

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2275

By: Cox of the House

and

Wyrick of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to waters and water rights; directing
11 the Grand River Dam Authority Technical Committee to
12 study certain licensing obligations; stating
13 legislative findings; requiring technical committee
14 to study certain facts; requiring technical committee
15 to make certain report prior to making
16 recommendations to FERC; providing for
17 noncodification; and declaring an emergency.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. NEW LAW A new section of law not to be
20 codified in the Oklahoma Statutes reads as follows:

21 A. In an effort to improve flood control measures, ecological
22 conditions and recreational opportunities in the Grand River Basin
23 by modifying reservoir elevations to better accommodate run-off from
24 spring flows, increase flood storage capacity, and enhance
recreational use during the peak lake recreation season, the
Legislature directs the Grand River Dam Authority Technical

1 Committee, created by Federal Energy Regulatory Commission (FERC)
2 order in 2003 and consisting of representatives from the Oklahoma
3 Department of Wildlife Conservation, the U.S. Fish and Wildlife
4 Service, the Oklahoma Water Resources Board, the U.S. Army Corps of
5 Engineers, the U.S. Geological Survey's Oklahoma Cooperative Fish
6 and Wildlife Research Unit, Oklahoma State University and the Grand
7 River Dam Authority, to assess and advise the FERC concerning the
8 termination of the current millet seeding program which requires
9 fluctuations in the Grand Lake O' The Cherokees.

10 B. The Legislature finds the following:

11 1. The GRDA was created in 1935 specifically for the purpose of
12 controlling, storing, preserving and distributing the waters of the
13 Grand River and its tributaries for irrigation and hydroelectric
14 power generation;

15 2. Federal licensing requirements and laws enacted to protect
16 ecological habitats and wildlife require lowered lake levels at
17 certain times of the year for seeding one thousand (1,000) acres of
18 mudflats along lake shorelines with Japanese millet necessary for
19 fish and waterfowl habit management; and

20 3. Germination of millet seed, which requires the lake level to
21 be lowered, must occur in the late summer months during the prime
22 recreational season for fishing, boating, camping and related
23 activities which can negatively affect public enjoyment of the lake
24 area and impact economic opportunities for local business operators.

1 C. It is the intent of the Legislature that the GRDA Technical
2 Committee, in addition to any additional factors and obligations it
3 deems necessary and appropriate to study relating to lake level
4 elevations, shall consider the facts outlined above and determine
5 the feasibility and suitability of utilizing wetland areas purchased
6 upstream of Grand Lake O' The Cherokees for flood damage mitigation,
7 to germinate millet seed necessary and required for fish and
8 waterfowl habitat management.

9 D. Upon completion of the study process as the GRDA Technical
10 Committee determines is useful and productive, and prior to making
11 the recommendation to FERC, the GRDA Technical Committee shall make
12 a detailed report to the Governor, the President Pro Tempore of the
13 Senate and the Speaker of the House of Representatives of any
14 actions and subsequent recommendations made pursuant to the
15 provisions of this act.

16 SECTION 2. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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