

THE OKLAHOMA RIVER

&

OKLAHOMA CITY BOATHOUSE FOUNDATION

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MAPS Project

Oklahoma City's Metropolitan Area Projects (MAPS) reflect OkC's efforts to revitalize the downtown area. MAPS was initially funded in 1993 with a one-cent sales tax that expired in 1999. During the time the sales tax was in effect, about \$364 million was raised through the tax itself and the interest on tax revenue.

A Citizen Oversight Board was appointed by the Mayor to review projects, including site location and financial issues, and to recommend projects to the OkC Council. A MAPS Master Plan was approved by the OkC Council in 1995, after an extended opportunity for the public to participate in the review process.¹

The plan included new and improved recreational, entertainment, sports, cultural and convention facilities. This massive redevelopment effort was successful in rebuilding the nucleus of the city by adding a new library and a baseball field as well as renovating the convention center, the civic center and the fairgrounds. A trolley system was also developed to assist the downtown traffic system.

The North Canadian River

The North Canadian River runs through the center of Oklahoma City, roughly dividing it in half. Originally, the River flooded every year, causing destruction of structures and disruption of business in the City. In the 1920s, several floods caused widespread devastation. To prevent future losses, the City and the federal government decided to redirect the River away from the populated area. So in the 1940s, the Civilian Conservation Corps² (a work relief program for young men from unemployed families) straightened, widened, changed the river's course and

¹ www.okc.gov/maps

² [Emergency Conservation Work Act](#) of 1933.

dammed up the river. The River no longer flooded. In fact, it basically dried up. There was only a trickle of water left in the river and it became so overgrown with vegetation that it had to be mowed several times each year.

In 1999, a series of dams and locks changed the overgrown ditch into an actual waterway. The U.S. Army Corps of Engineers and OkC added wetlands³ and planted thousands of trees as well as developed walking trails along the banks of the North Canadian River.

The Oklahoma River

During this same period of time, a length of seven miles of the river flowing through Oklahoma City was renamed the Oklahoma River. The 2004 law states that the

“seven-mile section of the North Canadian River, between Meridian Avenue and Eastern Avenue in Oklahoma City shall be designated as the Oklahoma River for economic development purposes. The Oklahoma Centennial Commission shall cause suitable markers to be placed along the seven-mile section of the river identifying the river as the “Oklahoma River”.⁴

The corridor opened to the public in the winter of 2004, to a municipal and federal cost of \$54 million.⁵ Several dams along the Oklahoma River create a series of lakes.

³ Both the USEPA and the US Army Corps of Engineers define wetlands as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetations typically adapted for life in saturated soils. Wetlands generally include swamps, marshes, bogs, and similar areas." 40 C.F.R. § 230.3(t)

⁴ 82 O.S. § 1D

⁵ “Revival of a River Alters a City’s Course in Sports”, Katie Thomas, New York Times, April 22, 2008

Water Quality Standards for the Oklahoma River

In 1955, ten years before the Clean Water Act mandated all states to adopt water quality standards, the State of Oklahoma enacted the Water Pollution Control Act to control discharges of wastes into waters of the state. The 1955 state law also required the classification of all waters of the state according to their present and future best uses, and to adopt water quality standards to protect such uses.⁶

The Oklahoma Water Resources Board has the statutory responsibility to promulgate Oklahoma's Water Quality Standards as rules.⁷ All state environmental agencies must enforce Oklahoma's Water Quality Standards (OWQS) within the scope of their jurisdiction.⁸

The federal Clean Water Act⁹ established the structure for regulation of discharges of pollutants into waters of the United States and regulation of quality standards for surface waters. Pursuant to this law, the USEPA established pollution control programs and water quality standards for contaminants in surface waters.¹⁰ The main federal statutory scheme for the water quality regulatory approach is 33 USC § 1313(a) and (b), requiring states to establish their own water quality standards for several categories of streams within the state based upon the water's past, present and intended uses and conditions.¹¹

“Water quality standards” is a generic phrase and is understood in federal law to consist of four major components:

1. designation of beneficial uses of water, such as fish and wildlife propagation, which may be broken down into subclasses, such as warm water aquatic community;

⁶ 82 O.S. Supp. 1955, §903 et seq.

