PROTECTING WATER QUALITY IN THE ILLINOIS RIVER BASIN THROUGH ESTABLISHMENT OF THIRTY YEAR RIPARIAN EASEMENTS

FY 2002 §319(h) Task 5, Subtask 2.2 EPA Grant # C9-996100-10 Project 10

FINAL REPORT



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PREFACE:

This project established thirty-year riparian area easements in the Illinois River watershed. Riparian area protection is one of the most effective best management practices for reducing nonpoint source loading of sediment, nutrients, and bacteria to streams. By preserving these riparian areas along the Illinois River for 30 years, the overall long-term effects on aquatic plant growth, streambank stabilization, and water quality will be significant. These areas will improve the streambank stability and filter runoff, which will reduce the sediment, nutrient, and bacteria loading within the Illinois River watershed. The Oklahoma Scenic Rivers Commission (OSRC), in cooperation with the Oklahoma Conservation Commission (OCC), successfully implemented the program by locating the sites of interest, contacting landowners, and signing contracts with cooperative landowners to maintain the riparian areas throughout life of the contract.

INTRODUCTION:

The Illinois River watershed straddles the Oklahoma/Arkansas border. Of its 1,069,530 total acres, 576,030 (approximately 54% of the total basin area) are located in Oklahoma (USDA 1992). The basin is located in Delaware, Adair, Cherokee, and Sequoyah counties in northeastern Oklahoma (**Figure 1**). The average flow of water in the river as it enters Oklahoma, near Watts, is 703 cfs, which increases to 1095 cfs as the river reaches Tahlequah (USGS database, period of record 10/81 - 09/91). Shortly after which it flows into Lake Tenkiller. The major tributaries of the Illinois River in Oklahoma are the Baron Fork River, Caney Creek, and Flint Creek. The river is classified as a state scenic river from the remains of the Lake Frances Dam down to its confluence with the Baron Fork, a distance of approximately 70 miles. A 35-mile segment of the Baron Fork River and a 12-mile segment of Flint Creek are classified as



Figure 1. The Illinois River Watershed lies along the eastern border between northeastern Oklahoma and northwestern Arkansas. Figure 2. The Illinois River is one of the State's most scenic rivers. In addition, the river and downstream Lake Tenkiller provide drinking water for the area and support an important tourism industry for the State.



scenic rivers upstream from their confluence with the Illinois River. The rest of the river basin in Oklahoma consists of Lake Tenkiller and a short segment downstream of the dam to its confluence with the Arkansas River.

The Illinois River and Lake Tenkiller Watershed are among the highest priorities for protection and restoration in the State. Because the Illinois is one of the State's few scenic rivers, it is the focus of numerous monitoring, education, and restoration efforts. The river and lake are listed on the approved 2004 and proposed 2006 Integrated Reports as being impaired by nutrients (phosphorus), pathogens, and turbidity. Previous studies have indicated that streambank erosion and riparian area degradation are significant impacts in the watershed. One of the most important things that can be done to protect the water quality within the river is to restore the natural riparian buffers along the stream corridor.

Recent studies have suggested that in many systems, streambank erosion contributes as much as 90% of the sediment load measured in a stream (Sekely et. al. 2002). Given that streambank sediment sampling in this watershed has shown streambank sediments have extremely high nutrient concentrations, streambank erosion could also contribute significantly to nutrient loading in a stream (OCC 2007). Riparian protection is one of the most effective practices to promote streambank stability, and at the same time reduce runoff-driven phosphorus loading from upland areas by as much as 80%.

Although riparian area protection is one of the most important of a suite of practices necessary to protect water quality in the Illinois River Watershed, in the past, it has also been one of the most difficult practices to convince landowners to adopt as part of a voluntary program. There are numerous reasons for this reluctance, but the most frequent of these relates to money. Riparian Area protection takes land out of agricultural production. Many agricultural producers in this watershed have limited pasture land available to them and feel they can't afford to lose any.

Most riparian areas in the watershed respond rapidly to the loss of grazing and stream access pressure with rapid growth of woody plants and other vegetation that stabilizes the streambanks. The photograph below (Figure 3) demonstrates the type of vegetation that develops in riparian areas of the watershed. Although this site has been grazed recently, (the fence in the background is under construction and cattle have been off the site for approximately one week), the site is rich with tree seedlings and woody and grassy forbs. After a single season of exclusion, this vegetation will be markedly distinct from the areas with livestock access. This vegetation acts as a filtration device for capturing sediment and sediment-bound particles in overland flow. In addition, the roots stabilize the streambank. Within a few years, the site will be an effective buffer for overland flows, although full development of trees for streambank stabilization will require more time.



Figure 3. Woody vegetation quickly regenerates following livestock exclusion.

One perceived weakness of previous riparian protection in the Illinois River Watershed has been that programs were limited to the length of the project period or federal grant cycle. Most contracts with landowners required them to maintain riparian protection for 3-5 years. At the end of the contract period, the landowner is free of any obligation to maintain the use exclusion of the area.

Long-term riparian protection is recognized as something that is needed to protect water quality in the Illinois River Watershed. However, landowner reception to long-term riparian protection programs was believed to be lukewarm, at best. Many landowners are unwilling to commit to a program when so many aspects of their annual production fluctuate from year to year. What if the price of cattle suddenly skyrockets and they could triple their income by grazing every additional acre?

