



**Oregon Soil and Water Conservation Commission Minutes**  
**Regular Quarterly Meeting**  
**Tuesday, November 5, 2019**  
**Eagle Crest Conference Center**  
**1522 Cline Falls Road, Redmond, OR 97756**

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

Chair, Barbara Boyer, Ken Bailey, Jerry Ward, Gary Jensen, Stan Dean, Tim Kerns, Jim Bob Collins

**Oregon Department of Agriculture (ODA) Staff Present**

John Byers, Soil and Water Conservation District (SWCD) Program Manager, Jim Johnson, Land Use Coordinator, Eric Nusbaum, SWCD Operations Specialist, Sandi Hiatt, SWCD Grant Administrator, Renita McNaughtan, SWCD Program Administration Specialist, Theresa DeBardelaben, Regional Water Specialist; Kirk Cook, Pesticides Stewardship Partnership

**Advisors Present**

Jan Lee, Oregon Association of Conservation Districts (OACD); Jason Jeans, USDA Natural Resources Conservation Service (NRCS); Courtney Shaff, Oregon Watershed Enhancement Board (OWEB); Staci Merkt, Jefferson SWCD; Sam Rossi, Jefferson SWCD; Kevin Masterson, Department of Environmental Quality (DEQ)

**Visitors**

Clair Klock, Clackamas SWCD; Anna Freitas, OACD; Victoria Fischella, Jefferson SWCD; Whitney Collins, Baker Valley SWCD; Joel Rohner, Baker Valley SWCD; Jenna Keeton, Middle Deschutes Watershed Council; Kyle Gorman, Bend Oregon Water Resources Department; Todd Peplin, Deschutes SWCD; Jeff Rola, Deschutes SWCD

**Call to Order**

Chair Barbara Boyer called the regular quarterly meeting to order at 8:30 a.m. on Tuesday, November 5, 2019.

**Approval of July 2019 Minutes**

**Gary Jensen moved and Ken Bailey seconded to approve the July 2019 minutes. The motion passed unanimously.**

**Reappointment of SWCC Members**

Ken Bailey has agreed to serve another term on the Commission. John Byers presented Ken with a reappointment letter and thanked him for his willingness to serve another term.

**Ag Water Quality Program Update**

John Byers presented an update on the current happenings of the Strategic Implementation Areas (SIA). He reviewed how we originally had started with the SIAs by going to districts that had capacity, etc. He noted that the prioritization has been restructured factoring in the Oregon Department of Fish and Wildlife (ODF&W) identified native fish priorities as well as the water quality 303(d) listed or TMDL criteria of temperature, bacteria, nutrients and sediment. Using these criteria with data from DEQ, US Geological Survey data, national land cover data, as well as local input and knowledge, we develop the priority schedule which gives the districts some planning time. We hosted several webinars in order to inform the Farm Bureau, the Cattlemen's Association, the districts and the watershed councils of the biennial schedule and to let them know the SIA process has not changed that it is still about compliance not enforcement. We were not awarded the Policy Option Package (POP) that was submitted to the Legislature, however, we think we can do nine SIAs a year instead of six with the current staff. If we had gotten the POP, we would have received additional staff and could have completed 24 SIAs in a biennium. We also have been working with the Department of State Lands (DSL) and the ODF&W on the channel maintenance bill that the Legislature passed and assigned to us with one full FTE to coordinate the notification process that in the past has been a permit process provided through DSL. Rulemaking will take place and the implementation will be completed in phases.

### **Land Use Issues/Legislative Update**

Jim Johnson reviewed several bills that were presented at the last Legislative session. There were several covered housing and climate change. He provided a handout with the bills he discussed; see handout for additional information. The State of Oregon received a grant from the Department of Defense submitted by the Oregon Department of Energy (ODOE). The grant supports the compatible renewable energy project over an 18-month period. Hemp processing is a big part of what ODA does now - in 2015 we had 13 growers, this year 1,937 growers. Neighbors call to complain about the smell, the chemicals being used, waste disposal, etc. but they are in an EFU area. Hemp is an agricultural commodity and falls under the right to farm. We have grows that are on a small scale up to 80,000 square foot buildings that should be in an industrial zone. There was a proposal to create an urban renewal district on EFU land. The developer was talking to state parks to develop on state parks land so not have to pay taxes. DLCDD and ODF&W vs Luma case rezoned farm and forest land for 10 acre lots – looked at soil types but didn't look at existing land uses for grazing or growing trees, or forestry. Judge threw it out because they ignored half of the state laws and not responsive to the comments brought up, which we provided a lot of testimony about capabilities of land use.

