



## **Soil and Water Conservation Commission**

### **Regular Quarterly Meeting**

**Thursday, August 10, 2017**

**12:00 – 4:30 PM**

**Jackson SWCD Office, Conference Room**

**89 Alder Street, Central Point, OR 97502**

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

Chair Barbara Boyer, Vice Chair Tim Kerns, Stan Dean, 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 (via phone); Manette Simpson, SWCD Program Lead; Eric Nusbaum, SWCD Operations Specialist; Jim Johnson, Land Use Coordinator (via phone); Sandi Hiatt, SWCD Grants Administrator; Renita McNaughtan, Ag WQ Support

### **Advisors Present**

Courtney Shaff, Oregon Watershed Enhancement Board (OWEB) Capacity Programs Coordinator; Pat Fitzgerald, Oregon Association of Conservation Districts (OACD) Vice President; Whitney Collins, Baker County SWCDs District Manager and OACD Interim Executive Assistant; Gene Foster, Department of Environmental Quality (DEQ) Watershed Management Program Manager

### **Visitors Present**

Marilyn Rice, Director Jackson SWCD and Commissioner Emeritus; Randy White, Jackson SWCD District Manager; Clint Nichols, Jackson SWCD Rural Conservationist and Planner; Kora Mousseaux, Jackson SWCD Urban Community Planner; Paul DeMaggio, Jackson SWCD Natural Resource Engineer; Rachel Werling, OSU Southern Oregon Research and Extension Land Steward Coordinator; Tom Salzer, National Conservation District Employees Association Pacific Representative; Brian R. Barr, Rogue River Watershed Council Executive Director; Karelia VerEecke, Education and Outreach Coordinator; Sophia Roesch, Jackson SWCD Office Assistant; Jenna Sanford, Jackson SWCD Natural Resources Technician; Markie Germer, Jackson SWCD Administrative Secretary; Marko Bey, Lomakatsi Executive Director; Erin Kurtz, NRCS District Conservationist

### **Call to Order**

Chair Barbara Boyer called the regular quarterly meeting to order at 12:00 PM on Thursday, August 10, 2017. Barbara thanked the Jackson SWCD for hosting the meeting. Introductions were made.

### **SWCC Chairperson Selection**

Barbara indicated that this is the time of year to appoint new officers, however, since several commission members were unable to attend, **Tim Kerns moved and Stan Dean seconded a motion to delay selection until the next meeting. The motion carried unanimously.**

### **SWCC Member Reappointment**

Manette Simpson presented Tim Kerns with a Letter of Appointment from the Department of Agriculture Director and Certificate of Appointment. The term ends June 30, 2021. She thanked him on behalf of ODA for continuing his serve to districts and the Commission.

### **Approve May 2017 Meeting Minutes**

The SWCC reviewed the minutes from the May 1, 2017, quarterly meeting held in Pendleton, Oregon. **Jerry Ward moved and Tim Kerns seconded the motion to approve the minutes from the May 1, 2017, SWCD regular quarterly meeting. The motion carried unanimously.**

### **Working Lunch: OSU Land Steward Presentation**

Rachel Werling gave a presentation on the OSU Land Steward Program where she is the Land Steward Coordinator. The program is a multi-disciplinary educational experience targeting private rural and urban landowners in Jackson County who want to better utilize and take care of their land. The 11-week, 55-hour field based course covers, local ecology, tree care, fire hazard reduction, biomass utilization, water quality and conservation, noxious weeds, wildlife management, etc. Each topic is covered by a resource professional, while a host of landowners share on-the-ground experience with management strategies they have utilized. Participants are required to create and implement an action plan for their own property that addresses at least one natural resource concern with technical assistance provided through cooperating local agencies. Participants also invest at least 20 hours of volunteer time to increase public awareness about natural resource issues.

### **Ashland Forest All-Lands Resiliency Project**

Marco Bey, Executive Director of the Lomakatsi Restoration Project, gave a presentation on the AFAR project. Lomakatsi is a non-profit, grassroots organization that develops and implements forest and watershed restoration projects in southern Oregon and northern California. Since 1995, Lomakatsi has a proven record of success implementing restoration projects across thousands of acres of forests and miles of streams. Lomakatsi works in cooperation with a broad range of partners including federal and state land management agencies, The Nature Conservancy, land trusts, private landowners, the district, watershed councils, city and county governments, and Native American tribes. Their work has set precedents on nationally recognized projects. They implement forest restoration and fuel reduction treatments through a cross-boundary, all-lands approach on federal and private non-industrial lands in and around the Ashland Creek Watershed. The Ashland Forest All-Lands Resiliency (AFAR) project is a 10-year stewardship project to reduce the risk of severe wildfire in the watershed and to protect water quality, older forests, wildlife, people, property, and quality of life. To date, 14,500 acres have been treated of the 52,000 project acres.

