

**TITLE 300. GRAND RIVER DAM AUTHORITY  
CHAPTER 35. LAKE RULES**

**SUBCHAPTER 1. DEFINITIONS, PURPOSE AND APPLICATION**

**300:35-1-1. Definitions**

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

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

**"Board"** means the Board of Directors for the Grand River Dam Authority.

**"GM"** or **"CEO"** means the General Manager and/or the Chief Executive Officer of the Grand River Dam Authority.

**"GRDA land" or "GRDA property" or "lands of GRDA"** means the land owned by GRDA. The location and boundaries of GRDA land is determined by a legal description (generally described by metes and bounds). Many times, a survey is necessary to determine the boundary of GRDA land. A particular elevation does not necessarily determine the boundary of GRDA land. Additionally, GRDA and/or the U.S. Army Corps of Engineers may have flowage easements over land.

**"Wake"** means the track of waves left by a vessel or other object moving through the water and such waves are greater than the natural waves in the immediate area of the vessel or are cresting and showing white water or may cause injury to any person or property. However, a "no wake zone" is not violated when a vessel is safely proceeding with engine(s) engaged at normal idle speed.

**"Waters of GRDA"** means and refers to the waters of the Grand River and its tributaries, including, but not limited to, Grand Lake O' the Cherokees, Lake Hudson, and the W.R. Holway Reservoir.

**300:35-1-2. Statutory authority**

The Act (82 O.S.2001, § 861 *et seq.*, as amended) creating the Grand River Dam Authority prescribes the use that may be made of the properties and waters of GRDA and authorizes GRDA to promulgate, prescribe and enforce rules and regulations for the use, for recreational and commercial purposes, of its lakes and shorelands, including the use of firearms and the inspection of all vessels of every character proposing to operate or operating on said lakes. The travel of vessels on the waters of GRDA shall be in keeping with the following rules of GRDA in the interest of public health, safety and convenience in the use of the waters and the shorelands of GRDA.

**300:35-1-3. Application of state laws**

The laws of the State of Oklahoma, including the Oklahoma Boating Safety Regulation Act, 63 O.S.2001, § 4200 *et seq.*, as amended, and the Oklahoma Penal Code, 21 O.S.2001 § 1 *et seq.*, as amended, apply to the waters of GRDA, in addition to the rules set out herein. Failure to comply with these laws and Rules may constitute a criminal offense.

**300:35-1-4. Registration of boats**

The Oklahoma Vessel and Motor Registration Act, 63 O.S.2001, § 4001 *et seq.*, as amended, applies to the waters of GRDA and must be complied with in addition to the Rules herein. Every

vessel subject to the provisions of the Oklahoma Vessel and Motor Registration Act must have state registration and a current license by no later than June 30 of the current state fiscal year.

**300:35-1-5. Law enforcement division and compliance division of GRDA**

- (a) GRDA has created a law enforcement division and compliance division for the purpose of enforcing these Rules on the waters and land of GRDA.
- (b) The members of GRDA's law enforcement division are hereby declared to be the enforcement officers for GRDA. The enforcement officers for GRDA may enforce GRDA rules and regulations, those rules and regulations as may be issued pursuant to the provisions of Section 4200 *et seq.* of Title 63 of the Oklahoma Statutes, the provisions of Sections 861 *et seq.* of Title 82 of the Oklahoma Statutes, and all violations of criminal laws occurring within the boundaries of the counties where real property owned or leased by GRDA is located. The enforcement officers shall have the power of peace officers during the performance of their duties, except in the serving and execution of civil process.
- (c) The officers shall, in the event of emergency, assist in the rescue of any person who may be in danger and shall assist in the saving of any property that is in danger of being lost or damaged. They shall require the operator of any vessel operating on the waters of the lakes in any manner which is not in compliance with these Rules, or any applicable state law, to immediately remove said vessel from the lake until compliance has been had.
- (d) The officers are charged with the duty of causing all vessels to be registered with proper registration numbers, or permit numbers, which shall be displayed upon such vessels.
- (e) GRDA's law enforcement officers may cooperate with federal, state and local enforcement officers in the enforcement of all federal and state laws upon the waters, lands and properties of GRDA or any other location within their jurisdiction.

**300:35-1-6. Permitted activities**

No person, firm, partnership, corporation or other entity shall perform any activity which requires a permit prior to the receipt of written permission from GRDA. For example, no dock may be placed upon the waters of GRDA until such time as the applicant receives written notice that such activity may take place. Any person that performs any activity which requires a permit prior to the issuance of a permit, or written permission from GRDA shall be subject to the penalties set forth in these Rules and law.

**SUBCHAPTER 3. GENERAL PROVISIONS**

**300:35-3-1. Free access**

The public shall have free access to the waters of the lakes and no charges shall be made to the public for the right to engage in hunting, fishing, swimming or non-commercial boating. The public shall comply with all state hunting and/or fishing laws and rules.

**300:35-3-2. Lake elevations**

Grand Lake, Lake Hudson, and W.R. Holway Reservoir are flood control and hydro electric power projects, and it is recognized and understood that the elevation of the waters in said lakes will vary from time to time as operations for flood control and hydro electric power generation demand, and the water rights granted under these Rules shall be subject to these conditions and all laws governing the Grand River Dam Authority and shall be subject to all

federal and state laws and rules governing the control storage release and use of the waters of Grand River, Grand Lake, Lake Hudson, and W.R. Holway Reservoir.

**300:35-3-3. Liability**

(a) GRDA shall never be liable in any manner whatsoever because of the quantity or quality of the water in its lakes, nor shall GRDA ever be liable for any damage that the permittee may sustain to person or property which may be occasioned by or result from the construction, maintenance and operation of GRDA's projects and the Fort Gibson Reservoir.

(b) Neither GRDA nor any representative thereof assumes any responsibility for loss or damage to life or property by theft, storm, accident or otherwise, in connection with or growing out of the exercising of the privileges conferred by any permit which may be issued in accordance with these Rules.

(c) Nothing contained in these Rules shall operate to relieve the owners of vessels from complying with, or from the obligation of complying with, the applicable laws of the United States and the State of Oklahoma.

**300:35-3-4. Payment of fees**

No permit or license, private or commercial, shall be issued until the appropriate fee has been paid.

**300:35-3-5. Transfer or assignment of permit prohibited**

Transfer or assignment of permits or licenses issued hereunder (both private and commercial) shall not be made except with written consent and approval of GRDA. Additionally, all delinquent unpaid fees, plus interest at the rate of ten percent (10%) per annum must be paid prior to a transfer. No person, firm or corporation shall allow his or its name to be used by any other person, firm or corporation to do any work under his or its permit.

**300:35-3-6. Cancellation/termination of permit or license [REVOKED]**

**300:35-3-7. Rights reserved**

These Rules do not cover the taking or using of water for any purpose or use other than those specifically covered herein.

**300:35-3-8. Roads and highways**

The existing public rights-of-way to the waters or shorelands and boat ramps sponsored by GRDA shall remain open as a way of free public passage to and from the waters of GRDA.

**300:35-3-9. Fishing and hunting**

Fishing or hunting within restricted areas will not be permitted, nor will hunting or fishing be permitted within two hundred (200) feet of the tailraces below the dams; nor will hunting or fishing, except commercial bait operators, be permitted at such other points on or about the lakes where such use will unduly interfere with navigation or proper conduct of the business of GRDA or endanger the public.

