

2024 Scenic Rivers Update & Licensing

February 14th, 2024

Agenda

- Scenic Rivers Overview
- Rule Changes Effective 2024 Season
- Capacity Study
- 2023 Float Season Statistics
- 2024 Commercial Float Operation Licensing

Oklahoma Scenic Rivers Act

The Oklahoma Legislature finds that some of the free-flowing streams and rivers of Oklahoma possess such unique natural scenic beauty, water conservation, 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 there are hereby designated certain "scenic river areas" to be preserved as a part of Oklahoma's diminishing resource of free-flowing rivers and streams.

Oklahoma Scenic Rivers Purpose

Title 300:40-1-1 The purpose... is to establish a system of rules and licensing of commercial float operations and the collection of commercial and private fees to preserve the Scenic Rivers...in their natural state and to preserve the health and safety of the patrons.

Illinois River Commercial Float Areas*



*Commercial Float Area 2 expanded in 2023

Chapter 40: Rule Changes Effective 2024 Season

Rule Change: River Levels

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

(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. Commercial Operators shall follow the vessel limitations at the heights listed in the following tables.

Upper River Section at Chewey Gauge:

Raft Floating for Children Age 10 and Under	5 Foot, Six Inches (5'6")
Raft Floating All Ages	6 Foot (6')
No Floating for Children Age 10 and Under	7 Foot (7')
No Commercial Floating All Ages	9 Foot, Six Inches (9'6")

Lower River Section at Tahlequah Gauge:

Raft Floating for Children Age 10 and Under	6 Foot (6')
Raft Floating All Ages	6 Foot, Six Inches (6'6")
No Floating for Children Age 10 and Under	7 Foot, Six Inches (7'6")
No Commercial Floating All Ages	9 Foot, Six Inches (9'6")

Rule Change: License Application Requests

- OAC 300:40-1-4(c)(3) ...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.

Carrying Capacity of the Illinois River Findings and Considerations



Northeastern State University

Siewe Siewe, Sanchari Ghosh, John McIntosh, Christine Hallman

Actual Floater Numbers by Year*

2016-2023 COMMERCIAL REPORTING OF FLOATERS								
Name of Operation	2016	2017	2018	2019	2020	2021	2022	2023
All American Floats	0	2,334	4,521	5,342	11,875	9,670	12,481	15,081
Arrowhead Resort	26,801	26,516	27,341	26,562	42,585	30,152	23,438	22,275
Diamondhead Resort	3,023	3,560	3,652	3,613	5,187	4,370	4,495	9,829
Eagle Bluff Resort	18,962	17,739	18,629	16,353	21,210	20,324	15,373	9,622
Echota Village	-	-	-	399	1,095	2,233	651	1,029
Falcon Floats	-	850	1,175	1,355	1,730	7,449	9,143	Reported with AAF
Flint Ridge P. O. A.	416	537	925	681	916	749	437	435
Gypsy Camp							-	-
Hanging Rock Camp	2,290	2,600	2,925	2,770	4,600	4,415	4,314	-
Illinois River Outfitters	-	-	3,405	4,106	8,992	7,972	7,680	9,808
Illinois River RV	-	-	-	-	-	-	-	-
Illinois River Yacht Club	-	-	-	-	-	-	-	-
Lazy River Campground								365
Peyton's Place Resort	17,028	16,649	16,129	16,083	28,988	24,438	18,119	20,285
Riverbend by the Bridge	-	-	-	-	-	-	3,100	5,718
Riverbend Floats	-	499	1,861	2,101	4,874	3,740	3,335	-
Riverside Camp, Inc.	3,846	4,080	4,284	4,457	5,487	4,985	4,964	5,386
Sparrow Hawk Rec. Inc.	-	-	-	-	1,830	5,849	3,062	3,621
Town Branch Guest Ranch	50	50	50	91	110	98	264	88
War Eagle Resort	30,318	29,820	28,758	25,698	39,231	31,644	30,096	37,319
Total CFD Licenses Issued	102,734	105,234	113,655	109,611	178,710	158,088	140,952	125,415

Current licenses by area:

