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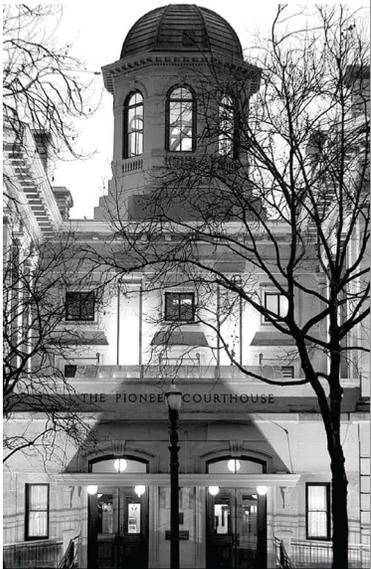
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**OREGON DEPARTMENT OF AGRICULTURE
STATE BOARD OF AGRICULTURE MEETING**

TAKEN ON

WEDNESDAY, SEPTEMBER 20, 2017

8:30 A.M.

SHILO INN

2500 ALMOND STREET

KLAMATH FALLS, OREGON 97601

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BOARD MEMBERS PRESENT

- Ms. Barbara Boyer, Chair
- Mr. Tracey Liskey
- Ms. Laura Masterson
- Mr. Pete Brentano
- Ms. Stephanie Hallock
- Ms. Luisa Santamaria
- Mr. Bryan Harper
- Ms. Joyce Loper

DEPARTMENT OF AGRICULTURE REPRESENTATIVES

- Alexis Taylor, Director
- Lisa Hanson, Deputy Director
- Mr. Lauren Henderson
- Ms. Stephanie Page
- Mr. Ray Jaindl
- Ms. Lindsay Eng
- Mr. Clint Burfit



1 OREGON DEPARTMENT OF AGRICULTURE
2 STATE BOARD OF AGRICULTURE MEETING

3 TAKEN ON

4 WEDNESDAY, SEPTEMBER 20, 2017

5 8:30 A.M.

6
7 THE CHAIR, BARBARA BOYER: Good morning,
8 everybody. I'd like to call this meeting to order.
9 Thank you everybody for being here. And we are
10 going to improvise with the flag today; so I'd like
11 -- I'd like to start the meeting with the Pledge of
12 Allegiance, please.

13 (WHEREUPON, the Pledge of Allegiance was
14 recited.)

15 MS. BOYER: All right. So let's go around
16 the room with introductions. And we will start with
17 you, Lee Anne.

18 THE REPORTER: My name is Lee Anne McAdam,
19 I'm the court reporter, and thank you for having me.

20 MS. HALLOCK: Hi, I'm Stephanie Hallock.
21 I am a public member of the board starting my second
22 term from the metro Portland area.

23 MS. LOPER: I'm Joyce Loper. I am
24 Associate Dean for the College of Agricultural
25 Sciences at Oregon State University, and I'm sitting

1 in representing Dan Arp, the Dean of the college,
2 who is an ex officio member of the board.

3 **MS. TAYLOR:** Alexis Taylor; I'm Director
4 of the Oregon Department of Agriculture.

5 **MS. BOYER:** Barbara Boyer, I sit here as
6 the chair of the Soil and Water Conservation
7 Commission. I'm a farmer out of McMinnville.

8 **MR. HARPER:** Bryan Harper, farmer out of
9 Junction City. I raise hazelnuts.

10 **MR. BRENTANO:** Pete Brentano from St.
11 Paul. We have a diversified family farm growing row
12 crops, seed crops, and nursery stock.

13 **MR. LISKEY:** Tracey Liskey, farmer here in
14 Klamath Falls. You will see my operation this
15 afternoon. I'm on last term of my --

16 **MS. MASTERSON:** I know. Thanks for
17 hosting us, Tracey. Laura Masterson, organic
18 vegetables, Willamette Valley.

19 **MS. HANSON:** Lisa Hanson, deputy director.

20 **MR. JAINDL:** Ray Jaindl, director of
21 natural resources program, ODA.

22 **MS. PAGE:** Stephanie Page, director for
23 food safety and animal health programs at ODA.

24 **MR. BURFIT:** Clint Burfit, program
25 manager, insect, pest prevention, management.

1 **MS. ENG:** Lindsay Eng, director of market
2 access and certification programs, ODA.

3 **MR. HENDERSON:** Lauren Henderson,
4 assistant director of the department.

5 **MR. PERKOWSKI:** Mateusz Perkowski; I'm a
6 reporter with Capital Press.

7 **MS. BOYER:** Thank you. Moving on to
8 approval of our last board meeting from May minutes.

9 **MR. LISKEY:** I so move.

10 **MS. MASTERSON:** I'll second.

11 **MS. BOYER:** Been moved by Liskey, seconded
12 by Masterson. Any further discussion? All those in
13 favor say aye.

14 **(WHEREUPON, all responded "aye.")**

15 **MS. BOYER:** All those opposed, nay.

16 **(WHEREUPON, no one responded "nay.")**

17 **MS. BOYER:** All right, motion passes.

18 Alexis, you are up.

19 **MS. TAYLOR:** Great. First and foremost,
20 thanks to Tracey for the hospitality and showing us
21 a little bit about ag in Klamath Falls. I'm excited
22 about it.

23 This is my 26th county I have been to so
24 10 more. I think last time we met I had 11 done so
25 made a lot of progress since last we met, well on my

1 way to doing every county my first year; so that's
2 great, but thanks for making Klamath Falls an easy
3 one to check off the box.

4 Some good news, as Stephanie mentioned in
5 her introduction, Stephanie and Tyson have been
6 reappointed to their second term by the governor; so
7 we're very excited and maybe we can congratulate
8 them.

9 **(WHEREUPON, there was applause from**
10 **attendees.)**

11 **MS. TAYLOR:** We are in legislative days,
12 September legislative days at the legislature this
13 week. We testified before House Ag yesterday
14 morning, and I think it was a good conversation with
15 the legislature, legislators.

16 They asked us to focus on two different
17 areas. One was the recent Japanese eradication
18 effort that we took -- that we conducted up in north
19 Portland and Cedar Mill area and really give an
20 update of what we did and what we are seeing going
21 forward.

22 I would say Clint is here and he runs
23 that; so if there are specific questions, he is the
24 expert on all of that. We are still collecting some
25 traps -- oh, and we have got the presentations we

1 presented so the Board could have copies to kind of
2 see.

3 We're still collecting traps, but it's
4 larger from that region than we kind of had
5 anticipated, but the good thing is we got the region
6 and the zone right; so we are very confident that we
7 can fully eradicate the Japanese beetle, which is
8 excellent for agriculture in Oregon, but it's going
9 to be a long-term project, and it is going to cost a
10 significant amount of money.

11 We are still kind of crunching the numbers
12 now that -- and so we will have to go before the
13 Ways and Means Committee on next year for funding
14 again. They gave us funding last year, and we're --
15 it's going to be a multi-year project there, but we
16 have a lot of confidence that we are going to be
17 able to eradicate this.

18 And that's great because it is not
19 established in any state west of the Rockies; so we
20 are really on the front line of defense here. I'm
21 sure Pete could talk at length about this, what it
22 could really mean for our nursery industry.

23 Our numbers up front were \$43 billion --
24 or excuse me, \$43 million every year in economic
25 impact to the state if the beetle was established in

1 Oregon so it would be pretty devastating.

2 The second thing the House Ag Chair Clem
3 asked us to talk about was an update on the
4 additional authorities from the -- and additional
5 resources that we received from the 2015 legislative
6 session around pesticide use.

7 We got some additional staff resources.
8 We got some additional clearer authorities on
9 license suspensions or revocations.

10 We also got a new requirement for aerial
11 applicators needing a separate aerial application
12 license; so we really just gave them an update on
13 what has happened since then, and really I think we
14 shifted culturally and in a mind-set on this
15 continuous improvement. We are constantly kind of
16 taking lessons learned and trying to improve.

17 One of the big things, I think, that has
18 happened since that legislation has come about is we
19 hired a citizens advocate, citizens liaison, and I
20 think we are much more customer focused in how do we
21 talk with the individuals who have been potentially
22 impacted by a pesticide event, and then how are we
23 talking to the general public and making sure we are
24 constantly talking early and often as investigations
25 evolve.

1 Also, we -- I think one of the concerns
2 was people did not have an opportunity to talk to
3 the department off business hours and so we are now
4 part of 211 and so individuals can call and report
5 any time of the day, and then that comes into our
6 PARC system, the Pesticide Analytical and Responses
7 system, which we house the coordinator, which is Ted
8 Bunch; so gave them an update on both of those
9 things. You see the presentations, and we can talk
10 in greater detail if there's interest later.

11 I was -- last week, Lisa Hanson, my deputy
12 director, and I were at NASDA, the National
13 Association of State Departments of Agriculture in
14 New Orleans. It was -- we meet twice a year, once
15 in D.C. for our policy conference, and then once in
16 the fall, in September, around -- at the
17 president's, whoever is the president of the NASDA,
18 in their home state.

19 I think it was a good meeting. Couple
20 things that we focused on was the new commissioner
21 of the Food and Drug Administration came and spoke
22 to us, and I think really helped expand what's going
23 on around FSMA for us.

24 They are delaying some of the timelines to
25 do additional work on the water rule, which is

1 really important in Oregon, and really kind of
2 worked through some of what's going on.

3 I think it's been a good refresh and kind
4 of restart with the new commissioner coming on, and
5 I think we feel pretty positive. I think we still
6 have questions and concerns, but really willing to
7 work with us in Oregon and our needs as the farmers
8 are trying to deal with what's going on with FSMA.

9 Focused some on the farm bill. We had A
10 panel of D.C. commodity groups who talked what's
11 coming in the next farm bill. I led an action item
12 that was approved unanimously by the NASDA members
13 on supporting a comprehensive farm bill so keeping
14 the nutrition title with the rest of the farm bill.

15 I -- I see this as one of the top three
16 issues they are going to -- Congress is going to
17 have to deal with around the farm bill and so I
18 think it's important that NASDA and the state
19 departments really weighed in that having a
20 comprehensive farm bill is really important because,
21 yes, we are helping kind of the most vulnerable
22 population access healthy food or access food, but
23 it also is important to the economic side for
24 farmers and ranchers.

25 They are buying food grown in the United

1 States, too, so I think they are really
2 complementary; so I think more to come from NASDA on
3 the farm bill.

4 And then the other item that we focused on
5 was a lot on trade. Obviously there's a lot going
6 on in D.C. around trade. We had some speakers
7 around trade focusing on Japan, which is really
8 important to Oregon as our number one agricultural
9 market, but also focused a lot on NAFTA and the
10 modernization effort that's going on right now.

11 And I think there's a lot of concern from
12 ag in the United States at large but also in Oregon.
13 You know, Mexico and Canada for the U.S. are the
14 number two and three markets. For Oregon, Canada is
15 our number -- looking to Lindsay -- number two and
16 Mexico's, like, our number seven or nine? Yeah, and
17 so it's important to have.

18 NAFTA has really integrated our markets,
19 and they are great markets for Oregon food and ag
20 products and so there could be a lot of damage done
21 economically to the trade side if they are not done
22 right and so a lot of focus on that, too.

23 Speaking of trade and Japan, this -- in
24 two weeks, I'm going with the governor on a trade
25 mission to Japan and Hong Kong. We have nine Oregon

1 businesses who are going with us on various legs,
2 depending on their interest, and so I'm excited
3 about it.

4 I think, you know, there's -- obviously
5 Japan's our number one ag market and looking forward
6 to taking some ag companies to either further expand
7 into that market or get into that market for the
8 first time.

9 Also on trade, the Tri-National Accord is
10 coming up in mid-October as well. I won't be there.
11 I will be just getting back from Asia, but Lisa
12 Hanson, our deputy director, is going to go for ODA.

13 The Tri-National accord is with kind of my
14 counterparts in Canada and Mexico and then the
15 federal counterparts with them and so they all come
16 together once a year and talk about various issues.

17 And I think with NAFTA and with kind of
18 the fear in -- particularly in and around
19 agriculture in all three markets, it's going to be
20 more important than ever this year to have a very
21 positive Tri-National Accord and really find areas
22 that we can agree on and work together on.

23 I think with that, I will end my report,
24 but a lot going on and happy to chat further as the
25 board meeting goes on on any of those topics.

1 Thanks.

2 **MS. BOYER:** Where is the Tri-National
3 Accord?

4 **MS. TAYLOR:** It's in Denver.

5 **MS. BOYER:** All right. So our next topic
6 is future board meeting formats. Do you want to
7 lead this, do you want me to?

8 **MS. TAYLOR:** Yeah.

9 **MS. BOYER:** Go ahead. Go ahead.

10 **MS. TAYLOR:** Okay. So one thing I wanted
11 to bring up to the Board as this is now my third
12 Board meeting, and over the course of the past three
13 Board meetings in conversations just one-on-one with
14 Board members and some of what I've observed, I sat
15 down with staff, our program area directors, Kathryn
16 to really say what -- how effectively are we using
17 the Board, what's the best use of the Board's time,
18 right?

19 You are all small business owners for the
20 most part and, you know, two nights away can be
21 challenging and so some of those things, how are we
22 using the Board and are there areas that we can
23 improve or change what we are doing with the Board.

24 So one thing, here are some, just, options
25 for consideration, and we don't have to necessarily

1 talk about this in great detail right now unless you
2 want to. I think we've got an agenda item at the
3 end of the Board that we can come back to this.

4 So we sat down, a couple things I will
5 highlight, is the use of subcommittees. What I have
6 found is some subcommittee's agendas are very
7 lengthy, have a lot of information going on, but a
8 lot of times that's actually something of interest
9 to the full Board, and then only part of the Board
10 hears about it or we -- they hear it twice because
11 they actually bring the topic back.

12 Or some of the subcommittees might not
13 have much for the Board to discuss at that
14 particular Board meeting and so then it's almost
15 like we are scrambling to fill an hour and a half;
16 so I think it would be worth the Board considering.

17 Additionally, it does take a lot of staff
18 time and so is it worth considering are
19 subcommittees a useful use of the time? I think one
20 area is, as we go through the resolution process,
21 keeping them there to go -- continue to work in
22 updating the resolutions is going to be really
23 important, but once we get past that kind of review
24 of all those resolutions in each subcommittee, do we
25 want to keep all of the subcommittees?

1 I think land use is always going to
2 probably be a big topic, and one, I mean, as Laura
3 mentioned one time, if we don't have ag lands, we
4 can't talk about it. If we don't have land to farm,
5 like everything else is kind of a moot point that we
6 do, right, and so that might be one we want to keep,
7 and then do we want to kind of do ad hoc ones as a
8 specific policy issue comes about? So that's one
9 item I want to flag.

10 The other is on the program area reports
11 that we do. Again, takes a lot of staff time, and
12 I'm not sure we are giving the Board the most useful
13 information all the time.

14 Some of it is about, you know, how many
15 inspections did we do? We hired two new inspectors.
16 That just our normal day-to-day business. I'm not
17 sure that's where the Board is most useful.

18 I think keeping a condensed report is
19 useful. I'm thinking, like, two pages, very top
20 line issues; so we would, like, this time have given
21 you a short update about FSMA, about Japanese
22 beetle, some of those types of things, but I'm not
23 sure the pages and pages and pages that we are --
24 that we are creating ourselves and then asking the
25 Board to read ahead of a board meeting is the most

1 useful to the Board or your time outside of the
2 board meetings.

3 So I pass this out. We can -- you guys
4 can have it for the day and look at it and then we
5 can come back and revisit that. And then the other
6 item or just other handout I have is this is a just
7 kind of a sample of a draft agenda of what this
8 board meeting could have looked like if we reduced
9 it to one overnight stay.

10 Now, obviously we start early in the
11 morning so in reality coming to Klamath is probably
12 a two-night stay, but people could travel in later
13 if they wanted and those types of things.

14 With that new Board report, I also
15 envision maybe in every meeting or in every other
16 meeting potentially bringing all the program area
17 directors the way we did, I think maybe two times
18 ago, to sit down and just have a larger kind of
19 conversation. I thought that was really
20 interesting.

21 I thought the staff found it useful to
22 really get to know the Board a little bit more, and
23 maybe I hope the Board found it useful to hear and
24 more of an engaging back-and-forth as opposed to all
25 of the written paper exercise that we do.

1 So, if there are any questions or comments
2 on this now, we can talk about it or if you guys
3 want to think about how you want the Board to
4 function or maybe you love subcommittees and you
5 want to keep them all, and that's okay, too.

6 **MS. BOYER:** Any first thoughts?

7 **MS. MASTERSON:** I'll say that part of what
8 we have done at the district is link some of the
9 reports that the Boards get to reports that the
10 program -- programs are already doing that are kind
11 of tied to our strategic plan; so that might be
12 interesting as that starts up again or gets
13 completed, you know, what are the goals laid out in
14 the strategic plan and how are the programs making
15 progress towards that?

16 I feel like that can be a helpful way for
17 everybody to sort of see what we are aiming at and
18 what progress is being made, and probably that's in
19 addition to the stuff that just, like, comes up and
20 is a big deal.

21 **MS. BOYER:** Anybody else have any first
22 thoughts? I mean, we are going to touch this again
23 tomorrow.

24 **MS. HALLOCK:** So on that point, I don't
25 know how much time we will have tomorrow; so if we

1 don't have a whole lot of time and people want to
2 think about it, should we then send comments?

3 **MS. TAYLOR:** We can table this and keep
4 the normal format for the November meeting and
5 actually come back to it in November as well, and,
6 you know, we can -- obviously we'll have -- we can
7 have some conversations with Marty and Tyson, who
8 aren't here, and that might be in the interim send
9 us comments and so we can keep the normal format and
10 have a larger conversation, another agenda item next
11 -- in two months.

12 **MS. HALLOCK:** I sure appreciate you
13 working on it and trying to be efficient with time,
14 that's great.

15 **MS. BOYER:** Tracey.

16 **MR. LISKEY:** One thing I've always, I
17 mean, coming from Farm Bureau and stuff, their
18 meetings run a lot longer and a lot more in depth,
19 and I kind of always thought we were missing things
20 here as a Board not being involved in as many
21 things.

22 We get a lot of highlights that are thrown
23 at us, but it's just kind of there you are, good-
24 bye. And so to me, shorter then doesn't -- I'd
25 rather go the other way and get more complicated

1 into it, but I'm getting off of it, too, so I
2 realize that.

3 But it's always been something I've
4 thought that we weren't involved enough as, I mean,
5 because we are volunteering for this job, I mean, so
6 let's do it. I mean, you know -- and I don't think
7 we give enough to you guys as a Board in going into
8 it.

9 I mean, we all went on it. You know, time
10 is sure important to everybody, but we wouldn't be
11 here if we didn't think this was important and so I
12 don't think we put enough into it personally.

13 **MS. HALLOCK:** It sort of feels like, just
14 looking at your mock agenda, that what maybe is
15 getting struggled with more than anything is how to
16 effectively use the subcommittees, that the actual
17 format for the Board and the involvement of local
18 panels and stuff, that's all, I think, really good,
19 and I would hope we would keep that.

20 But I kind of agree with Tracey, do we --
21 have we really dialed in to -- we spend a lot of
22 time in those subcommittees, and sometimes you have
23 great discussions and we really get into stuff, and
24 then sometimes, like as you said, we are just sort
25 of filling time; so maybe those could be used

1 differently somehow and I don't --

2 **MR. LISKEY:** Subcommittees to me have been
3 really neat because you get to hear things that you
4 just -- may not be that important, but it's
5 interesting and it's things you don't hear a lot of
6 times and wouldn't even know about, and then they --
7 then you get to discuss your points on them, too.

8 **MS. HALLOCK:** Is there a way, one of the
9 things is I have found for myself that there are
10 oftentimes subjects in other subcommittees that I
11 would be interested in being part of.

12 I don't know if there's any way for us to
13 pick and choose what discussions we want to sit in.
14 I don't know how to make that work.

15 **MR. LISKEY:** The problem, I know, when --
16 if you get too many members in it, then you become a
17 public meeting so you've got to --

18 **MS. HALLOCK:** Good point.

19 **MR. LISKEY:** -- keep them separated.

20 **MS. MASTERSON:** Well, then in that case,
21 if there's that much interest, it's probably
22 something that should come to the full Board, which
23 is kind of what you are saying.

24 I agree, Stephanie, that does seem like
25 where the challenge is is how do we manage the

1 subcommittees and much as I don't feel like I have
2 enough hours in the day, I do kind of agree with
3 you, Tracey.

4 Or -- or I don't know. I'm okay with the
5 -- with the amount of time that we are currently
6 doing, because it does feel like if you are going to
7 -- especially when we are traveling, if you are
8 going to, which is --

9 **MR. LISKEY:** I'm always traveling.

10 **MR. BRENTANO:** Somebody's always
11 traveling.

12 **MS. MASTERSON:** Especially when I'm
13 traveling, you know, if you are going to go
14 somewhere, you might as well do something that
15 evening and then, you know, it's -- as in you can't
16 get -- you know, if you stay somewhere, have a
17 dinner, like, you know, really engage with the local
18 folks, then you can't get home that night anyway; so
19 it seems fine to do something in the morning. I
20 don't know, maybe I'm just used to it or whatever --

21 **MS. HALLOCK:** Or maybe that -- I agree,
22 I'm not -- don't have a problem with the time
23 either. Maybe sometimes instead of subcommittee
24 meetings, it's a full Board the afternoon or evening
25 before on a couple of really meaty subjects that

1 everybody wants to talk about. Maybe not all the
2 time, but you need some flexibility, but, yeah, I
3 don't have a problem with the time either. As long
4 as we are going to invest it, I think, like Tracey,
5 we should dig in, do more.