This project was intended to be a transitional project between the 1999 319 Implementation Project in the Illinois River Watershed and the Conservation Reserve Enhancement Program that began in 2007. The 1999 Project was a 319 demonstration project that established over 1300 acres of riparian area in the Illinois River Watershed (**Figure 4**). This is equivalent to protecting over fifty miles of streambank which is estimated to be approximately 10% of the areas in the watershed lacking riparian protection. Unfortunately, the contracts for protection of these areas lasted a maximum of five years, at which time the land became susceptible to redevelopment for agricultural or other uses.

The 1999 319(h) Project focused on education and demonstration of best management practices in the watershed. One of the highest priority practices supported by the program was riparian area protection. However, the program only required a five-year commitment to riparian protection and provided incentive payments of \$50 per acre for total exclusion of livestock and \$45 per acre for limited hay production in the grassed portion of the buffer. Although five years is sufficient time for a riparian area to begin to stabilize and function to protect water quality, it may still be relatively easy for landowners to revert to previous riparian area management. In addition, environmental variability may overshadow any water quality impacts that could be measured in the stream over a five year period, thereby preventing the measurement of water quality improvement related to BMP implementation.

However, with riparian areas that are protected for a longer period of time, there is an increased likelihood of perpetual protection and measurable water quality impacts. A thirty-year old relatively unmanaged tract of land in this area would contain many mature trees as well as well-developed ground cover with soil-stabilizing roots. To clear this area of this vegetation would be labor intensive and likely less appealing to the landowner. In addition, the landowner would have thirty years worth of observed benefits, such as lack of land loss due to erosion and healthier livestock, to encourage them not to revert to agricultural production in riparian areas. Also, with more than a five year data set and long-term, continued protection of these areas, year-to-year variability in water quality data is likely to be overshadowed, and clearer effects of implementation should be possible to measure.

In the past, the OCC has focused riparian protection mainly in agricultural areas. No formal internal policy exists on conservation easements, but the Commission does have specific rules laid out with each implementation program that sets the rules for eligibility and participation in the program. In addition, previous riparian protection programs



Figure 4. Riparian Area Implementation Completed as Part of the 1999 319 Illinois River Watershed Implementation Project.

have not actually involved easements, but rather contracts with the landowner to maintain the protective practice for a set period of time, generally 3 – 5 years. Although some programs with riparian restoration have been implemented in urban areas, most have focused in pasture and cropland in rural areas. Although programs are often targeted towards areas of a watershed more susceptible to nonpoint source load contribution, adoption of riparian protection practices is completely voluntary and not all landowners in targeted areas with streamside land choose to participate.

Previous OCC riparian protection programs in the Illinois River involved contracts with landowners to fence off the riparian area from livestock access. Participants were paid a rental fee similar to the average pasture rental rate for the area as an incentive to maintain the practice. Some programs required total exclusion of livestock for the contract period. Others allowed, for a lesser incentive payment, limited haying or flash grazing.

Riparian protection in the Illinois River Watershed has not yet been targeted in the manner it has in other watersheds. Currently, riparian programs are targeted by focusing the program specifically on landowners where a computer model such as the Soil and Water Assessment Tool (SWAT) suggests the greatest likelihood for nonpoint pollution. Although Illinois River projects have been targeted on a subwatershed scale, most have been targeted towards the types of landuse and landuse practices that are most likely contributing significantly to nonpoint loading, rather than specific areas in the watershed.

For such a high priority watershed, relatively few resources (relative to the amount necessary for long-term success) have been devoted towards BMP implementation. FSA and NRCS programs have installed about one million dollars worth of practices in the past ten years, while OCC 319 and locally-led cost-share programs have installed over two million dollars worth of practices in the past five or six years. In addition, most NRCS and FSA programs implement practices such as animal waste storage facilities, cross-fencing, pasture planting and nutrient management. Although these practices are necessary to the long-term protection of the resources, very few riparian areas have been protected with the types of FDA funding that are currently being used in the watershed. Riparian protection is one of the most effective BMPs available to reduce pollutant loading to streams and it is unlikely that water quality can be restored and protected in the watershed without significant riparian protection.

The project was intended to help identify potential barriers that might prevent successful adoption of a CREP program by the local landowners. Once these barriers were identified, solutions would be sought and a CREP program designed accordingly to insure the most comprehensive adoption of long-term riparian protection that was possible given available funding. However, as the initial processes of the project unfolded, the CREP program application process moved forward such that the two programs began implementation at nearly the same time, and this program, no longer acted as an introduction, but rather as a compliment to the CREP Program.

In 2007, after many years of development and searches for partners and sources of funding, Oklahoma was awarded a Conservation Reserve Enhancement Program

(CREP) from the United States Department of Agriculture (USDA) Farm Services Agency (FSA) to protect riparian areas on agricultural lands in the watershed for at least fifteen years. The program provides a generous annual payment to producers to protect riparian buffers and allow protective vegetation to redevelop. On April 3, 2007 a CREP agreement between the USDA and the State of Oklahoma was signed to use \$20.6 million to protect up to 9,000 acres or (370 miles) of riparian buffers and filter strips.

PROJECT OBJECTIVES:

The objective of this project was to effectively bridge the gap between short-term and long-term riparian protection in the Illinois River Watershed. The OCC partnered with a local agency to promote and establish long-term riparian easements. The program was implemented by the Oklahoma Scenic Rivers Commission (OSRC) as part of their efforts to protect the watershed and its scenic rivers. OSRC enrolled the cooperators, reimbursed them for participation in the program, and is responsible for ensuring that the areas are maintained for the thirty year contract period. OSRC was a good fit for the role of easement manager because they were:

- willing and able to accept the responsibility for ensuring that landowners would maintain the protected status of the easements for periods of at least 30 years. Conservation Districts frequently maintain contracts with landowners that require commitments to maintain practices for 5 – 10 years. However, Districts may not always have the financial resources necessary to pursue legal action against landowners who do not maintain the practices. In addition, it is not usually in the best interest of a Conservation District to do so since their programs rely on voluntary cooperation of landowners.
- 2. OSRC has adopted a management strategy for the Illinois River Watershed that includes riparian area protection and therefore the program fit well into their own goals for the river, and
- 3. OSRC was willing to devote their own staff to the program and therefore, all project funds were available to purchase the long-term easements. No federal funds were necessary for project administration.

