

# **Soil and Water Conservation Commission**

**October 20, 2016**

## **Regular Quarterly Meeting**

**Monarch Hotel & Conference Center**

**12566 SE 93<sup>rd</sup> Avenue, Clackamas 97015**

**Thursday, October 20, 2016**

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

Chair Barbara Boyer, Vice Chair Tim Kerns, Stan Dean, Mel Omeg, Jerry Ward

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

Manette Simpson, ODA Soil and Water Conservation District (SWCD) Program Lead; Eric Nusbaum, SWCD Operations Specialist; Sandi Hiatt, SWCD Grants Administrative Officer; Renita McNaughtan SWCD Program Interim Support; Jason Eck, SWCD/Smoke Program Support; Jim Johnson, Land Use Specialist

### **Advisors Present:**

Meta Loftsgaarden, Oregon Watershed Enhancement Board (OWEB) Director; Jerry Nicolescu, Oregon Association of Conservation Districts (OACD) Executive Director; Mark Saelens, OACD President; Gene Foster, Oregon Department of Environmental Quality (DEQ) Watershed Management Manager; Jay Gibbs, Natural Resources Conservation Service (NRCS) Basin Team Leader; Pat Fitzgerald, OACD 2<sup>nd</sup> Vice President; Nellie McAdams, OACD Secretary

### **Visitors Present:**

Amanda Schachtschneider, Umatilla County SWCD CREP Technician; Marilyn Rice and Barbara Niedermeyer, Jackson SWCD Directors; Kari Hollander, Columbia SWCD District Manager; Whitney Collins, Baker County SWCDs District Manager; David Westgate, Lincoln SWCD Financial Analyst; Sandy McKay, Gilliam SWCD District Manager; Shilah Olson, Wasco SWCD District Manager; Jamie Damon, Oregon State University Institute for Natural Resources SageCon Coordinator; Heather Emmons, NRCS Partnership Liaison; Jason Faucera, Oregon Conservation Education and Assistance Network President

### **Call to Order**

Chair Barbara Boyer called the regular quarterly meeting to order at 8:33 a.m. on Thursday, October 20, 2016, welcomed everyone, and asked for introductions.

### **Approval of Meeting Minutes**

The SWCC reviewed the minutes from the August 16, 2016, regular quarterly meeting held in Springfield, Oregon. **Jerry Ward moved and Stan Dean seconded the motion to approve the minutes from the August 16, 2016, SWCC regular quarterly meeting. The motion carried unanimously.**

## **Natural Resources, SWCD, and Water Quality Management Program**

### **Update**

Manette Simpson reported that both Ray Jaindl and John Byers were attending other meetings for Acting Director Hanson. Manette attended the National Association of State Conservation Agencies (NASCA) annual meeting in Branson, MO and noted Missouri has a statewide 1/10 of 1% sales tax that supports their SWCD districts; the support is approximately \$33 million annually; Agriculture in Missouri is very diverse and highly supported by citizens. At the meeting, two topics received the most discussion with NRCS Associate Chief Leonard Jordan; he spoke about a number of groups believing voluntary conservation is not working and that a regulatory approach would be more effective; and he reported that the NRCS Administrative Transformation process is continuing but delayed due to staffing issues within NRCS. Manette reported that she, John Byers, Jerry Ward, and Barbara Boyer attended the Tri-state Commission meeting in Winthrop, WA; topics discussed included identifying common issues and how Washington, Idaho, and Oregon might work better together. John is on the NASCA Farm Bill task force. She introduced Jason Eck who is the new support person for the SWCD and Smoke Programs. Barbara noted that a team is being formed to discuss the Farm Bill with the three states supporting specific issues in the Farm Bill.

Eric Nusbaum reported he completed editing work on the SWCD Guidebook; he has been intensely focusing on a couple of districts needing assistance. Director training is every two years but has become more than just director training; he is looking for a different title; he will be putting together a welcome packet and wants to make training interesting while presenting good information; the training will be scheduled for January or February. Manette complimented both Eric and Sandi for doing a great job on updating the guidebook and noted that Andy Zimmerman, ODA Web Specialist, keeps it up to date on the webpage.

