

APPROVED

APPROVED

**Oregon Soil and Water Conservation Commission
Regular Quarterly Meeting
April 11-12, 2013
Willow Lake Water Pollution Control Facility
5915 Windsor Island Road N, Keizer, OR 97303**

Thursday, April 11, 2013

Soil and Water Conservation Commission (SWCC) Members Present

Tim Kerns, Vice Chair; Marilyn Rice; Mel Omeg; Jerry Ward; John Morris; Gary Jensen

Oregon Department of Agriculture (ODA) Staff Present

Ray Jandl, Natural Resource Program Area Director; John Byers, Soil and Water Conservation Districts (SWCD) and Ag Water Quality Management (Ag WQ) Program Manager; Manette Simpson, SWCD Program Lead; Eric Nusbaum, SWCD Operations Specialist; Heather Rickenbach, Grants Administrative Officer; Anne Friend, SWCD Program Support

Advisors Present

Jerry Nicolescu, Oregon Association of Conservation Districts (OACD) Executive Director; Bill White, U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Partnership Liaison; Karl Morgenstern, Oregon Association of Resource Conservation and Development (RC&D) Councils President; Lois Loop, USDA Farm Service Agency (FSA) Program Specialist

Visitor Present

Ryan Gordon, Network of Oregon Watershed Councils Executive Director

Call to Order and Introductions

Vice Chair Tim Kerns called the regular quarterly meeting to order at 1:05 p.m. on Thursday, April 11, 2013. Introductions were made.

Approval of Meeting Minutes

The SWCC reviewed the minutes from the February 5-6, 2013, SWCC meeting held in Salem, Oregon.

Jerry Ward moved and Mel Omeg seconded the motion to approve the minutes from the February 5-6, 2013, SWCC regular quarterly meeting. The motion carried unanimously.

Natural Resource Program Update

Ray Jandl provided a brief Natural Resource Program update. He announced Dave Wilkinson has officially retired effective March 31. Dave will continue to work part-time until the end of the biennium. There are currently two vacant limited duration Water Quality positions. These positions will stay vacant until ODA has confirmation the funding for the positions will continue. Dave's position will be filled as soon after July 1 as possible.

The management-to-staff ratio mandate is still an issue; however, ODA is slowly making progress to meet the one-to-eleven ratio needed. ODA's budget is moving through legislative hearings. It will likely be some time in May before final approval. Vacant position recruitment will begin after ODA's budget is approved. There are several pesticide bills ODA is tracking.

Ag Water Quality Management and SWCD Program Update

John Byers reported the open positions in the Ag Water Quality Management (Ag WQ) Program create an opportunity to evaluate each of the position descriptions and make adjustments to meet the current needs of the program. The boundary change for Union and Baker SWCDs is almost completed.

The Smoke Management Program registered 14,728 acres to be field burned and will have 100% allocation. The Shellfish Plat Leasing Program will start transitioning over to Food Safety during the next two years. John noted agricultural burning is still a huge problem. ODA is concerned that agricultural operators should be self-regulating their smoke activities.

The SWCD Director Training sessions that were held in nine locations throughout Oregon went really well and were very well received by everyone attending. With the SWCD Program's capacity increasing, there will be more opportunity for SWCDs to receive guidance and assistance when they need it. John reported most of the Ag WQ and SWCD Program staff would be attending OCEAN's Connect conference April 24-26.

SWCD Program Leader Update

Manette Simpson reported Director Trainings have been a focus of program work for several months. Outreach efforts included calling each of the 45 SWCD managers to encourage attendance. She believes the effort supported other communication methods to ensure both SWCD staff and directors attended. Only 4 of 45 SWCDs did not have at least one person in attendance in person or by webinar. ODA greatly appreciates the SWCC's support of the training, and that each member-attended director training in their areas.

Information regarding the Board of Agriculture's March 2013 resolution to establish and test strategic implementation, was sent to all SWCDs via the SWCD Program's electronic newsletter and OACD's "everyone@oacd.org" list. Work on the SWCD Guidebook was postponed until after the Director Trainings. Manette reported Senate Bill 217 will have a hearing next Tuesday, and ODA will continue to track the bill as requested by the SWCC.

SWCD Operations Specialist Update

Eric Nusbaum reported he has been conducting and will continue conducting micro board trainings now that the Director Trainings are finished. Several SWCDs want to move forward on the long-range business plans. Connect is in two weeks and he is working on a manager's track. Work has resumed on the SWCD Guidebook. Operation reviews will begin in the next few months.

