

**BILL SUMMARY**  
1<sup>st</sup> Session of the 57<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB 1403</b>
<b>Version:</b>	<b>INT</b>
<b>Request Number:</b>	<b>5675</b>
<b>Author:</b>	<b>Rep. Humphrey</b>
<b>Date:</b>	<b>2/26/2019</b>
<b>Impact:</b>	<b>OWRB: Ongoing Annual Cost (12 years)</b>
	<b>Initial cost year one: \$300,000</b>
	<b>Total Cost Subsequent Years: \$1,058,000</b>
	<b>See below.</b>

**Research Analysis**

HB 1403 directs the Oklahoma Water Resources Board to develop instream flow requirements for “treasured streams.” The “treasured stream” designation and flow requirements are determined by committee — one each for the northeastern and southeastern parts of the state — and a subcommittee. The subcommittees are to submit a programmatic work plan by December 31, 2019. If OWRB finds that there is not enough unallocated water available in the treasured stream to allocate to instream flows, the board shall cease the allocation of water for non-instream flow purposes.

Prepared By: Tricia Hines

**Fiscal Analysis**

The measure, as written per the Oklahoma Water Resources Board:

In its current form, HB1403 would establish an ongoing statewide instream flow determination and monitoring program that would define certain rivers as “treasured streams” and establish two (2) “treasured stream committees” and subcommittees in eastern Oklahoma. Groups would be tasked with establishing a programmatic workplan, including metrics and goals of an instream flow program in their area, prioritizing streams to be studied, reviewing data obtained from the instream flow monitoring program, and suggesting improvement to the determination methodology and program.

The bill also directs the OWRB to conduct studies and make instream flow determinations based on prescribed methodology; to reduce the amount of water available for permitting by that amount; to adjust the instream flow determination for each stream as additional data is gathered and evaluated; to include recommendations in updates to the Oklahoma Comprehensive Water Plan; to work with federal and state partners and promulgate necessary rules, accept and expend funds among other duties.

Surface waters that would fall under this legislation, as proposed, include, at a minimum, six (6) designated as “Scenic Rivers” and 11 rivers with species designated as threatened or endangered as follows: Illinois River, Baron Fork Creek, Flint Creek, Lee Creek, Little Lee Creek, Upper Mountain Fork, Kiamichi River and tributaries, Little River and tributaries, Neosho, Caney, Verdigris, Spring, Arkansas River basin (including the Cimarron River and Canadian Rivers),

Little, Glover, Poteau River and tributaries, Mountain Fork and tributaries. Other rivers may be included as designated by the OWRB.

If the definition of a Treasured stream includes “habitat for a species listed as threatened or endangered by the federal or state government”, certain waters located in central and western Oklahoma would fall under the instream flow program, necessitating initial studies, ongoing monitoring and evaluation, and advisory committees in these locations.

<b>Estimated Costs*</b>	<b>Initial Costs</b>	<b>Ongoing Annual Costs (12 years)</b>
Initial public outreach, committee creation, outreach, rules	\$300,000	
Ongoing committee, subcommittee, and public process support		\$150,00
Ongoing data collection and analyses		\$75,000
<b>Total Cost Year 1</b>	<b>\$300,000</b>	
Instream flow studies (\$500,000 per study as bill is written)		\$833,000
<b>Total Cost Subsequent Years</b>		<b>\$1,058,000</b>
Option B. Instream flow studies <u>(\$300,000 per study, excluding daily sampling, 5k scale requirement in Section 2.B.)</u>		\$500,000
<b>Option B Total Cost Subsequent Years</b>		<b>\$725,000</b>
*Based on 20 instream flow studies		
February 26, 2019 Prepared by OWRB		

Prepared By: Jenny Mobley

**Other Considerations**

None.