

**Title 82. Waters and Water Rights**

 **Oklahoma Statutes Citationized**

 **Title 82. Waters and Water Rights**

 **Chapter 8 - Grand River Dam Authority**

 **Scenic Rivers Act**

 **Section 896.1 - Termination of Scenic Rivers Commission - Transfer of Powers, Assets, Personnel to Grand River Dam Authority - Advisory Board**

Cite as: O.S. §. \_\_\_\_

A. Effective July 1, 2016, the Scenic Rivers Commission created pursuant to Section 1461 of Title 82 of the Oklahoma Statutes shall be terminated. Effective July 1, 2016, the rights and authorities of the Scenic Rivers Commission shall be transferred to the Grand River Dam Authority. Effective July 1, 2016, all assets, funds, liabilities, allotments, purchase orders, outstanding financial obligations, encumbrances, records, equipment and property of the Scenic Rivers Commission are hereby transferred to and placed under the supervision and control of the Grand River Dam Authority. Monies collected or accruing to the credit of the Scenic Rivers Commission in the State Treasury or under the management of the Office of Management and Enterprise Services pursuant to the provisions of Section 1462A, 1462B or 1462C of Title 82 of the Oklahoma Statutes as of the effective date of this act and after shall be transferred to the Grand River Dam Authority to assist in implementing this act or as otherwise directed to support the activities previously conducted by the Scenic Rivers Commission or the employees of the Commission. Any other monies from appropriations, fees, licenses, fines, penalties or other similar types of monies that accrue in any funds or accounts after the effective date of this act in the name of the Scenic Rivers Commission or maintained for the benefit of the Commission are transferred to the Grand River Dam Authority.

B. Personnel employed by the Scenic Rivers Commission on the effective date of this act shall be transferred to the Grand River Dam Authority subject to the following provisions:

1. Classified employees transferred shall remain subject to the provisions of the Merit System of Personnel Administration, as provided in the Oklahoma Personnel Act;

2. Unclassified employees transferred shall remain in the unclassified service and shall serve at the pleasure of the Grand River Dam Authority;

3. All employees transferred pursuant to this act shall retain leave, sick and annual time earned and any retirement and longevity benefits which have accrued during their employment with the state. The salaries of employees who are transferred shall not be reduced as a direct and immediate result of the transfer;

4. Should the Grand River Dam Authority implement a reduction in force, all employees transferred pursuant to this act shall be credited for the time they were employed by the Scenic Rivers Commission; and

5. The transfer of personnel shall be coordinated with the Office of Management and Enterprise Services.

C. The Scenic Rivers Commission shall cease operating as a Commission no later than July 1, 2016. The Grand River Dam Authority Board of Directors may create an advisory board relating to the management of the property and area previously under the authority of the Scenic Rivers Commission with consideration of and adherence to the provisions of the Scenic Rivers Act. Members currently serving on the Commission may be eligible to serve in an advisory capacity if so appointed by the Grand River Dam Authority Board of Directors and may serve for terms as authorized by the Board of Directors of the Authority.

D. The Administrator and Chief Ranger of the Scenic Rivers Commission employed by the Commission on the effective date of this act may maintain possession of the badge and assigned firearm issued by the Commission.

***Historical Data***

**Citationizer® Summary of Documents Citing This Document**

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**Level**

**Title 82. Waters and Water Rights**

<i>Cite</i>	<i>Name</i>	<i>Level</i>
<u>82 O.S. 896.2</u>	<u>Fees for Flotation Devices - Online Payment System - Promulgation of Rules and Licensing Requirements - Transfer of Rules</u>	<u>Cited</u>

**Citationizer: Table of Authority**

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**Cite      Name Level**

*None Found.*



Title 82. Waters and Water Rights

**Oklahoma Statutes Citationized**

**Title 82. Waters and Water Rights**

**Chapter 8 - Grand River Dam Authority**

**Scenic Rivers Act**

**Section 896.2 - Fees for Flotation Devices - Online Payment System - Promulgation of Rules and Licensing Requirements - Transfer of Rules**

Requirements - Transfer of Rules

Cite as: O.S. §. \_\_\_\_

A. Effective January 1, 2017, the Grand River Dam Authority is authorized to set a daily, multiday or annual fee for the use of a commercially or privately owned flotation device to float upon designated scenic rivers. Landowners located immediately adjacent to the designated scenic river shall not be required to pay any fee for private use as authorized by this section or otherwise by law.

B. The Grand River Dam Authority is authorized to promulgate rules establishing an online payment system or any other means by which the public may conveniently purchase permits for the operation of a flotation device upon designated scenic river areas as authorized by this section.