Because the riparian areas enrolled under the 1999 319 Implementation Project were not eligible for the Conservation Reserve Enhancement Program (CREP), these areas were targeted for the 30 year riparian easements project. The CREP program limits eligibility to lands that have been used as pasture or cropland within the past five years. There was some concern that landowners who had maintained their riparian areas since the 1999 project were being penalized for their proactive approach to riparian protection. In addition, project coordinators worried that these landowners might choose to remove their riparian area protection and graze the areas for a year in order to qualify for the alluring CREP incentive payments. Therefore, it was determined that these landowners who had previously demonstrated admirable stewardship by being among the first to voluntarily protect riparian areas (and at a much lower rate than CREP) should be the focus of this program to help insure long-term protection of these areas. Specifically, the landowners with BMPs installed along the riparian areas of the Illinois River and the Barren Fork in Adair and Cherokee County were targeted for the 30 year riparian easement program. This tactic will extend the CREP program and prevent the loss of existing riparian area.

The short and longer-term goal of this project was to increase the amount of protected riparian area in the Illinois River Watershed and effectively decrease bedload and sediment and nutrient concentrations in the River, and eventually, in Lake Tenkiller. Increasing riparian area coverage should also decrease streambank erosion and improve streambank stability and instream habitat in the river. These improvements in water quality will be difficult to measure during the project period. An additional goal of the project was to demonstrate that landowners in the area were receptive to the idea of long-term protection of riparian areas.

METHODS:

The project coordinator contacted the 51 previous participants from the 1999 319 Implementation Project via letters announcing and explaining the 30 year Riparian Easement program and the application due date (Appendix A). Letters were sent to each participant on June 28, 2007 and July 9, 2007.

Nineteen participants from the 1999 project responded positively to the request for participation and all those participants had maintained the riparian protection beyond the life of the 1999 contract. The OSRC, with input from the Office of the Secretary of Environment, and OCC, determined to offer incentive payments similar to those offered through the CREP program to landowners who would be willing to enroll in the 30 year program. In addition, because of the requirement to disperse the federal dollars within the grant period, the decision was made to make the easement payments up front. This decision significantly increased the appeal of the program for many landowners as the lump-sum payments were substantial in most cases. However, the value of an annual easement payment will also likely increase significantly between 2007 and 2037 given that land prices in the area have more than doubled in the past five to ten years. These landowners were among the first in the watershed to protect their riparian areas and therefore, may include some of the most progressive landowners. It is likely that some of them would have participated in the program even if the payments would have been on an annual basis for 30 years. However, the lump-sum approach convinced additional landowners to participate who otherwise would not have committed to a 30 year program.

Funding available through the federal grant was not sufficient to cover all nineteen who indicated willingness to participate. Therefore, it was necessary to prioritize landowners for participation. Several options for prioritization were discussed by the OSRC. These included first-come-first-serve, splitting participants between the two conservation districts based on the ratio of riparian area enrolled under the 1999 project, and prioritization based on improvements in contiguous protection of riparian area.

In the end, cooperators were prioritized by the amount of acres to be enrolled. The

smallest acreages were funded first moving to larger acreages until all funds were obligated. This approach was used to allow as many cooperators as possible to participate in the program. Under the USEPA grant, the OSRC had \$625,950 to expend. This funded a total of 278.2 acres for thirty years. Up front payments will be made to the landowners and a lien has been placed upon their deed. Therefore, if the land is sold it will remain under contract. Although many landowners had signed up for limited haying under the 1999 project, all of these contracts were for total exclusion practices, which will pay \$75.00 an acre per year for a total of \$2,250 per acre for the 30 year contract. Total exclusion means no livestock access, mowing or significant tree harvesting although limited tree cutting is allowed for things like maintenance of fences, etc.

Not all of the 32 landowners who did not indicate interest in the program were contacted. Due to the fact that the program was no longer a precursor to a CREP program, it was not as important to understand the reasoning for failure to participate.

RESULTS AND DISCUSSION:

This project will protect some of the riparian areas enrolled under the 1999 project for an additional 30 years, beginning in 2007. A total of 14 cooperators signed contracts to participate in the Thirty Year Riparian Easement Program. 278 acres were enrolled in the Illinois River watershed with 145 acres in Adair County and 133.2 acres in Cherokee County. The number of acres and the amount of payment each cooperator received for the 30 year contract is shown in **Table 1**. The cooperators names have been withheld for privacy, but can be tracked using their cooperator number. The majority of the contracts were written for total exclusion with the exception of a few which have haying privileges.

This 30 year riparian easement project will protect 278 riparian acres. It is estimated that the protection of 280 acres of riparian acres could result in a load reduction of 14,821 lbs N/year, 1,681 lbs P/year and 220 tons of sediment per year for 30 years. This is equivalent to load

Cooperator #	County	Acres	Total Amount
IR-67-039	Adair	8	\$18,000
IR-67-033	Adair	3	\$6,750
IR-67-107	Adair	11	\$24,750
IR-67-014	Adair	12	\$27,000
IR-67-015	Adair	18	\$40,500
IR-67-006	Adair	54	\$121,500
IR-67-034	Adair	39	\$87,750
IR-67-083	Adair	37.7	\$84.825

Table 1.	Cooperators	of the 30 Y	'ear Riparia	an Easement	Program.

