

ED FITE
ADMINISTRATOR



SEP 20 2005

BRAD HENRY
GOVERNOR

STATE OF OKLAHOMA
OKLAHOMA SCENIC RIVERS COMMISSION

August 24, 2005

The Honorable Drew Edmondson
Office of the Attorney General
State Capitol Bld. Room 112
Oklahoma City, OK 73105

Attorney General Edmondson:

Post-It® Fax Note 7671

Date	9/20	# of pages	2
To	Mike Smolen	From	Ed Fite
Co./Dept.		Co.	
Phone #	Please post	Phone #	
Fax #	All 15 pages	Fax #	

At the August 2005 regular meeting of the Oklahoma Scenic Rivers Commission, a Scenic Stream Watershed Coordination and Management subcommittee was established, with the express purpose of seeking funding for the following:

**Streambank Stabilization Projects For Oklahoma Scenic Stream Landowners within the jurisdictional boundaries of OSRC.*

**Erosion Control Projects For Oklahoma Scenic Stream Landowners within the jurisdictional boundaries of OSRC.*

**Educational Outreaches For Permitted Activities Along Oklahoma Scenic Streams*

**Water Quality Monitoring And Testing For Oklahoma Scenic Streams.*

**Health And Public Safety Improvements Along Oklahoma Scenic Streams within the jurisdictional boundaries of OSRC.*

The Oklahoma Scenic Rivers Commission is requesting consideration for the above-referenced needs from municipalities, industries, local, county and state government entities, and Oklahoma and Arkansas congressional delegations.

It is the intent of the Oklahoma Scenic Rivers Commission to attempt to obtain matching funds whenever possible to increase the impact of any funding provided.

The Commission would appreciate the input of your office regarding funding sources for the projects named above.

Please address your responses to the sub-committee chairman, Mr. Steve Randall, the Delaware County, Oklahoma representative to the Oklahoma Scenic Rivers Commission, at the address listed below.

Thank you in advance for your consideration of this funding request.

George R. Stubblefield
Adair County, Oklahoma Representative
Oklahoma Scenic Rivers Commission



W. A. DREW EDMONDSON
ATTORNEY GENERAL OF OKLAHOMA



August 30, 2005

George R. Stubblefield
Adair County, Oklahoma Representative
Oklahoma Scenic Rivers Commission
15971 N. Highway 10
P.O. Box 292
Tahlequah, OK 74465-0292

Re: Matching Funds for Project

Dear Mr. Stubblefield:

Thank you for your letter regarding the above matter. I have referred your letter to Kelly Hunter-Burch, Director of our Environmental Protection Unit, for her review and any appropriate action.

If you have any questions, please feel free to contact Ms. Burch directly.

Sincerely,

A handwritten signature in cursive script, appearing to read "W.A. Edmondson".

W.A. DREW EDMONDSON
ATTORNEY GENERAL

WAE:rjs

cc: Kelly Hunter-Burch



ED FITZ
ADMINISTRATOR



BRAD HENRY
GOVERNOR

STATE OF OKLAHOMA
OKLAHOMA SCENIC RIVERS COMMISSION

August 24 2005

The Honorable Sam Chandler
Adair County Commissioner
P.O. Box 169
Stilwell, OK 74960

Commissioner Chandler:

At the August 2005 regular meeting of the Oklahoma Scenic Rivers Commission, a Scenic Stream Watershed Coordination and Management subcommittee was established, with the express purpose of seeking funding for the following:

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George R. Stubblefield
Adair County, Oklahoma Representative
Oklahoma Scenic Rivers Commission

Adair County Commissioners

P.O. Box 88
220 W. Division, Room 102
Stilwell, OK 74960
Phone/Fax 918-696-5310

DANNY BRADEN, District #1 (918) 696-7898
SAM CHANDLER, District #2 (918) 696-5717
HASKELL KINDLE, District #3 (918) 723-3780
KAREN HORN, Secretary (918) 696-5310



September 7, 2005

Rick Stubblefield
Oklahoma Scenic Rivers Commission
P.O. Box 292
Tahlequah, OK 74465-0292

Mr. Stubblefield:

The programs you are seeking funding for are all good programs. The landowners along Baron Fork Creek and I have been talking about them for years so there is no need for you to be sitting in your office feeling like a hero for coming up with them. As long as someone like you – a narrow-minded, self-centered, egotistical twit who cannot tell a walnut tree from a sycamore tree has any authority, I will make sure you do not see a dime of funding from Adair County.