### **Advisor Reports**

#### **Network of Watershed Council (NOWC)**

Brian Barr, Executive Director of the Rogue River Watershed Council reported on behalf of Shawn Morford, NOWC Executive Director. Shawn has been investigating funding alternatives for watershed councils and their partners that will be affected by OWEB's change regarding eligibility for outreach grants; at least 18 councils, that have received OWEB funding in the past, for general community and youth education outreach, have reported they are looking for other sources of funding and new partners for that work beginning this fall; many councils consider community and youth education a major focus of their work so this shift will have a big and immediate impact across the state. A webinar was held with more than 45 people from districts, land trusts, councils, and their partners talking about ways to approach community and youth education; this follows a webinar in June that gave background on the current outdoor education landscape in Oregon, including opportunities for councils, districts, and land trusts to get involved in leadership in their areas; a third webinar is scheduled for August 24<sup>th</sup> and will highlight potential opportunities to partner with the healthcare sector on outdoor education. The NOWC board met in a retreat to explore priorities for how the network can best serve the councils going forward. The Network's four areas of service spell

IRCF – inform, represent, convene, and fundraise. The Network is part of the Oregon Conservation Partnership; the partnership is working on communications, providing tools and trainings to councils, districts, and land trusts, and will continue to use webinars and focus on ways to link all three organizations. The Network is committed to staying relevant, focusing on impact, and increasing membership sustainability. Courtney Shaff said that when they initially looked at who would be impacted by the change in the rules there had been no districts that were applying for the outreach grant, only councils. It was determined to do something for councils and a separate grant was sought with focus on communication. The districts were not applying for outreach grants because they were using other funding sources. Manette added that many districts have used their capacity grant (Scope of Work funding) for outreach, but because it is OWEB funding, they are now not allowed to spend that funding on outreach.

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

Pat Fitzgerald, President, and Whitney Collins, Interim Executive Assistant, reported that OACD is still in operation during the recruitment process for an Executive Director. Pat is the organizational ‘face’ and Whitney is handling the fiscal side to ensure that the day-to-day work continues, grant deliverables are up to date and invoices are being submitted; all RCPP matches are in and they can now report to NRCS. A search for an executive director started in July with a limited response; it was decided to pause for a few months and a subcommittee of the search committee is looking again at the job description and posting; the plan is to repost the position by mid-September, and their hope is to have interviews and offer the position by December. Pat noted that OACD could be more to the districts than they have been; Pat and Whitney will lead a conference call later in August with ODA and Barbara to discuss if there is a way to form an informal partnership with OACD being a conduit through which services can be provided to districts in need. The conservation partnership has proven to be a dynamic model that brings together a coalition of conservation partners that is able to leverage additional informal partnerships with other organizations like the Farm Bureau. OACD is also in strategic planning with Eric Nusbaum facilitating the meetings. Pat also mentioned that in his talk with Ron Alvarado about co-habiting with NRCS staff, he indicated that State Conservationist, Ron Alvarado, always favors people over bricks and mortar, however, with the new administration, there will be changes coming. Whitney added that she reviews Jerry Nicolescu’s email and answers or forwards them on as appropriate. Barbara thanked them both for stepping up to fill in during the search.

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

Courtney Shaff reported the recent OWEB board meeting was very busy with numerous funding items to decide and they are in the middle of strategic planning. The OWEB Board awarded \$6.75 million for each councils and districts, and because of the increase in funding, the current Intergovernmental Agreements (IGAs) wording became a problem; when grants hit \$150,000, OWEB rules require the grant agreements are to be approved by the Department of Justice prior to being signed by OWEB staff; the language in the previous IGA needed to be adjusted to align with the Measure 76 constitution language. OWEB had two grant requests from watershed councils that were not recommended for funding; however, one was approved for one year of funding after they presented additional information; after the end of one year, the council would have to be re-evaluated to get the rest of the funding, with many conditions being put on their grant. The OWEB Board did grant funding of \$2.8 million for small grants with two changes in the funding; the small grants projects increased from \$10,000 to \$15,000; and a new process has been put into place to recapture unspent small grant funds from one biennium and redistribute them the following biennium. Courtney also reported that OWEB has increased the technical assistance cap from \$50,000 to

\$75,000. The OWEB Board adopted the new stakeholder engagement rules, which replaced the former outreach grant rules. Within the technical assistance grants, are stakeholder engagement funds that will be offered twice a year; projects have to be done for purposes of on-the-ground restoration and there will have to be a specific time frame, or tied to a specific project or a group of projects with a concept. The Board also approved the technical assistance and focused investment partnership (FIP) rulemaking with rules to be adopted at the January board meeting. The Board will be awarding new capacity building FIP grants at the October board meeting. The Oregon Ag Heritage Program received funding to develop the program; OWEB staff will pull together a commission and design the program with the intent to have it ready for the next legislative sessions. OWEB staff is working with ODA staff in addressing concerns with a particular district; a letter will be sent out that OWEB and ODA will no longer be entering into any future agreements with them until all issues and obligations are resolved.