SWCD Grants Administrative Officer Update

Heather Rickenbach reported she emailed the second quarter reports to the SWCC members prior to the meeting. She handed each of the SWCC members a copy of the reports. Two SWCDs have yet to

submit any reports. One of the SWCDs is on a reimbursement only agreement and has yet to receive funds. The other SWCD received only their first quarter payment. ODA has worked with the most delinquent SWCD's manager and the board chair frequently over time. ODA has continued contacting the SWCD with no result. Contact with the other SWCD's manager and board chair has begun and will continue.

Discussion followed on how to proceed with the two SWCDs. Discussion included district accountability, number of years delinquent quarterly reports have been an issue, legally binding contracts, how to handle delinquent SWCDs in the future, ODA providing the SWCDs adequate opportunity to correct the problem, and ODA sending certified letters to the SWCD manager and each board member outlining the problem and a specific deadline to submit all delinquent reports.

Gary Jensen moved and Mel Omeg seconded the motion to recommend for ODA to send a certified letter to the most delinquent SWCD with a two-week deadline to turn the quarterly reports into ODA, or the SWCD will lose the funding, and the monies will be returned to OWEB. The motion carried unanimously.

The SWCC recommended ODA contact the other delinquent SWCD's manager and each of the SWCD board members by phone. The SWCC also recommended ODA send a follow-up letter to the SWCD manager and board members outlining the agreement and deadline to submit the delinquent reports to ODA. The SWCC requested ODA keep the SWCC member informed of the SWCD's progress.

Heather further reported the 2013–2015 biennium grant application packets were sent out in February. The recommended deadline for the Scope of Work and Action Plan to be turned into the SWCD's Regional Water Quality Specialist for review and approval is April 30. This soft deadline is to ensure that SWCDs will have time to get Regional Water Quality Specialist and the SWCD's board approval before the June 30 deadline. June 30, 2013, is when completed and approved packets are due to ODA in Salem. SWCDs will receive the funds requests and Intergovernmental Agreement (IGA) as a confirmation for grant approval.

Ag Water Quality Management Program Presentation

Ray Jaindl read a letter from the Oregon Association of Clean Water Agencies (OACWA) to the Board of Agriculture (Attachment A). This letter was sent in response to the Board of Agriculture's request for comments on their March 2013 Ag Water Quality Management (Ag WQ) Program Strategic Implementation resolution. OACWA is supportive of ODA's focus on a compliance strategy and suggested several areas for improvement they feel should be incorporated to ensure the Board of Agriculture and the Ag WQ Program are effectively protecting Oregon's rivers and streams. Discussion about the variables that contribute to water quality followed. Some entities feel that agriculture isn't going far enough to improve water quality.

The SWCC wants to ensure SWCDs are informed and aware of what other entities are recommending to the Board of Agriculture. The SWCC recommended ODA send the OACWA letter to all SWCD managers to share with their boards.

John Byers gave a PowerPoint presentation about the Strategic Implementation and Focus Areas.

John will be going to each of the agriculture interest groups, such as the Ag Lobby, Conservation Community, and Ag PAC (Ag Program Advisory Committee) to discuss the Board of Agriculture's resolution. There are 43 confirmed Focus Areas statewide. The four Baker County SWCDs will share two Focus Areas.

There are still questions to be answered such as, how is previous water quality work captured, how are assessment results reported in public forums, how are lands that cannot be evaluated visually assessed, and when exactly will the two-year test run process begin? An assessment tool is being developed to assess vegetation condition and livestock impacts along streams on specific Ag lands. A goal could be to achieve a measurable percentage of improvement along that streamside land. The assessments and the goals would be based on land conditions and not in-stream water quality.

ODA is responsible for the Strategic Implementation Areas while the SWCDs will be responsible for identifying and working in the Focus Areas. Focus Area reporting will be completed in an aggregate form to protect the privacy of landowners. The details about what the reporting will look like are still being developed.

The assessment steps are: Step 1, select small geographic areas; Step 2, develop assessment tool, stakeholder/partner/science review; Step 3, prepare base map; Step 4, pre-assessment; Step 5, establish measurable goals; Step 6, partnership phase, outreach, technical assistance, implement project; and Step 7, post assessment. Discussion followed about the Focus Areas, Strategic Implementation Areas and showing that the Ag industry has been making progress. Ray said the goal is to be able to connect land conditions to whole watershed water quality based on current human conditions, not on conditions from pre-European settlement. After an analysis of land conditions we will know a certain percentage has improved and a certain percentage needs to be improved, and that Agriculture has implemented all best management practices possible.

Public Comment

There was no public comment.