- CFA 1: 440
- CFA 2: 2134
- CFA 3: 1180

*as reported by CFOs

Private Floater Numbers by Year

2017-2023 Private Permit Sales							
Private permit Type	2017	2018	2019	2020	2021	2022	2023
\$1 Day Use Permit	1,586	2,002	2,773	2,138	2,323	2,175	5,466
\$10 Annual Permit	863	1,217	1,321	1,602	1,600	933	1,781
\$1 Day Use Permit sold to CFOs*	2,485	2,470	2,300	3,630	3,137	3,900	1,610
\$10 Annual Use Permit sold to CFOs*	267	283	280	370	370	330	337
Total Private Permits Sold	5,201	5,972	6,674	7,740	7,430	7,338	9,194

*A portion of CFOs buy \$.90 day/ \$9 annual use permits in bulk and resale to private floaters at the statutorily set \$1/ \$10 fees.

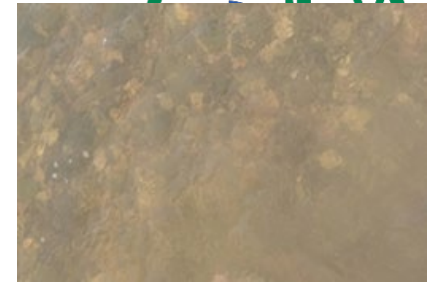
NSU Defining Carrying Capacity

Carrying capacity can be broadly described as the highest level of public use that a river corridor can support without causing undesirable alterations or significant harm to its various resource values. This study considered four aspects of carrying capacity:

- **Social carrying capacity:** User perceptions of congestion, overcrowding, and related negative social impacts become unacceptable
- **Physical/Spatial carrying capacity:** Use or activity that a specific physical environment or area can support without exceeding its ecological or spatial limitations
- **Ecological carrying capacity:** Use that a specific natural area or ecosystem can withstand without experiencing unacceptable changes, disruptions, or damage to its ecological balance and health
- **Facility carrying capacity:** Use that the various amenities, infrastructure, and facilities within a specific area or zone can accommodate without being overburdened or experiencing negative impacts



Findings: Review of studies & NSU Surveys (2022-23)



Turbidity: Taken same day ~11am and ~4pm

Water Quality

- Runoff from livestock and poultry operations within the watershed is the primary source of nutrients and bacteria in the Upper Illinois River
- **The primary impacts from recreational use (swimming, wading, floating) are increased turbidity through disturbance of stream sediments and increased bacteria**

Erosion

- Erosion is a natural phenomena associated with flood events in rivers such as the Upper Illinois River. Bank erosion can be partially mitigated by land owners implementing best management practices
- **Recreational use increases erosion of fine sediments through disturbance leading to increased turbidity**

Ecosystem Health

- Adequate stream flows are needed to protect fish and other wildlife habitats and maintain water quality. Low flow on the Illinois river are negatively impacting ecosystem health.
- **Recreational activities may impact wildlife through disturbance and habitat degradation. The NSU team did not find studies or reports suggesting that the impact of recreational use has increased and is contributing to new or additional habitat degradation.**

NSU Survey of Recreational Users

- **Identified trash as the major concern. Also of concern are inadequate facilities (e.g. parking spaces or restrooms), lack of public access points, increased use of substances and issues related to public safety especially in CFA 2 & 3**

NSU Management Consideration Summary

Proposed Management Objectives

- Maintain water quality, maintain ecological health and diversity, avoid excessive congestion, maintain public safety and maintain adequate facilities.

Recommended Management Approach

- Management responses vary and include measures such as increasing or improving facilities, reallocating permits to less crowded CFA's, increasing fees, and public education.

Need for immediate action

- Most proposed management objectives are currently being met. The most urgent need is to improve facilities, especially those relating to trash and littering.

