

# Oklahoma Senate Committee on Appropriations

## 2015-2016 Performance Report

### OKLAHOMA SCENIC RIVERS COMMISSION

#### **AGENCY MISSION STATEMENT:**

*To Protect, Preserve and Enhance Oklahoma's Designated "Scenic Rivers Areas."*

It was a policy decision of the Oklahoma Legislature in 1977, to establish the Oklahoma Scenic Rivers Commission to ensure for the protection and development of the state's scenic river areas and adjacent and contiguous lands and quality of outstanding resource waters.

The Commission is responsible for ensuring the preservation of the state's scenic rivers through implementation of properly planned and executed rules promulgated respecting public services, land use, occupancy, structures, lot and plot sizes, density of population and other activities for the protection of the aesthetic, scenic, historic, archeological and scientific features or deemed necessary for the protection of their ecosystems and environment from pollution, despoliation and destruction or waste of these outstanding natural resources.

#### **LEAD ADMINISTRATOR:**

Ed Fite

Agency Administrator

P.O. Box 292, Tahlequah, OK 74465-0292

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#### **GOVERNANCE:**

**Here a brief description of the agency's governance structure should be provided. Is the agency headed by a Governor appointee? An appointee of an independent board? Who selects the board, and who are the current members of the board.**

The agency head is not appointed by the Governor. Mr. Fite was appointed in 1983 and serves at the pleasure of the OSRC Board of Commissioners.

The Oklahoma Scenic Rivers Commission is composed of 12 members. The Governor appoints three members, at least one of whom shall be a representative of the Oklahoma Conservation Commission or the Oklahoma Tourism and Recreation Commission. The President Pro Tempore of the Senate appoints two members, one of whom shall be a member of a statewide citizens' conservation or environmental group. The Speaker of the House of Representatives appoints two members, both of whom shall be residents of one of the counties containing the scenic river area and one of whom shall be a representative of the agriculture industry. Five additional members of the Commission are elected in a nonpartisan election to represent the OSRC operating jurisdiction for the Illinois River, Barren Fork Creek and/or Flint Creek designated scenic rivers areas.

The five additional members of the Oklahoma Scenic Rivers Commission are elected as follows:

- a. Registered voters, who reside, own real property or have a permanent residential structure within six hundred and sixty (660) feet of the Illinois River or Flint Creek within Delaware County, Oklahoma, elect one member to represent them.
- b. Registered voters who reside, own property or have a permanent residential structure within six hundred sixty (660) feet of the Illinois River in Adair County, Oklahoma, elect one member to represent them.
- c. Registered voters who reside, own property or have a permanent residential structure within six hundred sixty (660) feet of the Illinois River above its confluence with the Barren Fork Creek or those portions of the Barren Fork Creek in Cherokee County, Oklahoma, elect one member to represent them.
- d. Registered voters who reside, own real property or have a permanent residential structure within six hundred and sixty (660) feet of: (1) the Illinois River above its confluence with the Barren Fork Creek located in Adair, Cherokee and Delaware Counties, or (2) Flint Creek located within Delaware County, or (3) Barren Fork Creek within Cherokee County, elect two at-large members to represent them.

All appointed and elected Commissioners each serve a four (4) year term of office.

**OSRC Board Members**

Gerald Hilsher, Chairman – Tulsa, OK (Appointed by Governor)

Dr. Riley Needham, Vice Chairman – Bartlesville, OK (Appointed by Senate and represents environment)

David Pickle – Secretary - Watts, OK (Elected – At-Large)

Jeff Bashaw – Jay, OK (Appointed by Speaker)

Monte Bradford – Westville, OK (Appointed by Speaker and represents agriculture)

Randy Corp – Edmond, OK (Appointed by Governor)

Michael Fuhr – Tulsa, OK (Appointed by Governor and represents Conservation)

Archie “Trey” Peyton, III – Tahlequah, OK (Elected – At-Large)

Steve Randall – Kansas, OK (Elected – Delaware County Representative)

Kathy L. Ryals – Tahlequah, OK (Elected – Cherokee County Representative)

David Spears – Tahlequah, OK (Appointed by Senate)

George R. Stubblefield - Proctor, OK (Elected Adair County Representative)

**GOVERNANCE ACCOUNTABILITY:**

**Please provide copies of the minutes for any Commission/Board meetings the agency has had in the last twelve months in electronic format (Only in PDF format) Is there an attendance policy for board members/commissioners? If so, is it being followed?**

All OSRC meeting minutes for the last twelve months are attached. There is an attendance policy for OSRC members. The policy hasn't been adhered to by all OSRC members.

