the facility; (3) require construction methods or materials that are prohibited by federal, state or local regulations or statutes; or (4) would not be feasible due to terrain or the prevailing construction practices.
In 2007, the United States Access Board issued a Notice of Proposed Rule Making (NPRM) for outdoor developed areas. These rules and their associated interpretations have direct bearing on the consideration of access in Black Mesa State Park and Preserve. The minimum requirements found in the NPRM for outdoor developed areas are based on several principles developed through the regulatory negotiating process. They include (U.S. Access Board, 2009):

1. Protect the resource and environment
2. Preserve the experience
3. Provide for equality of opportunity
4. Maximize accessibility
5. Be reasonable
6. Address safety
7. Be clear, simple, and understandable
8. Provide guidance
9. Be enforceable and measurable
10. Be consistent with Americans with Disabilities Act Accessibility Guidelines (as much as possible)
11. Be based on independent use by persons with disabilities

Trails that currently exist in the recommended properties are all natural surfaces, although several of the properties have hard surface sidewalks in the developed areas. Any one designated trail may make use of all or several surface types. If major trail redesign or construction were to occur, it would be important to ensure compliance with the ADA standards where appropriate. The NPRM addresses ten provisions that must be considered related to trail accessibility. These provisions are:

1. Surface – must be firm and stable
2. Clear tread width – minimum of 36 inches
3. Openings in surface – may not permit passage of sphere one-half inch in diameter
4. Protruding object – minimum of 80” of clear headroom above the trail
5. Tread obstacles – cannot exceed a maximum of two inches
6. Passing space – minimum of 60” by 60” at intervals of 1000’ or less
7. Slope – addresses cross slope and running slope
8. Resting intervals – at least 60” in width
9. Edge protection – not necessarily required, but may be provided
10. Signage – information on distance and departure from technical provisions

Figure 2.23 – Accessible Trail Signage
An example of possible signage for trails as suggested by the National Center on Accessibility is shown in Figure 2.23 on the previous page. As of 2010, no specific signs have been designated for universal communication related to accessible trails. However, these signs communicate the concept of accessibility in outdoor developed recreation spaces that include trails.

Other considerations related to access for persons with disabilities include “Braille trail” concepts that allow persons with visual limitations to enjoy the features of a trail. This is particularly true if the trail is interpretive in nature, with signs communicating information related to natural, cultural, historic, or other significant topics related to the park environment.

In an effort to fully disclose the extent of accessibility within state parks, the Oklahoma State Park Division developed terms to describe two levels of access; these terms are used in State Parks publications: accessible and usable.

Accessible indicates that the park “substantially complies with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). The facility is connected with a barrier-free-route-of-travel from an accessible parking area.”

Usable indicates that the “facility allows significant access. Some individuals with disabilities may have difficulty and need assistance. Due to topography and the primitive nature of some sites, parking and connecting routes may not be accessible to all with disabilities” (OTRD, 2007).

OTRD began development of the properties at Black Mesa State Park before the passage of the ADA; thus, many of the established structures do not meet the explicit requirements of the law. In several locations, OTRD has added accessible restrooms, developed hard surface campsites, installed walkways, and made other efforts to improve accessibility. However, the number of designated accessible campsites and parking spaces in several locations are inadequate. In other settings, the restrooms are not accessible. The existing trails in these properties are not currently accessible trails, and such modification may not be desirable. The natural terrain varies considerably and is quite rocky; in addition, the environment includes vulnerable animal species. Thus, ADAAG-defined accessibility to every area of the park is not practical, nor necessarily desirable.

Throughout Black Mesa State Park, it will be necessary to complete a thorough review of accessibility. In addition and in light of continuous updating, new rule-making, and interpretation of rules on-going vigilance related to accessibility is required.

An example of this rule-making and interpretation took effect March 15, 2011 under the Department of Justice ruling that specified “other power-driven mobility devices” (OPDMD) that could be used on trails by individuals with mobility limitations. At present, the expectation is that the operating entity (OTRD) shall “make reasonable modifications in policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the public entity can demonstrate that the class of OPDMD cannot be operated in accordance with legitimate safety requirements that the public entity has adopted based on actual risks” (American Trails, 2011). Such consideration may be necessary for Black Mesa Nature Preserve.
Figure 2.24 – Black Mesa State Park topography and botany

Below right: rough shelter constructed within Black Mesa State Park
Chapter 3 – Current Status of the Resource

Recreational Development

Although one of the newer state parks in Oklahoma, Black Mesa State Park is a historic, cultural, economic, natural, and recreational resource. The political designation and physical development of Black Mesa with the construction of Lake Carl Etling in 1959 and the following agreement for OTRD to manage the property designated as “state park.” For ease in presentation and understanding of the properties, Black Mesa State Park is presented first, followed by a presentation of Black Mesa Nature Preserve.

The map on the following page, Figure 3.2, provides an overview of the features of Black Mesa State Park. The park boundaries include 310 acres of land and a reported 159 acres of water, and encompass campgrounds, a group camp, day use areas, trails, and other facilities. These facilities are detailed in the following discussion. For ease of presentation, the discussion and presentation begins at the north entrance to Black Mesa State Park and Preserve and proceeds southerly in along the main road through the property.

For all visitors entering Black Mesa State Park by automobile, the only highway access route is along County Road 325 west out of Boise City or east out of Kenton. Road E0120 from the south or D00073 from the north enter the park. All traffic along these roads must enter the park, making all travelers on the roadways, by their presence, to become park visitors.

Figure 3.1 – Entrance to Black Mesa State Park
A hard surface roadway leads to the south side of the spillway, with a rough access road to the north side of the spillway. Vehicular travel is not permitted from one side of the spillway to the other. As a result, travel around Lake Carl Etling is to occur along regular roadways; however there is evidence of vehicle travel off-road and into the lakebed.

**Entry Drive and Lake Environs**

The entry drive (N0080) leads a visitor northward for about one mile from a sharp turn along the east-west access road intersecting with County Road 325. This entry drive provides access to Lake Carl Etling rather than the main portion of Black Mesa State Park. As shown in Figure 3.3, this roadway leads from open range across a cattle guard into the proximity of the park and lake. The roadway leading straight north, ahead of the traveler, leads to Lake Carl Etling. A left hand turn (westward) onto E0120 road leads into the main body of the park.

The entry drive is two-lane with reduced speed limit as it passes through the open range environment. The roadway does not include shoulders or bar ditches. A visitor entering Black Mesa State Park is passing through a very rural, agricultural environment.

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**Lake Carl Etling**

As a visitor crests the rise shown in Figure 3.3, the valley spreads out in a vast panorama. Lake Carl Etling is situated in the creek bed at the bottom of the valley. A sign identifying the area as a public fishing lake was installed by ODWC and remains on the property (Figure 3.4). In addition, to the sign, the area includes a substantial parking lot that exceeds demand for the area. In addition, a boat ramp extends from the parking lot, but does not reach current water levels.
The roadway in this area is at multiple levels, permitting visitors to explore the south side of the lake along the sage and piñon habitat. One road extends into a primitive campground which also includes an unusable boat ramp. The sites in this primitive area (Figure 3.5) include shade and offer a sense of seclusion from the remainder of the park.

### Table 3.1 – Campground Detail for the Primitive Area

<table>
<thead>
<tr>
<th>Campground amenity</th>
<th>Primitive campground</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unimproved (no utilities)</td>
<td>6 sites – some with shelters</td>
</tr>
<tr>
<td>Boat Ramp</td>
<td>2 – unusable</td>
</tr>
<tr>
<td>Restrooms</td>
<td>None at present</td>
</tr>
</tbody>
</table>

The boat ramp in the primitive area terminates well above the present water level as shown in Figure 3.6. A volunteer road has resulted from repeated crossing from one side of the lake to the other by visitors. This roadway leads to the group camp in the developed portion of Black Mesa State Park on the opposite side of the lake bed. As a result of this uncontrolled access, the integrity of the camping area and the group camp is jeopardized.

The proper route from the south lake shore to the main body of the park is to return to the lake access road, travel south to make a turn westward into the park area. By doing so, a visitor enters Black Mesa State Park along a well-marked route.
West Canyon

For a visitor entering Black Mesa State Park from the south, vehicles must cross a cattle guard and continue northward into the developed area of the park. An intersection with a roadway to the west leads a visitor to the West Canyon campground.

Figure 3.7 shows examples of the environment in West Canyon. Campsites in this area vary by the topography, including some that are very open, while others are nestled into the rock. The desert-like environment is quite apparent with the cactus bed adjacent to the campground. A memorial tree has been planted and maintained in the center of the turnaround in West Canyon. A bench and artwork add to the ambience provided by this memorial, although it is not well interpreted for visitors.
Table 3.2 – Campground Detail for West Canyon

<table>
<thead>
<tr>
<th>Campground amenity</th>
<th>West Canyon campground</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unimproved (no utilities)</td>
<td>6 sites</td>
</tr>
<tr>
<td>Restrooms</td>
<td>None at present</td>
</tr>
</tbody>
</table>

Cottonwood Campground

Returning to the main park road, a visitor would turn left into the main body of Black Mesa State Park. This area is designated as Cottonwood Campground and includes the most developed portion of the park. This area includes five defined campsites along the entry road including some with distinctive characteristics as shown in Figure 3.8.
Throughout the preparation of the RMP, a well-established campground host was present in Cottonwood Camp. As shown in Figure 3.8, mail was delivered at this site.

Immediately north of the campground host and sheltered under the cottonwood trees, there is a paved grouping of campsites intended for recreational vehicles and travel trailers. Although this area lacks the distinctive characteristics of other campsites in Black Mesa State Park, the area appeared to be preferred by many visitors.

The development of Cottonwood Camp is documented in Figure 3.9. Although somewhat dated, this area includes a playgroup – not in compliance with CPSC guidelines. The restroom for the area is identical to many in other Oklahoma State Parks and is usable, but not fully ADA-compliant. The area also includes a picnic pavilion and a sanitary dump station. The area also includes an interpretive kiosk providing information for visitors related to area attractions, medical services, religious services, and park details.
Table 3.3 – Campground Detail for Cottonwood Camp

<table>
<thead>
<tr>
<th>Campground amenity</th>
<th>Cottonwood Camp</th>
</tr>
</thead>
<tbody>
<tr>
<td>Modern sites (Water, sewer, and electricity)</td>
<td>1 site</td>
</tr>
<tr>
<td>Semi-modern sites (water and electricity)</td>
<td>29</td>
</tr>
<tr>
<td>Unimproved (no utilities)</td>
<td>15 sites</td>
</tr>
<tr>
<td>Comfort station (restrooms)</td>
<td>1 with showers</td>
</tr>
<tr>
<td>Sanitary dump station</td>
<td>1</td>
</tr>
<tr>
<td>Pavilion (electricity and water)</td>
<td>1</td>
</tr>
</tbody>
</table>

Cottonwood Camp continues toward the north along the main park road. Eleven campsites for RVs and an unspecified number of tent camp sites are distributed between the roadway and the creek bed. A typical tent site is shown in Figure 3.10, as is use of these sites by tenters. Other sites extend northward along the roadway west of Carrizo Creek.

**Park Office and Maintenance Area**

The west side of the main park road is primarily dedicated to a park office and maintenance area. As shown in Figure 3.11 on the following page, the park office is an attractive wood structure, although it is quite small. Steps lead to the entry, with a ramp extending toward the south. However, the building is not fully accessible.

A maintenance building and storage area is located to the rear of the park office. Throughout the preparation of the RMP, this area was neat and organized. However, the gate was typically left open during the day.

Trails and a bird viewing area are located in this vicinity as well, requiring that park visitors who plan to use the trails or viewing area be in close proximity to the maintenance area.
Just north of the park office along the main park road is the location of a park residence, also shown in Figure 3.11. This residence was unoccupied at the time of the preparation of the RMP.

**Group Camp**

The Black Mesa State Park group camp is located at the northern end of the main park road. The park road exits Black Mesa State Park toward the northwest. An intersection at the base of the rise leading out of the park provides access to the group camp (Figure 3.12).
The group camp at Black Mesa State Park offers 10 bunkhouses that will accommodate 120 persons. There are also four semi-modern campsites located in the group camp for recreational vehicles. One duplex bunkhouse includes heat/air units and modern restroom facilities. This bunkhouse can be rented separately and is available year around. The group camp is closed during the winter. Several of the buildings do not comply with ADA standards.

The Black Mesa Group Camp is supported with additional amenities to enhance a recreational visit and experience. A recent addition to the group camp is shown in Figure 3.14. This ADA-compliant restroom with showers is a major improvement for guests at the group camp.

Additional amenities in the group camp include the commons building shown in Figure 3.13. This facility includes a kitchen, dining area, and meeting space. An exterior shelter has been added with grills and picnic tables to expand the opportunities for outdoor meals. The camp area is oriented along the base of a hill providing...
visual separation from areas to the west. To the east, the group camp looks out on the creek bed and lake bed for Lake Carl Etling.

![Figure 3.15 – Recreation amenities at Black Mesa Group Camp](image)

Above left: ROPES course tower  
Above: horseshoe pits  
Right: swing

Recreation amenities in the group camp area are shown in Figure 3.15. An open playfield supplements these developments, although that playfield is minimally maintained for sport activities. A “ROPES course with adventure program” is available for separate fee for group activities and utilizes the tower shown in Figure 3.15.

### Table 3.4 – Amenities at Black Mesa State Park Group Camp

<table>
<thead>
<tr>
<th>Amenity</th>
<th>Group Camp</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capacity</td>
<td>120</td>
</tr>
<tr>
<td>Bunkhouses</td>
<td>10</td>
</tr>
<tr>
<td>RV hookup</td>
<td>4 sites</td>
</tr>
<tr>
<td>Commons building</td>
<td>Kitchen, large stove, ovens, evaporative cooling</td>
</tr>
<tr>
<td>Comfort station</td>
<td>ADA-compliant, with showers</td>
</tr>
<tr>
<td>Recreation space</td>
<td>Playfield, adventure ROPES course</td>
</tr>
</tbody>
</table>

The Group Camp sustains about 35 rental nights each year for about a 10% occupancy rate. These groups may utilize only portions of the Group Camp during their rentals.
Overlook Area

From the group camp, the main park road exits the valley and continues to the northwest. There is limited development of Black Mesa State Park beyond the valley, but an overlook area along the roadway offers a panoramic view eastward across the valley. The rugged environment may be best appreciated from this vantage point.

![Figure 3.16 – Views from the Overlook](image)

Although not interpreted or marked for visitors, there are reported dinosaur tracks in the area near the overlook according to management. In addition, a rough roadway extends northeastward toward an area known by locals as the Sheepherder’s Cabin. This portion of the park is undeveloped and best accessible on foot. Four-wheel drive vehicles have been used in this area as well.

Hiking/Walking/Riding Trails

There are several trails within Black Mesa State Park that offer varying levels of difficulty and varying experiences for the visitor. The first of these trails is shown in Figure 3.17 in the area near the park office. This nature trail offers a short quarter mile loop through the short-grass prairie. The trail is augmented with several interpretive signs, focused mainly on birds likely to be seen in the area. In addition, a bird-watching blind has been constructed for visitors to unobtrusively enjoy the birds in the area. The trail is an easy to moderate hike on natural surfaces. This trail would not be considered to be an accessible trail.