NSU Management Consideration Detail

Social & Physical

- Educating the public about trash and river pollution, as well as, permissible activities in the river and beach is highly recommended . These activities would include picking up trash, using recycling bins, water pollution, restricted parking and driving on beaches, maintaining social decorum, among others
- No change in the current number of licenses is recommended at this point. However, the agency could consider reallocation of permits from CFA 2 and CFA 3 to CFA 1 to improve social and physical capacities
- It is recommended that the agency coordinate with float operators on restricted launches during peak day hours and holiday weekends to maintain physical, spatial and social capacities
- The agency should consider restricting group sizes while camping (along with current rules) during peak season and holiday weekends to improve social and physical capacities

Ecological

- Collaboration with landowners on protection of lands from erosion and reduction of sediments reaching the river. To this end, consider expansion of the Riparian Protection Conservation Easement Program with funding from state agencies
- It is recommended that the agency continue to fund internal ecological studies in the GRDA Scenic Rivers Lab at Northeastern State University

NSU Management Consideration Detail

Facility

- It is highly recommended that current facilities continue to improve. These include more trash receptacles, bathrooms or porta potties placed strategically on public areas and sandbars along the river, signposts for trash cans, bathrooms and access areas, and reallocation of law enforcement personnel for public safety to CFA 2 and CFA 3 during peak hours in holiday weekends
- The agency should continue coordinating efforts on public safety and facilities with ODOT and law enforcement agencies at the city and county levels
- Increasing the size of parking lots in certain access areas like Peavine Hollow especially during holiday weekends, by reducing the number of camping sites. (If congestion becomes the biggest issue over time, implement timed parking or fee during peak season and holiday weekends)
- Increasing the number of access areas in the northern (Delaware, Adair counties and Arkansas) and southern sections of the river. If possible, provide more camping locations and facilities in such locations

Financial

- The agency should consider raising day passes from \$1/vessel and the current annual permits from \$10 as issued to private users
- The agency could consider raising the commercial license fee, but after careful consideration on the potential costs to smaller operators

NSU Economic Analysis of Considerations

- The increase in cost of travel per user has a more significant impact on the individual, but smaller impact upon the frequency of visits, indicating that recreational users are less responsive to marginal price changes
- Increased user fees (permits/day passes) could be used to improve facilities or support other management activities
- Although increase in commercial license fee is desirable, it may hurt smaller operations
- Results support findings from surveys that improvement in facilities can
 - Raise demand for the river for recreational users
 - Balance social capacity with physical and facility carrying capacities
 - Raise willingness to pay by private users

GRDA Constraints

- The majority of Public Access Areas are owned by the Wildlife department with GRDA acting as the custodian. Any improvement or modification to PAAs would need ODWC approval and could require additional funds and personnel.
- GRDA currently invests >\$2.5 million on Scenic Rivers annually.
- Private and commercial use changes require a statutory rule change which is subject to the rulemaking process. The rulemaking timeline lengthy and any change proposed now would not be effective before 2026 float season.

Capacity Study Next Steps

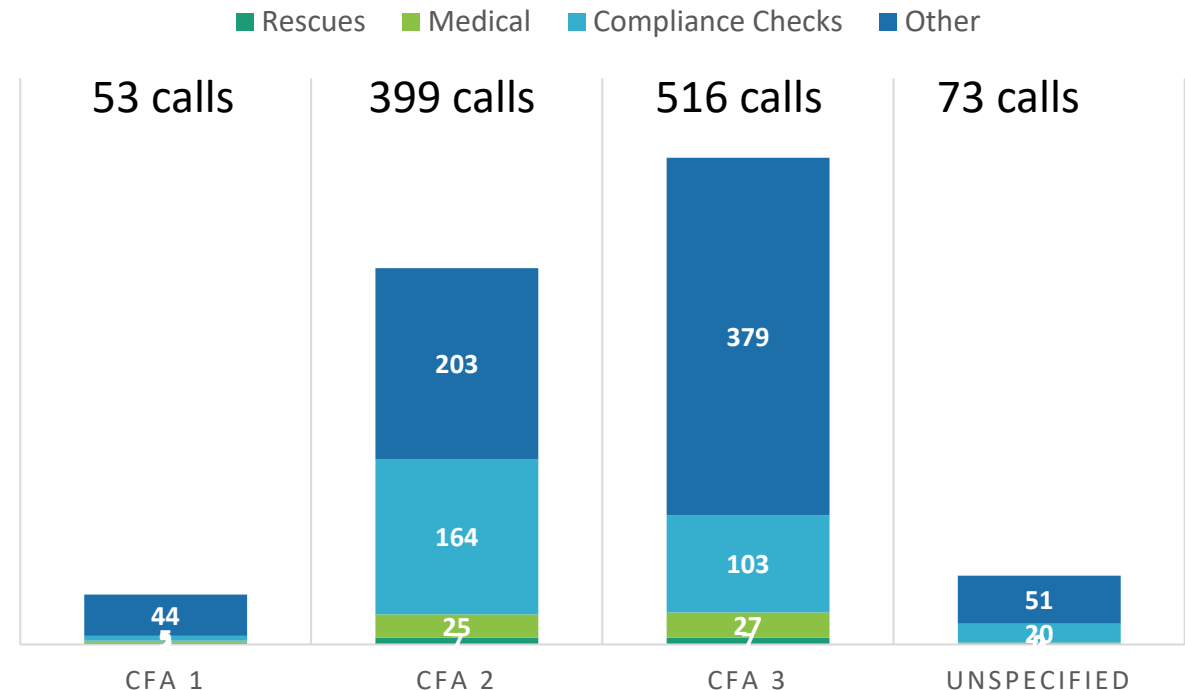
- Form a representative committee of CFOs, GRDA, ODWC (as necessary) to discuss potential implications of and remedies in response to the capacity study