C. In the interest of public safety, the Grand River Dam Authority is authorized to promulgate rules protecting the natural resources of the scenic rivers, regulating public use areas, establishing use permits for scenic rivers, establishing licensing requirements for commercial float operators and setting fees for the issuance of the licenses. The Authority shall be the sole grantor of licenses issued pursuant to the rules.

D. With regard to all rights and authorities transferred to the Grand River Dam Authority pursuant to this section, Section 896.1 of this title and Chapter 10- and 15- rules of the Oklahoma Administrative Code 630: Scenic Rivers Commission relating to licensing, use permits and protection of natural resources, are hereby transferred to the Grand River Dam Authority to the extent the rules are consistent with state law and rules of the Authority for the purpose of implementing and enforcing the provisions of the Scenic Rivers Act.

**Historical Data**

Laws 2016, SB 1388, c. 297, § 5, emerg. eff. July 1, 2016; Amended by Laws 2017, SB 668, c. 41, § 2, emerg. eff. July 1, 2017 (superseded document available).

**Citationizer® Summary of Documents Citing This Document**

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<u>82 O.S. 896.1</u>	<u>Termination of Scenic Rivers Commission - Transfer of Powers, Assets, Personnel to Grand River Dam Authority - Advisory Board</u>	Cited
<u>82 O.S. 896.2</u>	<u>Fees for Flotation Devices - Online Payment System - Promulgation of Rules and Licensing Requirements - Transfer of Rules</u>	Cited



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**Oklahoma Statutes Citationized**

**Title 82. Waters and Water Rights**

**Chapter 8 - Grand River Dam Authority**

**Scenic Rivers Act**

**Section 896.3 - Additional Powers and Duties**

Cite as: O.S. §. \_\_\_\_

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For purposes of the Scenic Rivers Act, the Grand River Dam Authority shall have additional powers and duties to:

1. Prepare, adopt and publish management plans and other documents to guide public and private activities and programs;
2. Consider and comment on public and private practices and proposed actions that may affect a scenic river;
3. Recommend standards for local government agencies whose political boundaries include all or part of a scenic river;
4. Own and control public access points for scenic rivers, and purchase easements and fee title to land along the scenic rivers for public purposes which are to be held by the Authority as an agency of the State of Oklahoma; and
5. Identify public and private nuisances that adversely affect a scenic river and take lawful action to abate nuisances.

***Historical Data***

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Laws 2016, SB 1388, c. 297, § 6, emerg. eff. July 1, 2016.

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*None Found.*

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 Oklahoma Statutes Citationized

## Title 82. Waters and Water Rights

 Chapter 8 - Grand River Dam Authority

## Scenic Rivers Act

## Section 896.4 - Short Title

Cite as: O.S. §, \_\_\_\_

Sections 7 through 19 of this act shall be known and may be cited as the "Scenic Rivers Act".

## *Historical Data*

Laws 1970, HB 1152, c. 68, § 1, emerg. eff. March 17, 1970; Amended by Laws 2003, HB 1422, c. 305, § 1, emerg. eff. May 28, 2003 ([superseded document available](#)); Amended by Laws 2016, SB 1388, c. 297, § 7, emerg. eff. July 1, 2016 ([superseded document available](#)); Renumbered from 82 O.S. § 1451 by Laws 2016, SB 1388, c. 297, § 24, emerg. eff. July 1, 2016.

**Citationizer® Summary of Documents Citing This Document**

Cite Name	Level	
<i>Oklahoma Attorney General's Opinions</i>		
Cite	Name	Level
<u>2006 OK AG 30,</u>	<u>Question Submitted by: Ed Fite, Administrator, Oklahoma Scenic Rivers Commission</u>	<u>Discussed</u>

## **Citationizer: Table of Authority**

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82 O.S. 1451,	Short Title,	Cited



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## Title 82. Waters and Water Rights

 Chapter 8 - Grand River Dam Authority

## Scenic Rivers Act

## **§ Section 896.5 - Preservation of Certain Free-flowing Streams and Rivers - Designation of Scenic River Areas**

Cite as: O.S. §, \_\_\_\_

The Oklahoma Legislature finds that certain free-flowing streams and rivers of Oklahoma possess such unique natural scenic beauty, water, fish, wildlife and outdoor recreational values of present and future benefit to the people of the state that it is the policy of the Legislature to preserve these areas for the benefit of the people of Oklahoma. For this purpose the following are hereby designated as scenic rivers:

1. The Flint Creek in Delaware County;
  2. The Illinois River in Adair, Delaware and Cherokee Counties above its confluence with the Barren Fork Creek;
  3. The Barren Fork Creek in Adair and Cherokee Counties from the present alignment of U.S. Highway 59 West to its confluence with the Illinois River;
  4. The Upper Mountain Fork River above the 600-foot elevation level of Broken Bow Reservoir in McCurtain and LeFlore Counties;
  5. Big Lee Creek in Sequoyah County, above the 420-foot MSL elevation; and
  6. Little Lee Creek in Adair and Sequoyah Counties.