Advisor Reports

Natural Resource Conservation Service (NRCS)

Bill White, NRCS Partnership Liaison, reported OWEB, NRCS, ODA, and OACD discussed mutual efforts addressing Ag water quality in Oregon at the Oregon Technical Advisory Committee meeting in early April. The intent was to demonstrate each agency's efforts and opportunities for integration with the ODA Ag WQ Program. Discussions consisted of how each group fits together and the types of collaboration needed to work towards a common goal. Bill also explained that NRCS in Oregon is currently looking at a restructuring process to address budget and staffing levels. They are continuing to look for opportunities and efficiencies. The process will be transparent and is ongoing. The restructuring process is not expected to be a drastic change but an adjustment process and will take time to put into place. The NRCS field offices will be looked at for efficiencies. Budget sequestration and the continuing resolution have affected NRCS's budget.

Oregon Association of Conservation Districts (OACD)

Jerry Nicolescu, OACD Executive Director, is continuing to watch the legislative process and has testified at hearings for legislation that effects SWCDs. OACD has testified on House Bill 2173,

2516, and 2396. There is concern about House Bill 2516, which would take money from the Oregon Watershed Enhancement Board (OWEB) to fund all Oregon 6th graders for one week at an outdoor school every year. If fully implemented, the effort could cost 12 to 17 million dollars. OACD testified against this Bill as not being the appropriate venue for addressing outdoor schools. The Bill is currently sitting in the Ways and Means Committee and has nonpartisan non-support. OACD, OWEB, and the Network of Oregon Watershed Councils hold a legislative phone conference every Friday to keep partners updated and informed.

Jerry complimented ODA on the Director Training sessions. OACD participates in the sage grouse listing and habitat recovery issue. Harney SWCD is deeply involved in the issue and has indicated the SWCD would like to be the sponsoring entity for ranchers wishing to be part of a Conservation Agreement with Assurances (CCAAs). A letter requesting support for the continuation of Pacific Coastal Salmon Recovery Funds (PCSRF) was sent to Senator Merkley. The Senator has been very supportive of continued PCSRF funding during subcommittee discussions.

Jerry reminded the SWCC the Annual OACD Meeting and Convention will be held November 6-8, 2013, in Newport. There will be training and interesting discussions for directors, staff, and partners.

Farm Services Agency (FSA)

Lois Loop, FSA Program Specialist, touched quickly on the budget and the two percent additional budget reduction on top of the sequestration. Instead of taking money out of programs that had already made payments, the money will be coming out of programs that have yet to make payments. There is a shortfall and hopefully the impact will be small to the landowners. FSA just received 1.3 million dollars for additional fences that was part of the emergency funding for the wildfire victims in eastern Oregon. FSA will be able to pay 75% of the expenses as they had previously estimated.

Lois reported Conservation Reserve Program (CRP) signup would be May 20 through June 16. There is new FSA software being installed nationally. The total training is comprised of four online modules followed by one-week of hands-on training. Klamath County is near drought status and FSA will be watching closely for further developments in that part of Oregon.

Resource Conservation and Development (RC&D) Councils

Karl Morgenstern, Oregon Association of RC&D Councils President, reported that of the six Oregon councils currently two councils are in hibernation, two are struggling, and two are doing really well bringing in and working on projects. RC&Ds are leading an effort to better align multiple entities with energy efficiency, water quality and quantity, and other programs to see what synergy can be developed from the groups. The goal is to have a system that allows a landowner to find and use different resources easily. The east side works really well with the SWCDs. The west side is trying to get more involved with the SWCDs.

Network of Oregon Watershed Councils

Ryan Gordon, Network of Oregon Watershed Councils Executive Director, gave the SWCC a brief background of his career; Ryan came from Oregon State University's College of Forestry where he gained experience in community and stakeholder outreach, as well as the development and delivery of technical resource materials using a variety of media. He joined the Network as the Outreach and Education Director in September 2012, and became the Executive Director in March of 2013. Ryan is

currently sharing office space with OACD. This arrangement has been helping the Network get organized. Another focus is trying to build and rebuild partnerships that were damaged in the past and need to be strong in the future. Councils need to be looking for partners to help be more proficient and collaboration is definitely a direction that watershed councils and partners are moving. Ryan will be attending the first day of CONNECT; unfortunately, the Network's board meeting is during the same timeframe. He is working to get a newsletter together that will update councils and partners and will communicate what is happening that needs to be shared for more collaboration. The Network is looking at ways to get training and information to the councils that is similar to the SWCD Director Training.

