LOCAL ENVIRONMENTAL ACTION DEMANDED

The LEADer







Image above shows the Chat Piles and "fines" remaining in the Tar Creek Superfund Site with the FEMA flood layers applied

Image above is the City of Miami OK with FEMA flood layers applied with Neosho River on left and Tar Creek in the middle

24th Tar Creek Conf Features Flood Map



At one point during the conference the attendees held up their programs and then turned to show the federal and state agencies just how much more work needs to be completed at the Tar Creek Superfund site before they will feel safe and more truly protected from the waste spilling through the city of Miami and on down to the Grand Lake o' the Cherokees.



Thriving Earth Exchange and 500 Women Sciences as sponsors of this year's conference made the Flood Map available for 500 residents. If you would like one of the flashdrives, please come by our office to pick one up. On it is the link to the map but also the images that can be seen without internet.

"Those who are researching our issues and working in the area care and stayed afterward to talk to each other about these issues and each other's work." -Lucas Freeman



DUTY TO SERVE

There is an urgency in stopping the flood waters from coming and coming quicker than ever before, There is a harsh reality you live with, the seriousness of this place might feel daunting. You have shared much with me during these decades and these memories flood over me.

What is LEAD Agency doing right now about flooding in and around Miami, OK? We are deeply into surveys and providing ways for your voices, your opinions to be recorded and shared as you find appropriate for you.

The word survey can be both a noun and a verb, since a survey can be a thing for a person to complete by answering questions or one can conduct a survey by asking the questions which will be answered.

Surveys can consist of a series of queries that will result in a whole stacks of answers to then have assembled, correlated and crunched into data that will in our case let the city, the county, or the tribes know how people, who may include the readers, feel about flooding or actually what those who have flooded have experienced. How many times and the ultimate question, what do you want or need help doing or what kinds of financial assistance would make your flood experience become a nightmare you won't have to experience again.

These surveys bring us together. Each allows your choices, your answers to be recorded. Think of these as equalizers. None are better than another.

We believe the answers will empower our city, county and tribes to speak more clearly on your behalf. Both of these surveys give you a voice to be heard, to be valued by local, state and federal agencies.

It seems as if I adopted all of you. I grieve with your struggles and celebrate your coming home and the countless occasions of life we have shared. Yet there are wrongs you all have faced and still ride with silently and perhaps not yet grasping the environmental justice site you dwell in and the consequences it has brought to you.

The metals that rest in your yards, that float down Tar Creek only to be deposited in your neighborhoods and parks, what floats in the air that you breathe is the same as me, but not to the same extent. I go home. Over these 45 years, I go off duty when crossing that Neosho bridge and go home to clean air, soil that has no contaminants as yet.

Service to this community was not assigned but became a duty. To serve and while allowed, know that then surely, "the future will take care of itself," as Andrew Carnegie would say. I just want to do my part in ensuring the future you get will provide for you and your family a safe, dry place to live.

It is like duty calls me to do this work at LEAD Agency. It all gets easier with more hands lifting and if you get 'round to it, signing one of those postcards, filling out the flood survey, telling your story.

—Your Tar Creekkeeper, Rebecca Jim

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ENVIRONMENTAL JUSTICE STARTS WITH YOU

LEAD's Conference Shirt has Meaning



Each year the design for the Tar Creek Conference T-Shirt begins with a reflection of the past year. The historical tribal "winter counts" were decided by consences on the one image that summed up the year that was passing and that image was painted on the tanned deer or buffalo hide to show their history. For us we examine what significant change has occurred, what has been proposed for the future or what have we come to understand is left undone.

Our conference shirts are what we consider our "winter counts" of this place and what has occurred over the last 24 years. This year is no different, as it mimics our map with the topography lines and the chat piles plopped prominently in the design. Our Aspirations for Restoration almost lost. The color of the shirt was chosen as our recognition of the bravery of the Ukranian people and their president's color choice.

We have a few LARGE & XL available for \$10 + \$5 postage.

