

**TITLE 300. GRAND RIVER DAM AUTHORITY
CHAPTER 40. SCENIC RIVERS RULES**

SUBCHAPTER 1. LICENSING AND USE PERMITS

300:40-1-1. Purpose

The purpose of this Chapter is to establish a system of rules and licensing of Commercial Float Operations and commercial Flotation Devices and the collection of commercial and private fees to preserve the Scenic Rivers, meaning those portions of the Illinois River and Flint Creek within Adair, Cherokee and Delaware Counties, and those portions of Barren Fork Creek within Cherokee County, in their natural state and to preserve the health and safety of the patrons.

300:40-1-2. Authority

The rules and regulations set forth in this chapter are adopted pursuant to the authority granted the Grand River Dam Authority ("GRDA") in 82 O.S.2016 Section 896.1, et. seq., as amended.

300:40-1-3. Definitions

The following words or terms, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Camping" means any method used for remaining overnight in a Public Access Area which includes, but is not limited to tents, vehicles, cots, trailers, recreational vehicles, and sleeping bags.

"Campsites" means a single site located within a Public Access Area which has been designated as open to Camping by the CEO.

"CEO" means the Chief Executive Officer of the Grand River Dam Authority and/or his designee.

"Commercial Float Operators" or "Operations" means any person or business, other than the GRDA or its contractors, that rents, sells or leases Flotation Devices commercially to the public for use upon Scenic Rivers within the jurisdiction of the GRDA.

"Flotation Device" means a canoe, boat, kayak, raft, inner tube, or other similar device, other than those belonging to the GRDA or its contractors, designed to transport one or more individuals on a Scenic River and not intended to solely transport food or drink.

"Floating Public" means any person who is floating upon the Scenic Rivers privately or by use of a licensed commercial Flotation Device.

"Public Access Areas" means an area within the jurisdiction of the GRDA which has been designated by the CEO as open for use by the public for Camping and day use activities under the terms and conditions of this subchapter.

"Scenic Rivers" means the Illinois River and Flint Creek within Adair, Cherokee and Delaware Counties, and those portions of Barren Fork Creek within Cherokee County, which are within the jurisdiction of the GRDA pursuant to 82 O.S. § 896.5.

300:40-1-4. Commercial licensing procedures, requirements, and annual use fees

(a) The statutory annual river use license fee per commercially owned and operated Flotation Device shall be paid at the time of licensing.

(b) The license required for Commercial Float Operations shall be an annual license covering a calendar year. Licenses shall be properly displayed on each Flotation Device prior to its use on the river.

(c) Applications for new float licenses may be filed with the GRDA in January of each year. Commercial Float Operators shall file applications to renew their existing licenses during the month of September each year.

(1) Any Commercial Float Operator that fails to submit a renewal application in September shall only be eligible to renew 85% of the previous number of licenses, and the other 15% shall be released in January of the following year as new licenses. No renewal application shall be accepted after November.

(2) Any Commercial Float Operator that applies to renew his licenses must pay the statutory annual use fees, and pay or complete any outstanding GRDA obligations, by the last working day of November, or the application shall be denied and the number of licenses released as new licenses in January.

(3) In addition, any Commercial Float Operator, applying for license renewal, must be able to demonstrate a history of compliance with all applicable statutes and administrative rules regarding operation of their business. If such a showing cannot be made, the CEO has the discretion to deny issuance of licenses for the upcoming year. In addition to a failure of compliance, a Commercial Float Operator may be denied a license or licenses due to environmental and/or safety reasons. In determining whether to issue licenses for the upcoming year, the CEO may consider the following factors:

(A) Whether the Operator has engaged in a pattern of willful violation of GRDA rules and regulations;

(B) Whether the ecosystem of the river section within which the particular Flotation Device is authorized to float is, or is in danger of being, harmed by the number of Flotation Devices authorized, and it is necessary for the protection of that section of the river to limit the number of licenses;

(C) The health and safety of individuals floating on the river is threatened by the number of Flotation Devices currently licensed to float on a particular section of the river; or

(D) The Commercial Float Operator has failed to comply with licensing requirements of rule 300:40-1-5 in previous float seasons.