Since the rights of the landowners have been curbed to the point where they cannot touch the creek, Baron Fork Creek has deteriorated greatly – the banks are washing away and gravel bars are raging. A hands-off policy will not work to preserve the creek. It is going to take active management from someone who knows the difference in a walnut and sycamore tree.

Sincerely,

Sam Chandler, Chairman
Board of Commissioners
Adair County, Oklahoma

ED FITZ
ADMINISTRATOR



BRAD HENRY
GOVERNOR

STATE OF OKLAHOMA
OKLAHOMA SCENIC RIVERS COMMISSION

August 24, 2005

The Honorable Miles Tolbert
Oklahoma Secretary of the Environment
3800 Classen Blvd.
Oklahoma City, OK 73118

Secretary Tolbert:

At the August 2005 regular meeting of the Oklahoma Scenic Rivers Commission, a Scenic Stream Watershed Coordination and Management subcommittee was established, with the express purpose of seeking funding for the following:

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George R. Stubblefield
Adair County, Oklahoma Representative
Oklahoma Scenic Rivers Commission

MILES TOLBERT
SECRETARY OF THE ENVIRONMENT



BRAD HENRY
GOVERNOR

STATE OF OKLAHOMA
OFFICE OF THE
SECRETARY OF THE ENVIRONMENT

September 9, 2005



Mr. Steve Randall
Delaware County, Representative
Oklahoma Scenic Rivers Commission
P.O. Box 292
Tahlequah, Oklahoma 74465-0292

Dear Mr. Randall:

I applaud the Oklahoma Scenic Rivers Commission for its continued dedication to protecting Oklahoma's Scenic Rivers. Establishing a "Scenic Stream Watershed Coordination and Management" subcommittee is an innovative mechanism to fulfill the mission of the Commission.

The resource needs that you identified dovetail with several of the federal Clean Water Act grant programs distributed through this office. Please note these programs require non-federal matching funds and if the Commission pursues such funds it should have the match solidified prior to the submittal of the project.

Clean Water Act Funding Opportunities:

319(h) Nonpoint Source Program (required match – 40%)

Section 319(h) of the CWA authorizes funding to designated State agencies to implement the State's NPS management program to control nonpoint source pollution. Funds within this grant program are tied to priorities listed within Oklahoma's Nonpoint Source Management Plan and directed by the Nonpoint Source Working Group. The Oklahoma Conservation Commission serves as the technical lead agency for the program. This program may be available for funding the Commission's priority projects related to streambank stabilization, erosion control and water quality monitoring.

104(b)(3) Wetlands Program (required match – 25%)

Section 104(b)(3) Wetlands authorizes funding for the development and implementation of activities to protect state wetlands. The goal of the program is to build the capacity of all levels of government to develop and implement effective, comprehensive programs for wetland protection and management. This grant program is competitive on a regional basis. This program may be available for funding the Commission's priority projects related to streambank stabilization and water quality/wetland monitoring.

Oklahoma Scenic Rivers Commission
September 9, 2005
Page 2 of 2

Other Potential Opportunities:

Grants.Gov

Federal grant-making agencies have designed a web-site where organizations can find and apply for competitive grant opportunities electronically. The website, www.grants.gov, details over 1000 Federal grant program opportunities and provides a search mechanism which allows an organization to enter a specific area of interest for funding such as erosion control or streambank stabilization.

Partnerships

Due to limited resources, it is essential that the Commission to develop and nurture partnerships with its sister agencies in order to address resource needs. Several agencies have ongoing activities within the boundaries of the Scenic Rivers watersheds. I encourage the Commission to develop and maintain partnerships with the following entities:

- Oklahoma Conservation Commission – OCC may be able to assist the Commission with erosion control, streambank stabilization, water quality monitoring projects.
- Oklahoma Water Resources Board – OWRB may be able to assist the Commission with water quality monitoring projects.
- Oklahoma Department of Environmental Quality – ODEQ may be able to assist the Commission with education outreach for permitted activities and health and public safety improvements.
- Oklahoma Department of Wildlife Conservation – ODWC may be able to assist with health and public safety improvements and water quality monitoring projects.
- Natural Resources Conservation Service – NRCS may be able to assist the Commission with erosion control and streambank stabilization projects.
- United States Geological Survey – USGS may be able to assist the Commission with water quality monitoring projects.