**300:35-3-10. Firearms**

- (a) Only shotguns and proper archery equipment are allowed on GRDA property, except that hunters may use rifles and pistols, in compliance with state laws and wildlife regulations, on GRDA property which has been designated as a Wildlife Management Area.
- (b) All hunting on any GRDA property shall be conducted in accordance with Oklahoma Department of Wildlife Conservation regulations. If hunting within ¼ mile of GRDA waters, only nontoxic shot may be used.
- (c) The discharge of any firearms or bows in, over or across the waters of the lakes is expressly prohibited except as regulated by the Oklahoma Department of Wildlife Conservation. In no event shall the use of firearms or bows be conducted in a manner which interferes with the business of GRDA's projects or endangers the public.
- (d) Persons properly licensed to carry concealed weapons may do so only in accordance with the laws of the State of Oklahoma.

**300:35-3-11. Gas and oil storage**

The keeping or storage of gasoline and other combustible fuels, except for fuel tanks installed in vessels, in, upon or about GRDA lands and waters will not be permitted unless the location and detailed storage plans therefor are first submitted to and approved by GRDA and comply with all applicable state and federal statutes.

**300:35-3-12. Health and sanitation**

- (a) All sanitary rules, regulations, and laws shall be complied with prior to the granting or renewal of any GRDA permit.
- (b) In the interest of public health, sanitation and safety, there shall be no camping on GRDA's lands except in a designated camping area.
- (c) Bottles, cans, garbage, rubbish, refuse, debris, wreckage, bilge water containing oil or grease, or materials used in the process of cleaning the outer surfaces of vessels, or any other material of any kind shall not be thrown into or released upon the lakes or deposited or dumped upon the shores of the lakes or upon any land under the jurisdiction of GRDA.
- (d) No septic tank, lateral line or lagoon shall be placed on the shorelands of GRDA. No sewage shall be disposed of in the waters or on the shorelands of GRDA. No person shall operate a vessel equipped with a marine toilet which is not a total retention system in accordance with federal regulations regarding marine toilets.
- (e) The preparation and marking of beaches shall be in such manner as to provide reasonable safety in their use. Commercial beaches shall be provided with adequate and sanitary dressing rooms, toilets, showers and other necessary accessories for public convenience and safety.

**300:35-3-13. Repeal**

All rules and regulations adopted by the Authority which conflict with the provisions of these Rules are hereby revoked, cancelled and repealed.

**300:35-3-14. Permit applications**

- (a) Applications for GRDA permits required by these Rules are available at the permitting office inside the GRDA Ecosystems & Education Center located at the west end of Pensacola Dam in Langley, Oklahoma, by mail at P.O. Box 70, Langley, Oklahoma 74350, by calling 918-782-9594, or on the GRDA website at [www.GRDA.com](http://www.GRDA.com).

- (b) In addition to any other requirement that may be applicable to a permit application, GRDA may, in its sole discretion, forward any application to fish and wildlife resource agencies, environmental agencies, and/or tribes for comment.
- (c) These Rules cover the following types of GRDA permits:
- (1) Private and commercial docks, wharves, landings, anchorages, and boat houses;
  - (2) Buoys;
  - (3) Private and commercial breakwaters;
  - (4) Private and commercial rail-systems and tram systems;
  - (5) Fences located on GRDA lands;
  - (6) Boat ramps;
  - (7) Retaining walls;
  - (8) Dredging (and excavation);
  - (9) Erosion control devices;
  - (10) Shoreline stabilization;
  - (11) Commercial operations (including dock installer, dredging contractor, commercial boat operator);
  - (12) Taking of raw water (including irrigation);
  - (13) Vegetation management plans; and
  - (14) Sanctioned event.
- (d) Permit applications are subject to change without notice. Permitted activities must comply with all standards, rules and regulations in effect at the time the activity commences.

### **300:35-3-15. Penalty**

After notice and an opportunity to be heard in accordance with Subchapter 21 herein, any person, firm, partnership, corporation or other entity which violates any Rule in this Chapter (i.e. Chapter 35 Lake Rules), shall be required to pay all costs (including attorneys fees, GRDA staff time, and mitigation) related to the violation including the repair, restoration and reclamation of GRDA lands and waters. Other penalties may include, but are not limited to, suspension or revocation of a permit for a period of up to and including three (3) years. Also, GRDA may seek an injunction to prevent any violation or unauthorized activity.

## **SUBCHAPTER 5. BOATING SAFETY RULES**

### **300:35-5-1. Careful operation of a vessel**

No person shall operate or give permission to operate a vessel in a wake zone at a speed which is other than reasonable and prudent and which shows due regard for the existence of actual or potential hazards and obstacles, or in such a manner as to endanger the life, limb or property of any other person, or in such manner as to create a wake. For the purpose of this rule, "no wake zone" means any area posted with buoys or within one hundred fifty (150) feet of any boat ramp, dock, pier, or anchored or moored vessel.

### **300:35-5-2. Towing activities**

(a) No person shall operate or give permission to operate a vessel on any waters of this state towing a person or persons using parasails or on water skis, a surfboard, a sailboard or similar device, nor shall any person engage in parasailing, water skiing, surfboarding, sailboarding or similar activity at any time between the hours from sunset to sunrise or at such time visibility due

to other existing conditions is obscured so as to endanger life or property. (63 O.S. Supp.2004, § 4212(B).

(b) Pursuant to 63 O.S.Supp.2004, § 4212, the following applies to water skiing, wakeboarding, or similar towing activities:

(c) No person shall operate or give permission to operate a vessel on any GRDA waters for towing a person or persons using parasails or on water skis, a surfboard, or similar device unless there is in such vessel:

(1) a person who is at least eight (8) years old, and who, in addition to the operator, is in a position to observe the progress of the person or persons being towed, or

(2) if the vessel is not a personal watercraft, an efficient wide angle convex rear view mirror installed on such vessel in such manner as to permit the person operating said vessel to face the direction of travel and be in a position to observe the progress of the person or persons being towed, or

(3) if the vessel is a personal watercraft, two (2) efficient wide angle convex rear view mirrors installed on such vessel in such manner as to permit the person operating such watercraft to face the direction of travel and be in a position to observe the progress of the person or person being towed.

(d) Water skiing shall be allowed with any watercraft which is designed to accommodate two or more persons.

### **300:35-5-3. Flotation device required**

All vessels shall carry a U.S. Coast Guard approved flotation device (life preserver) for each person on board. The operator of a vessel less than twenty-six (26) feet in length, while under way, shall require each passenger twelve (12) years of age or younger to wear a U.S. Coast Guard approved flotation device. Any person operating or manipulating, or who is a passenger on a personal watercraft, water skis, a sailboard, surfboard, wakeboard, parasail or a similar device shall wear a U.S. Coast Guard approved flotation device.

### **300:35-5-4. Sitting and standing in vessel**

No person shall sit or ride on the sides of a vessel, the back of a vessel, a covered bow or the top of any back seat of a vessel, or stand in a vessel while under way at any speed greater than idle or trolling speed; unless, the vessel is specifically designed for such use.

### **300:35-5-5. Required equipment**

(a) Each vessel which is less than twenty-six (26) feet in length, other than a personal watercraft, shall be equipped with a paddle or set of oars, anchor, bailing device and fire extinguisher. All other vessels shall be equipped in accordance with Oklahoma state law.

(b) All vessels must be equipped with proper and working navigations and anchoring lights as provided by law.