## *Historical Data*

Laws 1970, HB 1152, c. 68, § 2; Amended by Laws 1974, HB 1639, c. 56, § 1; Amended by Laws 1986, SB 539, c. 33, § 1, emerg. eff. March 21, 1986; Amended by Laws 1988, SB 354, c. 203, § 9, emerg. eff. June 10, 1988; Amended by Laws 1991, HB 1110, c. 7, § 2, emerg. eff. July 1, 1991; Amended by Laws 1997, SB 30, c. 241, § 5, emerg. eff. July 1, 1997 ([superseded document available](#)); Amended by Laws 2003, HB 1422, c. 305, § 2, emerg. eff. May 28, 2003 ([superseded document available](#)); Amended by Laws 2016, SB 1388, c. 297, § 8, emerg. eff. July 1, 2016 ([superseded document available](#)); Renumbered from 82 O.S. § 1452 by Laws 2016, SB 1388, c. 297, § 25, emerg. eff. July 1, 2016.

Citationizer<sup>®</sup> Summary of Documents Citing This Document

Cite Name	Level	
<b>Oklahoma Attorney General's Opinions</b>		
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2006 OK AG 30,	Question Submitted by: Ed Fite, Administrator, Oklahoma Scenic Rivers Commission	Discussed

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Cite Name	Level	
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Cite	Name	Level
<u>82 O.S. 1452,</u>	<u>Preservation of Certain Free-flowing Streams and Rivers - Designation of Scenic River Areas.</u>	Cited

**Title 82. Waters and Water Rights**

 **Oklahoma Statutes Citationized**

 **Title 82. Waters and Water Rights**

 **Section 896.6 - Acts Prohibited Within Scenic River Area**

Cite as: O.S. §. \_\_\_\_

- A. The term "scenic river" as used in the Scenic Rivers Act is defined as a stream or river designated pursuant to [Section 896.5](#) of this title and the public use and access areas located within or adjacent to the stream or river.
- B. It is the intent of the Legislature that a stream or river designated as a scenic river shall be preserved in its free-flowing condition and shall not be impounded by any large dam or structure except as specifically authorized by the Legislature.
- C. No agency or official of state government shall authorize or concur in plans of local, state or federal agencies for the construction, operation, or maintenance of any dam or related project in or adjacent to any scenic river without legislative consent, except as needed by the municipalities located in the counties or the immediate vicinity of the scenic river for their own municipal or domestic water supply if such uses and structures will not significantly interfere with the preservation of the stream as a scenic free-flowing stream.
- D. It is recognized by the Legislature that an effective program for preserving the scenic beauty of the free-flowing streams and rivers designated as a scenic river area necessarily involves the cooperation and support of the people in the operating areas of a designated scenic river, as well as the people using the scenic river, and the agencies of state government administering these areas.
- E. The primary purpose of the Scenic Rivers Act is to encourage the preservation of the areas designated as a scenic river area in their natural scenic state.

**Historical Data**

Laws 1970, HB 1152, c. 68, § 3, emerg. eff. March 17, 1970; Amended by Laws 1997, SB 30, c. 241, § 6, emerg. eff. July 1, 1997 ([superseded document available](#)); Amended by Laws 2016, SB 1388, c. 297, § 9, emerg. eff. July 1, 2016 ([superseded document available](#)); Renumbered from [82 O.S. § 1453](#) by Laws 2016, SB 1388, c. 297, § 26, emerg. eff. July 1, 2016; Amended by Laws 2017, SB 668, c. 41, § 1, emerg. eff. July 1, 2017 ([superseded document available](#)).

**Citationizer® Summary of Documents Citing This Document**

Cite Name	Level
<b>Oklahoma Attorney General's Opinions</b>	
Cite	Name
<a href="#">2001 OK AG 1</a>	<a href="#">Question Submitted by: Jim Bradford, Oklahoma Scenic Rivers Commission</a>
	<i>Discussed at Length</i>

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Cite      Name Level

None Found.



Title 82. Waters and Water Rights

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Section 896.7 - Acquisition of Access Points, Easements or Park Areas - Power of Eminent Domain Prohibited

Cite as: O.S. §. \_\_\_\_

In order to assist in the public use and enjoyment of the scenic rivers, the Grand River Dam Authority, the Oklahoma Tourism and Recreation Department and the Department of Wildlife Conservation may acquire, develop and maintain public access points, easements or park areas in or near scenic rivers. Such acquisitions shall be by private treaty only, and the use of the power of eminent domain for these purposes is specifically prohibited.

