



Oregon Soil and Water Conservation Commission Minutes
Regular Quarterly Meeting
Tuesday, April 14, 2020
Oregon Department of Agriculture
Via Go-To-Meeting
3rd Floor Western Meadowlark 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, Gary Jensen, Tim Kerns

Absent: 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; Jo Morgan, Water Quality Specialist; Maria Snodgrass, Water Quality Specialist; Tom Demianew, Water Quality Specialist; Karla Valness, Special Assistant to BOA and Director;

Advisors Present

Ron Alvarado, Natural Resources Conservation Service (NRCS); Jan Lee, Oregon Association of Conservation Districts (OACD); Meta Loftsgaarden, Oregon Watershed Enhancement Board (OWEB); Courtney Shaff, (OWEB); Ivan Gall, Oregon Water Resources Department (OWRD);

Speakers/Presenters

Margaret Matter, ODA; Gene Foster, Oregon Department of Environmental Quality (DEQ); Jim Johnson, ODA

Visitors

Whitney Collins, Baker SWCD Manager; Chase Schultz, Wheeler SWCD Manager

Call to Order

Chair Barbara Boyer called the regular quarterly meeting to order at 9:00 a.m. on Tuesday, April 14, 2020.

Approval of January 2020 Meeting Minutes

Jerry Ward moved and Ken Bailey seconded to approve the January 2020 minutes. The motion passed unanimously.

OWEB – Meta Loftsgaarden and Courtney Shaff

Meta Loftsgaarden, OWEB’s Executive Director, shared information regarding a series of Zoom meetings held on April 7 with OWEB grantees, including SWCDs, regarding a pause in grant funding. OWEB receives about 70% of their funds from the Oregon Lottery. Other funding sources include Pacific Coast Salmon Recovery fund, which is federal, and a small amount from Salmon License Plate sales. In mid-March, all of the bars and restaurants were closed at the same time, except for to-go options, and the Governor also shut down video lottery games throughout the state. Lottery funds is the second highest revenue source for Oregon with video lottery being the biggest portion. The OWEB board is set to meet next week, and typically, \$16 million in grants is considered. The challenge is making decisions regarding funding prior to the May forecast of future revenues. Therefore, it was decided to place a “pause” on any all grant awards as of April 3. The grant awards that were to be considered in at the April OWEB Board meeting are on a “pause.” The Board will hold two meetings – a financial and nonfinancial meeting. The meeting this week will be a nonfinancial meeting with another meeting in June to talk about funding and revenue after the revenue forecast is out in May. The pause is to protect the current open grants. Revenue is brought in every quarter. OWEB has enough funding to fulfill commitments on the grant agreements currently in place, however, more than half of the budget is spent in the first biennium. OWEB will be

accepting applications for the spring 2020 grant cycle, which is usually due at the end of April but the date will be extended. OWEB wants to conserve as much money as possible with focus on the grant side. Courtney Shaff asked that if anyone hears from councils and districts about not meeting project deadlines or not getting work done, to encourage them to talk to their OWEB project manager. OWEB is trying to be as flexible as possible. Also, Nonprofit Association of Oregon is holding webinars almost weekly to help nonprofits get resources through the Care Act.

Water Quality Program Update – Stephanie Page and Marganne Allen

Stephanie Page shared that ODA has been responding to the rapidly changing situation by providing support to staff and customers. Food Safety and Shipping Point staff are working with grocery stores, packing facilities, etc. and responding to issues and questions as they come up. Natural Resources and Pesticides staff are also trying to keep up with their routine work – inspections are continuing when they can be conducted outdoors, but staff are avoiding indoor activities at this time such as records reviews and retail pesticide inspections. Pesticide complaints are coming in with the good weather and staff are doing phone interviews when possible and getting environmental samples as needed. ODA and other state agencies are preparing for the 2021-23 budget cycle with Legislative Concepts and new funding requests (which we call Program Option Packages or POPs). There are several POPs being considered in the Natural Resources area. One POP relates to expanding water quality Strategic Implementation Area (SIA) work in order to expand our work to address ag water quality issues and to provide technical support where there might be lower capacity among local partners. There will be an ask for staffing resources for one position and then possibly contracting with high capacity local partners to provide service to a larger area; similar to CREP tech model. A soil health POP is still evolving but would include a position to liaison with agencies, partners, etc. and provide technical assistance to soil health in ag. ODA is considering a Lower Umatilla Basin groundwater management area (GWMA) POP to work with a facilitator for strategies to address nitrate in groundwater. Also considering asking for funding as part of POP to support fertilizer research in GWMA's. Any input from Commission members on ODA POPs would be appreciated by end of May. HB 2437 – ag channel maintenance bill – rulemaking continues; group had last meeting virtually. We are pursuing a phased-in implementation.