### **300:35-5-6. Prohibited areas**

All vessels are prohibited from entering any area within 200 feet below Pensacola, Kerr and Chimney Rock Dams. Vessels are prohibited within 500 feet below said dams during periods of hydrogeneration.

**300:35-5-7. Night speed limit**

It shall be unlawful for any person to operate any vessel upon the waters of GRDA, between the hours of one-half hour after sunset and one-half hour before sunrise at any speed in excess of twenty-five (25) miles per hour.

**300:35-5-8. Skiing prohibited**

(a) No skiing is allowed upstream of the Strang Bridge on Lake Hudson, upstream of Twin Bridges on Grand Lake, in Elm Creek east of Grove water intake tower, upstream of the Harbors Marina on Duck Creek or upstream of the Lakemont Shores Ramp on Drowning Creek.

(b) Wake jumping is prohibited in Cowskin and Elk River and in any arm of Grand Lake that, in its name, ends in Creek, Cove or Hollow. Wake Jumping is defined as the act of repetitively crossing another vessel's wake in such a fashion that the crossing vessel's hull leaves the water.

**300:35-5-9. Persons on personal watercraft**

The number of persons riding on a personal watercraft shall be limited to that number as recommended by the manufacturer. Any person being towed behind a personal watercraft shall count as one (1) person riding on a personal watercraft.

**SUBCHAPTER 7. VESSELS****300:35-7-1. Inspection, registration and certificate of safety**

(a) All vessels and equipment used for transportation of the public for pecuniary gain or profit shall be subject to inspection during each permit year by GRDA.

(b) All vessels must be licensed under the Oklahoma Vessel and Motor Registration Act.

**300:35-7-2. Loose and derelict vessels**

Any loose, derelict or apparently abandoned vessel found on the lakes, or shores of the lakes, may be impounded by GRDA in the manner provided for by state law.

**300:35-7-3. Anchorages**

Vessel anchorages shall not be allowed off the shore of the waters of GRDA in any one location for a continuous period in excess of forty-eight (48) hours. At the end of a forty-eight (48) hour period, a new anchorage may not be taken up within a distance of one (1) mile of the anchorage previously used. No buoy may be used as an anchorage without the permission of its owner.

**300:35-7-4. Vessel operating distance**

No person shall operate any vessel, including personal watercraft, within fifty (50) feet in proximity to another vessel when running at speeds of over ten (10) miles per hour.

**300:35-7-5. Water muffling**

Except for a sanctioned event, no person shall operate a vessel or motor which is not equipped with a muffler or muffler system in good working order. The use of cutouts, removal of mufflers or muffler baffles, cutting or punching of holes in mufflers or otherwise modifying the original muffler or muffling system installed by the manufacturer or any subsequent muffler or muffling system so as to increase or modify the noise level is prohibited.

**300:35-7-6. Noise abatement**

No person shall operate a vessel that exceeds the noise level of ninety (90) decibels on an A-weighted scale when subjected to a sound level test as prescribed by SAE J2005 within fifty (50) feet of any public or private dock or at any location between the hours of 9:00 p.m. through 9:00 a.m. C.S.T.

**300:35-7-7. Wake damage**

All vessel operators shall be held responsible for any damage that their wake might cause to property. No person shall operate or give permission to operate a vessel in a wake zone at a speed which is other than reasonable and prudent and which shows due regard for the existence of actual or potential hazards and obstacles, or in such a manner as to endanger the life, limb or property of any other person, or in such a manner as to create a wake. "No wake zone" means any area posted with buoys or within one hundred fifty (150) feet of any boat ramp, dock, pier or anchored or moored vessel.

**300:35-7-8. Minimum age**

(a) A person under sixteen (16) years of age shall not operate any vessel powered by a motor or combination of motors in excess of ten (10) horsepower or any sail-powered vessel sixteen (16) feet or greater in length on the waters of this state unless the person has:

(1) Successfully completed a boating safety education course or has passed a proctored equivalency examination which tests the knowledge of information included in the curriculum of such a course and received a Boating Safety Education Certificate as evidence of successful completion of a boating safety education course or an equivalency examination; and

(2) Is accompanied by a competent adult, eighteen (18) years of age or older, who is in a position on or in the vessel to take immediate control of the vessel being operated.

(b) A person under sixteen (16) years of age shall not operate a personal watercraft unless the person has:

(1) Successfully completed a boating safety education course or has passed a proctored equivalency examination which tests the knowledge of information included in the curriculum of such a course and received a Boating Safety Education Certificate as evidence of successful completion of a boating safety education course or an equivalency examination; and

(2) Is under the visual supervision by a competent adult, eighteen (18) years of age or older within a distance of five hundred (500) yards.

**300:35-7-9. Hazardous acts**

(a) In addition to the rules of travel for operation of vessels upon the lakes, all vessels shall be operated in such a manner as will best safeguard the lives and property of others upon the lakes.

(b) Any person conducting himself/herself in such a manner as to endanger the health and safety of others upon the lakes or lands of GRDA, or violate any of the statutes of the State of Oklahoma, may be removed from the lakes or lands of GRDA and subject to the penalty of any applicable law.

**300:35-7-10. W.R. Holway reservoir**

With the exception of the Lake Patrol, vessels powered by internal combustion engines are not permitted on W.R. Holway Reservoir. Swimming is prohibited in the W.R. Holway Reservoir.

**300:35-7-11. Penalties**

(a) GRDA law enforcement personnel may verbally order any person, firm, partnership, corporation, or any other entity that is violating any provision found in Title 63 or Title 21 of the Oklahoma Statutes or in any GRDA rules to immediately exit the waters and/or lands of GRDA. Failure to obey the verbal order may result in the law enforcement personnel enforcing the provisions of 63 O.S.2001, § 4221 which provides that such failure to comply will constitute a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00).

(b) Additionally, any such person or entity, after notice and an opportunity to be heard as provided in Subchapter 21 herein, may be banned from the waters and/or lands of GRDA for a period of time up to, and including, ninety (90) days.

**300:35-7-12. Duck Creek boating rules**

Due to the unique nature of Duck Creek on the Grand Lake O' the Cherokees, GRDA implements, from time to time, special boating rules for the area. Please contact the GRDA Lake Patrol, located at the GRDA Ecosystems & Education Center in Langley, Oklahoma, or by mail at P.O. Box 70, Langley, Oklahoma 74350, or by calling 918-782-9594 or see the website, [www.GRDA.com](http://www.GRDA.com) for the current applicable Duck Creek Boating Rules.

**SUBCHAPTER 9. SANCTIONED EVENTS****300:35-9-1. Sanctioned event definition**

A sanctioned event is any organized event which has been permitted by GRDA that occurs on the waters and lands of GRDA, including, but not limited to, regattas, motorboat or other boat races, marine parades, tournaments, fishing tournaments, "poker" runs, rock-climbing, and exhibitions.

**300:35-9-2. Permit required**

No sanctioned event shall be held without a written permit issued by GRDA at least ten (10) days prior to the event.

**300:35-9-3. Public and environmental safety**

(a) GRDA law enforcement shall require that any sanctioned event be held in a safe manner and under safe environmental conditions.

(b) Any vessel operating in an unsafe manner, or without due regard to other vessels, water skiers, swimmers, sanctioned events, restrictive markers or buoys, existing wind or weather conditions, waves, or wakes, may be immediately removed from the waters of GRDA by GRDA law enforcement.