6 **MS. BOYER:** Well, I feel like if the full
7 Board is in on, you know, an emerging topic, you
8 know, we pick it a month ahead of time, that we can
9 dig deeper and we can have more input.

10 You know, I just feel like if we are all
11 focused on one or two topics, one, you know, ahead
12 of the full Board meeting, that we can really dig in
13 deeper and really get your heels in as a Board.

14 And, you know, as I said in strategic
15 planning, use us. I feel like we need to be used
16 more out there. You know, we are boots on the
17 ground and we can talk to our colleagues and somehow
18 whatever that message is that, you know, you guys
19 want us to bring out there and cast our net, you
20 know, I just felt like we should be a little bit
21 more.

22 **MS. TAYLOR:** So one thing, I think around,
23 you know, we have on this options for consideration,
24 develop ad hoc subcommittees, I guess I think of it
25 kind of that way.

1 A topic is identified either we would like
2 some policy direction and input from the Board, we
3 develop an ad hoc subcommittee. Obviously to
4 Tracey's point there is a bar with it becoming a
5 public meeting or a subcommittee, and then do some -
6 - with the interested members on that topic, do some
7 pre-board meeting calls and then bring that topic to
8 the full Board and so to use you more in a --

9 **MS. HALLOCK:** Advisory.

10 **MS. TAYLOR:** -- advisory, that's right,
11 getting -- on an issue that we, the Department and
12 me as the director think, it would be really great
13 to see where the Board would be on this issue to
14 help us navigate it as we are making policy
15 decisions on implementing something or what have
16 you.

17 **MR. LISKEY:** Because what you guys are
18 making policy on affects us and so --

19 **MS. TAYLOR:** Absolutely.

20 **MR. LISKEY:** -- that's where you need to
21 find out how we think about it.

22 Ms. TAYLOR: Yeah.

23 **MS. MASTERSON:** I really like the idea of
24 having the program directors present at the Board
25 meeting. Everybody gets that stuff and maybe that

1 captures some of what's happening in the
2 subcommittee meetings because sometimes what we are
3 getting from them is -- is just that kind of report,
4 you know, and updates and stuff so --

5 **MS. BOYER:** Well, and to the point of how
6 much time those staff reports take, you know, that
7 we get from Sue, that maybe the roundtable would
8 capture that instead of the staff spending time on
9 writing that report for us.

10 **MS. MASTERSON:** Well, and that's what I
11 was saying about the way the district does it. We
12 are -- the Board is getting reports that staff is
13 kind of, like, doing anyway because for our
14 strategic planning, like they're -- they're
15 reporting out anyway and so then the Board just gets
16 that stuff.

17 So I don't know if there's -- what
18 reporting is already happening so that it doesn't
19 become something above and beyond that they have to
20 do for the Board, but it's just like it captures
21 what's already happening.

22 And I do think there's something about the
23 formatting and I can -- I don't really have a
24 epiphany about that except for that I think there is
25 a way that it could -- that it could probably be

1 made easier to read or easier to digest.

2 **MS. TAYLOR:** Maybe, Lisa, if you wanted to
3 give some history of where -- because we used to not
4 have subcommittees. They evolved, we have
5 subcommittees. You know, now we are discussing
6 what's the usefulness of them and maybe why they
7 came about. I think that would be good even for me
8 and the rest of the Board members to hear.

9 **MS. HANSON:** Sure. So being like the
10 resident historian anymore --

11 **MS. MASTERSON:** Institutional memory.

12 **MS. HANSON:** -- when the Board went
13 through an exercise, probably the early 2000s,
14 looking at should the Board stay an advisory board,
15 should the Board go to rule-making or was there some
16 sweet spot in between, kind of being a policy Board,
17 that's about the time that we added subcommittees.

18 There was legislation that was passed that
19 gave the Board some additional responsibilities in
20 probably, I think, 2005-ish is the time frame. I'd
21 have to look at the statute to see exact, but it was
22 kind of that mid time --

23 **MR. LISKEY:** Pretty close.

24 **MS. HANSON:** -- which moved the Board from
25 just being advisory to being policy making and got -

1 - you had the responsibility to do the -- the
2 biennial report on the state of agriculture, and
3 there was, like, some overarching language that
4 moved you more towards some policy responsibility.

5 At the time, I think we envisioned
6 beginning to engage the Board using the policy
7 subcommittees on some more of these issues.

8 As you are talking, what I hear you
9 talking about, again being the resident historian,
10 is kind of back to the future. I mean, what we did
11 prior to that was a three-day meeting, and more of
12 the issues that we are talking about in
13 subcommittees came to the full Board.

14 And so I think, you know, if -- you can do
15 it either way and have that meatier discussion in
16 the full Board. We did do a little bit of outside
17 of the Board meeting transition with subcommittees.
18 There was a point in time where Government Relations
19 did a once a week conference call --

20 **MS. MASTERSON:** That was a --

21 **MS. HANSON:** -- related to the legislative
22 session.

23 **MS. MASTERSON:** That was just a couple
24 years ago.

25 **MS. HANSON:** Yeah. It's, I think, '7, '9,

1 and I think '11, and then, you know, we've been
2 through downsizing, budget cuts, and just the time
3 element of trying to keep things together has become
4 a challenge and so that hasn't necessarily been a
5 priority with some of the legislative work, but that
6 -- hopefully that gives you kind of a little bit of
7 a sense of where we've been.

8 **MS. TAYLOR:** That's helpful.

9 **MS. HANSON:** And, you know, you all decide
10 where you want go because I think it all works for
11 us, and we would change the format along the way so
12 the Board reports that you have today are a
13 significantly streamlined version of what we used to
14 have because they went even deeper into the minutia
15 of counting beans previously.

16 And I remember Bob Levy, and he was the
17 impetus, he's, like, I'm not getting anything that,
18 you know, I care about up here with what's happening
19 to me out in the field. I'm not worried about
20 counting beans day to day at the agency.

21 And so, you know, again, we may be at a
22 different place that -- in terms of what you all
23 want to know, want to be weighing in as a policy-
24 making Board to think about that and what we do day
25 to day, you know, in terms of holding the wheels on

1 for the business structure.

2 **MS. HALLOCK:** I kind of, I hope that
3 whatever we decide, we can have a stronger link to
4 our strategic planning process and the tracking of
5 the commitments that we make in there and whatever
6 we have on our various agendas for committees -- or
7 not committees.

8 **MS. TAYLOR:** So we are going to talk about
9 the strategic plan later on in the agenda, but I
10 think, again, remember the strategic plan is more
11 how we do business not what our business is because
12 business is dictated by the legislature, right; so I
13 think that's an important component to remember.

14 We are not setting out policy goals in our
15 strategic plan, we are setting out how we function
16 as an agency in our strategic plan. And -- but we
17 can -- so we'll -- we can talk again about the
18 strategic plan, I think tomorrow and then all kind
19 of noodle on that, maybe, over the course of the
20 next few months and how that fits together.

21 **MS. BOYER:** Okay. Good discussion.

22 **MS. MASTERSON:** One more thing and that is
23 I think from a public perspective it would be
24 helpful if, since resolutions are, like, our thing
25 that we put out there, it would be helpful if we

1 could figure out a way to know that those are
2 clearly coming on the agenda if people want to sort
3 of be there for the conversation about the
4 resolutions.

5 And it feels to me like we haven't -- just
6 because we only meet quarterly and, you know, like
7 we were working on the resolution on food safety
8 just the other day and how do we maybe get those out
9 there a little bit ahead of time so that people can
10 respond or react to them if they want to.

11 **MS. TAYLOR:** So on the bottom of this, the
12 meeting reorganization options for discussion, so we
13 have a piece about resolutions, but just what the
14 Board had asked at the last meeting is a process,
15 like when will they come so you have time to review.

16 But I think that's actually, it's a good -
17 - a good piece that there probably needs to be a
18 public component or at least published on the
19 website which ones -- or with the agenda, which ones
20 are coming up so if someone says, oh, I'm really
21 interested in what they are going to say about farm
22 workers, they can come and hear the discussion. So
23 I think we'll take that under that piece as we kind
24 of -- yeah, that's a good point, Laura.

25 **MS. MASTERSON:** I appreciate -- sorry, I

1 read this and that was why I was saying the comment,
2 I should have said that, but I also appreciate that
3 sort of introduced one meeting, decision the next
4 meeting.

5 You know, they don't -- resolutions don't
6 -- I mean, they are timely, but they are not an
7 emergency. So I think if we can leave that time for
8 public comment and for the evolving discussion and
9 for people to kind of go back and talk to their
10 constituents, possibly, that would -- that would be
11 great.

12 I think that hasn't always -- well, we
13 haven't always seemed like there was a lot of public
14 engagement, and I -- but I think this is better. So
15 thank you.

16 **MR. LISKEY:** On that process, you know,
17 just noting how the meetings go, almost all the
18 resolutions are talked about the second day last
19 thing, and there's never any public here then.

20 Public's always here now and so maybe if
21 we are going to introduce a resolution to be brought
22 out, it might need to be brought to a different
23 point in the meeting.

24 **MS. TAYLOR:** Yeah, and we can certainly do
25 that. So we'll -- we'll look at that, maybe for the

1 November meeting as we are building an agenda, to do
2 it earlier so the public is here. We can look at
3 what that looks like, Tracey. I think that's a good
4 point.

5 **MR. LISKEY:** Second day there's never
6 anyone here from the public hardly.

7 **MS. TAYLOR:** Yeah, that's a good point.
8 And I think, Laura, to your point on the kind of
9 urgent issues, I think there's an opportunity for
10 the Board to do not such a policy amendment, but
11 like an action item and so I think we can work
12 through, like if there's something coming down the
13 pipe in the next month, and the Board really, you
14 know -- and it would be helpful to have a Board
15 position and the Board wants to have a position, to
16 do that. I think all good comments, yeah.

17 **MS. MASTERSON:** I don't know, Pete, Bryan,
18 do you guys have any opinions about this?

19 **MR. BRENTANO:** You are doing a good job so
20 far. On the resolution part, maybe it seems like
21 working through the reviews even, we worked on one
22 three months ago and worked on it again last night,
23 and it's going to take us until I'm off the Board to
24 get through these resolution reviews, maybe we could
25 introduce it on day one and maybe actually resolve

1 it on day two.

2 **MS. BOYER:** All right, thanks.

3 **MS. TAYLOR:** I appreciate people's
4 thoughts. You know, again, we just want the Board to
5 work for the Board members and so we just tried -- I
6 tried to internalize some of what I had kind of been
7 hearing and saw and to make sure we are using
8 everyone's time effectively in helping us in the
9 Department. So more to come on it. Thank you.

10 **MS. BOYER:** Thanks. Moving on, Lisa and
11 Lauren, please.

12 **MS. HANSON:** So good morning. I think
13 probably what you all are going to be most
14 interested to lead off is the budget piece of what
15 happened during the 2017 full legislative session
16 and where the Department ended up budgetwise.

17 We have put together the one-page handout
18 that has a summary of the major budget actions and
19 then a summary of kind of major legislative actions
20 on the -- on the back.

21 I think probably best, Lauren, do you want
22 to go ahead? You can lead the discussion in terms
23 of budget because you always remember the numbers
24 way better than I do and so to walk through that and
25 then I'll just add to it if that's okay with you.

1 **MR. HENDERSON:** Yeah. Okay. I don't
2 remember them as well as I used to, that's for sure.
3 I don't know what's happened. I used to have them
4 all memorized. I don't anymore. So I think -- I
5 think the last time we -- when was the last time we
6 talked about budget? That would have been in the
7 last meeting.

8 **MS. HANSON:** Would have been May and so
9 prior to our final budget hearing, post our first.

10 **MR. HENDERSON:** I think we gave you kind
11 of a hint of what we thought would happen, and for
12 the -- for the most part, what we had talked about
13 then did happen with some other changes, and the
14 other changes went the wrong way.

15 There were more reductions, and I'll get
16 to that, but the table at the top in the far right
17 is where our budget is today, the 2017/'19
18 legislative adopted budget.

19 You can compare that to the column to the
20 far left, which is where we left the '15/'17
21 biennium. For the most part, and this is kind of
22 hard for folks to say, well, Lauren how can you say
23 you had reductions when your total funds budget is
24 more than it used to be and it is, 114 million
25 versus the 112.

1 You have to remember it costs more to do
2 business today than it did yesterday. Part of that
3 is just the roll-up costs related to our employees.
4 We are a heavy employee agency. Our staff are
5 everything.

6 We are not an agency that sends a lot of
7 money to other people for the most part and so when
8 you have employees, as you all know, their health
9 insurance and all of those things cost more dollars
10 and so that's a little bit what that is without a
11 lot of enhancements.

12 You'll just notice the big change is in
13 the general fund column. It is three million -- or
14 \$2 million less than it was, and then if you will
15 notice the other funds column, it is four million
16 higher and so you all that have been with us a while
17 know that that means they did some shifting of our
18 resources.

19 They took general fund away and they moved
20 it to our other funds, which relies on our fee
21 payers and our license dollars and those kinds of
22 things and so that in a nutshell is what happened.

23 We also took reductions in our positions
24 in our FTE. It was a very conscious effort by the
25 legislature to reduce the State position count, and

1 we've been through this before. Lisa and I went
2 through this in 2001, '2 --

3 **MS. HANSON:** '3.

4 **MR. HENDERSON:** -- in the special
5 sessions, '3. In fact my first meeting with
6 director Coba at that time, she was a whole, like,
7 three days into her job, was sitting around with LFO
8 and whacking all our vacant positions.

9 This exercise was like that. They went
10 through every State agency and said if they're
11 vacant and they've been vacant for a period of time,
12 you obviously don't need them and so we are taking
13 them.

14 **MS. MASTERSON:** And let's do a fund sweep
15 while we are at it.

16 **MR. HENDERSON:** Well, they didn't do
17 sweeps, they did do shifts and so that's what that
18 is. I can tell you that as our industries go and
19 their business goes, that that drives much of our
20 positions and so if they don't need our staff out to
21 the level, we do have vacant, seasonal part-time
22 positions that just stay there.

23 We are not going to spend money that we
24 don't have and so we'll go back if we need those
25 positions and ask again, can you restore them, and

1 that cycle has worked pretty well for us. So it's
2 not -- the sky's not falling except for in one area
3 where we took a reduction, and I'll get to that in a
4 minute.

5 The next column, the significant budget
6 modifications, those are what we call POPs or
7 Program Option Packages. There is not one generally
8 funded option package in that box.

9 They are all relying on our other funds or
10 federal funds or some combination of something like
11 that and so we didn't get any of our general fund
12 requests for budget enhancements, but we did get
13 some important enhancements.

14 The human resource staffing, we talked
15 about that in May. Our -- out agency is woefully
16 understaffed in HR department, we only have two
17 people for 489 positions. The norm is one HR person
18 to 75 to a hundred and so we wanted to add another
19 one and so we got that. It is dependent on our
20 programs being able to afford that, though, and so
21 we'll -- we have to talk about that going forward.

22 Food safety inspectors, we talked about
23 the audit and that they are behind in that and so
24 that will help Stephanie and her program add their
25 lab infrastructure. That's an ongoing ask that I

1 think we will probably have some lab piece in our
2 budget of some kind forever just to keep up with the
3 technology and the equipment and just general
4 maintenance there.

5 FSMA, the outreach capacity. That, we
6 have talked about the outreach funds that we have
7 related to the Food Safety and Modernization Act.
8 That 1.4 is federal funds and allows us to do that
9 education outreach component of that grant that we
10 had talked about.

11 The rest of them, I think -- I don't think
12 there's any other major ones in there other than the
13 bottom one, the eradication activities. We were
14 able to secure \$1.2 million in lottery dollars for
15 the Japanese beetle and the light brown apple moth
16 problem, and so grateful for that and that will be
17 an ongoing ask, I think, for a while that will
18 either have to go to the E-board or build that into
19 our budget. So that was a last-minute add that was
20 put in for that.

21 I'll stop there. Any questions? And then
22 I'll go to the next section real quick. Appears
23 not.

24 Okay. So the budget reductions, you can
25 see that Food Safety took a very large reduction in

1 their general fund. It was shifted to the other
2 funds, 1. -- almost \$1.4 million. Food Safety's had
3 that down before a couple of times.

4 Their cash balance is sufficient today to
5 manage that shift one time. That may be a different
6 story if that shift were to stay into the next
7 biennium, '19/'21, and so we are managing that
8 program and the cash they have to make sure we get
9 there and then may have to talk about fee increases
10 if that amount of money stays other funded and
11 doesn't go back to general fund.

12 **MS. HALLOCK:** So, Lauren, there wasn't any
13 -- nobody thought that the 1.4 million in federal
14 funds was supposed to replace that, did they?

15 **MR. HENDERSON:** No. No, that -- that's
16 core work moved from general fund to other fund.
17 There was a \$300,000 shift in our administrative
18 area general fund away. Other funds, those other
19 funds come from our programs and so that puts a
20 little more burden on our other funded programs to
21 pay for administrative area.

22 We talked about a parity POP, I don't know
23 if some of you remember that and trying to make sure
24 that our admin was funded parallel to what our
25 programs are. This undoes some of that and so we'll

1 do that again.

2 PARC has been bounced back and forth from
3 general fund to other funds. This just put it right
4 back on other funds again, and I actually expect
5 that that may stick. It may not get back to general
6 fund. Go ahead.

7 **MS. HANSON:** So just a couple of things.
8 So in terms of the administrative cuts, I would put
9 it into perspective. Lauren, about how many dollars
10 equals a 1 percent increase or decrease --

11 **MR. HENDERSON:** It's changed now. See --

12 **MS. HANSON:** -- in our admin overhead?

13 **MR. HENDERSON:** Yeah. It's -- 300,000 is
14 about 1 percent plus or minus. So that -- that
15 means our overhead rate has to go up a percent or we
16 have to manage down a percent to manage that.

17 The rate right now is 16 percent and we've
18 been able to hold -- hold that 15, 16 percent rate
19 that we charge the programs for admin for quite a
20 few years now, and that was our goal was to make
21 sure it stays flat so --

22 **MS. HANSON:** About three biennia.

23 **MR. HENDERSON:** -- in simple terms, every
24 dollar collected, 15 cents of that goes to help pay
25 for admin, which is a lot of money, but it's a lot

1 less than a lot of agencies are able to do and so I
2 think we are pretty proud of that, but very
3 conscious that it is a lot of money, and we need to
4 manage the administrative area just like the
5 programs are and keep them parallel so that one's
6 not out of whack because we are all on the same
7 team.

8 Ag development, there was a shift of a
9 position from two federal funds. That position will
10 be working on that FSMA grant, Stephanie. That 1.4
11 up there, that is one position there, and then our
12 insect, pest prevention management ** program had a
13 shift position to federal funds. And just remind
14 you, federal funds are never guaranteed and so just
15 because it's shifted there, we're still -- have to
16 manage both those federal grants.

17 Then, at the end of the session on the
18 back side, there were all of these statewide
19 adjustments. The legislature went through and made a
20 series of changes working with the governor's office
21 to get more dollars out of the agencies just to
22 balance the budget.

23 That included 10 percent reductions in
24 State agency travel. I talked to some of you about
25 that. They actually took 10 percent of our travel

1 budget and took it away. They did that for all
2 agencies, and the message to the agency was manage
3 to that.

4 I think that's actually a better way to do
5 it than to do some of other things they've done
6 because now we know what the target is and we can
7 manage our agency to that. It did -- it did not
8 mean that -- I think some of you asked does this
9 mean the Board can't do what it needs to do. That's
10 not what it means.

11 The core work that we to do, our agency
12 staff travel. They are out in the field and they
13 drive State cars and that's what they do. It does
14 mean that we have to step back when we send staff to
15 training or conferences out of state, whatever those
16 are, that we take a look at what they are doing and
17 make sure that we are managing to that number.

18 **MS. TAYLOR:** And I would just add also for
19 the Board, it means, you know, next time we are in
20 Portland, we are going to use the food innovation
21 center to host the meeting because it's a resource
22 we already have. It's just those kind of things.

23 **MR. HENDERSON:** So there was -- there was
24 that. There was also a 5 percent reduction in the
25 agency's personal services budget so they just took

1 5 percent of our personal services; so if it cost a
2 dollar to pay me, we only got a budget for 95 cents
3 of that and so we're going to have to manage to
4 that.

5 And how do agencies do that? They do that
6 when they get vacant positions, when people leave,
7 retire, what have you, they hold them vacant to do
8 that. I can tell you it's a very circular
9 conversation because if you hold it vacant too long,
10 then they want to take it because they say it was
11 vacant and so we have to all talk through how you do
12 that and manage to that but --

13 **MS. MASTERSON:** It's not like that work
14 doesn't need to get done.

15 **MR. HENDERSON:** Right. And so thank you,
16 Laura, for that because we will have to prioritize
17 what we are doing and what positions get filled
18 immediately because some of them we really can't do
19 without.

20 Some of them we need the work done, but in
21 order to make our budget, we can't overspend our
22 budget. You have to figure all of that out; so we
23 have a little bit of a puzzle, more complicated than
24 others, but we have always been successful and I
25 think we'll do that again.

1 So that's kind of a highlight of that.
2 There were some other numbers in there, the state
3 government service charges, those are other agencies
4 were rolled back, DOJ rate was rolled back, that's
5 all reflected here.

6 There's a series of executive orders for
7 agencies to be more efficient in how they lease
8 space, and those things that we'll talk more about
9 when it starts to affect our agency more.