Discussion followed about the need to work well together because conservation goals are similar and resources are limited.

Vice Chair Tim Kerns recessed the meeting at 4:26 p.m. to reconvene on Friday, April 12, 2013, at 8:30 a.m.

Friday, April 12, 2013

Soil and Water Conservation Commission (SWCC) Members Present

Tim Kerns; Marilyn Rice; Mel Omeg; Jerry Ward; John Morris; Gary Jensen

Oregon Department of Agriculture Staff Present

John Byers, Manette Simpson, Eric Nusbaum, Heather Rickenbach, Anne Friend

Advisor Present

Jerry Nicolescu, Oregon Association of Conservation Districts (OACD)

Visitor Present

Gene Foster, Oregon Department of Environmental Quality (DEQ), Water Quality Division, Watershed Management Unit Manager

Call to Order and Introductions

Vice Chair Tim Kerns reconvened the regular quarterly meeting at 8:30 a.m. on Friday, April 12, 2013. Introductions were made.

SWCC Member Reports

Tim Kerns reported the Local Advisory Committee (LAC) meeting in his area was a difficult meeting. He also reported that the Director Training in his area was well received.

Marilyn Rice reported the weeklong Resources and People (RAP) Camp would be held again this year. Environthon is used by the Oregon Future Farmers of America (FFA) as the qualifying event for the national competition. This year's theme is on range management. She is strongly supportive of youth activities as they are important for future conservation efforts. She is also supportive of the efforts of three Oregon Department of Environmental Quality (DEQ) employees. They have been very helpful and resourceful while working with rural and urban water issues in Jackson County. Examples include contributions to the Water for Irrigation, Streams and Economy (WISE) project,

the Regional Problem Solving (RPS) Project to address urban growth while preserving ag, forests and open space, and the Inland Rogue Ag Water Quality Management Area.

John Morris reported he attended the Director Trainings in Pendleton and John Day. The most successful item of the training was the open conversation and presentation on water quality. There were tough questions asked and were answered well by John Byers. SWCDs are working hard to gain credibility with landowners. When landowners can see their neighbor's riparian areas looking good, without hurting their operation, then they in turn are getting interested in trying to repair their own land. Landowners have a difficult time maneuvering through the red tape and are very sensitive to government regulations.

Mel Omeg reported the Wasco County SWCD is one of the two SWCDs chosen for the Strategic Implementation Area test run. Wasco County has ninety-seven percent no-till agriculture land. The SWCD takes an aggressive role to help landowners and has had a lot of success. NRCS and FSA have been very helpful in securing funding for the work on the ground. The SWCD will be doing their best to evaluate the appropriate technical assistance to work well with landowners in the Strategic Implementation Area. The SWCD is aware of how critical it is for them to implement the Strategic Implementation Area effectively and assist in developing a successful statewide process.

Gary Jensen reported he attended the Director Training and it went well. The Upper Willamette SWCD is working collaboratively with Eugene Water and Electric Board and others on a project to protect water quality in the McKenzie River. This group is trying to find incentives to get landowner participation. There are many entities that are involved in this project. The SWCD is collaborating with the Forest Service to protect water quality through the Stewardship Partnership Program, which has been successful but is expiring in September. The SWCD is trying to get 501(c)(3) non-profit status. This status would provide opportunities for many types of grant funding.

Jerry Ward reported he attended the Ag Progress Awards and Dinner. Jerry Nicolescu and OACD were recognized as a partner and it was a great presentation. Jerry also reported the Director Training session that he attended was full of good information and there was a lot of good conversation. He felt it was beneficial for everyone.

Oregon Department of Environmental Quality (DEQ)

Gene Foster, DEQ Watershed Management Unit Manager, updated the SWCC regarding current issues his section is addressing. The Watershed Management Unit programs include total maximum daily load (TMDL) development, nonpoint source pollution, nonpoint source 319 grants, and the source water protection program. This unit also works closely with the Pesticide Stewardship Program and with ODA's Ag Water Quality Management Program. DEQ is also working with Oregon Department of Forestry (ODF) on the Forest Practices Act regarding water quality on non-federal forests.

Water quality outcomes are a big issue right now. There is a lot of coordination among agencies to ensure they are not working at cross-purposes. Both ODA and DEQ have statutory authorities they work under to protect and improve water quality, including Oregon Revised Statutes and Oregon Administrative Rules. A recent court decision on a lawsuit filed by the Northwest Environmental Advocates (NWEA) organization gives the Environmental Protection Agency (EPA) 120 days to

reconsider approval of the natural conditions temperature criteria. This is going to present a problem for the streams that have a natural conditions criteria. DEQ feels very strongly that it is important to have the natural conditions criteria. DEQ is currently working to figure out what the criteria for natural conditions would be and still meet the Clean Water Act and will be working closely with EPA.