⁷ 82 O.S. 2001, §1085.30

⁸ Id., §1085.30(C)(1)

⁹ 33 U.S.C. § 1251 *et seq*

¹⁰ www.epa.gov

¹¹ “*Infamis Aer, Dragons and Fiery Rivers*: Historical Background of America's Environmental Laws, Barbara Rauch, Oklahoma Bar Journal, September 2005

2. criteria to protect such uses, which can be “narrative” (such as no oil sheen) or numerical (such as 5 milligrams per liter of dissolved oxygen) to protect the designated uses, with variations of numerical criteria to protect subclasses of uses;
3. anti-degradation policies, which are generic, narrative statements that act as catch-all provisions, such as to ensure against anti-backsliding to prevent allowing increased pollutant discharges after quality improves; and
4. implementation rules, which can be general (applies to all activities, such as a mixing zone) or specific (adopted by the ODEQ or other state environmental agencies for regulation of the specific activities governed by the agency).

The implementation of the water quality standards is dependent upon the identification and protection of beneficial uses. Beneficial uses include “public and private water supply, fish and wildlife propagation, agriculture, hydropower, primary body contact recreation (such as swimming), secondary body contact recreation (such as boating or fishing), navigation, and aesthetics. Physical, chemical, and biological data on Oklahoma’s rivers, streams, and lakes obtained primarily through “use attainability analyses” are used to ascertain the condition of individual waters, determine appropriate present and future beneficial uses, and set realistic standards to protect them.”¹²

The following beneficial uses (and criteria for each use) have been designated for that portion of the seven-mile portion of the North Canadian River¹³ in Oklahoma County that was statutorily designated as the “Oklahoma River”¹⁴, between Eastern/MLK Avenue on the east to Meridian Avenue on the west:

¹² www.owrb.state.ok.us

¹³ See Oklahoma Administrative Code (OAC) 785:45, Appendix A, waterbody i.d.#52051000010 and 52052000010

¹⁴ 82 O.S. Supp. 2004, §1D

Emergency water supply

Criterion – as established by local health officials ad hoc¹⁵

Water water aquatic community (subclass of fish and wildlife propagation)

Criteria – total of eight narrative and numerical; numerical D.O. to be maintained at

6.0 mg/L between April 1 and June 15 at 25°C and 5 mg/L rest of year at 32°C

6/16 - 10/15 and 18°C 10/16 – 3/31¹⁶

Numerical inorganics and organics limits also apply to protect WWAC¹⁷

Agriculture

Criterion – narrative: maintain so that toxicity does not inhibit continued ingestion by livestock or irrigation crops

Numerical – Chlorides, sulfate and total dissolved solids at 180°C for stream segments 520510 and 520510¹⁸

Primary body contact recreation

Criteria based on bacteria¹⁹ during 5/1 – 9/30 (monthly geometric mean)(secondary body contact recreation applies rest of year):

Fecal coliform mo. geo. mean 200/100ml

E. coli 126/100 ml from min. 5 samples over 30 days, with no one sample to exceed 75% one-sided confidence level of 235/100 ml

Enterococci – 33/100ml min. 5 samples over 30 days with no one sample to exceed 75% one-sided confidence level of 61/100ml

¹⁵ OAC 785:45-5-11(b)

¹⁶ OAC 785:45, Appendix G, Table 1

¹⁷ OAC 785: 45, Appendix G, Table 2

¹⁸ OAC 785:45, Appendix F

¹⁹ OAC 785:45-5-16

Aesthetics

- Criteria²⁰ – narrative: water must be free from floating materials and suspended substances that produce objectionable color and turbidity: free from noxious odors and tastes, from objectionable materials that settle to form objectionable deposits, and discharges that produce undesirable effects or are a nuisance to aquatic life
- numerical – color producing substances limited to concentrations equivalent to 70 Platinum-cobalt true color units