WATER AND LAW AT TAR CREEK CONTINUING LEGAL EDUCATION FOR OKLAHOMA ATTORNEYS

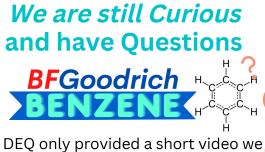
LEAD kicked off this year's Tar Creek Conference with our first ever CLE for attorneys approved for three credit hours by the Oklahoma Bar Association. This dynamic seminar covers the state of Clean Water Act on its 50th Anniversary, the Rights of nature movement in American and foreign courts, and jurisdiction in Indian Country after the McGirt decision. The CLE was presented live in October and is being rebroadcast December 28, 2022. Register for the rebroadcast: http://www.eventbrite.com/e/water-and-law-at-tar-creek-rebroadcast-tickets-480559966797 **Featuring** The Clean Water Act at 50 presented by Kelly Hunter Foster, Senior Attorney for Waterkeeper Alliance. The Rights of Nature and Application to Tar Creek presented by Thomas A. Linzey, Senior Legal Counsel for Center for Democratic and Environmental Rights. Jurisdiction in Indian Contry—Post McGirt Presented by Arvo Q. Mikkanen, Assistant U.S. Attorney and Tribal Liaison for U.S. Attorney's Office-Western District tof Oklahoma.

MORE TO LEARN ABOUT THE BENZENE CLEANUP AT BFG

DEQ and Michelin, the company that bought BF Goodrich will be conducting a remedial action at the site to remove the benzene. LEAD has been asking for a Town Hall to explain how this innovative system works to inform the public.

We were extremely grateful when Diane Pierce organized volunteers who canvassed the neighborhood close to the former BF Goodrich plant to invite them to the Tar Creek Conference.

Those who came specifically for this session left with a single sheet of paper containing few facts. We will continue to ask for a Town Hall open to the public.



DEQ only provided a short video we showed at the Tar Creek
Conference that provided very little information and had no one present to answer questions.
We were all extremely disappointed!

DEMAND ENVIRONMENTAL JUSTICE

KINDEL MAYMI RETURNS

Kindel Maymi has been active with LEAD Agency in various capacities since 2007. She started out as a work study with NEO, moving on to an Americorps-VISTA, then research assistant during the Grand Lake Mercury Study. In 2013 Kindel made the decision to move away from the Miami area after the birth of her daughter. "Knowing the environmental impacts to children, I could not in good conscience raise my daughter where I would be concerned for her safety just to play in the yard." During her time away she served on LEAD Agency's Board and is now a mom of 2.

In October, Kindel rejoined our staff.

"LEAD has always been where my heart is."





NEW WEB DESIGN TAKEN ON BY NAOMI ANDREWS

I have always been mesmerized by water--always drawn to it no matter what form it took.



My grandfather, who was a sailor, helped me understand water is more than just something to drink or play in; it is a force of nature. It has the power to change lives, shape civilizations, or even destroy them. Its absence kills, its presence makes all life possible, and its persistence cannot be denied. But too many people take it for granted and are at risk of being caught off guard by the way the impending global water crisis affects their lives. That's why I can think of no better way to spend my

time than to help the L.E.A.D. Agency spread their message and protect our water, our local ecology, and the people.

I am honored to help redesign L.E.A.D.'s website over the next few months. The goal is to make it more useful and more user friendly. Like any big project, it will take time, and there is no guarantee of smooth sailing--but I know L.E.A.D. 's passion and persistence will help us find our way around or through any rough waters and together we will increase the flow of information for the benefit of all!

Naomi Andrews is an information designer who specializes in make complex information easy to find, understand, and act upon. She is equally fascinated by art and science and has never met a nonprofit she doesn't like. In her downtime she enjoys making people laugh and watching Korean dramas on Netflix.

LEAD FLOOD SURVEY KICKED OFF Buy-in's Osamu Kumasika and Risa Hiser trained Paul Marquez, Cori Stotts, staff members and our survey design team, Carol McCool, LeAnna Reeves, Terri Barnes and Gina Manders to conduct the flood surveys.

Beginning first with people who live in the 100 year flood plain, we have been knocking on doors, making phone calls, placing Facebook notices and putting ourselves out in public to be found. The Miami Civic Center allowed us to sit up two afternoons, while the Rotary Pancake Feed provided space for us to interview attendees. These sessions can bring back memories that seem to flood back onto those participating and we are grateful to each who offer their time in this endeavor.