When asked what the SWCC could do to help DEQ, Gene answered the SWCC could help by talking to SWCDs and landowners to encourage them to work with DEQ and other agencies to improve water quality by improving land conditions. Gene agrees that Strategic Implementation and Focus Areas is a good way to collect data and show Ag improvements, which will benefit all areas, not just agriculture. All of the agencies that have been working collaboratively are interested in how the water quality is responding, and then determining whether the work should continue because the project work is making a difference, or if the work needs to be changed to make the water quality improvements that are needed.

DEQ is at risk of losing the 319 grant funding because of the Coastal Zone Act reauthorization settlement agreement. Gene explained that DEQ's role is to determine the trend of temperature and other pollutants to be informative about whether implementation work is improving the water quality or not. ODA's current Strategic Implementation and Focus Area approach is going to help DEQ show agriculture is participating in improving water quality, they are contributing to improvement, and water quality is in fact improving. The difficult part is connecting project funding to what it was used for and the outcome of that work.

Discussion about all of the programs and projects and how water quality is impacted followed. The SWCC expressed appreciation for DEQ providing an update.

Follow-up Assignments

- ODA will:
 - Work with Stephanie Page and Barbara Boyer to develop a draft Strategic Plan to be revisited at the July SWCC meeting.
 - Add a July meeting agenda item to discuss the SWCC partners' role and expectations.
 - Add a July meeting agenda item for Gene Foster to give a water quality update.
 - Consider having SWCC meetings in different parts of the state, beginning in 2014.
 - Continue to provide Strategic Implementation and Focus Area updates.
 - Send a copy of the letter from the Oregon Association of Clean Water Agencies to all SWCD managers.
 - Follow SWCC recommendations to work with the two delinquent SWCDs, report progress at the July SWCC meeting.

Future Meeting Dates and Locations

- July 30 and 31 – Strategic Plan work session Tuesday morning; regular meeting afternoon and morning sessions, in Salem.
- November – in conjunction with OACD Annual Meeting and Conference in Newport.

Vice Chair Tim Kerns adjourned the meeting at 10:10 a.m.



Working with more than 90 community wastewater treatment agencies to protect Oregon's water
107 SE Washington, Suite 242
Portland, Oregon 97214
(503) 236-6722 www.oracwa.org Fax (503) 236-6719

7 March 2013

Chair Doug Krahmer & Board of Agriculture Members
Oregon Department of Agriculture
635 Capitol Street NE
Salem OR, 97301

Dear Chair Krahmer and members of the Board of Agriculture:

We appreciate the attention and focus of the Board and Department of Agriculture in its ongoing discussions to consider improvements in the Oregon Agriculture Water Quality Management Program – SB 1010.

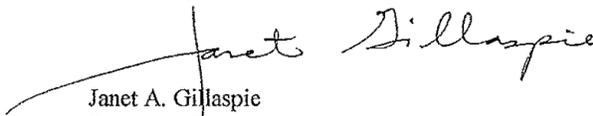
We have reviewed the draft resolution before the Board and applaud its focus on incorporating an overall compliance strategy, including agency-initiated site inspections and its reliance on an overall monitoring and reporting program. The use of selected geographic areas should allow the necessary partnerships for improving water quality to continue to develop.

We would suggest some areas for improvement including:

- Incorporating a schedule for overall implementation of the strategic program implementation with key milestones identified, including reports to the Board.
- Adding some additional details on the selection of priority areas and a schedule for working with local area landowners in the priority areas.
- More robust monitoring is needed beyond landscape conditions. While the use of landscape conditions as a surrogate for direct measurement of compliance with water quality standards is appropriate for some water quality parameters such as temperature, additional pollutants impacted by agricultural operations, including nutrients and pesticides, require actual measurements, and that monitoring information should be incorporated into the overall monitoring plan.
- DEQ development of "Implementation Ready" TMDLs should be highlighted in the document, and incorporated into the strategic program implementation, when appropriate.

Thank you for your time and the focus of the Board and Department on making improvements to the SB 1010 process to ensure that the program is effectively meeting its intended purpose - - protecting Oregon's rivers and streams.

Very Truly Yours,


Janet A. Gillaspie
Executive Director

Paul Eckley, Chair

Stephanie Eisner, Vice Chair

Ron Bittler, Secretary/Treasurer