



Oregon Soil and Water Conservation Commission
Regular Quarterly Meeting
Tuesday, April 9, 2019
8:30 a.m. – 11:58 a.m.
Sunriver Resort
17600 Center Drive Sunriver, OR 97707

Soil and Water Conservation Commission (SWCC) Members Present

Chair Barbara Boyer, Vice Chair Tim Kerns, Stan Dean, Jerry Ward, Gary Jensen, Ken Bailey

Oregon Department of Agriculture (ODA) Staff Present

Lisa Hanson (via phone), Deputy Director; Stephanie Page, Natural Resources Program Area Director; John Byers, Soil and Water Conservation Districts (SWCDs) and Ag Water Quality Management Program Manager; Eric Nusbaum, SWCD Operations Specialist; Jim Johnson, Land Use Coordinator; Ellen Hammond, Monitoring and Implementation Lead; Sandi Hiatt, SWCD Grants Administrator; Jason Eck, Support Specialist.

Advisors Present

Jan Lee, Oregon Association of Conservation Districts (OACD) Executive Director; Meta Loftsgaarden, Oregon Watershed Enhancement Board Executive Director; Courtney Shaff, Oregon Watershed Enhancement Board (OWEB) Capacity Programs Coordinator; Pat FitzGerald, OACD Board of Directors President; Whitney Collins, Baker County SWCDs District Manager; Ryan Gordon, Oregon Department of Forestry Interim Public Affairs Director; Shawn Morford, Network of Oregon Watershed Councils Executive Director; Jeremy Baker, Oregon Conservation Education and Assistance Network President; Kevin Conroy, Natural Resources Conservation Service Basin Team Leader, High Desert and Deschutes Basins.

Visitors Present

Mike Weinberg, Clackamas SWCD; Barbara Niedermeyer, Jackson SWCD Director; Tom Salzer, National Conservation District Employee Association, Pacific Region Director, Clackamas SWCD Director; Randy White, Jackson SWCD District Manager; Tracey Brandt, Illinois Valley SWCD Conservation Technician; Terri Preeg Riggsby, West Multnomah SWCD Director, OACD Board of Directors First Vice President.

Welcome and Introductions

Chair Barbara Boyer called the regular quarterly meeting to order at 9 a.m. on Tuesday, April 9, 2019.

Approve January 2019 Meeting Minutes

Commissioners reviewed the minutes from the January 29, 2019, quarterly meeting held in Salem. **Jerry Ward moved and Ken Bailey seconded the motion to approve the minutes from the January 29, 2019, quarterly meeting. The motion carried unanimously.**

Ag Water Quality Program Update

Stephanie Page offered an update on Oregon Department of Agriculture's budget and legislative process. Notable items included in the Governor's Recommended Budget is a program option package for two additional staff positions to work in the Agricultural Water Quality Program's

Strategic Implementation Areas; \$100,000 to conduct monitoring in the Klamath Falls region; and \$250,000 for work in the Lower Umatilla Groundwater Management Area.

Stephanie reported that ODA Assistant Director Lauren Henderson was currently presenting before the Legislature regarding the cannabis industry and the ODA program areas that serve the industry. Some ODA program areas charge a fee for service and are able to recover costs through the fee structure. Other programs do not charge cannabis customers a fee. One example of a program that does not charge a fee for service is the Pesticides Program, which does not charge a fee for pesticide residue testing.

On the legislative side, Stephanie said today is the deadline for bills to pass out of the committee of origin. There are several pesticides-related bills and a bill concerning permitting for certain Confined Animal Feeding Operations that are on the table. Additionally, a bill regarding ditch cleaning on agricultural lands, has been referred to the Ways and Means Committee. Currently, growers are required to obtain a permit from the Department of State Lands (DSL) to clean ditches but it is a cumbersome process growers were not following. A workgroup the past year has worked to create a way to streamline the process that would provide environmental outcomes and at the same time be a better process for growers. The proposed solution is to give ODA authority to accept notifications from growers and audit some of the ditch work. John Byers said ODA is enthusiastic about the plan and said the challenge will be the big workload associated with the plan. Under the bill, ODA would work with the Oregon Farm Bureau, a main proponent of the bill, and DSL, on outreach.

John announced that he is going to retire at the end of the year. He said it is important to him to remain on through 2019 to help staffers through upcoming work in the Smoke Management and Ag Water Quality programs, specifically the Strategic Implementation Area (SIA) initiative.

