TITLE 630. SCENIC RIVERS COMMISSION
CHAPTER 10 - LICENSING AND USE PERMITS

[For Discussion at October 20, 2015 OSRC Regular Business Meeting]

SUBCHAPTER 1 - GENERAL PROVISIONS AND LICENSING

630:10-1-5. 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 on 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~~, not previously held by a commercial float operator,~~ may be filed with the OSRC 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 entitled 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 OSRC obligations, by the last working day of December or the application shall be denied and the number of licenses released as new licenses in January.

(3) Any person may apply in January for new commercial flotation device licenses which may be available, up to the number provided in 630:10-1-7. The OSRC shall process the applications, divide the numbers of licenses among the proper applications and issue them in February.

(4) 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 630:10-1-7.

(5) Use of public access areas owned or controlled by the OSRC may be denied by the Administrator based on expected adverse impacts to the public use 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 OSRC 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;

(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 OSRC rules and regulations.

(e) Licenses shall be issued in such form as is prescribed by the Administrator, 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.

(f) Licenses granted by this Chapter shall be transferable only after application to and approval by the Administrator upon a finding that the transfer will not exceed the float area restrictions of the scenic rivers as described in 630:10-1-7.

(g) The number of flotation devices to be licensed for commercial use shall be limited as provided in 630:10-1-7.

(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 on business premises and at launch points warnings against tying flotation devices together, about trespass and safety, to carry trash-bags for their trash, that flotation devices and ice chests are subject to random inspection by River Rangers, that alcoholic spirits (hard liquor such as bourbon, gin, rum, tequila, whiskey, etc.) are prohibited on the Scenic Rivers and in public access areas at all times, and that 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 OSRC.

(5) Display on each flotation device used the name of the enterprise 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) Provide reasonable assistance in river clean-up and navigational hazard removal in his float area at least once each week during all weeks his flotation devices are operated on the river.

(7) Provide, in each flotation device used, at least one wearable personal flotation device 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) Track and report monthly to the Administrator the number of their customers per type of flotation device for weekdays, weekends and holidays from May through September. These reports are due within 30 days after the end of each reporting month.

(i) Non-profit youth 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 630:10-1-7.

630:10-1-6. Suspend or revoke license or permit

(a) The OSRC retains the right to suspend or revoke the licenses or permits, in whole or in part, of any commercial float operation after the OSRC makes a finding that:

(1) The operation has engaged in a pattern of willful violation of OSRC rules and regulations;

(2) 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 revoke a certain number of licenses;

(3) 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

(4) The commercial operator has failed to comply with licensing requirements of rule 630:10-1-5.

(b) Except in case of emergency as provided in the Oklahoma Administrative Procedures Act, the OSRC may make such a finding only after the commercial float operation has been given notice and the opportunity for a hearing.

630:10-1-7. Limitation on licensing of flotation devices

(a) It is the intent of the OSRC 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 OSRC that at this time the scenic rivers cannot assimilate the damages to their ecosystems, environments, aesthetic, scenic, historic, archaeologic, and scientific features if more than ~~3,900~~ 3,300 licenses are issued. Further, the protection of public health and safety requires that the OSRC not grant additional licenses.

(c) The OSRC recognizes the current interests and property rights of persons with respect to flotation devices presently available for hire within its jurisdiction subject to the OSRC Commercial Float Area limitations provided hereinafter. The number of such devices shall be set at a maximum of ~~3,900~~ 3,300 for the combined scenic river areas.

(d) Any licensing of flotation devices in excess of said ~~3,900~~ 3,300 shall be subject to approval of the OSRC if the applicant reasonably demonstrates there will not be an adverse impact on the waterways

within the jurisdiction of the OSRC. 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 OSRC determines that the requested licenses may harm the ecosystem, environment, aesthetic, scenic, historic, archaeologic or scientific features of the section of the river for which the licenses are sought, so that the health and safety of individuals floating on the river may be threatened by the addition of new flotation devices, the OSRC shall deny the number of licenses requested over ~~3,900~~ 3,300 that it deems to be necessary to protect the scenic rivers. Any license issued above ~~3,900~~ 3,300 in any calendar year shall be temporary, for a stated period of time, and shall not be renewed during the annual licensing process.
(f) Since May 1, 1987, the Illinois River scenic river area has been 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 OSRC Commercial Float Area One (OSRC CFA One).

(2) From Round Hollow Public Access Area (Illinois River mile 27.7) southward to the old Comb's Bridge (Illinois River mile 36.1) shall be known as OSRC Commercial Float Area Two (OSRC 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 OSRC Commercial Float Area Three (OSRC CFA Three).

(g) During weekends and holidays in May through September only commercial float devices licensed for OSRC CFA Two may float in OSRC Commercial Float Area Two. However, upon customer request commercial float operations without licenses for OSRC CFA Two may allow up to 20 of their commercial flotation devices during such times to combine a float in Commercial Float Area Two with their licensed area.
(h) To reduce congestion in CFA Two, raft licenses shall not exceed the number of licenses issued in 2015.[1]
(i) The operation of a commercial flotation device within an OSRC Commercial Flotation Area in violation of 630:10-1-7, shall subject that commercial float operation to a fine not to exceed One Hundred Dollars ($100.00). [82 O.S. Supp. 1991, Section 1470(A)]

630:10-1-9. 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 Administrator 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 OSRC, collect non-commercial fees and issue receipts or usage indicators when they are approved by the Administrator and use the current forms and procedures of the OSRC. Collectors shall remit the non-commercial fees they collect to the OSRC 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 Commission but not more than 10%.
(d) River Rangers and the Administrator 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.

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[1] 1,520 raft licenses were issued in CFA Two in 2015.

SUBCHAPTER 2 - PUBLIC ACCESS AREAS

630:10-2-4. Use of public access areas

(a) No person shall camp in a campsite under the jurisdiction of the OSRC 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 Administrator, a Camp Host or a River Ranger.

(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 Administrator or a River Ranger 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 Administrator.

(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) The placing or parking of 2 or more vehicles on any site not designed for more than one vehicle.

(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 Administrator.

(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 or firearms in public access areas. The Administrator may authorize fireworks on the 4th of July.

(15) Fires may only be built in fire pits or cookers established by the Commission.

(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 Administrator.

(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: Round Hollow, Todd, US 62 Bridge Access on the Illinois River, US 412 Bridge Access on Flint Creek, Lake ~~Francis~~ 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 police the area and its gravel bars for litter after each use.

(j) Violations of OSRC 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[2]

630:10-3-1. 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.

630:10-3-2. Alcoholic beverages

The Scenic Rivers Commission 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.

(a) Possession of any beverage defined as "Spirits" in the Oklahoma Alcoholic Beverage Control Act[3] is prohibited on the Scenic rivers and in public access areas at all times.

(b) 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, New Combs Bridge, No Head and Echota public access areas.

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[2] Conviction of a violation of an OSRC regulation is a misdemeanor (82 O.S. Section 1467), and misdemeanors are punishable by imprisonment in the county jail not exceeding one year or by a fine not exceeding five hundred dollars, or both (21 O.S. Section 10).

[3] 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 (37 O.S. Section 506).