(4) Any person may apply in January for new commercial Flotation Device licenses which may be available, up to the number provided in 300-40-1-5. The GRDA may then process the applications, evenly divide the numbers of licenses among the proper applications and issue them in February. If there are remaining licenses that are unable to be issued equally among applicants, the CEO may implement a random draw lottery process for the remaining licenses.

(5) Except for temporary licenses, new licenses shall not be issued unless the number of licenses renewed in the previous year was below the number authorized in 300:40-1-5.

(6) Use of Public Access Areas owned or controlled by the GRDA may be denied by the CEO based on expected adverse impacts to the Public Access Areas, on historical usage and regulatory compliance considerations and on the user's cooperation with other users.

(d) Application for such licenses shall be made on the form prescribed by the GRDA which shall include:

- (1) The name and address of the Commercial Float Operation;
- (2) The name and address of the owner or owners thereof;
- (3) A description of lands owned or leased, and/or intended for use in the operation, including the launch and retrieval points;
- (4) An inventory of usable Flotation Devices containing the following information: vessel type, manufacturer and model, color, serial number, and inventory number;
- (5) A description of how the requirements of paragraph (h) of this section will be met; and
- (6) An agreement to abide by all State laws and all GRDA rules and regulations.

(e) Licenses shall be issued in such form as is prescribed by the CEO, and shall be displayed on the right front (starboard bow) of Flotation Devices that have bows or conspicuously on the outside surface area above the water line of Flotation Devices without a discernable bow. If licenses are lost, the CEO may collect the reasonable replacement value of the licenses from the Commercial Operator needing replacement licenses.

(f) Licenses granted by this Chapter shall not be transferable between Commercial Float Operations or Operators. Prior to a transfer being made, notice must be given to and approval must be received from the CEO.

(g) The number of Flotation Devices to be licensed for commercial use shall be limited as provided in 300:40-1-5.

(h) All Commercial Float Operators must maintain clean and sanitary facilities, maintain in good working order their Flotation Devices offered for use, and also:

- (1) Provide access to toilet facilities to the Floating Public.
- (2) Provide trash bags and disposal information to all customers.
- (3) Conspicuously post signage on business premises and at launch points warning the Floating Public regarding:
 - (A) Flotation Devices may not be tied together;
 - (B) No trespassing;
 - (C) Water safety;
 - (D) Properly discard trash in trash bags or cans;
 - (E) Flotation Devices and ice chests are subject to random inspection by GRDA Police;
 - (F) Alcoholic spirits are prohibited on the Scenic Rivers and in public access areas;
 - (G) Drunk and disorderly conduct is cause for arrest.

(4) All signs placed along the river corridor shall be informational in nature and shall comply to standards established by the GRDA.

(5) Display on each Flotation Device the name of the Commercial Float Operation and an identification number at least three (3) inches high and two (2) inches wide on both the right and left sides (port and starboard sides), or once if it has no sides.

(6) Assist in river and bank clean-up in their float area at least once each week during all weeks their Flotation Devices are operated on the river. Operators must also immediately notify GRDA of any navigational hazards on the river and provide assistance to GRDA as needed.

(7) Provide, in each Flotation Device used, at least one U.S. Coast Guard approved wearable personal flotation device (life jacket) in good and serviceable condition for each person on board so placed as to be readily accessible and of a size suitable to the person who is or will be wearing it.

(8) The GRDA can better protect the river and deploy its resources with knowledge of how many people are floating the river during various times. Accordingly, each Operator shall track and report monthly to the CEO the number of their customers per commercial float area from May through September.