2023 Float Season Statistics

2023 GRDA Police Calls

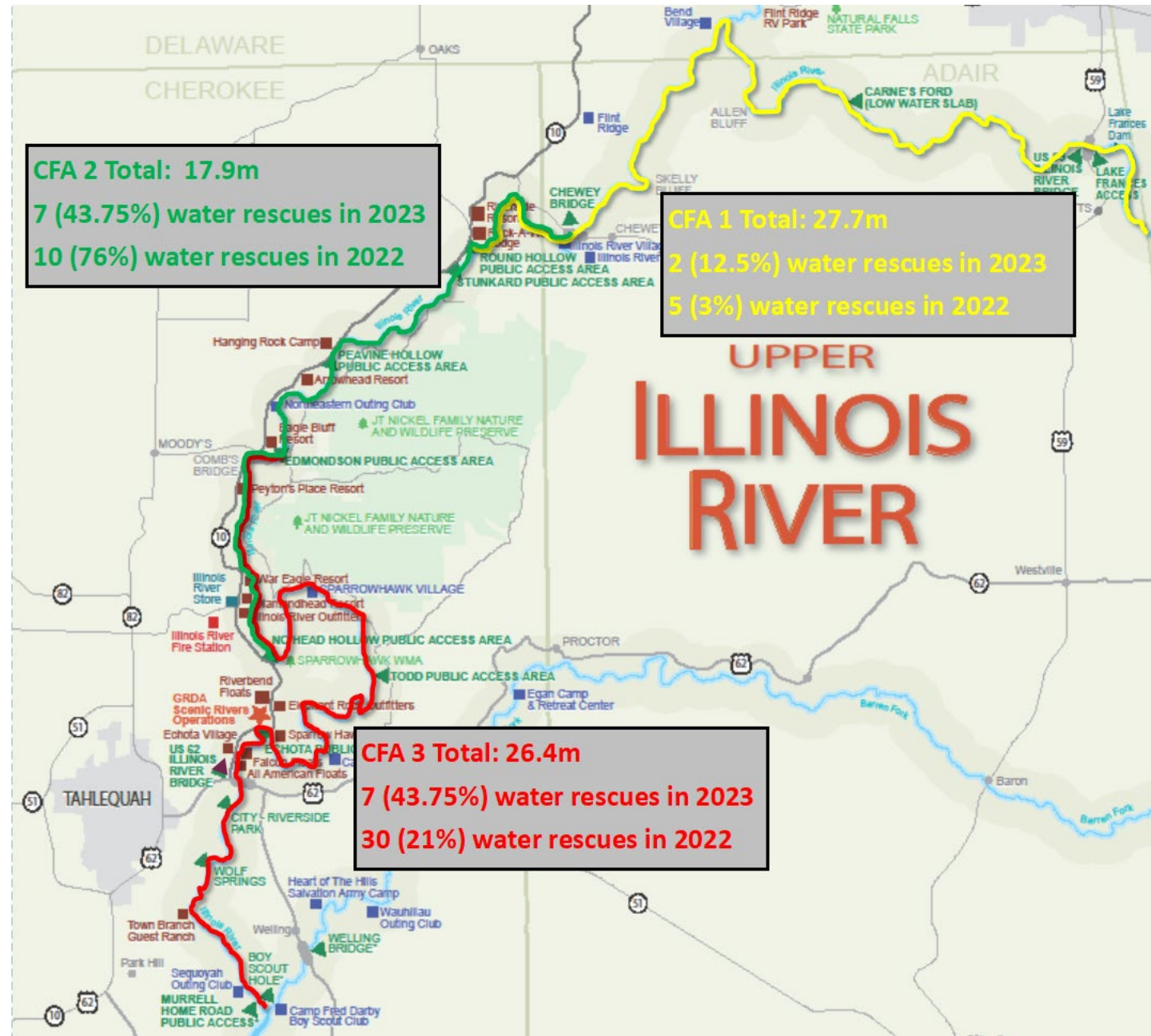
- 1041 calls for GRDA police response were on or near the Illinois River
- Total call breakdown by CFA*
 - 53 calls (5%) were for Float Area 1
 - 399 calls (38%) were for Float Area 2
 - 516 calls (50%) were for Float Area 3
 - 73 calls (7%) were unspecified areas
- 16 calls (1.5%) were for rescues