SPEAK UP SPEAK OUT SAY IT OUT LOUD

Analysis Reveals PFAS Contamination in Ottawa County Waterway Shows Shocking Levels of Contamination

First-of-its kind study by Waterkeeper Alliance found 83% of the waters tested across the country were contaminated by dangerous PFAS chemicals

Waterkeeper Alliance released a groundbreaking new analysis of American waterways that sounds the alarm on a PFAS pollution emergency. In a test of 114 waterways from across the country, 83% were found to contain at least one type of PFAS—dangerous per- and polyfluoroal-kyl substances that are widely linked to serious public health and environmental impacts. A total of 113 local Waterkeepers, including the Tar Creekkeeper and Grand Riverkeeper collected samples from 114 waterways across 34 states and the District of Columbia (D.C.). Independent analysis indicates a shocking level of contamination, with 94 participating Waterkeeper groups confirming the presence of PFAS in their waterways. Waterways in 29 states and D.C. were found to be contaminated by at least one, but most frequently, many revealed the presence of up to 35 different PFAS compounds.

"When we began testing waterways for PFAS earlier this year, we knew that our country had a significant PFAS problem, but these findings confirm that was an understatement. This is a wide-spread public health and environmental crisis that must be addressed immediately by Congress and the U.S. Environmental Protection Agency (EPA). To begin tackling this urgent problem, Congress should start by passing the Clean Water Standards for PFAS Act of 2022, and EPA must prioritize using the funding from the Bipartisan Infrastructure Law to coordinate national monitoring and adopt regulatory standards for PFAS contamination. This report provides the information necessary for federal and state governments to take action and protect the health and safety of our communities," said Marc Yaggi, CEO of Waterkeeper Alliance.

These findings are an important step toward filling in a major data gap and validate the Alliance's call to EPA for increased and widespread monitoring to gain a complete picture of PFAS contamination in all watersheds across the country. Findings from the **Tar Creek** watershed included:

HFPO-DA (GenX) 4.5 < 2 ng/L AND PFOS < 1 ng/L 1.4.

Since at least the 1950s, PFAS have been widely used in manufacturing and are found in many consumer, commercial, and industrial products. Often referred to as "forever chemicals," PFAS do not break down over time. Instead, these dangerous chemicals accumulate in people, wildlife, and the environment. As a result, PFAS have been found in surface water, air, soil, food, and many commercial materials. Scientific studies increasingly link these toxic chemicals to serious health conditions such as cancer, liver and kidney disease, reproductive issues, immunodeficiencies, and hormonal disruptions.

Despite serious health risks, there are currently no universal, science-based limits on the various PFAS chemicals in the United States. For many PFAS chemicals, the EPA has not even set a health advisory limit that would give the public a baseline to determine what amount of PFAS is unhealthy in drinking water. In most cases, the EPA is not doing adequate monitoring for these chemicals, which is why these findings are so unique and important.

This data plainly demonstrates that Congress and EPA must act with urgency to control persistent PFAS contamination across the country. The current lack of oversight puts the health and safety of communities and ecosystems across the nation at risk and results in costly cleanup and treatment activities to remove PFAS contamination after it has occurred. To learn more, visit <a href="water-wate

"Tar Creek already has so many challenges finding these pollutants was disheartening. Not knowing the SOURCE makes it impossible to STOP IT from proceeding on to the Grand Lake o' the Cherokees, a drinking water source for many, including myself," said Rebecca Jim, the Tar Creekkeeper.



FOREVER IS COMPOSED OF NOWS-EMILY DICKINSON

WANT TO HELP LEAD AGENCY?

A man recently came into our office and brought a check for \$1000 to help with our recent efforts centered around flooding. His home is literally only blocks from our office and had been flooded. A few days later a woman knocked on the door with a check for \$100 and was sorry she hadn't brought it earlier! We also received \$5000 from the sale of a prestigious stock that had been donated. LEAD Agency operates with volunteers and donations and grants we receive. You can help our organization by participating in our fundraisers, donating your time, your talent, or by making a personal cash donation or asking your business, your team or family to contribute. LEAD can do more for our community

Owasso HS Env. Science Teacher Donates Dress Worn at Conference

Shannon Chatwin attended the conference and sat on the front row wearing the dress she designed as a teaching tool for her classes. Her Tar Creek begins to flow from an area Nick Shepherd spoke about in his presentation, and continues flowing around and through the chat piles that are loaded with the metals you see on the back of the garment, Pb, Cd lead and cadmium clearly shown. Shannon adds to the flair with makeup she applied. One of our first Mini-Grants to a public school was awarded to this amazing teacher's efforts to bring Tar Creek and our issues into her classroom each year, the grant will be used to provide copies of Kathryn Savage's **Ground Glass** for her students to read during their unit on Tar Creek.



