

**APPROVED**

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**Oregon Soil and Water Conservation Commission  
Regular Quarterly Meeting  
February 10-11, 2014  
Willow Lake Water Pollution Control Facility  
5915 Windsor Island Road N, Keizer, OR 97303**

**Monday, February 10, 2014**

**Soil and Water Conservation Commission (SWCC) Members Present**

Chair Barbara Boyer; Vice Chair Tim Kerns; Gary Jensen; Mel Omeg; Marilyn Rice.

**Oregon Department of Agriculture (ODA) Staff Present**

Ray Jandl, Natural Resource Program Area Director; John Byers, Soil and Water Conservation Districts (SWCDs) 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; Kevin Fenn, Ag WQ Program Compliance Lead; Sheila Marcoe, Program Monitoring Specialist; Ryan Beyer, Ag WQ Specialist; Jo Morgan, Ag WQ Specialist.

**Advisors Present**

David Simmons, Oregon Association of Conservation Districts (OACD) President; Meta Loftsgaarden, Oregon Watershed Enhancement Board (OWEB) Deputy Director; Jim Cathcart, Oregon Department of Forestry (ODF) Cooperative Forestry Manager.

**Visitors Present**

Keith Baldwin, ODF; Karin Nembach, Polk SWCD.

**Call to Order and Introductions**

Chair Barbara Boyer called the regular quarterly meeting to order at 12:11 p.m. on Monday, February 10, 2014. Introductions were made and SWCC members gave brief backgrounds for the new attendees.

**Special Presentation: Oregon Department of Forestry**

Keith Baldwin presented the SWCC with an outline of the forestland conversion process. ODF and partners, with fellow state agencies, assist landowners when they are converting from forestry to another land use. Keith reviewed the Memorandum of Agreement (MOA) that ODF has with the Department of Environmental Quality (DEQ), Department of Land Conservation and Development, Oregon Department of Fish and Wildlife, Department of State Lands, ODA, and Oregon Parks and Recreation Department. The Forest Practices Act (FPA) applies regardless of land use, zoning, or local ordinances. Keith explained the complicated differences of the ODF authorities and the other elements of the MOA and the FPA. When converting land uses, there is a process of communication that must be completed to ensure the coordination is done correctly. Landowners wanting to convert to other activities, such as changing to agriculture, must get approval from the agency that has regulation over that activity. The landowner has to have written forms, plans, and approvals before a land use change can occur. Once the land use change is approved, the landowner

has 12 months to protect soil productivity and control erosion (e.g., vineyard, Christmas trees, etc.). ODA does some assessments when a notification is received to make sure that outreach is conducted or conducts site visits, when necessary, to ensure the conversion process is in compliance with the local agriculture or other regulations. A landowner must show progress towards future use within 12 months, complete the conversion within 24 months, and maintain it for at least six years. Discussion followed about the different aspects of the process for landowners, (e.g., after a wildfire, flood, etc.). ODF strongly encourages landowners to talk to ODF to ensure they are in compliance.

### **Approval of Meeting Minutes**

The SWCC reviewed the minutes from the November 5, 2013, SWCC meeting held in Newport, Oregon. Two corrections were noted and these corrections will be made to the November minutes.

**Mel Omeg moved and Tim Kerns seconded the motion to approve the minutes with corrections from the November 5, 2013, SWCC regular quarterly meeting. The motion carried unanimously.**

### **Natural Resource Program Area Update**

Ray Jaindl gave a brief update on recruitments for the Natural Resource Program Area; two new water quality staff members started today and are in attendance at this SWCC meeting; the water quantity position has been offered to a successful candidate; and the last water quality position is open currently. He gave a brief update on the Pesticides Program and their ongoing issues, such as how to treat bed bugs. Harney SWCD is working with landowners and U.S. Fish and Wildlife Service; landowners want their information to be private and not accessible by the public; State Representative Bentz has introduced House Bill (HB) 4093 to address this issue; HB 4093 was heard by the legislature last week; landowners are fearful of acknowledging that an endangered species is on their land because of the controls that could be imposed on them.

The Coastal Zone Act Reauthorization Amendment of 1990 (CZARA) was enacted by Congress to encourage states to reduce nonpoint source pollution in coastal watersheds. As the result of a legal challenge, the National Oceanic and Atmospheric Administration (NOAA) and the Environmental Protection Agency (EPA) were required to review Oregon's program and have issued a proposed determination that the State of Oregon has failed to submit an approvable Coastal Nonpoint Pollution Control Program. ODA will submit comments explaining the extensive work being carried out under the Ag WQ Program, as well as through our partners, that address water quality issues on agricultural lands in the Coastal Zone Management Area. If the NOAA/EPA determination stands, the result will be a loss of federal funds appropriated to DEQ and Department of Land Conservation and Development until an approved program is in place. Ray provided the SWCC with two documents explaining in detail the CZARA requirements and key points for written comments. Public comments are being accepted on the proposed determination through March 20, 2014.