(9) All vehicular equipment owned or operated by a Commercial Float Operator or Operation, including trailers, must be properly registered, licensed, insured, and operated in accordance with all federal and state law and regulations. All vehicular equipment used must be in sound mechanical condition and trailer lights must light up when vehicle brakes are applied. In the event a school bus is put into service for the use of transporting (shuttling) visitors, the words "School Bus", the extension arm "Stop" sign, and all flashing lights must be removed, as required by applicable laws. Shuttle drivers must have the appropriate class of license for the vehicle being driven.

(i) Non-profit organizations may elect to obtain temporary licenses for their Flotation Devices as commercial Flotation Devices provided they do not exceed the float area restrictions of the Scenic Rivers as described in 300:40-1-5.

300:40-1-5. Limitation on licensing of Flotation Devices

(a) It is the intent of the GRDA in issuing commercial flotation licenses to protect the ecosystem and environment and the aesthetic, scenic, historic, archaeologic, and scientific features of the Scenic River areas as well as the public health and safety of individuals using the Scenic River areas.

(b) It is the determination of the GRDA that at this time the Scenic Rivers cannot assimilate the damages to their ecosystems, environments, and aesthetic, scenic, historic, archaeologic, and scientific features if more than 3,900 licenses are issued. Further, the protection of public health and safety requires that the GRDA not grant additional licenses.

(c) The GRDA recognizes the current interests and property rights of persons with respect to Flotation Devices presently available for hire within its jurisdiction subject to the GRDA Commercial Float Area limitations. The number of such devices shall be set at a maximum of 3,900 for the combined Scenic River areas.

(d) Any licensing of Flotation Devices in excess of said 3,900 shall be subject to approval of the GRDA. In order to receive an excess license, an applicant must reasonably demonstrate there will not be an adverse impact on the waterways within the jurisdiction of the GRDA. Such additional licensing shall be determined on the basis of density of current usage, number of licenses requested, and other considerations necessary for river protection.

(e) In the event the GRDA determines that the requested licenses may harm the ecosystem, environment, or aesthetic, scenic, historic, archaeologic or scientific features of the section of the river for which the licenses are sought, the GRDA shall deny the issuance of any licenses irrespective of the number of licenses currently issued. The GRDA shall also deny the issuance of any licenses irrespective of the number of licenses currently issued in circumstances when, in the opinion of the CEO, the health and safety of individuals floating on the river may be threatened by the addition of new Flotation Devices. Any license issued above 3,900 in any

calendar year shall be temporary, for a stated period of time, and shall not be renewed during the annual licensing process.

(f) The Illinois River Scenic River area is divided into the following sections for Commercial Flotation Operation and licensing purposes:

(1) From the Arkansas-Oklahoma state boundary (Illinois River mile 0) southward to Round Hollow Public Access Area (Illinois River mile 27.7) shall be known as GRDA Commercial Float Area One (GRDA CFA One).

(2) From Chewey Bridge (Illinois River Mile 23.6) southward to the No Head Hollow Public Access Area (Illinois River Mile 41.5) shall be known as GRDA Commercial Float Area Two (GRDA CFA Two).

(3) From Comb's Bridge (Illinois River mile 36.1) southward to and including the confluence of the Barren Fork Creek with the Illinois River shall be known as GRDA Commercial Float Area Three (GRDA CFA Three).

(g) Commercial Flotation Devices may only be floated in the commercial float area where they are licensed. Non-profit groups and persons wishing to engage in extended overnight float trips for the purposes of camping and/or fishing along the Scenic Rivers may float in areas outside of their licensed areas so long as a float plan is filed with the CEO and his approval is received.

(h) The operation of a commercial Flotation Device within a GRDA Commercial Flotation Area in violation of 300:40-1-5, shall subject that Commercial Float Operation to a fine not to exceed One Hundred Dollars (\$100.00).

300:40-1-6. Non-commercial fee procedures

(a) Private, non-commercial Flotation Devices and persons who use them are subject to such statutory fees that are in effect while they are floating on state-designated Scenic Rivers.