I will continue to include the Commission on Clean Water Act funding announcements distributed by my office and will inform Mr. Fite when other opportunities arise. If you would like additional information regarding Clean Water Act Programs, please contact Jennifer Wasinger of my staff by phone at 405.530.8997 or email at jlwasinger@owrb.state.ok.us. If I can be of further assistance, please do not hesitate to let me know. Thank you again for your dedication to protecting Oklahoma's Natural Resources.

Sincerely,



Miles Tolbert
Secretary of the Environment

Cc: Mr. George R. Stubblefield, Adair County, Representative
Mr. Ed Fite, Administrator

ED FITZ
ADMINISTRATOR



BRAD MONNEY
GOVERNOR

STATE OF OKLAHOMA
OKLAHOMA SCENIC RIVERS COMMISSION

August 24, 2005

Janet Wilkerson
Peterson Farms
P.O. Box 248
Decatur, AR 72722

Ms. Wilkerson:

At the August 2005 regular meeting of the Oklahoma Scenic Rivers Commission, a Scenic Stream Watershed Coordination and Management subcommittee was established, with the express purpose of seeking funding for the following:

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Thank you in advance for your consideration of this funding request.

A handwritten signature in dark ink, appearing to read "George R. Stubblefield".

George R. Stubblefield
Adair County, Oklahoma Representative
Oklahoma Scenic Rivers Commission



Janet Wilkerson
V P Human Resources
250 South Main Street
P.O. Box 248
Decatur, AR 72722
Phone (479) 752-5299
Fax (479) 752-5678



September 14, 2005

Steve Randall
Delaware County, Oklahoma Representative
Oklahoma Scenic Rivers Commission
P.O. Box 292
Tahlequah, Oklahoma 74465-0292

Re: Response to Commission Request for Private Funding for Conservation Programs

Dear Mr. Randall:

I am pleased to respond to your recent correspondence soliciting public donations and participation in conservation projects in support of the Illinois River and its tributaries. I have been authorized to provide you this response on behalf of my employer, Peterson Farms, Inc., as well as Tyson Foods, Inc., Simmons Foods, Inc., George's, Inc., Cargill Turkey Production, L.L.C., and Willow Brook Foods, Inc.

In early July 2004, several of these poultry companies submitted a proposal to the State of Oklahoma to undertake a number of initiatives in the Illinois River Watershed that would have provided significant benefits to the State's environment and economy. This proposal was rejected; however, the companies have determined to move forward with their initiatives. The companies recognize that there are other avenues through which they can pursue the good works they have been proposing. Given the jurisdiction of the Oklahoma Scenic Rivers Commission over the scenic rivers within the Illinois River Watershed and its mission to protect the waters of the streams and Lake Tenkiller, the companies propose to take steps in support of the OSRC's recent request from Chairman Stubblefield. They hope that their offer will set a precedent for other landowners, industries and municipalities within the Illinois River Watershed to follow.



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The companies offer the following donations and initiatives to the OSRC subject to: (i) agreement with the Commission on timing and implementation; (ii) verification that funds donated by the companies will remain within the control of the OSRC; and (iii) the adoption of an acceptable Resolution by the Commission accepting and acknowledging the following:

1. Protection of Riparian Zones and Reduction of Stream Bank Erosion

One of the greatest threats to the Illinois River and Lake Tenkiller is the continual erosion and loss of soil from stream banks due to improper clearing of vegetation along stream banks, often times to allow cattle direct access to the streams. Studies, both nationally and locally have proven that the proper management of riparian lands has a very significant role in reducing non-point source pollution of streams.