**MODERNIZATION EFFORTS:**

**Please provide a list of all government modernization efforts undertaken by the agency in the last twelve months. Additionally, please provide any authorizing statutory changes that prompted the modernization efforts and whether those efforts have led to cost savings or additional cost burden.**

- In FY-2015, the OSRC completed transition of all shared administrative services provided by the Oklahoma Tourism and Recreation Department since late 1970s into Oklahoma Management and Enterprise Services
- Conversion to PeopleSoft Time and Labor w/OMES
- Information Technology Consolidation w/OMES

*(The three areas mentioned above have not resulted in any cost savings; to contrary they have actually cost the OSRC in excess \$25,000 since 2015)*

- Online Licensing –continuing (estimated completion by fall 2016)

**What steps has the agency taken to cut costs and/or eliminate waste? Are there efforts that have been successful which you believe could serve as a model for other state agencies seeking to keep costs minimal?**

The following is the OSRC perspective related to cutting costs and/or eliminating waste. In earnest, we started cuts seven years ago when Senate Bill #1381 was enacted to change our fee structure (self-generated funds), without our input. Additionally, about \$500,000.00 has been deleted from appropriations to OSRC from the State's General Fund since then (in essence the Legislature has already taken away an amount that equals one entire OSRC Budget year). When one examines the OSRC, it's evident that the agency has been forced to make continuing cuts when comparing FY-2008 to FY-2016. Our appropriations are down 22% and our commercial licensing fee income is down by 12.6%.

Ramifications of Senate Bill #1381 have resulted in approximate \$100,000.00 loss of fees. While Senate Bill #1381 did increase the commercial flotation device licenses fee from \$5.00 to \$35.00 per year, it also deleted the \$1.00 per person commercial user fee. Smaller float operators could not afford the increase, and they have since relinquished about 600 licenses (from 3,900 down to 3,300 now). After Senate Bill #1381, many large operators (those who sought passage of Senate Bill #1381) have gone from 2-place canoes to 6-place rafts, have enjoyed exponential customer increases and soaring profits while the OSRC has had to provide additional services with fewer resources.

Over the course of last 18 months, OSRC has reduced permanent staffing levels from 7 FTEs down to 4.5 very dedicated FTEs. We have eliminated our education outreach program altogether with only bare bones "core" staffing remaining that consists of one full-time ranger; one full-time maintenance man; one full-time CPO to meet the accounting, payroll and other mandates; one 1/2 time administrative assistant to answer the phones and questions, and manage the paperwork; plus myself as the full-time administrator. This summer we hope to be able to bring in seven seasonal rangers and two maintenance people. We are concerned that our maintenance needs have escalated because we have

been unable to replace any vehicle or motorized equipment since FY-2010. We're concerned about the safety of the floating public because use of the river has increased while our ranger presence for public protection has decreased. All this when the changing climate brings us more frequent high water events with a greater risk of drownings (we recovered five bodies from the scenic rivers just last year alone).

As noted at the beginning of this survey, the OSRC is governed by a 12-member board, and not one of them claims travel expenses to attend their meetings. Beginning in 2012, we have eliminated all of our out-of-state travel, even though Arkansas is trying desperately to gut or avoid our state's scenic rivers water quality standards. Our in-state travel is limited to mandated training and to attend legislative and other directives in OKC. We can no longer afford for an employee to quit because paying out their accrued leave would drain our resources. In short, we are no longer afloat; we're barely treading water.

