

**Oregon Soil and Water Conservation Commission Minutes**  
**Regular Quarterly Meeting**  
**Wednesday, January 15, 2020**  
**Oregon Department of Agriculture**  
**Third Floor Conference Room**  
**635 Capitol Street NE, Salem, OR 97301**

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

Chair, Barbara Boyer, Ken Bailey, Jerry Ward, Stan Dean

**Via Phone:** Gary Jensen, Tim Kerns, Jim Bob Collins

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

Stephanie Page, Natural Resources Director, Eric Nusbaum, SWCD Operations Specialist, Sandi Hiatt, SWCD Grant Administrator, Renita McNaughtan, SWCD Program Administrative Specialist

**Advisors Present**

Jan Lee, Oregon Association of Conservation Districts (OACD); Sam Angima, Oregon State University Extension (OSU Ext); Courtney Shaff, Oregon Watershed Enhancement Board (OWEB); Vanessa Green, Network of Watershed Councils (NOWC); Jeremy Baker, OCEAN via phone;

**Speakers/Presenters**

Kevin Staley, U.S. Census Bureau; Ivan Gall, Water Resources Department (WRD); Gene Foster, Department of Environmental Quality (DEQ) via phone; Jason Faucera, Clackamas SWCD (was giving a presentation for his District) via phone

**Visitors**

Karin Stutzman, Polk SWCD

**Call to Order**

Chair Barbara Boyer called the regular quarterly meeting to order at 8:30 a.m. on Wednesday, January 15, 2020.

**Approval of November 2019 Meeting Minutes**

**Ken Bailey moved and Jerry Ward seconded to approve the November 2019 minutes. The motion passed unanimously.**

**Water Vision Letter – Stan Dean**

Stan Dean presented a draft letter that has four themes:

1. Place-based water management – important to water districts – does account for nature of the environment.
2. Mandatory, Voluntary, and Incentive driven water management.
3. Short-Term and Long-Term Funding – we can't wait forever for the funding – grow the funding.
4. Role of the SWCDs – they fit with all of the other themes.

He felt this should be a joint letter from the ODA/SWCC and OACD as it's important to have a united front. He recommends the joint letter. Barbara asked if anyone would like to add, omit or edit anything within the letter. Ken Bailey, Jerry Ward were both for the letter. Jerry, however, felt he would like it to be from the Commission without OACD as there are very few times we can voice our opinion and this would be a good time to do so in our own stand-alone letter. Stan suggested that if we recommend OACD does a similar letter, i.e. take the same letter and change the SWCC information to OACD, would that concern anyone? Gary Jensen liked the joint letter better, it carries more weight. Tim Kerns liked Jerry's idea. Barbara appreciates the letter and said it was very thoughtful. She understands that the Commission represents SWCD's, which are local government entities where OACD is an association that focuses on legislative advocacy and lobbying and not a governmental entity but more of an industry. It is the Commission's letter it should come from the Commission. Barbara felt they should be

separate. There was more discussion but the consensus was that it should be a letter sent from the Commission. Stan Dean asked that it be on record that he would have liked it to be a joint letter.

**Community Partnership & Engagement Program 2020 Census – Kevin Staley**

Kevin Staley, partnership specialist, with the US Census Bureau said he is reaching out to nonprofits, state offices, city commissions, state commissions, etc. to garner support in getting communities properly represented. Rural communities have been traditionally undercounted and he is trying to help change that. It would reapportion the 435 seats in the House of Representatives and with the populations growing, we gain to earn another seat in the House. In 2010, the population of Oregon was 3.8 million and has estimated to have risen about 9% since. It is very critical to have an accurate count in order to have proper representation. Oregon funding for fiscal year 2016 was approximately \$13.5 billion, which comes out to \$ per person. The Census is confidential as required by law and is protected by Title 13 of the U.S. Code, however, people are afraid to report because their personal information is being taken. However, this information is protected and not reported to government agencies. The hard to count populations are seniors, renters, children under 5 years old, homeless, migrant workers, foreign-born/immigrants, and rural communities. The process this year is encouraging internet responses, which will take place between March 12th and July 24th.

