

## Spring Creek Coalition Board Meeting February 10, 2022 Minutes

The meeting was held virtually by Zoom as announced ahead-of-time by President Beth Rooney. The meeting was called to order by Rooney at 6:02 pm on Thursday, February 10, 2022. Present were Board Members Mike Appel, Chris Beckwith, Jennifer Donnelly, Karen Harris, David Martinez, Beth Rooney, and Sandy Whitekiller. Travis Fite joined at 6:20 pm. Angela Brazeal, Bill Chambers, and Russ Hays were absent.

**Lawsuit Update:** Beth Rooney elaborated on the short update provided with the agenda, regarding the lack of responses to our discovery requests. Sandy Whitekiller asked if the witnesses were obliged to reply within a certain period of time and Beth's impression was that while some delay is allowed, they can be required to answer at some point. The hearing on the OWRB case also had been postponed due to COVID-19 complications, as reported by e-mail.

If Matt Alison attends the annual meeting, the consensus was for him to summarize status of the lawsuit and answer related questions. It was suggested that we let Matt know that there could be people from poultry interests attending the meeting and seeking sensitive information. Beth will let Matt know this and we trust he would not disclose anything that ought to be kept confidential.

**January Minutes:** Jennifer Donnelly requested the minutes be amended to show her present in January. It was moved/seconded (Karen Harris/Sandy Whitekiller) to approve the January minutes, amended to show Jennifer Donnelly present. Motion passed unanimously.

**Treasurer's Report:** Beth Rooney reviewed the report as summarized in the agenda. Beth also had requested confirmation from Indian and Environmental Law that the SCCs 2022 financial obligation to the firm would be capped at \$50,000, which they confirmed. Jennifer Donnelly asked how much of last year's \$50 K was spent. Answer: \$26,790. The Board accepted the Treasurer's Report for filing, showing a balance of \$50,285.32 as of 1-31-2022.

**Annual Meeting:** Beth Rooney anticipated that, based on Jennifer Donnelly's assessment of improving trends in COVID-19 cases, it would prove acceptable to hold the SCC Annual Meeting on February 26, the most recently rescheduled date. Beth previewed the meeting agenda to ensure agreement and awareness of member roles. Beth asked any Board members able to help with setup to arrive as early as 12:15 pm. Jennifer Owen, Robin Perona and Shawna Maag would be given opportunity to speak on their concerns after other business matters. Following that, the auction would remain open for a few additional minutes, after which the meeting would end.

**SCC 2022 Goals:** The Board discussed the first draft of 2022 goals as distributed by Beth Rooney. Beth had asked individual Board members to consider which goals they regarded as most important and ones on which they would work personally. A roundtable discussion occurred in which members voiced their individual priorities. Expressed interests included work on GIS data (#3) and the watershed assessment plan (#5)(Martinez); work on a strategic plan (#14)(Donnelly); work on outreach and hands-on activities (#1 & 9)(Fite) work to improve relations with landowners and others (#1)(Appel); impact/restoration work similar to that of the Illinois River Watershed Partnership (#5)(Harris); work with outside partners such as the OCC, GRDA, and Cherokee Nation (#5&7)(Beckwith); and water quality monitoring (#7)(Whitekiller).

Chris Beckwith mentioned that GRDA has money available for restoration of riparian easements and that there could be a possibility of the Cherokee Nation taking on parts of the Clean Water Act given their restored authority under the McGirt ruling. Mike Appel thought the Cherokee Nation might have cash available through COVID stimulus money. Their contact person is Chad Harsha <[chad-harsha@cherokee.org](mailto:chad-harsha@cherokee.org)>, Secretary of Natural Resources. Sandy Whitekiller suggested also working with Pam Kingfisher, Green Country Guardians.

The Board also discussed Beth's suggestion that some editing/reorganization of the goals would be desirable. For example, it was suggested that #6 could be combined with #1, and #13 could be combined with #5. Beth and others would continue work on this outside of the meeting. David Martinez said it was good to provide Board members copies of the bylaws, but goal #10 should perhaps be expanded to include other ways of helping new Board members fulfill their potential. He thought having them affiliate with specific goals was one good step in that direction. David also suggested use of temporary

committees so that the Board could more expeditiously research and take positions on specific issues (e.g., Scenic River designation, association with outside groups, navigability and public access). There was some disagreement over how much the Board should take positions on issues, and further discussion of the subject was postponed.

The Board postponed discussion of agenda items 7 (Call for membership renewal) and 8 (Water monitoring). We reviewed the bylaws (agenda item 9) for board input. Karen Harris noted where the description for Region1 needed to include Cherokee County. Beth will make the update.

**Other Topics:**

Conservation Coalition of Oklahoma (CCO): Karen Harris reported on a recent meeting of the CCO. They reviewed information on many introduced bills related to water use, water quality, instream flows, and other issues pertinent to Spring Creek. She gave an example of one specific bill, HB 2983, that would revert the Oklahoma Registered Poultry Feeding Operations Act to the 2007 version in terms of nutrient management requirements. Karen believes it is important for the SCC Board to be aware of such legislation. Travis Fite also spoke in support of associating with the CCO.

Bylaws and Articles: The Board continued discussion of various provisions of the revised bylaws. Chris Beckwith raised an issue concerning the SCC's Articles of Incorporation: that these list Jennifer Owen as the SCC's point-of-contact (POC). Chris offered to look into what would be necessary to change the listed POC.

Navigable status of Spring Creek: David Martinez returned to this question (goal #12) and said it was not a simple matter, but rather depended on the context of the designation. Navigability of a given waterbody can be designated under multiple authorities, e.g., under the federal Rivers and Harbors Act, under the Clean Water Act, under state law, or it also can refer to historical use. These frequently are not consistent. David believed that the U.S. Supreme Court ruled that historical or modern use by watercraft was insufficient to reach a status of navigability. Chris Beckwith added to the discussion, further supporting this position. Beth Rooney shared a letter she had obtained from the Mayes County Sherriff some years ago stating their interpretation of public accessibility to Spring Creek. Beth offered to work with Chris to prepare a writeup on the issue.

The meeting adjourned at 7:42 pm. The next meeting will be virtual by Zoom on March 10 at 6pm.

Minutes prepared by SCC Vice-Secretary David Martinez