The companies also recognize that funding from federal and state sources to address these conservation needs has been seriously lacking. The companies will assist in the promotion and advancement of responsible riparian land management for the benefit of the Illinois scenic river system, and are therefore willing to commit to the following:

For the Oklahoma portion of the Illinois River Watershed, the companies will donate \$500,000 over four years to the OSRC to be administered by the OSRC for the purpose of erosion control and acquiring riparian lands through whatever means it deems appropriate. The companies will also commit to working with the OSRC to encourage riparian landowners to participate in the OSRC's programs.

For the Arkansas portion of the Illinois River Watershed, the companies will make a comparable \$500,000 donation over the same four year period to support erosion control measures and the acquisition of riparian lands in Arkansas. The companies have not determined what entity should administer these funds in Arkansas, but they will ensure that the recipient of the funds is experienced and capable of fulfilling its role in keeping with the OSRC's objectives.



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2.Mitigation of Recreational Impacts to the Illinois River

The Illinois River is also under ever increasing pressure due to the utilization of the river areas by floaters, campers and tourists, and that the lack of adequate toilet facilities for these visitors is resulting in detrimental impacts to the River and Lake Tenkiller. The companies recognize that current state funding is inadequate to meet the need for sufficient rest room facilities in the recreational corridors. Therefore, the companies will assist in addressing these sanitation and environmental concerns by donating \$100,000 over four years to the OSRC to be administered by the OSRC for the purpose of constructing, installing and maintaining additional restroom facilities for visitors along the Illinois River. The companies will commit to discussing with the OSRC at the end of the four-year term the potential continuation of the program.

3.Other Environmental and Conservation Programs

Pursuant to the Oklahoma Scenic Rivers Act, the OSRC has the jurisdiction and authority to address practices and conditions within the Illinois River Watershed that have the potential to adversely affect the conditions of designated stream segments. The companies also recognize that the current funding levels for the OSRC are inadequate to allow it to achieve its statutory objectives. Therefore, the companies will donate \$500,000 over four years to the OSRC to be administered by the OSRC for the purpose of promoting and implementing sound environmental practices within the Illinois River Watershed for the protection of the river and its tributaries. The companies recognize that the OSRC will have the absolute discretion to determine how the donated funds will be expended in order to achieve the stated purpose of the donation.

In sum, the companies offer to donate \$1,100,000 to the OSRC and \$500,000 to an Arkansas entity over the next four years to promote and effectuate improved environmental conditions with the two-state area of the Illinois River Watershed.

4.Promotion of Alternatives to the Land Application of Poultry Litter

The Illinois River Watershed is an active area of poultry production and the poultry industry is a major element in the economy of this region. Poultry litter, like all fertilizers and soil amendments must be managed responsibly by the end users for the protection of



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the environment. The companies' position is that they and the independent contract farmers comply with the legal requirements for the utilization of poultry litter, and that these practices, as designed by the regulatory agencies that promulgated them, are protective of natural resources. Nonetheless, as a demonstration of their good faith, the companies are willing to voluntarily commit to developing and implementing a program to encourage and facilitate the reduction in the volume of poultry litter land applied in the Illinois River Watershed. This program will be available to company-managed farms as well as farms owned and operated by the independent contract poultry growers. The companies expect to achieve the objectives by the following means:

- Dissemination of information about the program to every poultry farmer within the Watershed;
- For farmers who wish to participate or otherwise have litter they cannot utilize in compliance with either Oklahoma or Arkansas-approved Nutrient Management Plans, and who are willing to transfer their litter into the program, the companies will accept the litter for alternative utilization;
- Provide alternative utilization of the litter so received through a variety of means, which may include: (i) transportation out of the Watershed to locations where the litter may be utilized as fertilizer; (ii) transportation to facilities for conversion of the litter into commercial organic fertilizer for wholesale and retail markets; (iii) transportation to facilities for conversion of the litter to organic compost for wholesale and retail markets; and/or (iv) transportation to facilities that will burn the litter for energy production.

The companies will provide the capacity to handle litter received from the poultry farms in the Watershed according to the following time table and volumes:

Year 1	90 Million Pounds (45 k tons)
Year 2	135 Million Pounds (67.5 k tons)
Year 3	<u>180 Million Pounds</u> (90 k tons)
Total	405 Million Pounds (202 k tons)

The companies estimate that the cost of this program will be approximately \$5,050,000. At the end of the 3-year term of the program, the companies will agree to consult with the OSRC regarding the efficacy and potential continuation of the program.