**Historical Data**

Laws 1970, HB 1152, c. 68, § 4, emerg. eff. March 17, 1970; Amended by Laws 1993, HB 1002, c. 145, § 336, emerg. eff. July 1, 1993; Amended by Laws 1997, SB 30, c. 241, § 7, emerg. eff. July 1, 1997 ([superseded document available](#)); Amended by Laws 2016, SB 1388, c. 297, § 10, emerg. eff. July 1, 2016 ([superseded document available](#)); Renumbered from [82 O.S. § 1454](#) by Laws 2016, SB 1388, c. 297, § 27, emerg. eff. July 1, 2016.

**Citationizer® Summary of Documents Citing This Document**

Cite Name	Level
<b>Oklahoma Attorney General's Opinions</b>	
Cite	Name
<a href="#">2001 OK AG 1,</a>	<a href="#">Question Submitted by: Jim Bradford, Oklahoma Scenic Rivers Commission</a>
<a href="#">2006 OK AG 30,</a>	<a href="#">Question Submitted by: Ed Fite, Administrator, Oklahoma Scenic Rivers Commission</a>
<a href="#">1982 OK AG 191,</a>	<a href="#">Question Submitted by: Mr. John Shannon, Oklahoma Scenic Rivers Commission</a>
	Level
	Discussed at Length
	Discussed
	Cited

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None Found.



Title 82. Waters and Water Rights

**Oklahoma Statutes Citationized**

**Title 82. Waters and Water Rights**

**Section 896.8 - Littering and Use of Glass, Styrofoam or Plastic Containers in Scenic River Areas - Penalties**

Cite as: O.S. § \_\_\_\_

A. The use of glass, Styrofoam or any plastic foam containers for any purpose shall be prohibited on any scenic river or on the Lower Mountain Fork River, south of the Broken Bow Lake Reregulation Dam to U.S. Highway 70. Any person found in violation of this section shall be subject to the provisions of Section 1761.1 of Title 21 of the Oklahoma Statutes.

B. Any person who deliberately places, throws, drops, dumps, deposits or discards any garbage, trash, waste, rubbish, refuse, debris or other deleterious substance on or near a scenic river shall be subject to the provisions of Section 1761.1 of Title 21 of the Oklahoma Statutes.

**Historical Data**

Laws 1970, HB 1152, c. 68, § 5, emerg. eff. March 17, 1970; Amended by Laws 1988, SB 443, c. 115, § 6, eff. November 1, 1988; Amended by Laws 1991, HB 1619, c. 182, § 66, eff. September 1, 1991; Amended by Laws 1997, SB 30, c. 241, § 8, emerg. eff. July 1, 1997 ([superseded document available](#)); Amended by Laws 2009, SB 428, c. 6, § 1, emerg. eff. April 3, 2009 ([superseded document available](#)); Amended by Laws 2016, SB 1388, c. 297, § 11, emerg. eff. July 1, 2016 ([superseded document available](#)); Renumbered from [82 O.S. § 1455](#) by Laws 2016, SB 1388, c. 297, § 28, emerg. eff. July 1, 2016.

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Title 82. Waters and Water Rights

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**Section 896.9 - Property Rights of Private Landowners**

Cite as: O.S. §. \_\_\_\_

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The property rights of private landowners adjacent to a scenic river are the same as in any other area of the state. The unauthorized use of private property is trespassing and is subject to the penalties provided elsewhere in the statutes for such an offense.

***Historical Data***

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Laws 1970, HB 1152, c. 68, § 6, emerg. eff. March 17, 1970; Amended by Laws 1997, SB 30, c. 241, § 9, emerg. eff. July 1, 1997 ([superseded document available](#)); Amended by Laws 2016, SB 1388, c. 297, § 12, emerg. eff. July 1, 2016 ([superseded document available](#)); Renumbered from [82 O.S. § 1456](#) by Laws 2016, SB 1388, c. 297, § 29, emerg. eff. July 1, 2016.

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Title 82. Waters and Water Rights

Oklahoma Statutes Citationized

Title 82. Waters and Water Rights

Section 896.10 - Pollution - Prevention and Elimination

Cite as: O.S. § \_\_\_\_

A. The Department of Environmental Quality, the Corporation Commission, the Oklahoma Department of Agriculture, Food, and Forestry, the Oklahoma Water Resources Board, the Department of Wildlife Conservation and the Oklahoma Conservation Commissioner are hereby given the authority to assist the Grand River Dam Authority in maintaining and improving water quality and in preventing and eliminating the pollution of waters within scenic rivers.

B. 1. The Secretary of Energy and Environment shall coordinate with the appropriate state environmental agencies to create a coordinated watershed restoration and protection strategy for each impaired scenic river in this state.