![Figure 3.17 – Nature trail and bird-watching area](image)
A second trail, the Trout Trail, parallels South Carrizo Creek through Cottonwood Camp. Trout Trail is a linear walk along the creek and has been utilized by anglers when adequate water flows in South Carrizo Creek. The trail has a natural surface and is an easy walk.

Another nature trail can be accessed directly from just north of the park office in an area designated as Petrified Log Exhibit on park maps. This trail can also be accessed across the western boundary of Black Mesa State Park from the earlier mentioned Nature Trail. This portion of the trail extends through a shallow canyon offering excellent views of local geology and vegetation. The desert environment includes numerous types of cacti, while the canyon walls offer multiple strata of rock formations.

There is debate about the authenticity of the petrified forest in this location. Several specimens of petrified wood are distributed in the area, with minimal interpretation. Petrified wood in Cimarron County is commonly of the Cretaceous strata, in two formations: the Albian Cheyenne Sandstone and Mesa Rica Sandstone (Suneson, 2010). Whether natural and native to this site or imported from another location, the petrified logs offer an excellent interpretive opportunity, truly unique in an Oklahoma State Park.
A fourth trail at Black Mesa State Park is Vista Trail, originating near the northwest exit from the park. Vista Trail is a rugged trail that offers several opportunities to walk up and down canyons, experiencing the vegetation and panoramas at various elevations and in differing ecosystems.

![Figure 3.20 – Vista Trail](image)

**Property Summary for Black Mesa State Park**

Black Mesa State Park includes 310 acres of land with the addition of 159 surface acres of Lake Carl Etling at normal pool levels. Details on the various property transactions is provided in the appendix and summarized as follows.

- 259 acres in a permanent lease from the Commissioners of the Land Office
- 210 acres in a cooperative agreement with ODWC dated 1960 and amended in 1983
- Less 159 acres of Lake Carl Etling at normal pool level
- 310 acres of land for the total park
Black Mesa Nature Preserve

As indicated earlier, Black Mesa Nature Preserve is located about 13 miles northwest of Black Mesa State Park. The Preserve is much less developed than the state park and serves a different purpose. The only developed portion of Black Mesa Nature Preserve is the public access location and parking lot along the county road. The specialized purpose and limited use for Black Mesa Nature Preserve is clearly evident in the entry sign (Figure 3.21).

Property Summary for Black Mesa Nature Preserve

Black Mesa Nature Preserve includes 1,710 acres of land owned by the state of Oklahoma. Details on the various property transactions is provided in the appendix and summarized as follows.

- 1,460 acres purchased from The Nature Conservancy (1991), special warranty deed
- 160 acres purchased from The Nature Conservancy (1992), special warranty deed
- 90 acres purchased from Cecil and Marie Walker (1959)
- 1,710 acres total
The entry to Black Mesa Nature Preserve is dominated by the rural, semi-arid short-grass prairie environment. This is truly rural Oklahoma! The Oklahoma Department of Transportation has clearly marked the entrance to the Preserve and access from the parking lot to the trail is clearly controlled at an iron gate (Figure 3.23). The parking lot at this location can serve about a dozen cars if they are parked correctly, although parking spots are not marked and people park for their own comfort (Figure 3.24). Accessible parking is provided adjacent to the restroom, but this is the only marked parking provided at the Nature Preserve. The kiosk at this location provides essential information for the hiker, including maps, emergency information, and warnings regarding snakes and other wildlife that may be present along the trail. During preparation of the RMP, the information displayed on the kiosk remained unchanged.
Black Mesa Trail

Once inside the actual Nature Preserve, the dominant feature for the recreational visitor is the trail leading around the base of Black Mesa, up the north slope of the mesa, and then across the top of Black Mesa to the Oklahoma high-point. This trail is 8.4 miles round trip and requires about five hours for most hikers to complete the round trip. The hike is challenging, although the only rigorous walking required occurs in the middle section during the change in elevation.

![Figure 3.25 – Black Mesa trail, high point, and geology](image)

As shown in Figure 3.25, the trail is a worn natural surface winding around Black Mesa through the open short-grass prairie. The terrain changes with increased elevation and offers interesting geology along the route.

Benches have been provided at strategic locations (Miles 1, 2, and 3), including a bench near the monument marking the Oklahoma high point (Figure 3.25). Also at the high point, there is a register for those individuals choosing to “memorialize” their achievement.

Black Mesa Nature Preserve is managed under covenants limiting the amount and type of impact. Grazing is permitted in some areas. ATV access for maintenance has occurred in some areas, as has other motorized vehicle use. However, the experience for the hiker offers solitude and opportunities to interact with and observe the natural environment.
Public Access and Entry Aesthetics

Public access to Black Mesa State Park and Preserve was discussed earlier. All vehicular access is from Highway 325 with short distances on secondary county roads leading to either the park or the preserve. Highway 325 is two-lane for its entire distance from Boise City to the New Mexico state line.

The area near the entrance to Black Mesa State Park and Preserve is agricultural and often open range, fitting for the short-grass prairie environment. Essentially, as far as the eye can see, a visitor to this area will experience the open prairie, mesas, and canyons. There are several ranches along the various routes leading to Black Mesa State Park and Preserve. Some of these ranches operate as bed-and-breakfast locations, while most are working ranches. Relatively few commercial sites are present outside of Boise City or Kenton. One structure that contrasts sharply with the surrounding environment (Figure 3.26) is located along the county road from Highway 325 going northward toward Black Mesa Nature Preserve. Throughout the time of preparation of the RMP, this structure remained unoccupied.

Signs for Black Mesa State Park and Preserve are in place in Boise City and along the various routes leading to either the park or the preserve. Most visitors to Black Mesa State Park and Preserve are likely to have some knowledge of the park’s location prior to a visit. Incidental visitation for travelers along Highway 325 is somewhat unlikely unless that traveler is a local resident.

![Figure 3.26 – Commercial structure on route to Nature Preserve](image)

Park Visitation

Attendance records have been kept since the opening days of the park. It should be noted that counting park visitors is an inaccurate process. Technically, every person entering the park is a park visitor – but not all of those visitors are recreational visitors. At Black Mesa State Park, every person who drives the county road through the park is a park visitor – although that visitor may only experience the aesthetic and environmental values associated with the park. At Black Mesa State Park and Preserve a certain percentage of the visitors recorded in the park would include park staff, vendors, and members of the general public entering the park to utilize the restroom or for other purposes. Other aspects of park visitation can be calculated more accurately. This would include those situations in which there is an exchange of a fee for a
specific service. As a result, the following discussion reports total visitation to Black Mesa State Park and Preserve and specific usage of particular areas within the park.

For clarity in understanding of visitation patterns, total park visitation is presented in the following discussion. This would include campers and day visitors.

**Recreational Use of Park Facilities**

Visitation for Black Mesa State Park and Preserve has trended “flat” over the past five years as shown in Table 3.3. Presently, an estimated 15,000 people or more visit Black Mesa State Park and Preserve annually. The number includes day visitors and overnight visitors. The day visitors include pass-through sightseers, anglers, equestrian visitors, picnickers, trail hikers, and many other recreational visitors. Overnight visitors include campers, cabin guests, and group campers who spend one or more nights within Black Mesa State Park and Preserve.

Determining the number of campers is more accurate than is the calculation of total visitors to the park. Total visitors are calculated based on traffic counters and a proxy variable for number of occupants in vehicles passing entry points into the park. Total number of visitors should not be interpreted as “individuals” in that numerous individuals are repeat visitors to the park on a daily, weekly, monthly, or annual basis. In addition, with multiple entries into Black Mesa State Park and Preserve, it is possible that a single individual may be counted on multiple occasions entering different portions of the park.

**Table 3.5 – Camping and Total Visitation**

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>Day visitors</th>
<th>Overnight Guests</th>
<th>Total Visitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>Not available</td>
<td>Not available</td>
<td>10,075</td>
</tr>
<tr>
<td>2009</td>
<td>Not available</td>
<td>Not available</td>
<td>16,995</td>
</tr>
<tr>
<td>2010</td>
<td>Not available</td>
<td>Not available</td>
<td>14,518</td>
</tr>
<tr>
<td>2011</td>
<td>Not available</td>
<td>Not available</td>
<td>15,232</td>
</tr>
<tr>
<td>2012</td>
<td>Not available</td>
<td>Not available</td>
<td>14,614</td>
</tr>
</tbody>
</table>

Based on the figures in Table 3.5, it is apparent that visitation during the recent five-year period peaked in 2009. In all likelihood, the decline in visitation is a reflection of economic conditions during the past few years and the price of gasoline. This pattern has also been seen in several other parks across Oklahoma.

It is difficult to identify exactly how many campers are individually associated with a registration. In the campgrounds, records are maintained of the number of campsites rented. As demonstrated in the photographs presented it is fairly common for one campsite rental to include a recreational vehicle and one or more tents. In addition, it is common for multiple motorized vehicles to be associated with a single campsite rental. Logically, group size associated with a single campsite rental can vary greatly.
Table 3.6 presents the campsite rentals for the past five years. These sites are defined as improved or unimproved, for which the category of improved sites include modern and semi-modern site design. The number of campsites available varies slightly as new sites are developed, old sites are taken “off-line,” and new campground design changes the configuration of a campground. The number of campsites available is an estimate, calculated based on number of sites of a given category multiplied by 365 and reduced by 5% for days on which individual sites may have been unavailable due to maintenance or construction.

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>Type of campsite</th>
<th>Campsites rented</th>
<th>Campsites available*</th>
<th>Occupancy rate on campsites</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>Unimproved campsites</td>
<td>556</td>
<td>9,362</td>
<td>5.9</td>
</tr>
<tr>
<td></td>
<td>Improved campsites</td>
<td>785</td>
<td>10,402</td>
<td>7.5</td>
</tr>
<tr>
<td>2009</td>
<td>Unimproved campsites</td>
<td>608</td>
<td>9,362</td>
<td>6.5</td>
</tr>
<tr>
<td></td>
<td>Improved campsites</td>
<td>873</td>
<td>10,402</td>
<td>8.4</td>
</tr>
<tr>
<td>2010</td>
<td>Unimproved campsites</td>
<td>324</td>
<td>9,362</td>
<td>3.5</td>
</tr>
<tr>
<td></td>
<td>Improved campsites</td>
<td>715</td>
<td>10,402</td>
<td>6.9</td>
</tr>
<tr>
<td>2011</td>
<td>Unimproved campsites</td>
<td>672</td>
<td>9,362</td>
<td>7.2</td>
</tr>
<tr>
<td></td>
<td>Improved campsites</td>
<td>832</td>
<td>10,402</td>
<td>8.0</td>
</tr>
<tr>
<td>2012</td>
<td>Unimproved campsites</td>
<td>581</td>
<td>9,362</td>
<td>6.2</td>
</tr>
<tr>
<td></td>
<td>Improved campsites</td>
<td>758</td>
<td>10,402</td>
<td>7.3</td>
</tr>
</tbody>
</table>

*Based on number of total sites, either improved or unimproved, less 5% for maintenance

The occupancy rate on unimproved campsites is hindered by extremes of weather since these sites do not have electricity. In addition, a portion of the campground is closed during the winter.
Public Perception of Black Mesa State Park and Preserve

At the time of preparation of this Resource Management Plan, the authors reviewed numerous websites and marketing sources related to Black Mesa State Park and Preserve, which were provided by private sources. Further, private citizens and visitors to Black Mesa State Park and Preserve maintain personal blogs and social networking sites that address their experiences and visits to the park. These blogs often were associated with activities such as hiking the various trails, staying at the group camp, or camping, but addressed Black Mesa State Park and Preserve in some manner. Examples of comments from visitors include:

- This is an extraordinary find in the far west panhandle of Oklahoma (as far as you can get before you aren’t in Oklahoma anymore, but in New Mexico). This is a small state park, but quiet and commodious.
- A severe drought has dried up most of the river but there are open ponds of water which are surrounded by deer and raccoon tracks. In the morning I saw 20+ deer on the grassy, shaded banks and fields making up the park.
- The roads out to the park are paved but very narrow, much of it through open range. Watch out for multiple rough and unmarked cattle guards.
- Go straight and there is an eight mile hike to the highest point in Oklahoma, very scenic and rugged. Go left to the park and you will find a small jewel with about 20 small electric/water sites for RVs and 10 or more tent sites, also with water and electric. The park is very remote and I think gets few visitors, although there were three or four sites occupied when I visited in mid-October on a Sunday night. I elected to park under the huge cottonwood trees at a tent site. The ranger, who really leaves you alone, just said “hello.”
- There is a shower house which is old but spotlessly clean (water just barely warm, however). If you have energetic noisy people in your party, get rid of them for the day by sending them to the Black Mesa pinnacle. You can then relax and unwind under the trees.
- Black Mesa State Park & Nature Preserve are a birder’s paradise with golden eagles, scaled quail, black-billed magpies, and pinyon jays being frequently spotted
- Note that the Black Mesa summit is not near the state park that has the same name. The Black Mesa trail is maintained by the Nature Conservatory. The trail is 4.2 miles one way. It is well maintained, well-marked and mostly level. I would give it a 3 of 7 on difficulty because of sections of loose rock.
- My whole life I’ve heard of the highest point in Oklahoma, Black Mesa. Living on the opposite side of the state it seemed like such a far off place, it was.

User Evaluations of Black Mesa State Park and Preserve

The most formal and scientific evaluations for Black Mesa State Park and Preserve were generated during the 2003 park visitor survey (Caneday & Jordan, 2003). These evaluations were the result of on-site interviews with park visitors contacted at various locations throughout the park. The analysis of the data from these interviews was reported by category of type of visitor: day visitor, cabin visitor, or camper. Although dated, this visitor survey is the most recent thorough analysis of attitudes and opinions represented by visitors to Oklahoma state parks. Since contacts were made at public locations throughout the park, the determining factor for classification of the visitors was their respective place of lodging during the visit on which they were contacted.
Day visitors to Black Mesa State Park were familiar with the park, averaging three or more visits per year. They represented several of the surrounding states and Oklahoma. Almost 90% of all day visitors interviewed were repeat visitors to the park. The most frequent recreational activities reported by these day visitors were picnicking, observing wildlife, hiking, and walking. Day visitors tended to be satisfied with their experiences at the park, showing the least satisfaction with public toilets in the park. The park was the primary destination for most of the day visitors, who were motivated to visit the park to be with friends or family.

Day visitors tended to be in groups, ranging up to five individuals, with the most common grouping of day visitors being five members. The day visitors contacted during the survey tended to be white, non-Hispanic with a high school education or above. They ranged in age from 33 to 76 years of age, with a median of 49 years of age; they included similar numbers of males and females. Since these individuals were day visitors, most had traveled a limited distance to get to Black Mesa State Park and Preserve, reporting a mode of 20 miles in travel. However, many of the day visitors indicated they were staying in the area (not at Black Mesa State Park) and had traveled much further on the trip during which they were surveyed.

Campers at Black Mesa State Park were also quite familiar with the park in that approximately one-half of respondents were repeat visitors. The campers also represented several of the surrounding states and Oklahoma. These visitors tended to get to Black Mesa State Park once a year. These campers participated in a wide range of recreation activities, but most frequently they walked or hiked, drove for pleasure (sightseeing), observed wildlife, or just relaxed in the park. Campers expressed great satisfaction with the facilities provided in the park.