**Ag Water Quality Program Update – Stephanie Page**

Stephanie Page has provided the legislators a 101 of the ag water quality program and said there was a mix of people that are somewhat familiar and some less familiar with the program. There are several state natural resources agency requests in the 2020 session, ODA is submitting two: an SIA request, prorated to reflect only a year left in the biennium; two staff in the lower Umatilla Basin GWMA. ODA is planning ahead and starting to prepare Legislative Concept requests for 2021. ODA is also considering creating a position for some kind of a soil health program position to partner with other organizations and also be a liaison with other states. Staffing updates: two Ag Water Quality Manager positions; Marganne Allen was hired to oversee the compliance and technical aspect of the water quality program and will start February 3rd. Recruitment for the second manager position who will work with the SWDC program and provide more of the stakeholder and partner work. Other recruitments: A Pesticide Worker Protection Standards position which will provide training to ag workers and handlers of pesticides; a new fertilizer position; another fertilizer position is also open as Toby Primbs accepted the pesticide manager position; a Regional Ag Water Quality position previously held by Brenda Sanchez who is working in a SIA position, and a channel maintenance outreach specialist. At the agency level, Jonathan Sandau, most recently worked for Oregon Farm Bureau, has good knowledge of hemp and canola issues will be working in the Director's office as the special assistant to the director. We have started a Pesticide Stewardship Partnership (PSP) advisory committee to strengthen the partnership for water quality monitoring in areas of the state that are identified and provide outreach to pesticide users. There are PSPs in Hood River, Wasco, Umatilla, Clackamas, Yamhill, Umpqua, Lane, and Deschutes counties. The PSPs in Hood River, Wasco and Umatilla counties have strong grower associations.

**Advisors Reports**

**OCEAN** – Jeremy Baker said the planning of CONNECT 2020 in Sunriver is going well. Registration is open and the schedule is being put together and they have made a few changes in the fiscal management. The last 11 years the planning was kept in-house, however, as it has grown, a conference planner was hired (Daphne Plump) and we are a month ahead of schedule due to her skills. We have tried to keep all of the costs for presenters and attendees as low as possible, but in doing so neglected OCEAN's needs. Registration is now \$275 Early bird registration has been shortened, which encourages people to register earlier. The number of fee waivers were reduced and are for the SWCDs and Watershed Councils, focusing on the people that need it the most. Also, OCEAN is no longer able to offer presenters from the State a reduced registration fee. Jeremy shared internal changes to OCEAN – Janet Greenup is now the Secretary and Kelly Dawes is Treasurer. Last March when we were planning, we determined we need help internally; we have a grant program to run, services we want to provide, but at our current staff level, we are unable to deliver services across the state. We have put together an executive coordinator job description but it is not ready for distribution. We also resigned on to the Oregon Conservation Partnerships for another biennium. Jeremy also thanked Jan Lee for all of her recent help in planning the CONNECT conference.

**OACD** – Jan Lee noted that they have changed their legislative committee process and it is now the advocacy committee with Stan Dean as the chair. There is a core group that meets regularly that looks at the legislative

arena as well as the regulatory and a broader group that meets once a month to get the message out further. We have approved position statements for the committee but will still need to go to the board for funding. Actively involved in the Oregon Heritage program; they are asking for about \$5 million this session so coalition have a meeting every other week by phone and attend certain lobbying sessions to get that. Working with NOWC putting a grant together for a four-way partnership for submission; and continue to work with SWCDs in the sage grouse area, which is two-thirds of the State; they were able to get some money for monitoring but it costs about \$200,000 a year and only have funding to do this one year. Jan is busy conducting visitations, she is working on a water track for CONNECT, and Meta will speak about future water at that event. Stan Dean added that OACD - received a grant to work on communications training. The Advocacy Committee is starting an effort to work on advocacy training to roll out next October at the annual meeting with a couple of tracks: How the regulatory and legislative process work; How do you effectively engage into that track; What are OACDs internal policies and how to coordinate and communicate amongst our members effectively.

**NOWC** - Vanessa Green, the new executive director, started November 4th and is in listening and learning mode. Her background is in college and university administration; she ran the education portion of a national science foundation grant at OHSU. She is preparing the final report for the past biennium and is learning NOWC's past and future at the same time. Vanessa is focusing efforts on all of the documents to understand running a nonprofit and meeting one-on-one with the board and partners. She had her first board meeting this past week and had wide-spread approval of her strategic plan. She will attend her first OWEB meeting next week.