A Reminder:

from our VISTA, Lucas Freeman:

Ground Glass is available through a variety of sources. If you use Amazon, please consider using amazon.com/smile and if you will designate LEAD Agency (Local Environmental Action Demanded) as the benefi-



ciary we can receive a small donation from any of your purchases AND a bit will come as a donation to LEAD from the author and her publisher CoffeeHouse Press. But he also reminds you our local library as a source for great books.

FLOOD SURVEY HOLIDAY GIFT DRAWING

Persons who completed a Flood

Survey with LEAD Agency were entered into a pre-Christmas Drawing for a Large Screen TV and for 2 \$100 Gift Cards. We are extremely thankful to receive these gifts and grateful to each of those who were so thoughtful to complete the survey.

When you shop at **smile.amazon.com**Amazon donates.

Go to smile.amazon.com

amazonsmile

Choose *goodsearch* as a search engine and each search will raise a penny for Local Environmental Action Demanded

<u>∞</u> goodsearch

UNIQUE FUNDRAISER

LEAD's newest board member, **Stephanie Addis** held Yoga classes near Tar Creek this fall and was able to donate \$100 from the registration fees collected from all those who participated!

ENVIRONMENTAL JUSTICE BEGINS WITH US

Is your yard lead safe? What about your unpaved driveway? Testing is FREE!

If high levels are found DEQ will remove it & replace for FREE Call DEQ Hotline to sign up your yard

1-800-522-0206 Save the number!

NFWF UPDATE ~ RAIN GARDEN INSTALLATION

LEAD Agency was awarded a National Fish and Wildlife Foundation grant through the Anthropocene Alliance to construct a rain garden at the Peoria Housing Authority. Over the course of the past few months, we have been hard at work breaking apart the drought-hardened ground and waiting for the necessary pieces. With help from students at Miami Academy, who were inspired by the assistance their instructor Jeff Harlan demonstrated, we were able to carve our a bed for willow trees which can take in excess rainwater, allowing them to grow into a screen for the Peoria Maintenance Barn. We also created a space in front of the existing community garden that will be filled with natural plants and pollinators and a seating area. Our final piece of Earth we shaped was a berm and swale, a cup-like formation on a slope which will collect rainwater, nourishing plants on the berm, and venting excess water away from walking areas. We couldn't have done this without the help from our friends at Miami Academy, and the support of the Peoria Nation Housing Authority. The project is very nearly complete and anyone interested please keep an eye on our Facebook page where we will announce the completion.

The Peoria Housing Rain Garden ~ not yet completed IS A PROJECT OF LEAD AGENCY

WITH ASSISTANCE FROM THE MPS ACADEMY AND NEO STUDENTSBOY SCOUT TROOP 687 AND OUR CHILDREN

FUNDED BY ANTHROPOCENE ALLIANCE AND THE NATIONAL FISH AND WILDLIFE FOUNDATION



Martin Lively has taken the lead on the Peoria Housing Rain Garden Project and has been organizing groups and individual volunteers to do the work at the site. He has been working closely with the garden designer, Kelda Lorax and with her direction on the plant choices that will be flourishing there in the future. The idea was to have a rain garden to deal with the wet conditions near the already established Community Garden but also to provide a cultural component by choosing plants that can be harvested to create baskets, mats and other items from the cattails and many colors of willow. A cistern will also capture rainwater that will provide water for the whole system.