### **SWCD and Water Quality Management Updates**

John Byers reported on the Strategic Implementation Areas (SIAs) status and the need for six SIA locations for 2017-18 with four of the six secured; ODA has been discussing possibly having districts partner in an SIA with the watershed council that works closely with them. John reported that monitoring will be a part of the SIA process; ODA will work with partners to determine monitoring needs. John talked about if a district needed to be dissolved that it is ODA's responsibility to liquidate it and appoint new directors and reinvigorate that district; it is ODA's intent to not let a district fail. John reported that Sandi Hiatt did an excellent job of working with the districts to update the 2017-2019 Intergovernmental Grant Agreements, after legal review changes, with very short turn around.

### **TMDL Program Update**

Gene Foster reported on the status of the Total Maximum Daily Load (TMDL) development and implementation. TMDLs currently in development:

- Hood River - revised temperature TMDL, DEQ is developing response to comment (RTC);
- Klamath River and Lost River Nutrient TMDL, DEQ is developing RTC;
- Willamette Basin mercury TMDL, April 2019 EPA action court ordered;
- Klamath temperature TMDL, April 2019 EPA action court ordered;
- Coquille TMDL for DO, pH, bacteria, temperature;
- Mid Coast TMDL for DO pH, bacteria, bio-criteria (sediment), temperature.

### **Ag Land Use Update**

Jim Johnson reported that House Bill (HB) 2179 passed which dealt with treatment of sewage on-site as fertilizers, etc.; it could help some in southern Oregon. HB 2785 passed and signed by the governor and dealt with removal-fill laws with aging or failing farm buildings; the new law will recognize pre-existing use and allow the farm building to be rebuilt without having to go through the removal-fill laws. HB 3149 requires development of a plan for the Oregon Coast trail and might have local implications for coastal counties. HB 3249 passed with a small development budget for the Oregon Ag Heritage Program, an OWEB bill supporting easement acquisition, succession planning, conservation management planning, etc. Senate Bill (SB) 3 passed, which prohibits motorized placer mining in some areas dealing with salmonid habitat. SB 644 exempts getting a county land use permit to do certain types of mining operations on the east side of the state; used to have to get a conditional use permit from the county as well as a permit from Department of Geology and Mineral Industries (DOGAMI); the new law says they can go directly to DOGAMI for a permit. SB 677 allows cider businesses to operate under the same requirements/standards as wineries for tastings and

events. ODA is getting calls related to regulation of growing hemp, recreational cannabis, and medical cannabis; Douglas County has made their own interpretation of the regulation of industrial use hemp and hemp seed which is considered the same as growing medical marijuana so they can regulate it for time, place, and manner; ODA disagrees with their interpretation; ODA issues licenses for hemp as a farm use and the legislature said it was a farm use; if Douglas County does require a permit, then ODA will not be able to issue licenses until local hemp growers go through a conditional use process; concern that the long-term implication is that the county could start doing that for other farm uses. Tillamook County Commissioners adopted an ordinance to implement SB 1715 provision that the legislature gave to the county to require conditional use for wetlands on Exclusive Farm Use (EFU) zoned land; it's a compatibility analysis, not a conversion analysis, with several entities working with the county to see if there is a better process. Barbara and Jim attended a Land Conservation and Development Commission (LCDC) meeting to testify that LCDC should go into rulemaking to address citing solar facilities on EFU; the Commission made no decision during their meeting; ODA and Department of Land Conservation and Development (DLCD) submitted a letter to Clackamas County opposing the development of a 400-acre solar facility on farmland; there is a possibility that a rule advisory committee will be put together to make recommendations; the next LCDC meeting will be in September in La Grande. ODA recently filed written comments on a proposal to rezone 450 acres of high value farmland from EFU to industrial use outside of Clatskanie; Port of St. Helens wants to put in facilities to support an oil facility, etc.; agriculture is already a high value economic activity and they have other alternatives that do not involve high quality soil; no final decision has been made yet, but this is an example of the continuing pressure to re-zone high value ag land to other economic development. Jim just received a box of materials on the Boardman, Oregon to Hemingway, Idaho transmission lines that will cut through several high value ag areas. ODA and DLCD filed an Amicus Friends of the Court brief to the Supreme Court with the state's analysis of how the standard for conditional use permits will not conflict with the compatibility standard and it's interpretation; the Court of Appeals' interpretation was a totally adverse and new approach as to how ORS 215.296 has been interpreted for the past 40+ years; the Court said an adverse situation to ag exists if the proposed nonfarm use will significantly decrease the supply of ag land or the profitability of a farm or profitability of provision of food instead of focusing on how the nonfarm use actually implicates how the day-to-day farming practices occur. Instead of making it into a compatibility standard, they turned it into a significance and profitability standard, which is contrary to how it has been done in the past; Jim said to contact him with questions.