CALLS BY COMMERCIAL FLOAT AREA



*2023 data restated to align with 2022 CFAs

Commercial Float Areas with water rescues



2024 Commercial Float Licenses

License Application Requests

- OAC 300:40-1-5(d) Any licensing of flotation devices in excess of said 3,900 shall be subject to approval of the GRDA *if the applicant reasonably demonstrates 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.
- No applicant addressed issuing licenses in excess of 3,900 nor did they attempt to demonstrate “*there will not be an adverse impact on the waterways within the jurisdiction of the GRDA*”.

Renewal Requests: 2024 Commercial Licenses



• Flint Ridge P.O.A.	46	Licenses – CFA 1
• Gypsy Camp & Canoe	25	Licenses – CFA 1
• Illinois River RV Campground & Float	25	Licenses – CFA 1
• Illinois River Yacht Club	25	Licenses – CFA 1
• Lazy River Campground	10	Licenses – CFA 1
• Arrowhead Resort	381	Licenses - CFA 1 & 2
• Diamondhead Resort	516	Licenses - CFA 2 & 3
• Hanging Rock Camp	125	Licenses - CFA 1 & 2
• Riverbend by the Bridge	338	Licenses - CFA 1 & 3
• Riverbend Floats	100	Licenses - CFA 3
• Riverside Camp	150	Licenses - CFA 1
• Eagle Bluff Resort	319	Licenses - CFA 2
• Peyton's Place Resort	420	Licenses - CFA 2
• War Eagle Resort	692	Licenses - CFA 2 & 3
• All American/Falcon Floats	311	Licenses - CFA 3
• Echota Village	46	Licenses - CFA 3
• Illinois River Outfitters	75	Licenses - CFA 2
• Sparrow Hawk Recreation	90	Licenses - CFA 3
• Town Branch Guest Ranch	60	Licenses - CFA 3

Total

3,754 Licenses

Yellow: Operator lost 15% of licenses for missed deadlines.
Blue: Operator Compliance Concerns

2023 Season: Compliance History Assessment

- Per OAC 300:40-1-4(c)(3)(A) *Commercial licensing procedures, requirements, and annual use fees* ... the CEO may consider the following factors: (A) Whether the Operator has engaged in a pattern of willful violation of GRDA rules and regulations.
- License renewal request for permits Cody Bartmess (DBA - All American Floats and Falcon Floats) held in 2023 are being set aside pending an administrative proceeding.