In regard to SIAs, John said several open houses have been held recently and all have gone well. Sites include Juntura, Drewsey, Condon, and Lyons.

John spoke about the possible addition of two employees to help with Strategic Implementation Areas. If granted the additional staff, John said ODA will look at the best way to use them. Recent staffing changes in the Ag Water Quality program have opened up a water quality specialist position, which means the program could have three open positions that could be dedicated to the Ag Water Quality Program or SIA Program.

If the new staffers are granted, the following ideas are under review:

- 1.) Work on streamlining the biennial review is in process. John said this is an important process, but with work on strategic initiatives such as Focus Areas and SIAs, what do we do with the biennial review? How much time should we spend on it? Are there efficiencies we can create? The agricultural community has embraced the biennial review process, John said, so ODA does not want to discount this momentum.
- 2.) Adjust regions for ag water quality specialists? One water quality specialist in southwestern Oregon is committed to issues in the Klamath region. How does the program cover that region from an ag water quality perspective?

The proposed program option package would increase SIAs from 6 per year to 12 per year, which, in effect, means each district would have one SIA every four years, even smaller districts with a lack of capacity, which is a concern. John said one idea is that the new employees could help smaller districts with grant writing for work on the ground.

Stephanie said ODA staff are engaged in questions from Department of Environmental Quality for regarding a total maximum daily load (TMDL) for mercury currently under development for the Willamette River. One of the challenges DEQ and the industry faces, Stephanie said, is that a lot of the mercury is atmospherically deposited. So, the struggle is attempting to develop something that is realistic and attainable for agriculture.

John raised the concern about a couple of nonfunctioning districts and what it means for SIAs and the Ag Water Quality Program. He said an idea is for those districts working in tandem with watershed councils or having one district work in another district with proper agreements. John said ODA and OWEB will need guidance from the commission in the future. Stan asked the commission to be sure this issue is on future agendas so it is ready for any quick decision making that may arise.

Advisor Reports

NRCS — Kevin Conroy said the Farm Bill brought NRCS a significant increase in funding for the Environmental Quality Incentives Program (EQIP), Regional Conservation Partnership Program (RCCP), and Agricultural Conservation Easement Program (ACEP), providing significant opportunity. RCCP has its own funding now and is up to \$350 million per year. Farm Bill also increases funding for the Working Lands for Wildlife Program, which includes work on sage grouse. Kevin said the new EQIP allows for NRCS to contract with irrigation districts. He said NRCS is sitting on a number of vacancies, but said if left unfilled it means dollars are available for agreements with other partners.

ODF — Ryan Gordon reviewed leadership changes occurring in the agency. Ryan, who has served in a public affairs role the past nine months, will return to his work in Private Forest Division in May. In January, the governor Wildfire Response Council Group is beginning to form. ODF has large role in staffing and supporting the work focusing on three different areas: mitigation, suppression, and community recovery. Formed of three subcommittees, the group is charged with validating the state's current wildfire response system and offering ideas and solutions of where the state should make investments. Recommendations are due to the governor's office by the end of September. Ryan introduced a new initiative of the U.S. Forest Service: Shared Stewardship. He described it as refining of the lens through which USDA is looking at investments it is making in forest health and resiliency. USDA is driving toward a statewide agreement with state and federal agencies involving larger landscape scale work, focusing on three areas: resilient ecosystems, vibrant local economies, and healthy watersheds. On the fire season front, an early-season fire grew to about 200 acres on the Santiam River east of Salem in late winter. Ryan said the 2019 season is looking to be average, although he added that average fire seasons the past six of seven years have been intense.

OWEB — Meta said one-third of OWEB's budget comes from the Federal Pacific Coastal Salmon Recovery funds, an annual competitive grant program for which OWEB competes with five other states and several tribes. Oregon competes well and will head to Washington D.C. with a coalition in May to urge Congress to provide about up to \$70 million total for the program.

OWEB's longest and most fun board meeting of the biennium will be held in Salem in mid-April. It is the one chance that all of OWEB's grant programs gets to come before the board. ODA and DEQ directors are invited to attend as OWEB is seeking \$1.8 million for the next biennium for the Strategic Implementation Area Program, up from \$1.2 the previous biennium. On the legislative front, Meta said OWEB has funding requests for the Agricultural Heritage Program and tidegates.

Courtney said funding for OWEB's partnership with NRCS for Farm Bill technical assistance grants in partnership with NRCS have been awarded. Grants agreements were executed for all but \$200,000 of the \$1 million received from NRCS. If NRCS is able to give additional funding, there may be additional grants available. Additionally, Courtney said OWEB is starting to investigate the monitoring of its capacity investments.