2. The coordinated watershed restoration and protection strategy shall identify all permitted or registered water pollution sources and shall include but not be limited to:

a. an overall pollutant-specific load reduction as identified in a developed total maximum daily load (TMDL), or as otherwise calculated in the absence of a TMDL, to bring each impaired scenic river back into compliance with water quality standards,

b. pollutant-specific load reduction goals for each state environmental agency to accomplish through its water quality protection programs,

c. detailed compliance schedules indicating how much of the load reduction goal will be accomplished each year by each state environmental agency,

d. industry-specific descriptions of how load reduction goals for each state environmental agency will be accomplished,

e. an outline of innovative, cooperative intrastate and interstate strategies that will be pursued in order to expedite pollutant reductions, in particular where scenic river watersheds cross state lines. Such strategies may include nutrient trading and conservation reserve enhancement program (CREP) initiatives, and

f. a list of all permitted or registered water pollution sources subject to the jurisdiction of each state agency within each impaired scenic river watershed, including the following information:

(1) types of operations or organizations regulated,

(2) list of the registrations or permits issued,

(3) details on governmental assistance given, and

(4) details of enforcement actions undertaken.

C. 1. For those impaired scenic river watersheds where a TMDL for phosphorus has been developed, the Department of Environmental Quality shall initially allocate a wasteload for phosphorus for discharges from wastewater treatment facilities which enter the scenic river which is achievable by the best available waste control process.

2. The Secretary of Energy and the Environment shall evaluate methods to reduce the contribution of phosphorus to impaired scenic rivers from non-point sources identified by a TMDL.

D. 1. The Grand River Dam Authority shall require all commercially operated flotation device operations and campgrounds using scenic rivers for recreational activities to implement a program to control the amount of pollution entering a scenic river that is impaired by recreational activities.

2. The Grand River Dam Authority shall include in the coordinated watershed restoration and protection strategy an identification of the pollution from recreational activities and those actions taken and planned to reduce the amount of pollution.

E. If the Legislature or the Governor finds that any of the state environmental agencies have failed to appropriately protect water quality standards in an impaired scenic river watershed, the Governor and the Legislature shall take any and all necessary and appropriate action to help the agency to meet its responsibilities.

#### ***Historical Data***

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Laws 1970, HB 1152, c. 68, § 7, emerg. eff. March 17, 1970; Amended by Laws 1993, HB 1002, c. 145, § 335, emerg. eff. July 1, 1993; Amended by Laws 1997, SB 30, c. 241, § 10, emerg. eff. July 1, 1997 ([superseded document available](#)); Amended by Laws 2002, SB 972, c. 148, § 1, emerg. eff. April 29, 2002 ([superseded document available](#)); Amended by Laws 2016, SB 1388, c. 297, § 13, emerg. eff. July 1, 2016 ([superseded document available](#)); Renumbered from 82 O.S. § 1457 by Laws 2016, SB 1388, c. 297, § 30, emerg. eff. July 1, 2016.

#### ***Citationizer® Summary of Documents Citing This Document***

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Cite Name	Level
<b>Oklahoma Session Laws - 2002</b>	
Cite	Name
<u>2002 O.S.L. 148</u> , <u>2002 O.S.L. 148</u>	<u>Scenic Rivers; requiring annual reports; require setting to allocation of wasteload for wastewater treatment facilities; requiring program to control pollution. Emergency.</u>
	Discussed

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Cite Name	Level
<b>Title 82. Waters and Water Rights</b>	
Cite	Name
<u>82 O.S. 1457</u>	<u>Pollution - Prevention and Elimination</u>
	Cited

Title 82. Waters and Water Rights

 **Oklahoma Statutes Citationized**

 **Title 82. Waters and Water Rights**

 **Section 896.11 - Scenic Rivers - Statement of Purpose**

Cite as: O.S. §. \_\_\_\_

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The Legislature finds that the protection and development of the scenic rivers in the state and adjacent and contiguous lands and quality of outstanding resource waters included within each scenic river should be provided for by properly planned and executed rules promulgated by the Grand River Dam Authority. The rules promulgated by the Authority with respect to scenic rivers may address public services, land use, occupancy, structures, lot and plot sizes, density of population and other activities as required for the proper protection of the aesthetic, scenic, historic, archeologic and scientific features of the scenic rivers, or deemed necessary for the protection of the ecosystem and the environment from pollution, despoliation and destruction or waste of natural resources and all other factors adversely affecting the public health, safety and the general welfare so long as the rules comply with the exempt provisions of the Scenic Rivers Act pertaining to farming, ranching, forestry, silviculture and other agricultural uses.