Marganne Allen presented an update on the WQ program and how work is being affected by COVID issues. Changes have been made to the program to avoid any close contact or sharing of physical materials between staff or customers. Moving to electronic meetings and a modified inspection protocol. Also, a hiring freeze has been implemented for the water quality open positions, including ending the recruitment for the SWCD Program Manager and rescinding a job offer for the Northwest Regional Water Quality Specialist; Jo Morgan is retiring at the end of May after 19 years with the state. Eric Nusbaum has had two check-in webinars with SWCD District Managers regarding how to cover unanticipated leave, etc. Working with partners, OWEB, OACD are collaborating to get information out to districts. Sandi Hiatt is moving forward with elections and grant support. and Cheryl Hummon is working on analyzing change in field conditions between the 2015-17 to 2017-19 Focus Areas. SIA partner, planning, and monitoring meetings are moving forward, however, the in-person field work, group education, and outreach is being delayed. Seven SIAs have been delayed due to COVID-related reasons. We completed six biennial reviews prior to the Governor's orders but nine have been delayed. ODA is currently exploring the ability to move forward with committee members to move to an online environment. Business improvement process – contract lent well to online environment – Mass Ingenuity. There will be a special focus on compliance and complaints. The intent is to remove a silo process and make NRPA program more transparent for customers. This will help prepare to move into long-term strategic planning. Stephanie said teleworking from home may become regular practice as we outgrow building space. With Mass Ingenuity, we discovered a couple of tools that will help to continue working effectively in an online environment. Field staff travel frequently to Salem for meetings which we don't want to discontinue but some of the tools make it effective to have virtual meetings.

Water Reservations – Margaret Matter

Margaret presented on matching reservoir type to water use need with a short PowerPoint presentation. She started with the background of what reservations of water are and are not. Reservations of unappropriated water is not a

water right (appropriated). Requests are approved by Water Resources Commission and approved reservations are established in rule. Basin Programs sets a priority date based on the date of application. Basin programs are not limited to irrigation, power development, municipal or recreation use or instream flow and pollution abatement. Multipurpose storage/reservoir – unappropriated water often available in fall/winter potential need for storage; reservoir has no specific definition, and storage is the retention or impoundment of surface or groundwater by artificial means for public or private uses and benefits. The challenging issues are three recent applications to use water from reservations – propose to use aquifer storage and recovery or aquifer recharge. Applicants are serious, determined and will self-fund projects. Agriculture is often asked why reservations are unused. These are the first applications for using reservations with ASR/AR. The application form and process are set up for surface reservoirs. The first step in the application is to apply for a storage permit (surface water) and there is no alternative for groundwater reservoirs. Continued SWCC interest and support will be helpful.

Advisors Reports

NRCS – Ron Alvarado updated the Commission – doors are open and still working full speed ahead to provide financial and technical assistance; telework – doing what they can from home. Continuing to certify conservation practices and those that are enrolled in our programs. A lot of phone calling, video chats, etc. and doing all we can. Oregon received funding in three categories – RCPP – three new awarded projects (around \$6 million) – Prior RCPP projects are at their end – 26 total; four in 2014, which are coming to an end. National Water Quality Initiative- now allowed to help municipalities on source drinking water – received five funded proposals. Moving into a new farm bill; Chief Lore is a farmer in West Virginia, Shenandoah Valley – one thing he has observed is that younger employees are not coming in with an ag background. Sometimes they are not familiar with ag and ag practices and operations, so he has set up and made it a priority for employees to mentor the newer/younger employees as well as mentors that are farmers, forest landowners, ranchers. There might be an opportunity in the next stimulus package for funding to NRCS – mostly on structural side – EQUIP program; watershed operations program.