### **Advisors Reports**

**OACD** – Jan Lee reported that the OACD annual meeting is taking place November 5<sup>th</sup> and 6<sup>th</sup> at Eagle Crest. Speakers include the Washington Conservation Commission's marketing director, sharing how the association developed marketing resources to identify districts and their work. Meta Loftsgaarden, the Governor's representative for the Future Water Vision, will present information on taking part in the vision process, among several other speakers. OACD is taking part in lobbying for the Oregon Agriculture Heritage Program with an ask of \$5 million in the short session. OACD continues to support the central and eastern Oregon SWCDs taking part in sage grouse habitat protection by submitting two grants to OWEB for monitoring in addition to administering the sage grouse RCPP grant. The OACD president, vice president, and executive director will attend the NACD annual meeting February 7-11. NACD has new grant offerings for districts, using NRCS pass through funds. See information on the website: <https://oacd.org>.

**OCEAN** – OACD has been taking part in the planning of the CONNECT program. As OCEAN was unable to attend, Jan Lee reported on their behalf that CONNECT will take place April 14-16 at Sunriver. Registration will be open in January.

**NOWC** – Jan Lee reported that NOWC has a new executive director, Venessa Green. The Oregon Agricultural Trust (OAT) joins NOWC and OACD in sharing office space in the Marion SWCD office in Salem.

**OWEB** – Courtney Shaff reported kudos to Brenda at ODA for doing such a great job of communicating on the SIAs. Districts are concerned about how to spend all of the SIA funding. OWEB is working with them to discuss some options of use. Kudos to Whitney for being first district to submit a SWCD Capacity grant payment request on the new form. It was a quick turn-around time. Courtney is working on a new agreement between OWEB and ODA for the management of the SWCD Capacity grants. OWEB recently held its board meeting in Condon. There was a great tour by John Day Basin partnership and Gilliam SWCD. Thank you to Eric Nusbaum for continuing to be on her review panel; he is a valuable resource. The 2021-23 focus investment grant cycle will be launched in January - up to 6 years, \$12 million grants.

**NRCS** – Jason Jeans reported currently operating at 14% of the fiscal funding. RCPP program due Dec 3rd, \$300 million, in funding nationwide for this year. Renewals – there are 18 nationwide and Oregon received two. Things they look for in application renewals - reporting requirements have to be timely, accurate, more than 95% obligated, 95% of TA have to be delivered, and partner contributions have to be 100% expended. We are struggling with hiring; made changes that all of the HR activities to go through the business center and are operating at about 75% staffing capacity. A state archeologist was hired and we will be getting 4 or 5 soil conservationist and some additional staff soon but it's moving slowly. Also, the national and state agreements regarding space, items shared, etc. with no major changes, will be back, hopefully, soon. Jason will let Stan look at the agreement prior to being sent out for signatures. There was concern that last time the agreement did not work at all for some districts.

**DEQ** – Gene Foster was unable to attend but sent a report of which John Byers reported on his behalf. On October 4, 2019, DEQ received the final order from the Court on the temperature TMDL litigation. It is a short, ambitious schedule with temperature TMDLs issued for the entire Willamette basin by November 28, 2024 and the rest of the state by November 2027. This effort will require significant amount of DEQ TMDL resources to complete. DEQ plans to issue the Willamette Basin Mercury TMDL by mid-November and submit to EPA for their action by the end of November. As required by EPA guidance, DEQ is revising the Nonpoint Source Management Program Plan.

EPA guidance requires this to be done approximately every five years. This plan describes the work done by DEQ as well as other federal, state, and local agencies and other stakeholders in the watersheds. We anticipate having a draft by the end of the year.

### **Eligibility**

Barbara Boyer reported that she has been so busy that she has not had time to actually have a meeting yet but she has identified a work group and is still working on finding a facilitator.

### **SWCD Operations Update**

Eric Nusbaum reported that he decided not to provide director training but instead has been providing one-on-one training and public official training, which encompasses more than directors and included new employees. He has been to Illinois Valley with a lot of turnover there. Three or four districts he has spent a lot of time going to board meetings and spent a lot of time talking to chairs and district managers; a lot of board/manager challenges that he has worked with. He has not reached out to any of the Commission members that are in the areas that have problems but will start to do so. Number one reason he gets calls is regarding executive sessions for all the wrong reasons. A priority is public meetings with an executive session and promoting teaching to the boards and particularly the chairs. Individual directors can be held personally liable and personally fined for violating the rules. The second biggest reason he gets calls is manager and board relationships. He is also working with districts on natural and manmade disasters.

### **Upcoming Schedule**

January 14-15 Clackamas SWCD  
April 13-14 Sunriver (during Connect)  
July 6-7 The Dalles  
NASCA – Spokane  
Tri-State Meeting – Idaho hosting next

### **Commission Updates**

**Tim Kerns** – no update.

**Jim Bob Collins**– finishing RCPP application at Wheeler; have new staff that training with three newish board members.

**Gary Jensen** – got thru the fire season; new directors - balancing personalities; have a committee in place to work on tax base for 2020. Staff is stable, very busy, and moving forward.

**Stan Dean** - Jackson SWCD had about a year and half ago a pipeline and channel project; it was hectic to get done before irrigation season. It did get completed and is a successful model for other types of projects. Starting to look at upping sophistication in how we manage projects and are putting together better tools for the future. We did have a claim from somebody that we had done something wrong with one of our designs that had done some damage. Had to determine the process to manage that claim, whether it we would pay it or not, get an attorney involved or not, etc.