Sandi Hiatt provided an update on elections; 164 positions were open for election and of those, only 49 were open for write-in. She reported that a more streamlined application process is being created for SWCD grant funding, including combining financial forms and electronically submitting reports.

### **Agriculture Land Use Update**

Jim Johnson reported that in response to the letter from the Yamhill SWCD to the SWCC, the Board of Agriculture unanimously voted to send a letter to the Land Conservation and Development Commission Director requesting that the Commission re-evaluate the rules specific to the siting of solar facilities on high-value farmland; non-farm use on agricultural land is on the rise with investors buying houses on farmland for Airbnb and similar ventures; this is posing a potential conflict between tourism and agriculture, such as pesticide applications near vacation housing. Bonneville Power Administration is funding purchases of land to put transmission lines on easements, which makes it federal land, therefore, they don't have to comply with state land use rules; Hood River Valley and Sauvie Island are hot spots for short-term rentals; because of this, Multnomah County is revamping their land use rules. Abandoned railroad tracks being made into trails in ag areas is causing issues; permits are required and proof of compatibility with ag land is a very hot issue. Senate Bill 1517 is legislation adopting a

pilot program for wetlands enhancement in Tillamook County. A governor's task force is looking at siting of energy and transmission facilities in response to farmers and ranches with a major transmission line going in between Boardman and Boise. Cannabis as a farm use; working on equal protection issue with producers. The following land use issues could be prominent in the upcoming legislative session: nonfarm use, transportation funding, super siting bills, cell tower siting, and water rights. The task force on drought that came out of last legislative session is focusing on what tools to use in response to drought with a need for more data to analyze the impact on agriculture.

### **Oregon Agriculture Heritage Program**

Nellie McAdams reported that a diverse work group of agricultural and natural resource conservation organizations began in November 2015 to develop a new program for consideration in the upcoming legislative session. The legislative concept would establish the Oregon Agricultural Heritage Program, which would include the establishment of a Fund to provide a revenue source to implement a complimentary suite of voluntary tools for farm succession and farmland conservation. Program funds could be used to: Offer match funding for voluntary tools that include permanent conservation easements, term conservation covenants, and conservation management plans to protect working farms and ranches while also maintaining or enhancing fish and wildlife habitat or other natural resource values; Offer succession planning workshops to landowners; Conduct a study to determine the implications of Oregon's tax structure on succession planning and a landowner's ability to transfer lands to future generations and provide recommendations; Establish the Oregon Agricultural Heritage Commission to assist in developing Program rules, recommend policies and priorities for evaluation of applications, and provide recommendations to the Oregon Watershed Enhancement Board on the ranking of program applications. Match funding for permanent conservation easement would allow Oregon farmers and ranchers to access funds from NRCS's Agricultural Land Easement program (ACEP-ALE). Primarily because of the lack of a state match funding source, Oregon has only been able to use 0.19% of the nation's total ACEP-ALE funding since 1996. The work group will travel around the state in October and November to get feedback on the tools.

### **Oregon Association of Conservation Districts (OACD)**

Pat Fitzgerald reported that they are taking a long hard look at what OACD is and where they want to go in the future; one of the outcomes is to attract a much younger staff. Mark Saelens reported that the partnership evaluation of COLT, NOWC, OACD, and OCEAN are working with a facilitator to help them retain their individual identities while determining how work should be distributed and still meet OWEB grant requirements. OACD membership brainstormed ideas for the future of the organization including identifying the top tasks for the executive director and the OACD board unanimously approved the updates to the Bylaws.

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

Ryan could not be at the meeting but Manette will forward the information he sent on to the Commission via email.

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

Meta Loftsgaarden provided an update on the budget and noted that the money is constitutionally guaranteed for OWEB grants. They are putting together two budgets as are all of the agencies, in the event Measure 97 passes or doesn't pass. There are changes in staffing at the governor's office: Richard Whitman, special projects, is currently the interim DEQ director; Lauri Aunan will be the Clean Water Partnership contact for the agencies and the directors of the agencies will be doing more policy work that the governor's office has been doing.