OWEB – Courtney Shaff provided an updated on FAQs related to COVID-19 posted on OWEB's website. OWEB has extended the deadline for Focused Investment Partnership consultations to May 14, 2020. Shaff also noted that it is important to emphasize that despite the pause in new funding, OWEB is still making payments on open active grants; she worked with Sandi recently to make sure an efficient process was in place to get district payments made, which was noted in an email Sandi sent. The OWEB Board meets next week to discuss business not related to funding decisions. Discussion will be on monitoring grant rules and water acquisition rules. Contracts are on hold as well as Capacity Monitoring work.

Ivan Gall – WRD

Ivan updated on how his agency has transitioned to teleworking with overnight travel being curtailed. He noted the state water conditions are not looking good. Could be a bad year for water supply not unlike 2015. Snow pack looks good right now, stream flows are low around the state. General precipitation is below normal; southwest Oregon, Wasco, Jefferson, Wheeler, Sherman and parts of Crook are looking pretty bad. If temperature melts snow pack faster than normal, could be a problematic year. The governor has a drought declaration for Klamath. Dam safety rules in process, but hearings have been canceled around the state. They are looking into having virtual public hearings. Water development project grants and loans have been extended, and Curry County has submitted a request for a declaration from the governor as well. He also noted that the water master in Malheur County is retiring after 21 years.

Jan Lee – OACD

Jan Lee has been spending a lot of time working with districts regarding state and federal programs to keep them operating. Field work is still happening with social distancing. Under the Cares Act, federal funding for COVID, districts are not getting money but councils are getting money since they are a 501c3. Wyden is working on getting districts funds. She is also researching grants and working with districts for new resources of funding. Sage Grouse monitoring work is still happening but the other part of \$58,000 grant in April is in pause mode. Districts are struggling to do public budgeting process; using virtual meetings. She feels it is imminent that a special session will take place. There was a press conference today at governor's office where she may possibly announce a special session. Lee is working with Marganne, Eric, and Barbara on conference calls. Still working

on advocacy planning; currently working on training documents to train districts before 20-21 session. Annual meeting will probably be moved from October to November, and there will be a webinar to talk about a NACD grant.

DEQ Program Update – Gene Foster

Gene Foster presented on Willamette mercury TMDL water quality management plan for implementation. EPA has not finalized their Willamette Basin mercury TMDL yet. Expecting to continue to implement based on water quality management plan. EPA and TMDLs – court have upheld and ordered EPA to establish a Columbia River temperature TMDL, EPA will be relying on the states of Idaho, Oregon, and Washington for implementation and with the states developing water quality management plans for their respective state. There is not a lot of nonpoint source component to the Columbia River temperature TMDL. It will be interesting to see how implementation progresses for Columbia TMDL. DEQ continues to work on the Coquille TMDL and DEQ hopes to have it out for public comment near the end of the year. Will be putting together an advisory committee but has not established one yet. Continuing to work on upper Yaquina TMDL and hope to have it out for public comment later this year and re-engaging with LSAC. Siletz TMDL is not as far along and will most likely be out in 2021. The Powder-Burnt River TMDL is under development and may be going out for public comment in 2021 and will have an advisory committee process but is several months out. The Court ordered temperature TMDLs are being worked on with a project plan and charter developed. DEQ is working with EPA and the EPA contractor to pull together existing data and information that will be used for developing these TMDLs. There will be a call for data to support temperature TMDL, such as instream temperature data, and effluent temperature and effluent flow data from the municipal sewage plants, and industrial dischargers. The first two years for the Court ordered temperature TMDL projects will be pulling info together and data analysis, and in the third year, DEQ will start development of allocation scenarios for the first three project areas: Upper Willamette, Middle and Lower Willamette Subbasins. The Mainstem Willamette will be in the fourth year. Ag water quality – DEQ and ODA coordination continues between ODA – Marganne and her staff with Gene and his staff. Source water projection staff are available for any assistance to SWCDs or Watershed Councils for applying for drinking water source water grants. Also continue to work with NRCS. 319 grant requests for proposals is open now and closing in early to mid-May. This information is on the DEQ website. There is about \$300,000 available for pass-through grants with Oregon still being penalized for CZARA.