(c) GRDA may require that any sanctioned event conform to specific environmental requirements for the purpose of protecting fish, wildlife, or habitat. Such requirements shall be specified on the sanctioned event permit. Any sponsor of a sanctioned event, or any participant in such sanctioned event, which fails to follow the environmental requirements may be immediately removed from the waters of GRDA by GRDA law enforcement.

(d) In addition to the penalties specified herein, any person violating this rule may be subject to criminal sanctions as provided by law and any other penalties as provided in 300:35-7-11.

## **SUBCHAPTER 11. PERMITS FOR WHARVES, LANDINGS, BUOYS, BREAKWATERS AND DOCKING FACILITIES**

### **300:35-11-1. Private use**

No person, firm, association, partnership or corporation may construct, modify the footprint, install, relocate, transfer or operate any private wharf, dock, landing, anchorage, boat house or breakwater (or any other type of floating structure) on waters or lands of GRDA until the applicant submits a completed application and written permission has been issued by GRDA. Upon completion of any modification, installation, or relocation, the private wharf, dock, landing, anchorage, boat house or breakwater shall be subject to a final inspection by GRDA prior to the issuance of a permit. Such inspection will include verification that the wharf, dock, landing, anchorage, boat house or breakwater was constructed, modified, and/or installed in accordance with the application submitted to GRDA and also in accordance with all applicable laws, regulations, rules and building codes.

### **300:35-11-2. Commercial use**

No person, firm, association, partnership or corporation may construct, modify the footprint, install, relocate, transfer or operate any wharf, dock, landing, anchorage, boat house or breakwater (or any other type of floating structure) for pecuniary profit or gain, directly or indirectly, on waters or lands of GRDA until the applicant submits a completed application and written permission has been issued by GRDA. The Federal Energy Regulatory Commission (FERC) must also approve all commercial dock applications prior to installation or modification. Upon completion of any modification, installation, or relocation, the commercial wharf, dock, landing, anchorage, boat house or breakwater shall be subject to a final inspection by GRDA prior to the issuance of a permit. Such inspection will include verification that the wharf, dock, landing, anchorage, boat house or breakwater was constructed, modified, and/or installed in accordance with the application submitted to GRDA and also in accordance with all applicable laws, regulations, rules and building codes.

### **300:35-11-3. Waivers**

(a) Upon written application and hearing, the Board of Directors of GRDA may grant a waiver, exception or modification to the requirements imposed on private and/or commercial permit applicants. Additionally, the Board of Directors may impose additional requirements upon any such applicant. Such waivers, exceptions, modifications, or additional requirements shall be based upon the totality of the circumstances, in consideration of public and environmental concerns.

(b) In approving waivers of these rules, the Board shall consider positive and negative impacts to the following:

- (1) Characteristics, zoning and prevailing permitted uses within a half-mile radius of the proposed activity;
- (2) Shoreline topography and geometry;
- (3) Safety, navigation and flood control requirements;

- (4) Environmental impacts;
  - (5) Potential economic development and tourism benefits;
  - (6) Recreational use impacts; and
  - (7) Statutory mandates.
- (c) The applicant shall be required to give notice and the Board shall allow for public comment before acting on any request for a waiver of these rules.
- (d) Public notice of the waiver request shall be given in accordance with guidelines established by the GRDA staff and shall include:
- (1) Publication in newspapers of general circulation, including the county in which the property is located; and
  - (2) Mailing of written notice, via certified mail, return receipt requested, to all owners of property within a three hundred (300) foot radius of the exterior boundaries of the subject shoreline property. Copies of certified mail receipts must be submitted to GRDA prior to any hearing and before GRDA posts any notice.
  - (3) The waiver application shall be posted on GRDA's website for a period of at least thirty (30) days.
  - (4) Any other notice as required by GRDA.

#### **300:35-11-4. Electrical inspections**

- (a) Each commercial and private boat dock (or any other type of floating structure) shall comply with and be maintained in accordance with all laws, regulations and codes regarding electrical systems and wiring.
- (b) All commercial and private boat docks constructed, modified, relocated, or transferred shall be required to provide to GRDA, within thirty (30) days following completion, modification, relocation or transfer a certificate signed by an Oklahoma licensed electrical inspector, evidencing compliance with all laws, regulations and codes regarding electrical systems and wiring.
- (c) Any dock which has been classified as "Not Electrically Wired" shall be prohibited from installing any permanent electric supply until GRDA has issued a classification change which shall require a certificate from an Oklahoma licensed electrical inspector evidencing compliance with all laws, regulations and codes regarding electrical systems and wiring. No temporary electric supply shall be used and left unattended on a dock or walkway. Any temporary electric supply shall be an approved UL Listed Supply Cord and be in good condition with all electrical connectors attached and in use. Any temporary electric supply shall use GFCI (ground fault circuit interrupter) receptacles.

#### **300:35-11-5. Breakwaters**

- (a) A breakwater is a structure used to protect docks, shoreline, or other structures by stopping or slowing waves or wakes.
- (b) No breakwater shall be placed in the waters of GRDA without a permit.
- (c) Breakwaters must be anchored in permanent locations and shall have a minimum of proper solar lighting installed at least every 25 feet across the entire structure. The owner of a breakwater shall be responsible for maintaining it in a safe and environmentally acceptable manner.

#### **300:35-11-6. Buoys**

- (a) No buoy shall be placed or replaced on the waters of GRDA without a permit from GRDA.

(b) All buoys placed on the lakes shall be commercially manufactured units approved by the Lake Patrol and shall have reflective tape or paint on the top side. Any buoy not maintained in its proper location shall be subject to removal by GRDA. Any buoys, lighthouses or other types of markers placed with the permission of or installed and maintained by GRDA are primarily warning devices for the convenience of the public and should not be relied upon solely as navigational aids. GRDA assumes no liability or responsibility for loss or damages to life or property arising out of the public's reliance upon said devices.

**300:35-11-7. Rail-systems, tram systems, fences, and boat ramps**

(a) No private or commercial rail-systems, tram systems, fences, or boat ramps shall be constructed on GRDA property or waters without first obtaining a permit.

(b) A rail-system is used to accommodate a watercraft storage facility where standard dock installations are not applicable or desirable.

(c) A tram-system is a device capable of transporting people to and from a boat dock (or other floating structure) either for private, public or commercial use. Tram-systems are typically utilized on steep inclines associated with cliffs, bluffs, or to accommodate individuals with physical limitations.

(d) Railways, tram systems, and fences shall be maintained in a manner such that all electrical systems are to code, that environmental guidelines are met, and that the structures are safe and pose no risk or threat to the public.

(e) No boat ramp shall be constructed unless the ramp may be accessed by at least twenty-five (25) homeowners in a residential community or the public at large. Approval from the U.S. Army Corps of Engineers, the Federal Energy Regulatory Commission and/or other state and federal agencies may also be required.

**300:35-11-8. Removal and cancellation for failure to comply**

(a) If, at any time, any structure, private or commercial, is not installed in accordance with the plans and specifications approved by GRDA, fails to meet current minimum standards adopted by GRDA, is not kept in good state of repair, has not been inspected by a licensed electrical inspector as provided herein, or upon failure of payment of any fee when due, GRDA, after notice and opportunity to be heard in accordance with Subchapter 21 herein, shall have the right to remove or cause to be removed from GRDA's waters and lands such structure and/or cancel any license or permit in the event the owner fails to repair or remove the same after being notified by GRDA to repair or remove the same.