2024 Commercial License Renewal Recommendation



• Flint Ridge P.O.A.	46 Licenses – CFA 1
• Gypsy Camp & Canoe	25 Licenses – CFA 1
• Illinois River RV Campground & Float	25 Licenses – CFA 1
• Illinois River Yacht Club	25 Licenses – CFA 1
• Lazy River Campground	10 Licenses – CFA 1
• Arrowhead Resort	381 Licenses - CFA 1 & 2
• Diamondhead Resort	516 Licenses - CFA 2 & 3
• Hanging Rock Camp	125 Licenses - CFA 1 & 2
• Riverbend by the Bridge	338 Licenses - CFA 1 & 3
• Riverbend Floats	100 Licenses - CFA 3
• Riverside Camp	150 Licenses - CFA 1
• Eagle Bluff Resort	319 Licenses - CFA 2
• Peyton's Place Resort	420 Licenses - CFA 2
• War Eagle Resort	692 Licenses – CFA 2 & 3
• All American/ Falcon Floats	0 Licenses - CFA 3
• Echota Village	46 Licenses - CFA 3
• Illinois River Outfitters	75 Licenses - CFA 2
• Sparrow Hawk Recreation	90 Licenses - CFA 3
• Town Branch Guest Ranch	60 Licenses - CFA 3

Total 3,443 Licenses

Licenses Held Pending Administrative Hearing 311 CFA 3

I move to authorize GRDA Scenic Rivers Operations to renew 3,443 Commercial Flotation Device Licenses and hold 311 pending administrative hearing with All American/Falcon Floats.

Yellow: Operator lost 15% of licenses for missed deadlines.
Blue: Operator Compliance Concerns

Commercial License Availability

- 3,443 licenses renewed for 2024 & 311 held pending administrative hearing.
- Per OAC 300:40-1-5(c) *Limitation of Flotation Devices*: The number of licenses shall be set at a maximum of 3,900...

CFA 1	90 temporary licenses issued in 2023
CFA 2	56 forfeited
<u>CFA 3</u>	<u>0</u>
Total	146 available as new licenses for 2024

- 861 New Licenses requested for the 2024 season

2024 New License Application Requests



• Fidler’s Bend Outdoor Adventure, LLC	Shane Fidler	125 CFA 1
• Gypsy Camp and Canoe	Jerrid Gelinias	146 CFA 1
• Highwater Camp, LLC	Joshua Dart	25 CFA 1
• Illinois River RV Campground & Float	Russell Taylor	75 CFA 1
• Lazy River Campground	Brad Kenyon	40 CFA 1
• Hanging Rock Camp	Marcus Olive	50 CFA 2
• Peyton’s Place Resort	Trey Peyton	50 CFA 2
• War Eagle Resort	Pam Hazen	30 CFA 2
• Illinois River Outfitters	Bryce Huard	15 CFA 2/ 15 CFA 3
• All American/Falcon Floats	Cody Bartmess	200 CFA 3
• Diamondhead Resort	Kevin Kelley	20 CFA 3
• Sparrow Hawk Rec. Inc.	John Townshend	40 CFA 3
• <u>Town Branch Guest Ranch</u>	Brian Berry	30 CFA 3

Legend

- 2024 new applicants
- Current CFOs
- Blue: Operator Compliance Concerns

13 Commercial Float Operator Requests

861 New License requests

Proposed Motion

I move to authorize GRDA Scenic Rivers Operations to issue 146 surplus Commercial Flotation Device Licenses as listed below with a random draw for the remaining three licenses.

- | | |
|--|------------|
| • Fidler’s Bend Outdoor Adventure, LLC | 16 - CFA 1 |
| • Gypsy Camp and Canoe | 16 - CFA 1 |
| • Highwater Camp, LLC | 16 - CFA 1 |
| • Illinois River RV Campground & Float | 16 - CFA 1 |
| • Lazy River Campground | 16 - CFA 1 |
| • Hanging Rock Camp | 16 - CFA 1 |
| • Peyton’s Place Resort | 16 - CFA 2 |
| • War Eagle Resort | 16 - CFA 2 |
| • Illinois River Outfitters | 15 - CFA 2 |
| • Illinois River Outfitters | 0 - CFA 3 |
| • All American/Falcon Floats | 0 - CFA 3 |
| • Diamondhead Resort | 0 - CFA 3 |
| • Sparrow Hawk Rec. Inc. | 0 - CFA 3 |
| • <u>Town Branch Guest Ranch</u> | 0 - CFA 3 |

Total: 143 Licenses with random draw for the three remaining

Legend

- 2024 new applicants
- Current CFOs
- Blue: Operator Compliance Concerns