10 Then the surprise is the next bullet
11 point, was the elimination of a marketing position.
12 Candidly, that was not something that we knew about.
13 It was not something that we had talked about,
14 really, and so Lisa and I literally read it in the
15 bill when it was being -- when it was on the floor.
16 So we've had to manage to one less marketing
17 position.

18 We -- we have some options there and have
19 enough positions for the people that we have. We
20 are going to have to relook at the work, though, and
21 realign some duties across the team that we have
22 there in order to make it work, but no one should
23 have -- be without a job if they want it.

24 So that's where that is, and I think many
25 of you know us that have done this for while, but

1 our agency takes a lot of pride in trying to take
2 care of our employees where we can when we've been
3 through this and make sure we have options for them.

4 I think we were able to do that, but we'll
5 have to talk long-term about what that loss of that
6 position means for our marketing effort and what
7 that means for our industry and the economics of
8 Oregon and what we do for our next budget period to
9 put resources back or at least have that discussion.

10 **MS. HANSON:** I think when I look at this
11 in terms of the marketing, we really are down two
12 people in the marketing program, even though the one
13 person was fund shifted. He's been fund shifted
14 over to the Food Safety Modernization Act; so they
15 are not doing that traditional marketing work, you
16 know, that's been in the portfolio.

17 Staff have been looking at that portfolio
18 of work. We'll -- we are going to talk. I think
19 they -- there are some ideas that Lindsay and Terry
20 have in terms of how to realign some of the work.

21 Our staff that is impacted by this change,
22 you know, has some questions about it and has some
23 different skills and talents and abilities and so we
24 are going to have some more discussion about how to
25 best to take that portfolio of work and realign it

1 across the marketing team.

2 That said, we are going to have to say no
3 to some stuff, and I don't know what that is yet
4 because when you've lost two, I don't know how you
5 continue to do everything you've been doing with --
6 with any quality.

7 And just one more thing, Joyce, and then I
8 would say the other thing we need to think about as
9 an agency, there are places where we do A plus plus
10 work in terms of auditing records or looking at
11 things for grants and so what level of risk are we
12 willing to take in terms of not having three people
13 check it.

14 Are we willing to take that risk of one
15 person checks it and, you know, there's some
16 potential that something may happen and there may be
17 a misstep? What is our tolerance for risk in this in
18 terms of trying to continue to get work done?

19 I mean, I think we have been pretty
20 conservative over time on -- in terms of being
21 highly risk averse and so, you know, there is some
22 consideration to that that we are really going to
23 have to talk about as well. Okay, sorry, Joyce.

24 **MS. LOPER:** I just wondered, it's two
25 positions out of how many, how many do you have in

1 that marketing role?

2 **MS. ENG:** We have a total of nine
3 positions, but we actually have three positions that
4 we have lost because we had that other funded
5 position but also --

6 **MS. TAYLOR:** And, you know, the marketing
7 side does a lot. I mean, they do the international
8 pieces, they do the Specialty Crop Block Grant, they
9 do all our local and regional, they work with --
10 they are out in the regions working with small
11 businesses who are looking to get into a local
12 market, to expand to other states or expand
13 internationally; so we -- they do a lot.

14 We focus on a lot of countries for that
15 small staff, and things are just not going to be
16 able to get done, and it's -- it's the way it's
17 going to go, but those marketing positions are often
18 seen as the easy ones to cut because they are not
19 necessarily day-to-day business that farmers and
20 ranchers are doing, but they are those long-term
21 investments and so it's unfortunate, I would say.

22 **MS. LOPER:** That answers my question.

23 **MR. HENDERSON:** If I could just wrap that
24 up and then Lisa can do the policy discussion. We
25 brought the agency's reduction or prioritized list

1 to this Board before. We will update it with these
2 numbers and bring it back for you all, I think, to
3 just have and think about.

4 If you remember that list, it takes you
5 quite a few pages to get to the general fund pieces.
6 You have to just keep going up on programs and keep
7 cutting and so there isn't an easy I'll just go
8 there because it starts to get into our programs,
9 and the decisions become very difficult.

10 And we always have the discussion, well,
11 not my program or not that program. Well, what
12 other program would you look at? You can't. And
13 it's a very circular discussion that we have
14 internally, and we have those discussions
15 externally, it's just the state that we're in in our
16 agency and where we have the general fund.

17 The second thing I wanted to mention was
18 cannabis. We are still tracking our cannabis work.
19 We did not get any extra resources for cannabis in
20 this budget cycle. We are still talking about it.
21 I know the Board had a discussion about that and had
22 concerns about that.

23 I will work with our staff to kind of
24 update our effort there and what it is costing and
25 what those numbers -- I got asked yesterday can you

1 please do that and so we'll, I anticipate, have more
2 discussions with the Board in some form going
3 forward about at least what the effort is for our
4 agency and what the impact, and whether that results
5 in other resources or not remains to be seen, but it
6 does have an impact.

7 **MS. MASTERSON:** So no reimbursement for
8 any of the cannabis work to date?

9 **MR. HENDERSON:** Other than what we are
10 getting to date through our food safety licenses and
11 our weights and measures license. The issue there
12 is those licenses were calculated without cannabis,
13 and cannabis work is different and so it's not
14 parallel.

15 **MS. MASTERSON:** And they have never paid
16 for a hundred percent of the cost of doing those
17 programs or did -- did they -- pre cannabis were
18 those -- those were like sort of zero sum game?

19 **MR. HENDERSON:** Yeah, yeah.

20 **MS. HANSON:** Yeah.

21 **MS. MASTERSON:** Licenses paid the full
22 cost?

23 **MS. HANSON:** The weights and measures,
24 completely underfunded basically. Food safety,
25 percentage, and so, no, that one has a public

1 component to it.

2 **MS. MASTERSON:** Yeah.

3 **MS. HANSON:** And I think we've tried to
4 have ideally a 60/40 is kind of what it's been.
5 Some people would like 50/50. We are probably going
6 to be back -- I think we've been as high as, like,
7 85/15 in that; so it moves around, but programs that
8 are completely fee driven in our agency,
9 measurements, standard, shipping point, the seed
10 program, the brands program, you know, just
11 pesticides generally.

12 I think pesticide's now completely because
13 we -- it's been back and forth because of, one,
14 pesticide use reporting a long time ago; two, the
15 Pesticide Analytical Response Center moving back and
16 forth between a general fund and other fund,
17 although they do have some federal component to them
18 that a couple of the other programs don't have at
19 all.

20 **MR. HENDERSON:** And then --

21 **MS. MASTERSON:** I think at some point in
22 Wilsonville, maybe, the Board offered to write a
23 letter if that felt helpful.

24 **MS. BOYER:** We did.

25 **MS. HANSON:** We sent a letter in December.

1 **MR. BRENTANO:** To the governor and to the
2 leaders.

3 **MR. HENDERSON:** And that's why I brought
4 it back up because the Board -- the Board --

5 **MS. MASTERSON:** Was there a response to
6 that letter? I guess you guys probably talked about
7 that in government relations or something.

8 **MS. HANSON:** I don't think we had a
9 response to the letter. I'm not remembering it one
10 at the time.

11 **MR. LISKEY:** We never heard.

12 **MS. MASTERSON:** Subcommittee problem. I
13 just assumed.

14 **MR. HENDERSON:** Well, I will say that the
15 governor's office and the governor's office policy
16 advisor knows about this issue and has been very
17 supportive of our agency. It's just because of the
18 state budget scenario, everybody wanted that tax
19 revenue to backfill, and it went into the health
20 programs.

21 We'll keep bringing it up because really
22 for our lab and our pesticide program primarily, it
23 has the other funded programs in the administrative.
24 I can't tell how much time I've spent on it myself.
25 That doesn't include Alexis and Lisa.

1 You know, there's nothing there for that,
2 and we haven't really asked for that yet. It's been
3 more about infrastructure and trying to help us
4 there.

5 **MS. MASTERSON:** But that accounting is
6 happening?

7 **MR. HENDERSON:** Yes, we are keeping track.

8 **MS. TAYLOR:** It was interesting yesterday
9 at the House Ag Committee hearing, there was a
10 bullet point that basically said, you know, new
11 crops came on and -- with the additional staff, our
12 pesticide investigator, our case reviewer.

13 And, you know, it was great timing. We
14 did not get the money because of cannabis, but it
15 was great timing. We would have -- we would be
16 underwater on our -- in our pesticide investigations
17 if we had not gotten those additional resources.

18 And the legislature, the House committee
19 really globbed on to that and asked a lot of
20 questions about are -- so you are not getting any
21 money for this. And the way it's structured,
22 because it's about registered products, it's still
23 federally illegal so EPA cannot register any
24 products for cannabis.

25 So it's a little bit of that; so I think

1 there is acknowledgement and interest amongst people
2 in the legislature. The governor's office been
3 supportive in trying, you know, been helpful to work
4 through some of this, those challenges; so I think
5 more to come on that and not sure how it will shake
6 out, but people are paying attention.

7 **MS. HANSON:** So if that's -- you guys good
8 on budget, yeah? High level in terms of policy.
9 The first section in here, ODA bills, I'm not going
10 to go through them with you for the gazillionth time
11 unless you want me to.

12 They all passed. We got our legislative
13 package through without too many modifications and
14 so that was a good thing, and thank you to our staff
15 who worked really hard in terms of paving the way to
16 get that done.

17 **MS. TAYLOR:** And thanks to Lisa for really
18 leading the charge on that.

19 **MS. HANSON:** So, thank you. Then the
20 other piece in terms of high level ag issues, there
21 are a lot of really sticky wickets that came up,
22 especially early in the session for agriculture
23 generally.

24 There was a conversation around air
25 emissions related to dairy facilities. There was a

1 conversation around genetically engineered. There
2 was a conversation around pollinators. There was a
3 conversation around pesticides; so those recurring
4 issues that keep coming up were definitely hot at
5 the beginning of session.

6 By the time we got about halfway through
7 the session, and if you remember Oregon has a funnel
8 process now, that's how I think about it. A
9 gazillion bills get introduced. They have to be
10 heard by a deadline. If they are not heard, they
11 are basically dead. If they haven't moved by the
12 next deadline, they are dead and so in that funnel
13 process, those really narrowed down.

14 So ultimately, in terms of agriculture
15 overall, the dairy air emissions piece, the
16 Department has done some work for the natural
17 resources subcommittees, specifically Senator
18 Dembrow, looking at how our two largest dairies in
19 Oregon, the new one in Boardman as well as Three
20 Mile Canyon, would compare with the activities they
21 have on farm for mitigating their impacts on air
22 quality with the Washington program and with the
23 Idaho program.

24 We are in the final stages of completing
25 that report, and we'll be taking it back to Senator

1 Dembrow. He will decide, then, what he wants to do
2 with it.

3 In our last conversation, I think he was -
4 - he was going to see what the committee's appetite
5 was for discussing it was. For your knowledge, both
6 of those dairies would comply with the program in
7 Idaho and the program in Washington with the best
8 management practices that they have in place.

9 The other thing that staff tried to
10 capture in this document, which hasn't been talked
11 about very much, when you talk about air emitters is
12 the fact that farms are in sync as well.

13 So in the case of Three Mile Canyon, yes,
14 they have the dairy facility that's an emitter, but
15 they also have acres and acres and acres of farm,
16 and legumes specifically, that pick up, you know,
17 the nitrogen and use it in terms of fertilizer.

18 So how does that balance out? We haven't
19 had a lot of conversation about that. I think we
20 are still trying to figure out what the science is
21 around it to be able to numerically calculate
22 something to help understand that, but that's been a
23 really fascinating discussion to be a part of and to
24 talk with people about, and I think there's a lot
25 more opportunity there.

1 In addition, in that report, and it's
2 pretty short and so we'll make sure once it's
3 finalized we'll get it out to the Board just so you
4 guys have it. It looks at other opportunities in
5 terms of touching on cap and invest, and dairies are
6 one of the places, I think, where if you look to
7 other states that have a cap and invest program,
8 dairies are the first places they go for
9 opportunities.

10 And so what -- what industries are out
11 there looking for investments to help mitigate their
12 emissions, what can we do to take advantage of
13 capturing some of that money and bringing it to
14 Oregon, that discussion, you know, it's kind of
15 scratched at in the report; so more to come on that.

16 The ongoing discussion around pesticides
17 and the aerial -- aerial use of pesticides,
18 especially in the forestry setting, I think that's
19 just going to keep coming back.

20 Clearly it came up yesterday as part of
21 our presentation to the House Agriculture Committee.
22 We were asked a couple specific questions so you
23 have these new resources, what has that done? Where
24 are you at in terms of violation rate? How are you
25 dealing with the violators? And so there's a lot of

1 interest around that.

2 We've tried to focus on doing additional
3 outreach through, I think, the staff call them ag
4 use observation where, when there are applications
5 going on, we have a staff person out there to work
6 with the applicator, look at the equipment, watch
7 the application, you know, to assure that it's being
8 done appropriately with the label and using proper
9 equipment and staying on target because clearly the
10 other -- another big discussion around pesticides is
11 drift or off-target movement, however that happens.

12 And then the GE discussion, I don't even
13 know what to say about that other than it just
14 continues to swirl. I think we had some great
15 conversations during this session with several key
16 legislators talking about new technologies that are
17 coming.

18 Director Taylor does a great job with her
19 background at USDA talking about gene editing and
20 how gene editing crosses over into, you know, the
21 organic world with products that we all really care
22 about and keeping them viable and disease free and
23 lots of other things, you know, and moving it away
24 from just the discussion of, you know, recombinant
25 DNA and inserting genes that aren't necessarily part

1 of it normally which really concerns people,
2 especially when you talk about pesticide resistance
3 and that connection to some of large manufacturers.

4 I mean, it creates a whole -- it creates a
5 new conversation that people open up to, I think, a
6 little bit more and so that's been valuable.

7 We even had some of that at NASDA and, you
8 know, trying to continue to think about how we talk
9 about some of these new technologies that will help
10 move agriculture forward and what consumers are
11 comfortable with in a way consumers can understand
12 it. Can you think of I've missed in terms of -- oh,
13 thank you.

14 **MS. TAYLOR:** Our new program, we have a
15 new program.

16 **MS. HANSON:** I wanted to forget that. I
17 really wanted to forget that. So there was some
18 significant restructuring at the Department of
19 Energy and so many of their tax credit programs went
20 away or were moved other places.

21 The state has had a tax credit program
22 related to the manure digesters. Well, it sunsetted
23 at the Department of Energy and was moved to the
24 Department of Agriculture and so as the discussions
25 went at the very end of session -- and this was,

1 like, in that last week and a half, really, where
2 people started to talk about it.

3 The plan that was discussed was we would
4 do plug and play. We would take the program and the
5 rules from Energy and basically adopt them at ODA.
6 Because the language very specifically in the bill
7 talks about the program sunsets and there is to be a
8 new program created at ODA, some people have said,
9 no, no, no, you can't take the program from here and
10 plug and play.

11 That is still our intent as much as
12 possible is to take what they had at Energy and be
13 able to use it. There are some changes in that in
14 terms of the dollars that are available for the tax
15 credit as well as trying to assure a distribution
16 across the sector in some way. Did I get it all
17 right, Kathryn?

18 **MS. WALKER:** I think so.

19 **MR. HENDERSON:** You sound like you are
20 ready to take it over.

21 **MS. HANSON:** Much bigger workload, I
22 think, than we had anticipated, but it was one of
23 those things that was incredibly important to the
24 dairy industry that it didn't go away. I think it
25 sunsets in 2022?

1 **MR. HENDERSON:** One.

2 **MS. HANSON:** One?

3 **MS. HALLOCK:** Do you get an LD or how are
4 you going to do the work?

5 **MS. HANSON:** Go ahead and answer.

6 **MR. HENDERSON:** We were successful in
7 getting a component in it that says we can cost
8 recovery charge fees, application fees and those
9 kinds of things. We did not get any extra FTE.
10 We're trying to figure out, maybe, how to get it
11 started. Kathryn and I are going to take a shot, I
12 think, at being the manure digester credit staff and
13 getting it off the ground.

14 **MS. MASTERSON:** Just because you don't
15 have enough to do already.

16 **MS. HANSON:** Isn't it fun, though?

17 **MR. HENDERSON:** Plug and play as best as
18 we can and have had meetings with Energy and Revenue
19 already. We do have a challenge that those two
20 agencies did not have before, and I have not figured
21 it out, and we are going to ask for help at every
22 place, and I'll ask you guys.

23 It has a cap in it of \$5 million, which
24 means we cannot award credits above five million.
25 It hasn't hit five million yet, but the challenge,

1 and you might say, well, what's so hard about that.

2 What's so hard about that is everybody
3 does their reporting and their taxes at different
4 times. Some do calendar, some do quarters and all of
5 that and so that's a little difficult. We can't
6 force everybody, nor should we, to report their
7 taxes, liabilities all at the same time, that's just
8 not how businesses do.

9 So we are going to struggle a little bit
10 with that cap and how to manage that so that it's
11 fair, and it's not one of those things where,
12 because you are a calendar reporter, all of a sudden
13 we're out of money because everybody else was a
14 quarterly report. So Kathryn and I are thinking
15 about that one. We start that January of '18.

16 **MS. HANSON:** And there were several other
17 bills that modified statutory language to deal with
18 some issues, you know. They are not policy, big
19 policy issues like this, the ones that we mentioned
20 that are listed in here; so if you have questions
21 after you look at it and you want to connect with
22 me, I can talk to you a little more about those.

23 **MS. HALLOCK:** I do have one that maybe,
24 I'm curious about, 644, but you don't have to talk
25 about it with the total group if nobody else is.

1 **MS. BOYER:** All right, any other
2 questions? Thank you. Where did Lindsay take off
3 to? Oh, there you are. Standing right here. I was
4 where did she go? All right, Lindsay, you are up.

5 **MS. ENG:** So I think just for background
6 here, Alexis and her counterparts at Business Oregon
7 and in the governor's office had some discussions, I
8 think, pre the governor going on her second
9 international trade mission about kind of how -- how
10 we think about trade in Oregon, I guess.

11 And we had the opportunity to met with the
12 governor and talk with her a little bit about why
13 trade matters, why it's important, and how the state
14 agencies that do work on trade should be working
15 together and kind of where we should be going
16 forward Is that a fair assessment?

17 **MS. TAYLOR:** Yes, yes.

18 **MS. ENG:** And so we thought we'd do a more
19 ag focused version of that for you guys and so I
20 kind of am going to just talk really high level, but
21 I think this is an opportunity for us to have more
22 discussions around trade and what we do in the trade
23 sector and for exports.

24 So I'm going to -- if there's anything you
25 want to go into in more detail, I kind of just tried

1 to do a quick overview about why it matters to
2 Oregon and Oregon agriculture.

3 So I need to do that and actually get my
4 presentation. Okay. So why trade matters to Oregon
5 agriculture. Just kind of an overview of the state
6 in general, Oregon is very dependent on exports in
7 all of our sectors; so Oregon in all sectors had a
8 record \$22 billion last year in export sales, \$2
9 billion in agricultural exports out of our total
10 five billion in farm gate every year. That's an
11 annual number.

12 And we've seen an increase over the last
13 few years. I think we had some port issues, we had
14 the economic downturn, we've had a really strong
15 dollar and so 2016, we finally are starting to see
16 an increase again in export numbers for agriculture.
17 Agriculture had it more difficult than some other
18 industries in the downturn, but we had over \$800
19 million in new expected sales just from our WUSATA
20 projects overseas in 2016.

21 Our top market, this is not in order, but
22 for Oregon generally China, Malaysia, Vietnam,
23 Canada, Japan, Korea, Taiwan, as you can see, we are
24 heavily focused on east Asia. Most of that is long-
25 term cultural connections and geography. Obviously

1 we are closest to east Asia over the Pacific Ocean.

2 It's a lot harder for us to access
3 European markets because of the distance and also
4 because they are lot more similar to us and so there
5 are competitors. Ninety-five percent of global
6 consumers are outside the U.S. so when you think
7 about people that are going to consume our food
8 products and our agricultural products, we have to
9 rely on exports.

10 **MS. TAYLOR:** On that, by 2030, 66 percent
11 of the world's middle class will live in southeast -
12 - live in Asia; so we have strong ties there and
13 that's where that kind of -- that growing middle
14 class is going to be.

15 And we see it time and again, when people
16 make little bit more money, the first thing they do
17 is buy food, diversity, high protein, so meat,
18 dairy, fresh fruits and vegetables, all things we
19 grow here in Oregon really well.

20 **MS. LOPER:** So by 2030, what percent?

21 **MS. TAYLOR:** Sixty-six percent?

22 **MS. MASTERSON:** Just explain a little bit
23 what 90 percent of global consumers are outside the
24 U.S. It seems like a hundred percent of global, I
25 mean --

1 **MS. ENG:** Sorry, of total global
2 consumers, 95 percent of them are outside the U.S.
3 So the U.S. makes up 5 percent of --

4 **MS. TAYLOR:** So 300 million people in the
5 United States, seven billion people on the planet is
6 what that's saying.

7 **MS. ENG:** And as Alexis mentioned, youth
8 concentration and expendable incomes are rising in
9 our biggest markets and so that consumer base in our
10 markets where we are already -- where we already
11 have some market representation is growing and
12 continues to.

13 **MS. TAYLOR:** On two of those markets,
14 Malaysia and Vietnam, both of those countries have a
15 little over 40 percent of their population is 25
16 years or younger and so there's, like, huge
17 opportunities. Their middle class is booming, they
18 are young so there's, like, a ton of opportunity to
19 get in there with Oregon products and to build brand
20 recognition and taste for how we grow things.

21 Our meat products, they will taste
22 different than the Vietnamese, you know, beef
23 product and so a lot of opportunity there in those
24 two markets alone.