Black Mesa State Park and Preserve was the primary destination for three-quarters of the campers contacted in the survey. They chose to visit the park to relax or rest and to be with friends or family, with the single highest factor in motivation being “enjoy nature.” The vast majority of the campers were white and non-Hispanic. In addition, the campers were similar to other visitors related to level of education achieved.

Campers reported having traveled an average of 380 miles on their visit to Black Mesa State Park and Preserve, although the median distance traveled was 130 miles and the mode was 28 miles. This would indicate that about half of the visitors came from great distances, while the other half were more local in point of origin.

**Park Management**

Over the years of operation, the management structure for Black Mesa State Park and Preserve has changed at the direction of leadership within OTRD from Oklahoma City. However, Black Mesa State Park and Preserve has been quite stable in organization and operation throughout the years.

Black Mesa State Park and Preserve is currently included in the Western Regional Office of Oklahoma State Parks. This intermediate management structure allows park management to work with regional oversight as an intermediary or in direct contact with the Oklahoma City office. As with all state parks in Oklahoma, personnel, purchasing, contracting, and all other aspects of operation are governed by Oklahoma state statutes, policies, and procedures.
Staffing

Staffing for Black Mesa State Park and Preserve has been fairly stable over the past five years, with minor reduction of permanent staff during that time. During preparation of the RMP, Black Mesa State Park was staffed by one individual and a second maintenance staff member serving as a campground host. The Regional Manager spoke for the park and provided the necessary data for the RMP. Table 3.7 documents the staffing pattern for Black Mesa State Park and Preserve in recent years.

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>Permanent salaried staff</th>
<th>Seasonal staff Park</th>
<th>Total park staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>2009</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>2010</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>2011</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>2012</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

Most state parks in Oklahoma experienced similar staffing adjustments in response to budgetary appropriations. Black Mesa State Park and Preserve has sustained a dedicated, loyal staff over the years. Losing one staff member from the permanent staff was a reduction by 50% of permanent personnel or 33% of total park staff. The Regional Manager described Black Mesa State Park and Preserve as a “self-service park.”

Revenue and Expenses

Data related to revenue and expense at Black Mesa State Park and Preserve was provided by the Western Regional Manager and augmented with material from the central OTRD office. Table 3.8 on the following page reports this revenue and expense data for the past five years.

The principal revenue sources for Black Mesa State Park and Preserve are campsite rentals and group camp rentals. Most other services within the park are supported through state appropriations and allocation of state budgeted funds. As a result, the difference between revenue and expense for operation of Black Mesa State Park and Preserve has been in the range of $100,000 annually dropping to half that in the past two years. Such expense is reflected in operation of general maintenance and operations of buildings, mowing and other grounds maintenance, and related park operations. The cost savings has been gained through staff reduction.

Based upon the revenue and expense numbers for the past two years, Black Mesa State Park and Preserve has generated revenue approximately equal to operating expenses other than personnel costs.
Table 3.8 – Expense and Revenue at Black Mesa State Park and Preserve

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>Expense</th>
<th>Revenue</th>
<th>Difference Revenue - expense</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008 Total</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Expense</td>
<td>$100,007</td>
<td>$27,530</td>
<td>($119,613)</td>
</tr>
<tr>
<td>Operating Expense</td>
<td>$47,136</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2009 Total</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Expense</td>
<td>$104,404</td>
<td>$31,217</td>
<td>($118,979)</td>
</tr>
<tr>
<td>Operating Expense</td>
<td>$45,792</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2010 Total</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Expense</td>
<td>$102,227</td>
<td>$31,040</td>
<td>($114,563)</td>
</tr>
<tr>
<td>Operating Expense</td>
<td>$43,376</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2011 Total</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Expense</td>
<td>$52,529</td>
<td>$38,392</td>
<td>($52,137)</td>
</tr>
<tr>
<td>Operating Expense</td>
<td>$38,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012 Total</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel Expense</td>
<td>$52,267</td>
<td>$35,804</td>
<td>($52,168)</td>
</tr>
<tr>
<td>Operating Expense</td>
<td>$35,705</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Hazards Analysis – Natural and Operational

Any recreational activity includes the exposure to hazards, and the probability of specific risks may increase in many outdoor settings. In most current discussions related to hazard and risk, hazards are defined as conditions or events. Risk is the likelihood of injury resulting from a given hazard and is typically defined as a probability of adverse effects from those conditions or events. Everything people do exposes them to hazards. It is how people conduct themselves that determines the risk. An agency or site risk management plan addresses potential loss from anticipated hazards.

Natural Hazards

As with all natural areas, Black Mesa State Park and Preserve includes a number of hazards. Some of those hazards are natural and related to such things as topography, flora, and fauna. Some of the hazards are structural or related to design; other hazards are operational in nature.

Natural hazards in Black Mesa State Park and Preserve include the steep terrain, flora and fauna, as well as a number of other natural conditions or events. In addition, the development of facilities encourages visitors to interact with the natural environment, encouraging people to participate in recreation in an outdoor setting. For example, trails invite visitors to engage the varied terrain and, while signage exists, distressed and lost hikers are not uncommon. Quite commonly, the visitor is not informed of the various hazards and is not prepared for the risks involved in their interactions. Black Mesa State Park and Preserve does an excellent job of informing visitors regarding potential risks associated with trail activity. Due to the topography of Black Mesa State Park and Preserve, it is possible for an individual to become “lost” on property, but that is an unlikely occurrence. Heat, thirst, and exposure present greater risks for most visitors.
Among the natural hazards present in the park are those associated with weather events. The National Climatic Data Center reports a variety of such hazards by county over several years. These hazards include hail, floods, thunderstorms with accompanying wind and lightning, tornadoes, heavy snow, ice, excessive heat, and drought. Staff members are prepared to notify park visitors in the event of severe weather, but appropriate shelter is limited. At the present time, neither signage nor printed visitor materials provide severe weather information to park visitors.

Other natural hazards are related to life forms in the natural environment. Any time people are hiking and recreating in an outdoor environment, a chance exists that they will inadvertently encounter such wildlife; this is the case in Black Mesa State Park and Preserve. The park and forest encompass an environment suitable for venomous snakes including the copperhead and various species of rattlesnakes. Park staff and visitors reported occasional sightings of venomous snakes, but there are no recent records of any adverse encounters between people and snakes within the park.

A number of mammals common to the park are subject to rabies. They include raccoons, opossums, skunks, badgers, and bats. Additional animals include armadillos and the possibility of coyotes, bobcats, and mountain lions – although these are less likely.

The prairie and grassland environment in and around Black Mesa State Park and Preserve is home to mosquitoes, ticks, and spiders, all of which may be hazards or present hazards to recreational visitors. The Brown Recluse spider and the Black Widow are native to Cimarron County. Both spiders have produced adverse effects for humans in recreational settings (and other environments). Both types of spiders are habituated to places such as the cabins in the group camp and other structures in throughout the park. In addition, ticks are known carriers of a number of serious diseases in humans.

The 2002 Statewide Comprehensive Outdoor Recreation Plan (Caneday, 2002) stated:

An “environmental problem” of increasing occurrence in Oklahoma in recent years is related to ticks and tick-transmitted diseases. Although there are a number of tick-transmitted diseases, the most frequent occurrence is shown by Rocky Mountain spotted fever, Lyme disease, and Tularemia. A number of factors are related to this increased occurrence of disease including demographics, living preferences, and recreational behavior. Oklahoma has experienced significant increases in tick-transmitted diseases over the past decade. While most of these diseases can be treated, the diseases can also be life threatening. Participants in outdoor recreation are among those who encounter the ticks and who contract the tick-transmitted diseases. A concerted, unified effort is necessary to educate the recreational visitor regarding the results of recreational behaviors.

At the time of the writing of the 2002 SCORP, the author contacted the Centers for Disease Control (CDC) in Atlanta regarding rumors (at that time) of a mosquito borne virus – West Nile virus. The CDC assured Caneday that Oklahoma would not experience West Nile virus within the five-year period covered by the 2002 SCORP (2002-2007). However, by summer 2003, Oklahoma was experiencing cases of West Nile virus among horses and humans. Often these resulted from outdoor recreation activity, and that pattern is continuing. Equine activity is quite limited with Black Mesa State Park and Preserve, but does occur outside park boundaries.
Some plants are also hazardous to some individuals and the risk varies by degree of exposure and response to that exposure. Poison ivy is among those potentially hazardous plants at Black Mesa State Park and Preserve.

Another potential natural hazard in a recreation environment is waterborne disease. As stated in the 2002 Statewide Outdoor Recreation Plan (SCORP) for Oklahoma (Caneday, 2002):

Since 1971, Federal agencies (CDC and EPA) have maintained a collaborative surveillance system for collecting and reporting data related to occurrences and causes of waterborne-disease outbreaks (WBDOs). As an environmental hazard, waterborne diseases have always been present in the United States; however, outbreaks linked to drinking water have steadily declined since 1989. By contrast, the number of outbreaks linked to recreation activity has increased (Center for Disease Control). It is not clear whether this is due to increased outdoor recreation activity, larger numbers of people involved in outdoor recreation, or greater hazard present in the water environment. CDC reports for 1995 – 1996 have shown that the exposure to the disease occurred in lakes in 59% of waterborne-disease outbreaks of gastroenteritis associated with recreational water. Equal percentages (27%) of Cryptosporidium parvum and Escherichia coli as the etiologic agent were reported during that period.

Black Mesa State Park and Preserve receives its potable water from two wells on property with water treatment on property. During preparation of the RMP, an E. Coli warning had been issued and posted at the restrooms and the kiosk in the park. As with all water supplies, there is the potential to be a host for waterborne disease through the drinking water provided on-site. Such a risk is no greater for a park visitor than would be true in a private residence. By contrast, surface waters in Lake Carl Etling, in streams, and in ponds have a greater chance of being a source of a waterborne-disease.

Operational Hazards

Operational hazards include those vulnerabilities to park staff, the park system, or the state of Oklahoma that exist as a result of management or operation of the resource and application of policy. Management and operational decisions are made on a daily basis and are affected by budgets, prioritization within the state park system, staffing patterns, local and state politics, and other external influences.

At present, emergency fire service and other emergency services are provided by surrounding communities. Emergency response time may take one hour or more. The game warden for Cimarron County provides law enforcement assistance, as does the Cimarron County sheriff’s office. Fire protection is limited in this remote area.

As part of the data collection for the development of this RMP, the researchers conducted several on-site visits to Black Mesa State Park and Preserve. Common issues that could be dangerous for visitors include play structures which utilize a variety of surfacing materials. A thorough examination of the play structures and the applicable surface materials for compliance with Consumer Product Safety Commission guidelines for public playgrounds is warranted at this time. Sections of some of the trails throughout Black Mesa State Park and Preserve show erosion and tripping hazards.
Further, weather-related events (e.g., thunderstorms, lightning, ice storms, strong winds) in Oklahoma often result in tree and limb damage throughout the park. The locations in which downed trees and limbs have immediate impact on visitors include the camping areas, trails, and day use areas. Currently, Black Mesa State Park and Preserve does not have a formal limb management or tree replacement program; this is common throughout the state park system. Park staff members attend to downed trees and limbs as they discover them and/or are notified of the hazard.

**Law Enforcement**

For most Oklahoma State Parks, CLEET certified rangers and reserve-CLEET certified rangers are responsible for primary activity related to law enforcement within the boundaries of the park. At present under the staffing and management provided through Black Mesa State Park and Preserve, there are no CLEET certified rangers available for Black Mesa State Park and Preserve, although there was one reserve-CLEET officer until 2010 as shown in Table 3.9. As a result, enforcement of applicable laws at Black Mesa State Park and Preserve relies on the support and cooperation of the Cimarron County sheriff and the game warden in the appropriate jurisdiction.

**Table 3.9 – Ranger Staff at Black Mesa State Park and Preserve**

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>CLEET Certified</th>
<th>Reserve CLEET</th>
<th>Total ranger staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2009</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2010</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2011</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2012</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Citation records for Black Mesa State Park and Preserve were provided by the West Regional Manager. There were no incidents, citations, or arrests at Black Mesa during the most recent five year period.

**Policy-Related Exposures**

Some aspects of management of hazard risk are incorporated into law enforcement. Park rangers are the law enforcement personnel for the Oklahoma Tourism and Recreation Department, although they frequently have cooperative (mutual aid) agreements with county sheriffs and the Oklahoma Highway Patrol. Law enforcement authority for Oklahoma State Park Rangers is authorized by state statute as follows (Title 74 § 2216, 2005):

> Park rangers, when commissioned, shall have all the powers of peace officers except the serving or execution of civil process, and shall have in all parts of the state the same powers with respect to criminal matters and enforcement of the
laws relating thereto as sheriffs, highway patrolmen [sic] and police officers in their respective jurisdictions and shall possess all immunities and matters of defense now available or hereafter made available to sheriffs, highway patrolmen, and police officers in any suit brought against them in consequence of acts done in the course of their employment, provided, however, they shall comply with the provisions of Section 3311 of Title 70 of the Oklahoma Statutes.

In parks with CLEET certified or reserve certified personnel, written logs are maintained by park staff to document incidents. In addition to the regular log, staff members complete incident reports when notified of property damage or personal injury to visitors or staff. While the incident reporting form requires information regarding personal injury or property damage, the process does not appear to require follow-up with the reporting party.

In terms of wildlife, while a formal management plan does not exist, staff operates under an agreed-upon plan approved by the Oklahoma Division of Wildlife Conservation (ODWC). As an important natural resource in the park, the vulnerable and endangered species in the area lack a management plan other than classification by ODWC and USFWS.

Perhaps one of the most essential operational hazards related to the public is the concern that cell phones and radios have limited to sporadic service in rural areas, and possibly within the park. During the preparation of the RMP, research staff members were able to acquire and maintain cell phone signals at some locations within Black Mesa State Park and Preserve. Thus, in case of injury, illness, fire, or other emergency, park visitors with personal cell phones may not be able to contact necessary emergency services. Those without personal cell phones or with inadequate signals must use a landline based telephone to call emergency personnel.

**Waste Management**

The relatively large and distributed area of development at Black Mesa State Park and Preserve requires multiple programs in waste management. There are two primary concerns related to waste management within the park: solid waste and liquid waste.

Solid waste is transported off-site under a multi-year contract with Tri-State Waste Management. Dumpsters have been located at strategic points within the park. Visitors are expected to dispose of waste properly in these dumpsters.

Liquid waste is managed on-site through four septic systems for the group camp and campground areas in Black Mesa State Park and Preserve. The septic systems tend to be concentrated on a single structure or grouped to serve several buildings.

Park management did not express any concerns or problems with waste management at Black Mesa State Park and Preserve. As with any area that is utilized by the public, some trash and litter is present within the park, although Black Mesa State Park and Preserve were remarkably free of litter. This solid waste presents a visual detraction, but presents limited problems other than clean-up of the area.
Figure 3.27 – Sights in Black Mesa State Park
Above: Cottonwood Camp, Memorial Day weekend 2013
Below left: tree growing out of a rock, Cottonwood Camp
Below right: Pronghorn antelope near West Canyon
Chapter 4 – Alternatives and Preferred Plans

Overview and Summary

In this Resource Management Plan, background is provided related to Black Mesa State Park and Preserve. When analyzed, this information raises several issues for consideration. These issues are presented in the following discussion with alternatives for management to consider. In each case, based on the available information a preferred alternative is identified.

