



Oregon Soil and Water Conservation Commission
Regular Quarterly Meeting
Monday, April 16, 2018
Noon to 4 p.m.
Seaside Civic and Convention Center
415 First Ave. Seaside, OR 97138

Soil and Water Conservation Commission (SWCC) Members Present

Chair Barbara Boyer, Vice Chair Tim Kerns, Stan Dean, Gary Jensen, Jerry Ward. Absent: Ted Molinari

Oregon Department of Agriculture (ODA) Staff Present

Stephanie Page, Natural Resources Program Area Director; John Byers, Soil and Water Conservation Districts (SWCDs) and Agricultural Water Quality Management Programs Manager; Manette Simpson, SWCD Program Lead; Eric Nusbaum, SWCD Operations Specialist; Sandi Hiatt, SWCD Grants Administrator; Jason Eck, Support Specialist.

Advisors Present

Courtney Shaff, Oregon Watershed Enhancement Board (OWEB) Capacity Programs Coordinator; John Keith, Oregon Association of Conservation Districts (OACD) Executive Director; Gene Foster, Oregon Department of Environmental Quality (DEQ) Watershed Management Program Manager; Ron Alvarado, Natural Resources Conservation Service State Conservationist; Jason Faucera, Oregon Conservation Education and Assistance Network (OCEAN) President.

Visitors Present

Heather Medina-Sauceda, Natural Resources Conservation Service Basin Team Leader; Ray Monroe, Tillamook Soil and Water Conservation District Manager; Ken Bailey, Wasco Soil and Water Conservation District Director; Mike Seppa, Clatsop Soil and Water Conservation District Director.

Call to Order

Chair Barbara Boyer called the regular quarterly meeting to order at 12:15 p.m. on Monday, April 16, 2018.

Approve February 2018 Meeting Minutes

The SWCC reviewed the minutes from the February 13, 2018, quarterly meeting held in Keizer. **Jerry Ward moved and Stan Dean seconded the motion to approve the minutes from the February 13, 2018 SWCD regular meeting. The motion carried unanimously.**

Working Lunch: Tillamook SWCD Presentation

Tillamook Soil and Water Conservation District Manager Ray Monroe, presented updates on projects and activities in his district; Tillamook County has 150 tidegates, with 60 failing, they are working on the terrible weed problem on the Wilson, Kilchis, and Nehalem rivers, the nutrient management program is working. Ray said they are growing slowly into their taxbase and are thankful to have it.

Natural Resources Program Area Updates

Stephanie Page reported on the major staffing changes at ODA during the past several months. Stephanie, former Director of the Food Safety and Animal Health programs, replaced Ray Jaindl, who retired at the end of March. Isaak Stapleton, who worked as a pesticides investigator, replaces Stephanie as Director of Food Safety and Animal Health Program Area. Stephanie said Isaak brings nursery and landscaping experience to his new position. Additionally, the Market Access and Certification Program Areas lost two staffers: Director Lindsey Eng; and Terry Fasel, Manager of the Agricultural Development and Marketing Program. Stephanie said ODA was sad to see Lindsey leave; it is a huge loss for the agency. Casey Prentiss, is serving as the interim director until a new marketing manager is hired, and then recruiting for a new director will follow. And lastly, Bruce Pokarney, long time Communication Director, retired in March and was replaced by Andrea Cantu-Schomus. Andrea, a former television news reporter, has served as communications director for the Oregon Secretary of State office and with the child welfare program at Oregon Health Authority.

ODA is in the midst of the 2018 Legislative session. Legislative concepts were due on April 13 and ODA has two concepts in the Natural Resources Program Area. The first is a fee bill for the Confined Animal Feeding Operation (CAFO) program. This bill seeks to secure funding to continue supporting one of nine CAFO positions that has historically been supported using fee-payer funds. These funds have not kept up with the cost of living to fund the position. Raising fees comes in cycles and Stephanie said ODA recognizes that some stakeholders could be affected by fee increases in multiple programs. She said ODA has had some tough conversations with stakeholders. The other bill concerns efficiencies in the Pesticides program. The program is looking to remove an antiquated \$5 retake fee. The fee was began when tests were administered by paper at ODA. The tests are now offered electronically and retest fees are paid to a testing company. The program also is looking at simplifying the process by which pesticide operators submit insurance information to improve turnaround time on the issuance of licenses.