**OWEB** – Courtney Shaff said the OWEB board meeting is next week in Jacksonville with a tour of the Rogue River preserve. OWEB will be funding all of the CREP Technical grant; they received 13 applications. OWEB Board will seek funding new Partner Technical Assistance (PTA) grants, they are an evolution from capacity building grants, to write strategic actions plans and work on partnership development documents for existing partnerships that already have a strategic partnership plan. OWEB received requests for 1.7 million and have \$500,000 available; after discussions internally, staff is asking the board to fund six proposals for \$800 000 since we will have recaptured funds to offer. The CREP Technical grants shifted; they are not based on rule but based on a complicated guidance and scoring system – proposals were getting bonus points and the bonus points system seemed arbitrary and not based on merit and not as clean cut, so OWEB decided to remove the bonus points system. OWEB staff recognized the system they used this time is an intermediary system; they did not do a lot of outreach about the shift in the evaluation approach, so they are making it more transparent for the next time around and communicating more. OWEB is working on creating monitoring rules and updating water acquisition rules for those two grant programs and are ready to go out for public comment. At the last board meeting, staff presented the new salmon license plate that has been approved and will be launched in October. The design was an open competition and the winner was an OWEB staff person! Local dealerships and the head of the car dealers' association are really impressed and will be doing a lot of promotion around it. The funds distribution for the salmon license plates will be divided between Oregon State Parks Department and OWEB. OWEB has been working with several Districts in helping them understand they can request 10% admin on all OWEB grants; it costs to do business and it is their legal right to request the 10% admin funds without having to report how it was spent. Paying Districts under the new forms is going smoothly, and we are working with Sandi and Theresa to move District capacity forms to online. She will reach out to additional ODA staff in the spring to do testing and then District staff to do some testing in the summer to make sure they get all of the bugs. It was slow on her part, but this week all of the SIA grants went out with some road bumps.

**OSU Extension** - Sam Angima – OSU has new President, F. King Alexander, from Louisiana, he will start July 1st. OSU is hiring four positions in water with two positions that are 100% research in water quality and quantity. They intend to add monitoring stations in Hood River, Hermiston, Ontario, Burns, Klamath and central Oregon; these positions will be focused on research and working in collaboration with partner agencies. A third position will be an irrigation specialist to help with converting to pivot irrigation for land owners using flood irrigation. In most cases when they hire at OSU, they give the community in the area of the position an opportunity for input. The Marion County OSU extension had an open position for an entomologist although the community interest was for a water quality/quantity position. OSU also received funds for two positions for organics; one will focus on the vegetable side of organics and the other position will be focused on the forages. OSU's Forestry Department will be hiring five extension specialists across the state and a sixth position focusing on range and working with forestry dept staff. OSU will be hosting a Hemp train-the-trainer event March 31-April 1, 2020. The training will take place at OSU in Corvallis, ODA and OCEAN are also involved. On April 2, they are inviting the industry to meet with the extension staff for discussion around Hemp. As of January 15, OSU is changing the Integrated

Pesticide Protection Center at OSU to make it Oregon centric – changing name to the Integrate Pesticide Management Center and they are looking for a professor level director to head the center.

### **DEQ Program Update**

Gene Foster, watershed management manager, provided a water quality status and trend report update. He said the status and trend reports originally started off as DEQ's contribution for ODA's biennial reviews of the area plans through the local advisory committees. As DEQ was able to pull in information and do data analysis and interpretation on current status of water quality, etc., it became apparent that this information was also important for working with other designated management agencies. The WQ status and trends reports were revised this year to be statewide and used for most DMAs where TMDLs are issued. Instream water quality is evaluated for bacteria, DO, pH, and temperature. TP and TSS is evaluated (will be compared to TMDL allocations in future reports). DEQ issued the Willamette Basin mercury TMDL in mid-November and EPA disapproved it. EPA has a draft mercury TMDL out for public comment, which closes February 4th. Their TMDL is on the EPA website as well as the DEQ website along with the disapproval memo and rationale. DEQ is currently reviewing EPA's TMDL and determining a response. There are several TMDLs in development: Coquille (bacteria, DO, pH, temperature) to be issued late this year, Upper Yaquina (bacteria, DO, temperature) to be issued late this year, Middle Siletz (DO, temperature) to be issued 2021, and Powder/Burnt River (bacteria, DO, temperature) to be issued 2021. The additional court ordered temperature TMDL revisions will take about half of DEQ's TMDL resources that are part of the litigation and will be likely 2023 before they will be issued. DEQ and ODA Roles:

- DEQ: Data, science, and modeling; reports to EPA
- ODA: On-the-ground role (regulation; voluntary “uplift” with partners) and address TMDLs in Area Plans
  - DEQ and ODA coordinate on a programmatic level as well as a regional level (two “riparian shade” pilots)
  - Riparian shade (where available) is a new addition to DEQ's status and trends reports