### **SWCD and Ag Water Quality Management Programs Update**

John Byers gave a PowerPoint update on the Strategic Implementation Areas, the progress that has been made, and where the Ag WQ Program is headed; discussion followed about how to track the monies and time being spent by the SWCDs. John is meeting with the SWCDs, Board of Agriculture, Ag Program Advisory Committee, Connect, and the conservation community to continue moving forward. The vendor will no longer support the current GIS software that SWCDs

are using; ODA is looking at obtaining contracts with sister agencies to get GIS capability for the SWCDs; this would be a value added capacity for the SWCDs.

Discussion followed about what is public information and what is not in the compliance assessments. Kevin Fenn explained that complaints are not anonymous, there has to be a name with the complaint; if a valid complaint is received and the landowner won't let the Ag WQ Specialist on the land, ODA has to get a warrant to enter the property; concern was expressed about misconception or misinformation possibly occurring, such as an aerial picture being taken at different times of the year and decisions being made according to the aerial maps, when in fact something else could be the case with that property. A big challenge will be how to deal with things that exist such as blackberry vines, roads alongside streams, reed canary grass that won't let other things grow, etc.; these things are a big concern for ODA and other interested parties; discussion followed on how to accomplish getting compliance, and the complaints that could come in and how they should be handled.

#### **SWCD Program Lead Update**

**Manette Simpson** highlighted several accomplishments of the SWCD Program during 2013; Director Training was successful last year and will be held again next year in 2015; the Scope of Work (SOW) process was streamlined; the SWCC Strategic Plan was revised and updated; and the SWCD Guidebook was completely updated. Manette provided a handout showing her progress to visit all SWCDs; she has three left: Polk, Fort Rock/Silver Lake, and Lakeview.

#### **SWCD Operations Specialist Update**

**Eric Nusbaum** gave a brief report of his activities over the last few months. He has been working on the Natural Resource Program Area website; has done several Long-range Business Plan meetings; attended multiple annual meetings; facilitated a couple of board trainings and one staff training; along with personnel policy reviews for three SWCDs. Eric will be conducting a mid-term Director Training for any directors that were appointed since last year's director training. Also, he will be doing one-on-one assistance with several SWCDs that have requested board training which are the modules that were presented during the year's Director Training.

#### **SWCD Grants Administrative Officer Update**

**Heather Rickenbach** reported she is currently reviewing the second quarter reports and processing the funds requests. A handout was provided with the tracking for the SOW, annual reports, and audits; SWCDs have been using the new SOW reporting format for six months; only two SWCDs did not understand why there was redundancy in the reporting for the district-wide tasks and the focus area task, which is to track the accomplishments in the focus area separately; progress made by SWCDs on the focus areas will be reviewed at the March ODA Ag WQ Team Meeting. Heather reported that 41 SWCDs have submitted both the annual reports and audits; two SWCDs have been granted ODA extensions for the annual report and two have received official Secretary of State extensions for the audit. Heather will provide information on director elections at the April SWCC meeting.

#### **Public comment**

Chair Barbara Boyer asked for public comment; no comments were provided.

### **SWCD Program Funding Policy**

Manette presented a funding policy request to the SWCC proposing that SWCDs must have a current Long-range Plan on file with ODA to be eligible to receive SWCD Support Grants. ODA is asking that these plans also be linked to the Support Grant funding beginning in 2015. Current Long-range Plans have not been required in the past due to capacity of the SWCD Program, and ODA now feels that they will be able to provide the technical assistance to help SWCDs accomplish this; having a Long-range Plan is a statutory requirement and needs to be tracked. There is concern about the SWCDs being able to meet the requirement by the start of the 2015-17 biennium; discussion followed; concern about a standardization of long-range plans was discussed and if there should be training for directors; ODA has been facilitating discussions with SWCDs to help them get their Long-range Plans developed or updated; some SWCDs have asked for ODA's Long-range Business Plan template developed by Eric. The template is very basic and provides the essential business elements for a SWCD; SWCDs are welcome to modify the template. Eric reviewed his process to help the SWCDs complete their plans when they have requested his assistance; discussion followed on how SWCDs could comply with this requirement and how the SWCC should recommend that ODA proceed.

**Marilyn Rice moved and Tim Kerns seconded the motion for the SWCC to continue the policy discussion stipulating that in order to receive the SWCD Support Grants, SWCDs would be required to provide ODA with a current long-range plan as outlined in Oregon Revised Statute 568.554; and prior to the next SWCC meeting in April 2014, ODA will conduct outreach to alert SWCDs of this pending SWCC discussion. Motion carried unanimously.**

Any SWCDs with concerns should talk to their SWCC member before the April SWCC meeting.

