

**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). A survey is necessary to determine the boundary of GRDA land. A particular elevation does not determine the boundary of GRDA land. Additionally, GRDA and/or the U.S. Army Corps of Engineers may have flowage easements over land.

"Habitable Structure" or "Dock-o-miniums" means structures used as living quarters constructed in conjunction with new or existing docks, piers, and floats. These structures generally resemble cabins and/or homes, placed on floating structures such as covered or enclosed docks, over boathouses and other similar structures where a building is or may be occupied by people overnight or for extended periods. Generally, these structures may contain water supply and/or waste disposal facilities such as sinks, showers, toilets, kitchen facilities, food preparation areas, etc.

"Neosho Bottoms" means all GRDA lands owned in Ottawa County along the Neosho River that lie West of U.S. Highway 69 not used in the delivery and transmission of electricity.

"Normal Idle Speed" means the vessel is in the forward gear with no additional throttle applied.

"Paddleboard" means a board or surfboard propelled through the water by an occupant by arms or paddle while lying, kneeling or standing on the board.

"Restricted Areas" means any area designated by GRDA where the public is prohibited from engaging in certain activities due to safety concerns or because the activity interferes with the business of GRDA.

"Rollover Protection System" or "ROPS" means a system or structure which can withstand the weight of the vehicle and is intended to protect a vehicle and passengers from being crushed.

"Shoreline Management Plan" or "SMP" means the rules relating to management of the shoreline as approved by the Federal Energy Regulatory Commission.

"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.

"Water Jet Pack Unit" means the system propelling a person in the air by water and includes any vessel/PWC used to propel the person into the air. This system may also be known as a jetlev, aquaboard, aquaflyer, or flyboard.

"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, enforce rules and regulations, and charge a fee 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

Every vessel operating on GRDA waters is subject to the provisions of the Oklahoma Vessel and Motor Registration Act and must have state registration and a current license by no later than June 30 of the current state fiscal year, and shall properly display their current annual registration decal on the vessel at all times. A vessel's state assigned registration number must be displayed in accordance with state law, unless the vessel is a properly documented Coast Guard Approved vessel, and all documentation is available for any officer to view, upon request.

300:35-1-5. GRDA police and compliance division

- (a) GRDA has created a Police Department and a Compliance Division for the purpose of enforcing these Rules on the waters and land of GRDA.
- (b) The members of GRDA's Police and Compliance Division are hereby declared to be the enforcement officers for GRDA. The enforcement officers for GRDA may enforce GRDA rules and regulations and the provisions of Sections 861 *et seq.* of Title 82 of the Oklahoma Statutes. The GRDA Police may also enforce those rules and regulations as may be issued pursuant to the provisions of Section 4200 *et seq.* of Title 63 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 GRDA Police 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 GRDA Police 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 may 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 GRDA Police officers will enforce the state and federal laws related to the proper registration of vessels on GRDA waters.

(e) GRDA's Police 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 issuance of the permit by GRDA. For example, no dock may be placed upon the waters of GRDA until such time as the applicant receives written notice from GRDA that such activity may take place. Insurance may be required for permitted activities. Any person shall be subject to the penalties set forth in these Rules and law that performs any activity which requires a permit prior to the issuance of a permit, or written permission from GRDA. All applicants are required to notify GRDA of any change in address subsequent to their submission of an application.

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. 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. The owner of a dock shall be responsible for all fees incurred throughout the time they owned the dock. 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

- (a) Fishing or hunting within restricted areas will not be permitted.
- (b) Fishing or hunting will not be permitted within two hundred (200) feet of the tailraces below the dams.
- (c) Fishing or hunting, except commercial bait operators, will not 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.
- (d) Fishing and hunting in the Neosho Bottoms will only be allowed when properly permitted by GRDA. All permitted individuals shall have a proper hunting license in accordance with Oklahoma law and shall only use shotguns, primitive firearms, or proper archery equipment. No rifles shall be allowed within the Neosho Bottoms. Additionally removal of trees or shrubs of any kind from GRDA land shall not be allowed for use as ground blinds.
- (e) No hunting shall be allowed on GRDA lands used in the generation, delivery or transmission of electricity.

300:35-3-10. Firearms

- (a) Only shotguns, primitive firearms, and legal archery equipment are allowed on GRDA property.
- (b) All hunting on any GRDA property shall be conducted in accordance with Oklahoma Department of Wildlife Conservation regulations and all state and federal firearm laws.
- (c) The discharge of any firearms or archery equipment 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 archery equipment 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.
- (e) Hunting on any GRDA lands below Twin Bridges is limited to shotguns with steel shot only and proper archery equipment.