**Historical Data**

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Laws 1977, SB 285, c. 29, § 1, emerg. eff. May 3, 1977; Amended by Laws 1997, SB 361, c. 241, § 12, emerg. eff. July 1, 1997 ([superseded document available](#)); Amended by Laws 2016, SB 1388, c. 297, § 14, emerg. eff. July 1, 2016 ([superseded document available](#)); Renumbered from [82 O.S. § 1460](#) by Laws 2016, SB 1388, c. 297, § 31, emerg. eff. July 1, 2016.

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Cite Name	Level
<i>Oklahoma Attorney General's Opinions</i>	
Cite	Name
<a href="#">2001 OK AG 1,</a>	<a href="#">Question Submitted by: Jim Bradford, Oklahoma Scenic Rivers Commission</a>
<a href="#">2006 OK AG 30,</a>	<a href="#">Question Submitted by: Ed Flite, Administrator, Oklahoma Scenic Rivers Commission</a>
<a href="#">1981 OK AG 289,</a>	<a href="#">Question Submitted by: Mr. John Shannon, Administrator, Oklahoma Scenic Rivers Commission</a>
	<a href="#">Cited</a>
<a href="#">1983 OK AG 16,</a>	<a href="#">Question Submitted by: The Honorable Jerry T. Pierce, Oklahoma State Senate</a>
	<a href="#">Cited</a>

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Cite	Name	Level
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None Found.



Title 82. Waters and Water Rights

Oklahoma Statutes Citationized

Title 82. Waters and Water Rights

Section 896.11 - Scenic Rivers - Statement of Purpose

Cite as: O.S. § \_\_\_\_

The Legislature finds that the protection and development of the scenic rivers in the state and adjacent and contiguous lands and quality of outstanding resource waters included within each scenic river should be provided for by properly planned and executed rules promulgated by the Grand River Dam Authority. The rules promulgated by the Authority with respect to scenic rivers may address public services, land use, occupancy, structures, lot and plot sizes, density of population and other activities as required for the proper protection of the aesthetic, scenic, historic, archeologic and scientific features of the scenic rivers, or deemed necessary for the protection of the ecosystem and the environment from pollution, despoliation and destruction or waste of natural resources and all other factors adversely affecting the public health, safety and the general welfare so long as the rules comply with the exempt provisions of the Scenic Rivers Act pertaining to farming, ranching, forestry, silviculture and other agricultural uses.

**Historical Data**

Laws 1977, SB 285, c. 29, § 1, emerg. eff. May 3, 1977; Amended by Laws 1997, SB 361, c. 241, § 12, emerg. eff. July 1, 1997 (superseded document available); Amended by Laws 2016, SB 1388, c. 297, § 14, emerg. eff. July 1, 2016 (superseded document available); Renumbered from 82 O.S. § 1460 by Laws 2016, SB 1388, c. 297, § 31, emerg. eff. July 1, 2016.

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Cite Name	Level
<b>Oklahoma Attorney General's Opinions</b>	
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<u>2001 OK AG 1,</u>	<u>Question Submitted by: Jim Bradford, Oklahoma Scenic Rivers Commission</u>
<u>2006 OK AG 30,</u>	<u>Question Submitted by: Ed Fite, Administrator, Oklahoma Scenic Rivers Commission</u>
<u>1981 OK AG 289,</u>	<u>Question Submitted by: Mr. John Shannon, Administrator, Oklahoma Scenic Rivers</u>
	<u>Commission</u>
<u>1983 OK AG 16,</u>	<u>Question Submitted by: The Honorable Jerry T. Pierce, Oklahoma State Senate</u>
	<u>Cited</u>

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Title 82. Waters and Water Rights

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 **Title 82. Waters and Water Rights**

 **Section 896.12 - Construction of Act**

Cite as: O.S. § \_\_\_\_

A. Nothing in the Scenic Rivers Act shall be construed to unduly restrict or adversely affect the use of property within any scenic rivers basin for farming, ranching, forestry, silviculture and other agricultural uses so long as they are not inconsistent with the purposes of the Scenic Rivers Act.

B. Present farming, ranching, forestry, silviculture and other agricultural uses and practices, including existing building and replacement structures, are hereby exempt from the provisions of the Scenic Rivers Act.

C. The Scenic Rivers Act shall not be construed in any way to affect existing rights between a landowner and utility or pipeline companies.

***Historical Data***

Laws 1977, SB 285, c. 29, § 5, emerg. eff. May 3, 1977; Amended by Laws 1997, SB 30, c. 241, § 19, emerg. eff. July 1, 1997 ([superseded document available](#)); Amended by Laws 2003, HB 1422, c. 305, § 3, emerg. eff. May 28, 2003 ([superseded document available](#)); Amended by Laws 2016, SB 1388, c. 297, § 15, emerg. eff. July 1, 2016 ([superseded document available](#)); Renumbered from [82 O.S. § 1464](#) by Laws 2016, SB 1388, c. 297, § 32, emerg. eff. July 1, 2016.