NOWC — Shawn Morford said the Oregon Conservation Partnership is negotiating a possible new office space with Marion SWCD. The partnership is working on providing three tours this summer for decision makers. On the network side, a two-day watershed management bootcamp is set in May for watershed council coordinators and project staff. Shawn said she is going to work less than half time and attend to a personal matter. She said the network is interested in hiring an interim executive director to work alongside her.

OCEAN — Jeremy Baker said OCEAN is working on identifying the location of the conference for 2020. He said OCEAN is excited about a scholarship program it offers for trainings for conservation partners, including those that don't have grant funding. OCEAN will focus on its strategic planning session in May.

OACD — Pat FitzGerald introduced Jan Lee as OACD's new executive director. Jan joins Anna Freitas, OACD's policy and program manager, who spends a lot of time tracking legislation. Pat said OACD's annual meeting will be held during CONNECT. He said it is a pivotal meeting as OACD looks to reinvent itself following a process that started during a closed-door session in November. The effort resulted in a new set of bylaws designed to make OACD more nimble and responsive to districts. One major initiative in the bylaws is allowing district staff or managers to be represented on the OACD board. Pat said NACD and NRCS have \$9.5 million available for technical assistance grant funds. He said Oregon has put in six applications with a priority on cultural resource assessment. He said NACD now has a Pacific Region representative who is in Oregon for CONNECT and excited to learn as much as she can about Oregon.

Jan said that she will resign as a member of the OWEB board to avoid a conflict of interest. Central Oregon was the top choice for OACD's meeting in November. Jan noted several bills OACD is tracking.

HB 2958 Discussion

Barbara testified at a public hearing regarding director eligibility requirements for elections, seeking time for the commission to review the statute, which was granted. The issue 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. The statute was last updated in 2009 and the state has changed since then. Barbara requested forming a workgroup that would include about 10 members. Commissioners Stan Dean and Tim Kerns agreed to serve on the workgroup. Other members will include John McDonald, Tualation SWCD director, and Larry Ojua, Yamhill SWCD executive director. Barbara said Representative Nosse requested a staffer be part of the workgroup, and Barbara

said she will extend an invitation to the constituent who raised the issue. She said she also will consider adding additional SWCD directors or managers to serve on the workgroup.

Land Use Issues/Legislative Update

Jim Johnson provided a handout of bills ODA is tracking this legislative session.

ODA/OWEB Updates

ODA and OWEB officials spoke about a change districts will see regarding financial reporting for capacity grants that was prompted by a Oregon Department of Justice review. ODA Deputy Director Lisa Hanson said the modification of process is necessary to provide efficiencies in what ODA and OWEB does best. Hanson said ODA values the partnership with OWEB and SWCDs and hopes all parties can work through any changes with the most ease for the districts. Stephanie said this change will not change the relationship between ODA and districts. The key difference in the granting process will be similar to the process other OWEB grantees follow, such as weed grants that many SWCDs receive. Meta emphasized that OWEB is the agency that processes payments and are an extension of the agencies for which it works. Districts will see a change in the grant forms and in financial reporting. Courtney Shaff presented future options for financial reporting for the commission to consider, including the option of using an existing OWEB grant management system. She said the only required change is going from a three-way agreement between ODA, OWEB, and districts to a grant agreement that meets DOJ requirements. Courtney said OWEB would provide districts training on the system.

The commission decided by consensus for ODA and OWEB staff to move forward with the plan presented and provide some type of communication to districts early on from OWEB, ODA, and possibly the commission.

Public Comment

Randy White, Jackson SWCD District Manager, said he doesn't see the changes as a big issue and said it is up to the districts to be aware of the changes. He also asked for clarification on the ditch bill, specifically if notification would take place of the permitting process. Stephanie said it would.

Terri Preeg Riggsby, West Multnomah SWCD Director, representing herself, asked the commission to consider including a member of the West Multnomah SWCD on the director eligibility workgroup. Terri said the board has spent considerable time on diversity and inclusion issues regarding SWCD boards.

SWCC Member Reports and Wrap-up

The next meeting will be held July 23 in Salem, location to be determined. The commission agreed a tour would be nice to include. The fall meeting will be held Nov. 5 in conjunction with OACD's meeting in Central Oregon, location to be determined.

Meeting was adjourned at 12:02 p.m.