### **Oregon Department of Environmental Quality (DEQ)**

Gene Foster reported on TMDL temperature litigation; the judge's findings and recommendations were that EPA acted arbitrarily and capriciously when approving TMDLs that used the natural conditions criteria; the judge found in favor of EPA and the state on the endangered species act and not requiring TMDLs to address all water quality standards. The Willamette mercury TMDL and the Klamath River temperature TMDL was remanded back to EPA to reissue in 2 years; his findings go to the District Court Judge for review; DEQ is in discussions with Oregon DOJ and EPA on legal options. The National Association of State Departments of Agriculture and the Association of Clean Water Agencies have formed a working group to facilitate information sharing and understanding between state water quality agencies and state agricultural agencies; water quality trading was an area of interest between the groups. DEQ is continuing to improve their ability to provide ODA with in-stream quality information during biennial reviews of agricultural area rules and plans.

### **Natural Resources Conservation Service (NRCS)**

Jay Gibbs reported that interest is high about the movement on the Oregon Heritage Agriculture Program as there are a lot of large ranches as well as century ranches in eastern Oregon. The agency will put a lot of emphasis on rolling out the conservation security program, which is attracting national attention.

### **Jamie Damon, Clean Water Partnership**

Jamie provided a slide presentation about the Clean Water Partnership.

### **OCEAN**

Jason Faucera reported that they have been busy planning CONNECT for 2017, which will be at the Conference Center in Pendleton; lodging will be dispersed but there will be shuttles available; content of meeting will be discussed at the next meeting and the draft program will be out, hopefully, by January 1<sup>st</sup> with the full program ready by February 1<sup>st</sup>; they are asking for input on topics to be brought to the meeting. The Commissioners suggested: Right to Farm; Oregon Heritage Agriculture Program and how NRCS and OWEB will work together on the Program; Jason said that other suggestions can be sent to Eric, Lisa Mahon, or to him; Barbara emphasized that everyone is invited to Connect, directors and employees.

### **Public Comment**

Shilah Olson provided information regarding the recent Oregonian investigative series on ground water in Oregon; she said the series prompted her district to look closer at

their Fifteenmile Creek watershed; they are having monitoring done to find out what is occurring in the watershed. The district has been working with the Oregon Water Resources Department but OWRD has limited funding for conducting studies.

### **SWCC Member Reports**

**Jerry Ward** reported that Tualatin has a tax measure on the ballot in the upcoming election; they are getting good support and are hopeful for a \$0.09 per \$1,000 tax base. He attended the annual dinner of the Columbia SWCD celebrating their 70<sup>th</sup> anniversary; Manette and he will be speaking to the West Multnomah Board on the 29<sup>th</sup> at the their Annual meeting.

**Tim Kerns** reported that Keating SWCD Director, Walt Jury, was re-elected to the OACD Board. He reported that he and Jay Gibbs will be travelling to his area SWCDs to attend board meetings.

**Barbara Boyer** reported that the Tri-State Commission meeting really pointed out the importance of all three states working together on common issues; Oregon will be hosting the Tri-State Commission in 2018.

**Mel Omeg** reported he is impressed with the ability of districts and watersheds to come together and work together; Shilah further reported that agriculture does a lot for the environment and agriculture water quantity; she urged everyone to get the word out statewide because OWRD doesn't have the capacity to deal with all of the issues; there is good local collaboration, between districts and councils working on issues but funding is needed.

**Stan Dean** reported that he attended the Josephine SWCD Board meeting; he said it was eye opening for him how difficult it was to get work done and keep the doors open with the limited funding they receive; they have several projects going and more they want to do but don't have the capacity; the district sponsored soil and pasture courses with outside trainers; the audience tends to be the cannabis growers; the district spent time in a fire-wise program trying to work with Oregon Department of Forestry and the county to improve safety around home sites; he said the attitudes of the manager and directors are positive despite the limited funds.

### **Other Business**

ODA is working on replacing the John Day Area Commissioner; Barbara has agreed to continue as a SWCC Commissioner as her current appointment ends November 30th.

### **SWCC 2017 Meeting Dates**

- Feb 8-9 – Portland area, TBD
- May 2-4 – Pendleton, Commission will meet before CONNECT
- August 10-11 – Southern Oregon, TBD
- November 14-15 – Salem area, TBD

Chair Boyer adjourned the meeting at 11:50 a.m.