### **Water Resource Klamath Basin Presentation**

Ivan Gall, division administrator for field services, from Oregon Water Resources Department presented on the five regions and 21 water master districts. Coos and Curry District do not have a water master and are trying to get funding again from the Legislature to balance out workloads. The water master in Roseburg will cover Coos County and the Grants Pass water master will be providing coverage in the Curry County. ODA funded an assistant water master in the Medford area for the rest of this biennium to deal specifically with hemp issues. The Marion, Polk, and Yamhill is a very large district and they are overly busy, therefore, they split up the workload and adjusted the boundary on the Lane County district to help out with the Polk area. The Klamath Basin regulation of water has been their agency's biggest workload, and for the first time in the state's history, the Klamath Tribes participated in the adjudicated process. A senior water right holder calls for water and the water master duties are to evaluate water calls for illegal uses, validates calls, assesses supply and demand, and then regulates if the water call is validated. Klamath Tribes hold 39 in-stream determined claims for 39 stream reaches; claims are for year-round in-stream flow amounts. Thirty-one of the stream reaches include riparian habitat flows. In the spring of 2020, they will start the new rules process and will seek landowner information by holding meetings. They work to improve water quality, handle complex water management around ESA issues, and climate change impacts on available water supply. Base flows on streams are not as healthy as in the past.

### **Working Lunch Presentation – HB 2437 Channel Maintenance Bill**

Mike Powers, policy specialist, presented on the Channel Maintenance bill HB 2437 by providing a short history. Channel maintenance is critical to Oregon's farms and ranches; it must protect water quality and fish and wildlife habitat; it provides important benefits but has been hindered by a complex Department of State Lands permit process. The State's goals have not been achieved for adequate maintenance, water quality, or habitat. It is the State's intent to simplify the regulatory process; improve the awareness and compliance; and allow channel maintenance in a manner that protects, maintains, and improves ecological function. HB 2437 allows for a workable process to maintain ag drainage channels while protecting fish and wildlife habitat and to identify opportunities to voluntarily restore, improve, or enhance ecological health and functions of these channels. HB 2437 will streamline the process to maintain dry ag channels: i.e. human-made ditches and intermittent streams; moves regulatory process from DSL permit to ODA notification. Next steps: Rulemaking - ODA and DSL are

drafting the rules and are expecting to adopt them in the spring or summer and ODA is hiring an outreach specialist to help in implementing this process. ODA will be developing the notification process, forms, onsite inspection process, and audit process. Regions will be defined and will be phased in, and the phase in schedule is still being considered.

### **Clackamas SWCD Eagle Creek Forest Update**

Jason Faucera presented the Eagle Creek community forest property that the District purchased; 319 acres of forest land near Estacada. There is a very productive otter habitat. This was an opportunity for the partners to tie all of the properties together to protect the wildlife habitat. A community forest grant was received to help manage it as a community forest. Public access is allowed on the Eagle Creek property but at this time, the other properties are not allowing access as the Clackamas SWCD has not developed an agreement yet with the other partners. There are a lot of challenges for the District to deal with to get it up and running for community use. As part of the community forest grant, Clackamas SWCD will manage it for sustainability and some logging will take place. Different age classes of the forest and management plan is included in the grant. Predominant age class is in the 10-year age class so there will be some time before there will be any commercial income production. PGE has funded some restoration in Sutter Creek and for enhancing the riparian areas. The main objective of this purchase was to prevent it from being developed for residential use and to protect wildlife, expand recreation development, create opportunities for forest learning, and activities. The diversity of wildlife on the property are bobcats, mountain lions, black bears – videos on their website showing the wildlife.

### **SWCC Member Reports**

Ken Bailey - gave an update on the Mosier project; they got final funding and as soon as weather permits, will get the deep well completed. Seeding of the fire burned area – 24 landowners and 17,000 acres. By coordinating the approach they took, saved \$300,000 to \$400,000. District tagged on some admin fees so they also gained something from the process as well.

Tim Kerns – nothing to report.

Stan Dean – nothing to report.

Jerry Ward – nothing to report.

Jim Bob Collins - writing grants; weather is keeping the Districts in his area from doing much on the ground work.

Barbara Boyer – The facilitator for the Zone Director Eligible work group was ready and then Representative Nosse asked that we wait until after the short session ended. She attended Tom Salzer's farewell. Yamhill conservation got a renewal for their RCPP; \$2 million for just Yamhill for oak savannah. Whitney Collins has asked for assistance in writing a letter in getting access to the water rights for agriculture. Stan suggests we do our due diligence before we jump in. Ken was suggested we ask Jim Johnson to help us and have him talk about this at the April meeting and Jim Bob agreed with Ken. Jerry wants to support but agrees we need to educate ourselves first.

No public comments.

### **Topics for Newsletter**

Stan asked about the process for the newsletter – did the process we used last work by having a week to get items to Eric and a week for Eric to get it together. This schedule seemed to work. Topics for the newsletter: Districts - Ask for Your Admin Fees – Eric; ODA Staffing Changes – Stephanie; Census – Barbara.

October meeting discussion was tabled for discussion at the April meeting at CONNECT.

Meeting adjourned at 1:50 PM.