



Oregon Soil and Water Conservation Commission
Regular Quarterly Meeting
Tuesday, January 29, 2019
Oregon Department of Forestry, Tillamook Conference Room
2600 State St. Bldg. C Salem, OR 97310

Soil and Water Conservation Commission (SWCC) Members Present

Chair, Barbara Boyer; Stan Dean, Gary Jensen; Jerry Ward; Ken Bailey; and Jim Bob Collins
Absent: Vice Chair Tim Kerns

Oregon Department of Agriculture (ODA) Staff Present

Lauren Henderson, Assistant Director; Stephanie Page, Natural Resources Program Area Director; John Byers, Soil and Water Conservation District (SWCD) Program Manager; Jim Johnson, Land Use and Water Planning Coordinator; Sandi Hiatt, SWCD Grants Administrator; Kevin Fenn, Water Quality Program Compliance Leader; Cheryl Hummon, Riparian Specialist; Ryan Scholz, District Veterinarian; Jason Eck, Support Specialist

Advisors Present

Pat FitzGerald, Oregon Association of Conservation Districts (OACD) President; Anna Freitas, OACD Policy and Program Manager; Ron Alvarado, Natural Resources Conservation Service State Conservationist (NRCS); Shawn Morford, Network of Oregon Watershed Councils (NOWC) Executive Director; Jeremy Baker, Oregon Conservation Education and Assistance Network President; Gene Foster, Oregon Department of Environmental Quality, Manager, Watershed Management; Eric Hartstein, Oregon Water Enhancement Board Senior Policy Coordinator; Sam Angima, Oregon State University College of Agricultural Sciences Assistant Dean for Outreach and Engagement; Ryan Gordon, Oregon Department of Forestry Interim Public Affairs Director

Visitors Present

Karin Stutzman, Polk SWCD District Manager; John McDonald, Tualatin SWCD Director; Kristin Ramstad, Oregon Department of Forestry Urban and Community Forests Program Manager; Haley Tortorella, Legislative Aide, Oregon Rep. Rob Nosse; Larry Ojua, Yamhill SWCD Executive Director; (via phone) Whitney Collins, Baker County SWCDs District Manager; Mike Cafferata, Forest Grove District Forester

Call to Order

Chair Barbara Boyer called the regular quarterly meeting to order at 8:05 a.m. on Tuesday, January 29, 2019.

Approve November 2018 Meeting Minutes

Commissioners reviewed the minutes from the November 13, 2018, quarterly meeting held in Newport. **Jerry Ward moved and Jim Bob Collins seconded the motion to approve the minutes from the November 13, 2018, quarterly meeting with one edit: Gene Foster was listed twice under Advisors Present. The motion carried unanimously.**

Ag Water Quality Program Update

John Byers reported that there are three internal ODA candidates for the Agricultural Water Quality Program's Policy Analyst position. Interviews will be held in February.

John presented an Oregon Department of Justice opinion about how and when SWCDs can give money to nonprofits, such as OACD. It also pertained to SWCDs joining with other organizations for shared space. John said the bottom line is SWCDs can use monies derived from multiple sources as dues to organizations. And SWCDs can enter in agreements with other organizations for shared space. Commissioner Stan Dean inquired as to what kind of outreach would go out to SWCDs about this guidance. John said ODA will work on issuing information.

John offered an update on Strategic Implementation Areas (SIAs). Stephanie Page said a new funding request in the Governor's Recommended Budget would provide for two positions for the 2019-21 biennium, still pending, in the governor's budget. John said this is encouraging, because the SIA process is working.

If ODA is granted the new staffers, John posed the question to commissioners of what would they do? ODA now has 12 SIAs per biennium, meaning all SWCDs will eventually have an SIA as the program ramps up. John said he wasn't looking for answers today, but that he needs help on how to move forward. Commissioners discussed the possibility of involving other partners with SIAs such as watershed councils, tribes, extension offices, and wildlife organizations, among others. John noted that two more SIA open houses were recently completed in Drewsey and Juntura. Two more SIA open houses are planned.

Kevin Fenn, Agricultural Water Quality Compliance Leader, offered a brief overview of 2018 compliance and offered a handout. He said almost half of the complaints ODA received in 2018 were not investigated because there was not enough information or there was no connection to surface water. Kevin said ODA is trying to make its compliance process more efficient by making determinations in the field rather than when investigators come back to the office. He said potential violators often are given advisories.

John said that Eric Nusbaum, SWCD Operations Specialist, remains busy with trainings of new board members, among other tasks. Eric prepared a report for the commission.

Chair Boyer informed the commission that she would like to change the agenda to add a second public comment period after the 1:15 p.m. agenda item Discussion on Director Eligibility. **Stan Dean moved and Jerry Ward seconded the motion to add a second public comment period after the 1:15 p.m. agenda item Discussion on Director Eligibility. The motion carried unanimously.**

DEQ Presentation

Gene Foster, manager of Watershed Management with Oregon Department of Environmental Quality, presented an update on the Coordinated Streamside Management approach and how ODA works with DEQ to implement the SIA process. He also provided updates on TMDLs currently in development, as well as on status and trends reports. Foster said DEQ is now using a new data system that pulls data from many sources. Commissioner Ken Bailey said he appreciates how ODA and DEQ work together in the interest of protecting water quality.