Issues and Alternatives

Issue Statement 1: Qualification and branding as a state park

One of the central issues for consideration related to each of the properties being reviewed during the Resource Management Plan project is qualification and branding as a state park. That question may not be as apparent for Black Mesa State Park and Preserve as for other properties, but several aspects of management as a complex, developed park require resolution of this issue for this property.

What is a state park? Jordan and Caneday addressed this question in an earlier report for OTRD as a part of the state park visitor study in 2003 (Caneday and Jordan). As stated in that report –

The research team believes that the term “state park” should mean something specific. The term, “state park,” should identify a property distinctively through management practices, quality of experience and appearance to the public. The research team believes that visitors to Oklahoma “state parks” should know immediately that they are in a State Park because of the distinctive “branding” apparent to the visitor and deliberately intended by management. The research team believes that the Oklahoma Tourism and Recreation Department must jealously guard the use of the term “state park” in much the same manner as companies protect symbols of intellectual property.

An example of resource qualifications for specific classifications can best be demonstrated through the National Park Service. For a property to be classified as a National Park there must be (1) evidence of national significance for a natural, cultural, or recreational resource, (2) management of the property must be feasible, and (3) the property must be suitable within the mission, purpose, and system of the National Park Service.

By contrast, other classifications of National Park Service properties include National Monuments, National Recreation Areas, and National Preserves. National monuments must be significant natural, cultural, or recreational resources, but may be managed by entities other than the National Park Service. National preserves are limited to significant environmental resources and may vary in ownership and management of the resource. National recreation areas, including Chickasaw National Recreation Area in south-central Oklahoma, are managed for more intensive recreation in outdoor settings.
OTRD policy related to acquisition of property uses some of this language, thereby establishing a general pattern of resource qualification. These criteria include (1) state-wide significance for natural beauty, uniqueness, or other recreational and resource preservation purposes, and (2) sites which will improve the overall availability of public recreation facilities to the recreating public while possessing resource significance (Oklahoma Tourism and Recreation Commission, 1988).

In addition, branding and classification of properties within the Department has varied over the years. Minutes of the Oklahoma Planning and Resource Board (a precursor to the Oklahoma Tourism and Recreation Commission) from September 18, 1953 record the passing of a motion defining state parks, state recreation areas, state memorials, and state monuments. That variation in descriptive classification was changed by legislation during the 1980s.

Applying the national concepts to state parks in Oklahoma and utilizing the earlier definitions in Oklahoma, it could be concluded that a state park must (1) have a significant statewide natural, cultural, or recreation resource, (2) be feasible to manage by the agency, and (3) be suitable within the mission, purpose, and statewide system of state parks. If this set of qualifications is applied to Black Mesa State Park and Preserve, it could be concluded that:

1. Black Mesa State Park and Preserve offers historical, cultural, recreational, and environmental resources of statewide significance. Black Mesa State Park and Preserve includes wildlife, natural habitat, geology, and archeology that are unique in the Oklahoma State Park system. Black Mesa State Park and Preserve offers the only preserve in the Oklahoma State Park system.

2. Black Mesa State Park and Preserve is feasible to manage within the agency and fits within the mission of Oklahoma State Parks. The property belongs to the state of Oklahoma – a distinct advantage for the park and preserve. In many ways, Black Mesa State Park and Preserve has not been spoiled by over-management and certainly not by over-development. Black Mesa State Park and Preserve is truly a valuable property as a classic state park.

3. Black Mesa State Park and Preserve property fits within the mission of OTRD and the park’s state purpose as a pre-eminent property with natural, cultural, historic, and recreational resources deserving of protection and management for the present and future generations.

As a result, the research team recognizes the value of Black Mesa State Park and Preserve as a state park.

Alternatives

A. Seek to sell the property at Black Mesa State Park and Preserve;
B. Seek to transfer Black Mesa State Park and Preserve to some other management agency;
C. Retain Black Mesa State Park and Preserve as an integral property in the Oklahoma State Park system.

Preferred alternative:

Alternative C: No change – continue management as it is. Retain Black Mesa State Park and Preserve as an integral property in the Oklahoma State Park system.
**Issue Statement 2: Maintenance of Lake Carl Etling**

Throughout the preparation of the RMP, Lake Carl Etling was well below normal pool levels. These lake levels could be attributed to the on-going drought conditions experienced across much of Oklahoma in 2011 and 2012. However, there were persistent rumors of problems with the gates in the impoundment that permits retention of water in Lake Carl Etling. The most persistent rumor was of a gate that is blocked in an open position permitting a constant outflow of water through the impoundment.

As shown in historic pictures, Lake Carl Etling has been at elevations that far exceed present levels. It could be argued that Black Mesa State Park is located at its site due to the presence of Lake Carl Etling. Clearly a lake with adequate water levels would enhance the experience for all visitors to Black Mesa State Park.

The Oklahoma Department of Wildlife Conservation may have the best records of construction and operation of the gates in the impoundment. They also have an interest in the aquatic habitat.

Lake Carl Etling includes other management concerns. Management of erosion of banks and stability of banks is critical for the health of the lake. Vegetation control is related to water levels and quality of the aquatic habitat. Uncontrolled vehicular access across the lakebed also presents potential problems.

**Alternatives**

A. Seek answers to the questions surrounding the integrity of the gates in the impoundment and seek resolution of any associated problems;

B. No change – continue management as it is.

Preferred alternative:

Alternative A: Seek answers to the questions surrounding the integrity of the gates in the impoundment and seek resolution of any associated problems.

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**Issue Statement 3: Interpretive services at Black Mesa State Park and Preserve**

Black Mesa State Park and Preserve have stories to tell in many locations. That story should be told about the petrified forest; it should be told about the Santa Fe Trail; it should be told in the group camp, Cottonwood Camp, and in the day-use areas; it should be told in the park and in public schools. The interpretive message of Black Mesa State Park and Preserve should be told on property and off, to any interested audience, and to audiences not yet informed.

Interpretive services are variously defined depending upon the source or the agency involved. The classic definition of interpretation was given by Freeman Tilden (1977) as “An educational activity that attempts to reveal meaning and relationships through the use of original objects, by firsthand experience, and by illustrative media, rather than to simply communicate factual information.”

William E. Brown (1971), in _Islands of Hope_, presented the role of parks in the interpretive process. His definition of interpretation encompassed technology as well as process, as he stated that interpretation is “That body of communications, devices and facilities that conveys
environmental knowledge, stimulates discourse on environmental problems and results in environmental reform.” Brown also indicated that interpretation has a distinct purpose, especially in a sensitive natural environment. Brown argued that “Environmental interpretation not only informs, it motivates to action – sometimes it is action. Even at the informing level, it ceases to be innocent nature study or whitewashed history. It questions value systems, folk heroes, and conventional wisdom.”

The National Association for Interpretation (2008) has developed a professional, contemporary definition of interpretation that incorporates the theory from Tilden, the purpose from Brown, and the mission of the agency delivering the service. “Interpretation is a mission-based communication process that forges emotional and intellectual connections between the interests of the audience and the meanings inherent in the resource.”

Black Mesa State Park and Preserve offers several resources with inherent meaning and interest for the audience, allowing for forging of emotional and intellectual connections. The story includes the people, the place, the organizations, the events, the geology, the regional archeology, the habitat, the wildlife, and much more.

Properly developed and delivered programming could be presented on a fee-for-service basis. These programs could and should be delivered on-site and off-site. These programs become the educational foundation and outreach for Black Mesa State Park and Preserve and the state park system more broadly. This would require staff at a time when finances are limited for employing personnel.

Black Mesa State Park and Preserve could host one or two collegiate interns continually to create and deliver interpretive messages. Housing may be a major concern, but that could be achieved through the park residence or group camp. This would accomplish several goals for Black Mesa State Park and Preserve: (1) it would bring creative and energetic personnel into the park system; (2) it would achieve an educational goal for the park and the park system; (3) it would provide a link between the park system and the formal college and university education system; and (4) it would provide a message that Oklahoma’s state parks serve an educational role as well as a recreational role.

Alternatives

A. When finances permit, expand the interpretive programming within and beyond the park, especially if an interpretive heritage and nature center is possible;
B. Encourage the development of internship agreements focused on interpretive services;
C. No change – continue management as it is.

Preferred alternatives:

Alternative A and B: When finances permit, expand the interpretive programming within and beyond the park, especially if an interpretive heritage and nature center is possible; encourage the development of internship agreements focused on interpretive services.

Issue Statement 4: Green practices related to energy and conservation

Within the past few years Americans have begun to take conservation practices seriously. On behalf of citizens and as a representative of the park and recreation profession – a field with a
strong connection to the environment – Oklahoma State Parks has initiated several practices that are intended to conserve energy and other resources. This has been initiated with energy efficient lighting in the lodge and office structures, and needs to be expanded to other management practices.

Among the many possible areas that would benefit from conservation practices are: (1) park policies related to mowing, maintenance, debris removal, and waste disposal; and (2) recycling opportunities for the entire operation and its guests.

At present, state laws do not encourage a state agency to recycle waste or trash products, especially when private citizens generate (and thereby ‘own’) those materials. Inventory management and accounting procedures prevent the sale of, or revenue production from, recycled materials. However, volunteer groups such as a possible “Friends of Black Mesa State Park and Preserve” are permitted to serve as an agent for the collection and sale of recyclable materials. Another challenge to the establishment of a recycling program is the difficulty in finding a consistent market for the various products that might easily be recycled: glass, aluminum, and paper. This would be particularly true for Black Mesa State Park, but should be investigated for various options. These challenges do not lessen the desirability of establishing a recycling program in the state park system.

Black Mesa State Park and Preserve can have a significant role in modeling and educating other managers and guests regarding best management practices. One state park in Oklahoma – Keystone State Park – has been eco-certified. Black Mesa State Park and Preserve should be a leader in this effort as well.

Alternatives
A. Seek to change state accounting regulations to permit operation of the recycling program by park staff;
B. Encourage the development of a “Friends of Black Mesa State Park and Preserve” to create, implement, and evaluate a comprehensive recycling program throughout the park;
C. No change – continue management as it is.

Preferred alternative:
Alternative B: Encourage the development of a “Friends of Black Mesa State Park and Preserve” to create, implement, and evaluate a comprehensive recycling program throughout the park.

**Issue Statement 5: Expansion to adjoining properties**

Black Mesa State Park is part of the Oklahoma State Park system largely because of the existence of Lake Carl Etling. Clearly the lake enhances the park experience despite the present low water levels in the lake. Black Mesa State Park also offers additional recreation and education experiences unique within the Oklahoma State Park system.

Immediately west of Black Mesa State Park along the roadway between the park and Kenton there is a rugged landscape of rocky outcrops and canyons. This property adjoins Black Mesa State Park and offers promise for additional recreation and interpretive opportunities while protecting environmental resources.
Presently visitors to Black Mesa State Park may exit the park property and drive into Kenton along this roadway. These visitors receive the aesthetic values associated with this property. It is truly rural – truly rugged. Birds and mammals frequent the property in the piñon growth, sheltered by the rocky outcrops. Most of the property has been utilized as pasture leaving the area undeveloped.

The educational, recreational, and interpretive values associated with this adjoining property are directly linked to trails within the existing Black Mesa State Park. Having the additional property under state protection and management while expanding trails onto the property would increase the value of Black Mesa State Park.

Alternatives

A. Consider the acquisition of properties west of Black Mesa State Park to enhance the experiences offered and to protect this adjacent aesthetic value;
B. Work with current landowners to continue best practices in management of these properties without further development;
C. Ignore the adjoining property and its uses;
D. No change – continue management as it is.

Preferred alternative:

Alternatives A and B: Consider the acquisition of properties west of Black Mesa State Park to enhance the experiences offered and to protect this adjacent aesthetic value, and work with current landowners to continue best practices in management of these properties without further development.

**Issue Statement 6: Pricing for instate and out-of-state guests**

Presently OTRD operates under a policy of pricing a given good or service similarly for all guests. There is no distinction in pricing of goods and services between in-state residents who visit an Oklahoma State Park and out-of-state residents who visit and enjoy the same facilities and events. There is a distinction in that the in-state residents pay a significant tax burden which then subsidizes OTRD and the state parks. As a result, the in-state residents subsidize the recreation experience of out-of-state guests. It is readily acknowledged that the out-of-state guests benefit the local economy with their expenditures. However, if a guest at a local park resides outside the extent of the local economy, the dollars spent by a resident or an out-of-state guest have equal economic impact in direct measures, indirect measures, and induced measures.

Just as at Beavers Bend State Park and Lake Murray State Park on the southern border, Black Mesa State Park and Preserve enjoys visitation by a significant number of guests from New Mexico and other states, as well as those from within Oklahoma. This pattern of visitation is likely to occur at a number of other state parks near the interstate borders and for parks that offer attractions differing from what is available outside of the state of origin for the guests.

Many states have instituted a pricing differential to benefit in-state residents. For example, Texas requires vehicle permits for all vehicles entering its parks. Texas residents pay a lower price for the vehicle permits than do out-of-state residents, including Oklahomans who visit Texas.
Tourism is a business that includes intriguing interactions between the host community and its guests. OTRD must sustain a positive relationship between its parks, the staff in those parks, the surrounding community, in-state taxpayers, and guests – some of whom come from out of state. Pricing of goods and services is a sensitive variable in that relationship.

Alternatives
A. Review the pricing of lodging and camping provided by Oklahoma State Parks with consideration for state of residence as a factor in establishment of those prices;
B. Consider implementing entry fees at premium locations within Black Mesa State Park and Preserve for all guests utilizing those locations;
C. No change – continue management as it is.

Preferred alternatives:
Alternative A: Review the pricing of lodging and camping provided by Oklahoma State Parks with consideration for state of residence as a factor in establishment of those prices.

Recommendations beyond the Issues

Recommendation 1: OPDMD on park trails
Rule-making and interpretation of guidelines related to accessibility of trails in outdoor recreation settings took effect March 15, 2011 under the Department of Justice ruling that specified “other power-driven mobility devices” (OPDMD) could be used on trails by individuals with mobility limitations. At present, the expectation is that the operating entity shall “make reasonable modifications in policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the public entity can demonstrate that the class of OPDMD cannot be operated in accordance with legitimate safety requirements that the public entity has adopted based on actual risks” (American Trails, 2011).

Policies related to operation of power-driven mobility devices in Black Mesa State Park and Preserve will have to be developed and published. Motorized maintenance vehicles have been utilized within the park and are utilized on the trails. It is likely that these policies will have to address such OPDMD as golf carts (both electric and gas) and other personal motorized mobility devices. This is particularly true for trails at Black Mesa Nature Preserve.

These policies should have uniformity throughout the Oklahoma State Park system unless specific local conditions provide a basis for variation from the standard policy. At Black Mesa State Park and Preserve, the trails and public access to those trails are highly desirable features of the park. As technology changes and rule-making progresses, the trails at Black Mesa State Park and Preserve will receive an increased variety of users.

Recommendation 2: Consideration of archeological resources
As indicated in the RMP, Black Mesa State Park and Preserve includes numerous identified archeological sites, documented in a survey by the Oklahoma Historical Society. For archeological resources, the Oklahoma Archeological Survey is the authorized center for data related to these resources. Due to the distribution, variety, and quantity of these sites, it is essential that the archeological survey be reviewed prior to any planning or development.
throughout Black Mesa State Park and Preserve. This recommendation may apply to most of the state parks in Oklahoma, but it has specific and considerable application to Black Mesa State Park and Preserve.