Stephanie said ODA has identified three policy option packages or POPs. The first is to obtain a land-use person to cross train with Jim Johnson, Land Use and Water Planning Coordinator, over the next couple of years for succession planning. This is a general fund request. She said other POPs would be fee-funded, including additional database support in the Pesticides Program and Pesticide Analytical and Response Center (PARC); and for an additional assistant in the Fertilizer Program. ODA has a placeholder for the Strategic Implementation Area initiative. Additionally, a package for revising the way funding for the Pesticide Stewardship Program is set up, noting that this would not affect the amount of money the program receives.

Stephanie identified the following hot topics for ODA: issues surrounding Lost Valley Dairy; cannabis, and the adulterated products that the Pesticide and Fertilizer programs deal with; ongoing concern about worker protection standards and associated training; and ODA's partnership with OSU and what Stephanie described as its outstanding pesticide training and resource center coordinator, Kaci Buhl, who Stephanie said has been great to work with and is working to set up various trainings.

Water Quality Management Update

John Byers said the Environmental Quality Commission and the Oregon Department of Environmental Quality have asked ODA to provide a tour of a Strategic Implementation Area. Wasco SWCD, which has completed three SIAs in a row, has agreed and have completed great work. The tour is May 13.

John spoke about Farmed Smart, a certification program through the Pacific Northwest Direct Seed Association, that if farmers meet a set of criteria such certification provides regulatory certainty. A certification process has been set up in the state of Washington. ODA has not done much regulatory certainty certifications programs at ODA and John believes it is a good time to have the discussion, particularly considering that the Direct Seed Association and Washington have approached ODA. John said he is in the process of bringing together groups to talk about the issue.

John said close to 15,000 grass seed acres were registered this year for ODA's Smoke Management Program and that between 12,000 and 13,000 acres will actually be burned. He explained that non-grass seed agricultural burning depends on producers being reasonable with their burning near neighbors. Oregon is the only state in the West where general agricultural burning is not regulated.

John spoke about a water issue occurring in Klamath Falls involving producers along Klamath Lake who have commonly practiced winter flood irrigation with spring pumping of tail water back into the lake. This involves thousands of acres of typically potatoes. John said the practice is good agronomically but the challenge comes when phosphorus is pumped back into the lake when there also are high levels of background phosphorus. ODA is working with the farmers to continue the agricultural practice, but all sides recognize that maybe the practice needs to change in the future. Oregon Department of Environmental Quality is helping with monitoring in multiple locations to learn about the scope of the problem. ODA, DEQ, producers, and tribes are coming together to look at alternatives if the practice is, in fact, detrimental.

Advisor Reports

Oregon Association of Conservation Districts (OACD)

John Keith said OACD continues the road trip across the state to districts to validate the strategic plan priorities. OACD identified the following strategic plan priorities: policy; education; communication and transparency; and basin representation and functionality. John encouraged the commission to let him know if there are other priorities. John also pointed out current OACD initiatives. They are funding; advocacy; capability and capacity; and communication and collaboration.

John identified a hot topic the association is focusing on as the issue of Districts being part of corporations and district membership on 501(c)(3) boards. The Benton SWCD wanted to form a corporation to help manage its joint building with other nonprofits. Manette Simpson said more research is needed to determine if district board members and staff can be part of a nonprofit corporation. Manette is working with the Special Districts Association of Oregon on the issue.

John spoke about working on a cooperative agreement with the Natural Resources Conservation Service. The last one was completed 22 years ago. John said there is a wide spectrum of concerns with the agreement. Stan is part of a workgroup tackling the issue.

Oregon Conservation Education and Assistance Network (OCEAN)

Jason said he is stepping down as president, but will remain on the board, likely as secretary. He said he was excited everyone was at CONNECT, which will offer more than 60 sessions and include some 300 registrants. He credited the Oregon Conservation Partnership for the successful planning of the event, the largest to date. He said a planner was hired for the first time to help with organizing the event. He said OCEAN is in transition and is working to try to get people on the board.

Oregon Watershed Enhancement Board (OWEB)

The OWEB board will meet in Frenchglen in April when it will award acquisition, water, and open solicitation grants, and discuss the strategic plan. In June, OWEB will have a joint meeting with the Washington Salmon Recovery Funding Board in Stevenson, WA on the first day and in Cascade Locks, OR on the second day. OWEB is in the process of lots of rulemaking updates. The board will look at adopting new small grant program rules in April and technical assistance grant rules in June.

OWEB currently is in the midst of consultations for the 2019-2021 Focused Investment Partnership Implementation grants it will award. OWEB has 10-12 applications and funding to award two to three grants.