(b) Any loose or abandoned structure located on GRDA land or water shall be impounded by GRDA and the owner shall be responsible for any expense incurred by GRDA.

(c) In the event GRDA removes a dock, wharf, boat house, breakwater, buoy, fence, rail-system, tram system or any other structure, private or commercial, the owner of same shall be required to pay all costs of such removal and may be required to pay all costs related to the repair and reclamation of GRDA lands and waters associated with the removal. Any expenses which remain unpaid in excess of 45 days shall accrue interest at the rate of 10% per annum.

**300:35-11-9. Location and site to be returned in good condition**

Within thirty (30) days after expiration or termination of any permit, the holder shall remove all works and facilities from the lakes and lands of GRDA and shall leave the premises in as good condition as they were before the construction of said works and facilities.

**300:35-11-10. GRDA sole judge**

GRDA shall be the sole judge as to whether or not structures are constructed and maintained in accordance with these Rules and Regulations, or kept and operated in a good and safe condition.

**300:35-11-11. Expiration of permit**

(a) The construction, modification, installation, and final GRDA approval of private docks, landings, anchorages, boat houses, breakwaters, buoys, rail-systems, tram-systems, and fences must be completed within two (2) years from the date the permission to construct or modify is issued by GRDA.

(b) The construction, modification, installation, and final GRDA approval of commercial docks, landings, anchorages, boat houses, breakwaters, buoys, rail-systems, tram-systems, and fences, walls must be completed within seven (7) years from the date the permission to construct or modify is issued by GRDA and, if applicable, the Federal Energy Regulatory Commission.

(c) Prior to the expiration of the permission to construct or modify, the GRDA Board of Directors may extend the time in which such structure must be completed.

(d) Private or commercial dock permits which were issued on or before March 9, 2005 for the installation of commercial or private docks, which were not complete as of March 9, 2005, shall expire seven (7) years of the date of issuance or no later than March 9, 2012 whichever date is earliest.

(e) If the permit expires, the permit is null and void.

**300:35-11-12. Dock modification prohibited**

Any person, firm, corporation, business or other entity must obtain permission from GRDA prior to making any modification, change, addition or improvement to an existing dock, landing, anchorage, boat house, breakwater, buoy, rail-system, tram system, or fence. If any such structure will be reconfigured, modified, or expanded from the plans and specifications originally submitted for the construction of the structure, such change must be approved in advance by GRDA. Approval from the Federal Energy Regulatory Commission (FERC) may also be required. This rule applies to both private docks and commercial docks.

**SUBCHAPTER 13.****PERMITS FOR DIKES, EXCAVATIONS, DREDGINGS, EROSION CONTROL DEVICES, RETAINING WALLS, AND SHORELINE STABILIZATION****300:35-13-1. Permit required**

(a) The contour, elevation or surface of any of GRDA's lands or the reservoir bed shall not be changed in any manner whatsoever by the construction of retaining walls, erosion control devices, dams, dikes, jetties, channels, canals or landings until and unless a permit has been issued by GRDA.

(b) No person, firm, partnership, corporation or other entity may excavate, dredge, stabilize or make any improvement or change upon GRDA land or waters until a permit shall have been issued by GRDA. Approval from the Federal Energy Regulatory Commission (FERC), the U.S. Army Corps of Engineers (Corps), and other state and local agencies may also be required. All such activities shall be performed in strict accordance with the plans and

specifications approved by GRDA (and, if required, by FERC and the Corps). Additionally, an approved wetland delineation report and metals testing report shall be required prior to the commencement of any dredging or excavation activity.

### **300:35-13-2. Erosion control devices**

- (a) Erosion control devices may be permitted to protect the existing shoreline. These types of structures must not be for the purpose of landscaping or beautifying the area and will only be permitted if GRDA staff determines that the device is necessary for effective erosion control. In some cases, permission may also be required from the U.S. Army Corps. of Engineers.
- (b) During construction activities, GRDA shall require that appropriate erosion and sediment control measures be utilized to prevent pollution of GRDA waters.
- (c) All material which accumulates behind sediment control devices shall be removed from GRDA land and placed at an upland site above the applicable flowage easement.
- (d) Disturbed sites must be promptly stabilized with GRDA approved methods associated with seeding, vegetative planting, erosion control netting, and/or mulch or sediment stabilization material.
- (e) Vegetation removed for erosion control projects must be replaced with GRDA approved species of native vegetation.

### **300:35-13-3. Dredging**

- (a) All dredging activities on GRDA-owned property require a permit from GRDA. Dredging is defined as the activities associated with digging, gathering, removing, or deepening of any channel, depression, or cavity to achieve sufficient navigable water depth (i.e. 8' at 742' PD Grand Lake, or 619' msl Lake Hudson). The U.S. Army Corps of Engineers may also require a permit for dredging activities. Additionally, the Federal Energy Regulatory Commission must approve all dredging activities on GRDA waters requiring the removal of more than 2,000 cubic yards of material. A wetland delineation study must accompany every application and the study must be conducted by a GRDA approved wetland delineation specialist. Dredging activities must be conducted in accordance with the GRDA dredging management plan. These approvals and permits must be obtained prior to commencing any dredging activity.
- (b) Dredging of individual boat channels shall be approved only when GRDA determines there is no other practicable alternative to achieving sufficient navigable water depth and the action would not substantially impact sensitive resources.
  - (1) No more than two thousand (2,000) cubic yards of material shall be removed for any individual boat channel.
  - (2) Materials from dredging activities must be placed in accordance with all applicable local, state, and federal regulations at an upland site above the applicable flowage easement.
  - (3) Dredged shoreline perimeter shall have a slope ratio of at least 3:1 and must allow for the drainage of water.
  - (4) Dredging activities are not authorized during the months of April, May, June and July to avoid potential impact to fish spawning habitat.
  - (5) Dredging within vegetated wetlands is not authorized and will not be permitted.

**300:35-13-4. Shoreline stabilization and retaining walls**

- (a) GRDA may issue permits allowing adjacent residential landowners to stabilize eroding shorelines on GRDA-owned residential access shoreland. GRDA will determine if shoreline erosion is sufficient to approve the proposed stabilization treatment. No shoreline stabilization activities may be conducted until a permit from GRDA is issued. Shoreline stabilization may include i) the use of biostabilization, ii) the use of riprap to stabilize eroded shorelines, or iii) the use of a retaining wall.
- (b) Biostabilization of eroded shorelines.
- (1) Moderate contouring of the bank may be allowed to provide conditions suitable for planting of vegetation.
  - (2) Tightly bound bundles of coconut fiber, logs, or other natural materials may be placed at the base of the eroded site to deflect waves.
  - (3) Willow stakes and bundles and live cuttings of suitable native plant materials may be planted along the surface of the eroded area.
  - (4) Native vegetation may be planted within the shoreline management zone to help minimize further erosion.
  - (5) Riprap may be allowed along the base of the eroded area to prevent further undercutting of the bank.
- (c) Use of riprap to stabilize eroded shorelines.
- (1) The riprap material must be quarry-run stone, natural stone, or other material approved by GRDA.
  - (2) Rubber tires, concrete rubble, or other debris shall not be used to stabilize shorelines.
  - (3) Riprap material must be placed so as to follow the existing contour of the bank.
  - (4) Site preparation must be limited to the work necessary to obtain adequate slope and stability of the riprap material.
- (d) Use of retaining walls for shoreline stabilization.
- (1) Retaining walls shall be allowed only where the erosion process is severe and GRDA determines that a retaining wall is the most effective erosion control option.
  - (2) GRDA shall inspect the site of the proposed construction and consider whether the planting of vegetation or the use of riprap would be adequate to control erosion.
  - (3) GRDA shall determine that the proposed construction is needed and would not change the basic contour of the reservoir shoreline.
  - (4) The retaining wall must be constructed of stone, concrete blocks, poured concrete, or other materials acceptable to GRDA. Railroad ties, rubber tires, broken concrete (unless determined by GRDA to be of adequate size and integrity), brick, creosote timbers, and asphalt are not allowed.
  - (5) Reclamation of GRDA land that has been lost to erosion is not allowed.
  - (6) No existing retaining wall shall be repaired or rebuilt without a permit from GRDA. Repairs must be made with approved and acceptable material by GRDA.