**Recommendation 3: Consideration of habitat protection**

As mentioned in the RMP, Black Mesa State Park and Preserve are habitats for a number of threatened and endangered species, as well as, species that are uncommon for the average Oklahoman. These properties are officially wildlife refuges. However, a more aggressive stance may be necessary to assure protection of the essential habitat for all wildlife. A wildlife management plan could be developed in conjunction with ODWC. Such a plan would support the mission of Oklahoma State Parks and the purpose for Black Mesa State Park and Preserve.
References


http://www.wildlifedepartment.com/endanger.htm


Appendix A – Documents related to Park Property

1. 1959 option for purchase
2. 1959 resolution and warranty deed
3. 1960 cooperative agreement between OTRD and ODWC
OPTION FOR THE PURCHASE OF REAL ESTATE

This agreement made and entered into this 23rd day of January, 1959, by and between Cecil H. Walker, hereinafter known as party of the first part, and THE OKLAHOMA PLANNING AND RESOURCES BOARD OF THE STATE OF OKLAHOMA, the party of the second part,

WITNESSETH:

That in consideration of the sum of $1.00 in hand paid by the Oklahoma Planning and Resources Board of the State of Oklahoma to the said first party, the receipt of which is hereby acknowledged, the said first party hereby bargains, sells and grants to the said second party the option and right for a term of three (3) months from this date to purchase from said first party the following described real estate, to wit:

The South Half of the North West Quarter of Section Six (6), Township Five (5), Range One (1), Cimarron County, Oklahoma, consisting of 80 acres more or less. And that portion of the South West Quarter of the North East Quarter lying on top of the Black Mesa, consisting of 10 acres more or less, of Section Six (6), Township Five (5), Range One (1), Cimarron County, Oklahoma.

at the sum and price of $3,000.00 for surface rights only.

Cecil H. Walker

STATE OF OKLAHOMA )
County of ) SS
CIMARRON )

Before me, a Notary Public in and for the State of Oklahoma, personally appeared Cecil H. Walker, to me known to be the identical person who executed the within and foregoing option to sell real estate and acknowledged to me that he signed the same voluntarily and for the uses and purposes therein set forth.

My Commission expires:
December 13th., 1961
The Honorable Carl Etling  
State Representative  
Boise City, Oklahoma  

Dear Carl:

Will you please deliver the enclosed State Warrant made payable to Mr. Cecil H. Walker in the amount of Three Thousand Dollars ($3,000.00), to Mr. Walker. This is payment for the land at Black Mesa.

Also enclosed is the Warranty Deed for this property. Will you please take it to the County Clerk for recording then return it to this office.

Under separate mailing we are sending to you the Abstracts covering this land. We assume they belong to Mr. Walker, however our records indicate that you delivered them to us. Thank you kindly for assisting in this transaction.

Cordially,

KELLY E. DE BUSK  
Director of Administration

Enclosures – State Warrant #166618 ($3,000)  
Warranty Deed signed by Cecil H. and Marie Walker for recording.
April 10, 1959

IN RE: Univ. 7171 $1,250.00
NS.13335 & 13338 $9,850.00
EASEMENT NO. 2664
Parts of Sec. 31 & 32, Twp. 5N, 2ECM
W. 3/4ths of Lot 2 Sec. 6, Twp. 4N
Range 2 E.C.M. 259 acres
Cimarron County

Mr. Kelly E. DeBusk
Director of Administration
Oklahoma Planning & Resources Board
523 State Capitol
Oklahoma City 5, Oklahoma

Dear Mr. DeBusk:

In compliance with your request, we are enclosing herewith Original Copy of the above numbered Easement, for Park and Recreational purposes on the above captioned land, together with Departmental Receipts in the total amount of $11,100.00 covering cost thereof. One copy of the above Easement previously having been delivered.

This instrument may be filed for record in the office of the County Clerk of Cimarron County, Oklahoma.

If we can be of further service to you, please do not hesitate to let us know.

Very sincerely,

[Signature]

TOBE F. MCKENZIE
TITLE ATTORNEY

TFMct: mj
Encls.
RESOLUTION

WHEREAS, THE CITY OF GUYNON, OKLAHOMA, IS THE OWNER OF ALL OF THE SURFACE OF SECTION THIRTY-SIX (36), TOWNSHIP THREE (3) NORTH, RANGE FOURTEEN (14), E, CH, AND THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP THREE (3) NORTH, RANGE FOURTEEN (14), E, CH, ALL IN TEXAS COUNTY, OKLAHOMA; AND,

WHEREAS, THE CITY OF GUYNON ASSISTED BY THE VARIOUS CIVIC ORGANIZATIONS AND WOMEN'S CLUBS IN GUYNON, OKLAHOMA, TOGETHER WITH MANY CIVIC MINDED INDIVIDUALS, HAVE UNSELFISHLY, CAREFULLY AND METICULOUSLY IMPROVED PORTIONS OF SAID SECTION OF LAND FROM A ROUGH AND UNSIGHTLY AREA INTO A BEAUTIFUL AND USEFUL RECREATIONAL AREA KNOWN AS SUNSET PARK; AND,


WHEREAS, ALL OF THESE FACILITIES ARE AN ATTRACTION, A SOURCE OF PRIDE, AND RENDER AN UNEQUALLED SERVICE FOR RECREATION TO ALL OF TEXAS COUNTY, OKLAHOMA, THE ENTIRE PANHANDLE OF OKLAHOMA, THE FIVE STATE AREA INCLUDING KANSAS, COLORADO, NEW MEXICO, TEXAS AND OKLAHOMA, AND TO THE TRAVELING PUBLIC FROM POINTS ALL OVER THE UNITED STATES; AND,

WHEREAS, SAID PARK AREA CONSTITUTES A POINT OF PRIDE AND DISPLAY TO THE UNITED STATES FOR NORTHWESTERN OKLAHOMA, AND IS THE ONLY SUCH AREA IN NORTHWESTERN OKLAHOMA; AND,

WHEREAS, SUCH AREA CAN BE AND WOULD BE MAINTAINED AND DEVELOPED TO THE POINT OF MAXIMUM BEAUTY, AND DISPLAY, AND OFFER GREATER RECREATIONAL FACILITIES IF CONTROLLED AND MANAGED BY THE STATE OF OKLAHOMA, BY AND THROUGH THE OKLAHOMA PLANNING AND RESOURCES BOARD, BY INCLUDING SAID AREA IN THE STATE PARK SYSTEM; AND,
WHEREAS, IT IS THE DESIRE OF THE UNDERSIGNED ORGANIZATION THAT SAID AREA BE DEVELOPED TO ITS GREATEST EXTENT, AND THIS CAN ONLY BE DONE BY AND THROUGH THE STATE OF OKLAHOMA, AND THE OKLAHOMA PLANNING AND RESOURCES BOARD, DUE TO ITS VAST EXPERIENCE IN PARK DEVELOPMENT AND CARE AND MAINTENANCE; AND,

WHEREAS, IT IS THE DESIRE THAT THOSE WHO HAVE MADE CONTRIBUTIONS AND HAVE RESERVED AND ASSUMED CONTROL AND CARE OF CERTAIN AREAS IN SAID PARK, BE PERMITTED TO RETAIN SUCH RIGHTS; AND,

WHEREAS, THE NAME OF SAID PARK AREA SHOULD BE CHANGED FROM SUNSET PARK TO SUNSET STATE PARK.

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL BE URGED AND REQUESTED TO TRANSFER THE TITLE AND OWNERSHIP OF ALL OF SECTION THIRTY SIX (36), TOWNSHIP THREE (3) NORTH, RANGE FOURTEEN (14), AND THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY FIVE (25), TOWNSHIP THREE (3) NORTH, RANGE FOURTEEN (14), IN TEXAS COUNTY, OKLAHOMA, KNOWN AS THE CITY SECTION, TO THE STATE OF OKLAHOMA EX REL OKLAHOMA PLANNING AND RESOURCES BOARD IN THE SIMPLE TO BE USED, CREATED, MAINTAINED AND CARED FOR AS A STATE PARK TO BE KNOWN AS SUNSET STATE PARK, TO RECEIVE BACK FROM THE STATE OF OKLAHOMA EX REL OKLAHOMA PLANNING AND RESOURCES BOARD A LEASE ON ALL OF SAID PROPERTY FOR A PERIOD OF NINETY NINE (99) YEARS AND THE RIGHT TO RENEW SAID LEASE; AND RESERVING TO THOSE WHO HAVE BEEN MAINTAINING AND CONTROLLING CERTAIN AND DESIGNATED AREAS WITHIN SAID SECTION, THE RIGHT TO CONTINUE TO CONTROL AND USE SAID AREA, AS A PART OF AND IN LINE WITH THE AFORESAID RECREATIONAL AREA.

DATED AT HOOKER, OKLAHOMA, THIS _______ DAY OF

September, 1957.

TOWN OF HOOKER, OKLAHOMA

By: ____________________________

MAYOR
A Resolution

Enrolled House Joint
Resolution No. 530.

By: Allard, Andrews, Arrington, Avey, Baggett, Belvin, Bond (Marshall), Bond (Stephens), House, Bowner, Bradley (Jefferson), Bradley (Tulsa), Briscoe, Buckler, Bullard, Burnham, Camp, Carpenter, Clark, Cole, Converse, Cook, Cooksey, Cox, Craig, Daniel, Daugherty, Davis, Dolezal, Dyer, Finch, Fogarty, Ford, Forsythe, Foster, Fuller, Garrison, Goodfellow, Guicher, Graves, Green, Greenbaum, Hall, Ham, Hargrave, Hamworth, Hopkins, Howard, Hone, House, Huest, Husser, Inman, Johnson, Jones, Juniper, Kardokus, Kares, Lance, Langley, Larason, Levergood, Livingston, Lollar, Lynch, McCarty, McCune, McGahey, Meachan, Metcalf, Mitchell, Moore, Mountford, Murray, Nance, Nichols, Odom (Mcintosh), Odom (Wagoner), Osborn, Overton, Patterson, Poindexter, Preece, Privett, Renua, Richardson, Ritches, Roberts, Rogers, Rominger, Ruby, Sare, Shibley, Shipley, Shookaker, Skaggs, Skelton, Sparger, Sparks, Sparks, Spear, Spraker, Stevens, Stewart, Tallafullan, Tinker, Trask, Vandiver, Van Hooker, Watkins, Wheatley, Wilcox, Wilkerson, Williams (Nakay), Williams (Woodward), Williams (Cherokee), Willis (Jackson), and Wolf of the House
and
Field of the Senate

A Resolution Relating to State Parks and Recreation Areas; Taking Notice of the Natural and Historic Attractions of Northwest Cimarron County; of the Prominence in That Area of the "Black Mesa", and of the Fact That a Portion of This Area Has Been Acquired as a State Recreational Area; Officially Designating Such Area and Any Subsequently Acquired Adjoining Lands a State Park; Making it "Black Mesa State Park", and the Lake Thereon "Lake Carl G. Etling".
WHEREAS, The most conspicuous landmark in this area for many miles, the highest point in Oklahoma is a majestic mesa named Black Mesa by the first of the Spanish explorers who ventured into this wild and remote land; and

WHEREAS, The Legislature of the State of Oklahoma has seen fit to acquire a tract of this fascinating country and set it aside as a State Recreational Area.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE TWENTY-SEVENTH LEGISLATURE OF THE STATE OF OKLAHOMA:

SECTION 1. That the following described lands in Cimarron County, and any lands immediately adjacent thereto which have been or are hereafter acquired for park and recreational purposes be, and the same are hereby officially named "Black Mesa State Park":


and the lake thereon be and the same is hereby officially named "Lake Carl G. Etling".

Passed the House of Representatives the 18th day of May, 1959.

[Signature]
Speaker of the House of Representatives.

[Signature]
Passed the Senate the 18th day of May, 1959.

[Signature]
President of the Senate.
WARRANTY DEED

Statutory Form—Individual

Know All Men by These Presents:

That Cecil H. Walker and Marie Walker, husband and wife,

of Cimarron County, State of Oklahoma, part ies of the first part, in consideration of the sum of Three Thousand and 50/100 Dollars—$3,050—DOLLARS in hand paid, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey unto The Planning and Resources Board of the State of Oklahoma of Cimarron County, State of Oklahoma, part of the second part, the following described real property and premises situate in Cimarron County, State of Oklahoma, to-wit:

The South Half (S/2) of the Northwest Quarter (NW/4) of Section Six (6), in Township Five (5) North, Range One (1), East of the Cimarron Meridian, consisting of eighty (80) acres, more or less; and that portion of the Southwest Quarter (SW/4) of the Northeast Quarter (NE/4), lying on top of the Black Mesa, consisting of ten (10) acres, more or less, of Section Six (6), Township Five (5) North, Range One (1), East of the Cimarron Meridian;

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said party of the second part, its heirs and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and incumbrances of whatsoever nature.

Signed and delivered this 31st day of August, 1959

Cecil H. Walker

Marie Walker

STATE OF OKLAHOMA

COUNTY OF CIMARRON

Before me, the undersigned, a Notary Public in and for said County and State on this 31st day of August, 1959, personally appeared Cecil H. Walker and Marie Walker, husband and wife, to me known to be the identical person or persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

My commission expires August 27, 1961

R. J. French, Notary Public
EASEMENT

Univ. $1,250.00
N.S. 2,550.00
$11,100.00

COMMISSIONERS OF THE LAND OFFICE
STATE OF OKLAHOMA
Oklahoma City, Oklahoma

KNOW ALL MEN BY THESE PRESENTS:

THIS INDENTURE, made and entered into this, the 30th day of December, 1956, by and between the Commissioners of the Land Office of the State of Oklahoma, hereinafter designated as the parties of the first part, and Oklahoma Planning and Resources Board, State Capitol, Oklahoma, hereinafter designated as the party of the second part:

City 5, Oklahoma,

WITNESSETH: That in consideration of the sum of Eleven Thousand One Hundred and No/100 - - - - - - Dollars ($11,100.00 ), the receipt of which is hereby acknowledged, the parties of the first part, by power vested in them by the Constitution and laws of the State of Oklahoma, hereby grant and convey unto the party of the second part, the full and free right to the EASEMENT for the purposes only, covering the following described land situate in Cimarron County, State of Oklahoma:

The Southeast Quarter, less the South Half of the South Half of the Southeast Quarter of the Southeast Quarter, of Section 31 and the North Half of the Southwest Quarter of Section 32, Township 5 North, Range 2 E.C.M. and the West 3/4ths of Lot 2 of Section 5, Township 4 North, Range 2 E.C.M., containing 259 acres, more or less,

and to place thereon buildings and other structures and equipment necessary or incidental to the use of said land for park and recreational purposes.

The party of the second part shall construct and maintain a stock-proof fence surrounding said land.

The parties of the first part reserve and retain right of ingress and egress for the exploration for and the production of minerals from said land.

