

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1703

By: Sherrer

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6 AS INTRODUCED

7 An Act relating to waters and water rights; stating
8 Legislative findings regarding the use of ecological
9 models for certain identification purposes;
10 recognizing the Ozark Region as a complex system;
11 providing for designation of a reference stream;
12 stating certain findings regarding Spring Creek;
13 stating policy to preserve Spring Creek in a certain
14 manner; encouraging agencies and officials to provide
15 certain assistance; directing agencies and officials
16 to avoid certain actions; prohibiting agencies and
17 officials from authorizing certain structures on
18 Spring Creek and other reference streams; providing
19 an exception; providing for codification; and
20 declaring an emergency.

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1480 of Title 82, unless there
24 is created a duplication in numbering, reads as follows:

25 A. The Legislature finds that:

26 1. Oklahoma would benefit by use of an ecological model to
27 identify baseline conditions for the current distributions,
28 abundances and habitat affinities of species native to the Ozark

1 Region. This information is important because it can serve as a
2 goal for conservation efforts and water use planning:

3 2. The Ozark Region contains complex systems of interconnected
4 aquifers, caves, sinkholes and springs. Surface streams with
5 herbaceous wetlands, bottomland hardwood and riparian forests
6 support valuable, natural diversity. Implementation of an
7 ecological model would promote corrective strategies for impaired
8 habitats in the region before they become more rare and costly to
9 preserve;

10 3. The ecological model shall include a designated reference
11 stream representing the best remaining example of unaltered or
12 unique biological composition; and

13 4. Spring Creek, which flows from near the town of Kansas,
14 Oklahoma, southwest through Cherokee, Delaware and Mayes Counties,
15 discharging into the Ft. Gibson Reservoir is one of the few medium-
16 to-large, free-flowing Ozark Streams remaining. Extensive
17 biological, chemical and physical data has been collected and
18 archived on Spring Creek. Over fifty percent (50%) of the Mayfly
19 collection records for Oklahoma come from Spring Creek which also
20 supports the genetically distinct Neosho Bass and one species of
21 federal interest, the Plains Top Minnow, reported to be the only
22 surviving population in Oklahoma.

23 B. It shall be the policy of the State of Oklahoma to recognize
24 Spring Creek as the reference stream for the Ozark Region Ecological

1 Model. All agencies and officials of this state are hereby
2 authorized and encouraged to assist in maintaining the natural
3 characteristics of Spring Creek and are directed to avoid taking or
4 approving any action which will have a direct or indirect derogation
5 impact on Spring Creek.

6 C. No agency or official of state government shall authorize or
7 concur in plans of local, state or federal agencies for the
8 construction, operation or maintenance of any dam or related project
9 on Spring Creek or any other reference streams without legislative
10 consent expressed by concurrent resolution, except as needed by
11 municipalities located in the immediate vicinity of Spring Creek or
12 other reference streams for their own municipal or domestic water
13 supply if the dam or related structures will not significantly
14 interfere with the natural integrity of Spring Creek or any other
15 reference stream.

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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