

Soil and Water Conservation Commission
Tuesday, May 24, 2016
Regular Quarterly Meeting
Oregon Association of Nurseries
29751 SW Town Center Loop, Wilsonville, OR 97070

Soil and Water Conservation Commission (SWCC) Members Present

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

Oregon Department of Agriculture (ODA) Staff Present

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; Renita McNaughtan, SWCD Program Interim Support; Sunny Jones, Cannabis Policy Coordinator

Advisors Present

Courtney Shaff, Oregon Watershed Enhancement Board (OWEB) Capacity Coordinator; Ryan Gordon, Oregon Department of Forestry (ODF) Family Forestland Coordinator; Mark Saelens, Oregon Association of Conservation Districts (OACD) President; Jerry Nicolescu, OACD Executive Director; Alex Sifford, Network of Oregon Watershed Councils (NOWC) Interim Executive Director

Visitors Present

Jay Noller, Oregon State University (OSU); Racquel Rancier, Oregon Water Resources Department (OWRD); Gene Foster, Department of Environmental Quality (DEQ); Tom Straughan, Umatilla County SWCD; Sandy Hershfelt, OACD; Brian Lightcap, West Multnomah SWCD; Whitney Collins, Baker County SWCDs; Walt Jury, Keating SWCD

Call to Order

Chair Barbara Boyer called the regular quarterly meeting to order at 8:35 a.m. on Tuesday, May 24, 2016, welcomed everyone, and asked for introductions.

Approval of Meeting Minutes

The SWCC reviewed the minutes from the February 11-12, 2016, regular quarterly meeting held in Keizer, Oregon. **Tim Kerns moved and Marilyn Rice seconded the motion to approve the minutes from the February 11-12, 2016, SWCC regular quarterly meeting. The motion carried unanimously.**

OWRD - Water Rights and Cannabis

Racquel Rancier gave a presentation about Oregon water law, how that translates to Marijuana, and what the Oregon Liquor Commission (OLCC) requires. Racquel outlined the requirements necessary to obtain a water right in order to use water in Oregon, the exceptions, “senior users,” “junior users,” and water rights when purchasing land. She reviewed water right sources such as ground and surface, the type of use for the water, terms and conditions of a water right, the importance of a “priority date,” and unused water rights. OLCC licenses the recreational

marijuana, and because they want to make sure growers understood new laws, they have a Marijuana Cultivation Plan. The Cultivation Plan requires one of three things:

- A water right permit or certification number as well as a copy of the water right,
- Or documentation that the water is being obtained from a water provider,
- Or provide proof on a form from OWRD that the water source is exempt from permitting.

Water from federal water projects cannot be used for marijuana. The Legislature requires both energy and water usage reporting. OLCC will be getting data on water usage from the producers; this year estimates will need to be provided and next year actual water usage data will have to be provided. Oregon Health Authority doesn't have as much regulations that they can implement on regulating medical marijuana. At this point, it depends – there are growers that are not considered commercial and some that are still donating their crop.

Hemp Pilot Project and Certificate Program

Jay Noller presented on Industrial Hemp; what it is and the aspects that are being researched at OSU. He noted that he holds a registration with the Drug Enforcement Agency (DEA) as a “researcher of marijuana.” The federal government does not make a distinction between hemp and marijuana and considers it a controlled substance. The 2014 Federal Hemp bill defines industrial hemp and allows production within states for research purposes. Hemp has less than 0.3 percent THC while marijuana has greater than 0.3 percent THC. Hemp is a water hungry herbaceous annual plant. OSU's focus is agronomics and the prime focus of Jay's research is to determine at what level watering can stop for hemp/marijuana. The plant is used in many ways; from the stalk it is used to make rope, fabrics, bio-composts, insulation, fiberboard, and concrete called hempcrete. The seeds are used for flour for breads, crackers, granola/cereal and hemp milk. One of the desired products is CBD. Hemp can use up to 3,000 gallons of water per day and requires 300-450 gallons per pound of useful fiber; cotton requires 1100-1400 gallons per pound of useful fiber. Jay is hoping to begin agronomic field trials in 2016, focusing on water demand, soil fertility, and pest and disease pressure.