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**Title 82. Waters and Water Rights**

<i>Cite</i>	<i>Name</i>	<i>Level</i>
<a href="#"><u>82 O.S. 1464.</u></a>	<a href="#"><u>Construction of Act.</u></a>	<a href="#"><u>Cited</u></a>



Title 82. Waters and Water Rights

**Oklahoma Statutes Citationized**

**Title 82. Waters and Water Rights**

**Section 896.13 - Cities and Incorporated Towns - Counties - Planning and Zoning - Powers and Duties**

Cite as: O.S. § \_\_\_\_

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A. All cities and incorporated towns and counties that contain all or part of a scenic river within the jurisdictional boundaries of the city, town or county are hereby invested with full power to plan, zone and enact all ordinances and regulations that are necessary and proper to carry out the purposes of the Scenic Rivers Act.

B. The cities, incorporated towns and counties shall follow their respective general procedures in the conduct of legislative functions.

C. In exercising planning and zoning functions, said cities, incorporated towns and counties shall utilize the organization and procedures available to cities and incorporated towns under the general planning and zoning laws of the state. Provided that, when a county exercises the powers provided by the Scenic Rivers Act, the board of county commissioners of that county shall perform the obligations and exercise the powers in the same manner as a local legislative body or mayor of a city, incorporated town or municipality.

***Historical Data***

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Laws 1977, SB 285, c. 29, § 6, emerg. eff. May 3, 1977; Amended by Laws 1997, SB 30, c. 241, § 20, emerg. eff. July 1, 1997 ([superseded document available](#)); Amended by Laws 2016, SB 1388, c. 297, § 16, emerg. eff. July 1, 2016 ([superseded document available](#)); Renumbered from [82 O.S. § 1465](#) by Laws 2016, SB 1388, c. 297, § 33, emerg. eff. July 1, 2016.

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Title 82. Waters and Water Rights

**Oklahoma Statutes Citationized**

**Title 82. Waters and Water Rights**

**Section 896.14 - Counties - Cities and Incorporated Towns - Funding**

Cite as: O.S. §. \_\_ \_\_

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Each county, city, incorporated town or other governmental entity which contains all or part of a scenic river within its jurisdictional boundaries is hereby authorized to grant or otherwise provide funds for the operation and administration of the Scenic Rivers Act.

***Historical Data***

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Laws 1977, SB 285, c. 29, § 7, emerg. eff. May 3, 1977; Amended by Laws 1997, SB 30, c. 241, § 21, emerg. eff. July 1, 1997 ([superseded document available](#)); Amended by Laws 2016, SB 1388, c. 297, § 17, emerg. eff. July 1, 2016 ([superseded document available](#)); Renumbered from [82 O.S. 1466](#) by Laws 2016, SB 1388, c. 297, § 34, emerg. eff. July 1, 2016.

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Title 82. Waters and Water Rights

**Oklahoma Statutes Citationized**

**Title 82. Waters and Water Rights**

**Section 896.15 - Violations - Notice of Violation - Penalties**

Cite as: O.S. §. \_\_\_\_

A. Any person who willfully violates any rule or order issued pursuant to the Scenic Rivers Act, except such rules or orders as relate solely to procedural matters, upon conviction thereof, shall be guilty of a misdemeanor.

B. In addition to other administrative actions, the Grand River Dam Authority may issue a Notice of Violation to any licensed commercial flotation device operation that is alleged to have violated any rule of the Grand River Dam Authority. The Notice of Violation shall advise the licensed operation of the applicable rule and the facts of the violation and shall set a reasonable period of time for the licensed operation to comply with the rule. After the time to comply has expired, if the licensed operation is found to still be in violation of the same rule, the Authority may issue a proposed order assessing an administrative penalty in an amount of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00). The licensed operation shall have twenty (20) days from receipt of the order to request an administrative hearing. If a hearing is not requested, the proposed order shall become final and the administrative penalty shall become due and payable.

***Historical Data***

Laws 1977, SB 285, c. 29, § 8, emerg. eff. May 3, 1977; Amended by Laws 1997, SB 30, c. 241, § 22, emerg. eff. July 1, 1997 ([superseded document available](#)); Amended by Laws 2016, SB 1388, c. 297, § 18, emerg. eff. July 1, 2016 ([superseded document available](#)); Renumbered from [82 O.S. § 1467](#) by Laws 2016, SB 1388, c. 297, § 35, emerg. eff. July 1, 2016.