Being ___________________________________________________

This Easement shall not be transferred in whole or in part, except by operation of law, while legal title to said land remains in the State, without filing the transfer or copy thereof in the office of the Commissioners of the Land Office, payment of $2,00 transfer fee and approval of parties of the first part. Should party of the second part, its successors, heirs or assigns, cease to use said land for the purposes herein granted, the same shall revert to the State of Oklahoma or its assigns, and all rights and privileges herein granted shall thereupon cease and terminate.

It is hereby expressly understood and agreed that the party of the second part shall settle with the ____________________, agricultural lessee of said land for any damages that may be sustained to improvements and/or crops, by reason of construction or use of said right-of-way or Easement.

IN WITNESS WHEREOF, the Commissioners of the Land Office of the State of Oklahoma have caused these presents to be executed by their Chairman or Vice-Chairman and attested by their Secretary, on the date first above written.

COMMISSIONERS OF THE LAND OFFICE
STATE OF OKLAHOMA

By __________________________
Governor & Chairman

By __________________________
Chairman

Attest: ________________________
Secretary
TO

Love

Please place this deed in the
and file safe for Black Mesa.

Thank you.
COOPERATIVE AGREEMENT BETWEEN
OKLAHOMA WILDLIFE, CONSERVATION DEPARTMENT
AND
OKLAHOMA PLANNING AND RESOURCES BOARD

The Cooperative Agreement, made in duplicate this 5th day of Dec. 1960, 1960, by the Oklahoma Wildlife Conservation Department, hereinafter called the Department, and the Oklahoma Planning and Resources Board, hereinafter called the Board, and

WHEREAS, the Department has been created under the laws of the State of Oklahoma to provide an adequate and flexible system of control, propagation, protection, and regulation of all fish and wildlife in Oklahoma, and

WHEREAS, the Oklahoma Planning and Resources Board has been created under the laws of the State of Oklahoma to provide an adequate and flexible system of parks and recreational facilities, and

WHEREAS, the Department has acquired land creating a fish and wildlife lake known as Lake Etling in Cimarron County, Oklahoma, said lake purchased and developed with the use of Federal Aid funds, both Pittman-Robertson and Dingell-Johnson, and

WHEREAS, the Board has also purchased land adjoining the aforementioned lands for park purposes, and

WHEREAS, both the Department and the Board are interested in providing a more adequate program for the conservation of fish and wildlife and public use facilities,

NOW, therefore, be it mutually agreed that both agencies will cooperate in this project with the understanding that the primary purpose for which the lake is being developed is for the management of fish and migratory waterfowl;

The Board Agrees To:

1. Furnish minimum public use facilities such as fireplaces, picnic tables, boat launching ramps, and restrooms, and to assist in developing and maintaining a road along the west side of the lake, it is mutually agreed by both parties that the road will not only benefit the park but aid greatly in the management and harvest of fish;

2. To establish and confine swimming activities to a central location not to exceed 300 feet of shoreline adjacent to the public use area;
3. Among the planned recreational facilities is a youth building to be built in stages - Stage No. 1 to begin construction immediately to consist of a mess hall and future plans call for a dormitory of concrete blocks.

The Department Agrees To:

1. Cooperate in enforcing rules and regulations of the Board.

2. Make available the necessary lands for these improvements including road and highline rights of ways.

It is mutually agreed by both parties:

1. That these lands were purchased by the Department with the use of Federal Aid funds primarily for fish and wildlife purposes and these proposed developments will not interfere with the original intent of the project in any way. On the contrary, it is believed that the improvements proposed by the Board will aid in making available minimum public use facilities on this area as well as providing additional access.

2. To promote united approach by all interested parties to the problems relating to wildlife and fisheries management.

3. That members of both agencies will refrain insofar as possible from expressing a view contrary to the accepted policy and plans of the other agency.

4. That nothing in this agreement shall be construed as obligating the Department or the Board in the expenditure of funds or for the future payment of money in excess of appropriations authorized by law.

5. That this agreement shall become effective as soon as it is signed by the parties hereto.

6. That amendments to the Cooperative Agreement may be proposed by either party and shall become effective upon approval by both parties.

OKLAHOMA WILDLIFE CONSERVATION DEPARTMENT

By: [Signature]
Director

OKLAHOMA PLANNING AND RESOURCES BOARD

By: [Signature]
CHAIRMAN

Date 12/14/60

Approved [Signature]
Attachment A

Area of Wildlife Ownership and Concurrent Jurisdiction of Wildlife and Tourism.
Mr. Kim E. Erickson, Chief  
Fisheries Division  
Department of Wildlife Conservation  
1801 N. Lincoln  
Oklahoma City, OK 73105  

Dear Mr. Erickson:

Attached please find a copy of the executed amendment to the Black Mesa Cooperative Agreement.  

Thank you for your assistance in preparing this document. We look forward to working with you on others in the future.

Sincerely,  

Kristina S. Marek  
Assistant Director  
Division of State Parks  

KSM/mjm  
Attachment: 1
-Amendment I-
Cooperative Agreement Between
Oklahoma Department of Wildlife Conservation
and the
Oklahoma Planning and Resources Board

The Cooperative Agreement entered into the 5th day of December, 1960, by the Oklahoma Department of Wildlife Conservation and the Oklahoma Planning and Resources Board regarding operation and management of Lake Carl Etling and Black Mesa State Park is amended this 6th day of September, 1983, by mutual assent of the parties hereto, to incorporate the following provisions:

Both Parties Agree That:

1. All prior references to the Oklahoma Planning and Resources Board shall be applicable to the Oklahoma Tourism and Recreation Department, hereinafter call Tourism.

2. All land identified as under the jurisdiction of Wildlife (see attachment A) will be operated, managed and maintained by Tourism and will also be under the jurisdiction of Tourism for application and enforcement of park rules and regulations thereon. Nothing in this clause shall be construed as to prohibit the application and enforcement of all Wildlife rules and regulations on the subject property nor shall this clause be construed as an attempt to relieve Wildlife of its responsibilities as owner of the land, dam structure and water area.

Tourism Agrees That:

1. All recreation facilities developed, installed, funded or approved by Tourism at Lake Carl Etling will be maintained by Tourism.

2. Any proposed new facilities or developments on lands under the jurisdiction of Wildlife (see attachment A) will be approved in advance by the Department.

Department Agrees That:

1. Vehicular access through the group camp for fishing or other purposes may be restricted when the camp is occupied, with the understanding that at no time will pedestrian access for fishing be restricted.
Appendix B – Documents related to Preserve Property

1. 1991 insurance and warranty deed
2. 1991 title insurance
3. 1991 TNC warranty deed
4. 1991b commitment for title insurance
SCHEDULE A

COMMITMENT FOR TITLE INSURANCE

1. Effective Date: March 28, 1991 at 5:00 P.M.
   Case No. M-463(91) cjh
   E-84927
   Amount $165,000.00

2. Policy or policies to be issued:
   (a) ALTA Owner's Policy - (10-21-87)
       Proposed insured: STATE OF OKLAHOMA
       Amount $________________

   (b) ALTA Loan Policy - (10-21-87)
       Proposed insured: NONE
       Amount $________________

   (c) Proposed insured: NONE

3. Title to the fee simple estate or interest in the land described or referred to in this Commitment is at the effective date hereof vested in:
   THE NATURE CONSERVANCY, a non-profit corporation organized under the laws of the District of Columbia.

4. The land referred to in this Commitment is described as follows:
   (SEE SCHEDULE A, ITEM #4 CONTINUED AND ATTACHED HERETO FOR LEGAL DESCRIPTION)

Guaranty Abstract Company
Countersigned at Tulsa, Oklahoma
Authorized Officer or Agent

Commitment No. BG 175801
Schedule A—Page 1

This commitment is invalid unless the insuring provisions and schedules A and B are attached.
SCHEDULE A, ITEM #4 CONTINUED.

Lots Two (2), Three (3) and Four (4) of Section Six (6), Township Five (5) North of Range One (1) East; the Northeast Quarter of the Northwest Quarter (NE/4 NW/4), and the Southwest Quarter (SW/4) of Section Twenty-eight (28); the Southeast Quarter (SE/4), and the South Half of the Southwest Quarter (S/2 SW/4) of Section Twenty-nine (29); the Southeast Quarter of the Northeast Quarter (SE/4 NE/4), and the Southeast Quarter (SE/4) of Section Thirty (30); the East Half (E/2) of Section Thirty-one (31); the North Half of the Northeast Quarter (N/2 NE/4), the Southwest Quarter of the Northeast Quarter (SW/4 NE/4), the East Half of the Northwest Quarter (E/2 NW/4), the Northwest Quarter of the Southeast Quarter (NW/4 SE/4), and the East Half of the Southwest Quarter (E/2 SW/4) of Section Thirty-two (32); the North Half of the Northwest Quarter (N/2 NW/4), and the North Half of the Northwest Quarter of the Southwest Quarter (N/2 NW/4 SW/4) of Section Thirty-three (33), in Township Six (6), North of Range One (1), East of the Cimarron Meridian, situated in Cimarron County, State of Oklahoma, according to the United States Government Survey thereof.
The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

1. Execution and recording of valid conveyance from The Nature Conservancy, a non-profit corporation organized under the laws of the District of Columbia to STATE OF OKLAHOMA.

Item (c) A showing acceptable to the undersigned, must be furnished that all claims for labor and material going into the construction of any improvements on said property have been paid in full.
The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

2. Ad valorem taxes for 1991 and subsequent years which are not yet due or payable.

3. All interest in and to all of the oil, gas and other minerals in and under and that may be produced from said premises; and all rights, interests and estates of whatsoever nature incident to or growing out of said outstanding minerals.

4. All unreleased oil, gas and/or coal mining leases, recorded and unrecorded.

5. Section line road Rights of Way.

6. Terms, conditions and provisions of Warranty Deed dated October 5, 1928, filed November 15, 1928 at 9:00 A.M., recorded in Book 28, Deeds, Page 47.

7. Exceptions, reservations and rights of way as provided for in the following described documents:


   b. Patent to Alexander Cooper, dated September 18, 1911, filed April 24, 1917 at 4:00 P.M., recorded in Book 3 Pat., Page 604.

   c. Patent to Jennie Cooper, dated July 31, 1926, filed January 27, 1928 at 2:00 P.M., recorded in Book 4, Patents, page 429.

   d. Patent to Ira E. Myers, dated September 9, 1927, filed October 5, 1927 at 10:00 A.M., recorded in Book 4 Patents, Page 427.


(SEE SCHEDULE B - SECTION 2, EXCEPTIONS CONTINUED AND ATTACHED HERETO)

NOTE: If policy is to be issued in support of a mortgage loan, attention is directed to the fact that the Company can assume no liability under its policy, the closing instructions, or Insured Closing Service for compliance with the requirements of any consumer credit protection or truth in lending law in connection with said mortgage loan.

This commitment is invalid unless the insuring Provisions and Schedules A and B are attached.

Schedule B-Section 2-Page 1-Commitment No. BG 175801
SCHEDULE B - SECTION 2, EXCEPTIONS CONTINUED.

**g.** Patent to Joseph H. Hopkins, dated March 14, 1904, filed December 29, 1904 at 5:00 P.M., recorded in Book 5, Deeds, Page 153.

**h.** Patent to George Cooper, dated November 13, 1905, filed January 5, 1909 at 9:00 A.M., recorded in Book 4, Deeds, Page 524.

**i.** Patent to Clarence H. Cooper, dated March 12, 1940, filed January 28, 1942 at 2:30 P.M., recorded in Book 5 Patents, Page 143.

**j.** Patent to Myrtle I. Tharp, dated December 2, 1938, filed September 9, 1940 at 11:00 A.M., recorded in Book 4 Patents, Page 491.

8. Rights or claims of parties in possession and easements or claims of easements not shown by the public records, boundary line disputes, overlaps, encroachments, and any matters not of record which would be disclosed by an accurate survey and inspection of the premises.
COMMITMENT FOR TITLE INSURANCE

LAWYERS TITLE INSURANCE CORPORATION, a Virginia corporation, herein called the Company, for valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor, all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six (6) months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company. This Commitment shall not be valid or binding until countersigned by an authorized officer or agent.

IN WITNESS WHEREOF, the Company has caused this Commitment to be signed and sealed, to become valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws. This Commitment is effective as of the date shown in Schedule A as "Effective Date."

CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.

2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.

3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and the Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.

4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

By:  

Marvin C. Bowling, Jr.
President

Attest:  

W. J. Swaim
Secretary

COPYRIGHT 1966-AMERICAN LAND TITLE ASSN.
LITHO IN U.S.A.
1. Name of Insured:

STATE OF OKLAHOMA, OKLAHOMA TOURISM AND RECREATION DEPARTMENT.

2. The estate or interest in the land described herein and which is covered by this policy is:

fee simple

3. The estate or interest referred to herein is at Date of Policy vested in:

STATE OF OKLAHOMA, OKLAHOMA TOURISM AND RECREATION DEPARTMENT.

4. The land referred to in this policy is described as follows:

Lots Two (2), Three (3) and Four (4) of Section Six (6), Township Five (5) North of Range One (1) East; the Southwest Quarter (SW/4) of Section Twenty-eight (28); the Southeast Quarter (SE/4), and the South Half of the Southwest Quarter (S/2 SW/4) of Section Twenty-nine (29); the Southeast Quarter of the Northeast Quarter (SE/4 NE/4), and the Southeast Quarter (SE/4) of Section Thirty (30); the East Half (E/2) of Section Thirty-one (31); the North Half of the Northeast Quarter (N/2 NE/4), the Southwest Quarter of the Northeast Quarter (SW/4 NE/4), the East Half of the Northwest Quarter (E/2 NW/4), the Northwest Quarter of the Southeast Quarter (NW/4 SE/4), and the East Half of the Southwest Quarter (E/2 SW/4) of Section Thirty-two (32); the North Half of the Northwest Quarter (N/2 NW/4), and the North Half of the Northwest Quarter of the Southwest Quarter (N/2 NW/4 SW/4) of Section Thirty-three (33), in Township Six (6), North of Range One (1), East of the Cimarron Meridian, situated in Cimarron County, State of Oklahoma, according to the United States Government Survey thereof.

BEING THE SAME PROPERTY as conveyed by SPECIAL WARRANTY DEED executed by The Nature Conservancy, a non-profit corporation organized and existing under the laws of the District of Columbia, to STATE OF OKLAHOMA, OKLAHOMA TOURISM AND RECREATION DEPARTMENT, dated April 11, 1991, filed of record in the office of the County Clerk of Cimarron County, State of Oklahoma, on May 1, 1991 at 2:00 o'clock P.M., recorded in Book 275, Page 141.

GUARANTY ABSTRACT COMPANY

320 South Boulder, Tulsa, Oklahoma

Issued at (Location)

Policy 85 (Rev. 2/79)
Form No. 036-0-086-0000/3

This Policy is invalid unless the cover sheet and Schedule A are attached.

ALTA Owner’s Policy Form B 1970 (Rev. 10-17-70 and 10-17-84)
Copyright 1969
This policy does not insure against loss or damage by reason of the following:

1. Rights or claims of parties in possession, boundary line disputes, overlaps, encroachments, and any other matters not shown by the public records which would be disclosed by an accurate survey and inspection of the land described in Schedule A.

2. Easements, or claims of easements, not shown by the public records.

3. Any right, interest or easement shown by the public records which is not shown by the public records.

4. Ad valorem taxes for 1991 and subsequent years which are not yet due or payable.

5. All interest in and to all of the oil, gas and other minerals in and under and that may be produced from said premises; and all rights, interests and estates of whatsoever nature incident to or growing out of said outstanding minerals.