		278.2	\$625,950
IR-38-021	Cherokee	37	\$83,250
IR-38-031	Cherokee	17.9	\$40,275
IR-38-028	Cherokee	17.6	\$39,600
IR-38-014	Cherokee	14	\$31,500
IR-38-006	Cherokee	5	\$11,250
IR-38-026	Cherokee	4	\$9,000

reductions of less than 1% per year for these parameters; however, when coupled with the effects of the larger CREP program, results should be significant. Maps of the 30 year riparian easements in Adair and Cherokee County are shown in **Figure 5** and **Figure 6**.

Overall there was an overwhelmingly positive response in the willingness of landowners to participate in the program. A few reasons that people gave that they were unwilling to participate in the project was the length of the project and their elderly age. Some people were unwilling to tie up their land for that length of time, but said that they were willing to participate in a shorter term project in the future. Of those who were willing to participate, money was a significant incentive. However, these landowners were also aware that what they were doing was protecting water quality. They had all maintained the protected riparian area for at least 2 years beyond the life of their original contract with the OCC and therefore, must have been satisfied with the effects of the riparian protection.

The Poultry Federation of Oklahoma donated one million dollars to the Oklahoma Scenic Rivers Commission. Therefore, the other 5 interested cooperators who were not funded through this program will be funded for riparian area protection with the Poultry Federation monies. These payments will be paid on a yearly basis. These landowners are willing to enroll an additional 406.4 acres in the OSRC's 30 year program ().

The 278 acres accounts for approximately twenty one percent of 1300 acres enrolled under the 1999 project and approximately 1% of the riparian area in pastureland in the watershed. The additional 406 acres would increase coverage to 53% of the original acreage enrolled under the 1999 project and approximately 3% of the streams miles running through pastureland in the watershed. Figure 7 compares the coverage of the 30-year easements covered under this project (green) to the original riparian contracts from the 1999 project (red). Also depicted are the OSRC long-term easements to be funded through other means (blue). Long-term protection of this additional acreage would increase potential load reductions to approximately 4,136 lbs P/yr, 36,465 lbs N/yr, and 540 tons sediment/yr. This would be equivalent to load reductions approximately 1.3% per year for these various parameters.

The State's investment in these 30 year easements is eligible match for the State's CREP in the Illinois River and Eucha/Spavinaw Watersheds. Therefore, the \$625,000 investment will enable an additional \$2,500,000 of USDA FSA dollars to be added to the program. In turn, this will allow at least 1300 additional acres to be added to the CREP program, which will increase potential loading reduction from this project to 11,830 lbs P

per year, 104,280 lbs N per year, and 1545 tons sediment per year. This loading reduction of about 4% will increase the overall CREP size to cover at least 12,000 acres (or 28% of the degraded riparian area in the watershed) and could decrease nonpoint



Figure 5. Cooperators in the Illinois River watershed in Cherokee County.

Thirty Year Riparian Easements in Adair County, Oklahoma



Figure 6. Cooperators in the Illinois River watershed in Adair County.



Figure 7. Extent of Targeted 1999 319 Project Riparian Areas to be Protected with Long-term Easements.

source loading to the Illinois River Watershed by at least 20% (based on loading estimates from Storm et. al, 2006 draft report).

Long-term possession of the easements and therefore the responsibility of verifying that they are maintained according to the contracts is the responsibility of the Scenic Rivers Commission. The Scenic Rivers Commission has statutory authority to purchase easements and therefore is equipped to insure that the easements are maintained for the entire length of the contract. Establishment of a permanent, vegetative buffer along the Illinois River and its tributaries is a specific goal of the Scenic River's Commission's *1999 Illinois River Management Plan*.

The 278 riparian acres protected through this project will enhance the Illinois River and its watershed by filtering runoff and promoting streambank stabilization for thirty years. This streambank stabilization will decrease the sediment and nutrient loading into the watershed. In addition, the decrease in sediment and nutrients will enhance the instream habitat of the Illinois River and the quality of water flowing into Lake Tenkiller.

Protection of even 100% of the degraded riparian area in the Illinois River watershed is not likely to completely solve water quality problems on its own; although it would result in significant improvements. This program demonstrates that landowners in the area are amenable to long-term protection of riparian areas, a fact that was questionable, at best, prior to the onset of the program. In addition, the decisive, long-term protection of these areas based on the premise of water quality protection will help landowners in the watershed understand that their land can be productive and useful with protected streams running through it, and that a protective border between agricultural areas and streams will help them lose less land, fencing, and infrastructure.

These landowners made a commitment to long-term protection of riparian areas for the purposes of water quality improvement. They were among the first landowners in the watershed to choose to improve their management of resources by fencing off their streams. Beginning with the 1999 program, if not before, these landowners learned that riparian protection was important to protecting water quality. They changed their management practices to protect water quality, which, in the long run, may cause them to be more aware of the many benefits of riparian protection because they have a before and after framework in their mind. Therefore, these landowners may be more likely to maintain the riparian protection after incentive payments are gone than landowners who do not have the before and after reference in their mind.

At least one of the participants in the OSRC program is a very large landowner in the watershed. As a result of the 1999 program and this program, this landowner is now interested in signing everything he can with the CREP Program. In addition, this landowner has become a salesman for the program and is talking to his friends and neighbors about the virtues of the program.