Heather Medina-Sauceda said NRCS and OWEB are working on a 5-year, \$1 million agreement for conservation planning and implementation to help NRCS get work done in priority areas. Courtney said the plan is to start slowly and not spend the entire \$1 million the first year. The goal is to have two to three pilots. More information is due to districts in August. OWEB expects initial funds to be out by October.

Natural Resources Conservation Service (NRCS)

Ron Alvarado said he received headquarters approval to hire three district conservationist positions, but has since lost three people. He is worried about getting further and further behind. NRCS has started draft signups in Klamath Falls for water allocation. He said NRCS is not getting the signups they expected, but it looks like farmers are waiting to see what their water allocation is going to be. Ron said NRCS is at the table ready to help as it is able.

Department of Environmental Quality (DEQ)

Gene Foster said total maximum daily load (TMDL) litigation is underway. He said DEQ doesn't know if the case will result in a court hearing and doesn't expect to learn until summer. Despite the litigation, he said DEQ is moving forward on other TMDLs. Gene said indications are that 2019 nonpoint source grant funding will be the same amount as in the past, about \$300,000 because of Coastal Zone Management Act Reauthorization Amendments (CZARA) penalties. Gene said he has been authorized to fill five open positions that had been held open to fund other positions.

Strategic Implementation Area Update

John Byers provided an update on ODA's 2017-18 Strategic Implementation Areas (SIAs). They are in Clatsop, Curry, Lane, Umatilla, and Wasco counties. Open houses are being held in each of the areas to meet with landowners in the selected areas. John and Courtney pointed to one SIA, Clatsop, where ODA and OWEB encouraged the two adjacent watersheds to work together with the Clatsop SWCD in order to build capacity and meet water quality goals. An impromptu meeting was held to brainstorm ideas before the open house.

One change in the SIA process is "limited opportunity for improvement." The category used to be "no concern." John said a priority from the Governor's Natural Resources Office was "uplift," with the idea that there is always room for improvement on a property. Another category is "opportunity for improvement." Landowners have to comply with water quality goals, but how they do so varies, often at a landowner's discretion. The takeaway from the producers' standpoint, John said, is that there are a low percentage of "opportunities for improvement", but that is where "uplift," comes in.

Districts will work with local partners to help landowners who are classified as "opportunity for improvement." If producer does not get hold of the district after 12 months and one day, then ODA

becomes involved to determine if there is a compliance issue. Courtney said the legislature approved \$1.2 million for the 2017-19 biennium or \$125,000 per SIA for SWCD capacity, landowner engagement, landowner technical assistance, and monitoring. She said OWEB is conducting quarterly calls to help districts through issues with SIA grants.

ODA has organized three SIA Open Houses and while landowners are skeptical at first, they find out the process is not as invasive as they initially anticipated. John said ODA has to do 12 SIAs over the 2017-2019 biennium, which means ODA needs to conduct seven SIAs next year. John asked the commission how he reaches districts who don't want him to come. He said the capacity issues have been addressed with the new OWEB funding structure. He said word is getting out on the success of the SIAs, but where does ODA go if it is unable to get to the seven required? John said more outreach could be done to let districts know about SIAs, but maybe not for this biennium. But looking forward he doesn't know what may happen with funding for the next biennium. John encouraged the commission to help him get the SIAs voluntarily. Barbara recommended having district managers of current or former SIAs call neighboring districts to share the SIA successes. Stan recommended having SIAs on basin committee agendas where successes from SIAs can be shared.

SWCD Staff Update

Sandi Hiatt reported that capacity grant quarterly reports for the third quarter were due recently and 26 districts had submitted reports. Sandi shared the new elections paperwork format. The information is online and went out to districts in early April. Elections forms are now available as fillable forms online. Packets are available for SWCDs and for candidates.

Eric Nusbaum provided a summary on the district manager training he provided from February to April. He said the trainings went really well and included two-thirds of the managers. There was a lot of discussion dealing with board of director and employee issues, which prompted open and honest discussion. Eric said he will develop tools and trainings for boards based on the managers' trainings. He said the SWCD and Water Quality Program, SIAs, and Focus Areas were among the issues directors brought up. He received ideas about how to conduct director training; director trainings historically have been a challenge and have not been well attended recently.

Eric encouraged boards to contact him if they want to have him conduct a Board Practices Assessment as part of Special Districts Association of Oregon that, if completed, gives districts a discount on their insurance.

