

**TITLE 300. GRAND RIVER DAM AUTHORITY
CHAPTER 1. OPERATIONS AND PROCEDURES**

SUBCHAPTER 1. PURPOSE AND DEFINITIONS

300:1-1-1. Purpose

The rules of this Chapter have been promulgated pursuant to the provisions of the Administrative Procedures Act, 75 O.S. § 250.1 *et seq.*, and the authority of the Grand River Dam Authority, 82 O.S. § 861 *et seq.* The rules describe the organization, operations and procedures of the Grand River Dam Authority with respect to its administration, rulemaking, and other activities and are intended to supplement and interpret pertinent provisions of state statutes.

300:1-1-2. Definitions

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

"APA" means and refers to the Oklahoma Administrative Procedures Act set forth at 75 O.S. §205.1 *et seq.*, as amended.

"Authority" or **"GRDA"** means the Grand River Dam Authority.

"Chief Executive Officer" means the Chief Executive Officer of the Authority as defined in 82 O.S. § 864, as amended.

"OAC" means and refers to the Oklahoma Administrative Code prepared by the Secretary of State pursuant to the Oklahoma Administrative Procedures Act.

"Person" means an individual, firm, corporation, association or partnership and includes agent, employee and principal, and unless otherwise specified shall include governmental agencies, political subdivisions, public trusts and any other legal entity.

300:1-1-3. General description of the Grand River Dam Authority

(a) The Grand River Dam Authority is a body corporate and politic and an instrumentality of the State of Oklahoma created pursuant to 82 O.S. § 861 *et seq.*, as amended. The Authority is a conservation and reclamation district and was created, generally, to control, store and preserve, the waters of the Grand River and its tributaries; to develop and generate water power and electric power; and to buy, sell, resell, interchange and distribute electric power and energy. The Authority owns and controls the Oklahoma lakes and dams known as "Grand Lake O'The Cherokees" (Pensacola Dam), Lake Hudson (Robert S. Kerr Dam), and the "W.R. Holway Reservoir" (Chimney Rock Dam, Salina Pumped-Storage Project). Additionally, the Authority is charged with preservation of the following designated scenic rivers for the benefit of the people of Oklahoma pursuant to 82 O.S. § 896.5:

- (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.

- (b) No tax monies are received or spent to operate the Authority. The general administrative offices of the Authority are located at 8624 OK-412B, Chouteau, Oklahoma 74337.

SUBCHAPTER 3. ADMINISTRATIVE OPERATIONS

300:1-3-1. Purpose

The purpose of this Subchapter is to outline the method of operation of the Authority.

300:1-3-2. General course and method of operation

The following is the general course and method of operation for the Authority.

(1) **Office(s).** The principal Administrative Center of the Authority is located at 8624 OK-412B, Chouteau, Oklahoma 74337. The Post Office Box address is: P.O. Box 669, Chouteau, Oklahoma 74337.

(2) **Transaction of business.** Members of the public and others desiring to contact or make inquiries and submissions to the Authority may do so in person at the principal Administrative Center of the Authority, during normal and usual business hours, 8:00 a.m. to 4:45 p.m. Monday through Friday, or by mail addressed to: The Grand River Dam Authority, P.O. Box 669, Chouteau, Oklahoma 74337.

(3) **Copies of rules.**

(A) Copies of all rules adopted by the Authority, other written statements of policy or interpretations of general applicability, declaratory rules, orders or other documents as may be required by law, may be inspected, unless otherwise provided for by law, for proper purposes and in a proper manner, at the principal Administrative Center of the Authority during its normal business hours. Copies of rules adopted by the Authority are also on file and available for public inspection at the Oklahoma Administrative Rules Office, a division of the Office of the Secretary of State.

(B) Fees and charges may be collected for copies, searches and other activities relating to records as allowed by law.

(4) **Meetings.** Meetings of the Board of Directors of the Authority are conducted in compliance with the Oklahoma Open Meeting Act and other applicable law. All meetings of the Authority are open to the public except as otherwise provided for by law.

(A) Members of the public may request that a matter be placed on the agenda, but the final determination as to matters placed on the agenda shall be made by the Chief Executive Officer or Chair of the Authority.