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*None Found.*

**Title 82. Waters and Water Rights**

 **Oklahoma Statutes Citationized**

 **Title 82. Waters and Water Rights**

 **Section 896.16 - Canoes - Commercial Use - Fee**

Cite as: 82 O.S. § 896.16 (OSCN 2021)

A. 1. Until replaced or changed as provided for in subsection C of this section, the Grand River Dam Authority is authorized and directed to charge an annual use fee of Thirty-five Dollars (\$35.00) per commercially owned and operated flotation device on the Illinois River within Adair, Cherokee and Delaware Counties.

2. The operation of a commercial flotation device without displaying a proper license issued by the Authority shall result in a fine not to exceed One Hundred Dollars (\$100.00). The fine shall be assessed upon the owner or operator of the commercial flotation device business and not upon the individual renting the commercial flotation device.

3. Commercial flotation devices shall not be operated on Flint Creek in Delaware County and those portions of Barren Creek in Cherokee County.

B. For the Flint Creek and Illinois River within Adair, Cherokee and Delaware Counties and those portions of Barren Fork Creek within Cherokee County, the Authority is authorized and directed to charge until replaced or changed as provided for in subsection C of this section:

1. An annual use fee of Ten Dollars (\$10.00) per noncommercial, privately owned device; or

2. A use fee of One Dollar (\$1.00) per day for all noncommercial, privately owned flotation devices floating upon a designated scenic river. Landowners located immediately adjacent to a designated scenic river shall not be required to pay any fee for private use as authorized in this section or otherwise by law.

C. Under the provisions of Section 5 of this act granting the Authority the power to establish licenses and set fees, the Authority may promulgate rules for the collection and administration of the fees imposed pursuant to the provisions of this section or may promulgate rules establishing licenses and setting fees that change or replace the licenses and fees imposed pursuant to the provisions of this section. Upon final adoption of rules changing or replacing any or all of the licenses and fees imposed pursuant to the provisions of this section, the Authority shall cease to impose, collect or charge the license and fee that was changed or replaced by rule. Rules promulgated by the Authority pursuant to this section shall be in accordance with the Administrative Procedures Act.

D. Until replaced or changed as provided for in subsection C of this section, the Grand River Dam Authority may charge a fee for use of camping sites located in public use and access areas controlled by the Authority in an amount that does not exceed the rate charged by the Oklahoma Tourism and Recreation Department for camping sites.

E. For the purposes of the Scenic Rivers Act, "commercial flotation device" means a canoe, boat, kayak, inner tube, raft or other similar device suitable for the transportation of a person or persons on waterways which is available for hire by the public for use on scenic rivers.

***Historical Data***

Laws 1980, HB 1647, c. 354, § 19, emerg. eff. June 25, 1980; Amended by Laws 1983, SB 224, c. 332, § 4, emerg. eff. June 29, 1983; Amended by Laws 1987, SB 61, c. 208, § 105, emerg. eff. July 1, 1987; Amended by Laws 1987, HB 1473, c. 236, § 100, emerg. eff. July 20, 1987; Amended by Laws 1989, SB 390, c. 147, § 5, emerg. eff. May 1, 1989; Amended by Laws 1989, HB 1327, c. 249, § 37, emerg. eff. July 1, 1989; Amended by Laws 1990, SB 880, c. 205, § 5, emerg. eff. May 10, 1990; Amended by Laws 1993, SB 210, c. 61, § 1, emerg. eff. April 12, 1993; Amended by Laws 1997, SB 30, c. 241, § 25, emerg. eff. July 1, 1997 ([superseded document available](#)); Amended by Laws 2000, SB 1187, c. 318, § 2, emerg. eff. June 5, 2000 ([superseded document available](#)); Amended by Laws 2001, SB 446, c. 76, § 1, emerg. eff. April 11, 2001 ([superseded document available](#)); Amended by Laws 2001, SB 748, c. 355, §

20, emerg. eff. June 1, 2001 ([superseded document available](#)); Amended by Laws 2003, SB 357, c. 192, § 7, emerg. eff. May 7, 2003, as amended by Laws 2003, SB 75, c. 364, § 1, emerg. eff. July 1, 2003 ([superseded document available](#)); Amended by Laws 2008, SB 1381, c. 301, § 2, eff. January 1, 2009 ([superseded document available](#)); Amended by Laws 2010, SB 1519, c. 391, § 1 ([superseded document available](#)); Amended by Laws 2016, SB 1388, c. 297, § 19, emerg. eff. July 1, 2016 ([superseded document available](#)); Renumbered from 82 O.S. § 1470 by Laws 2016, SB 1388, c. 297, § 36, emerg. eff. July 1, 2016.

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<u>82 O.S. 1470</u>	<u>Canoes - Commercial Use - Fee</u>	<i>Cited</i>
<u>82 O.S. 1470</u>	<u>Canoes - Commercial Use - Fee</u>	<i>Cited</i>