### **Advisor Reports**

#### **Oregon Department of Forestry (ODF)**

Jim Cathcart gave a brief update on ODF trainings. There is a leadership academy Saturday, February 15 in Corvallis that is part of the Partnership for Forestry Education program and is designed to help improve the capacity of nongovernmental entities. ODF has lost funding to help landowners and now has a memorandum of understanding (MOU) with Natural Resources Conservation Service to help landowners access available cost share and in completing their Forest Practices Act requirements. Senate Bill 1514 is addressing wildfires and ODF is engaged and providing information.

#### **Oregon Watershed Enhancement Board (OWEB)**

Meta Loftsgaarden reported that OWEB would be awarding the grants at the OWEB Board meeting April 29-30. OWEB is in a pretty good spot on funding at the moment; five acquisition applications came in and four were recommended for approval; local SWCDs have been providing assistance during the site visits that OWEB has been conducting; focused investments and operating capacity is the focus of the OWEB Board currently; OWEB is holding public meetings on the focused investments and formal hearings on the operating capacity and funding of the 64 watershed councils. 2015 will begin the requirement for watershed councils to have action plans; the action plans are varied in size and scope based on the variety of work that they do. Sometime over the next year the OWEB Board will be taking applications for the money that is allocated for the focus areas; these focus investment applications are going to have high functioning partnerships; applicants will

have to meet many stringent requirements to get the funding; there will also be a two-year funding process to help get strategic action plans in place for a focus investment application.

### **SWCD Program Strategic Plan**

Eric presented the SWCD Program's updated Strategic Plan; changes were made to the milestones for the current fiscal year; Eric explained the newsletter that ODA sends out would be used only for information that is really important and not for monthly news.

Chair Boyer adjourned the meeting at 3:40 p.m. to reconvene in the morning at 8:30 a.m.

## **Tuesday, February 11, 2014**

### **Soil and Water Conservation Commission (SWCC) Members Present**

Chair Barbara Boyer; Vice Chair Tim Kerns; Gary Jensen; Mel Omeg; Marilyn Rice; Jerry Ward.

### **Oregon Department of Agriculture (ODA) Staff Present**

John Byers, Soil and Water Conservation Districts (SWCDs) and Ag Water Quality Management (Ag WQ) Program Manager; Manette Simpson, SWCD Program Lead; Heather Rickenbach, Grants Administrative Officer; Anne Friend, SWCD Program Support.

### **Advisors Present**

David Simmons, Oregon Association of Conservation Districts (OACD) President; Jerry Nicolescu, OACD Executive Director; Jim Cathcart, Oregon Department of Forestry (ODF) Cooperative Forestry Manager; Jeremy Baker, Oregon Conservation Education and Assistance Network (OCEAN) President.

### **Visitors Present**

Larry Ojua, Yamhill SWCD; Ryan Gordon, Network of Watershed Councils.

### **Welcome and Introductions**

Chair Barbara Boyer called the meeting to order at 8:35 a.m. Introductions were made.

### **Local SWCD Presentation: Yamhill SWCD**

Larry Ojua gave a presentation to the SWCC regarding the Yamhill SWCD. He gave a brief history on the SWCD, outlined staff duties, and the various projects the SWCD is currently involved in. Larry reviewed the different signature programs such as the annual plant sale, Miller Woods and the activities there (e.g., outdoor school for the school districts, earth day celebrations, etc.), Cruickshank woodland tours, and Chegwyn Farms. Larry also explained conservation easements and various properties the SWCD is involved with. The Yamhill SWCD has had many successful outreach projects, and has made huge strides in working with today's youth and local landowners; and has been helping other SWCDs with easements and tax bases.

### **Advisor Reports**

#### **OCEAN**

Jeremy Baker reported that Connect is being finalized; it will be held April 30 through May 2 in Welches, Oregon, and will be in conjunction with the Network of Watershed Councils. OCEAN members have been busy getting sponsors from NRCS, OWEB, and OACD to help with the

funding for Connect; the conference tracts are more condensed this year and the schedule is very busy. Partnerships and outstanding districts will be highlighted.

### **OACD**

Jerry Nicolescu gave a brief update on current activities and thanked the SWCC for attending the OACD conference in November. He attended the OWEB Board meeting to report on the partnership and council support. In early January, the OACD Board met and decided to hold OACD at the Eagle Crest Resort in Redmond, Oregon, November 12-14, 2014. Jerry has secured office space in the current building and will retain part-time office staff. Jerry attended the Sage Grouse hearing and it was well attended; Harney held a community event for people to write letters to the Bureau of Land Management (BLM) about their concerns regarding listing the Sage Grouse as an endangered species.