(b) The CEO shall develop forms and procedures for the collection and administration of non-commercial fees.

(c) Businesses and commercial float operations ("collectors") may, on behalf of the GRDA, collect non-commercial fees and issue receipts or usage indicators when they are approved by the CEO and use the current forms and procedures of the GRDA. Collectors shall remit the non-commercial fees they collect to the GRDA using the current forms and procedures. Collectors may retain a percentage of statutory non-commercial fees for administering the non-commercial fee process in the amount that is currently designated by the GRDA but not more than 10%.

(d) GRDA Police and the CEO may require anyone using a non-commercial Flotation Device on or leaving the waters of a scenic river, who does not establish that they are exempt from statutory fees, to either show a receipt for or pay the statutory annual non-commercial fee.

SUBCHAPTER 2. PUBLIC ACCESS AREAS

300:40-2-1. Camping fees

(a) Camping shall only be allowed in campsites that are located within Public Access Areas and are designated by the CEO. Only one tent, along with one tent for children, is allowed per campsite.

(b) Camping fees shall be the same as the camping rates charged by the Oklahoma Tourism and Recreation Department. The GRDA shall post the current fee schedule. See, 82 O.S. § 896.16.

- (c) The regular camping fee shall be discounted 50%:
 - (1) where one or more campers are 62 years of age or older, as documented by a valid driver's license, state-issued identification card, or passport;
 - (2) where one or more campers are certified as totally (100%) disabled or blind, as documented by a Medicare card or other federal or state-issued instrument; or
 - (3) for groups that provide at least 25 hours each year of beneficial service to the environment such as tree planting, refuse clean up or wildlife habitat improvement, as approved by the CEO.
- (d) The CEO may waive or suspend camping fees for certain periods in the public interest.

300:40-2-2. Time limits and extensions

- (a) The duration of the authorized Camping shall be noted on each camping receipt, based on the number of days paid for in advance.
- (b) Camping within the same Campsite or Public Access Area for longer than 7 consecutive days is prohibited without prior written approval from the CEO.
- (c) The CEO may grant extensions beyond the 7 consecutive day limit in writing after consideration of the extent of public access area use, the particular recreation season, and anticipated holiday or weekend occupancy.
 - (1) Persons receiving extended camping privileges shall be limited to specific Campsites.
 - (2) Extensions shall be requested at least 48 hours prior to the date on which the extension would commence.
- (d) Persons with a medical disability, who can verify that they are currently under a physician's care for such disability, may maintain the same Campsite for periods longer than 7 days with prior written approval from the CEO.

300:40-2-3. Use of public access areas

- (a) No person shall camp in a Campsite under the jurisdiction of the GRDA without paying the fee established by this section.
- (b) Camping fee receipts shall be retained by campers for the duration of their stay and shall be available for review upon request of the CEO, a Camp Host or the GRDA Police.
- (c) Camping fees receipts entitle the named holder to use a Campsite for the duration indicated on the receipt under the conditions set forth in this section. All camping fee receipts are non-transferable.
- (d) The daily camping fee covers use of Campsites from 5:00 p.m. on the day of payment until 5:00 p.m. on the following day. Occupants shall vacate the Campsite by removing their personal property from the Campsite prior to 5:00 p.m. on the day they are scheduled to leave.
- (e) The following activities are prohibited in all Public Access Areas:
 - (1) Excavation or leveling of the ground.
 - (2) Hanging a propane or gas operated lantern on any tree or plant.
 - (3) Leaving refuse or human waste at a campsite after departure.
 - (4) Camping within 25 feet of a water hydrant or within 100 feet of a stream, river or body of water, except where otherwise designated.
 - (5) Creating or sustaining unreasonable noise at a campsite as determined by the CEO or GRDA Police considering the nature and purpose of the actor's conduct, the impact on other users, and other factors which would govern the conduct of a reasonably prudent person under the circumstances.