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 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 GRDA property. No sewage shall be disposed of in the waters or on GRDA property. 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 or visit the website at 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) Boat ramps;
 - (6) Retaining walls;

- (7) Dredging (and excavation);
 - (8) Erosion control devices;
 - (9) Shoreline stabilization;
 - (10) Commercial operations (including, but not limited to, a dock installer, dredging contractor, commercial boat operator, vessel rentals, or Water Jet Pack Unit rentals);
 - (11) Taking of raw water;
 - (12) Vegetation management plans; and
 - (13) 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; and any other fee, penalty or fine as authorized by statute. 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, paddleboard, kayak, 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 or above Pensacola, Kerr and Chimney Rock Dams. Vessels are prohibited within 500 feet below said dams during periods of hydrogeneration or the spilling of water through floodgates.

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 View Marina (a/k/a the turn) 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.

300:35-5-10. Persons using Water Jet Pack Units

The following rules shall apply to persons using Water Jet Pack Units:

- (1) A distance of 100 feet shall be maintained from any other person, watercraft, PWC or other fixed object at all times.
- (2) Six feet of water is required to operate the Water Jet Pack Unit.
- (3) The operator of the Water Jet Pack Unit shall wear a life vest at all times. Additionally, if there is an operator of the watercraft/PWC used as part of the Water Jet Pack Unit, such operator shall also wear a life vest at all times.
- (4) The person being propelled into the air shall wear a helmet at all times.
- (5) Any PWC or unit used as part of a Water Jet Pack Unit shall have an orange warning flag when in operation.
- (6) Only one person may be propelled into the air at one time and there shall not be any passengers on a PWC or unit used as part of a Water Jet Pack Unit.
- (7) No person under the age of 18 shall operate a Water Jet Pack Unit without the supervision of a person over the age of 25 years.
- (8) A Water Jet Pack Unit may only be operated during the hours between one-half hour after sunrise and one-half hour before sunset.

300:35-5-11. Persons using paddleboards, canoes and kayaks

Persons using Paddleboards, canoes or kayaks on the waters of GRDA must wear a life jacket at all times. Paddleboards, canoes, and kayaks shall not be used between the hours of one-half hour before sunset and one-half hour after sunrise. Paddleboards, canoes, and kayaks shall stay within one-hundred fifty (150) feet of the shoreline unless in a no wake cove, hollow or creek.

SUBCHAPTER 7. VESSELS

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

- (a) All vessels and equipment used for transportation of people 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 of another vessel when running at speeds of over ten (10) miles per hour. Vessels shall stop when directed, or operate at idle speed within five hundred (500) feet from emergency vessels while their emergency lights are activated.

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 unlawfully disturb the peace through operation of a vessel or by a person's actions 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 fee, penalty or fine as authorized by any applicable law.

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

With the exception of the GRDA Police, 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 Police officers 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 GRDA Police 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 and Woodard Hollow boating rules

Due to the unique nature of Duck Creek, Woodard Hollow, and Courthouse Hollow on the Grand Lake O' the Cherokees, GRDA implements, from time to time, special boating rules for the area. Please contact the GRDA Police, located at the GRDA Ecosystems & Education Center in Langley, Oklahoma, or visit the website, www.GRDA.com for the current applicable Duck Creek, Woodard Hollow, and Courthouse Hollow 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, motorized rock-climbing, fireworks displays, concerts and other exhibitions.

300:35-9-2. Permit required

No sanctioned event shall be held without a written permit issued by GRDA prior to the event.

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

- (a) GRDA Police 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 Police.
- (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 Police.
- (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. Approval of the Federal Energy Regulatory Commission (FERC) may also be required prior to installation or modification. 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 the SMP and all positive and negative impacts to the following:
 - (1) Characteristics of existing permitted and recreational uses within a half-mile radius of the proposed activity;
 - (2) Shoreline topography and geometry;
 - (3) Safety and navigation;
 - (4) Environment;
 - (5) Potential economic development and tourism benefits;
 - (6) Recreational use; 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 one hundred fifty (150) feet from the outer edge of the proposed dock(s). 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 provide to GRDA a current certificate signed by an Oklahoma licensed electrical contractor, evidencing compliance with all laws, regulations and codes regarding electrical systems and wiring.
- (c) A dock will not have any permanent electrical supply installed without first obtaining written approval from GRDA. No temporary electric supply shall be used and no submersible pump shall be allowed in the water.

