



Oregon Soil and Water Conservation Commission
April 7, 2015, Regular Quarterly Meeting [GoToMeeting]
Oregon Department of Agriculture
Third Floor Conference Room
635 Capitol Street NE, Salem, OR 97301

Tuesday, April 7, 2015

Soil and Water Conservation Commission (SWCC) Members Present

Chair Barbara Boyer; Vice Chair Tim Kerns; Gary Jensen; Aaron Madison, Mel Omeg; Marilyn Rice; Jerry Ward

Oregon Department of Agriculture (ODA) Staff Present

Lisa Hanson, Deputy Director; Ray Jaendl, Natural Resources Program Area Director; John Byers, Soil and Water Conservation Districts (SWCD) and Ag Water Quality Management (Ag WQ) Programs Manager; Manette Simpson, SWCD Program Lead; Eric Nusbaum, SWCD Operations Specialist; Sandi Hiatt, SWCD Grants Administrative Officer; Anne Friend, SWCD Program Support; Kevin Fenn, Ag WQ Compliance Lead; Mike Powers, Ag WQ Lead Policy Specialist; Sheila Marcoe, Ag WQ Monitoring Specialist; Margaret Matter, Water Resource Specialist; Jo Morgan, Ag WQ Specialist

Advisors Present

Ron Alvarado, Natural Resources Conservation Service (NRCS) State Conservationist; Meta Loftsgaarden, Oregon Watershed Enhancement Board (OWEB) Executive Director; Courtney Shaff, OWEB Grant Program Coordinator; Jim Cathcart, Oregon Department of Forestry (ODF) Cooperative Forestry Manager; Jerry Nicolescu, Oregon Association of Conservations Districts (OACD) Executive Director; Ryan Gordon, Network of Watershed Councils (NOWC) Executive Director

Visitors Present

Dennis Ades, Oregon Department of Environmental Quality; Randy White, Jackson SWCD; Whitney Collins, Baker County SWCDs; Rebecca Ley and Dave Downing, Upper Willamette SWCD

Call to Order

Chair Barbara Boyer called the regular quarterly meeting to order at 8:35 a.m. on Tuesday, April 7, 2015, welcomed everyone and asked for introductions.

Approval of Meeting Minutes

The SWCC reviewed the minutes from the February 24-25, 2015, regular quarterly meeting held in Salem, Oregon.

Jerry Ward moved and Mel Omeg seconded the motion to approve the minutes from the February 24-25, 2015, SWCC regular quarterly meeting. The motion carried unanimously.

Natural Resources Program Area Update

Ray Jaindl reported that the Legislature heard the ODA budget; part of the budget is for three additional water quality positions to further the Strategic Implementation Area (SIA) process; the Governor's office wants all natural resource agencies to coordinate with each other regarding water quality for the state; there are quite a few legislative bills for pesticides and those will continue to be watched along with any bills relating to water quality, SWCDs, and other partners; there are bills regarding sage grouse and he has been hearing a lot of good things about them. Margaret Matter has been working on water resource issues and is representing ODA at a variety of meetings. There may possibly be new positions in pesticides for investigators to continue with the increasing enforcement needs.

SWCD and Ag Water Quality Management Programs Update

John Byers gave a brief update on the programs; he said that Connect is coming up; SWCD staff and most Ag WQ specialists are going, as well as Barbara. OWEB and Board of Ag meetings are coming up on April 28; he will be talking to the OWEB Board and the Natural Resources Ag Committee. The Ag WQ Staff field trip is coming up at the beginning of May, and they will be visiting the Klamath area; these field trips have been a great learning tool for staff and partners. He said that he, Manette, Barbara, and Tim would be attending the Idaho SWCC Summit in July. John reported the Shellfish Plat Leasing Program is continuing to process applications for oyster leases. The Smoke Management Program has finished registrations at approximately 14,300 acres; there are some ongoing smoke management issues with Mill City and DEQ is going to be placing additional nephelometers in that area; there was an increase in the steep terrain fields that were registered this year; grass seed and cereal grain growers are seeing an increase in the insects, voles, rust, and disease in the fields from a warmer winter. The Ag WQ Management Program has updated the Ag WQ Management Area Plan chapter one format to provide more consistency statewide; the Farm Bureau is looking at the new format to make sure the legislative intent is still being followed.

SWCD Staff Updates

Sandi Hiatt reported that 2015-2017 biennium grant application packets have been sent to the districts; she is tracking current grants for how monies are being spent, and is watching closely to make sure grant funds are not overspent but are spent down as much as possible; one-person offices have a harder time spending the money than offices with more employees.

Eric Nusbaum reported that he has been working with and visiting districts to work on their Long-range Plans, and is starting to get calls from district offices for individual director training.

Manette Simpson reported that she is scheduling travel to visit with districts to touch base and provide support as needed.