- (6) Constructing permanent Camping facilities or dwellings.
 - (7) Camping or parking vehicles outside of Campsites and parking areas designated by the CEO.
 - (8) Parking a vehicle in, blocking access to, or occupying any designated Campsites without having first paid camping fees for that Campsite.
 - (9) Using the utility services in a Campsite or Public Access Area without having first paid Campsite or utility fees.
 - (10) Connecting more than one water, electrical or sanitary connection per Campsite or connecting to a utility which exceeds its manufactured design or capacity.
 - (11) There may not be more than two vehicles per campsite.
 - (12) Camping longer than duration of stay noted on the Camping receipt or exceeding the time limits set forth in this subchapter without prior written approval from the CEO.
 - (13) Entering or remaining in a Public Access Area for any purpose other than camping or authorized day use activities, except fishing.
 - (14) Possession or use of fireworks in Public Access Areas. The CEO may authorize fireworks on the 4th of July.
 - (15) Fires may only be built in fire pits or cookers established by the GRDA.
 - (16) Cutting or defacing trees, destroying vegetation, breaking limbs and branches from live trees for firewood in Public Access Areas.
 - (17) Pets must be leashed at all times when outside tents or recreational vehicles.
- (f) Day use of Public Access Areas for general recreational activities, such as swimming, picnicking, fishing, and boat launching is permissible without charge only during open hours as defined and posted by the CEO.
- (g) Entering or remaining in a day use area during closed hours is prohibited for any purpose, except for lawful fishing.
- (h) Possession of an open container, or consumption, of alcohol (including Spirits, wine, beer and light or 3.2 beer) is prohibited in seven Public Access Areas: Todd, US 62 Bridge Access on the Illinois River, US 412 Bridge Access on Flint Creek, Lake Frances Dam Public Access Site, US 59 Illinois River Bridge Crossing Access Area, and Carnes Ford Area.
- (i) Commercial Operators who use a Public Access Area to launch and retrieve Flotation Devices shall not block or discourage private use and shall police the area and its gravel bars for litter after each use. Commercial operators may not remain parked on gravel bars, block signage, trash receptacles, roads, access points, or life jacket loaner stations.
- (j) Violations of GRDA regulations or state law may result in the suspension or revocation of Camping authorization or day use privileges. Other penalties prescribed by law may also apply.

SUBCHAPTER 3. BOATER SAFETY

300:40-3-1. Life jackets

All persons in a Flotation Device on a Scenic River must possess a U.S. Coast Guard-approved personal flotation device that is appropriately-sized and in good working order. All children 12 years of age and younger must wear their personal flotation device at all times while floating on a Scenic River.

300:40-3-2. Alcoholic beverages

The GRDA has found that drunk and disorderly conduct on the Scenic Rivers and in Public Access Areas is a danger to the public and to the Rivers, and is therefore a public nuisance for which the public has demanded abatement.

- (1) Possession of any beverage defined as "Spirits" in the Oklahoma Alcoholic Beverage Control Act is prohibited on the Scenic Rivers and in Public Access Areas at all times. The Oklahoma Alcoholic Beverage Control Act defines "Spirits" to mean, in part, *any beverage other than wine, beer or light beer, which contains more than one-half of one percent (1/2 of 1%) alcohol measured by volume and obtained by distillation, whether or not mixed with other substances in solution and includes those products known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and fortified wines and similar compounds; but shall not include any alcohol liquid completely denatured* (2015 Title 37 O.S. Section 506).
- (2) Wine, beer and light beer in the original, non-glass packaging may be possessed and consumed by persons 21 years of age or older while floating on Scenic Rivers and in the Stunkard, Peavine, Edmondson, Round Hollow, No Head and Echota public access areas.