6. All unreleased oil, gas and/or coal mining leases, recorded and unrecorded.

7. Section line road Rights of Way.

8. Terms, conditions and provisions of Warranty Deed dated October 5, 1928, filed November 15, 1928 at 9:00 A.M., recorded in Book 28, Deeds, Page 47.

9. Exceptions, reservations and rights of way as provided for in the following described documents:


   b. Patent to Alexander Cooper, dated September 18, 1911, filed April 24, 1917 at 4:00 P.M., recorded in Book 3 Pat., Page 604.

   c. Patent to Jennie Cooper, dated July 31, 1926, filed January 27, 1928 at 2:00 P.M., recorded in Book 4, Patents, page 429.

   d. Patent to Ira E. Myers, dated September 9, 1927, filed October 5, 1927 at 10:00 A.M., recorded in Book 4 Patents, Page 427.


(SEE SCHEDULE B CONTINUED AND ATTACHED HERETO)

g. Patent to Joseph H. Hopkins, dated March 14, 1904, filed December 29, 1904 at 5:00 P.M., recorded in Book 5, Deeds, Page 153.

h. Patent to George Cooper, dated November 13, 1905, filed January 5, 1909 at 9:00 A.M., recorded in Book 4, Deeds, Page 524.

i. Patent to Clarence H. Cooper, dated March 12, 1940, filed January 28, 1942 at 2:30 P.M., recorded in Book 5 Patents, Page 143.

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That, THE NATURE CONSERVANCY, a non-profit corporation organized and existing under the laws of the District of Columbia, having a mailing address of 1815 North Lynn Street, Arlington, Virginia 22209 (herein called the "Conservancy"), in consideration of the sum of Ten and No/100 Dollars ($10.00) in hand paid and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, does hereby grant, bargain, sell and convey unto the STATE OF OKLAHOMA, OKLAHOMA TOURISM AND RECREATION DEPARTMENT, having a mailing address of 500 Will Rogers Building, Oklahoma City, Oklahoma 73015 (herein called "Grantee"), all of the real property and premises located in Cimarron County, Oklahoma, more particularly described on Exhibit "A" attached hereto, together with any and all the improvements thereon and appurtenances thereunto belonging (collectively the "Property"), excepting from this grant and reserving unto the Conservancy the easements and reservations set forth hereinbelow, and warrant the title to the same to be free, clear, and discharged of and from all former grants, charges, taxes, judgments, mortgages, and other liens and encumbrances made or suffered to be made by the Conservancy during the Conservancy's ownership of the Property and premises, but not otherwise, subject however, to the restrictions and covenants set forth hereinbelow.

This Special Warranty Deed is specifically subject to the following reservations, restrictions, easements and covenants:

WHEREAS, the Property has aesthetic, scientific, educational and ecological value in its present state as a natural area which has not been subject to development or exploitation;

WHEREAS, the Conservancy in conveying the Property to the Grantee, and the Grantee in accepting such conveyance intending that the restrictions, easements, and covenants made herein are to constitute a portion of the consideration received by the Conservancy for such conveyance;

WHEREAS, the Property is a natural area which has substantial value as a natural, scientific, educational, aesthetic, scenic and recreational resource;

EXEMPT FROM DOCUMENTARY STAMP TAX PURSUANT TO 68 OKLA. STAT. §3202(11).
WHEREAS, the Conservancy is a nonprofit corporation whose purpose is to preserve and conserve areas for aesthetic, scientific, charitable and educational purposes;

WHEREAS, Grantee and Conservancy recognize the natural, scenic, aesthetic, and special character of the Property, and have the common purpose of the conservation and protection in perpetuity of the Property; and

WHEREAS, "natural, scientific, educational, aesthetic, scenic and recreational resource," as used herein shall, without limiting the generality of the terms, mean the condition of the Property at the time of this grant, evidenced by:

(a) The appropriate survey maps from the United States Geological Survey, showing the property lines and other contiguous or nearby protected areas;

(b) A map of the area drawn to scale showing all existing man-made improvements or incursions (such as roads, buildings, fences, or gravel pits), vegetation and identification of flora and fauna (including, for example, rare species locations, animal breeding and roosting areas, and migration routes), land use history (including present uses and recent past disturbances), and distinct natural features (such as large trees and aquatic areas);

(c) An aerial photograph of the Property at an appropriate scale taken as close as possible to the date of this Special Warranty Deed; and

(d) On-site photographs taken at appropriate locations on the Property;

and other documentation possessed (at present or in the future), by the Grantee which the Grantee shall make available to the Conservancy, its successors and assigns, which documentation shall be sufficient to establish the condition of the Property as of the date hereof.

NOW, THEREFORE, the Conservancy, for itself and its successors and assigns, hereby reserves the following easements over the Property consisting of the following:

AFFIRMATIVE RIGHTS

1. The right of visual access to and view of the Property in its natural, scenic, open and undisturbed condition.
2. The right in a reasonable manner and at reasonable times, to enter the Property for the purposes of inspecting same to determine compliance herewith, to enforce by proceedings at law or in equity the covenants hereinafter set forth including, but not limited to, the right to require the restoration of the Property to its condition at the time of this grant. The Conservancy, or its successors or assigns, does not waive or forfeit the right to take action as may be necessary to insure compliance with the covenants and purposes contained in this Special Warranty Deed by any prior failure to act. Nothing herein shall be construed to entitle the Conservancy to institute any proceedings against Grantee for any changes to the Property due to causes beyond the Grantee's control such as changes caused by fire, floods, storm, or unauthorized wrongful acts of third persons.

3. The right of access includes the right to conduct and/or authorize scientific studies and educational tours on the Property upon prior notice to Grantee, provided that the Conservancy's access to the Property shall be at the sole risk of the Conservancy, its employees, agents and invitees, and the Conservancy agrees to indemnify, defend and hold Grantee harmless from any claims or damages arising out of entries upon the Property by the Conservancy, its employees, agents and invitees.

4. The right to the Conservancy to participate in the development of and to approve a comprehensive management plan, and the right to access the Property for the purpose of monitoring the implementation of the plan. The comprehensive management plan entered into by Grantee and the Conservancy shall cover the five (5) years subsequent to the date of this Special Warranty Deed, shall be executed no later than one (1) year subsequent to the date hereof and shall be reviewed and renewed by the Grantee and Conservancy subsequent to its initial five (5) year term, provided however, the failure for any reason, of the Conservancy and the Grantee to execute such plan shall in no way affect the other terms of this Special Warranty Deed or the parties' respective rights and obligations hereunder.

AND IN FURTHERANCE of the foregoing affirmative rights, the Grantee, on behalf of the Grantee, its successors and assigns, by its acceptance of the delivery of this Special Warranty Deed and with the intent that the same shall run with and bind the Property in perpetuity, does hereby make, with respect to the Property, the following:
COVENANTS

With respect to the Property:

1. VEGETATION. There shall be no removal, destruction, cutting, trimming, mowing, alteration or spraying with biocides of any vegetation, nor any disturbance or change in the natural habitat in any manner. There shall be no planting or introduction of any species of vegetations, except as part of the approval comprehensive management plan.

2. USES. There shall be no agricultural, commercial or industrial activity undertaken or allowed; nor shall any right of passage across or upon the Property be allowed or granted if that right of passage is used in conjunction with agricultural, commercial or industrial activity.

3. GRAZING. There shall be no grazing activity on the top or the slopes of the mesa portion of the Property, such portion being defined as any part of the Property at or above the elevation of 4,500 feet above sea level. (See Exhibit B, portion of Kenton, Okla. - Colo. 7.5 minute Topographic Map.).

4. TOPOGRAPHY. There shall be no filling, excavating, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock, minerals or other materials, no dumping of ashes, trash, garbage, or of any other material, and no changing of the topography of the Property in any manner.

5. BUILDINGS. There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards, or other advertising material, or other structures.

6. ROADS. There shall be no building of new roads or any other rights of way nor widening of existing roads at or above the elevation of 4,500 feet above sea level.

7. WATERS. There shall be no disruption of tidal pattern by damming, dredging or construction in any free flowing water body, nor construction of any weirs, groins, nor dikes in any marshlands, nor any manipulation or alteration of natural water courses, fresh water lake or pond shores, marshes, or other water bodies nor any activities or uses detrimental to water purity.
8. **VEHICLES.** There shall be no operation of dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles.

9. **CONSTRUCTION.** There shall be no construction or placing of temporary or permanent buildings, docks, bridges, piers or other structures at or above the elevation of 4,500 feet above sea level.

10. **REMOVAL OF PROPERTY.** There shall be no removal of plants, rocks or other natural occurrences at the Property nor any removal of Indian artifacts and Grantee shall take reasonable measures to protect any such items from being removed by guests, invitees or tourists.

11. **PROHIBITED USE.** No use shall be made of the Property and no activity shall be permitted thereon, which in the reasonable opinion of the Conservancy is or may become inconsistent with the preservation of the Property predominately in its natural condition and the protection of environmental systems.

In the event that a breach of these restrictions by the Grantee or by a third party comes to the attention of the Conservancy, the Conservancy must notify the Grantee in writing of such breach. The Grantee shall have thirty (30) days after receipt of such notice to undertake actions including restoration of the Property that are reasonably calculated to correct swiftly the conditions constituting such a breach. If the Grantee fails to take such corrective action, the Conservancy shall at its discretion undertake such actions, including, appropriate legal proceedings, as are reasonably necessary to effect such corrections; and the cost of such corrections, including the Conservancy’s expenses, court costs and legal fees shall be paid by the Grantee, provided the Grantee is determined to be responsible for the breach.

NEVERTHELESS, and notwithstanding any of the foregoing provisions to the contrary, the Grantee and its successors and assigns shall have the following rights, which are not inconsistent with the conservation interests associated with the Property.

**GRANTEE’S RIGHTS**

1. **NATURE CENTER.** Grantee shall have the right to construct at its expense a nature center on a portion of the Property below 4,500 feet above sea level, the total area of the land set aside for such center shall not exceed ten (10) acres, including parking, signage and access to
such center. The location and size of such center and the location of the utility services to such center shall be subject to the Conservancy's prior written approval.

2. TRAILS. Grantee shall have the right to have non-paved hiking trails created at locations approved by the Conservancy.

GENERAL PROVISIONS

The Grantee agrees that the terms, conditions, restrictions, and purposes of this grant shall be deemed to run with the land for all purposes. In the event the Grantee divests itself of any of its interest in the Property, the Grantee will notify in writing the Conservancy, its successors or assigns, of any such conveyance.

Any notices required in this Special Warranty Deed shall be sent by registered or certified mail, postage prepaid, to the following addresses or such address as may be hereinafter specified by notice in writing:

GRANTEE:
Planning and Development
Oklahoma Tourism and Recreation
500 Will Rogers Building
Oklahoma City, OK 73105

Attention: Director

With copy to:
Office of the Attorney General
State of Oklahoma
112 State Capitol Building
Oklahoma City, Oklahoma 73105

CONSERVANCY:
THE NATURE CONSERVANCY
1815 N. Lynn Street
Arlington, VA 22209

With copy to:
Regional Attorney
THE NATURE CONSERVANCY
P.O. Box 2267
Chapel Hill, NC 27215-2267

In the event any provision of this Special Warranty Deed is determined by the appropriate court to be void and unenforceable, all remaining terms shall remain valid and binding in all respects.

If a subsequent, unexpected change in the conditions of the Property or the surrounding property, make impossible or impractical the continued use of the Property for conservation purposes, the restrictions shall be extinguished by judicial proceeding and all of the Conservancy's proceeds from a subsequent sale or exchange of
the Property shall be used in a manner consistent with the conservation purposes of this grant.

Whenever all or part of the Property is taken in exercise of eminent domain by public, corporate, or other authority so as to abrogate the restrictions imposed by this Special Warranty Deed, the Grantee and the Conservancy shall join in appropriate actions at the time of such taking to recover the full value of the taking and all incidental or direct damages resulting from the taking. The net proceeds (including, for purposes of this subparagraph, proceeds from any lawful sale of the Property unencumbered by the restrictions hereunder), shall be distributed between the Grantee and the Conservancy in share, in proportion to the fair market value of their respective interests in the Property on the date of execution of this Special Warranty Deed, as determined by the difference between the purchase price paid by the Conservancy at the time of its acquisition of the Property and the purchase price paid by the Grantee at the time of its acquisition of the Property from the Conservancy.

The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Conservancy for enforcement of this Special Warranty Deed, including but not limited to specific performance and injunctive relief.

TO HAVE AND TO HOLD the Property and premises unto the Grantee, its successors and assigns forever, subject, however, to (i) all oil, gas and other minerals previously reserved or conveyed of record and (ii) the Permitted Exceptions attached hereto as Exhibit "B"; and (iii) the reservations, restrictions, easements and covenants set forth in this Special Warranty Deed.
IN WITNESS WHEREOF, the Conservancy and the Grantee have caused this Deed to be executed on this 14th day of April, 1991.

"CONSERVANCY"

ATTEST:

[Signature]
(Seal)

THE NATURE CONSERVANCY,
A Non-profit District of Columbia Corporation

By [Signature]
Vice President

STATE OF NORTH CAROLINA )
COUNTY OF ORANGE )

This instrument was acknowledged before me on April 11, 1991, by Charles R. Bassett, as Vice President of THE NATURE CONSERVANCY, a non-profit District of Columbia corporation.

[Signature]
Deborah H. Stander
Notary Public

My Commission Expires:
Oct 10, 1993
(Seal)
STATE OF OKLAHOMA

By:

J. B. Bennett,
Executive Director
Oklahoma Tourism and
Recreation Department,
State of Oklahoma

STATE OF OKLAHOMA  )
COUNTY OF OKLAHOMA  )
SS.

This instrument was acknowledged before me on 4-16-91, by J. B. Bennett, as Executive Director of the OKLAHOMA TOURISM AND RECREATION DEPARTMENT, STATE OF OKLAHOMA.

My Commission Expires:
8-24-92
(SEAL)

261.91A.MSL
EXHIBIT "A"

Legal Description

Lots Two (2), Three (3), and Four (4) of Section Six (6), in Township Five (5) North, Range One (1) East of the Cimarron Meridian, in Cimarron County, State of Oklahoma; and

All of the following described real property and premises in Township Six (6) North, Range One (1) East of the Cimarron Meridian, in Cimarron County, State of Oklahoma:

The Southwest Quarter (SW/4) of Section Twenty-eight (28);

The Southeast Quarter (SE/4) and the South Half of the Southwest Quarter (S/2 SW/4) of Section Twenty-nine (29);

The Southeast Quarter of the Northeast Quarter (SE/4 NE/4), and the Southeast Quarter (SE/4) of Section Thirty (30);

The East Half (E/2) of Section Thirty-one (31);

The North Half of the Northeast Quarter (N/2 NE/4), the Southwest Quarter of the Northeast Quarter (SW/4 NE/4), the East Half of the Northwest Quarter (E/2 NW/4), the Northwest Quarter of the Southeast Quarter (NW/4 SE/4), and the East Half of the Southwest Quarter (E/2 SW/4) of Section Thirty-two (32); and

The North Half of the Northwest Quarter (N/2 NW/4), and the North Half of the Northwest Quarter of the Southwest Quarter (N/2 NW/4 SW/4) of Section Thirty-three (33);

All in Township Six (6), North, Range One (1), East of the Cimarron Meridian, in Cimarron County, State of Oklahoma.
EXHIBIT "B"

Permitted Exceptions

1. Section line road Rights-of-Way.

2. Terms, conditions and provisions of Warranty Deed, dated October 5, 1928, filed November 15, 1928 at 9:00 A.M., recorded in Book 28, Deeds, Page 47.