25 **MS. ENG:** So, sorry, this is a handout,

1 and I should have printed some for you, but this is
2 kind of around Oregon generally, and why -- why
3 exports depend so much -- why we depend so much on
4 exports and jobs.

5 So in Oregon, I can, if you guys can see
6 those, but I think some important things to remember
7 that are important for agriculture is most of our
8 exporters are small and medium size enterprises,
9 almost all of our ag businesses are, and so it
10 really, you know, disproportionately affects our
11 rural areas and our small, medium sized enterprises.
12 So the more that we can increase exports, the more
13 that's going to help those businesses.

14 It also, a lot of exports support more
15 jobs. We have transportation jobs and other
16 associated industries that come out of that.

17 So foreign investment, this is always a
18 kind of a tricky subject, I think, for ag, but we
19 actually have a pretty strong, in terms of FDI
20 coming into Oregon from foreign enterprises, ag and
21 food processing is probably the most dynamic sector
22 other than services and software type services and
23 some manufacturing, but we have a lot of foreign-
24 owned companies or partnerships that have bought
25 into Oregon.

1 We have one in your neck of the woods, St.
2 Cousair, a Japanese company that came in and bought
3 Berry Noir out of Newberg. We see a lot of that,
4 and that's also where a lot of our connection with
5 Japan has come over the years. We've had a
6 significant amount of investment.

7 We have Ajinomoto in Portland that
8 produces a variety of food -- manufactured food
9 products, Asian food products. We have a Yamasa soy
10 sauce in Salem so a lot of food manufacturers we've
11 had from overseas; so FDI does provide a lot of jobs
12 and a lot of benefit because they are buying Oregon
13 raw products and then manufacturing them here in
14 Oregon.

15 So that's an important piece in our
16 statewide ability to maintain growth in our food and
17 ag processing sector and something that Business
18 Oregon is focusing on in their efforts as the
19 commerce agency for the state is directly increasing
20 FDI.

21 **MS. MASTERSON:** And when you talk about
22 jobs, is it broken out somewhere, like what -- what
23 are the -- sort of what percentage is minimum wage
24 jobs versus sort of management jobs versus -- is
25 there -- is there any -- are there any numbers on

1 that, like --

2 **MS. ENG:** I don't -- I don't have them
3 here, and it's hard to get, but employment does have
4 some of those numbers that we could -- we could
5 certainly pull for you.

6 **MS. MASTERSON:** You know, it just seems
7 like we want this, we want this sector to also be
8 creating a strong middle class in Oregon.

9 **MS. ENG:** Yeah, yeah.

10 **MS. MASTERSON:** Not just in other places.

11 **MS. ENG:** Right, yeah. We have seen, when
12 we went through the food and beverage initiative, we
13 did see that, you know, increasingly, food
14 processing where they are needing labor and the
15 labor is a huge problem, as we increase in
16 technology, they are better paying jobs and they're
17 more medium skill jobs and so we've have moved away
18 from a lot of minimum wage.

19 I mean, obviously we are going to have a
20 lot of minimum wage jobs in agriculture, but our
21 manufacturing sector for food is moving away from
22 that and more into middle-skilled needs.

23 And then free-trade agreements, we're
24 going to talk about that a lot so I'll keep moving
25 there. So what benefits do they have specifically to

1 -- do exports have specifically to agriculture.

2 So exports help stabilize prices. When
3 you spread -- any time you don't put all your eggs
4 in one basket, right, I mean, that's essentially the
5 point, and when we have crop failures or we have an
6 oversupply, being able to access different markets
7 helps us keep the prices stable and -- so that you
8 can plan a little bit better and little more
9 insulated from those highs and lows.

10 It provides increased jobs; ancillary job
11 growth, we have transportation, marketing, storage,
12 food processing, those kinds of things. It helps
13 maintain diversity in size, commodity, and scale,
14 and I have a -- the next slide will kind of address
15 that, and it helps maintain growth in the
16 agricultural sector.

17 To show this, this is a graph of our
18 blueberry production; so blueberry production in
19 Oregon, we talk about blueberries all the time so
20 I'm sorry to use this one, but I couldn't find a
21 hazelnut graph for you, Bryan, but since 2010, our
22 total production of blueberries in Oregon has
23 doubled and so where do all of those go so that
24 everyone can continue to make money and support
25 their families?

1 Those go to export markets, a lot of them
2 do, and so I think Korea is a good example. We talk
3 about this all the time, too, and I'm sorry, but we
4 finalized an agreement with Korea four years ago
5 now, we actually started shipping fresh blueberries.

6 Oregon is the only state in the U.S. that
7 can ship fresh blueberries to Korea, and now it's
8 our biggest market; so there's that much more room
9 in there, and this is happening with so many of our
10 commodities, hazelnuts, cherries, all of these
11 things, Oregonians cannot consume all of them.

12 And we see it other commodities that can't
13 ship. The poor Oregon strawberry, those of us that
14 grew up picking Oregon Hood strawberries and would
15 love them, we can't ship them out of state and we
16 can't ship them internationally, and it's really,
17 really hard to maintain that industry.

18 That's why our fresh strawberry industry
19 has struggled to be able to maintain it because we
20 really don't have the ability to trade in multiple
21 markets with that commodity.

22 **MS. MARSTON:** Because it's not durable
23 enough?

24 **MS. ENG:** Uh-huh. So this is a bit what
25 Alexis was talking about, that global middle class,

1 and that growth is happening in developing countries
2 as we talked about in some of our biggest markets
3 and a lot of the opportunity for growth is happening
4 in that red section.

5 Again, Alexis also mentioned this. So
6 that additional dollar income is increasingly spent
7 on food. That's the first place you are going to
8 see. You've probably heard many times that United --
9 that U.S. citizens, we spend the lowest percentage
10 on food than most other developed countries in the
11 world, and developing countries, obviously a
12 percentage of their income is going to first go to
13 food and so there's a great opportunity for us to
14 provide the food that they are going to continue to
15 grow.

16 So the trade policy context. As Alexis
17 mentioned a bit ago, right now we are really in a --
18 in a tough spot so we recently pulled out of TPP.
19 This was a long, long negotiated agreement, and
20 Alexis was there for all of it; so I don't know if
21 you want to talk about it a little bit. No.

22 So essentially this administration has
23 pulled out of the TPP agreement, and we refuse to
24 ratify at this point. It was -- TPP had 12
25 countries in it. TPP 11 is likely moving forward;

1 so the countries remain in it are looking to move
2 forward. They would -- the language that's come out
3 of that is that they want to keep the deal somewhat
4 the same, although there would have to be some
5 arrangements made because there was provisions in
6 the agreement that essentially said that the U.S.,
7 being the biggest market, what percentage of it is
8 it? Like 56 percent of --

9 **MS. TAYLOR:** Well, it basically was
10 written that the United States and Japan had to
11 ratify it for it to enter into force and so until
12 those two countries ratified it, it would not -- all
13 those benefits didn't go to all the countries, and
14 now that the U.S. is out, that percentage, it was
15 like 70-something percent, of the economies in TPP
16 had to ratify it. Now that the United States is
17 out, they can't meet that threshold so they will
18 need to retinker that.

19 **MS. ENG:** But a lot -- so there is
20 interest. New Zealand has already ratified it.
21 Japan has talked about looking at how they can move
22 forward. Likely those -- those tariff gains that we
23 gained in that free-trade agreement that were
24 negotiated long and hard by Alexis would -- would go
25 to those other countries and then we would be at a

1 disadvantage.

2 And so that's kind of where, when we look
3 at not being in free-trade agreements, those --
4 those are the concerns that agriculture has is that
5 the countries that are in those free-trade
6 agreements or have bilateral free-trade agreements
7 with our trading partners are going to get a much
8 better tariff rate on particular things.

9 As you all know, agriculture is generally
10 one of the most protected industries, given that
11 most countries will try to support their domestic
12 farming so --

13 **MS. TAYLOR:** I think one great example on
14 TPP and what it's going to mean to Oregon is around
15 beef.

16 **MS. ENG:** I might have that.

17 **MS. TAYLOR:** You do, there you go. So
18 Lindsay knows I use this one all the time. So the
19 beef or Japan is our largest beef market. We sit
20 typically about a 38 and a half percent tariff; so
21 that's a tax on our beef products going in.

22 Japan and Australia have a free-trade
23 agreement. They negotiated that beef tariff down
24 to, like, 18 or 19 percent, lowest they had ever
25 gone. In TPP -- and so Australia today is sitting

1 at, like, a 27 percent tariff because it gradually
2 phases down.

3 So they are already at an advantage to
4 United States beef going in. TPP negotiated beef
5 tariff for -- and this is for all 11 other or 10
6 other countries to 9 percent. They had never gone
7 to single digits, I mean, it was really historic for
8 Japan to go that low.

9 And so the U.S. is out so now all of those
10 other countries will get, when they ratify, that 9
11 percent. At the same time, Japan just concluded the
12 framework of a free-trade agreement with the
13 European Union. They gave the European Union 9
14 percent, no surprise. They have -- Japan has shown
15 their cards, how low they will go and they will go
16 there for everyone else in the world.

17 So at the same time, under the World Trade
18 Organization rules, when a certain amount of beef
19 comes into Japan, they have what they call a
20 snapback so the tariff, and it's automatic, a
21 certain amount, a high level comes in, that tariff
22 that we're sitting at 38 and a half percent, snaps
23 back to 50 percent.

24 So just Australian beef is 27 percent.
25 U.S. beef today is 50 percent. If the U.S. was in

1 TPP and TPP was ratified, we would not be affected
2 by that snapback and our beef would still be
3 entering at the phasedown so eventually 9 percent.
4 And so -- and that snapback, that 50 percent tariff,
5 stays in effect until sometime next year, '18.

6 So that's a great example of why trade
7 agreements matter. Our beef is going to -- who is
8 going to pay 50 percent more to buy beef? They are
9 just not, no matter how much they love U.S. beef and
10 they do.

11 **MS. ENG:** So after that great news, we are
12 also renegotiating NAFTA so I think that NAFTA, we
13 recently during the PNWER, Pacific NorthWest
14 Economic Region, the U.S. or the Canadian minister
15 of ag actually visited Portland, and Alexis hosted
16 him for an evening with some ag leaders in the
17 state, and we talked a lot about NAFTA there.

18 And Canada is obviously our number two
19 market for ag exports in Oregon. We forget about
20 the Canadian market a lot because it's so close and
21 we've gone through a lot. I mean, under NAFTA, the
22 cross-utilization and integration of our supply
23 chains is essentially seamless to this point and so
24 I think that that's the biggest concern for
25 agriculture.

1 There is -- there are some things that
2 could be improved under NAFTA for Oregon
3 agriculture, dairy is a big one that comes to mind.
4 Our dairy industry is very well aware of it.
5 There's some wine issues as well, but in general
6 because we have such an integrated supply chain, for
7 example, Ferrero Rocher, Bryan's probably good
8 friend, produces those nice hazelnut candy. You
9 know, Mexican sugar, Oregon hazelnuts go to Canada,
10 and they are processed into a product that's then
11 sold all over the world.

12 There's a lot of -- a lot of instances
13 like this where we rely on all three countries to
14 build a -- to build a multi-ingredient product, and
15 when we start adding tariffs back in, you are -- you
16 are essentially disrupting that that has developed
17 over the last 20 years and so there will be
18 disruption in the marketplace and to supply chains,
19 and likely, you know, increased prices to consumers
20 if we -- as we start to monkey with it, I think, a
21 little bit.

22 Like we said, Canada, EU, Australia, New
23 Zealand, they are all actively working towards free-
24 trade agreements in those Asian markets just like
25 us; so here's a graph just about the opportunity

1 that free-trade agreements provide for U.S. ag.
2 This is from USDA and so, you know, it's just -- it
3 continues to increase, and for the reasons that
4 Alexis mentioned, it really, really does help us.

5 Also, this is a little bit older and it's
6 specifically about WTO, but we are not as actively
7 pursuing free-trade agreements and haven't been,
8 actually, for quite some time as you can see. The
9 rest of the world has and so there's increasingly we
10 see numbers of bilateral agreements and larger free-
11 trade agreements and that, you know, the U.S. is
12 left out of that and so where we compete, we are
13 competing against not great terms.

14 So free-trade agreements, obviously, is
15 probably one of our biggest challenges, but we do
16 face a lot of other challenges in Oregon for trade.
17 I think that our companies that focus on exports,
18 they -- they go through a lot of other hoops in
19 order to get their products to market; so beside --
20 besides, you know, federal policy changes on trade
21 or the dollar and kind of how all of that impacts us
22 does really impact them even more than maybe we see
23 for domestic or a local-focused business.

24 But transportation and Oregon
25 infrastructure, all of you have driven through

1 Portland so you are well aware that we have huge
2 delays. We lost, in 2015 -- 2014 we lost container
3 service at the Port of Portland and so that has
4 impacted a lot of our ability to get product to
5 market, and while container service at the Port of
6 Portland did not, maybe at its peak provided about
7 20 percent of our container exports for ag in the
8 region; so it never was providing a hundred percent,
9 we didn't have that many boats coming in, but what
10 it did is it helped stabilize prices in the region
11 and it helped provide options, and any time you have
12 options, that helps.

13 And so now our exporters are needing to go
14 to Seattle. Going through Portland traffic, you can
15 imagine that with trucking issues, now we have a 10-
16 hour time limit so you need to send two truckers,
17 pay two people, to drive your container to the
18 Seattle port so significant increases there.

19 I think for the producers down here, we
20 struggle, there are some that go down to Oakland and
21 Long Beach ports, and the California ports have just
22 as bad of delays as Seattle, but we also have, you
23 know, issues with California border. The country of
24 California, getting into the country of California
25 are -- Helmut's not here to talk about the cherries

1 getting into -- but that's his favorite subject.

2 So we -- we have issues at the border. We
3 also have truck weight restrictions so our potatoes,
4 if you are sending a full container of potatoes,
5 they cannot go south because a full container of
6 potatoes weighs too much, right; so you have to send
7 half containers or not fully loaded. It's not
8 efficient and not cost effective.

9 **MR. LISKEY:** California emissions, too, on
10 trucks.

11 **MS. ENG:** Yes, Yes. Yeah, it's a whole --
12 yeah. So we just -- that's a huge challenge. I
13 would say transportation is probably the biggest
14 challenge, I think, for Oregon exporters and always
15 has been and continues to be.

16 Consumption is decreasing in our
17 historically key markets. I would say number one of
18 that is Japan. Japan will lose 40 million people in
19 the next 10 years from their population because they
20 are such an aging population and so they are at
21 below replacement rate. They are not having
22 children, and they have a very elderly population,
23 and they are just losing their population.

24 Their economy has been stagnated for quite
25 some time; so while it's our number one ag market

1 and continues to be, in 10 years it will not be able
2 to maintain that status.

3 Oregon does not have a coordinated
4 strategic direction on trade and FDI. I think that
5 that's a challenge and that's something that we've
6 been talking with our partners at Business Oregon
7 and I think -- hope to work with the governor's
8 office on to really address, you know, where does
9 Oregon have strengths and where should we be because
10 we are better as a state all together going in the
11 same direction than we are individually when we lose
12 a third of our staff, right; so I think that's a way
13 that we can -- we can help our exporters.

14 **MS. MASTERSON:** What's an FDI?

15 **MS. ENG:** Foreign direct investment.

16 **MS. TAYLOR:** Those were Japanese examples
17 Lindsay gave.

18 **MS. ENG:** Oregon is not well known
19 internationally as a destination or a brand. We're
20 a small population. We always tell people that we
21 are north of California, and then they kind of know
22 where we are.

23 **MS. TAYLOR:** South of Washington state.

24 **MS. ENG:** Yeah. Yeah, south of Seattle.
25 You know, in some of our -- some of our trading

1 partners, Japan and Korea, I think, Oregon as a --
2 as a beautiful place, as a green place with lots of
3 water.

4 There's some recognition, but we -- we
5 have not branded the state very well and so that's
6 why our marketing program actually has -- we've
7 started with a marketing firm, Koopman Ostbo, and
8 they are doing research on what would it look like
9 to help brand Oregon product.

10 It's been tried many, many times in the
11 state as I look through archives, but what we'd like
12 to do is if we move in this direction and support a
13 brand, we'd like it to be supported by industry so
14 that industry is paying for it and can support the
15 marketing on all market levels and platforms; so
16 they are doing survey work now and probably will be
17 contacting you guys.

18 **MS. MASTERSON:** What's the company again?

19 **MS. ENG:** Koopman Ostbo. They are the
20 ones that do Bob's Red Mill and some other -- they
21 do a lot of food brands and so we did an RFP and
22 they had a great proposal so -- and then
23 opportunities. Again, like I said, trade creates
24 rural economic growth especially in manufacturing,
25 food processing, seafood processing.

1 Value-added food processing, something
2 that I find really, really interesting. Oregon, if
3 you look at numbers and sectors on, paper is almost
4 identical to Nigeria.

5 We are a natural resource extraction
6 economy generally. We don't produce a lot of
7 consumer packaged goods on the agricultural side.
8 Most of our agriculture exports both in volume and
9 value is raw commodities, and it gets -- it gets
10 processed into value-added goods in other places and
11 so I think that the more we move towards value-added
12 food processing -- and value-added doesn't have to
13 be processing it into, you know, multi-ingredient
14 products or things that don't look like agriculture.

15 It can also be branding, it can be
16 innovative new products that are close to raw, fresh
17 fruit and vegetable, healthy products. The one nice
18 things about consumer packaged goods and
19 manufactured foods is it's less subject to tariff
20 and equity.

21 So generally where you see raw
22 commodities, beef or fruit or grains, their tariff
23 rates are going to be more protected and they are
24 going to be higher except in the dairy sector -- I
25 will say that doesn't really count -- but, you know,

1 when you look at a candy bar or you look at frozen
2 berries, for example, they are going to have a lower
3 tariff rate just in general.

4 So you are not looking at the 50 percent
5 tariff rates. They are generally around the 11
6 percent mark, even if we don't have a free-trade
7 agreement; so it does shield us a little bit from
8 tariff inequities.

9 We talked about an opportunity for FDI
10 incentives in the economic development realm. How
11 do we incentivize companies to -- and not just
12 foreign companies, but how do we incentivize our
13 companies to expand, how do we incentivize companies
14 from around the U.S. to come to Oregon and have an
15 open policy statement on trade and that we are open
16 for trade even given some of the U.S. federal
17 rhetoric that's out there.

18 Branding, again increases even more value.
19 If we can brand Oregon, then we can market it into
20 those markets and have more -- the ability to charge
21 more for our products when they are recognized in
22 the marketplace.

23 And then investment as we talked about in
24 road, rail, infrastructure, and access. The last
25 legislative session made some gains in that and

1 invested in potentially looking at a South
2 Willamette Valley rail facility which would very
3 much help our ag industries with those problems in
4 getting containers through Portland.

5 So I just want to close with our strategy
6 in ag development and marketing at the ODA. It's
7 kind of a coordinated focus global strategy to
8 promote and enhance the Oregon brand overseas and
9 Oregon as a destination for investment and a source
10 of high quality goods and services.

11 So our key markets continue to be Japan,
12 more as a keeping it going and sustaining that
13 market as our number one market, but China, Canada,
14 and southeast Asia are our real growth markets and
15 where we really want to have a focused strategy to
16 get -- continue to get gains there.

17 We've talked about Alexis has some
18 interest in doing some directors' missions, and we'd
19 like in 2018 to go to China and Canada. Really in
20 Canada we just completed a mission and we had nine
21 companies go and almost all of them got new
22 distributors in Canada on the east side in Toronto
23 so a lot of interest and a lot of growth there.

24 **MS. TAYLOR:** And the great thing about
25 Canada, Lindsay talked about, like, what NAFTA

1 brought about and that, you know, kind of melting
2 that supply chain, but also, you know, there's a
3 cultural similarity, a language similarity.

4 Because of NAFTA, our regulatory schemes
5 on both sides are similar. They are not the same,
6 but it's a great place for a first-time exporter to
7 test the waters to see if they want to export, you
8 know, their -- it can be very scary to, like, send a
9 shipload of hazelnuts to China, like, who's taking
10 it, are you getting paid, like all of those things.
11 Canada is a much easier market to kind of start for
12 a first-time exporter.

13 **MS. ENG:** I only went five over, five
14 minutes over, but if anyone has questions, we can
15 answer them.

16 **MS. BOYER:** Thanks, Lindsay. Any
17 questions for Lindsay?

18 **MS. MASTERSON:** I'll just ask a teeny-tiny
19 question. I'm not as -- climate change, like I
20 didn't see any mention of that in there. How -- how
21 is this -- how is ODA and how is this sector
22 thinking about the impact of that in terms of
23 challenges and opportunities?

24 **MS. ENG:** So I guess what I would say
25 where we are seeing the biggest impact is in the

1 changes in seasons. So, one, we are getting new
2 products in Oregon. We have longer growing seasons.

3 Obviously we have, you know, impacts to
4 weather and those kinds of things, but we've always
5 had that so it's not really a huge shift for
6 agriculture, but I think that the biggest thing is
7 competition. We are seeing increased competition
8 for what used to be cross-seasonal commodities, like
9 Chile, we used to have cross-seasonal blueberries or
10 other fruits.

11 Now we compete, like in Korea for example,
12 with Chilean fruit at the time that Oregon fruit is
13 there. I would say on the shipping side, over --
14 over-ocean shipping obviously is a huge -- climate
15 change is a -- they are a big topic of discussion
16 for climate change, but the industry is shifting
17 pretty significantly.