As of December 1st, Office of Management and Enterprise Services (OMES) financial records show OSRC had a total of \$42,500 available in the treasury to draw from to fund our services. Here is a snapshot of how we are spending our precious funding in FY-2016 (total budget \$524,540.00):

- \$14,000.00 to OMES (beginning in FY-2015, OTRD no longer provides administrative support, contrary to Title 82 Oklahoma Statutes § 1462);
- \$72,750.00 for state's cost-match to earn \$124,650.00 in federal dollars for continuation of the USGS Illinois River Basin Water Quality Monitoring and Stream Gaging Network;
- \$285,000.00 to provide for the OSRC 4.5 FTE Salaries/Benefits (an amount greater than our FY-2016 appropriation);
- Provide public use facilities and services to ~500,000 individuals visiting the Barren Fork Creek, Flint Creek and the Illinois River scenic river areas located within Adair, Cherokee and Delaware Counties to float, swim, sunbathe, camp, fish, hunt, hike, equestrian trail rides, mountain bike riding, fall/spring foliage tours, to observe bald eagles and elk and host of other out-of-doors activities that scenic rivers provide to our citizens and visitors of Oklahoma;
- Approximately 200,000 individuals floated the Illinois River utilizing those services offered by commercial flotation device operations, providing a direct economic impact to Cherokee County alone of \$15,000,000 to \$20,000,000;
- Daily maintained and managed 18 public use/access areas to scenic rivers located in Adair, Cherokee and Delaware Counties;
- From May 15<sup>th</sup> thru September 15<sup>th</sup>, operated the OSRC Visitor Center daily, weekends and holidays for the public to make inquiries for information, conditions and contact river rangers;
- Recruited a retired Captain from Oklahoma Highway Patrolman w/32 years of service to manage and operate OSRC River Ranger Division;
- Hosted the annual Illinois River Clean-Up Event, with 125+ individuals participating and ~2,000 pounds of trash removed from the river and gravel bars;
- Distributed 65,000 trash bags "free-of-charge" to river floaters and visitors. It is estimated that 3 pounds of trash was disposed per trash bag (195,000 total pounds);
- Removed ~40,000 pounds of trash from public access and other areas immediately adjacent to the Barren Fork Creek, Flint Creek and the Illinois River;
- Removed ~100 waste tires from scenic rivers areas;

- 12,000 gallons of wastewater was collected and properly disposed from 12 permanent pit toilets along w/contracting 11 portable/seasonal toilet facilities located in public access areas and along gravel bars to scenic rivers (each toilet was cleaned and pumped twice weekly basis);
- Provided no-cost assistance to the Oklahoma Department of Wildlife Conservation to co-manage 556 acre Sparrowhawk Primitive Area to reduce that agency's costs of personnel, transportation and equipment being dispatched from their properties located considerable distance outside the scenic river area;
- Contracted with U.S. Army Corps of Engineers to manage and clean up public use areas that federal agency had abandoned management for located immediately adjacent to the Illinois River and Barren Fork Creek;
- Communicated and cooperated with Illinois River Association, Illinois River Watershed Partnership, Poultry Community Council, Poultry Partners, Save The Illinois River, Inc (STIR), Sierra Club, The Nature Conservancy, Northwest Arkansas City Officials/Boards/Public Works Authorities, and other environmental and conservation organizations;
- Partnership with sister local, regional, state, federal and tribal agencies on many projects, including the Oklahoma Conservation Commission, Oklahoma Department of Environmental Quality, Oklahoma Department of Transportation and Oklahoma Department of Wildlife Conservation to provide publicly-owned amenities and access to scenic rivers;

**CORE MISSION:**

**What services are you required to provide which are outside of your core mission? Are any services you provide duplicated or replicated by another agency? Are there any services which are core to your mission which you are unable to perform because of requirements to perform non-core services elsewhere?**

No

**PRIVATE ALTERNATIVES:**

**Are any of the services which are performed by the agency also performed in the private sector in Oklahoma? In other states? Has the agency been approached by any foundation, for-profit or not-for-profit corporation with efforts to privatize some of the functions of the agency?**

No