SWCD and WQ Management Program

John Byers reported that he would be presenting to the joint Environmental Quality Commission (EQC) and the Board of Ag (BOA) meeting soon to discuss the grass seed industry and water quality. He met with the individual that had filed 26 water quality compliance complaints; the end result gave us some insight into how to handle any future events of this nature; a task force of local growers and involved citizens has been convened to help the program with outreach to present growers. One issue is that landowners often believe it's a ditch rather than a creek; the program regularly has discussions around whether a ditch is a ditch or a creek; it has been concluded that if it runs into a water of the state, it's a creek. The new compliance database makes it easier to track, ensure follow-up, and compare the number of cases investigated year-to-year; in 2015, ODA opened 66 compliance investigations and to-date in May, 2016, there are 78. A Strategic Implementation Area (SIA) prioritization map has been created that includes datasets from many of our partners that will help us choose the next seven SIAs; he is working closely with the governor's natural resource office; the Legislature gave the program \$1 million to use in the SIA process to help the Districts that do not have the capacity to develop and implement SIA projects; five Districts have requested \$800,000 in the first round of applications. The EQC has asked about updating the Memorandum of Agreement (MOA) between ODA and DEQ; this is

not statutory, but an agreement of work to be done; such as, changing our area plans to a chapter format for consistency among the plans.

SWCC Strategic Plan Approval – SWCC Members

Barbara Boyer suggested that since edits and updates were made to the SWCC Strategic Plan, the changes should be put into the Plan before approval; the members unanimously agreed to defer the Plan discussion to the August meeting.

Network of Watershed Councils (NOWC)

Alex Sifford reported that the new executive director, Shawn Morford, starts June 1, 2016, and comes from Rural Conservation and Development in Forest Grove. They continue to pursue OWEB grants; one has closed out and another is starting for NOWC and partners (OACD, OCEAN, and COLT). They are continuing to work with COLT to do partnership assessment work. Barbara Boyer expressed her disappointment that OACD as a primary partner was not at the table for the interviews of the Executive Director.

Oregon Department of Forestry (ODF)

Ryan Gordon handed out organizational charts and reviewed how ODF is organized; Salem office has three divisions: fire protection, state forests, and private forests, which is where Ryan works; ODF is fairly decentralized and a lot of decision-making is at the ground level. The agency policy option package will be submitted for sustainable and community forestry and will tie together community, urban, and family forestry programs; this would allow added capacity to urban forestry issues and additional stewardship foresters. Continuing to work on the emergency forestry restoration program for post-fire recovery; there has been increased use of this program in the Willamette Valley for drought stress. The fire season prediction for this year is a better than average chance of above average temperatures, especially for southern and eastern Oregon; fire outlook for May and June looks normal but higher potential for southern and southeast Oregon; snowpack is disappearing faster than anticipated in most areas with the exception of Lake County. Regarding the Asian Gypsy Moth, the private forest division were pleased with great partnership and collaboration that occurred around the three operations in the Portland area.

Oregon Watershed Enhancement Board (OWEB)

Courtney Shaff reported on the working farms and ranches easement work group; a facilitator is now on board to walk through what they are developing for next legislative session; the governor's office is working on outreach to other state agencies and larger stakeholders; Meta is OWEB's point. OWEB is working on general statutory language clean up for the Oregon Plan. She has convened a work group to assist OWEB with insurance requirements for OWEB's grantees and types of projects; participants include ODA, DAS Risk Management, a land trust, SWCDs, and watershed councils to determine insurance needs; they will come out; OWEB policies, and guidance for complex projects will be out in July; then they will provide training, best management practices, and tools for grantees for any new requirements, which won't take effect until January. The Building Capacity grant, to support new or expanded collaborations by looking at ways to share staff, housing, equipment, etc., is due June 6th, with an interview process, and will be awarded at the end of July. At the April OWEB Board meeting, there was discussion of when to offer the next Focused Investment Partnerships (FIP) implementation cycle; there were six awarded this biennium; the Board looked at not awarding any grants for the