18 I think that's so much bigger than Oregon,
19 but I think that those industry shifts somewhat
20 related to that issue are what has also helped
21 impact our port and the ability to actually be a
22 marine port because ships are changing their -- the
23 amount of product that's going ocean freight is
24 shifting.

25 That's a variety of factors, but you

1 cannot -- there's not very many ships in the world
2 that are still in -- in rotation that can come up
3 the Columbia River at 40 feet.

4 **MS. TAYLOR:** I think it's important also
5 to keep in context somewhat the problems around the
6 port. The port of Portland is the 16th largest port
7 on the west coast so, you know --

8 **MS. ENG:** So I don't know if that --
9 that's kind of where it touches us.

10 **MS. MASTERSON:** Yeah, thank you.

11 **MS. BOYER:** Thanks, Lindsay. So it's time
12 for public comment on our agenda, and I have the
13 sign-up sheet, and there are no names so I'm just
14 making sure there's nobody in the audience that
15 wanted to have public comment today.

16 All right. So we won't have any public
17 comment today. So I think at this time, we are
18 going to go to break and be back here at 10:30 for
19 our local panel. Thanks.

20 **(WHEREUPON, a break was taken.)**

21 **MS. BOYER:** Moving on down our agenda to
22 our local panel.

23 **MR. LISKEY:** All right. I have put
24 together a panel today, tried to be as diverse as
25 Klamath County can be. I have Randall on the far

1 end from the Upper Basin, which is kind of
2 representing everything to the north in Klamath
3 County, Sprague River, all those kind of places.

4 And John is next from the refuge, which is
5 on the south end of the Klamath -- or actually in
6 California most of it, but still in what we call the
7 Klamath Basin.

8 Then Willie in the -- here is from the
9 extension service, which is going to kind of give
10 the economics and that kind of situation of the
11 basin, some of the issues.

12 Trish, which is a -- from the Project
13 farming industry on how the main, the Project works,
14 which is the part that got shut off in 2001 and that
15 kind of area. Randall has been shut off lately in
16 the latter years so it's kind of a kick in that way.

17 Then Scott, which represents Klamath Water
18 Users, is going to kind of give us some of the legal
19 issues that we are dealing with on the Klamath River
20 and some of the legal issues in that order. So
21 whoever would like to start in or we can start at
22 one end or the other.

23 **MS. BOYER:** Thank you all for being here.
24 We are looking forward to listening and learning
25 from all of you today. I'll let you choose who's

1 going to start.

2 **WILLIE:** I'm not bashful.

3 **MR. LISKEY:** Go ahead, Willie.

4 **WILLIE:** Thank you to the Board and
5 director for having -- for inviting OSU here and
6 participate on the panel. So I think what I'll do
7 is just kind of give you a rundown of the history of
8 our organization, some of our focal points on what
9 research and extension is taking on right now and
10 then walk into some of the economics and then kind
11 of finalize with some of the challenges that our
12 organization is seeing through our needs assessments
13 in the community.

14 So extension has been in Klamath County
15 since 1914, and our branch experiment station was
16 established in 1937. A little bit of trivia for
17 those that don't know, in the land grant model,
18 30,000 acres per congressman was given to the
19 states, and most of that land was sold to build the
20 land grant universities.

21 About 90 percent of that land, maybe 95
22 percent of that land, lies within Klamath and Lake
23 counties; so the property that was actually sold to
24 develop the Corvallis main campus resides in Klamath
25 and Lake County, and I've got a map hanging in my

1 office.

2 Any time somebody comes by we can show you
3 that. It's also deep in the archives if you look
4 for it at OSU, but I think it's important to realize
5 that the land grant university system kind of
6 started here in Klamath and Lake counties and that's
7 important to us.

8 Our center, we have -- we are a joint
9 center since 2006 with both extension and the
10 research station. A number of our faculty members
11 have joint appointments both in research and
12 extension. We have -- I think I mentioned we have
13 18 employees on our ag side right now.

14 We have the lead potato group for variety
15 trials and seed production for all -- for the tri-
16 state, for Oregon, Washington, and Idaho; so all of
17 the new varieties that are established in that tri-
18 state area come out of our experiment station.

19 So we grow out the seed, then it goes to
20 the seed producers, and there's a lot -- and so
21 that's everything from fingerlings and roasting
22 potatoes to new varieties of russets. I like to
23 mention to people this year Brian Charleton, our
24 lead person, has about 55,000 individual new plants
25 out by -- out on Camp Curtis's and so, you know,

1 when we have 55,000 new varieties, we got to find
2 one that works so keep -- keep looking at that and
3 moving forward.

4 We have a small grains position, an
5 agronomy position, and alternative crops that's
6 currently vacant. We've received funding and
7 approval from OSU College of Agricultural Sciences
8 to move forward; so this fall we'll be posting that
9 position and going for a Ph.D. agronomist.

10 We do have a home hort agent and a
11 commercial horticulturist, and right now we're just
12 finalizing, the search committee meets this week, on
13 a livestock 4-H and open campus.

14 We have a unique program with Klamath
15 Community College where they start the young people
16 in high school. Those credits transfer into Klamath
17 Community College in general ag science. All those
18 credits then transfer to OSU Agricultural Sciences.

19 And it's place based so we've had
20 approximately -- it's either nine or 10 students in
21 the past three years that have graduated with a
22 Bachelor of Science degree in Klamath County, and
23 the only time they got to Corvallis is to receive
24 their diploma; so we brag that up. Trying to grow
25 them and keep them locally.

1 Probably the most important thing on all
2 of our programs is we are driven by the needs of the
3 community's. It's what our stakeholders tell us,
4 what our needs assessments tell us.

5 Probably the most exciting thing to me as
6 a trained economist is looking at Klamath County and
7 looking through time and at the values that that
8 industry brings to this community.

9 So 2012 numbers, those are the latest that
10 I can share because that's where we have comparable
11 statistics with national agricultural service. We
12 are about \$300 million farm gate value county.
13 That's from north to south, east to west, 300
14 million.

15 We have a multiplier and we did this
16 through the IMPLAN model of 1.91. Us economists are
17 good about rounding up; so that's a \$600 million
18 economic driver in the community, only follows wood
19 and wood processing. Everything else in our
20 community is fairly service driven, but the main
21 industries are wood products and agriculture is
22 still the driver.

23 So any time we have any external or
24 internal shocks to our industry, it impacts not only
25 that 300 million for farmers and ranchers, but also

1 that trickle-down effect into all the other business
2 sectors within our community.

3 So it's -- it's a substantial ag industry.
4 I think we are sixth in the state in terms of farm
5 gate sales, and if you look at our data through
6 time, that continues to grow, mostly because the
7 other set of data that we look at is on a per acre
8 basis, not a total value basis.

9 Klamath County has more acres of organic
10 production than any other county in the state of
11 Oregon and so that ties into, with our growers in
12 the industry, being progressive, wanting to move
13 forward at a fast pace. Last year with the drought
14 in California, last growing season, you know, we
15 were growing carrots in Klamath Basin and putting
16 them on trucks to meet contracts in central
17 California.

18 So the growers here are progressive, they
19 adapt and want to move forward. One of fallbacks is
20 sometime other, I call them bureaucracies but I
21 don't mean to insult anybody by that, but policies,
22 procedures, process slows us down in being able to
23 adapt to changes a little bit quicker.

24 Probably the biggest challenges that I am
25 seeing from our organization is being competitive in

1 this global market given the cost of our inputs. If
2 I'm producing hay and it's costing me electricity in
3 the Klamath Basin versus what it's costing somebody
4 outside the Klamath Basin or another state, if my
5 power rates are substantially higher, then I have
6 less competitive advantage. I can't make my break-
7 even like some of the other places can with the
8 electrical costs. So the input costs are something
9 we are continuing to monitor.

10 Big for us and we've got a strategy
11 committee working on it right now in the county is
12 our labor force and minimum wage. We don't see --
13 we have an aging population in agriculture. We
14 don't see a lot of young people moving into the
15 industry, and I think we see that statewide and
16 nationwide; so we are working to attract those young
17 people. Goes back to joint degree with KCC. If
18 they can get a bachelor's degree, stay here, save
19 \$50,000 on that process, maybe they can stay home
20 and work and run the family farm or ranch.

21 The committee's also working on succession
22 planning, trying to -- maybe there's not a son or
23 daughter interested, but maybe there's somebody else
24 in the community that's interested in picking one of
25 those up. How do we bring those people together.

1 And transportation and global markets are
2 key for us. We do have rail. We do have highways,
3 we run a lot of truck traffic, but for anybody
4 that's been on 97 with lots of trucks trying to
5 export products, it can be challenging at certain
6 times of year.

7 Probably the most -- I got four topics
8 that I wanted to share with the Board. Our
9 community is progressive. Our farmers and ranchers
10 and community is progressive, and we try to support
11 that through our organization. They are willing to
12 come together to solve problems. They do that.

13 Sometimes those discussions get heated,
14 but they are all -- in agriculture, they are all
15 part of the community and they wanted to see it move
16 forward because they do have a strong sense of
17 community. They want to be here and they want to do
18 the right thing; so that's kind of a summary of what
19 I'm seeing.

20 **MR. LISKEY:** Thank you, Willie.

21 **WILLIE:** I took everybody else's 15
22 minutes.

23 **MR. LISKEY:** Randall, you want to get up?

24 **MR. KIZER:** Okay. I'm Randall Kizer, and
25 I'm from the Upper Basin. I live there all my --

1 most of my life. I run -- I have a small family-
2 owned farm which is kind of a dying breed. I guess
3 I'm just too hard-headed to give up.

4 I guess while we've been in -- the family
5 has owned it for 145 years, and my great-great-
6 grandfather actually homesteaded it. The property,
7 when he came to work for the BIA as a -- he was a
8 grist miller, and he moved to Klamath agency to run
9 the grist mill there, and then took over -- then he
10 homesteaded the ranch where we live, where I still
11 live today.

12 We are just a small, you know, we lease
13 our land out because the cattle industry has really
14 grown to the point where you have to have operations
15 in multiple states and areas. You have to have
16 winter range and summer range, and we are just
17 trying to hang on and -- but the problems of the
18 Upper Basin is the water certainty, I think, is
19 probably our biggest issue, and that comes in
20 several different reasons.

21 Of course the tribal settlement that --
22 and I was on the negotiating team when we negotiated
23 the Upper Klamath Basin comprehensive agreement and
24 signed it in '14. And that has kind of started
25 falling apart and we are having some issues around

1 that.

2 Probably our biggest problem is dealing
3 with the state of Oregon and the Oregon Water
4 Resources Department. This year we had 140 percent
5 of snowpack, and we thought finally, we have a good
6 year, and then we had to fight with the State
7 because they kept telling us there wasn't enough
8 water, and it was running all over the place.

9 And so we finally had at least some, I
10 don't know -- I don't know where we're at, maybe Tom
11 could answer that, but the problem with the
12 uncertainty is now is the time of year when the
13 cattle owners are making their decisions for next
14 year.

15 Do I keep these cows, do I spend the money
16 to winter them somewhere so that I have the calves
17 to bring back and am I going to have -- we don't
18 know what this winter's going to bring, we don't
19 know what the water's going to be next year, and
20 that's what's really hurting the Upper Basin because
21 we are more cattle oriented.

22 We have producers of hay, both alfalfa and
23 grass hay, but primarily that is our main -- main
24 focus, and it's just becoming more and more
25 difficult. I hate to -- I don't like thinking this,

1 but I really believe I'm the last generation to own

2 --

3 **MR. LISKEY:** Did you irrigate? I know we
4 were talking earlier about, you know, the tribal
5 calls were made on the riparian calls and you
6 thought your areas wouldn't irrigate at all. How
7 much did you get to irrigate this year?

8 **MR. KIZER:** Okay. And that -- well, it
9 depends on who you are and where you are how much
10 you irrigate, and I would have to say that this
11 year, I was not really hurt by a lack of water.

12 Of course when you were -- my great-
13 grandfather was the first homesteader in the valley,
14 and when you are first, you kind of have a pretty
15 good water date; so the Sprague River Valley was
16 really the one that was hurt the worst, and there
17 was much said about the high flow call that the
18 tribes made, and that is part of the Sprague River
19 and the Williamson River area.

20 I live on the -- in the Wood River Valley
21 and get my water from Wood River, which we don't
22 have the high flow. And the way that works is for
23 the riparian areas, when the flows were above, I
24 think it's like 2100 CFS, then the tribes could call
25 and keep it that way and so that nobody could take

1 water out until the flows dropped below that level.

2 And so the Sprague River in the early
3 spring, you think, well, if you've got that much
4 water running around, you probably don't need it,
5 but a lot of the Sprague River Valley is high
6 plateau area, and the spring irrigation is what's
7 really needed to give the grass that good start in
8 the spring, and lot of them didn't get it.

9 They didn't actually get to start
10 irrigating until June, and that -- in that area, the
11 higher lands where they have to pump the water up to
12 it dries out in a hurry, and they lost a lot of
13 production early in the spring because they didn't
14 get it.

15 Then when they did get it, of course they
16 were able to irrigate, but your grasses really don't
17 produce as much when you don't get that good start
18 in the spring.

19 In the -- on the Wood River side, we have
20 the tribal instream claim, and it goes down, each
21 month there's a different claim level and so you may
22 or may not be irrigating this month, and then as it
23 drops down, you might get into it next month or you
24 might not, you don't know, and it's just really --
25 it's had a lot of producers wondering what am I

1 doing.

2 And I would say in the Wood River Valley,
3 that the number of cattle is probably around maybe
4 60 percent of what it used to be four or five years
5 ago. It's just because people, they don't know now
6 what next summer is.

7 And so last fall, I mean, with the drought
8 over the past couple of years before that, water
9 really was hard to come by and so they took the
10 cautious route and so their numbers were down, and
11 we had an abundance of grass in the Wood River
12 Valley and really nothing to eat it.

13 **MR. LISKEY:** Thank you. Trish, you want
14 to hit the Project.

15 **MS. HILL:** Sure. I'm Tricia Hill so on my
16 farmer side, I farm with Walker Brothers, which I'm
17 a fourth-generation farmer on both my mom's side of
18 the family and my dad's side of the family; so I
19 farm with my dad and my uncle and my brother and
20 then we also have brought in three junior partners
21 as well.

22 We farm between 10 and 12,000 acres; so we
23 are a fairly good-size operation for the Klamath
24 Basin. Our cash crops are chipping potatoes so
25 potatoes that are destined to become potato chips or

1 French fries. We -- so that's, I guess, on the
2 farming side.

3 On our processor side I also will put on
4 my hat for Gold Dust Potato Processors. That entity
5 ships about 200 -- we have about 200 or 2 million
6 sacks, which ends up being about 200 million pounds
7 of potatoes go through our plant each year and out
8 to our customers. Our primary customers are Frito-
9 Lay, In-N-Out Burger, and Kettle Brands. So that's
10 what we do.

11 As far as -- Tracey kind of sent some
12 questions out so as far as kind of our challenges,
13 about a quarter of our business is export, mainly
14 Asian Rim, but we do have some South American
15 customers as well, and when the port of Portland
16 closed, it created a huge hit in our business. We
17 actually lost customers over that.

18 It was -- we just between our increased --
19 so our -- one of our biggest competitors is the
20 Columbia Basin for our potatoes, and between our
21 additional transportation costs to try to get up to
22 Seattle plus the power rate differential, we just
23 couldn't compete, and we are still -- we are still
24 kind of in the fallout of that.

25 I think we'll continue to see that, those

1 customers, we'll will just lose them. We can't --
2 we can't compete with the additional costs; so
3 transportation is -- is big for us and something
4 that we see as a challenge that we are going to
5 continue to have.

6 As Lindsay was saying, it's not cost-
7 effective for us to go into California because to
8 make one load, we have to send down essentially
9 multiple trucks, and then down at port, they move
10 the pallets around and from a food safety
11 perspective, it makes -- it gives me kind of the
12 heebie jeebies, the idea that somebody else is in
13 with our potatoes, I don't like it. I want them
14 sealed at, you know, our plant and then they -- that
15 seal isn't cracked until they get to the country
16 where they are supposed to be. So that's been
17 difficult for us.

18 The other thing that we see as a challenge
19 is labor, both kind of general labor and then
20 skilled labor as well. It's becoming increasingly
21 difficult just to find people who want to work the
22 hours that ag requires. One of the projects that we
23 have been working on internally is looking at our
24 employees and trying to figure out how many full-
25 time equivalents we are and at what point in time --

1 what would be the additional cost to break those up
2 and to do different shifts.

3 With the Oregon sick law, that kind of
4 increases that cost. There's a lot of analysis that
5 has to go into that. We also have a really hard
6 time really hiring kind of that middle management,
7 more skilled operators. They are hard to find, and
8 I think we are going to -- I don't see right now an
9 easy solution that -- we've actually been
10 participating with extension and the community
11 college trying to -- trying to increase that labor
12 force, but it's a real struggle for us here.

13 The other thing as far as struggle and
14 opportunity, I think, you know, sitting here and
15 being, like, a big farm is that concept that so the
16 reason we survived the downturns in ag is
17 essentially we grew bigger, brought in junior
18 partners and went okay, well, the farm has to be
19 this size to support all these families.

20 So it makes us look like we're this big,
21 huge farm, but really it's because we have all these
22 people underneath, and that's how we are successful,
23 and what you find is kind of the public perspective
24 of what that means, and you become, you know, big
25 ag, and they -- and it -- they don't like it.

1 But yet to be able to comply with all of
2 the regulations from our, you know, OSHA regulations
3 to our, you know, employee -- like I was talking
4 about the Oregon sick law, any -- any farmer that's
5 had to -- any business owner that's tried to deal
6 with reporting requirements, you know that whoever
7 wrote that has never had to track anything in their
8 entire life, and it's just obnoxious.

9 And, you know, from our pesticide and
10 chemical, there's just so much we have to do to be
11 compliant with the law, it's almost getting to the
12 point where it takes a bigger operation to even be
13 able to support that regulation.

14 So I kind of see that's a challenge, but
15 then it's the flip side of the opportunity to figure
16 out how to -- going back to how do we market
17 ourselves so people understand that we still are a
18 family farm. And I think in ag in general is how do
19 we market agriculture in Oregon so people see the
20 value of having local produce and local products
21 that are here. So that's, you know, two different
22 sides of it.

23 As far as opportunities, like Willie said,
24 one thing that we do here in the Klamath basin is,
25 man, we'll try to grow anything once. Let us try.

1 We might fail amazingly, but we'll try it, and we'll
2 see if we can do it.

3 I think that because of our climate, we
4 have, you know, some really amazing farmers because
5 they had to -- they have had to be adaptable and
6 because we are high desert, we have that, and I
7 think that that's a great opportunity we have here
8 in the basin.

9 The other thing that we are seeing is we
10 are seeing some younger -- and I used to consider
11 myself, like, a young farmer. Well, I'm 41 now and
12 so I can't do that anymore.

13 **MS. HALLOCK:** Yes, you can.

14 **MS. MASTERSON:** That's the beauty of it.

15 **MS. HILL:** Well, it happened to me so at
16 the potato conference, they have a young potato
17 thing, and the cutoff is 35, and I'm just, like, oh,
18 I can't go. But we see -- we are seeing some, I
19 would say, younger farmers, and even some younger
20 farmers that -- whose families haven't, you know,
21 it's not necessarily they are just taking over the
22 family farm, but they are actually coming in and
23 saying this is what I want to do and trying
24 different things to be successful, and I think
25 that's really exciting and dynamic.

1 You know, obviously one of our big
2 challenges here in the Klamath Basin is water and
3 the predictability of it. My business basically is
4 almost -- my cash part of my business is all based
5 on contract; so it is the fact that, you know, up to
6 a year before I harvest my potatoes, I have a
7 contract saying to my, you know, customer, I will --
8 I will produce this much, and if I can't meet those
9 contract requirements, you can bet they are going to
10 go someplace else.

11 So the predictability and the
12 sustainability of water quantity so we can meet
13 those contracts is something that scares us because
14 if -- if we lose those contracts, they are not going
15 to come back. I mean, if you can't produce for
16 Frito-Lay, they are not going to say, well, that's
17 okay, we just won't sell potato chips during the
18 Super Bowl this year, no biggie. I mean, They are
19 not going to do that.

20 And so for us, that water stability is --
21 is really important and trying to get a settlement
22 so all parts of the Klamath from the Upper Basin to
23 the Project has water.

24 One of the things that the Project has
25 been lucky is that because of the way our system's

1 designed, in years that we have had shortages, we
2 have been able to work together to move that water
3 around in a way that made everyone, I guess, feel
4 pain as least as possible, but -- and I think part
5 of the reason you've seen that so much in the
6 Project is because we lost so many in 2001. I mean,
7 it was just, it was devastating.

8 It was -- I think anyone who drove through
9 the basin and saw the fields and saw what happened,
10 I mean, it was -- it was heart-wrenching. And I
11 also sit on the Shasta View Irrigation District
12 board, and when we were shut off, it was three years
13 ago, and the board had to meet and sit in a room
14 with people and tell them that they will have no
15 water.

16 I can't tell you how it feels. It's just
17 like you can feel the air sucked out of the room. I
18 mean, it's just -- it's a horrible feeling, and I
19 hope we, you know, we can get to the point where we
20 don't have to see that anymore.

21 So I think I hit everything Tracey wanted
22 us to hit, and I feel like I talked even more than
23 Willie.

24 **MR. LISKEY:** John, you want take it?

25 **JOHN:** Yeah. Well, I thank you all for

1 letting the refuge speak here. This is really
2 important to us. We are a really big part of the
3 agricultural community, especially in the southern
4 part of the basin so I appreciate this opportunity.