General anti-degradation policies and implementation rules apply to the Oklahoma River. Waters of the state shall be protected, maintained and improved for the benefit of all citizens, and it is the policy to protect all waters of the state from degradation of water quality.²¹ More specifically, no water quality degradation which will interfere with the attainment or maintenance of an existing beneficial use shall be allowed, and as water quality improves, no degradation of such improved waters shall be allowed.²² The key here is the definition of “degradation” which is defined as “any condition caused by the activities of humans which result in the prolonged impairment of any constituent of the aquatic environment.”²³

General rules to implement water quality standards and to assess support of beneficial uses (use support assessment protocols – USAPs) found in Chapter 46 of the OWRB rules²⁴ and rules of several other state environmental agencies bridge the gap between the water quality standards and the management of activities that may affect water quality to ensure that water quality meets the standards. Most implementation rules are not formally considered to be “water

²⁰ OAC 785:45-45-5-19

²¹ OAC 785:45-3-1

²² OAC 785:45-3-2(d) and (e)

²³ OAC 785:45-1-2

²⁴ OAC 785:46

quality standards” subject to review and approval by the EPA under Section 303²⁵ of the federal Clean Water Act. Many implementation rules and USAPs address aquatic life or the fish and wildlife propagation beneficial use that apply to the Oklahoma River.

Oklahoma City Riverfront Redevelopment Authority

The Oklahoma City Riverfront Redevelopment Authority (OCRRA) was created in 1985. This public trust establishes administrative rules, policies and guidelines for the North Canadian River Corridor Recreation Area (NCR CRA) which are then approved by the OkC Council. The OCRRA leases the NCR CRA from Oklahoma City, including impoundments, ponds and wetlands. Land use designations include recreation areas as well as districts to be used exclusively for economic development.²⁶ The OCRRA established rules governing the NCR CRA, including the Oklahoma River.²⁷ Certain activities are prohibited, including camping, playing golf, flying model aircraft outside designated areas, drinking alcoholic beverages, and using glass containers. Water activities such as swimming,²⁸ skin diving, scuba diving, snorkeling, parasailing or paraskiing, sail boarding, windsurfing, water skiing and kit surfing are also prohibited.²⁹

Motorized vehicles such as go-carts, motorcycles, motorscooters and four-wheelers are prohibited, although motorized disability mobility aids used by persons with disabilities are allowed.³⁰ Skateboarding, rollerblading, and roller skating are allowed on trails and in designated areas.³¹ Pets must be leashed and are not allowed in the water.³² The Oklahoma City

²⁵ 33 U.S.C. §1313

²⁶ Oklahoma City Municipal Code, Article X, North Canadian River Corridor Recreation Area, § 38-718 et seq.

²⁷ *Ibid*

²⁸ *Ibid* at § 38-731

²⁹ *Ibid* at § 38-723

³⁰ Oklahoma Municipal Code § 38-725

³¹ *Ibid* at § 38-733

³² *Ibid* at § 38-728

Riverfront Redevelopment Authority also established fishing rules, prohibiting noodling, bowfishing, and snagging fish in the Oklahoma River.³³ Fishing within 100 feet of NCRCRA dam and lock structures is also prohibited³⁴. Both a state fishing license and an OkC fishing permit are required.³⁵ The Department of Wildlife Conservation rules also apply.³⁶

Boating rules prohibit boats in wetland ponds³⁷ and establish the Oklahoma River as a “no-wake zone”.³⁸ Compliance with the state Oklahoma Boating Safety Regulation Act³⁹ is required.⁴⁰ Boat operators must also have a city permit⁴¹.

Scenic River Overlay Design Districts

Oklahoma City developed zoning overlay districts that have a limited application within OkC to assure special consideration for areas of particular interest or value.⁴² Scenic River Overlay Districts (SROD) to encourage conservation and enhancement of the urban environment in the City in the vicinity of the North Canadian River⁴³, including the Oklahoma River, and established regulations for development in the area in accordance with the North Canadian River Strategic Action and Development Plan.⁴⁴ The Scenic River Overlay Design Districts (SRODD) are to be utilized by property owners, project developers and OkC agencies to “ensure a high level of consistency and quality while still allowing for flexibility and creativity in design.”⁴⁵

³³ *Ibid* at § 38-752 & 753.