2017-19 biennium but at the next biennium; the decision will be made in July. New staff at OWEB is Andrew Dutterer, an Oregon Fellow intern; he will manage the fish focus for FIP; they will be hiring soon for the monitoring position. The online grant applications will be announced July 18th with training in August and September, and a series of webinars with live Q&A; OWEB will only be accepting online applications beginning with the October grant cycle.

Oregon Association of Conservation Districts (OACD)

Mark Saelens reported on their initiative to increase communication capability across the state; holding monthly teleconference statewide; last teleconference had 30 plus participants; if this format continues to be well received, they would like to have quarterly partnership calls as well. In place of an annual conservation gathering this year, they will be holding an OACD business meeting; it will be held Tuesday through Thursday, October 18-20 at the Monarch Hotel in Clackamas with a crossover period to meet with NOWC board; will have an aggressive agenda that will focus on specific issues; the idea is to have a business meeting every other year and have the conservation gatherings when there is less legislative activity. It was a great opportunity to participate in the professionally facilitated partnership assessment with NOWC; there was discussion of adding a third partner, but are focusing on strengthening the current partnership.

Jerry Nicolescu noted that the all county CCAA signing at Sun River was taking place the next day; the Districts are playing a significant part in getting it figured out and working together. Legislative meetings are going on: Committee on Rural Land Use and Water where OWEB made a good presentation; the Owyhee monument proposal took the most time; it proposes taking the southern two thirds of Owyhee County for a national monument. House Interim Committee on Agriculture and Natural Resources, designated a task force to recommend additional funding sources for Oregon Fish and Wildlife; their fees, licensing, and grants are not covering the cost of running the department; they are looking at non-game and non-fish sources. The partnership assessment has helped them identify what they need to work on including to put policies in place, strategic planning, funding for OACD and Districts, and their interaction with partners and prospective partners. NACD is changing what they are doing with the Poster Contest by asking submission be digital pictures of the posters; OACD may need to request the same to streamline the process. Barbara asked for an explanation of what OACD resolutions are; Jerry said a resolution is a way to propose policy, make changes in by-laws, or take significant action requested by a district; it's a formal procedure to make recommendations or propose changes; electronic and social media has changed the way this process is used.

Natural Resources Conservation Service (NRCS)

Jerry Nicolescu reported for NRCS staff as they are all meeting in La Grande. The RCPP grant application period closed May 10th; full proposal invitations will come the week of July 18. Oregon received over \$20,000,000 in financial assistance for EQIP. There is a drought pool thru June 17th; check with the local NRCS office. Agricultural Conservation Easement Program (ACEP); there are two parts, wetland reserve and ag water easement. The Joint Chiefs project in Baker and Union counties is continuing the restoration project. They will get something out on the cooperative agreement; it will not include rental rates, rental agreements for office space. The week of June 6-10 NRCS will be touring the Willamette Valley, Bend, and eastern Oregon.

Barbara noted that Yamhill and Polk District share a RCPP for oak savanna work; NRCS is behind on cultural resource assessments and said five out of their seven applicants need cultural resource work but they cannot get to them until October or November; Yamhill District is working with the NRCS Basin Team Lead to develop an agreement with other districts to contract out for cultural resources. Also, she had a discussion with Ron Alvarado about the message not getting out to districts about rent and other changes; they discussed ways to get the message out, such as the District Conservationists presenting a chart of cost changes at each district board meeting, and then the coming changes would be recorded in the meeting minutes.