**Ken Bailey** – Wasco has been working on large project we call the Mosier million. Funding was to inspect and replace comingling wells in an area of rural residential homes and ag land in Mosier with rapidly declining ground water. Fourteen wells were finished with many being decommissioned and not repairable; it was economically cheaper to put in new wells. Then working with OWRD to drill two deep wells to get two of the largest ag producers in area out of the ground water they were using. They drilled to 1,200 feet and the well didn't work and had to drill another, which is working out better. Also, an active project that has to do with the fires last year. The district, NRCS, combined with growers, and OWEB support, an aerial application of herbicides will be applied over grasslands that were burnt to prepare for seeding. The district combined 20+ growers' applications of EQIP dollars to do refurbish work and contracted to buy the product and then contracted with the aerial applicator. This process was more simplified and saved everyone money.

**Jerry Ward** – Attended Tillamook annual meeting and dinner. They have come a long way. What they have built-up in fiscal reserves now exceed their annual revenue. They continue to do good things led by Ray Monroe.

**Barbara Boyer** – annual dinner for Yamhill this week have over 200 people signed up; Bobby Cochren, Willamette Partnership, is the guest speaker. Governor's 100 year water plan vision is going around the state on a listening tour and a virtual tour will be November 13-15. BOA wrote a response and Barbara asked whether or not the Commission would like to comment, noting the conservation that is happening at the Commission level. Spoke with the Governor regarding SB 2020 building a carbon farm tool kit, solar, etc.

### **Working Lunch - PSP Presentation**

Kirk Cook presented on the Pesticide Stewardship Partnership (PSP) and what the PSP does and who the partners are. He also shared that a diverse PSP stakeholder advisory group has also been created. The stakeholder advisory group (SAG) membership represents a wide range of interests including industry, applicators, environmental, and governmental interests. The purpose of the group will be to provide the agency leadership and the Water Quality Pesticide Management Team on issues related to the administration of the PSP. Kevin Masterson presented on the strategic plans of the watersheds. He shared the top pesticides used by land use, and other focus studies and monitoring results of waters of the state. Sam Rossi noted that the Jefferson SWCD is working closely with the WQPMT to access the linkage between runoff and elevated pesticide concentrations. The SWCD is continuing to place emphasis on improving irrigation practices in the Agency Plains area with help from NRCS. Additional funding is being explored to address the dredging of settling ponds and engineering of sediment catchment systems and ponds. The Middle Deschutes PSP provides some unique challenges in that solutions may involve both off-site design and irrigation management actions coupled with enhanced education and outreach.”

### **Oregon Water Resources Department Presentation**

Kyle Gorman presented on the Deschutes River Basin and noted that 80% of the flow at the mouth is groundwater, which is 4,217,000 acre feet. Deschutes water basin is from the Cascade Mountains snow (over 150-inches of precipitation per year). Irrigation developed in the early 1900’s with hydropower in 1905, Storage Reservoirs 1920’s to 1960’s to enhance the water with Prineville reservoir being the last one built. Values of society has changed – restoration is key today. Water Master’s role is to manage the water out of the reservoirs and then track how much each irrigation district uses, etc. Mitigation program that people know how much where and when to mitigate. Started working in 1998 to establish rules and they were adopted in 2002. Requires any new water right application to mitigate their use. Deschutes River Conservancy’s mission is to improve stream flow and water quality. Restored stream flow below Bend and now established water rights below Bend. Whychus Creek is flowing again in the summer when it used to be dry. The Wickiup Reservoir in September 2018 was the lowest since the 1950’s.

### **Deschutes SWCD Presentation**

Todd Peplin presented on what the District has been doing in the last couple of years. Of the 31,018.19 square miles of the county, 77% is federally-owned, 21% is privately-owned, and 2% is incorporated cities, 23% cropland, 57% pastureland, 10% woodlands, 10% other; there are five irrigation districts, and 978 new or beginning farmers or ranches. Deschutes County is the third largest county in the state that grows hemp with 3,500 acres. Resource concerns are water quantity, water quality, plant condition – health and vigor; invasive and noxious weeds, wildlife habitat, and domestic animals. Strategies:

- Increase partnerships and capacity
- Forest Health Investment Project
- Irrigation Conveyance Water Savings
- Urban Agriculture and Sustainability

### **Meeting Wrap-up**

- Homework: Water Vision – Jerry, Stan, and Jim Bob will start writing a letter from the Commission.
- Newsletter: Eric and Stan
  - Water Vision;
  - Eric new agreement with NRCS;
  - Barbara and Eric Dear John letter;
  - Director Eligibility;
  - Upcoming meeting locations;
  - Simple SIA update. Ready before Thanksgiving.

### **John’s Last Meeting with the Commission**

The Commission presented a fish skinning knife to John Byers for his retirement as this was his last meeting.

Meeting was adjourned at 3:09 p.m.