### **Jackson SWCD Strategic Implementation Area Briefing**

Brian Barr, Rogue River Watershed Council (RRWC) Executive Director, gave a brief background of the RRWC and how it came about. He said that they cover 60% of the basin stream miles, which is about 1.6 million acres. There are four stretches of creek that they concentrate on that are Coho salmon areas with two SIAs in Upper Bear Creek; one in Neil Creek and one in Wagner Creek. Clint Nichols, Rural Planner for the district, reported that he works exclusively with landowners on a variety of natural resource concerns; water quality and non-water quality related. Wagner Creek had three 'significant' SIA properties; two worked with the district and the other one resolved the issues on their own. There were 12 'moderate' SIA properties with over half that worked with the district. A grant for about \$200,000 on Wagner Creek was approved by OWEB and ODA and involved 11 landowners, 12 acres of riparian restoration, 500 feet of just manure management structures, less than 800 feet of fencing for livestock management, 8 acres of irrigation conversion, which included a fish passage barrier removal, and a pressurized irrigation system with another fish passage barrier (dam) to be removed in the fall of 2017. The Neil Creek SIA had one 'significant' property, a large horse sanctuary with 1.3 million pounds of manure; a \$96,000 grant award from OWEB built a manure

management facility, 200 feet of surface drainage work on an unimproved road, an open irrigation ditch, and fencing. There were three ‘moderate’ properties on Neil Creek and were handled by the landowners on their own.

### **SWCC Member Reports**

Jerry Ward reported that West Multnomah SWCD has a restoration project on Sturgeon Lake on Sauvie Island and will be doing site preparation for vegetation work along Dairy Creek by removing non-native blackberry and false indigo bush on the creek banks; the plan is to replant with native trees and shrubs. He also reported that the gypsy moth is in their district and they are working to remove it as well as Japanese beetle. Clatsop SWCD has doubled their staff but they have financial resource challenges; they are currently putting in a heavy use area and manure storage buildings for a lamb farm and two horse operations, and a stream bank stabilization project to be completed this fall. Tualatin SWCD will be relocating to a new facility in October/November with more room, and other amenities for the community; they will also be hosting a meeting for the Commission in 2018.

Tim Kerns reported the interest building regarding the eclipse. Fires are a fear for locals with all of the extra people projected in the area; they are staging fire engines around the area to be ready. Baker Valley SWCD will be shut down 21<sup>st</sup> and 22<sup>nd</sup>, and Union SWCD has a new manager.

Stan Dean visited Klamath SWCD and attended their board meeting; he noted the main issue is the Klamath River and the water supply; the Klamath SWCD projects are conversion from irrigated pasture to dry pasture. The Illinois Valley SWCD issue is cannabis; there seems to be a riff growing between small growers and industrial growers; they have been going through reorganization as the watershed council and SWCD were intermeshed; they are working to clearly define duties. Stan has been working to get more clarity about district advocacy; lobbying is where he is getting mixed direction on what he can and can’t do; he and Randy White will be putting together a policy.

Barbara reported on the process of going before the LCDC hearing and that she appreciated the path from local SWCD to the Commission to the Board of Agriculture in order to get there.

### **Public Comment**

Tom Salazar noted he has been in the conservation district family for about 25 years, with the last seven at Clackamas SWCD. He reported he is the Pacific Region representative to the National Conservation District Employees Association (NCDEA); NCDEA is about improving the conservation delivery system; Washington and Oregon lead the Pacific Region. He is temporarily filling in for the Southwest Region as well.

### **Upcoming Meetings**

November 13-14, 2017 in Salem. Location TBD.

Hold February 13-14, 2018 with location TBD – most likely Salem area.

Assignments: Return to Jackson SWCD in three years.

Meeting was adjourned at 4:34 PM.