300:40-3-3. River Hazards and Closures

In emergency circumstances, GRDA may close the Scenic Rivers, or sections of the Scenic Rivers, to private and commercial use. In order to help ensure the safety of the Floating Public, Commercial Float Operators must remain cognizant of changing river levels and conditions in their commercial float areas. River levels are determined by the USGS gage at Chewey Bridge when operating upstream of River Mile 40 and the USGS gage at Tahlequah when operating below River Mile 40.

- (1) Commercial Operations are prohibited when river levels are determined to be at flood stage or the river is still rising and approaching flood stage as determined by the USGS gages.
- (2) When river levels are higher than 6' foot at the USGS Chewey Bridge gage or 6'6" at the USGS Tahlequah gage, Commercial Float Operators will practice due diligence in informing clients regarding the inherent dangers of floating at high river levels.
- (3) Commercial Float Operators will use discretion in providing service to people who appear to be incapacitated to the point of being harmful to themselves or others.

SUBCHAPTER 4. PROTECTION OF NATURAL RESOURCES

300:40-4-1. Protection of Scenic Rivers' natural resources

The purpose of Sections 40-4-1 through 40-4-7 is to establish standards for the GRDA to protect the natural resources of the Scenic Rivers located within its current operating area, which includes the Illinois River and Flint Creek within Adair, Cherokee and Delaware Counties, and those portions of Barren Fork Creek within Cherokee County (referred to in this chapter as "Scenic Rivers").

300:40-4-2. Recreational vehicles

No vehicle shall drive upon the Scenic River streambeds for purposes of enjoyment or recreation.

300:40-4-3. Certain containers prohibited

Containers made of glass or Styrofoam (bottles, jars, plates, etc.) and jello-shot containers are not allowed on Scenic Rivers; except, however, that prescription medicine and the contents of trash containers from river cleanups are exempt.

300:40-4-4. Gravel mining operations prohibited

- (a) When used in this section, the following definitions apply:
- (1) The term "River Bank" means the area lying directly adjacent to the River Bed with a width of 100 feet on either side of the River Bed.
 - (2) The term "River Bed" means any area of the river lying below the ordinary high water mark.
- (b) Gravel mining operations which remove gravel from the River Beds of Scenic Rivers are prohibited and are declared a public nuisance.
- (c) Gravel mining operations are prohibited and declared a public nuisance where such operations remove gravel from the banks of Scenic Rivers if such removal negatively impacts the river by causing turbidity, erosion, pollution, or otherwise damages the Scenic River environment.
- (d) This section shall apply to restrict state permits to mine gravel that are pending as of April 20, 1993 or new permit applications submitted after that date. The CEO may authorize site-specific exemptions for good cause, such as to remove gravel that was deposited above the ordinary high water mark by floods.

300:40-4-5. Ice chest restrictions

To prevent littering, no Flotation Device shall contain an ice chest that does not have a secured lid to prevent spilling its contents or is larger than 52-quart capacity on a Scenic River.

300:40-4-6. Tying Flotation Devices prohibited

To minimize environmental damage to the stream and river banks and increase public safety, no person shall tie or otherwise connect two or more Flotation Devices together on Scenic Rivers except during rescue and retrieval. Drink coolers must be so closely tied to Flotation Devices as to be within arms-reach of the occupant of the Flotation Device to which it is attached.

300:40-4-7. Vessel restrictions

Except for GRDA and law enforcement personnel, and during GRDA authorized search and rescue training and operations, no person shall:

- (1) operate a commercial Flotation Device on Flint Creek in Delaware County or on those portions of Barren Fork Creek in Cherokee County;
- (2) operate a jet ski, airboat, hovercraft or similar water craft on a Scenic River; or
- (3) operate a vessel with a motor of more than 10 horsepower on a Scenic River. Provided, however, that vessels with up to 25 horsepower may be used by anyone gigging during gigging season defined by the Oklahoma Department of Wildlife Conservation, and by Commercial Float Operators to rescue floaters; and
- (4) All vessels must meet U.S. Coast Guard and State of Oklahoma requirements. Commercial Float Operators shall notify GRDA Police when searching for floaters.