Advisor Reports

Oregon Department of Forestry (ODF)

Jim Cathcart gave the SWCC a brief update; some of the highlights include the upcoming Stewardship Coordinating Committee meeting on May 22; the Committee will be conducting a Strengths, Weaknesses, Opportunities, and Threats analysis of ODF's delivery of incentive programs to family forestland owners. Thanks to the Oregon NRCS's statewide technical

assistance agreements, ODF is in the process of rebuilding its capacity to deliver one-on-one technical assistance to family forestland owners. ODF has received funds for a Model Eastside Private Forestland Collaborative pilot project in the Ritter Valley of the Middle Fork John Day River (Grant County); the project is being led by Oregon State University Forestry and Natural Resource Extension Service; family forestland owners interested in applying for cost-share assistance for developing a forest management plan for their property through the use of a private natural resource professional should apply at their local ODF office as the application period opened April 1.

Network of Watershed Councils (NOWC) & Oregon Association of Conservation Districts (OACD)

Ryan Gordon gave a brief update on the 2015 Legislative Session. House Bill (HB) 3334, which would instruct OWEB to allocate \$1 million per year over the next ten years for sage grouse conservation, passed out of committee and moved to Ways & Means; the House Committee on Agriculture and Natural Resources asked for additional information about sage grouse restoration and associated funding; an informational hearing may be organized by the Governor's Office; related is HB 2401, if passed, would create an excise tax on birdseed with half of the revenue benefiting sage grouse restoration; there is a bill to put a fee increase on the cattle brand inspection program within five counties to help fund the sage grouse initiative. Senate Bill (SB) 544, as currently written, would remove liability protections for willing landowners who participate in voluntary conservation projects; if passed, this bill could have serious consequences for restoration and conservation statewide; the bill is scheduled to be heard on April 8. Ryan and Jerry are following a senate bill and a house bill pertaining to outdoor school that would provide five days of outdoor school for fifth graders statewide; OSU Extension would be tasked with managing the program and its funding, which is currently set at \$44 million per biennium. They will continue to follow bills and report as necessary. The NOWC-OACD partnership continues to develop; both organizations have settled into a new-shared office space, which has significantly improved workflow; they are currently working to increase capacity, which includes contract administrative support at 50 hours per month and communications, outreach, and programming support at 80 hours per month. CONNECT is scheduled for April 22-24 in Welches; planning has gone well with good participation expected. NOWC and OACD will partner with the Coalition of Oregon Land Trusts (COLT) to sponsor six-to-seven regional workshops around the state this summer; likely topics include working lands easements, sage grouse conservation, coastal Coho recovery, and partnership opportunities. The Partnership will work with ODA, NRCS, OWEB, and other agency partners to ensure each agency has time on the agenda at these meetings.

Oregon Watershed Enhancement Board (OWEB)

Meta Loftsgaarden presented a handout to the SWCC regarding the Clean Water Fund for Oregon; the fund is replacing the working farms and forest project funding; there will be 15-, 30-, and 50-year contracts; this program is very flexible to address riparian areas and non-point source water quality issues for the landowner. There are \$15 million to be in 203 basins; this is modeled after the Conservation Reserve Enhancement Program (CREP); the funding would be lottery bonds. In response to questions, Meta referenced that OWEB can only fund projects that are tied to restoration and not education. The Sage Grouse problem is so unique in Oregon that there is a need to show assurances to the Oregon Legislature that the funding is

important. In April, the OWEB Board will consider adopting a policy to fund sage grouse over the next ten years; partners are all trying to get ahead of the sage grouse problem and there is a lot of money that has been invested, as well as the time the districts put in and all the other work that is being put into the effort to protect the sage grouse; discussion followed.

Natural Resources Conservation Service (NRCS)

Ron Alvarado reported that NRCS just finished their first phase of the sage grouse initiative across 11 states in the western portion of the country; they have delivered \$18 million dollars across the areas that are affected by sage grouse; last week there was a celebration for the sage grouse initiative; there is a lot of momentum right now and it is the perfect opportunity to keep going; another \$200 million has been committed to the project, which comes out to approximately \$4 million per county involved. Sarah Magenheimer has been selected as the new Partnership Liaison partner; Tom Watson has been asked to serve as the state conservationist in West Virginia temporarily. SageCon is a transparent place for partners to work on the sage grouse issue; has been a good forum and is part of the "Oregon Way"; the Governor's office is looking at doing this in the Willamette Valley also to address water quality for both the regulatory and non-regulatory aspects. This could be focused on several basins and there are conversations going on to determine how to implement these things.

Oregon Conservation Education and Assistance Network (OCEAN)

Jason Faucera was not able to attend but did submit a written report.

Local Advisory Committee (LAC) Roles and Responsibilities

Jo Morgan presented background about the LACs as requested from the SWCC; she gave a brief history of the Ag Water Quality Management Program and how the LACs began; she reminded that the Water Quality Management Area Plans are available on the ODA website with an interactive map for each area rules and plans; she provided a recruitment member process handout and reviewed the process for members that are appointed to the committee; he LACs want to see progress; the measurable objectives and chapter formats are a way to show the LAC members the progress being made; the LACs are important to the development and implementation of the Area Plans. Discussion followed.