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. All buoys shall be purchased from GRDA at cost and installed at the expense of the requestor. The buoy will be installed to specifications provided by GRDA. The GRDA Police will inspect the installation to ensure compliance with all applicable GRDA rules and Oklahoma law. The requestor will be responsible for continuing maintenance and liability for the buoy.
- (b) All buoys placed on the lakes shall be commercially manufactured units purchased from the GRDA 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 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, and boat ramps

- (a) No private or commercial rail-systems, tram systems, 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 and tram systems 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) GRDA may if any structure, private or commercial, is (i) not installed in accordance with the plans and specifications approved by GRDA, (ii) fails to meet current minimum standards adopted by GRDA, (iii) not kept in a good state of repair, (iv) has not been inspected by an Oklahoma licensed electrical contractor as provided herein, (v) does not have a permit in the name of the current owner, or (vi) has delinquent fees assessed against it, 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 remedy the violation after being notified by GRDA of the violation.

(b) Any loose, abandoned, or unpermitted structure located on GRDA land or water may be removed 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, rail-system, tram system or any other structure, private or commercial, the owner of same shall be required to pay all past due fees and 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, and tram-systems 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, and tram-systems must be completed within seven (7) years from either the date the permission to construct or modify is issued by GRDA or the date the Federal Energy Regulatory Commission issues an order approving the action, whichever occurs later.

(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 upon request of the permit holder.

(d) 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 private or commercial dock, landing, anchorage, boat house, breakwater, buoy, rail-system or tram system. 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 prior to installation by GRDA and the Federal Energy Regulatory Commission, if applicable.

300:35-11-13. One-third cove rule for private and commercial docks

No dock shall extend more than one-third (1/3) of the cove measured on Grand Lake from 745 feet elevation Pensacola Datum to 745 feet elevation Pensacola Datum. On Lake Hudson, the elevation shall be 622 feet mean sea level in figuring the one-third (1/3) of the cove rule. This rule applies to 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 has 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 may 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 or metals test results indicate toxicity levels as outlined in the current dredging

management plan. 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 and the Shoreline 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) Native vegetation may be planted within the shoreline management zone to help minimize further erosion.

(3) 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 project permitted pursuant to Subchapter 13 of these rules must be completed within two (2) years from either the date the permission to construct or modify is issued by GRDA or the date the Federal Energy Regulatory Commission issues an order approving the action, whichever occurs later.
- (b) Prior to the expiration of the dredging permit, upon written request of the permit holder, the GRDA Board of Directors may extend the time in which such dredging activities must be completed.
- (c) 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, Water Jet Packs 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 new or significantly modified dock is installed, a sign shall be prominently displayed stating the installer's name and the year the dock was installed.
- (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. All Styrofoam, trash and construction materials shall be stored off GRDA property and above the flowage easement. No dock shall be stored on GRDA property for longer than six (6) months. GRDA property shall not be used without prior written permission.

(d) A dock installer's permit may be revoked at any time during the permit period for the following reasons:

- (1) Nonpayment of permit fee.
- (2) Failure to comply with current dock standards.
- (3) Installation of a dock not permitted by GRDA.
- (4) Upon three sustained complaints of the public regarding the dock installer's business practices.
- (5) Upon conviction of a felony or fraud misdemeanor crime by a court of competent jurisdiction of the owner of the dock installer business or dock installer related to the dock installer's business.
- (6) Failure to maintain insurance required by GRDA and to provide GRDA with a certificate of insurance.
- (7) Improper disposal or storage of waste and other dock materials upon GRDA property or flowage easement.

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) "Domestic and household use" shall mean water that is taken 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 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 [REVOKED]

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 Corps of 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 and may, at the sole discretion of the General Manager or the designee, hold such public meetings or hearings as deemed necessary related to such matters.

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) **Notice of Violation.** A Notice of Violation may be issued by the General Manager or his designee after the discovery of a violation of any rule. A Notice of Violation shall be signed by the GRDA employee issuing it and shall state:

- (1) The name of the person or entity responsible for the violation (the "respondent");
- (2) A description of the nature of the violation;
- (3) The remedial action and/or the relief required, which may include the imposition of a fee, penalty or fine as authorized by statute and/or the correction of any deficiency;
- (4) A reasonable time to comply with the remedial action and/or the relief required;
- (5) That the respondent may submit a response to the Notice of Violation, how and where a response may be submitted, and the deadline to submit a response; and
- (6) That, in connection with the submission of a response to the Notice of Violation, the respondent may request a hearing before the General Manager or his designee to challenge the Notice of Violation.