**300:35-13-5. Penalty [REVOKED]****300:35-13-6. Expiration of permit**

- (a) Any permit issued pursuant to Subchapter 13 of these rules must be completed within two (2) years from the date the permit or modification approval is issued by GRDA.

- (b) Prior to the expiration of the dredging permit, the GRDA Board of Directors may extend the time in which such dredging activities must be completed.
- (c) Dredging permits which were issued on or before March 9, 2005 which dredging activities were not complete as of March 9, 2005, shall expire seven (7) years of the date of issuance or no later than March 9, 2012 whichever date is earliest.
- (d) If the permit expires, the permit is null and void.

## **SUBCHAPTER 15. COMMERCIAL USE OF THE LAKES AND LANDS OF GRDA**

### **300:35-15-1. Definition**

The keeping or operation of one (1) or more vessels, surfboards, aquaplanes, skis, personal watercraft or like devices, docks, landings, anchorages, marine railways, dry docks or any concession, for pecuniary profit or gain on the water of the lakes or upon the property of GRDA, the carriage of any person, or persons, or of any goods, wares, merchandising or other freight, for a valuable consideration, whether directly or indirectly flowing to the owner, charterer, operator, agent or any other person, shall be deemed commercial use of the waters and lands of GRDA and will be allowed only after a permit has been issued.

### **300:35-15-2. Dock installer's permit**

(a) Any person, firm, partnership, corporation, or any other entity operating for pecuniary gain or profit or any business that, directly or indirectly, is engaged in the building, placing, transfer, demolition or removal, of piers, wharves, landings, anchorages, floating boat houses, docks, barges or other floating structures of a stationary or semi-stationary nature upon the waters of GRDA shall obtain an annual permit. Such person or entity shall not build, place, transfer, demolish or remove a pier, wharf, landing, anchorage, floating boat house, dock, barge or other floating structure of a stationary or semi-stationary nature upon the waters of GRDA until a Dock Installer's permit has been issued by GRDA.

(b) At the time a dock is installed or transferred, the dock installer shall post a permanent sign visible on the dock. The sign shall include the name of the dock installer, the dock installer's phone number and the year the dock was installed. The sign shall measure at least 5" x 5".

(c) A dock installer shall build, construct, place, transfer, demolish and remove docks in strict compliance with the plans and specifications approved by GRDA and in accordance with all applicable laws, regulations, rules and building codes. All styrofoam, trash and construction materials shall be disposed in an environmentally appropriate fashion and shall not be allowed to remain or float in the waters of GRDA.

### **300:35-15-3. Penalty for violation of dock installer's permit [REVOKED]**

### **300:35-15-4. Dredging contractor's permit**

(a) Any person, firm or corporation operating for pecuniary gain or profit or any business that, directly or indirectly, is engaged in the performance of dredging activities or excavation operations upon the lands or waters of GRDA shall obtain an annual permit.

(b) A dredging contractor shall not perform any activities upon the lands or waters of GRDA until a Dredging Contractor's permit has been issued. Any such activity shall be performed and

completed in accordance with GRDA requirements and in strict compliance with the application and terms and conditions of the permit.

**300:35-15-5. Penalty for violation of dredging contractor's permit [REVOKED]**

**300:35-15-6. Commercial boat operators permit**

(a) Any person, firm or corporation operating for pecuniary gain or profit or any business that, directly or indirectly, is engaged in the performance of the carriage of any person, or persons, or of any goods, wares, merchandising or other freight, for a valuable consideration, whether directly or indirectly flowing to the owner, charterer, operator, agent or any other person, upon the lands or waters of GRDA shall obtain an annual permit.

(b) No vessel, while carrying passengers for hire, shall be operated or navigated except in charge of a person covered by a policy of insurance that clearly covers the scope of duties resulting from such commercial enterprise.

**300:35-15-7. Penalty for violation of commercial boat operators permit [REVOKED]**

**SUBCHAPTER 17. RAW WATER PERMITS**

**300:35-17-1. Definition**

(a) For the purpose of these Rules and Regulations, the following terms shall apply "domestic and household use" shall mean water that is taken, used and consumed by the permittee in and upon his premises for all usual and ordinary household uses and purposes which shall include sprinkling and watering lawns and gardens of not to exceed three (3) acres. The term "irrigation" shall mean water that is taken, used and consumed by the permittee in and upon the premises covered by the permit for the purpose of irrigating lands, crops and vegetables growing in and upon said lands by ditches, canals, sprinkling systems and such other usual and ordinary means of irrigation.

(b) Water rights granted under these Rules and Regulations shall not be construed as the supplying or furnishing of water for domestic purposes to the public; such permits only grant the permittee the right to take and use the water as provided by these Rules and Regulations.

(c) Commercial use of water requires a written contract with GRDA.

**300:35-17-2. Permit required**

The taking of and using waters of GRDA, including water from Ft. Gibson reservoir for domestic and household use or irrigation use shall be allowed only after an annual permit has been issued by the Grand River Dam Authority.

**300:35-17-3. Irrigation billing**

(a) Upon approval of the application for an irrigation permit, the permittee may begin irrigation.

(b) If the permittee has provided facilities for measuring the water taken and used, he shall report the amount of water used to GRDA not later than the first day of November of each calendar year.

- (c) In the event the permittee and GRDA agree that the amount of water taken will be fixed and established by agreement between the permittee and GRDA, a determination of the amount of water used will be made not later than the first day of March of that calendar year.
- (d) In the event the permittee has used more than one (1) acre foot of water during the calendar year, he shall pay for all water in excess of one (1) acre foot on the basis of the fees above set forth before the end of the calendar year.
- (e) If the term of the permit is for more than one (1) year, then the permittee shall pay the required fees and charges on the first day of January for each calendar year covered by said permit.

**300:35-17-4. Location of diversion**

The granting of such permit to take water from Grand Lake or Lake Hudson shall authorize the permittee to locate upon the lands of GRDA the facilities necessary to take such water covered by the permit; provided, the location and manner of diversion is first approved by GRDA; however, a permit for the use of water from Fort Gibson Lake shall give the permittee no permission or right to take or use any lands for any purpose whatsoever. (The lake bed and shorelands of Fort Gibson Lake are owned by the United States of America and are under the jurisdiction and control of the United States Army Engineers, District Office, Tulsa, Oklahoma.)

**300:35-17-5. Construction and maintenance**

The permittee, upon being granted a permit, shall construct and maintain all taking and diversion facilities according to plans and specifications and in a proper and safe manner that will prevent waste and loss of water and will not pollute or contaminate the lake water. All such facilities shall be subject to inspection by GRDA.