The financial appeal of the incentives cannot be denied; it is the carrot that brings landowners to the table. However, this project also reinforced that the programs are significantly effective in convincing landowners to protect riparian areas beyond the life of the incentive payment. This is supported by the fact that at least 53% of the riparian area signed under the 1999 program qualified for this program which meant, fences had been maintained and the area was not eligible for CREP (cattle had not been grazing and vegetation had not been removed). In other words, the original program effectively demonstrated the value of protected riparian areas and was able to replace the benefits of riparian access with BMPs such as alternative water supplies, winter feeding facilities, and upland pasture improvement to such a degree that landowners did not seek to regain agricultural use of the riparian area.

LITERATURE CITED

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Storm, D.E., M.J. White, and M.D. Smolen. 2006. Illinois River Upland and In-Stream Phosphorus Modeling. Department of Biosystems and Agricultural Engineering, Oklahoma State University, Stillwater, OK.

APPENDIX A: Landowners Contacted for the Program

County	Cooperator Number	Cooperator Name	
Adair	IR-67-039	Bagby, Jim	
Adair	IR-67-006	Bamberger, Thomas	
Adair	IR-67-098	Brown, Allen	
Adair	IR-67-184	Cates, Darryl	
Adair	IR-67-107	Chapman, Mike	
Adair	IR-67-146	Craig, Samuel Scott	
Adair	IR-067-173	Curtis, Ronald J.	
Adair	IR-67-034	Cusick, Bob	
Adair	IR-67-060	Doyle, Kevin	
Adair	IR-67-074	Doyle, Ray Dean	
Adair	IR-67-138	Essary, Rafe	
Adair	IR-67-051	Faddis, Robert	
Adair	IR-67-145	Faddis, Wayne	
Adair	IR-67-045	Fain, Brian	
Adair	IR-67-028	Fain, Gary	
Adair	IR-67-102	Fain, Ross	
Adair	IR-67-048	Ferrell, Howard	
Adair	IR-67-024	Fisher, Dwaine	
Adair	IR-67-053	Flournoy, James	
Adair	IR-67-114	Fuller, Ferrell	
Adair	IR-67-033	Longshore, Micky *	
Adair	IR-67-008	Means, Carthel	
Adair	IR-67-058	Means, Jerry	
Adair	IR-67-007	Mogg, Dennis	
Adair	IR-67-140	Ogden, Jerry	
Adair	IR-67-029	Ogden, R. L. (Butch)	
Adair	IR-67-005	Rose, Terry	
Adair	IR-67-160	Sanders, Jerry	
Adair	IR-67-030	Scott, Sam	
Adair	IR-67-014	Smith, Jackie	
Adair	IR-67-015	Snyder, Larry Dale	
Adair	IR-67-165	Wolf, Michael	
Cherokee	IR-38-083	8-H Farms	
Cherokee	IR-38-031	Bardell, Sam	
Cherokee	IR-38-031	Chaffin, Harvey	
Cherokee	IR-38-028	Chaffin, James R.	
Cherokee	IR-38-014	Chaudoin, Benks	
Cherokee	IR-38-044	Cheek, William	
Cherokee	IR-38-005	Fite, Ed	
Cherokee	IR-38-011	Fite, Julian	
Cherokee	IR-38-050	Hamby, Kimberly	
Cherokee	IR-38-020	Hendrix, Dewey	
Cherokee	IR-38-083	Hendrix, Jerry	
Cherokee	IR-38-051	Hern, Christy	

Table 2. Landowners Contacted For Participation in the Program.

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Cherokee	IR-38-021	Lockwood, Larry
Cherokee	IR-38-010	Ragsdale, Carl
Cherokee	IR-38-013	Ray, Victor O.
Cherokee	IR-38-026	Sellers, John R.
Cherokee	IR-38-052	Smith, Pearl
Cherokee	IR-38-025	Stephens, Blake
Cherokee	IR-38-030	Tanner, Douglas

APPENDIX B: Riparian Easement Contract

USEPA 319-OKLAHOMA SCENIC RIVERS COMMISSION RIPARIAN PROTECTIVE LEASE [Name of Landowner]

This Riparian Protection Lease Agreement ("Agreement") is made and entered into by and between the Oklahoma State Scenic Rivers Commission, an agency of the State of Oklahoma (hereinafter referred to as "Commission"), and <u>[Name of Landowner]</u> (hereinafter referred to as "Participant").

Part I- Riparian Acreage(s) To Be Leased

This Agreement is for a total of [number of acres](\underline{X}) acres of land located adjacent to the Illinois River in [Cherokee or Adair] County, Oklahoma specifically detailed in Oklahoma Conservation Commission-[Cherokee or Adair] County Conservation District Riparian Conservation Plan IR-[1999 EPA 319 Project Plan Number], owned by the Participant. See attached land description/aerial map/plat map. A total of [number of acres](\underline{X}) riparian acres are to be leasead. The lease is for a 30-year term as set forth below.