5 I'll give you a real quick history on the
6 refuge. So the refuge complex, there's six refuges
7 in the complex, but it started with the
8 establishment of Lower Klamath National Wildlife
9 Refuge in 1908, and it's a really cool part of the
10 Fish and Wildlife service history because it was the
11 first refuge in the entire refuge system that was
12 established for the sole purpose of migratory
13 waterfowl. So we have a really unique establishment
14 purpose in the Fish and Wildlife service.

15 But I'm going to talk specifically as it
16 relates to lower Klamath and Tule Lake today. We do
17 have agreements, cooperative agreements or ranching
18 and farming agreements on all of our refuges, but
19 Tule Lake and Lower Klamath, because of the
20 establishment of the Kuchel Act, which is a
21 Congressional mandate for farming on our refuge
22 lands -- I'll talk about those two specifically --
23 and the -- but Lower Klamath and Tule, there's only
24 two -- there's only one other refuge in the entire
25 Fish and Wildlife that has lease land farming, and

1 that's in Illinois.

2 So we have the largest lease land farming
3 program in the entire federal government on the Tule
4 Lake side, and then we have the additional lease
5 land on the Lower Klamath side as well as
6 cooperative farming.

7 We employ 24 staff, but we have 40 lease
8 land farmers on our -- on our lands on the refuge;
9 so we are big. We do have a lot of land in
10 production, and then every year, we could have
11 anywhere from seven to 12 cooperative farming leases
12 or agreements on the refuge as well, which are
13 different. On the lease land, the producers pay to
14 farm those lands.

15 On the cooperative farming, the producers
16 bring trade to farm on our land; so they may bring
17 off-refuge lands that they can -- they can flood,
18 which is what Trish has done quite a bit. They may
19 offer leave grain that we can provide leave grain to
20 waterfowl during the off season.

21 And what we've worked a lot with the water
22 situation the way the refuge's water situation is,
23 we don't get growing season water or very little
24 growing season water so the producers, then, will
25 bring, for the flood fallow, for the organic

1 treatment, they will bring their off-refuge lands as
2 trade and so we get off-refuge land during the
3 breeding season for waterfowl, and then the farmers
4 come on our land and they get to produce their crops
5 on our land, and they use it as a really -- I think
6 it's a really creative way to trade out their lands
7 that -- they can't afford to fallow their lands
8 without having a place to farm; so we can be that
9 place to farm which I think is a great role that we
10 can play in the community, in the agricultural
11 community.

12 **MS. TAYLOR:** I'm sorry to interrupt. How
13 much land is kind of in that exchange?

14 **JOHN:** It depends on year to year. I
15 think this year we are farming, just Lower Klamath
16 an cooperative farming, we have about 7,000 acres in
17 cooperative farming. And I think we have right
18 around 2500 off-refuge acres that people have traded
19 out or are putting into flood fallow this year.

20 And the big driver of that, like Willie
21 said, I mean, it's the organic market's driving that
22 because it's -- it's an organic treatment for IPM so
23 they get soil nutrient cycling, they get soil
24 fertility, and then they get rid of, for the
25 potatoes, the nematode issue, and then they get the

1 -- the weed issue.

2 So, I mean, that's -- we are super excited
3 about that because we are actually an active partner
4 in the agricultural community. It's not very often
5 that you can be the federal government and be an
6 active partner that people enjoy working with, but
7 we do bring a lot of land to the table, and because
8 we are part of the Project and the agriculture
9 community, it's -- I feel like it's really a good
10 win-win relationship that the federal government has
11 with our local community and our local producers.

12 So I'll go, the three challenges, I guess
13 I can say we deal with, are water, water, and water,
14 but I'll talk about -- I'll talk a little bit more
15 specifically about those as they relate to
16 agriculture.

17 I mean, I could talk all day about how
18 water affects our refuge purpose for water birds,
19 but there's a huge relationship to the agriculture
20 community that people don't get because they hear
21 National Wildlife Refuge, it must be a duck farm and
22 you must just be there for waterfowl hunters, but we
23 have all these producers that are linked directly to
24 our land.

25 And on the Tule Lake side, there's fairly

1 good water rights established or associated with the
2 lease lands, but on the Lower Klamath side, there's
3 not been water rights and so I'll talk first about
4 the availability and timing, which is a common theme
5 we are all dealing with with water, but because we
6 don't get that growing season water, the way -- we
7 are under the biological opinion and we're under the
8 water laws, and we don't get that growing season
9 water so we can't flood during the growing season;
10 so all of our flooding has to happen during the
11 nongrowing season.

12 And so to be valuable to the agriculture
13 community, we have to know how much land we can
14 offer up for cooperative farmers, and it's really
15 hard to be predictive if we don't know how much
16 water we are going to get.

17 Like last year, going into the growing
18 season, we didn't think we were going to have any
19 land to offer the lease land farmers because there
20 just wasn't any water. Then we had the big water
21 year, and we were able to flood a lot and we put
22 water in, but that doesn't help the producers
23 because they've already got their farming plans, and
24 they are having to react to what we can bring to the
25 table.

1 And it puts them in a difficult spot, it
2 puts us in a difficult spot, but I think even more
3 importantly, we can't offer a multiyear agreement,
4 which is what all of our producers would like to see
5 is the ability to put a multiyear agreement in place
6 so they know they are going to have agricultural
7 land for at least two to three years, and we just,
8 we don't have any reliability to say, yes, you can
9 farm here, we are going to have 2500 acres that you
10 will be able to farm.

11 I think if we had that, we would be able
12 to attract more farmers and be a better partner for
13 those -- those farmers if we could do that.

14 I'll talk about the Tule Lake side because
15 it ties into something that Willie talked about,
16 it's this energy cost. For Lower Klamath to
17 function, you have to move water from the Tule Lake
18 side to Lower Klamath. It has to go through D
19 plant, which is really expensive to flood and -- or
20 to run and to keep Tule Lake productive, you have to
21 have flushing flows going through the lease lands
22 because that helps move out the salts that are
23 accumulated in the soils, it helps with nutrient
24 cycling.

25 Otherwise, all we are doing is

1 recirculating the water from the sump and you end up
2 with water quality issues and production issues on
3 the Tule Lake side of things; so we need -- we need
4 to figure out a way to get this figured out because
5 without them being able to flush water through, it
6 benefits Lower Klamath, but it also benefits Tule
7 Lake.

8 And we're already seeing and there's
9 concern that if we can't get this figured out, that
10 the first hit is going to be the row crops, the
11 potatoes and the onions around the Tule Lake side,
12 and that's -- that's the big market on the Tule Lake
13 side is the row crops; so getting those costs
14 figured out would be a big issue for us.

15 And then the third in terms of the
16 agriculture community is the consecutive drought
17 years, it affected everybody, but Lower Klamath
18 specifically, it was a lake, you know, so you dry
19 out a lake and you expose all those soils, you open
20 up a huge niche for invasive species.

21 And what happened to us is you got this
22 huge drought. It opened all these wetlands that
23 were semipermanent wetlands, and they all turned
24 into perennial pepperweed, poison hemlock, and
25 Canadian thistle. And that's frustrating for us,

1 but for our community, from a relevance standpoint
2 from our community, you drive down the highway and
3 all you see is a huge weed source that's blowing
4 onto productive ag lands.

5 And so again, going back to water and
6 being productive for our partners, we need the water
7 to bring the wetlands back to put those -- put that
8 land back under flooding to get rid of those
9 invasives and then we can rotate farming through
10 there, and that combination of perennial wetlands
11 and farming, we've shown -- the history has shown
12 that that's a great way to get rid of those
13 nonnative plants that are out there.

14 And now that we have the organic market
15 tied to it, it's just, it's kind of a no-brainer
16 win-win to rotate wetlands and agriculture through
17 our lands, and we want to open up more of our lands
18 to do that rotation. We don't want to just put the
19 same ground into production every year. We want to
20 rotate and be productive.

21 And so in wrapping up, what I want the
22 Board to know, I mean, if I could leave with
23 anything is just remember that these refuges are
24 part of this agriculture community here, a big part
25 of it and a really important part.

1 And when you look at the younger farmers
2 particularly, the lands that we have in what we call
3 Area K, which is part of the KDD irrigation
4 district, I mean, those have a huge history of
5 families passing those leases out to the younger
6 farmers, and that's where they train and where they
7 learn their business savvy.

8 It's a huge opportunity for young farmers
9 to come in and get a foothold into the community,
10 and it's a great training ground for young farmers;
11 so, you know, I know our lease land farmers don't
12 forget us. They have to deal with us all the time,
13 but I would, you know, encourage the Board to
14 remember that our refuges do help support this
15 farming community.

16 **MR. LISKEY:** Can you explain a little bit
17 of how the droughts and your lack of a water right
18 has affected your birds?

19 **JOHN:** Yeah, it's a, I mean, just real
20 quick it's -- we've seen almost an 80 percent
21 decline in the waterfowl population on Lower Klamath
22 National Wildlife Refuge, and that's because the
23 delay in water, not being able to bring the water,
24 we've already missed the migration when the birds
25 are going down.

1 And that's a big deal for us because part
2 of the establishment purpose of our refuge is for
3 crop depredation, particularly in the Central
4 Valley; so having those refuges all aligned, not
5 water there to catch those birds as they are moving
6 south is a big deal for Central Valley.

7 It's also hurt us, without having those
8 perennial wetlands which I've talked about, we are
9 not seeing the waterfowl production that we used to
10 see. We used to hatch of a hundred and some thousand
11 baby ducks and baby geese a year. Now our annual
12 production is somewhere between 10 and 15,000.

13 And the big deal is if you don't have the
14 water, the baby ducks hatch, and they don't have
15 anywhere to go and then you lose -- you lose those
16 birds.

17 But then the biggest issue again, it's
18 redundant, but it's invasive species. We don't have
19 the quality of habitat that we had. The habitat
20 quality outside of the refuge for migratory water
21 birds is much greater right now, much better than it
22 is on the refuge because of the tremendous invasive
23 species pressure that we deal with.

24 And really, you know, we don't want to
25 blanket the landscape with chemicals, and we've

1 proven the best treatment is water. We've proven
2 the second best -- you know, that combination of
3 agriculture and water is the best way to get rid of
4 it.

5 And I think any of our producers that have
6 worked with us, especially on Lower Klamath the past
7 two years have seen that, that we farm it and then
8 they go in that next year and they put a crop in,
9 and that following year, we still have weed
10 pressures, but they are associated with the
11 pathways, the ditches and the roadsides.

12 And then we have -- we can be more
13 strategic in how we attack those, but it's really,
14 Lower Klamath is 57,000 acres, and with, you know,
15 without the cooperation of our farming community,
16 there's no way we are ever going to get ahead of
17 this weed problem and then we're just -- we're not a
18 good neighbor and we're not relevant to the
19 community. So that's, the impact of the drought on
20 us has been huge.

21 **MR. LISKEY:** Thank you. Scott?

22 **SCOTT:** Okay. Chair Boyer, Members of the
23 Board, Director Taylor, thanks for having me today,
24 thanks for having all of us. I think you kind of
25 got the picture of what the underlying issue is here

1 and that's relative to water down here in the
2 Klamath Basin.

3 And I know up in Salem, Klamath is treated
4 as a four-letter word at times when it's surrounding
5 the word water, especially in Tom's department back
6 there, but it is a real issue and it is something
7 that we're all trying to figure out.

8 And as Willie mentioned earlier, we are a
9 progressive community, and we are trying to figure
10 this out as a community, and it takes all of us
11 coming together and sitting down at the table to try
12 and figure all this out.

13 You know, for the last 10 years while the
14 previous agreement, Klamath Basin restoration
15 agreement was being negotiated, litigation was a
16 nonissue. However, since that expired and we think
17 soon to be an Upper Basin agreement that's going to
18 be expired, this is actually the most expensive time
19 in Klamath Basin history from a litigation
20 standpoint. And this is -- this is even including
21 2001 and before that when we were having issues as
22 well.

23 So it's something that Klamath Water Users
24 Association and me, having to look at the budget and
25 deal with all this stuff, that I -- that I lose

1 sleep over, and it's -- it's really frustrating.
2 And we have, I think -- I was just trying to count
3 in my head, I think there's five ongoing lawsuits
4 right now.

5 Tracey asked me to talk about one. I'm
6 not going to talk about the others because they are
7 -- they are ongoing, but one, we have appealed on,
8 but I think I can at least talk about what the
9 judge's ruling was on that.

10 Give you the quick background is last
11 spring, Klamath -- Klamath River Tribes in
12 California sued Bureau of Reclamation and Marine
13 Fisheries for not reinitiating consultation and a
14 biological opinion because they -- because of
15 incidental take that occurred, and largely, at least
16 in my perspective is because of drought.

17 So they followed through on that. They
18 sued, we intervened, we went to court, and the judge
19 came out and basically said here's what you guys
20 have to do, there's an injunction on the project
21 right now until you guys reinitiate -- until you
22 guys consult a new biological opinion.

23 So we are under this current injunction
24 right now, and the latest schedule that I heard as
25 of two days ago when we are going to be completed

1 with this consultation is September of 2019; so we
2 have another two years under this injunction.

3 This year we were extremely fortunate
4 because of the good water year that we had, river
5 conditions were -- were favorable for fish this
6 year; so we actually, we fared pretty well, but, you
7 know, as we -- as we're -- what we are all looking
8 for is water certainty down here, right, and who
9 knows what this winter is going to bring, and in
10 addition, when you have an injunction placed upon
11 you, you have to send so much water downstream. As
12 a result, we don't know what that's going to mean
13 for our farmers and ranchers next year.

14 **MS. TAYLOR:** I'm sorry, Scott, to ask --
15 to interrupt you, was it an accidental take on
16 sucker fish or on --

17 **SCOTT:** No. This would be -- downstream
18 would be the salmon, it would be Coho. Coho is the
19 listed species downstream.

20 **MS. TAYLOR:** Okay, okay. Got it, okay.
21 Thank you.

22 **SCOTT:** So just to give you just some data
23 on -- well, before I do that, can we do a time
24 check? Where are we at.

25 **MR. LISKEY:** Lots of time.

1 **MS. BOYER:** I think we have a half hour.

2 **SCOTT:** Oh, great. I'll slow down then.

3 Okay. Well, just to give you some data of what this
4 actually means, so there were three measures that
5 the judge ordered us that we needed to follow. I
6 say us, and this actually means the Bureau of
7 Reclamation.

8 The Bureau of Reclamation is required to
9 send 6,030 CFS for a 72-hour period downstream every
10 year. That's within the winter and spring time
11 period.

12 Every other year, they have to send 11,250
13 CFS downstream for a 24-hour period, and then in
14 addition to that, the Bureau has to hold in reserve
15 50,000 acre feet in the lake. If certain conditions
16 are met downstream in the river, they have to
17 release water to remedy those conditions.

18 Those conditions, and I'm not -- I'm going
19 to try and not get too off -- too into the weeds
20 here, but five spores per liter, which is, those
21 spores are this C. shasta spore -- it's sciencey
22 stuff -- and then the 20 percent prevalence of
23 infection in the river as well; so prevalence of
24 infection for -- for juvenile, outmigrating wild
25 fish.

1 That -- that injunction or that
2 recommendation is held in -- we have to follow that
3 until June 15 or until 80 percent of the
4 outmigrating wild fish occurs. This year,
5 fortunately none of those measures were hit, I think
6 largely because of so much water going downstream
7 this year. We had a great water year.

8 We were -- we were able to, I shouldn't
9 say easily, but relatively easily meet all the --
10 all the flow requirements. The 6,030 CFS for 72
11 hours, that was done with the first rain on -- rain
12 on snow event we had this spring.

13 And then the 11,250 CFS for 24 hours, we
14 actually to pull water back, Reclamation had to pull
15 water back. I think they got up to 11,050 or
16 something like that, maybe just under, but there
17 were actually downstream concerns for flooding and
18 things like that from if flood.

19 **MS. HILL:** Shows how ridiculous it --

20 **SCOTT:** Yeah, that's a good point. I
21 mean, really how -- how we are set up hydrologically
22 to be able to send 11,250 CFS, it's an
23 impossibility, number one, have Upper Klamath
24 flooding. You just don't have the head behind it;
25 so you have to have accretions going along with it

1 downstream to be able to meet those flows.

2 Well, when that's happening, those
3 accretions are happening all up and down this. I
4 mean, it's a big storm event, right; so you get
5 further downstream, that means flooding so it's a
6 tough one. However -- however, the tribes agreed
7 that the spirit and intent of meeting that 11,250
8 was met; so in theory, we don't have to do that this
9 year.

10 However, the 50,000 acre feed, the real
11 concern with that one is it can't impact the sucker
12 on the lake as well; so if U.S. Fish and Wildlife
13 comes out and says -- if those triggers are being
14 met downstream and we have to send water downstream,
15 if Fish and Wildlife says that's going to impact
16 sucker, the people stuck in the middle are the
17 farmers and ranchers on the Klamath reclamation
18 project.

19 So the Bureau of Reclamation's going to
20 turn around, cut water off to the -- to the Project
21 so that the lake levels don't drop below what the
22 U.S. Fish and Wildlife is recommending to impact
23 sucker.

24 So at least in my personal view, that
25 50,000 acre feet held in reserve is the scariest one

1 of all, and we were about an inch away from not even
2 starting the Project this year. I think we finally
3 got to the point of convincing U.S. Fish and
4 Wildlife, Reclamation, the Tribes that we've got to
5 start the Project. If we don't start the Project,
6 you are going to impact the entire project for the
7 entire year and it's going to be a very similar
8 outcome to what happened in 2001.

9 And strictly from a -- from a public
10 relations perspective, on a water year like we had
11 this year, we cannot afford to start the project,
12 none of us can. The farmers and ranchers can't, the
13 federal entities can't, the tribes can't, I mean, we
14 would look -- we'd be having a media frenzy here
15 like we did in 2001 so -- so that's the scariest
16 thing to me, and that's something that we have to
17 deal with for another two irrigation sets in theory.

18 I'll pause there. If there are any
19 questions relative to that, that's just kind of
20 going over the data. Just -- oh, one thing, just
21 back of the napkin doing some math in my head, I
22 calculated this out at being just over a hundred
23 thousand acre feet annually that could potentially
24 go downstream and affect the Project.

25 The Project uses about 290,000 acre feet a

1 year so this would be, you know, over 30 percent
2 impact potentially if -- if every single
3 recommendation was exercised because of river
4 conditions downstream; so it's kind of a scary
5 thought.

6 **MR. LISKEY:** And the years they would
7 probably be utilized on are going to be our lower
8 water years --

9 **SCOTT:** Absolutely.

10 **MR. LISKEY:** -- besides so there isn't
11 going to be ample water there to start with, and
12 that affects everybody.

13 **SCOTT:** Yeah, yeah. So I'll pause there.
14 Any questions?

15 **MS. HALLOCK:** I have a question and maybe
16 it's only relevant to the sucker in the Upper
17 Klamath, but how does water quality factor into all
18 of this moving of the water and when it's moved and
19 how, particularly the temperature, I guess, although
20 there may be other --

21 **SCOTT:** Well, especially on Upper Klamath
22 lake, I mean, I think the average depth of Upper
23 Klamath Lake is eight feet; so when you have such a
24 vast footprint of a lake that is a shallow lake, and
25 you have, especially this year, I think we had -- we

1 had 100 degree temperatures for about a week
2 straight here, which -- I mean, typically, at least
3 in my short time living here, I don't think we've
4 had over two or three days.

5 This year we had about a week. The sucker
6 have been -- we've been finding them floating in the
7 lake, unfortunately. And -- and, you know,
8 somebody, one of the old-timers was telling me that
9 that happens every year we have a good water year,
10 and I'm trying to do the math in my head what that
11 would mean, but it -- but apparently every year we
12 have a good water year, you know, the sucker, adult
13 suckers end up floating in the lake.

14 I don't know if it's lake elevations or
15 what's going on there, but the scientists are saying
16 it's a dissolved oxygen problem, which I think does
17 have something to do with temperature. So it's
18 something that we're certainly concerned about.

19 I mean, we're -- at least my perspective
20 is we are looking at, like, a holistic approach to
21 solving all of the problems in the basin, not just -
22 - not just from an irrigation standpoint, but we do
23 have those two listed species, or three actually,
24 there's two species of sucker in Upper Klamath Lake,
25 in Clear Lake, in Tule Lake, and then the Coho

1 salmon downstream.

2 So our main goal and the best thing for
3 agriculture would be for those species to recover,
4 right? That would be the best for everybody; so we
5 are looking -- we are looking at opportunities to
6 try and help anywhere we can.

7 As far as a water quality standpoint, I'm
8 not a water quality guy. I'm just telling you what
9 I've heard there so -- but certainly it does play a
10 role, it is something we think about, and if there
11 are opportunities to improve water quality, we would
12 certainly look at them.

13 **MS. HALLOCK:** The reason I asked the
14 question is when you were talking about the 50,000
15 and, you know, I'm not exactly sure where that is,
16 but it sounds like it's a big, hot bathtub.

17 **SCOTT:** Yeah, and that's 50,000 acre feet
18 to send downstream for Coho so --

19 **MR. LISKEY:** Probably 72-plus degree
20 water.

21 **MS. HALLOCK:** Yeah, that can't be good for
22 fish so that doesn't make a lot of sense from that
23 standpoint.

24 **SCOTT:** Those are some of the questions we
25 asked, you know. As you guys may or may not be

1 aware, there are four dams on the Klamath River that
2 are proposed to be removed. Everything we are
3 hearing is that that's going to improve the river,
4 the health of the river keep temperatures cooler, I
5 mean, those are big bathtubs behind those dams as
6 well so -- so in theory, I mean, if the scientists
7 are right, which we're hoping, it's going to require
8 less water going downstream for the health of the
9 river and the salmon.