**SUBCHAPTER 19. RIGHTS OF ABUTTING LANDOWNERS**

**300:35-19-1. Abutting landowner's rights**

- (a) No permit, private or commercial, shall issue for any of the facilities described in these Rules and Regulations which would deprive the owner of land adjacent to the shoreland or lakefront or abutting thereon of any anchorage, wharf, dock, boat dock, houseboat and landing privileges.
- (b) GRDA may designate areas closed to such use where, in its opinion, such use would interfere with the health or safety of the public or with the proper conduct of GRDA's business.

**SUBCHAPTER 21. ADMINISTRATION OF RULES AND HEARINGS**

**300:35-21-1. General manager duties**

The General Manager of the Grand River Dam Authority is authorized to administer these Rules and Regulations. The General Manager, or the General Manager's designee, shall issue all permits and licenses provided for herein.

**300:35-21-2. GRDA Board of Directors duties**

The Board of Directors of the Grand River Dam Authority retains the right to authorize and issue any and all permits and licenses not specifically provided for in these Rules and

Regulations. No fees, charges or any of these Rules and Regulations shall be changed in any manner without the approval of the Board of Directors.

**300:35-21-3. Hearings for violation of rules**

- (a) The general procedures for hearings established by this Subchapter shall apply to proceedings conducted by GRDA for such purposes as suspending or revoking permits, enforcement matters, and assessing costs.
- (b) Hearings may be initiated by GRDA staff by issuance of a Notice of Violation or by filing a Petition with the General Manager's Executive Secretary.
- (c) For purposes of this subsection, Respondent shall be the person in whose name the permit is currently listed. The Respondent shall be the only person entitled to notice under this subsection.
- (d) The Notice of Violation or Petition shall inform the Respondent of the matter at issue and, if applicable, the alleged violation. Each Notice of Violation or Petition shall name the Respondent(s) and provide a brief statement of the facts and the relief requested. The Notice of Violation or Petition shall be signed by a GRDA staff member.
- (e) The Notice of Violation or Petition shall specify that the Respondent may file a response, how and where the response may be filed, the number of days or a date certain within which to file the response, state any scheduled hearing date, place and time or include notice of the opportunity to request an administrative hearing, and shall be served on the named Respondent by certified mail, return receipt requested.

**300:35-21-4. Hearing officer**

- (a) The General Manager, or his designee, shall preside at any hearing. The General Manager may contract with an individual that is not employed by GRDA to preside at any hearing. The functions of the hearing officer shall commence upon his/her designation and terminate upon the entry of a Final Order issued by the Board of Directors. The hearing officer shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. The hearing officer's authority shall include, but not be limited to:
  - (1) Arrange and change the date, time and place of hearings and prehearing conferences and issue notice thereof;
  - (2) Hold conferences to settle, simplify or determine the issues in a hearing, or to consider other matters that may aid in the expeditious disposition of the hearing;
  - (3) Require parties to state their position in writing with respect to the various issues in the hearing and to exchange such statements with all other parties;
  - (4) Administer oaths and affirmations;
  - (5) Examine witnesses and direct witnesses to testify;
  - (6) Receive, rule on, admit, exclude or limit evidence;
  - (7) Rule on pending motions and procedural items.

**300:35-21-5. Report and record**

As soon as practicable after the time for the parties to file proposed findings of fact and conclusions of law has expired, the hearing officer shall prepare a report containing the following:

- (1) Findings of fact and conclusions of law with the reasons therefore.
- (2) Recommendation to the GRDA Board of Directors.

**300:35-21-6. Final order**

- (a) As soon as practicable after the hearing officer has sent his recommendation to the GRDA Board of Directors as provided in 300:35-21-5, the Board of Directors shall adopt, amend, or reject any findings or conclusions of the hearing officer, or may remand the proceeding for additional argument or the introduction of additional evidence at a hearing held for that purpose.
- (b) At the conclusion of the proceedings and review of the record by the Board of Directors, the Board of Directors shall issue a final order reflecting the findings of fact, conclusions of law, and specifying the action to be taken.

**300:35-21-7. Administrative appeal**

A challenge from the Board of Director's Final Order shall be made in accordance with Oklahoma law.

**300:35-21-8. Noncompliance, violations and penalties**

Any person, firm or corporation that fails to comply with, or violates any Rule promulgated by GRDA shall, after notice and an opportunity for hearing as provided for herein, be required to reimburse GRDA for any direct cost and overhead incurred as a result of such failure to comply or violation. Such costs may include, but are not limited to, the costs associated with the repair, restoration and reclamation of the lands and waters of GRDA. Additionally, GRDA may cancel any permit or license which has been issued in connection with said boat, structure or facility and may remove or cause it to be removed from GRDA's lands and waters.

## **SUBCHAPTER 23. FOUR-WHEEL VEHICLES, OFF-ROAD VEHICLES AND ALL TERRAIN VEHICLES**

**300:35-23-1. Designated areas**

In the interest of public safety, there shall be no four-wheel vehicles, off-road vehicles or all terrain vehicles on GRDA lands except in designated areas.

**300:35-23-2. Passengers prohibited**

No passengers are allowed on three (3) wheelers, four (4) wheelers, or motorcycles.

**300:35-23-3. Low gear required**

Low gear only except on trails posted at speed limits in excess of five (5) MPH.

**300:35-23-4. Racing prohibited**

No racing on GRDA property is allowed except as other permitted by a sanctioned event permit.

**300:35-23-5. Lights required**

All vehicles, including motorcycles, must be equipped with working front and rear lights.

**300:35-23-6. Roll bar and seat belt requirements**

Dune buggies and 4x4 vehicles must have a roll bar sufficient to support the weight of the vehicle and must have a seat belt for each passenger.

**300:35-23-7. No liability**

GRDA shall not be liable and hereby disclaims any responsibility for any and all injuries and accidents, up to and including death, which may occur as a result of participating in off-road activities. Each driver and passenger rides at his/her own risk and assumes all risks of the activity.

**300:35-23-8. Alcoholic beverages prohibited**

Alcoholic beverages, including low point beer, are prohibited from areas in which off-road activities occur.

**300:35-23-9. Signage**

Drivers shall obey all signs posted on GRDA land including areas that are off limits and speed designations.

**300:35-23-10. Penalty**

(a) GRDA law enforcement personnel may verbally order any person that is violating these rules to immediately exit the lands of GRDA.

(b) Additionally, any person, after notice and opportunity to be heard in accordance with Subchapter 21 herein, may be banned from the lands of GRDA for a period of time up to, and including, ninety (90) days.

**SUBCHAPTER 25. [RESERVED]**

**SUBCHAPTER 27. VEGETATION MANAGEMENT PLAN**

**300:35-27-1. Scope and intent**

Shoreline vegetation protects and preserves a healthy vegetative buffer along the shoreline to maintain and enhance the natural and aesthetic resources of the GRDA lakes. Vegetation can help stabilize the shoreline, prevent erosion, and protect water quality. A natural vegetation buffer improves water quality by filtering and trapping organics and chemical pollutants. A vegetative buffer can enhance the natural appearance of the shoreline. These rules provide the objectives for maintaining GRDA Project Land.