Manette presented a draft document that proposes ODA withdraw the local government self-insurance coverage that is extended to SWCDs from the Department of Administrative Services (DAS) through ODA's coverage. Manette explained that ODA had offered this coverage for many years, but that the scope of work and business operations SWCDs are now engaging in is increasing in risk. She said SWCD's recognize this and almost all have purchased SDIS coverage, which is needed to meet OWEB's new grant requirements.

Manette said the process to replace Commissioner Mel Omeg in the Deschutes area is under way. She will send a memo to district managers in the Deschutes area seeking possible nominations. Under Oregon statute, commissioners have to be current SWCD directors, so the candidate pool is small since there are six to seven districts able to apply (40-45 members). The same process will occur in June to replace Commissioner Ted Molinari. Manette said Ted extends his regrets for not being at the

meeting. Once nominations are received, an evaluation and vetting process will occur through the ODA Director's Office. Director Taylor will make the appointments.

District Issues Forum

John Byers updated the commission on an SWCD that is not in compliance and is not receiving funding from any state agency. ODA has provided a list of steps the SWCD needs to take to come into compliance and these instructions have been ignored. John said dissolution of the district is an option, but he said ODA wants to avoid that.

SWCC Member Reports

Stan Dean: Stan provided updates on the Jackson Soil and Water Conservation District, noting that the district has two SIAs that it is proud of. One SIA on Wagner Creek was accompanied by removal of a dam through a separate funding source that attracted news coverage. He said seeing fish get access to three miles dovetails with the "uplift," or showing results right away. Jackson SWCD has rolled out a Riparian Rebate Program, where, if landowners meet certain requirements, they qualify \$115 per 1,000 square feet for riparian restoration. The district has combined its urban and rural handbooks, which had become outdated, into a new Natural Resources Stewardship Handbook. Stan said the district is wrestling with urban growth, spurred by the City of Central Point and its desire to expand its urban growth boundary. He said the district is thinking about taking positions on the issue and wants to educate itself. John recommended Stan speak to staffers at East Multnomah SWCD.

Tim Kerns: Tim said the water outlook in the Snake Basin is looking better than six weeks ago, but still not where it should be. He said John Keith and Pat FitzGerald of Oregon Association of Conservation Districts came to a basin meeting and gave a great presentation. He said there was someone from all regional districts present and hopes that is momentum for the future.

Barbara Boyer: Barbara said she has been working on the issue of solar projects on prime farmland. She said neighboring districts have reached out to the Yamhill SWCD and the district has been writing letters with each land-use application and testifying before planning commissions to try to prevent solar projects on prime farmland. Yamhill SWCD has partnered with Yamhill County roads and OWEB on a limited duration position for weed control. The employee will conduct an inventory of roadside ditches for the county.

Jerry Ward: Tualatin SWCD will host an open house from 3:30-6:00 p.m. May 2 at its new location. The district has a long-term lease for its new building and with its new tax base is focusing on filling out programs, with a focus on urban outreach.

Gary Jensen: Gary said John McDonald, director with the Tualatin SWCD, spoke at the last Upper Willamette SWCD meeting about the process Tualatin used to establish a tax base. He said he particularly noted how John spoke about broadening the district's audience by focusing on improving community health by protecting water. He said the Willamette SWCD is still wrestling with the idea of pursuing a tax base. Lane County had a ballot proposal last fall to restrict aerial spraying, particularly in forest environments. He said fortunately, a judge threw it out because it didn't comply with the pesticides ordinance. Gary said there is a lot of discussion about revamping rules and regulations regarding smoke management and air quality with the burning of forest waste. It gets a lot of urban support to restrict or eliminate it. He said the district is concerned that these rules may move in to the valley.

Public Comment

Ken Bailey, Wasco SWCD, spoke about the Oregon Agricultural Heritage Program, created by the legislature in 2017 to protect and preserve agricultural lands. Bailey is a member of the commission and said the commission is working on putting together rules, which the OWEB board will review for approval. Bailey said succession planning, conservation management plans, and easements are the major areas on which the commission is focusing.

SWCC Meeting Wrap-up

Manette said Oregon is hosting the Tri-state Commission meeting this year with Washington and Idaho. She proposes cancelling the July 24 meeting in Boardman and rescheduling to meet in McMinnville on August 7-8, with a full-day meeting on Tuesday and tours on Wednesday.

Barbara acknowledged the work Stan completed on the advocacy plan and said it would be among the topics discussed during a work session on the strategic plan during the commission's fall meeting. Commissioners set the meeting for November 14-15, location TBD.

Meeting adjourned at 3:46 p.m.