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V P Human Resources
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Combined, these initiatives represent a commitment by these poultry companies to spend up to \$6,650,000 in the next several years in the Illinois River Watershed in Arkansas and Oklahoma. They hope that you and the Commission will recognize the magnitude and significance not only of the financial contributions the companies are prepared to make in response to Chairman Stubblefield's request, but also the initiatives which the companies are prepared to voluntarily undertake. If you are interested in pursuing these proposals, please contact me, and I will put you in touch with those representatives of the companies who can work with you to resolve all of the details.

Very truly yours,

Janet Wilkerson, Vice President
Peterson Farms, Inc.

cc: Rick Stubblefield, Chairman
Oklahoma Scenic Rivers Commission (via facsimile)

DRAFT

RESOLUTION

On August 24, 2005, the OSRC requested assistance and donations from the public and private sectors for funds for several projects which are essential to preserving and improving water quality in Oklahoma Scenic Rivers including streambank stabilization projects, erosion control projects, the acquisition of riparian easements and health and public safety improvements along Oklahoma scenic streams within the jurisdictional boundaries of OSRC.

Because the OSRC recognizes that the protection of water quality in the Scenic Rivers requires a coordinated effort involving all stakeholders operating or living within the watersheds of the Scenic Rivers, the request for assistance and donations was sent to numerous landowners, industries, municipalities and government agencies.

On September 5, 2005, the OSRC received the first response which included an offer of donations. That response came from, Tyson Foods, Inc., Peterson Farms, Inc., Simmons Foods, Inc., Georges, Inc., Cargill Turkey Production, L.L.C., and Willow Brook Foods, Inc. In their response, these companies offered substantial donations and further pledged to implement a program designed to substantially reduce poultry litter applications in the Illinois River Watershed.

Upon the recommendation of the Scenic Stream Watershed Coordination and Management Subcommittee, the OSRC hereby accepts and approves these companies' proposal as follows:

1. OSRC accepts the companies' generous gift of \$500,000 for riparian easements and streambank erosion programs over a four-year period, to be administered by the OSRC for the purpose of erosion control and acquiring riparian funds through whatever means it deems appropriate.
2. OSRC accepts the companies' generous gift of \$100,000 over a four-year period for construction, installation and maintenance of additional restroom facilities for the Illinois River.
3. OSRC accepts the companies' generous gift of \$500,000 over a four-year period for promotion and implementation of sound environmental practices within the Illinois River watershed, the OSRC will have absolute discretion to determine how the donated funds will be expended in order to achieve that purpose.
4. OSRC further agrees to disburse the above-described funds annually for the projects and strategies consistent with the goals laid out above.
5. OSRC further commends the companies on the program they have pledged to undertake in order assist poultry growers in the Illinois River in substantially reducing the amount poultry litter applied in the Illinois River watershed. Specifically, the OSRC commends the companies on their stated goals of providing the capacity and means for

DRAFT

accepting and providing alternative utilization for poultry litter voluntarily committed to the program by poultry growers within the Watershed. Under this program, the companies have committed to removing, up to 90 million pounds of litter from the watershed during the first year of the program, up to 135 million pounds of litter removed from the watershed during year two, and up to 180 million pounds of litter during year three. OSRC further agrees to assist these companies in this program by promoting the program, through all agency communication vehicles. Since the companies have agreed to consult with OSRC regarding the potential continuation of the program, OSRC further resolves to support this program through routine announcements via all agency communication vehicles available of the total poundage of phosphorus that has not been land-applied within the watershed through the implementation of this program.

6. OSRC further commends these companies on the commitment of up to an estimated \$5,050,000 in funding support for this litter reduction program for the Illinois River watershed.

7. OSRC commends Tyson Foods, Inc., Peterson Farms, Inc., Simmons Foods, Inc., Georges, Inc., Cargill Turkey Production, L.L.C., and Willow Brook Foods, Inc. for their generous response to the OSRC's request for assistance from the public and private sectors and further hopes that their example will indeed set a precedent for other landowners, industries, and municipalities to follow, along with government agencies.

8. OSRC hereby approves certificates of commendation to be presented to each company for their efforts and financial investment in water quality within the Illinois River Watershed.