(B) Individuals desiring to appear before and be heard by the Board of Directors on agenda items must make written requests for same. Such requests must be in the office of the Chief Executive Officer at least three (3) working days prior to the date of the Board meeting at which they desire to be heard. Requests to appear and be heard shall be made in writing to the Chief Executive Officer at the Administrative Center in Chouteau, Oklahoma.

(C) Individuals who have not made a written request in accordance with the above provisions shall not be heard at the meeting except with the approval of a majority of the Board of Directors present at the meeting provided that an item which is not on the agenda shall not be discussed except as may be allowed for new business under the Open Meeting Act.

300:1-3-3. Reproduction of records and copies

- (a) The Authority will furnish copies of records as promptly as practicable upon receipt of a sufficiently specific request and payment of advance applicable costs.
- (b) The Chief Executive Officer will appoint one or more persons of the Authority staff to act as the Open Records contact person(s). All requests for the public records will be made upon this person(s) who will be charged with making the public records available for inspection by or copying to the requesting party during normal office hours. The contact person(s) will determine whether the request is for a record not otherwise made confidential under Oklahoma law.
- (c) The expense of a document search and copying shall be borne by the party requesting same in accordance with the fee schedule established by the Authority or by statute.
- (d) All public records of the Authority shall be made available for public inspection at the administrative offices of the Authority during regular business hours.
- (e) Such records shall not be removed from the Authority's office or the Authority's custody and control for the purpose of inspection. Any person inspecting records of the Authority may be accompanied and supervised by an Authority employee.
- (f) The Authority will assess fees for the reproduction of records pursuant to its fee schedule, which is available on the Authority's website and in the office of the County Clerk of Mayes County.

SUBCHAPTER 5. RULEMAKING AND DECLARATORY RULINGS

300:1-5-1. Purpose

The purpose of this Subchapter is to outline the rulemaking process for the Authority.

300:1-5-2. Policies and procedures for rulemaking

- (a) **General policies.** In proposing, considering, adopting, amending or repealing rules and taking other actions of general applicability, the Authority shall act in full compliance with the Oklahoma Administrative Procedures Act and other applicable provisions of law.
- (b) **Cumulative effect of rules.** The contents of this Chapter shall be cumulative to other rules of the Authority and shall not nullify, replace or supersede other currently effective rules and regulations adopted by the Authority.
- (c) **Severability of rules.** The provisions of the various sections of this Chapter and of every other currently effective rules adopted by the Authority are severable. If any parts or provisions of any such rule shall be held void, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of such rule.
- (d) **Lake rules.** Pursuant to 82 O.S. § 861A(B)(1), as amended, rules relating to the waters of the Grand River and its tributaries do not have to be promulgated pursuant to the APA. The Authority, on its own initiative, may, from time to time, repeal, amend or adopt Lake Rules. Public input may be solicited.
- (e) **Hearings.** The Authority may hold a public hearing in connection with the promulgation of rules as required by the APA.
- (f) **Request for promulgation, amendment or repeal of rules.** An interested person may request the Authority to promulgate, amend, or repeal a rule. Such request must be in writing and must state the reasons supporting the proposed rule, amendment or repeal. The request must also state whether the proposal conflicts with any existing rule. Further, the request must state

what statutory provisions, if any, authorize the proposed rule, amendment or repeal. The request must be signed by the requester. Such requests must be submitted to the Authority's Legal Department at 9933 East 16th Street, Tulsa, Oklahoma 74128.

300:1-5-3. Requests for declaratory rulings

- (a) Any interested person or entity may petition the Authority for a declaratory ruling as to the applicability of any rule of the Authority. The petition shall be addressed to the Legal Department of the Authority at 9933 East 16th Street, Tulsa, Oklahoma 74128.
- (b) The petition must identify the rule questioned, the date on which such rule became effective, and shall summarize the contents of the rule. The petition shall contain a brief statement of the issue or issues raised by the rule which cause such a request to be made, and a statement of the petitioner's personal interest in the ruling of the Authority and how a ruling of the Authority would affect those interests.
- (c) Upon receipt of the petition for declaratory ruling, the Authority shall consider the petition and within a reasonable time following receipt thereof, either deny the petition in writing with the reasons for denial, submit the petition to the Board of Directors for consideration and decision, or issue a declaratory ruling on the matter(s) contained in the petition.