10 **MR. LISKEY:** Where is that bill at?

11 **SCOTT:** The bill?

12 **MR. LISKEY:** On the dams.

13 **SCOTT:** There is no bill, there is a
14 Klamath Hydroelectric Settlement agreement that
15 originally was tied to the KBRA that I spoke about
16 earlier, but when the KBRA expired, the KHSA, which
17 is what is was more commonly known, as expired as
18 well, but they came back and signed KHSA as amended,
19 which basically took it out of the congressional --
20 out of Congress's hands and went through the FERC
21 process on removing those dams.

22 So they are -- they are working through
23 that. There's been an entity called the Klamath
24 River Restoration Corporation that they are a
25 private corporation that has been put together to

1 kind of oversee and administer the removal of those
2 dams, and they're, from what I understand, they are
3 working through all that FERC process. Very
4 complex, but we need the water. Okay. Thank you.

5 **MS. HALLOCK:** Am I allowed to ask --

6 **MR. LISKEY:** More questions.

7 **MS. HALLOCK:** I want to go back to your
8 comment and your comment about succession planning,
9 and, you know, I don't want to ask you personal
10 questions about your family, but is there -- I mean,
11 like have you two had any conversations about how to
12 keep your family ranch and farm viable, I mean, and
13 anybody's comments about succession planning. I
14 mean, we hear about succession planning everywhere
15 we go, it's not just --

16 **MS. HILL:** So in my previous incarnation,
17 I was actually an estate planning, estate
18 administration attorney; so when I came back to the
19 farm about 12 years ago, that was something high on
20 my list to talk to my dad and uncle about.

21 So we actually -- three years ago we
22 completed a full succession plan. We have -- so in
23 my family, my brother and I are part of the farm.
24 My sister is not. And then my uncle, none of his
25 children are part of the farm, but he has

1 grandchildren that may someday want to be.

2 So what we did was create a succession
3 plan that basically took the operational side of the
4 business and put it so it's going to be bought only
5 by those who are participating in the farm; whereas
6 the other assets that are more, I guess rental
7 driven are there and then with some, you know, some
8 sideboards about bringing in, maybe, that other
9 generation if they get to the point that's something
10 that they want.

11 So we completed that, and then once that
12 was done, that's kind of when we started looking at
13 our business as a whole and the reality of when my
14 dad and uncle really retire or I don't know if they
15 will just fade into the night, but whatever they
16 decide to do, what we would -- the structure that
17 we'd actually have to put into place to make the
18 business viable.

19 And I think that's part of the succession
20 planning that needs to be done, too, is honestly
21 looking at your business and going, okay, if dad
22 really retires and really doesn't do this anymore,
23 is there someone that can take over that, those
24 duties, and what's that mentorship going to look
25 like to get to the point that you really can take

1 over those duties.

2 And that's when we ended up bringing in
3 these other three junior partners and actually
4 creating a structure to sell them part of the
5 business.

6 And, you know, it's a hard thing because
7 if you've got second generation involved in the
8 business, they are working full time. It's not like
9 they have, you know, another job that supplies the
10 cash to buy into the business and so it's trying to
11 figure out moving those dollars around so everything
12 can stay viable, you know, getting insurance put in
13 place and so we, you know, it was -- it was a lot of
14 work and it was really time consuming.

15 I frankly feel really lucky that I had a
16 legal background so I could kind of shoot things to
17 my uncle, my dad for them to think about so by the
18 time we went and talked to the attorney that was
19 actually performing the work, you know, they'd had a
20 chance to kind of ruminate on it.

21 The other thing that is, again, is hard is
22 you are also trying to think about when that
23 retirement moment comes, I mean, when it really
24 comes where they are not a key person in the
25 business, they're not -- their labor isn't -- isn't

1 providing that benefit to the business, how can we
2 take that money out and let them be retired without
3 -- and still pay somebody to do that job.

4 And so for us, that was going through that
5 exercise and trying to figure out what we could do
6 now so when we get to that point, we're -- we're
7 able to -- to make that work.

8 So we've done it and it's difficult, and
9 it took, I mean, we probably worked on it for five
10 years from start to end.

11 **MS. HALLOCK:** So what about the smaller
12 farms and maybe for extension, too, if there's any -
13 - is there any, like, discussion among the small
14 farmers and ranchers about how to do this? Being
15 small is all relative, I know.

16 **MR. KIZER:** Well, I have talked with my
17 kids. I have four and they all have their own
18 lives, and at first, 10 years ago, 15 years ago,
19 there was none of them were even remotely
20 interested, but as they got older, they are starting
21 to see the advantages that I am living with.

22 The big cities, they are getting tired of
23 it and so they might actually be able, one of them,
24 but then you have to buy out your siblings, which I
25 had -- which is what I did, but I also spent 36

1 years driving trains for Southern and Union Pacific
2 railroad, and I have a railroad pension that -- and
3 the ranch, it pays for itself and a little extra,
4 but it's getting more and more difficult because it
5 just --

6 **MS. HALLOCK:** The uncertainties you talked
7 about.

8 **MR. KIZER:** And the other problem that
9 we're -- the Upper Basin is experiencing, a lot of
10 our land because it is scenic land, when a ranch
11 does come up for sale, they are bought by
12 nonresident people that have no intention of living
13 there, but they will come by for a couple of weeks
14 in the summer for a vacation.

15 And that hurts the community because we
16 have in the Fort Klamath area, we don't even have a
17 store anymore because there's not enough people to
18 keep it there, keep it going and so the -- the
19 community itself is suffering, probably more than
20 those of us that are still landowners.

21 And even some of the small farm landowners
22 don't live there and they just lease it out and they
23 come by, maybe, one weekend a year going, well,
24 yeah, it's still there and that's -- and that's
25 what's really sad. It's the way of life that's

1 diminishing.

2 **MR. LISKEY:** It's really hard for a young
3 person, I mean, you know, ranches are expensive.
4 It's money and how do you buy into a business that
5 has no certainty. I mean, it's just not good
6 business to buy something that you can't guarantee
7 will have an income next year.

8 And that's the hard part about this whole
9 thing is the next generation is the key to all
10 Oregon and all U.S. or everywhere, wherever, but
11 Klamath Basin just can't have it because nobody
12 knows for next year.

13 I mean, we had the best water year we've
14 had in I don't know how many years. Our lake never
15 filled this year due to product mistakes, screwups,
16 whatever. We had, what, 20, 40,000 acre feet that
17 didn't fill?

18 **SCOTT:** It was, yeah, right around there.

19 **MR. LISKEY:** Right around there. And we
20 were dumping water, I mean, it wasn't so, you know,
21 those kind of issues and then you get this courts
22 thing to sit up there and, you know, how do you pick
23 this up.

24 You have the sucker issue sitting here
25 with water quality that you are talking about that

1 the government really isn't even addressing and you
2 actually end up killing the suckers, and we'll talk
3 about this later on the tour, some of these things.

4 And so it is really tough for the next
5 generation because I've lost all mine, and you guys
6 all know that, but I feel for these people and it's
7 -- it is not just Randall or me or whatever.

8 I have two people in my basin out of the
9 13 that were in there in my -- in my time that are
10 coming back. And everybody's like that. And how do
11 you get -- there are some young farmers that are
12 trying to come back in and work, but it's hurting
13 them, the amount of ground that we are talking. And
14 you've heard some pretty big acres here, and we'll
15 show a map here in a while that shows you how big
16 this basin is. Project's 240,000 acres, roughly.

17 **SCOTT:** Ten.

18 **MR. LISKEY:** 210. The refuge is.

19 **JOHN:** They got about 30,000 in crops.

20 **MR. LISKEY:** Thirty thousand plus the
21 refuge. Upper Basin's another --

22 **MR. KIZER:** Well, there's a couple of
23 hundred thousand.

24 **MR. LISKEY:** So we're talking, you know,
25 just roughly 500,000 plus acre agriculture thing

1 that -- with no certainty whatsoever. Part of the
2 valley out of Clear Lake, which is the three water
3 sources for the Project, last year was the first
4 time some irrigated in three years.

5 How do you run a ranch on that? How do
6 you sell it to your kids? How do you -- how do you
7 do it?

8 **MR. KIZER:** And part of our situation also
9 entails our financial lending institutions. They
10 recognize all the way from San Francisco to Seattle
11 that this is a high-risk area to make agricultural
12 loans.

13 Even in those years where we do know we
14 are going to get the water, those operating loans
15 are often held until that certainty is made that the
16 water is coming, and then they'll free up that money
17 for operating loans, but that window, we may have
18 missed being able to buy fertilizer in bulk. We may
19 have missed buying seed.

20 There's some efficiencies that we lost
21 while we are waiting on a March or April, maybe even
22 a May determination that they are going to release
23 or that you are going to get water, and young people
24 walking into a bank without a lot of capital, you
25 know, they are looking 60/40 right now, and what

1 young person has 40 percent of the equity in a ranch
2 or a farm to go buy it without borrowing?

3 And then, you know, do you buy in the
4 Klamath Basin where there's no security or do you
5 identify another place where that water might be
6 more secure to make your investment so -- but the
7 financial institutions, we visited with them a lot,
8 and one just lending money for capital for
9 purchases, capital improvements and just straight up
10 operating loans, they see it as a high-risk area.

11 And on your -- on the water quality, the
12 Upper Basin, as part of the Upper Basin agreement,
13 we had a very active riparian area, riparian
14 agreement. And through that agreement, there was a
15 landowner entity was created to oversee the
16 implementation of the agreement, and I've been the
17 president of that since its inception.

18 And we have spent the last two or -- well,
19 this year we -- things have really kind of run amok
20 this year because the tribal position is that they
21 are not honoring anything in the agreement, even
22 though they have not received the negative notice
23 from the Department of Interior, but in the two
24 years before that, there were literally hundreds of
25 miles of riparian fences built.

1 We have been -- the landowners embraced
2 the concept, and had things worked out different in
3 Congress and we had gotten the money to do it, there
4 are -- there's lot more that can be done, and the
5 landowners are willing to do it. It just, we need a
6 vehicle and a -- to be able to do that, and that
7 would improve the quality of the water going into
8 Klamath Lake.

9 Klamath Lake has some inherent problems.
10 One, it's so shallow, and another problem that --
11 and I don't know what we do about this, but Annie
12 Creek comes down out of Crater Lake National Park,
13 and in the spring -- and it's a snow fed creek, and
14 it comes down through the sandstone canyon going up
15 there, and it is just full of sand.

16 And it's -- and I'm fairly certain the
17 depth of Klamath Lake is getting less because
18 there's so much sand being dumped into it from Annie
19 Creek alone. And you think, well, how much sand can
20 it be, but I have to clean our irrigation ditches
21 every other year because it starts filling them up
22 to the point that they won't hold capacity.

23 **MS. HILL:** Something I would like to touch
24 on, too, is I guess one thing that I hear from
25 people who aren't familiar with Klamath is, the

1 Project, is why would you -- why would you have
2 agriculture in the desert.

3 I hear that a lot from people, and when
4 you go on the tour, I'm sure Tracey will show you
5 that part -- one of the things that I think people
6 that aren't from our area don't realize is that
7 where most of other productive agriculture occurs on
8 the Project is actually old marsh lands so -- and
9 you will see on the tour, but essentially the kind
10 of Malin, Tule Lake site was a gigantic lake and
11 marsh system that they drained.

12 And so -- and of course farmers have taken
13 advantage of this so I have certain potatoes that
14 are brush to be exports so I grow those up in what
15 we call the sand ground, which is the old lakeshore,
16 right, it's sandy, where our potatoes that -- that
17 go to other countries or are -- stay here and are
18 more productive are down on the lease lands, which
19 is -- which is the old marsh so it's higher in
20 organic.

21 So a lot of people, I guess I just want to
22 remind everyone that we are not farming the desert,
23 we are actually farming lands that were drained both
24 by private companies and Reclamation in the late 18,
25 early 1900s and so there was water on those lands at

1 that point in time that this -- that the water we
2 are using now, it existed there.

3 The other thing, I guess, I wanted to
4 point out to the Board is the efficiencies we have
5 in the Klamath Project. So the coaching I've heard
6 is we, on average, use our water, I think, nine
7 times, and it's because of when they set it up, they
8 set it up to have all of the drains.

9 So essentially, you know, the plant, you
10 know, the field gets irrigated and then that water
11 moves through our soil profile, drops into our
12 ranges, goes back in the system so we can use it
13 over and over and over again.

14 Also, because of the water issues we've
15 had, we've invested a lot of resources into more
16 efficient irrigation systems; so overhead linears
17 and pivots and using water monitors.

18 One of the things that happened to us,
19 even though as the Project as a whole, we've been
20 working on that, when we went to full tariff and our
21 power rates went back up, the idea was that people
22 conserve water.

23 Well, how can you conserve water? You can
24 use really efficient irrigation systems. Yes, but
25 those cost power and so now what we are being hit

1 with is, well, if we conserve water and use these
2 more efficient irrigation systems for water, we have
3 to pay for power versus, you know, flood irrigating
4 which is the least expensive from a power standpoint
5 so it's kind of you are damned if you do, and you
6 are damned if you don't situation.

7 But if you -- when you drive around the
8 basin, you are going to see a lot of fields anymore
9 have -- you'll see them out in the middle, there's a
10 little plastic, you know, thing, and it's a water
11 monitor system. We have them in a lot of our fields
12 so now our farmers are not just doing the old, you
13 know, dig and test, you know, the touch and feel
14 test, but they are also looking at that.

15 And we're, you know, investigating now
16 looking into more weather stations so we can get
17 more localized information about our precipitation
18 and trying to conserve as much water as we can. I
19 guess I just wanted to bring up that it's something,
20 I think, add in the Klamath Basin is always actively
21 trying to do is make the most of what we have.

22 **MR. LISKEY:** Trish, you just hit my
23 sister. It was about 2003 when equip came through
24 and we really started putting pivots and everything
25 out there, but my sister was on the energy board for

1 PP and L on that stuff, and they were trying to save
2 electricity.

3 And she's explaining that we are putting
4 all these pivots in and taking out -- and they're
5 going you are doing what? We are trying to save
6 electricity. I mean, it's just two agencies
7 contradicting each other totally, and, you know, as
8 Trish says, at that time our power rate was low so
9 everybody jumped into it, and, you know, including
10 myself, see pivots all over my place, but I now
11 have, you know, these damn high water bills -- I
12 mean electric bills, and nobody come close to what
13 Trish has to pay and what she bills on her size,
14 but, you know, it's -- it's huge.

15 **MS. HILL:** Yeah. And I think sometimes,
16 again, if you are not familiar with Klamath, you
17 don't understand why you hear the chant down here is
18 water and power, and that kind of explains to you
19 why they go together is because for us to be the
20 most efficient with our water, we can't have -- it's
21 just, it's hard to compete when our power bills are
22 so -- are so high.

23 **MR. LISKEY:** Almost every recreation --
24 reformation project in history of the U.S. has had a
25 power component part of the project. When they

1 built it, they put in a power project to supply
2 them.

3 When they built the Klamath Project, they
4 did not want to do that so they sold it to PP and L
5 -- it was not PP and L at that time, that's who it
6 ended up being -- and -- but it only had a 50-year
7 contract, and when that 50 years went up, they
8 dropped it off, and that's where we lost our power
9 component to the reclamation project.

10 And we've been, "we" as in water users and
11 everybody have been working real hard to try to
12 bring Bonneville Power down and this kind of thing,
13 but it's -- to transport on the power line, we can
14 get it here, but we can't get it out to our farmers
15 without kicking the cost back up.

16 **MS. HILL:** And that goes by the D plant as
17 well for the refuge is that the -- no one wants to
18 pay to turn on that pump to pump the water to the
19 Lower Klamath, I mean no one meaning -- I mean right
20 now the way part of that power cost is dealt with is
21 refuge farmers actually pay a higher rate to their
22 irrigation district than the off refuge.

23 That's how that -- the Tule Lake
24 Irrigation District deals with that power component,
25 but so, I mean, we don't -- we are already paying a

1 higher rate, we don't want to turn it on. And so
2 that's why if we could figure out power in the basin
3 it would help both water and wildlife.

4 **MR. LISKEY:** I think our time's up.

5 **MS. BOYER:** Yes, it is.

6 **MR. LISKEY:** Thank you all very much.

7 **MS. TAYLOR:** Thank you. Thank you.

8 **MS. BOYER:** Thank you very much.

9 **MR. LISKEY:** We are having lunch in about
10 15, 20 minutes so please stay and join us for lunch
11 and talk.

12 **MS. BOYER:** All right. Next we have Tom
13 Paul, special assistant to the director with WRD.
14 Thank you.

15 **MR. PAUL:** I should have pictures on the
16 screen.

17 **MS. HALLOCK:** Do you have a target on your
18 back?

19 **MR. PAUL:** I do now. While the slides are
20 coming up, Chair Boyer and the Board and Director
21 Taylor, thank you for the opportunity. Had a good
22 trip down this morning from the valley, and I was in
23 rain up until just a few miles from getting to here;
24 so hopefully we are starting into another pretty
25 good water year.

1 **MS. TAYLOR:** Early trip down.

2 **MR. PAUL:** It was an early trip down. I
3 think it may be a full day, and it will be a late
4 trip home, too. There we go. Okay, thanks.

5 I am special assistant to the director.
6 I've been with the Department for a few years. I
7 think it's well into my 46th year now so seen a
8 number of changes, and I'll talk about some of those
9 as we go through.

10 Just a real quick slide that gives the
11 basic parts of a water right. The water code in
12 Oregon was adopted in February of 1909, and at that
13 point, Oregon moved from a riparian doctrine state,
14 so if you lived along a stream and had access to it
15 you could access the water and take it, to the
16 doctrine of prior appropriation that says first in
17 time, first in rights; so the people with the oldest
18 water right get to use the water the longest,
19 basically.

20 Little more detail. If you look at a
21 water right, it will have the type use; so if it's
22 irrigation, it will say irrigation and the number of
23 acres. It will not say irrigation of corn or
24 irrigation of pasture, it just says irrigation. So
25 that includes lawns, gardens, commercial crop land,

1 parks, all of it.

2 A water right has a specific place of use
3 where defined field boundaries where water can be
4 applied for irrigation, for example. Thank you.

5 Also, if it's a city, you have city boundaries. If
6 it's an industrial use, it also has boundaries.

7 Source of water is also specific. It will
8 say Deer Creek, and that is the source. You can't
9 change from that source. That's what the water
10 right is for. Then you have the point of diversion,
11 where water can be taken, and that also is
12 identified in the water right.

13 Date of priority, and that's -- that's the
14 key. After 1909, the process to acquire a water
15 right is to file a water right application with the
16 State. The State reviews that. If it can be
17 approved, a water right permit is issued that
18 describes all of these different elements of the
19 water right, and it has specifically, you know,
20 where the footprint is, what the source is, what the
21 priority date is, and what the -- where you can take
22 water from, and that's true whether it's surface
23 water or groundwater so you are taking it from a
24 well.

25 Additionally, we issue water rights for

1 reservoirs to store water, and that stored water is
2 a source of water that can also be used.

3 With water rights, once they are
4 perfected, you can change them. You can change the
5 point of diversion, you can change the place of use,
6 but you cannot change the source. You can't change
7 your priority date, but there is some flexibility,
8 but that is with a perfected water right.

9 **MS. HALLOCK:** What does perfected mean?

10 **MR. PAUL:** Perfected means that when you
11 apply for water right application, the application
12 comes in, it's reviewed, there's a water right
13 permit, and the permit has a time period in which to
14 divert that water and put it to the beneficial use
15 that you've requested.

16 Following the completion of the water
17 right, then a report has to be made, and now a water
18 right permittee has to hire a certified water right
19 examiner to actually survey the property, survey the
20 type of use, what are the boundaries of the use and
21 also determine the amount of water that has been
22 used beneficially for that use.

23 The water right then moves to a
24 certificate, and the Water Resource Department
25 issues the water right certificate based on this

1 survey that shows to what extent the permit was
2 exercised, and a perfected is a right that is either
3 about, you know, inches away from a certificate.
4 All of the information has been submitted, but we
5 have not issued the certificate or a right with a
6 certificate.

7 In the Klamath, and I'll talk more about
8 the adjudication here in a bit, but in the Klamath,
9 we do not have a final water right yet. So Senate
10 Bill 206 was passed a couple of sessions ago that
11 does allow a temporary place of use or the temporary
12 leasing of a determined claim instream. You can't
13 change the character on a permanent basis, and you
14 are really somewhat limited as to what you can do
15 with the determined claims at this point.

16 **MS. MASTERSON:** "We" being does Water
17 Resource have the water right or the farmers have
18 the water right?

19 **MR. PAUL:** Water rights, the water right
20 will list the name of the applicant or the water --
21 the property owner at the time the application was
22 filed. The water right stays with the land, it's
23 appertinent to the land. Water rights are not held
24 by Water Resource Department or the state of Oregon
25 unless they are instream water rights.

1 **MS. MASTERSON:** Okay. You just said we
2 don't have a water right for the Klamath; so I
3 didn't know who the -- what you were referring to.

4 **MR. PAUL:** Sorry, misspoke. Water right
5 certificates have not been issued final
6 determination of the adjudication has not been done
7 yet; so generally speaking, the water rights are not
8 in a final form for a good portion of the Klamath
9 yet.

10 **MS. MASTERSON:** Were they -- were they
11 final before? I mean, were the -- all this
12 happened, people did have water rights before that?