PLANT TODAY ~ HARVEST AND WEAVE ~ TOMORROW

BREAKING NEWS: LEGAL ASSISTANCE

LEAD AGENCY PARTNER VERMONT LAW SCHOOL'S ENVIRONMENTAL ADVOCACY CLINIC CALLS ON FEDS TO PROTECT COMMUNITIES AND NATURAL RESOURCES IN RELICENSING OF PENSACOLA DAM

Just before Thanksgiving, Vermont Law and Graduate School's Environmental Advocacy Clinic filed a comment letter with the Federal Energy Regulatory Commission (FERC) calling for comprehensive analysis of flooding and natural resource impacts in the upcoming relicensing process for GRDA's Pensacola Dam. The Environmental Advocacy Clinic is among the nation's most prestigious environmental law clinics, in which law school students under the supervision of licensed attorney professors represent actual clients before judicial and regulatory bodies. The Environmental Advocacy Clinic has taken on LEAD AGency as a client, and this comment letter is the clinic's first public filing on our behalf.

"Northeastern Oklahoma deserves a transparent and thorough relicensing process for the Pensacola Dam that will address the community's major concerns about this dam's impacts on flooding, public health, and endangered species, especially with escalating climate-driven threats," said Christophe Courchesne, Senior Attorney and Assistant Professor in the Environmental Advocacy Clinic. "Federal law and environmental justice demand solutions."

The dam has played a significant role in exacerbating recent flooding events upstream from the dam along the Grand River and the highly contaminated Tar Creek, one of the country's first Superfund sites — and still one of its most polluted. These events can redistribute toxic sediments and threaten the health and safety of neighboring communities and Tribes, which have experienced harms from toxic pollution originating from long-abandoned lead and zinc mining operations in the area.

"LEAD is honored to be represented by Vermont Law and Graduate School's Environmental Advocacy Clinic, and our comments go to the heart of the environmental problems we are facing due to a festering mega Superfund Site on one end of the watershed and our drinking water lake on the other, with the entire system contaminated," said Earl Hatley, President of LEAD's Board of Directors. "Exacerbating the problems are the lack of communication between the various federal and state agencies in charge, more frequent flooding due to climate change and toxicity of the flood waters."

"The harms flooding has caused the generations here could have been avoided, and the danger of these toxic flood waters linger after being absorbed into the soil and linger long after the waters recede. These are wrongs and the assistance from the clinic in preparing these comments for LEAD also helps us speak for citizens who have experienced these wrongs," Rebecca Jim, LEAD's executive director and Tar Creekkeeper said.

Over the last several years, GRDA has conducted environmental and other studies to support its application to relicense the dam for decades to come under FERC's Integrated Licensing Process and is expected to file a draft relicensing application next month. Despite recent severe flooding events affecting communities upstream of the dam, GRDA is seeking authorization to maintain higher Grand Lake reservoir levels for recreational purposes.

The clinic filed its comments on LEAD's behalf in response to GRDA's most recent study report and presentation to stakeholders. The comments identify serious inadequacies and gaps in GRDA's studies and argue that, during the relicensing process, FERC must take responsibility for comprehensively analyzing upstream flooding exacerbated by the dam; climate change impacts on the dam's operations; levels of toxicity in Grand Lake and upstream watershed sediments; and compliance with the Endangered Species Act for endangered aquatic species and bats affected by the dam.

The comments also discuss the proper interpretation of a rider bill attached to the 2020 National Defense Authorization Act, which GRDA mistakenly cites to avoid responsibility for addressing flooding and other impacts. The clinic and LEAD intend to participate in FERC's relicensing process as it moves forward in the coming months.

Fall 2022 Environmental Advocacy Clinic students Peri Buck, Nick Bondurant, Vanessa Fetter, and Lukas Schnell authored the clinic's comments.

VOLUNTEERS MAKE THE DIFFERENCE

PHOTOGRAPHER JENNIFER LITTLE SCOPE OF WORK WIDENS

This is Jennifer Little's third trip to Ottawa County. She was first captured by the signage in the historic Hot Springs, Arkansas which depicted it as once part of the Quapaw Tribal homeland. She sought to find where the Quapaws were forceably moved and found it to be the site of one of the largest Superfund sites in the Nation. The beautiful wooded lands the tribe left was replaced by tall grass prairie and a bit of the Qzark uplift along the Spring River in northeast Oklahoma. After Oklahoma became a state much of their tribal reservation lands were leased and mined for lead and zinc and when mining played out, their lands were left contaminated with the waste left behind piled on the surface with caverns beneath that left the land subject to subsidence.

The place, the images, the contrasting colors has brought her back. The piles of mine waste we know as chat and the orange water we understand to be our Tar Creek captured her artistic nature.