Part II- Riparian Area Stipulations/Restrictions

- 1. The participant will adhere to/perform the following:
 - a. Create or maintain an area of grass, trees, and/or shrubs adjacent to the Illinois River and its tributaries.
 - b. The riparian area as shown on the Riparian Protection Plan Map, is to be maintained as a use excluded area with no grazing of livestock permitted for the 30 year term of the lease.
 - c. NO hay cutting/baling activity is allowed within the riparian area.
 - d. Pedestrian access to the riparian area is permissible for camping, hiking, fishing, hunting, non-motorized mountain biking and bird watching-nature tour purposes.
 - e. The operation of ATV's, 4-wheelers and other off-road motorized vehicles in the riparian area is prohibited.
 - f. Any harvesting of timber (trees) in the riparian area shall adhere to an approved written plan executed by the Oklahoma Department of Agriculture, Food, and Forestry. Dead fall trees may be cut up and removed.
 - g. Land application of fertilizers, herbicides and pesticides within the riparian area is prohibited.
 - h. Gravel mining, gravel harvesting or gravel removal is prohibited, and
 - i. Construction /development of any permanent structure, including but not limited to dwellings, is prohibited.
- 2. The Participant shall permit free access to the riparian area for the Commission's staff and any other agents it deems necessary to routinely inspect the area for compliance of the Part II-Riparian Araas Lease Stipulations listed in this Agreement.
- 3. The Participant will complete the Part II-Riparian Areas Stipulations prior to December 1, 2007 and maintain the practices outlined therein through the lease term ending date, October 01, 2037.
- 4. The Participant agrees to accept the Commission's method of calculating the lease payment.
- 5. The Commission shall compensate the Participant for the lease in the amount of \$75 per riparian acre per year, totaling <u>\$[total payment amount]</u> for the 30-year lease term ending October 01, 2037.

Part III- Payment Stipulations

In order for the participant to receive payment as specified in this Riparian Protection Lease Agreement, all practices shall be installed/implemented and maintained according to the Part II – Riparian Area Stipulations. Any change to the terms of this Agreement must be approved by the Commission and reduced to writing as an amendment to this Agreement.

Part IV- Compliance

It is mutually agreed that if the Commission determines that the Participant is in non-compliance with the terms of this Agreement at any time during the lease term, the Commission shall give the Participant written notice of the lack of compliance and the Participant shall have ten days from receiving the notice to cure the default. If the Participant fails to correct such default, the Commission may, in addition to all other rights and remedies available to the Commission under applicable law, terminate this agreement. The prevailing party in any court action to enforce this Agreement shall be entitled to recover reasonable attorney fees and costs incurred by such party.

The Participant may cancel the Riparian Protection Lease Agreement before expiration of the 30-year term, October 01, 2037. In the event of cancellation before end of lease term, or termination by the Commission for non-compliance, the Participant agrees to repay the Oklahoma Scenic Rivers Commission – State of Oklahoma all un-accrued funds pre-paid for those years remaining on the Riparian Protection Lease Term, at a rate of \$75 per riparian acre per year remaining on the contract.

Part V- Signatures

This Riparian Protection Lease Agreement shall be effective from the last date of signature below. Work cannot begin until the effective agreement is in place.

	Date	Date
[Landowner Name], Land Owner		Oklahoma Scenic Rivers Commission, Board Chairman
	_Date	Date
Additional Signature (if needed)		Oklahoma Scenic Rivers Commission, Board Secretary
Land Owner Social Security Number		
Federal Employee Identification Nur	n or nber	

Land Owner, Address/phone/email

FY 2002 319(h) Task 5, Subtask 2.2, Project 10 EPA Grant #C9-996100-10 Page 25 of 35

APPENDIX C: Example Contract

USEPA 319-OKLAHOMA SCENIC RIVERS COMMISSION RIPARIAN PROTECTION LEASE

This Riparian Protection Lease Agreement ("Agreement") is made and entered into by and between the Oklahoma Scenic Rivers Commission, an agency of the State of Oklahoma (hereinafter referred to as "Commission"), and **Example 1** (hereinafter referred to as "Participant").

Part I – Riparian Acreage(s) To Be Leased

This Agreement is for a total of seventeen point nine (17.9) acres of land located adjacent to the Illinois River in Cherokee County, Oklahoma specifically detailed in Oklahoma Conservation Commission-Cherokee County Conservation District Riparian Conservation Plan , owned by Participant. See attached land description/aerial map/plat map. A total of seventeen point nine (17.9) riparian acres are to be leased. The lease is for a 30-year term as set forth below.

Part II – Riparian Area Stipulations/Restrictions

1. The Participant will adhere to/perform the following:

- a. Create or maintain an area of grass, trees and/or shrubs adjacent to the Illinois River and its tributaries.
- b. The riparian area as shown on the Riparian Protection Plan Map, is to be maintained as a use excluded area with no grazing of livestock permitted for the 30-year term of the lease.
- c. NO hay cutting/baling activity is allowed within the riparian area.
- d. Pedestrian access to the riparian area is permissible for camping, hiking, fishing, hunting, non-motorized mountain biking and bird watching-nature tour purposes.
- e. The operation of ATV's, 4-wheelers and other off-road motorized vehicles in the riparian area is prohibited.
- f. Any harvesting of timber (trees) in the riparian area shall adhere to an approved written plan executed by the Oklahoma Department of Agriculture, Food and Forestry. Dead fall trees may be cut up and removed.
- g. Land application of fertilizers, herbicides and pesticides within the riparian area is prohibited.
- h. Gravel mining, gravel harvesting or gravel removal is prohibited, and
- i. Construction/development of any permanent structure, including but not limited to dwellings, is prohibited.
- 2. The Participant shall permit free access to the riparian area for the Commission's staff and any other agents it deems necessary to routinely inspect the area for compliance of the Part II Riparian Area Lease Stipulations listed in this Agreement.
- 3. The Participant will complete the Part II- Riparian Area Stipulations prior to December 1, 2007, and maintain the practices outlined therein through the lease term ending date, October 01, 2037.
- 4. The Participant agrees to accept the Commission's method of calculating the lease payment.
- 5. The Commission shall compensate the Participant for the lease in the amount of \$75 per riparian acre per year, totaling \$40,275 for the 30-year lease term ending October 01, 2037.