3. Exceptions, reservations and rights-of-way as provided for in the following described documents:


   b. Patent to Alexander Cooper, dated September 18, 1911, filed April 24, 1917 at 4:00 P.M., recorded in Book 3, Patents, Page 604.

   c. Patent to Jennie Cooper, dated July 31, 1926, filed January 27, 1928 at 2:00 P.M., recorded in Book 4, Patents, Page 429.

   d. Patent to Ira E. Myers, dated September 9, 1927, filed October 5, 1927 at 10:00 A.M., recorded in Book 4, Patents, Page 427.


   g. Patent to Joseph H. Hopkins, dated March 14, 1904, filed December 29, 1904 at 5:00 P.M., recorded in Book 5, Deeds, Page 153.

   h. Patent to George Cooper, dated November 13, 1905, filed January 5, 1909 at 9:00 A.M., recorded in Book 4, Deeds, page 524.

   i. Patent to Clarence H. Cooper, dated March 12, 1940, filed January 28, 1942 at 2:30 P.M., recorded in Book 5, Patents, Page 143.

   j. Patent to Myrtle I. Tharp, dated December 2, 1938, filed September 9, 1940 at 11:00 A.M., recorded in Book 4, Patents, Page 491.
SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That, THE NATURE CONSERVANCY, a non-profit corporation organized and existing under the laws of the District of Columbia, having a mailing address of 1815 North Lynn Street, Arlington, Virginia 22209 (herein called the "Conservancy"), in consideration of the sum of Ten and No/100 Dollars ($10.00) in hand paid and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, does hereby grant, bargain, sell and convey unto the STATE OF OKLAHOMA, OKLAHOMA TOURISM AND RECREATION DEPARTMENT, having a mailing address of 500 Will Rogers Building, Oklahoma City, Oklahoma 73105 (herein called "Grantee"), all of the real property and premises located in Cimarron County, Oklahoma, more particularly described on Exhibit "A" attached hereto, together with any and all the improvements thereon and appurtenances thereunto belonging (collectively the "Property"), excepting from this grant and reserving unto the Conservancy the easements and reservations set forth hereinbelow, and warrant the title to the same to be free, clear, and discharged of and from all former grants, charges, taxes, judgments, mortgages, and other liens and encumbrances made or suffered to be made by the Conservancy during the Conservancy's ownership of the Property and premises, but not otherwise, subject however, to the restrictions and covenants set forth hereinbelow.

This Special Warranty Deed is specifically subject to the following reservations, restrictions, easements and covenants:

WHEREAS, the Property has aesthetic, scientific, educational and ecological value in its present state as a natural area which has not been subject to development or exploitation; and

WHEREAS, the Conservancy in conveying the Property to the Grantee, and the Grantee in accepting such conveyance intending that the restrictions, easements, and covenants made herein are to constitute a portion of the consideration received by the Conservancy for such conveyance; and

WHEREAS, the Property is a natural area which has substantial value as a natural, scientific, educational, aesthetic, scenic and recreational resource; and
WHEREAS, the Conservancy is a nonprofit corporation whose purpose is to preserve and conserve areas for aesthetic, scientific, charitable and educational purposes; and

WHEREAS, Grantee and Conservancy recognize the natural, scenic, aesthetic, and special character of the Property, and have the common purpose of the conservation and protection in perpetuity of the Property; and

WHEREAS, "natural, scientific, educational, aesthetic, scenic and recreational resource," as used herein shall, without limiting the generality of the terms, mean the condition of the Property at the time of this grant, evidenced by:

(a) The appropriate survey maps from the United States Geological Survey, showing the property lines and other contiguous or nearby protected areas;

(b) A map of the area drawn to scale showing all existing man-made improvements or incursions (such as roads, buildings, fences, or gravel pits), vegetation and identification of flora and fauna (including, for example, rare species locations, animal breeding and roosting areas, and migration routes), land use history (including present uses and recent past disturbances), and distinct natural features (such as large trees and aquatic areas);

(c) An aerial photograph of the Property at an appropriate scale taken as close as possible to the date of this Special Warranty Deed; and

(d) On-site photographs taken at appropriate locations on the Property;

and other documentation possessed (at present or in the future), by the Grantee which the Grantee shall make available to the Conservancy, its successors and assigns, which documentation shall be sufficient to establish the condition of the Property as of the date hereof.

NOW, THEREFORE, the Conservancy, for itself and its successors and assigns, hereby reserves the following easements over the Property consisting of the following:

AFFIRMATIVE RIGHTS

1. The right of visual access to and view of the Property in its natural, scenic, open and undisturbed condition.
2. The right in a reasonable manner and at reasonable times, to enter the Property for the purposes of inspecting same to determine compliance herewith, to enforce by proceedings at law or in equity the covenants hereinafter set forth including, but not limited to, the right to require the restoration of the Property to its condition at the time of this grant. The Conservancy, or its successors or assigns, does not waive or forfeit the right to take action as may be necessary to insure compliance with the covenants and purposes contained in this Special Warranty Deed by any prior failure to act. Nothing herein shall be construed to entitle the Conservancy to institute any proceedings against Grantee for any changes to the Property due to causes beyond the Grantee's control such as changes caused by fire, floods, storm, or unauthorized wrongful acts of third persons.

3. The right of access includes the right to conduct and/or authorize scientific studies and educational tours on the Property upon prior notice to Grantee, provided that the Conservancy's access to the Property shall be at the sole risk of the Conservancy, its employees, agents and invitees, and the Conservancy agrees to indemnify, defend and hold Grantee harmless from any claims or damages arising out of entries upon the Property by the Conservancy, its employees, agents and invitees.

4. The right to the Conservancy to participate in the development of and to approve a comprehensive management plan, and the right to access the Property for the purpose of monitoring the implementation of the plan. The comprehensive management plan entered into by Grantee and the Conservancy shall cover the five (5) years subsequent to the date of this Special Warranty Deed, shall be executed no later than one (1) year subsequent to the date hereof and shall be reviewed and renewed by the Grantee and Conservancy subsequent to its initial five (5) year term, provided however, the failure for any reason, of the Conservancy and the Grantee to execute such plan shall in no way affect the other terms of this Special Warranty Deed or the parties' respective rights and obligations hereunder.

AND IN FURTHERANCE of the foregoing affirmative rights, the Grantee, on behalf of the Grantee, its successors and assigns, by its acceptance of the delivery of this Special Warranty Deed and with the intent that the same shall run with and bind the Property in perpetuity, does hereby make, with respect to the Property, the following:
COVENANTS

With respect to the Property:

1. **VEGETATION.** Except as part of the approved comprehensive management plan, there shall be no removal, destruction, cutting, trimming, mowing, alteration or spraying with biocides of any vegetation, nor any disturbance or change in the natural habitat in any manner, nor any planting or introduction of any species of vegetation.

2. **USES.** There shall be no agricultural, commercial or industrial activity undertaken or allowed; nor shall any right of passage across or upon the Property be allowed or granted if that right of passage is used in conjunction with agricultural, commercial or industrial activity.

3. **GRAZING.** There shall be no commercial grazing activity on the Property.

4. **TOPOGRAPHY.** There shall be no filling, excavating, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock, minerals or other materials, no dumping of ashes, trash, garbage, or of any other material, and no changing of the topography of the Property in any manner.

5. **BUILDINGS.** There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards, or other advertising material, or other structures.

6. **ROADS.** There shall be no building of new roads or any other rights of way nor widening of existing roads at or above the elevation of 4,500 feet above sea level, as shown on Exhibit C, portion of Denton-Okla.-Colo. 7.5 minute topographic map.

7. **WATERS.** There shall be no disruption of tidal pattern by damming, dredging or construction in any free flowing water body, nor construction of any weirs, groins, nor dikes in any marshlands, nor any manipulation or alteration of natural water courses, fresh water lake or pond shores, marshes, or other water bodies nor any activities or uses detrimental to water purity.

8. **VEHICLES.** There shall be no operation of dune buggies, motorcycles, all-terrain vehicles or any other types of motorized or non-motorized vehicles above the elevation of 4,500 feet above sea level except by authorized
employees of the State of Oklahoma, The Nature Conservancy, or emergency personnel in the course of their duties as defined in the approved comprehensive management plan.

9. CONSTRUCTION. There shall be no construction or placing of temporary or permanent buildings, docks, bridges, piers or other structures at or above the elevation of 4,500 feet above sea level.

10. REMOVAL OF PROPERTY. There shall be no removal of animals, plants, rocks or other natural occurrences at the Property nor any removal of Indian artifacts and Grantee shall take reasonable measures to protect any such items from being removed by guests, invitees or tourists.

11. PROHIBITED USE. No use shall be made of the Property and no activity shall be permitted thereon, which in the reasonable opinion of the Conservancy is or may become inconsistent with the preservation of the Property predominately in its natural condition and the protection of environmental systems.

In the event that a breach of these restrictions by the Grantee or by a third party comes to the attention of the Conservancy, the Conservancy must notify the Grantee in writing of such breach. The Grantee shall have thirty (30) days after receipt of such notice to undertake actions including restoration of the Property that are reasonably calculated to correct swiftly the conditions constituting such a breach. If the Grantee fails to take such corrective action, the Conservancy shall at its discretion undertake such actions, including, appropriate legal proceedings, as are reasonably necessary to effect such corrections; and the cost of such corrections, including the Conservancy’s expenses, court costs and legal fees shall be paid by the Grantee, provided the Grantee is determined to be responsible for the breach.

NEVERTHELESS, and notwithstanding any of the foregoing provisions to the contrary, the Grantee and its successors and assigns shall have the following rights, which are not inconsistent with the conservation interests associated with the Property.

GRANTEE’S RIGHTS

1. NATURE CENTER. Grantee shall have the right to construct at its expense a nature center on a portion of the Property below 4,500 feet above sea level, the total area of the land set aside for such center shall not exceed
ten (10) acres, including parking, signage and access to such center. The location and size of such center and the location of the utility services to such center shall be subject to the Conservancy's prior written approval.

2. TRAILS. Grantee shall have the right to place hiking trails at locations approved by the Conservancy.

GENERAL PROVISIONS

The Grantee agrees that the terms, conditions, restrictions, and purposes of this grant shall be deemed to run with the land for all purposes. In the event the Grantee divests itself of any of its interest in the Property, the Grantee will notify in writing the Conservancy, its successors or assigns, of any such conveyance.

Any notices required in this Special Warranty Deed shall be sent by registered or certified mail, postage prepaid, to the following addresses or such address as may be hereinafter specified by notice in writing:

GRANTEE:  
Planning and Development  
Oklahoma Tourism and Recreation  
500 Will Rogers Building  
Oklahoma City, OK 73105

Attention: Director

With copy to:  
Office of the Attorney General  
State of Oklahoma  
112 State Capitol Building  
Oklahoma City, Oklahoma 73105

CONSERVANCY:  
THE NATURE CONSERVANCY  
1815 N. Lynn Street  
Arlington, VA 22209

In the event any provision of this Special Warranty Deed is determined by the appropriate court to be void and unenforceable, all remaining terms shall remain valid and binding in all respects.

If a subsequent, unexpected change in the conditions of the Property or the surrounding property, make impossible or impractical the continued use of the Property for conservation purposes, the restrictions shall be extinguished by judicial proceeding and all of the Conservancy's proceeds from a subsequent sale or exchange of the Property
shall be used in a manner consistent with the conservation purposes of this grant.

Whenever all or part of the Property is taken in exercise of eminent domain by public, corporate, or other authority so as to abrogate the restrictions imposed by this Special Warranty Deed, the Grantee and the Conservancy shall join in appropriate actions at the time of such taking to recover the full value of the taking and all incidental or direct damages resulting from the taking. The net proceeds (including, for purposes of this subparagraph, proceeds from any lawful sale of the Property unencumbered by the restrictions hereunder), shall be distributed between the Grantee and the Conservancy in share, in proportion to the fair market value of their respective interests in the Property on the date of execution of this Special Warranty Deed, as determined by the difference between the purchase price paid by the Conservancy at the time of its acquisition of the Property and the purchase price paid by the Grantee at the time of its acquisition of the Property from the Conservancy.

The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Conservancy for enforcement of this Special Warranty Deed, including but not limited to specific performance and injunctive relief.

TO HAVE AND TO HOLD the Property and premises unto the Grantee, its successors and assigns forever, subject, however, to (i) all oil, gas and other minerals previously reserved or conveyed of record and (ii) the Permitted Exceptions attached hereto as Exhibit "B"; and (iii) the reservations, restrictions, easements and covenants set forth in this Special Warranty Deed.

IN WITNESS WHEREOF, the Conservancy and the Grantee have caused this Deed to be executed on this 5th day of October, 1992.

"CONSERVANCY"

ATTEST:

\[\text{Assistant Secretary}\]
(SEAL)

THE NATURE CONSERVANCY,
A Non-profit District of Columbia Corporation

By \[\text{Vice President}\]

-7-
STATE OF NORTH CAROLINA    )
COUNTY OF ORANGE            ) SS.

This instrument was acknowledged before me on October 5, 1992, by CHARLES R. BASSETT, as Vice President of THE NATURE CONSERVANCY, a non-profit District of Columbia corporation.

[Signature]
Notary Public

My Commission Expires: 12/26/93
(SEAL)

"GRANTEE"

STATE OF OKLAHOMA

By: James C. Thomas
Acting Executive Director
Oklahoma Tourism and Recreation Department,
State of Oklahoma

STATE OF OKLAHOMA    )
COUNTY OF CIMARRON    ) SS.

This instrument was acknowledged before me on October 8, 1992, by James C. Thomas, as Acting Executive Director of the OKLAHOMA TOURISM AND RECREATION DEPARTMENT, STATE OF OKLAHOMA.

[Signature]
Notary Public

(SEAL)
257.92B.JCN
EXHIBIT "A"

Legal Description

TRACT A:

The West Half of the West Half (W/2 W/2), Section Thirty-Two (32), Township Six (6) North, Range One (1) East of the Cimarron Meridian, Cimarron County, State of Oklahoma, according to the United States Government Survey thereof, and

TRACT B

The West Half of the West Half of the Southeast Quarter ((W/2 W/2 SE/4) of Section Twenty-Eight, Township Six (6) North, Range One (1) East of the Cimarron Meridian, Cimarron County, State of Oklahoma, according to the United States Government Survey thereof.
EXHIBIT "B"

Permitted Exceptions

1. Section line road Rights-of-Way.

2. All of the oil, gas, coal and other minerals in and under and that may be produced from said premises; and all rights, interests and estates of whatsoever nature incident to or growing out of said outstanding minerals (both tracts).

3. All unrelated oil, gas, coal and other mining leases, both recorded and unrecorded (both tracts).
Exhibit C

Portion of the Kentucky - Oklahoma - Colorado 7.5 minute Topographic Map

4500' Elevation Line