On this trip, she came to discover more about us, our people and the other issue we face, flooding. All are impacted but we also are surviving. She met that spirit and celebrated the holiday season with us, enjoying Miami's Christmas Tree Lighting and the numerous parades we can load a single Saturday in this county!



Jennifer Little serves as an Associate Professor at University of the Pacific in Stockton, California, where she teaches courses covering Digital Photography, Video Production, Documentary Photography, the History of Photography, and Web Design. Jennifer is Chair of the Art Department at University of the Pacific.

After seeing the photography and video storytelling Jennifer has produced for the environmental disaster of Owens Lake in California, we know that what she sees here at the Tar Creek Superfund site and where our contaminants come to reside in the Grand Lake o' the Cherokees will impact all who see it.

"LANDSCAPE: WHAT IS SEEN? WHAT IS FELT?" — EDWARD FLAHERTY

DIY DAMS ARE NO GOOD ~MARTIN LIVELY, GRAND RIVERKKEEPER

I'm in Chicago for the American Geophysical Union's weeklong conference. Yesterday I escaped the 20,000 people packing the convention center, caught the L, and visited the Garfield Conservatory. I marveled at the variety of palm trees and peered at the tiny succulents. This was an improvement from the crowds, but still I felt the weight of so many people in my mind. I opened the door to the century-old fern room. When I heard water rippling over rocks and spilling into the pool at the room's center my muscles relaxed and I felt the tension slide away.

Standing beside this man-made waterfall under glass and steel I thought about Tar Creek and the magical places where it burbles and talks. Why do some people insist on building dams, on holding back and silencing our creek? Perhaps it's to gather fish in one place for easier catching. Perhaps it's to make a swimming hole. Perhaps it's from boredom.

What can be the harm in making a place to fish, to swim, or finding a way to pass a long, hot summer? Quite a lot, actually.

Blocking the flow of water actively harms fish. In a dammed creek, fish upstream of the dam suddenly have fewer places to find food and fewer places to hide from predators.

Dams fundamentally alter aquatic habitats. Sediments accumulate behind the dam filling the voids between rocks in which fish spawn. By blocking the movement of logs, gravel, and organisms, dams reduce habitat complexity downstream and degrade ecosystem health.

Upstream of the dam, the still water absorbs much less oxygen from the atmosphere than moving water, making it harder for aquatic animals to breathe. The water becomes warmer, and organic matter accumulating behind the dam begins to decay. As bacteria accumulates, it eagerly consumes any remaining dissolved oxygen. This is how a creek dies. One dam plus time.

A dammed creek harms not only its ecosystem, but also people who fish, swim, or drink from the upstream water. Just as fish and sticks build up behind a dam, so does bacteria from animal feces. Without flowing water, these bacteria will thrive. As concentrations grow, they become dangerous to human health. According to the United States Geological Survey, contact or consumption of water contaminated with *E. coli* bacteria can cause meningitis, septicemia, urinary tract, and intestinal infections. A recently discovered strain of E. coli (E. coli 0157:H7) can cause severe disease and may be fatal in small children and the elderly. At Tar Creek, building a dam will increase the concentration of heavy metals, too, increasing the risk to children who swim or play behind a dam.

Damming a creek might be amusing, might create some personal pleasure, but it damages the creek and the animals living in and around it. When we dam a creek, we are poor stewards of our environment, and we endanger any child who cools off by taking a quick swim. A dammed creek

loses its voice, its vitality, its power to soothe and enchant a weary or troubled mind. There's no good reason for any of this. If you see a dam, call us so that we can report it to the authorities. Damming creeks and rivers is illegal and it's wrong.





Dam Busters were on-call this year. Two major ones were removed, not by the BIG BOYS with heavy equipment but one rock at a time with our staff and our mighty volunteer DAM BUSTERS. We discovered one dam and the other was reported by a man I have named "the Man on the Log." Go back on the leadagency.org and read his story in the Tar Creekkeeper blog.

LEAD Agency, Inc. 223 A. St. S.E. Miami, OK 74301

www.leadagency.org

Like us on Facebook





WE WISH YOU A VERY HAPPY NEW YEAR

This motto for the 24th national Envioranmanemal Tar Creek Conference was designed by Dawn Hill's Miami High School Art Class.