(b) **Service of the Notice of Violation.** At the election of the GRDA, a Notice of Violation shall be served:

- (1) By delivering a copy of the Notice of Violation to the respondent or by leaving a copy of the Notice of Violation at the respondent's dwelling house or usual place of abode with some person then residing therein who is fifteen (15) years of age or older, or by posting the Notice on the dock or walkway to the dock, or
- (2) By mailing a copy of the Notice of Violation to the respondent at the last known address on file with GRDA by certified mail, return receipt requested, and delivery restricted to the addressee. Service by mail shall be effective on the date of receipt or if refused, on the date of refusal.
- (3) In the event respondent cannot be notified as stated in paragraphs 1 and 2 above, service of the Notice of Violation may be made by publication of a notice one (1) day a week for three (3) consecutive weeks in a newspaper of general circulation which is published in the county where the violation occurred or an adjoining county.

- (c) **Permits.** In matters involving permits issued by the GRDA, the respondent shall be the person in whose name the permit is currently listed or the current owner of the dock. The Respondent shall be the only person entitled to notice under this subsection.
- (d) **Response to Notice of Violation.** In the event that the respondent submits a response to the Notice of Violation, the response shall include a detailed statement of the reasons that respondent objects to the Notice of Violation and all arguments that the respondent desires to make at hearing, if requested. A respondent who fails to submit a response to the Notice of Violation in the time and manner stated in the Notice of Violation may be deemed by the GRDA General Manager or his designee to have waived the right to object or present a defense to the Notice of Violation.
- (e) **Hearing.** A respondent who requests a hearing must also submit a response to the Notice of Violation and must provide an address and telephone number that the GRDA may use to communicate with the respondent concerning the hearing and final order. Upon timely receipt of a request for a hearing, the General Manager or his designee shall set the matter for hearing and shall notify the respondent in writing of the hearing at least ten (10) calendar days before the hearing. Notice of the hearing shall be delivered to the respondent using the address specified in the response to the Notice of Violation and shall state the date, time and location of the hearing.

300:35-21-4. Hearing officer

The GRDA General Manager, or his designee, shall preside over all hearings as the hearing officer. The GRDA General Manager may appoint an individual who is not employed by GRDA to preside over any hearing as the hearing officer. The authority of the hearing officer shall commence upon his appointment and terminate upon the entry of a Final Order issued by the GRDA Board of Directors. The hearing officer shall have the duty to conduct a fair hearing, to take all reasonable 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 issue notices of hearings;
- (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) Regulate the course of hearings;
- (6) Examine witnesses and direct witnesses to testify;
- (7) Receive, rule on, admit, exclude or limit evidence.
- (8) Rule on pending motions and procedural items; and
- (9) Allow for continuances.

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) After the hearing officer has sent his recommendation to the GRDA Board of Directors as provided in 300:35-21-5 or after the time to remedy the violation has passed in the event the respondent does not request a hearing, the Board of Directors shall adopt, amend, or reject any findings or conclusions presented to the Board. If a hearing was previously held, the Board may remand the proceeding for additional argument or the introduction of additional evidence at a hearing held for that purpose.

(b) Upon 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 within twenty (20) days from the date of respondent's receipt of the Final Order to the District Court. Service of the Final Order shall be made in the same manner as provided for service of the Notice of Violation.

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 and any storage costs for the respondent's personal property and any other fee, penalty or fine as authorized by statute. 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 at the owner's expense.

**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. Operators of such vehicles are subject to federal and state laws and GRDA rules.

300:35-23-2. Passengers prohibited

Passengers are only allowed on three (3) wheelers, four (4) wheelers, or motorcycles when the manufacturer has equipped the vehicle for such passenger which includes a separate seat and foot support.

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 permitted by a sanctioned event permit.

300:35-23-5. Lights required

All vehicles, including motorcycles, must be equipped with a working dimmable front headlight and working rear lights if operating between one-half hour before sunset and one-half hour after sunrise. Any vehicle utilizing light bars shall turn them off upon the approach of another vehicle.

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

Dune buggies and 4x4 vehicles must have a ROPS sufficient to support the weight of the vehicle and must have a seat belt for each passenger. Helmets shall be required for the driver and passenger of motorcycles, ATVs or bikes.

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 Police and Compliance Officers 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 and any other fee, penalty or fine as authorized by statute.

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.

SUBCHAPTER 29. SHORELINE MANAGEMENT PLANS

300:35-29-1. Enforcement of the Shoreline Management Plan

Any and all activities occurring upon GRDA land encompassed within GRDA's federal hydropower licenses issued by the Federal Energy Regulatory Commission (FERC) shall be in accordance with the Shoreline Management Plan. A violation of the Shoreline Management Plan shall be subject to a fee, penalty or fine as authorized by statute.