**300:35-27-2. Applicability**

(a) This subchapter governs vegetation management activity on GRDA Project Land only, and is not applicable on land not owned by GRDA or GRDA owned land that is not Project Land. "Project Land" means the land and other natural resources owned by GRDA that fall within the project boundary identified in the FERC licenses for the Pensacola Project, the Markham Ferry Project, and the W.R. Holway Project.

(b) Except as otherwise provided for in these rules, no person may engage in any vegetation management activity on GRDA Project Land without first obtaining a permit from GRDA. "Vegetation Management Activity" means any activity that results in or is intended to result in

the alteration of the existing physical landscape of Project Land. It includes the trimming, cutting, pruning, mowing, planting or removal of any tree, shrub or other vegetation.

(c) Floating debris, driftwood, downed limbs/branches, litter, and trash may be removed from GRDA Project Land at any time and does not require GRDA approval, provided the method of removal complies with these rules.

(d) This subchapter does not apply to utility providers possessing an easement on Project Land. "Utility providers" includes, but is not limited to, public service companies, municipal utilities, electric companies and cooperatives, telecommunication companies, and rural water districts.

### **300:35-27-3. Permits**

(a) Individuals or entities wishing to engage in a Vegetation Management Activity are required to apply for and obtain a permit from the GRDA Office of Ecosystems Management before conducting any such activities.

(b) In order to be eligible to apply for a permit, an individual or entity must be the owner of the land adjacent to the GRDA land for which the permit is sought. If an applicant is not the adjacent landowner, the landowner must consent to the application.

(c) GRDA will consider applications to allow the removal of trees, shrubs, and vegetation for certain conditions and purposes including:

(1) Hazardous trees which pose substantial risk to the public, adjacent property, or properly permitted structures on Project Land.

(2) Trees, shrubs, and vegetation which are dead, dying, or diseased.

(3) Trees, shrubs, and vegetation considered to be an invasive or noxious species by the Office of Ecosystems Management.

(4) Trees, shrubs, and vegetation which may contribute to unsafe conditions by creating visibility problems (sight line) near waterways, roadways, trails, paths, or other access points, provided nothing in this section shall allow removal of vegetation to improve views of docks from land.

(5) Trees that are crowded from natural competition or that were overplanted may be selectively removed to maintain spacing for optimal tree growth and function.

(6) Trees, shrubs, and vegetation may be selectively removed to create and maintain an access corridor between an adjacent landowner's property and the shoreline. Corridors must consist of natural materials such as native grass, wood chips, or gravel/crushed rock. Placement of such must not involve earth moving or soil disturbance and must minimize ground disturbance and vegetation removal.

(7) Trees, shrubs, and vegetation may be selectively removed when necessary to facilitate another permitted use of Project Land.

(8) Trees, shrubs, and vegetation may be selectively removed for the creation and/or maintenance of a manicured lawn or for general landscaping purposes.

(d) GRDA will consider applications to allow the pruning or trimming of trees, shrubs, and vegetation for certain conditions and purposes including:

(1) Hazardous sections which pose substantial risk to the public, adjacent property, or properly permitted structures on Project Land.

(2) Dead, dying, or diseased sections to improve appearance and health.

(3) Pruning of trees for crown cleaning, crown thinning, and crown restoration.

(4) Pruning of trees, shrubs and vegetation to enhance the view of the lake.

- (5) Pruning or trimming of trees, shrubs and vegetation for the creation and/or maintenance of a manicured lawn or for general landscaping purposes.
- (e) GRDA will consider applications to allow for other Vegetation Management Activities including:
  - (1) Landscape plantings.
  - (2) Removal or pruning for public utility easements.
  - (3) Planting, removal, or pruning for shoreline stabilization purposes.
- (f) In determining whether to grant a permit, the following will be considered and weighed as appropriate:
  - (1) Current permitted uses in the surrounding area.
  - (2) The aesthetic and biological impacts of pruning or removal on the vegetation.
  - (3) The potential for replacement with more desirable vegetation.
  - (4) The potential impacts on the aesthetic quality of the surrounding area, with consideration given to the views from the land and from the water.
  - (5) Potential environmental impacts on soils, shoreline/slope stability, water quality, and wildlife habitat.
  - (6) Special consideration for unique varieties, vegetation of great age, rare vegetation, or vegetation of horticultural or historical significance.
  - (7) Special consideration for native vegetation in undeveloped landscapes.
- (g) Permit applications shall be subject to the following actions:
  - (1) Approved as submitted.
  - (2) Approved with modifications/conditions. Examples of modifications or conditions that may be placed on a permit include limiting the allowed activities, requiring activities be performed in a specific manner to minimize impact, and requiring mitigation or other enhancement measures.
  - (3) Rejected.
- (h) Permits shall be valid for one year from the date of issuance and all Vegetation Management Activity authorized must be completed within that period.
- (i) No permit shall be required for a utility provider possessing an easement on Project Land to perform Vegetation Management Activities necessary to exercise its rights pursuant to that easement.

**300:35-27-4. Vegetation management**

- (a) The following acts are prohibited on GRDA Project Land:
  - (1) Herbicides shall not be used for control/removal of vegetation.
  - (2) Pesticides shall not be applied on GRDA land.
  - (3) The sale of any tree or other vegetation that is removed or cut is prohibited.
  - (4) Fertilizers shall not be applied on GRDA land.
  - (5) Vegetable gardens are prohibited on GRDA land.
  - (6) The introduction or planting of invasive plant species is prohibited on GRDA Project Lands.
  - (7) Any Vegetation Management Activity that results in significant soil disturbance is prohibited.
- (b) Machinery or equipment may be used to accomplish a permitted Vegetation Management Activity, subject to the following:

- (1) Unless prohibited by GRDA, the following may be used in the performance of permitted activities:
  - (A) Hand-held tools including chainsaws and brush cutters.
  - (B) Mechanized equipment with a maximum power output not greater than 30 horsepower (hp), provided the use does not result in the unauthorized movement of soil, rocks, or existing live vegetation.
- (2) The use of machinery with a maximum power output greater than 30 hp may be allowed with prior express approval from GRDA.

### **300:35-27-5. Waivers**

Since every possible situation cannot be anticipated, GRDA reserves the absolute discretion to make appropriate exceptions or modifications to the Vegetation Management Plan and the requirements of same. GRDA may impose additional requirements, including the requirements that the permit holder provide a survey to verify the permitted activity was completed in conformance with GRDA requirements.

### **300:35-27-6. FERC approval**

In accordance with its licenses with the Federal Energy Regulatory Commission (FERC), GRDA may only permit incidental vegetation disturbance and removal. Therefore, in certain instances an application for a permit to remove vegetation must be approved by both GRDA and FERC. GRDA reserves the right to request FERC to approve any application for a permit.

### **300:35-27-7. Penalties**

After notice and an opportunity to be heard in accordance with Subchapter 21 herein, a permit issued pursuant to these rules may be suspended or revoked by GRDA upon a finding that the permit holder has violated any rule provided for herein. Additionally, the holder of the permit may be assessed costs which may include expenses necessary for the reclamation, restoration, and/or clean-up of GRDA land and waters.

### **300:35-27-8. General permits for natural disasters and other emergencies**

In the event a natural disaster or other emergency situation causes significant vegetation damage or debris accumulation within the project boundary to the extent that site specific permitting is impractical or would result in undue delay, the General Manager may issue a general vegetation permit governing all management activities within an affected area in lieu of requiring site specific permits. A general permit shall clearly identify the scope of allowed activities, the areas in which the permit is applicable, and the period of time for which the permit is valid.