13 **MR. PAUL:** I'll get to that in a bit.

14 **MS. MASTERSON:** Okay, sorry, thank you.

15 **MR. PAUL:** Here is a map of the Klamath
16 Basin. You can see the Klamath Basin outlined in
17 yellow, state line going through it. You can see --
18 well it's hard to see. Klamath Falls is there,
19 Upper Klamath Lake, the water body. Klamath Falls
20 is below the tag that says Klamath.

21 In the adjudication, and again, I'll talk
22 more about this in a bit, but Tule Lake Irrigation
23 District, you heard from the refuge a little bit
24 ago, that the refuge is in California.

25 A fair amount of the Klamath Project is

1 actually located in California. It's included in
2 the Oregon adjudication because the water is
3 diverted within the state of Oregon and transported
4 out across the state line.

5 You can -- Chiloquin, it's kind of hard to
6 read, but Chiloquin is there in the upper portion.
7 There's a blue line, a stream that runs through on
8 the lower side of Chiloquin, that's the Sprague
9 River. It flows from the east in a westerly
10 direction.

11 The Williamson River is the stream that is
12 going north and south close to Highway 97. The
13 Sprague flows into the Williamson. Upper Klamath
14 Lake, the water body, Randall Kizer was talking
15 about the Wood Valley, and that Wood Valley is the
16 area on the north side of Upper Klamath Lake.

17 The Upper Basin agreement that has been
18 talked about is a good portion of the area of the
19 Williamson, Sprague, Wood Valley. So it's that
20 upper portion. Klamath Project would be lower end
21 of Upper Klamath Lake and from Klamath Falls south.

22 **MS. HALLOCK:** Is there a connection
23 between Agency Lake and Upper Klamath?

24 **MR. LISKEY:** Yes, they are all one, more
25 or less.

1 **MR. PAUL:** Yes. The hydro projects were
2 discussed earlier. J. C. Boyle, and I don't have
3 him shown on this map, but J. C. Boyle is in Oregon,
4 and Copco one, Copco two and Iron Gate are all in
5 California. Those are the four dams that are owned
6 by PacifiCorp, and have been talked about
7 decommissioning for some time. Any questions on the
8 map before I go to the next one here?

9 Adjudication. In 1909, when Oregon water
10 law was adopted, it recognized that there was a lot
11 of water use that was occurring before adoption of
12 water law, and you've heard this morning, you heard
13 from Randall that his family members homesteaded,
14 water use was taking place. There's quite a large
15 amount of water that was being diverted and being
16 put to beneficial use.

17 Oregon water law did not recognize those
18 prior uses as being regulatable in 1909. So even
19 though water use was occurring, the water users did
20 not have the ability to contact the watermaster and
21 say get me my water. The oldest water rights in the
22 basin, and they weren't able to make the call.

23 You can see on the picture here where you
24 had pre-adjudication water use; so there was a lot
25 of water use going on. In December of 1975, the

1 administrative phase of the adjudication started.

2 There had been other adjudications in the
3 Klamath Basin. This adjudication was largely the
4 area of former reservation. And you say, well, the
5 reservation didn't come down to here. No, but the
6 reservation boundary was along Upper Klamath Lake so
7 Upper Klamath Lake got included in the adjudication
8 process and that's the source of water for the
9 Project so that's how that got folded in.

10 Once a notice of adjudication goes out,
11 claims are filed. The Water Resource Department did
12 a finding of fact order of determination where they
13 did findings, and you'll notice that the finding of
14 fact order of determination was issued March of
15 2014.

16 That is a very key, significant date
17 because that date was the first time that those
18 holders of determined claims could make the call for
19 their water and so that is what has started the
20 regulation since '13. Just, again, by their nature,
21 they are largely the oldest priority dates in the
22 basin.

23 And in the adjudication, it's landowners
24 filed, also federal agencies filed if they had
25 reservations, and they filed for their federal

1 reserve water through this adjudication.

2 Klamath tribes also claimed water for
3 their treaty rights to hunt, fish, and gather. The
4 adjudicator included determinations for Klamath
5 tribes, and it's, I'll say, currently jointly held
6 by Bureau of Indian affairs and Klamath tribes, they
7 both filed. But those claims to satisfy the treaty
8 rights are time immemorial, they are pretty old.

9 **MS. HALLOCK:** So this is a really dumb
10 question. How -- how were they getting their water
11 between 1909 and 2014?

12 **MR. LISKEY:** Taking it.

13 **MR. PAUL:** If it was in the stream, that's
14 what they were entitled to have.

15 **MS. HALLOCK:** So there was no control
16 prior to 2014, is that basically --

17 **MR. LISKEY:** Correct.

18 **MR. PAUL:** The -- the only control would
19 have been for those water users that acquired water
20 rights after 1909, and we were regulating those
21 based on dates of priority, but it was just 1909 to
22 2014.

23 **MS. HALLOCK:** Okay. So they still had to
24 get some kind of authorization from water resources.

25 **MR. PAUL:** Not -- not the claims, no.

1 They filed claims in the adjudication, but we -- by
2 statute, we could not regulate for or against, and
3 with the tribal treaty rights, they are instream.

4 **MS. HALLOCK:** So was it a free-for-all?

5 **MR. LISKEY:** Well, like in 2001 when the
6 Project was shut off, a lot -- everybody else that
7 had -- that weren't in the Project, the State could
8 not regulate against it because we had a 1905 water
9 right, which is pre 1909 and so they still irrigated
10 because the state couldn't say no because we weren't
11 adjudicated.

12 And that's where we got -- and because the
13 Bureau shut us off, when we were shut off, but our
14 neighbor that had a State water right right across
15 the river out of the Project was irrigating.

16 **MS. HALLOCK:** So that was my second
17 question was how many pre 1909 water rights still
18 exist in the basin?

19 **MR. PAUL:** This will finish off -- there
20 are other adjudicated areas which were adjudicated.
21 There were 730 claims filed in this adjudication.

22 **MS. LOPER:** In 2014. **MR. LISKEY:** 1975.

23 **MR. PAUL:** In, well, in 1975 actually,
24 yeah, when the adjudication started. Of those 730
25 claims, there were only 5,664 contests, challenges,

1 to those claims. Most of those were challenges to
2 the federal reserve rights, but which actually
3 includes the Project, there were challenges to the
4 Project claims as well.

5 So the window between '75 and '14, a lot
6 of work was done to get through the contested case
7 process on all of those challenges.

8 **MR. LISKEY:** Plus two or three federal
9 court.

10 **MR. PAUL:** We went to federal court a
11 couple or three times, you are absolutely right; so
12 it was lengthy, expensive, and still is.

13 In 2014, that date signals the end of the
14 administrative phase so the administrative phase is
15 handled by Oregon Water Resources Department, the
16 director, and the adjudicator. After March of 2014
17 or that filing, the filing was made with Klamath
18 County Circuit Court; so now the Klamath
19 adjudication is in front of Klamath County Circuit
20 Court.

21 It's a judicial phase. Similar, I'll say
22 similar, to the administrative, you have the
23 adjudicator's order of determination, and now we
24 have a number of exceptions that have been filed
25 against the adjudicator's order, and all of those

1 exceptions are filed in circuit court.

2 There are a number of legal issues also
3 that are outstanding, and currently the court is
4 working through various legal aspects of the
5 adjudication and various legal challenges. After
6 the court finishes up with that part of it, the
7 court will likely move in to hearings on the actual
8 exceptions.

9 Once the court concludes its piece of this
10 pie, the court will issue a decree, and then the
11 decree is the basis for Water Resource Department,
12 then, to issue water right certificates. That's
13 when you have a water right.

14 You notice there's no date and there's a
15 tag that says appeals with an arrow. We are early
16 in the judicial phase. It's 2017 so they have been
17 working on it three years. It could easily be
18 another 10 plus before we get to the point of a
19 decree. Once this court issues, then it can be
20 appealed and in all likelihood will be.

21 **MR. JAINDL:** I see one key date that's
22 missing on this. In this 1972, isn't that about
23 when you started with the department? So we can say
24 it all started with you?

25 **MR. PAUL:** Well, you could. Thanks for

1 that, Ray. You heard -- you heard Randall talk
2 about the tribal determined claims, and again, there
3 are about 38 of them. They are instream water
4 rights for the tribes.

5 The purpose of these is to satisfy the
6 tribal hunting, fishing, and gathering treaty
7 rights. The greenish yellow box, Randall talked
8 about high winter flow, and that is the high winter
9 flow on the lower Williamson instream determined
10 claim; so if water is in that box, you can't -- the
11 other water right holders cannot divert.

12 So you see earlier this year, it actually
13 went out the top for a few days, and when it was out
14 the top, that kind of signifies a pretty significant
15 high flow, flood-type situation. The water could
16 have been diverted, and the use at that point would
17 have been for storage, to fill reservoirs.

18 **MS. HALLOCK:** And that didn't happen?

19 **MR. PAUL:** I think it did. Users were
20 allowed to divert at that point. Any of the water
21 below that green box where the -- I need a pointer.
22 I did something wrong.

23 **MR. JAINDL:** I'll be your pointer for you.
24 How about that?

25 **MR. PAUL:** Okay. Sorry about that. So,

1 Ray, go over to the right. Bring your finger, pull
2 your finger back, keep coming back.

3 Right there where the blue line crosses
4 below so at that point the watermaster let folks
5 know the water could be diverted again because it
6 had dropped out of the yellow box.

7 Now, the other piece of a determined right
8 is the black line, the solid black line that has
9 stair steps on it, that one. That I'll call the
10 normal instream flow determined claim flow values.
11 So that's an instream water right. It changes. You
12 can see there's some monthly adjustments. Those are
13 flow levels.

14 As the line goes north, that means that
15 the flow -- instream flow right values increase. In
16 the fall, you see it drops down and that's where it
17 drops down. So any flows that are above that black
18 line are also available for pumping or diversion,
19 ditch diversion, whatever.

20 **MS. HALLOCK:** So I have a question for
21 Tracey. When you said a little bit ago that the
22 lake never came back up or whatever you said.

23 **MR. LISKEY:** Never filled.

24 **MS. HALLOCK:** Never filled. Where it
25 peaked above the yellow box, wouldn't that have been

1 a time it filled?

2 **MR. LISKEY:** This -- this is the river
3 running into the lake.

4 **MR. PAUL:** Yeah, this is all above.

5 **MR. LISKEY:** This is all up above. We had
6 the water to fill, it just didn't get done.

7 **MS. HALLOCK:** Okay then.

8 **MR. PAUL:** And in defense, Water Resource
9 Department wasn't part of that.

10 **MR. LISKEY:** That's right.

11 **MR. PAUL:** You can see, and Randall
12 alluded to this as well, folks in the Williamson and
13 the Sprague had a very, very limited amount of time
14 that they had water available to divert because any
15 of that time that the blue line is below the black
16 line, they couldn't take it.

17 **MR. JAINDL:** You can see the little step
18 where you could and then you couldn't and then you
19 could and then you couldn't so here they could, here
20 they could, and then here they could, here they
21 could And that's it.

22 **MR. PAUL:** Exactly. Don't run off. This
23 is the Wood, and, you know, Randall said generally
24 they had a little better time in the Wood this year,
25 and they did. I can't -- well, I could read the

1 dates on my copy, but the dates are across there.

2 Early in the summer, you can see the black
3 line was above the blue for a good part of it, and
4 then I think it was about July, somewhere in there,
5 the flows dropped, and we had some -- some events,
6 runoff events and other things happening, and you
7 see the water was up quite a bit higher.

8 So especially late summer, there's been
9 water available, and today, all of the water use is
10 back on in the Wood, no restrictions. Same thing,
11 though, today in the Williamson and Sprague,
12 everybody is still shut off.

13 **MS. HALLOCK:** So the -- are you going to
14 do the Sprague as well?

15 **MR. PAUL:** No.

16 **MS. HALLOCK:** So do the Williamson and the
17 Sprague both have tribal rights and the Wood does
18 not?

19 **MR. PAUL:** They do. The reason I didn't
20 show the others, lower Williamson is the driver
21 because the Sprague is a tributary above this point.
22 So if the Williamson is -- is being regulated,
23 everything upstream is being regulated.

24 **MS. HALLOCK:** Got you.

25 **MR. PAUL:** Scott talked some and I'll just

1 go through these quickly. Klamath Basin restoration
2 agreement, you can see work on that started after
3 the 2001 regulation of the project by the Bureau of
4 Reclamation.

5 It had the governors of Oregon and
6 California, federal agencies, interior department,
7 Congressionals that were -- well, it was really
8 Congressionals with the governors that said, folks,
9 we need a better way, let's see what we can do.

10 Interior came in, two states got involved.
11 I think there were about 28 separate entities that
12 sat down at the table with Klamath Basin restoration
13 agreement, and it was looking at Klamath from the
14 ocean upstream.

15 It was signed in '10 and because of lack
16 of Congressional action, it terminated December 31
17 of '15; so Klamath Basin restoration agreement is
18 gone. The Klamath hydro settlement agreement began
19 at the same time, and it was really an effort by
20 PacifiCorp, they were starting a relicensing, and
21 originally it was a group that was put together to
22 help them through that relicensing process.

23 It got paired up with the Klamath Basin
24 agreement, a lot of the same people, if not all the
25 same people, that were working on them. It was

1 signed at the same time.

2 The KBRA terminated in December 31 of '15,
3 The hydro agreement was amended in April of '16 and
4 that is where we have the Klamath River Renewal
5 Corporation. That was formed February 29 of '16. I
6 think I may have the wrong year there.

7 That is a private corporation. Members
8 have been appointed to sit on that corporation. It
9 acts independently of either state. They are still
10 going down a path for dam removal in 2020 so it's
11 pretty aggressive.

12 **MR. LISKEY:** Your bottom should have been
13 2017, February of '17.

14 **MR. PAUL:** That's, yeah, that's what I was
15 -- I was thinking I was a year off on that. Those
16 aren't the only ones. You heard Randall talk about
17 the Upper Klamath comprehensive agreement. That
18 agreement began in 2013. The agreement was signed
19 in 2014.

20 You notice it didn't take near as long,
21 but it was -- it was a much smaller area, and I will
22 say that the talks were a lot more intensive. We
23 were having, and in this case "we" because I was
24 there for -- and Randall was there from the
25 beginning. We were meeting, I think, at least

1 weekly, and there were many times that it was
2 multiple days in a week.

3 A tremendous amount of work was done by
4 water users and tribes included. Folks were sitting
5 at the table and working hard to see where we could
6 go. Mentioned that the tribes have submitted a
7 request for termination to the Secretary of
8 Interior, and at least as of today, the secretary
9 has not acted upon that request.

10 Also with the termination of KBRA, there
11 are a lot of values in the KBRA that folks still
12 view as very important. It talks about -- well, the
13 KBRA talked about water for Project. It talked
14 about water for refuges. It talked about power. It
15 talked about protections in the event that Salmon
16 get -- find their way back up here, fish screening,
17 water quality, a lot of different elements.

18 And the Klamath powering facilities
19 agreement is an effort, I think, to capture a lot of
20 those same values, and there are a number of
21 signatures on this agreement. So it was an effort
22 to keep the talks going, and they are still to some
23 degree.

24 Next steps, where were we. Klamath has a
25 lot of issues. Water has been used in the Klamath

1 Basin for a long, long time. In the adjudication,
2 some of non-instream rights, a large number of the
3 non-instream rights, the priority date is 1864.
4 When was statehood? 1859 so not too many years
5 after statehood is the priority date of the water
6 right.

7 We couldn't factor those claims in in 1909
8 because we didn't know what they were; so we issued
9 permits, and there are far more water rights and far
10 more needs for water out there than there is water
11 available. And there's recognition of that, and
12 that's true in Oregon as well as California.

13 And we are looking, hoping the governor is
14 supportive of moving forward, getting parties
15 together again, and sitting down to see what can be
16 done to address not only the water issues but the
17 other issues in this Klamath Basin.

18 I do expect that to be happening. We
19 don't have anything set. Interior is engaged, the
20 Secretary of Interior has been briefed and has
21 actually named a high level individual to take the
22 lead on the Klamath; so efforts are starting. The
23 Congressional -- Congressional representatives for
24 Oregon are also engaged; so you should see something
25 in the future, just can't predict how far in the

1 future, but it is something that really does need to
2 happen. Questions? I think I made it with -- by
3 going over a minute.

4 **MS. BOYER:** Thank you, Tom. That was
5 informative.

6 **MR. LISKEY:** Thank you, Tom.

7 **MR. PAUL:** Hopefully that's -- look at
8 that, questions.

9 **MS. HALLOCK:** Amazed you stuck with it
10 this long.

11 **MS. LOPER:** Is there any other region of
12 the state that has this kind of a situation to this
13 magnitude?

14 **MR. PAUL:** No, there isn't.

15 **MS. LOPER:** Good.

16 **MS. HALLOCK:** May not be any place in the
17 United States.

18 **MR. PAUL:** A lot of adjudications were
19 done in the teens, and that's 19 teens. Because of
20 the reservation, that's why this part was carved out
21 and no adjudication, and part of the reason for
22 going to the federal court the way we did, federal
23 government took the position early on that they did
24 not have to join in on a state adjudication, that
25 they had federal reserve rights and they did not

1 need to do that, and the tribes were the same way.

2 And the federal courts said, no, that is
3 not correct. They found in Oregon's favor and found
4 that Oregon was doing a general stream adjudication,
5 and because of that, then the federal government, if
6 they were going to use water, they had to follow
7 through and go through the adjudication process.

8 The hard part of that was the federal
9 court also said but they don't have to pay fees so,
10 great. But the litigation costs now that we were in
11 the judicial phase of this, the litigation costs to
12 the individuals, to the various organizations, and
13 frankly state of Oregon are significant.

14 **MR. LISKEY:** And those court cases weren't
15 cut and dry like normal. The first one said tribes
16 have a right for a certain thing, and then they took
17 it back to court and said, no, it's a different
18 thing, and they went back to court and it comes back
19 to this one; so it's been, that era between '75 and
20 2014 was mainly court issues.

21 **MR. PAUL:** And we got through the courts
22 in the mid nineties, but then the federal agencies
23 had to, you know, pull together their claims and
24 actually file their claims. Everybody else had
25 already filed.

1 **MR. LISKEY:** And a lot of the Klamath
2 Basin has actually a Bureau claim, a claim -- the
3 farmer claimed a claim, the district claimed a
4 claim; so there's a lot of issues of who actually
5 has that we're right and what is it.

6 **MR. PAUL:** And those are still out there.

7 **MR. LISKEY:** Oh, yeah, they still are, and
8 that's part of the contested part out there. And
9 it's -- it is very complicated. We are just the fun
10 part of the state.

11 **MS. BOYER:** Thank you, Tom, appreciate it.
12 And something I neglected to share with the Board
13 was the tribe was invited for that panel so just
14 wanted you to be --

15 **MR. LISKEY:** They had a conflict in the
16 meeting and decided not to, but that's kind of how
17 the tribe does a lot of things. And Don -- Don
18 Gentry is the chairman. They're -- they have a new
19 council or a newer council since KBRA and they do
20 not let tribal members just go talk for the tribe
21 because it's kind of got to go through the whole
22 council and so these kind of meetings are pretty
23 tough for the tribe to come talk to because they
24 might say something that the tribe, their council
25 doesn't like and so they just kind of step away.

1 And that's a problem we are having with
2 trying to move forward in what Tom was saying is
3 because they haven't agreed within their council
4 what moving forward is and so that's what the Upper
5 Basin can't talk to them about and we can't talk to
6 them.

7 So it's -- it's one of the hang-ups with
8 moving forward is until the tribal council unites
9 and decides what to do, it's going to be tough.

10 **MS. MASTERSON:** Hopefully, they will move
11 faster than the feds.

12 **MR. LISKEY:** No comment.

13 **MS. BOYER:** All right. It is lunchtime,
14 and then do you want to speak a little bit?

15 **MR. LISKEY:** Why doesn't everybody grab
16 lunch, and then I'm going to throw a couple slides
17 up and kind of explain the Klamath Basin, the
18 irrigation system, and that kind of stuff.

19 Since I couldn't get you on top of a
20 mountain because of the weather and smoke and a few
21 things that I would have really liked to do where
22 you could have seen it, this will be the next best
23 thing. So you know we were talking some pretty big
24 acres here, and you can kind of see how complicated
25 and how -- complicated but how simple our irrigation

1 district is and how well, as Trish said, we use our
2 water and how it works through the whole basin and
3 comes back out again.

4 Where these D plants are, E and F, all
5 these plants that pump this water back through from
6 agriculture to refuge, back to agriculture, back to
7 the river, back to the fish, from the Upper Basin
8 down to the lake to us, and how we are all so
9 connected and how it's all a mess.

10 **MS. BOYER:** All right, bon appetit.

11 **(WHEREUPON, the meeting was recessed at**
12 **12:15 p.m.)**

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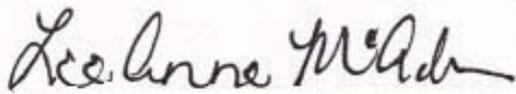
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1 CERTIFICATE

2
3 I, Lee Anne McAdam, do hereby certify that I
4 reported all proceedings adduced in the foregoing matter
5 and that the foregoing transcript pages constitutes a
6 full, true and accurate record of said proceedings to the
7 best of my ability.

8
9 I further certify that I am neither related
10 to counsel or any party to the proceedings nor have any
11 interest in the outcome of the proceedings.

12
13 IN WITNESS HEREOF, I have hereunto set my
14 hand this 9th day of October, 2017.

15
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19 _____
20 Lee Anne McAdam
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