At the National Association of Conservation Districts (NACD) Annual Meeting, OACD proposed a resolution to address the BLM and U.S. Forest Service's proposal for additional regulatory mechanisms through land use plan amendments in the eleven western states with Greater Sage Grouse; this is the first time NACD has ever approved a resolution like this. OACD is tracking seven bills in the Oregon Legislature during this February session, and has started weekly conferences with OWEB. Jerry gave a brief update on the Farm Bill that was signed last week by Congress; most programs stayed in the Farm Bill without major changes; NACD is concerned that there will be charges created for creating farm plans that are not tied to a program with this new Farm Bill.

David Simmons is close to finishing the Memorandum of Understanding with ODF and has started working on one with the BLM; the MOUs expired in 2009. Also, BLM is looking at closing rangeland to everyone to protect sage grouse; comment deadline on the Sage Grouse draft Resource Management Plan is February 20; Marty Goold has been working on the Sage Grouse committee. OACD will host the Pacific and Southwest NACD Regional Meeting September 15-19, 2014.

### **Network of Oregon Watershed Councils (NOWC) Update**

Ryan Gordon reported a lot of progress has been made with the partnerships; they will be bringing on a half-time person to help with administration and fiscal duties. He appreciates the opportunity to participate in Connect and will have a tract for watershed members; there will be sessions to discuss easements and cultural resource surveys, board engagement, field safety and liability training (basics), and one highlighting the different ways that SWCDs and watershed councils are partnering. The OACD/NOWC gathering in November 2013 went really well. The NOWC has been working with a consultant to evaluate where time and resources have been spent in order to develop a strategic plan that will be aligned to the activities of the NOWC. The Pacific Coastal Salmon Recovery Fund (PCSRF) was funded at \$65 million and OWEB is responsible for Oregon's allocation of PCSRF grant funding.

### **SWCC Member Reports**

**Mel Omeg** has been making the rounds to different SWCDs. Mel would like to see more SWCDs work cooperatively with the watershed councils; there are a few SWCDs statewide that already have a successful partnership with the watershed councils; he feels that these partnerships are going to be very important in the future for both SWCDs and watershed councils when securing funding.

**Tim Kerns** is trying to get visits scheduled with his SWCDs; he received the OACD Resolution that NACD passed on Friday and passed it along; he feels this is really going to help people in his area; he thanked OACD for all the work they did to get this passed.

**Jerry Ward** reported the Tualatin SWCD is considering easements; he is in the process of scheduling meetings with his SWCDs.

**Marilyn Rice** reported southwest Oregon is experiencing severe drought issues; Jackson County has had cycles of drought and cycles of flood; Lost Creek Lake is the lowest it has ever been; drinking water could be affected; the Tribes enforcing their water rights has really hurt water accessibility in the Klamath area; some people feel that there should be two water storage areas, one on the north side and one on the south side. Agriculture is being affected and the economy in the area is being hurt due to the water crisis; there are lists being made of water priorities. Curry County SWCD has gone into the schools and is conducting water quality education for all grades; the schools are active with water quality monitoring, green houses, and food sheds. Range Camp is in Burns around June 20; OSU Extension in Burns is the contact, and college credit is given for attending.

**Gary Jensen** reported the Upper Willamette SWCD is working with the Eugene Water & Electric Board on the implementation of a Voluntary Incentives Program for McKenzie River landowners. Recent testing of the McKenzie found mercury in the watershed and is creating new concerns. Past tests have not shown the presence of mercury. Another issue that has come to light involves a small rural community which recently built a community septic treatment system that is flawed and is now seeping pollutants into the Willamette River; the community is searching for public funds and partners to help fix the problem. Concerns over the application of pesticides and fertilizer continue to be an issue with water quality in our watersheds.

**Barbara Boyer** reported that county commissioners have approved the expansion of the landfill in McMinnville; the Yamhill SWCD is going to introduce a legislative concept to deal with solid waste at a state level instead of being at a county level to prevent expansions of landfills without state approval. There are two new associate directors on the Yamhill SWCD board that are farming one acre and making a living off the land. Barbara attended NACD in California and reported that Oregon is unique in how the SWCC is structured and folded into ODA.

### **Follow Up Assignments**

Discussion about SWCC members visiting SWCDs occurred; it was suggested that they pick half of their SWCDs and schedule them for 2014, and schedule the other half in 2015 to meet their strategic plan goals; Manette handed out talking points for the SWCC to use, if they choose, when they visit the SWCDs they represent.

### **Upcoming Meetings**

- April 21 & 22, Keizer, Oregon.
- July 15-17, Baker City, Oregon.
- November in conjunction with OACD Annual Meeting and Convention, at the Eagle Crest Resort in Redmond, Oregon.

Chair Boyer adjourned the meeting at 11:22 a.m.