Advisor Reports

NOWC — Shawn Morford noted that the Oregon Conservation Partnership will host a birthday party for the Oregon Water Enhancement Board on Feb. 22 at the State Capitol. She also spoke of the continued success of webinars hosted by NOWC. She said the network is putting a workshop together for new watershed coordinators.

OACD — Pat FitzGerald said OACD “separated” from its executive director and that a search for a new executive director will begin soon. He said the OACD board is helping Anna Freitas with day-to-day operations. He said the organization is continuing to look at redefining itself. Eight committees are looking at different aspects in hopes of incorporating changes by April. He said OACD is receiving a positive response from communities and partners on tidewater meetings. Anna Freitas pointed to a government relations toolkit that is available on the OACD website that provides information on government relations and advocacy and provide information on legislative priorities.

OCEAN — Jeremy Baker said planning on CONNECT is going well, with courses on climate change and wildfire included this year. The event also will include three technical tracks. OCEAN is looking to meet with its board to look at strategic planning. OCEAN has a support training grant of \$5,000 to help districts and councils with outreach to communities and are focusing on districts without a tax base and councils without funding.

OWEB — Eric Hartstein said the OWEB board recently selected five new Focused Investment Partnerships. They are in John Day (steelhead); Baker Valley (sage grouse); Warner Basin (fish passage); Rogue Forest (dry forest restoration); and Clackamas (listed salmon and steelhead). The board also approved administrative rules for the Oregon Agricultural Heritage Program.

NRCS — Ron Alvarado said mandatory funding through the Farm Bill allowed NRCS to operate through the government shutdown. However, he said NRCS was down to its last week before having to furlough 30 percent of its staff. Field staff would be the priority, he said, if that would have occurred. He said NRCS will know more in three weeks. He is optimistic it won't happen again. NRCS is still reviewing details of the Farm Bill. No details yet. He said funding for the Agricultural Conservation Easement Program is up \$200 million to \$450 million. He said Regional Conservation Partnership Program funding also is up.

ODF — Ryan Gordon said the ODF budget doesn't reflect a lot of changes from the last biennium. Wildfire is a big discussion in the budget; the governor's recommended budget speaks of a potential council around wildfire response in Oregon. He said the federal shutdown has had an effect on its work since it partners with federal agencies.

Clackamas Tree School will be held in March; registration to open soon. A new staff member who works with stewardship foresters on landowner incentive programs has joined the Private Forests Division. He said he is pleased to see a forest project among the OWEB Focused Investment Partnerships.

OSU — Sam Angima said OSU has new provost who has brought a streamlined management style. He said the director of the Oregon Agricultural Experiment Station retires in July; a search committee is in place to help hire a new director. College of Arts has a new dean and is traveling the state to meet stakeholders. Legislative agenda is aggressive this year; OSU Extension has received 5 percent to 6 percent cut in state funding over the past 10 years; will seek 25 percent increase in funding. Additional funding will help with integrated pest management.

SWCC Member Reports

Jerry Ward — Tualatin SWCD will sponsor a pesticide waste collection event on February 2. District also recently hosted a Preserving Farmlands informational seminar that was well received.

Ken Bailey — Wasco and Sherman counties are working on fire recovery; spraying occurring to prevent non-desirable grasses from growing before seeding begins. Work continues on a major project in the Mosier Valley related to the comingling of domestic and agricultural wells.

Stan Dean — Stan said the mild winter has allowed for installation of a pipe for a pipeline project. He hopes to show fellow commissioner the next phase of the project. Several fires last season burned in blackberries and riparian areas; this has turned into an opportunity for local groups to plant native vegetation in areas that burned up. The plantings also helped address issues with homelessness.

Gary Jensen — Gary said agricultural and forest managers are concerned about water for the summer season. He said some work with fire suppression has been completed in urban and residential areas. Gary's board has new directors and he said he is realizing that more concern and involvement is coming from urban areas around Eugene-Springfield-Cottage Grove than from agriculture. He said our mission is changing and it is time to make some changes to the make-up of the board.

Jim Bob Collins — Jim Bob said an RCCP project was recently completed in Wheeler SWCD that involved juniper removal; process now beginning to turn waste into biochar. He recently attended a Partnership for Conservation event and would like to host a dinner event this year to boost awareness about the organization.

Barbara Boyer — Barbara said she has been working on a rules advisory committee as a landowner regarding siting of solar facilities occupying prime farm soils. A temporary rule is now in place through 2022 for certain soils; the issue is not over, will have to look at again; wineries now coming forward to protect their soils not covered in the temporary rule. She said an OSU climate change expert recently spoke to the Yamhill SWCD board.