Ag Water Quality Management Program Update

John Byers also gave a brief update on the Strategic Implementation Areas (SIAs); Clackamas will have an additional SIA in the northern area; he attended the Wasco SWCD board meeting to present the results of the SIA in their area; the Wasco SWCD is evaluating the need for another SIA. John will be meeting with partners to present the findings of the prioritization approach and then start meeting with regional area people and other interested parties; the Ag WQ Regional Specialists are going to meet with individual districts and discuss the findings; the area meetings will be a good format for discussing the next steps in specific areas; webinars are planned for May 4 and 5 with a response period through the end of May. There is a legislative ODA Program Option Package that will help fund positions for the assistance that will be needed to continue and expand the water quality improvement effort. John, Mike, and Judith attended a meeting in Newport addressing the coastal Coho; there is a need for SWCDs to support this and help get the work finished on the ground. All industries that John has spoken

with are still in favor of the direction the Ag WQ Management Program has taken. Discussion followed.

Ag Water Quality Compliance Update

Kevin Fenn gave a brief background of the rules that govern the Ag WQ Management Program. There are two Oregon Administrative Rules (OARs) that are consistent within all Management Areas and additional OARs in some Management Areas addressing issues such as erosion, nutrients, and waste management; discussion about what the rules cover followed; Kevin explained the compliance process and each step involved in determining violations and in communicating with landowners; in 2014, there were 71 investigations that were due to manure management, riparian areas with active farming, and other agriculture related water quality issues; over the last year, public complaints have decreased but staff initiated investigations have increased; he explained that local SWCD staff is invited on site visits with the regional water quality specialist; Kevin reviewed the different aspects of the compliance process; discussion followed. The majority of time landowners are correcting the problem and gaining compliance without formal enforcement actions needed; ODA is looking for outcomes as opposed to being punitive; he presented several examples and explained the before and after of each problem; discussion, answers, and questions followed.

Water Quality Trading

Dennis Ades from the Department of Environmental Quality (DEQ) presented a brief overview of the Water Quality Trading Program. The definition of water quality trading is the use of water quality benefits generated at one location for compliance with water quality-based requirements at another location within a watershed. One of the main drivers for this program for the last 20 years is the total maximum daily loads (TMDL) requirement that is geared towards reducing point source and nonpoint source pollution; the objectives of water quality trading are to ensure pollutant reductions and progress towards water quality standards, achieve greater environmental benefit than traditional end-of-pipe controls, and reduce costs of compliance with water quality based requirements; the EPA has oversight of the TMDL, wastewater permitting, and other water quality programs. One example of water quality trading is Clean Water Services located in the Tualatin Basin, which serves over 500,000 people; in 2001, a temperature TMDL was developed and it required a 90% reduction in heat load of the treated wastewater that was being discharged into the Tualatin River; Clean Water Services looked at and has used several options to reach the goal of decreasing the temperature of the Tualatin River, such as wastewater reuse, flow augmentation, and stream restoration; Clean Water Services has partnered with the Tualatin SWCD and has been successfully working in the Tualatin SWCD's area to restore and maintain riparian vegetation. Another example was of Fanno Creek and the restoration over a five-year period; Clean Water Services staff work with landowners, SWCDs, and others to implement the trading program. One other example, operators of the Medford regional water reclamation facility contracted with The Freshwater Trust to develop and implement trading projects in the Rogue River Basin. The Freshwater Trust works with landowners to restore streamside vegetation as called for in a DEQ-approved trading plan; The Freshwater Trust then sells temperature trade credits to the Medford treatment plant, which uses the temperature credits to meet their TMDL wastewater allocation and permit limits; there are a lot of aspects to the water trading; discussion followed.

Oregon Department of Agriculture Update

Deputy Director Lisa Hanson gave a brief legislative update; bills for ODA that deal with agency issues have all moved except one that deals with pesticides and penalties; there are fee increase bills that will help continue funding different programs within the agency; bills have to be posted by Friday, April 10 to be heard in the first chamber; there has been a lot discussion around pesticides along with canola, hemp, and medical marijuana; there are a lot of concerns being voiced about the co-existence of crops, including concern about cross-pollination; pesticide issues are a huge topic and are very broad; the bills are spread throughout the committees. It has been a very fast paced session and the agency is anxious to see what will happen. Budget hearings went really well compared to previous years and ODA is now waiting to hear when the next step will begin; the agency is looking for an increase in capacity for pesticides and for food safety; the laboratory was hit really hard in 2001 with reductions and ODA is still trying to rebuild the lab's capacity. Lisa briefly outlined the Program Option Packages that are in the budget that would help the agency with moving forward into the future and bringing partners together to deal with water quantity, water quality, and pesticides; the fertilizer fees bill has moved forward where the other fertilizer bill hasn't; discussion followed.

Public Comment

There was no public comment.

Follow Up Assignments

- ODA will send out information for regional meetings.

Upcoming Meetings

- August 3-4 in McMinnville at Miller Woods.
- November in conjunction with the OACD Annual Meeting and Convention

Chair Boyer adjourned the meeting at 11:37 a.m.