³⁴ *Ibid* at § 38-751.

³⁵ *Ibid* at § 756

³⁶ OAC 800:10 or see <http://www.wildlifedepartment.com/fishregs.htm>

³⁷ Oklahoma Municipal Code § 38-777

³⁸ *Ibid* at § 38-779

³⁹ 63 O.S. § 4200

⁴⁰ Oklahoma Municipal Code § 38-778

⁴¹ *Ibid* at § 38-776

⁴² *Ibid* at § 59-13100

⁴³ *Ibid* at § 59-13450

⁴⁴ *Ibid* at § 59-13500

⁴⁵ *Ibid* at § 59-13500.2(A)

Before beginning any development, redevelopment or expansion within the SRODD, a Certificate of Approval from the Riverfront Design Committee is required.⁴⁶ The Oklahoma City Riverfront Redevelopment Authority holds public hearings on applications for rezoning, variances, special exceptions, special permits or subdivisions of land located within or contiguous to the Scenic River Overlay District.⁴⁷

The Oklahoma City Boathouse Foundation

The Oklahoma City Boathouse Foundation (OCBF) is a nonprofit, 501(c)3 organization⁴⁸ established in 2005 to develop the Oklahoma River for community activities, programs and events. The OCBF was chartered to oversee the management and operation of Boathouse Row, which will consist of four university boathouses, at Regatta Park located along the Oklahoma River. Its mission is to operate in such a way as to improve the quality of life for the people of Oklahoma City, attract community involvement in the boathouses and promote the use and development of the Oklahoma River while at the same time decreasing the burden on city government to provide public amenities.

OCBF projects include the following:

- development of a youth rowing and outreach program, adult rowing programs and a corporate rowing league, community education programs for strength building, rowing and paddling, and the Exchange Avenue annex;

⁴⁶ *Ibid* at § 59-13500.3(A)

⁴⁷ *Ibid* at § 59-13450.5

⁴⁸ 26 U.S.C. § 501(c)3 is a provision of the United States Internal Revenue Code that exempts some types of non-profits organizations from federal income taxes. In relevant part, this exemption applies to community foundations organized and operated solely for charitable or educational purposes or to foster national or international amateur sports competition. Donors who make charitable contributions to 501 (c)(3) organizations may deduct the contribution under 26 U.S.C. § 170.

- management of the Chesapeake Boathouse, a public fitness center, event facilities available for public rental, the Exchange Avenue annex, and river events;
- marketing for OCBF programs and events;
- fundraising to support the development of events and programs;

The OCBF conducts major regional, national and international river events, such as the USA Rowing World Challenge and the Olympic Team Trials for USA Canoe/Kayak, and encourages public participation not only in these but also in various other events along the Oklahoma River. The OCBF ensures public access to the river and docks, provides instruction for rowing, kayaking, dragon boating and fitness programs, and provides storage for individuals and universities for equipment such as rowing shells, bikes and kayaks. Additionally, the OCBF offers public meeting space to the community and creates community education programs including programs for youth who are at risk.

Stakeholders from across the community comprise the OCBF Board of Directors. The Board commissioned a masterplan study to create a vision for the future of the Oklahoma River and to examine the opportunities to develop a premier urban aquatic venue at the River. The components of the masterplan include shoreline enhancements such as an amphitheater and terracing, a finish line tower, Lincoln Bridge upgrades including elevators, a canopy and a pedestrian ramp, a grandstand along the south riverbank, permanent lights and power columns, staging areas, parking, a floating stage, trail improvements and expansion, an arboretum, race course upgrades, a scoreboard and a whitewater center.

The success of the Chesapeake Boathouse and associated events have given rise to international recognition for Oklahoma City and its rowing teams. The Oklahoma River is indeed becoming a world class venue for rowing and paddle sports !