Oregon Conservation Education and Assistance Network (OCEAN)

John Byers reported for Jason Faucera. Jason and OCEAN are very appreciative of the 140 attendees at Salishan for Connect. They held Board elections and currently have three vacancies, which they hope to fill within the next month. There was discussion about the next Connect conference being held between April 18 and May 12 next year; they will be seeking input from OACD, COLT, and partners.

Department of Environmental Quality (DEQ)

Gene Foster reported that Coastal Zone Act Reauthorization Amendments (CZARA) has yet to be resolved, which affects 2016 funding for 319 pass-through grants; instead of \$370,000, they received only \$80,000; DEQ will be meeting with NOAA and EPA to talk about next steps some time this summer, specifically on forestry; the governor's office, with state agencies, will continue to have meetings to describe to EPA and NOAA how ODA works with both regulatory and voluntary measures through the Area Rules. He attended a conference with the Association of Clean Water Administrators (ACWA) and the National Association of State Departments of Agriculture (NASDA) to discuss how agriculture water quality agencies work with their state water quality agencies; there were representatives from ten states; Gene represented Oregon water quality agency and was the only western state; the main issue was nutrients; they were interested in hearing about how states are working, or not working, together; Gene talked about DEQ's relationship with ODA, collaborations in different venues and different agencies, and successes like Tillamook; some states have taken a specific approach to setting mandatory buffers of 50 feet; others, like Iowa, are taking the approach Oregon has to document in-stream responses and outcomes. DEQ will be updating Hood River's temperature TMDL and it's likely to go out to public comment this summer or fall; Coquille's TMDLs for dissolved oxygen, pH, and temperature will go out for public comment sometime this year; the Klamath River basin has petitions for reconsideration and will likely be reissuing the nutrient TMDLs.

SWCC Member Reports

Gary Jensen reminded everyone the next SWCC meeting would be in the Eugene-Springfield area August 15-16; Monday the 15th will be touring the H J Andrews Experimental Forest on the Willamette National Forest, which has been a research center since 1948; will be viewing the McKenzie River Basin and urban development; Tuesday will be the business meeting.

Jerry Ward reported that Tualatin is working toward being on the November ballot for a tax base; Chair John McDonald is leading the effort. Tualatin is exploring a new office location since the current location is with NRCS.

Tim Kerns reported he traveled to La Grande to attend the Union SWCD Board meeting in an effort to improve communications, and he will be attending a few more. He is also making time to participate on the OACD monthly conference calls.

Barbara Boyer reported that she has been reading her Commission represented areas' minutes and conducted employee evaluations at Yamhill; she noted that it is amazing when you see a year through employees' eyes.

Marilyn Rice thanked the members for understanding her consistent emphasis on the importance of outreach and education for youth, especially for her last meeting report; she reported on the "RAP" CAMP Program; Environthon reaches over 500,000 kids throughout the nation; Oregon Environthon recently had a winner in the Clackamas County area. This year the Oregon Forest Resource Institute works with Marion SWCD; every year they work in four areas: forestry, soil, water, and wildlife; an oral competition this year was on invasive species; of the top five, 4th and 5th came from Newberg; third place from Philomath high school with a program to improve forestry and native plants; second place was the Southern Oregon E Team; and first place was Sutherlin high school FFA group.

Recognition of Service

John Byers presented Marilyn with a plaque commemorating her outstanding service to the SWCC; she has been with the SWCC since 2008. Marilyn thanked everyone for the award and noted how much she appreciated working with all of the members and staff.

SWCC Meeting Wrap Up

Follow up assignments:

- ODA will make the edits to the Strategic Plan for approval at the August meeting.
- Manette is working with Dave Downing and Gary Jensen for the August meeting.

Public Comments

There was no public comment.

Upcoming Meetings

- August 15-16 in Eugene/Springfield
- October in conjunction with OACD Business Meeting

Chair Boyer adjourned the meeting at 12:10 p.m.