

Spring Creek Coalition Board Meeting Minutes
January 22, 2019

A special meeting of the Board of Directors of Spring Creek Coalition (“SCC”) was held on January 22, 2019, at the office of Jim McCoy Properties in Tulsa, Oklahoma. The following board members were present: Beth Rooney, Charles Drury, George Kamp (by conference call), Jim McCoy, Jennifer Owen, Jessica Spencer (by conference call), and Angela Brazeal. Guests Karen Harris, Martin Rooney, Darren Brazeal, and Attorney David Page also were present. Beth Rooney called the meeting to order at 6:05 pm.

A special board meeting was held Tuesday, January 22 with Attorney David Page to gather enough information to determine whether or not we are willing to become a plaintiff on litigation started through Keep Spavinaw Pure, Inc. A quorum was present.

David Page gave us his background as a litigator and discussed the litigation.

Mr. Page worked for three years on the Drew Edmondson case on the Illinois. He understands nutrient management, chickens, geology, surface and ground water, and runoff to creeks.

A review of the number of chicken houses approved over the past two years shows that Spring Creek is the most affected watershed. The issue is poultry waste and specifically phosphorous found in that waste. In order to grow large birds fast, poultry are given additional nutrients in their feed. Poultry litter makes excellent fertilizer because of those nutrients. It is spread on fields to produce grass by cattle ranchers. The nitrogen in the waste is used by the plants. The phosphorous is present in excess and builds up year after year as more poultry waste is spread for the nitrogen. The phosphorous leaches into the watershed and causes algae blooms, growth of cladophora, cloudy waters, death of sensitive fish species, and other damage. Spring Creek waters are still clear but degrading.

Note from Wikipedia: The *Cladophora* species (a filamentous green algae) can be a major nuisance causing major alteration to [benthic](#) conditions linked particularly with increased [phosphorus](#) loading.

The case would attempt to force the Oklahoma Department of Agriculture, Food and Forestry (ODAFF) to follow the state regulations already in place that require, among other things, zero discharge of waste into Oklahoma waters. Mr. Page gave some details of steps that would be taken.

Mr. Page proposed a cost of \$125,000 for one year's work for himself and a junior partner. This is a 20% discount of his usual rate. The case could take one-two years. There could also be costs for expert witnesses should the case go to trial. There can be no guarantee of success.

Board members and guests participated in a discussion of Mr. Page’s proposal.

Some key concerns were:

- \$125,000 is a lot of money and we have no expertise in raising money
- we are being asked to be responsible for an indefinite amount of money; \$125,000 is only the starting point
- there is no guarantee of success
- even if successful, there is doubt that anything would really change; opposition could, for example, have state water rules changed

Some key positives were:

- this completely fits the mission of the Spring Creek Coalition
- if there is any chance of success, this is something we should do

Ideas were given for some organizations we could approach as additional plaintiffs. Jim McCoy agreed to be the central point person/liaison between the board and Mr. Page.

A motion was made, seconded and passed that Spring Creek Coalition be involved with the litigation against the Department of Agriculture as presented to the board by Attorney David Page Tuesday, January 22, with the intent of being a plaintiff subject to 1) our review and acceptance of the Engagement Agreement and 2) our being liable for only up to one-third of the cost.

It was noted that since SCC agreed to become a plaintiff as long as our liability is limited to up to one-third of the cost of the litigation, we need to find two additional plaintiffs to share in the other 2/3 of the cost. If we had three, each would have 1/4 liability, even better. Jennifer Owen, representing Keep Spavinaw Pure, Inc., agreed to be one of the plaintiffs, accepting 1/3 of the cost.

It was noted that Pam Kingfisher will probably help with fundraising. Some suggestions were given for key people we can approach as potential co-plaintiffs. Board leaders will follow-up.

The meeting was adjourned at 8:20 pm.

Next Meeting:

Thursday, February 14, 6:15-7:45 PM, Schusterman-Benson Library

Respectfully submitted, Beth Rooney, SCC President