Strategic Plan Review and Update

Commissioners discussed a document titled SWCC Strategic Plan – 2019. The notes came out of an earlier discussion about the need for a new strategic plan for the SWCC. Commissioners agreed that going back to a foundational level and identifying the purpose of the commission when it was created is key to an effective strategic plan. A subcommittee made up of Barbara Boyer, Stan Dean, and Jerry Ward will work on the issue along with ODA SWCD Operations Specialist Eric Nusbaum. Commissioners will have a work session in April to work in further detail on the plan.

California Deployment

Ryan Scholz, a veterinarian with ODA, gave a presentation about an Oregon group that was deployed after the Camp Complex fire in November in Butte County. ODA assembled a team of 22 people from various agencies and expertise to help with providing medical care to and reuniting animals with their owners at an animal shelter.

Working Lunch: ODF Presentation

Kristin Ramstad with the Oregon Department of Forestry (ODF), gave a presentation on urban and community forestry. Ryan Gordon followed with a presentation about the 2018 fire season and provided a handout summarizing the changes to the Oregon Smoke Management Program rules.

Discussion on Director Eligibility

John Byers gave a presentation about director eligibility requirements for elections. This was prompted by a constituent who raised an eligibility issue during the 2018 election regarding a requirement that a candidate manage 10 or more acres in a district. She managed several community gardens that did not reach the 10-acre requirement. The constituent contacted U.S. Representative Earl Blumenauer, who in turn issued a letter recommending ODA make changes to make the eligibility requirements more relevant to urban areas.

The current statute reads as follows: Directors must own or manage 10 or more acres of land in the district, be involved in the active management of the property, reside within the boundaries of the district and be registered voters.

John said this has prompted many questions.

- 1.) How do we define manage?
- 2.) Should we make rules to provide more specific clarification of “10 or more acres”? Example: community gardens
- 3.) Should other “entities” be considered for directorship through the legislative process other than the “in lieu” position?

Policy issues of note raised by Blumenauer:

1. The 5 p.m. deadline for application receipt
2. Should ODA not be responsible for this election process?
3. ODA will provide clearer election instructions

Jim Johnson, speaking as a commissioner of the Clackamas SWCD, said the most important question to ask is what is an SWCD’s purpose and are we carrying that out in identifying the scope or purpose? He said this is not going to be a rule change, it is going to be a statute change. He said currently, ODA is implementing what the legislature set out. Ken Bailey said he doesn’t think our current statute serves SWCDs well. He said “our base is bigger than just the ag community.” Larry Ojua, executive director of the Yamhill SWCD and former SWCD Program Manager with ODA, said there is a work-around for the acreage requirement and that we’re not trying to exclude anyone. He said in urban areas it may be a barrier. He said it may be a good idea to create requirements for more at-large directors for urban areas. Stan said SWCDs are in place to represent a broader base than ag operations and extend to protect natural resources, such as community gardens.

John said he answered Blumenauer’s letter and said he would bring it before the SWCC. John suggested the SWCC form a workgroup made up of a district board member or two, district personnel, and members of the public.

Public Comment

- 1.) John McDonald, Tualatin SWCD Director, said the SWCD purpose statement is important and that is linking landowners to resources. He said that linkage has never stopped, we’ve just expanded the number of places you can link.
- 2.) Larry Ojua, Yamhill SWCD Executive Director and former ODA employee, said it is wise to form a workgroup and that he would be willing to serve on it. He said there are a lot of great issues to discuss and believes it makes sense to me to have the SWCC take the lead. Larry also noted that the Yamhill SWCD is finalizing a land transfer deal with The Nature Conservancy.

Land Use Issues/Legislative Update

Jim Johnson offered a presentation on land-use issues. He said ODA is receiving a lot of questions about regulating hemp as an ag practice. Also fielding calls about nuisance issues (odor, noise, dust) across most of state, including Willamette Valley. Questions about regulation from a Right to Farm perspective are often misinterpreted. He said the Oregon Land Conservation and Development Commission recently adopted a temporary rule for solar power generation facilities siting facilities on high-value farmland. The rule applies to certain soils; others are not included. Jim handed out a copy of the 2016-2017 Oregon Farm and Forest Report. He said the document demonstrates the cumulative impact of non-farm uses. Jim said he is tracking 30-40 land-use related bills. He said the fall in three main groupings: agritourism; “needed housing”; and super-sited bills.

Budget 101

Loren Henderson of ODA gave an interactive presentation on the state budget process.

Public Comment

No public comment.

SWCC Meeting Wrap-up

Items for next meeting:

1. Commissioners were asked to consider what bills it would like Jim Johnson to cover at the next meeting.
Let Barbara know.
2. Director Eligibility Work Group – Possible update on process.
3. Lauren budget update.
4. Update from workgroup on strategic plan.

Meeting adjourned at 3:30 p.m.