Part III – Payment Stipulations

In order for the Participant to receive payment as specified in this Riparian Protection Lease Agreement, all practices shall be installed/implemented and maintained according to the Part II – Riparian Area Stipulations. Any change to the terms of this Agreement must be approved by the Commission and reduced to writing as an amendment to this Agreement.

Part IV - Compliance

It is mutually agreed that if the Commission determines that the Participant is in non-compliance with the terms of this Agreement at any time during the lease term, the Commission shall give the Participant written notice of the lack of compliance and the Participant shall have ten days from receiving the notice to cure the default. If the Participant fails to correct such default, the Commission may, in addition to all other rights and remedies available to the Commission under applicable law, terminate this Agreement. The prevailing party in any court action to enforce this Agreement shall be entitled to recover reasonable attorney fees and costs incurred by such party.

The Participant may cancel the Riparian Protection Lease Agreement before expiration of the 30-year term, October 01, 2037. In the event of cancellation before end of lease term, or termination by the Commission for non-compliance, the Participant agrees to repay the Oklahoma Scenic Rivers Commission – State of Oklahoma all un-accrued funds pre-paid for those years remaining on the Riparian Protection Lease Term, at the rate of \$75 per riparian acre per year remaining on the contract.

Part V – Signatures

This Riparian Protection Lease Agreement shall be effective from the last date of signature below. Work cannot begin until an effective agreement is in place.

Date 9-4.

Date

1Cil d Date 9-5-07 Oklahoma Scenic Rivers Commission, Board Chairman

Additional Signature (if needed)

Dat Okłahoma Scenic Rivers Commission, Board Secretary

Land Owner, Social Security Number or Federal Employee Identification Number

Tahleguah OK 74464

Land Owner, Address/phone/e-mail -

ED FITE ADMINISTRATOR



BRAD HENRY GOVERNOR

STATE OF OKLAHOMA OKLAHOMA SCENIC RIVERS COMMISSION

Agreement #: I.R. - 038 -

Oklahoma Scenic Rivers Commission Riparian Protection Lease Agreement

It is hereby recognized and agreed that the construction of the following conservation practice(s) will be maintained as designed and constructed for the listed amount of time. The undersigned participant hereby assumes all responsibility for maintenance of the treated areas in a manner which will serve the above purpose. The participant will protect the installed conservation practice from damage and make minor repairs as necessary. Should the participant choose to remove or destroy the conservation practice before the end of its life span, the participant will be expected to repay a prorated amount of the cost-share back to the Oklahoma Scenic Rivers Commission. Destruction of a conservation practice(s) by an act of nature is exempt from this provision. The participant also agrees to permit free access to the participants land for Oklahoma Scenic Rivers Commission representatives to inspect maintenance of the conservation practice(s). The Oklahoma Scenic Rivers Commission agrees to make available the needed technical assistance to assist the participant in making sound maintenance decisions.

Practice

Riparian Area Establishment (total exclusion) Riparian Area Establishment (hay production)



Life of Practice 30 years 30 years

1-4-07

15971 N. HIGHWAY 10 • P.O. BOX 292 • TAHLEQUAH, OK 74465-0292 • (918) 456-3251 • FAX (918) 456-8466 www.scenicrivers.state.ok.us ED FITE ADMINISTRATOR



BRAD HENRY GOVERNOR

STATE OF OKLAHOMA OKLAHOMA SCENIC RIVERS COMMISSION

Riparian Protection Lease Schedule of Operations

Name:		County: Cheroke	e	State: Agreement #: Oklahoma IR-			То	tal Acres: 17.9				
Item #:	Field	Code	Planned Conser (Record of	servation Treatment		Cost Basis: 30 yrs @ \$75.00 yr.		Total Cost		Cost Share %	- Sh	Total Cost are Amount
1		5	Total Use Exclusi	on	17.9	\$	2,250.00	\$	40,275.00	100%	\$	40,275.00
2			Total Use Exclusi	on w/hay prod.		\$	2,250.00	\$	ц.	100%	\$	-

Total Riparian Lease Amounts: \$ 40,275.00

1-4-07 Date:

Participants Signature:

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BRAD HENRY GOVERNOR

STATE OF OKLAHOMA OKLAHOMA SCENIC RIVERS COMMISSION

319 Riparian Protection Program Application

Name		· · ·
Address 1:	Sign Up Date:	Sian Up #:
Address 2:	_	o.g.: op
City, ST, Zip. TAhleggah, OK 744/ect		
Telephone: <u>H)</u> W) C)	Email:	
County: Chenokee	Drainage to which Scenic	Stream? (Circle One)
	Illinois River Barren Fork (Creek Flint Creek
Total Acreage Owned/Leased:	Acres for Enrollmer	nt: <u>17.9</u>
Is Acreage within 300' of stream:	Do you own or lease said lan	d: Yes No
Location / Directions to Property: <u>Sec 1742</u>	1-17-23	·
	· · · · · ·	
		and the second
<u>.</u>		
By submission and signature, I authorize the OSRC to review Cherokee Conservation District Office.	v my Conservation Plan # IR-38	on file in the
Signature:	Date: 9-	4-07
Administrative use only below this line:		
	.,	
Notes:	an a	
	Sandan	η το ποιοιογγατικού το την το ποιοιογγατικού το την το
15971 N. HIGHWAY 10 • P.O. BOX 292 • TAHLEQUAH, www.scenicriv	OK 74465-0292 • (918) 456-3251 • FAX (vers.state.ok.us	918) 456-8466



STATE OF OKLAHOMA VENDOR/PAYEE FORM



Change of Address

Additional Address

The State of Oklahoma requires the following information for all new vendors (payees) before any payments can be made. This information is used to establish you in the State's vendor file. Complete all that applies.

AGENCY SECTION	- -					
Agency Name					#	•
Contact Name			Phone #		Fax #	·
1099 Reportable Status Add: Remove:	Attention Paying Agence by Account Codes listed the <i>Remove</i> box. The P the box that applies to thi	ey: Please che on page 3 of eopleSoft syst s vendor:	this form. If the em requires spec	on the left if payment vendor is incorrect ific details regardin	nts to this vendo ly showing as 1 g the type of tra	r/Payee are represented 099 Reportable, check nsaction. Please check
		- Non-Employ	e Compensation	□ 14 - Gross Proce	viedical & Health	Care
· · ·	If vendor has a Peor	leSoft Vendor #	add it have	Li 14 - 01055 17000	eds to an Attorne	
VENDOD/DAVER CE	TION (Complete and for t	Ctote Animal	, auu it itere			
VENDOR/FATEL SE	CITON (Complete and fax t	o State Agency)	den slag _{en e} n en en en en det biskelige i sek en			•
Company Name (or I	ndividual, or Government Entit	ty)		Phone #		Fax #
Name on IRS Record (if VENDOR/PAYEE TIN/ Business Address:	different from above)		mutist	Phone #		Fax #
(PO Box or Street, City,	State, 9-Digit Zip Required)	uah, UK	74464	E-Mail Add	ress	
Optional Addresses – ch If different, 🗋 Pricing	cck as appropriate:	Remitting	C Returning	Phone #	 Fax #	
(PO Box or Street , City, S Contact Name & Title:	tate, 9-Digit Zip Required)			E-Mail Add	ress .	
If different, 🗖 Pricing	Ordering Invoicing	Remitting	Returning L	Phone #	Fax #	· · · · · ·
PO Box or Street , City, S Contact Name & <u>T</u> itle:	tate, 9-Digit Zip Required)			E-Mail Add	lress	
Customer Service Inform	ation, if different: Phor	ne #	 Fax #	E-Mail Address		22772924274242424444757 - 2792,9929424444744447424

Vendors/Payees DO NOT fax to numbers below. The form must be returned to the state agency requesting this information.

State Agency, fax vendor completed and signed form to: For Registered Vendors - - DCS, Attention Rhydonia Sloan, at 405-521-4475. Non-Registered Vendors - - OSF, Attention Vendor Maintenance 405-521-3383 or 405-522-0392

OSF/DCS USE ONLY Date Posted: By:





STATE OF OKLAHOMA VENDOR/PAYÈE FORM



SUDDI EMENITAL INFORMATION ALL VENDORS OF DAVESS					
The information below is unserved and and the The The The The All VENDORS OR PAYEES					
The information below is requested under U.S. Tax Laws. Failure to provide this information may prevent you from being able to do business with the State, or may result in the State having to deduct backup withholding amounts from its remittances to you.					
U.S. Taxpayer Identification Number (TIN)If none, but applied for, date applied(This number is also known as Federal Employer Identification Number [FEIN])					
U.S. Social Security Number (SSN) If none, but applied for, date applied					
Check the box below that best describes your residency status:					
Companies:					
Domestic (U.S.) sole proprietorship Domestic (U.S.) partnership Domestic (U.S.) corporation Domestic (U.S.) other					
Foreign (non-U.S.) sole proprietorship ** D Foreign (non-U.S.) partnership ** D Foreign (non-U.S.) corporation **					
Foreign (non-U.S.) other ** - explain					
Individuals:					
Citizen (individual) of the United States					
Non-resident alien (individual) **					
** NOTE: IF YOU MARK THIS BOX, WE WILL FORWARD AN INTERNAL REVENUE SERVICE (IRS) FORM W-S, CERTIFICATE OF FOREIGN STATUS, TO YOU. THIS MAY EXEMPT YOU FROM BACKUP WITHHOLDING. FORM W-S DOES NOT EXEMPT YOU FROM THE 30% (OR LOWER PERCENTAGE BY TREATY) NONRESIDENT WITHHOLDING TAXES. TO CLAIM THIS EXEMPTION, YOU MUST FILE IRS FORM \$233 WITH US. FOR MORE INFORMATION, REFER TO IRS PUBLICATION 519.					
SIGNATURE - AND SUBSTITUTE IRS FORM W-9 CERTIFICATION					
Under negoties of negities that the share information					
1. The number shown on this form is my correct to prover identification number for Low weiting for a number to be a low of the start of					
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding.					
3. 1 am a U.S. person (including a U.S. resident alien).					
Certification Instructions - <u>You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup vithholding</u> because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For nortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement IRA), and generally, payments other than interest and dividends you are not required to sign the Contribution, but you must provide your correct TIN					
Signature of Verdor Representative or Individual Payee Date					
LANDOWNER. Title of individual signing form for company					
Vendor/Payee (Same as Company Name from Page 1)					



U.S. Department of Agriculture Soil Conservation Service

OK-CPA-2 Rev. 7-77 (File Code CPA-14)

SOLL MAP WITH INTERPRETATIONS

Owner.	Operator				
County Cherokee		klahoma,	Date10-20	00	
Approximate acres	80 acres	Appro	ximate scale	1667=1"	
Cooperating with	herokee.County			Conservation District	
· ·]	Plan identification.	F	hoto number.		
			~ .		

Prepared by USDA Soil Conservation Service



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