Land Use Issues/Legislative Update - Jim Johnson

Jim Johnson presented on actions of the Board of Agriculture (BOA) at last meeting dealing with land use resolutions. The BOA routinely reviews resolutions on a two-year cycle. This year they looked at seven land use resolutions – Four resolutions were kept active with minor revisions, updating data, income, etc.

- Resolution 155 – Farm property tax deferral and ability to qualify.
- Resolution 162 – Relates to 20-year land supply requirement state law. Supports local control urban growth boundary. Recommends that the 20-year land supply be optional.
- Resolution 295 - protection of Oregon ag – minor edits. How land planning works to protect agricultural lands.
- Siting of aggregate mining in the Willamette Valley.
- Resolution 271 – 30 review of planning program. Result of the big look task force. Voted to archive resolution – dealt with working on 30-year review. Way out of date and does not apply.
- Resolution 310 – deals with siting with ag tourism on farm land. The board received public comment written and oral. Sixty to 70% suggested to board that they back off on this and put together a task force. Many other comments to BOA from more traditional agriculture - stay the course and keep the resolution as is. Staff recommendation was to keep the resolution active with one amendment –add reference to court case language reference. Board voted to keep active with changes from staff – open for additional public comment and will be consider at next board meeting. Board wants specific detailed comments.

- Travel Oregon has operated without including key stakeholders; mostly smaller ag types on committee. No one from mainstream ag or Farm Bureau. Travel Oregon have recognized they are not getting that input. Working with Clackamas County to update their codes to address this. Due to COVID 19, some agritourism has come to a standstill. If districts would like to get involved or want more information, they should contact Jim.

Department of Land Conservation and Development (DLCD) has new commissioners, Stuart Warren from southern Oregon and Dr. Gerardo Sandoval out of Eugene; appointed by the governor and approved by the Senate. Currently there is one position vacant, the Oregon coast representative. Because of COVID 19, DLCD postponed rulemaking of land use changes and the last commission meeting was postponed. Land use regulations are required by law and is implemented straight. Jordan Cove project; a pipeline at the CA/OR border to Coos Bay with liquified natural gas to load onto ships. FERC approved March 19, 2020. This is very controversial and does not have approval from the State of Oregon. The application for removal/fill permit was withdrawn by the applicant. DLCD found on February 19, that the Jordan Cove project was not consistent with CZARA, etc. National Land Trust Alliance – still scheduled to be in Oregon October 6-8; a good conference for districts who are interested in using conservation tools. American Farmland trust getting ready to turn out report on farms under threat. This is the state of state report analyzing farm land protections across the board for all 50 states. Oregon ranks high compared to other states for overall effectiveness of land use program. Impressed with two elements – recognizing the farm land low density residential – that we have looked at for years and years. Tried to distinguish types of farm land from each other. Nationally significant ag land – not unlike what we do with high value farm land, they also did a viability aspect – not just based on soils.

No public comments.

Getting back to Basics – ORS 568 – Barbara Boyer

We had slated to do a work group for Director Eligibility requirements . Suggested look at it as a commission; not take any action but educate ourselves. On hold due to COVID 19. Will take a lot of work/meetings.

SWCC Member Reports

Jerry Ward - nothing to report

Gary Jensen – adjusted to the times – access to office is limited. Trying to understand what all of this is going to lead to and how to keep projects going.

Ken Bailey – nothing new.

Tim Kerns – nothing to report as well.

Stan Dean – same.

Barbara Boyer – Eligibility process – postponed information/questions about the process with the work group until April 27th.

Next Meetings

July 6-7 - Travel restrictions – meeting in Salem.

Fall meeting – OACD – moving to November 17-18. Eagle Crest.

For now, November 16th – morning of November 17 – location to be determined. Salem if travel is still restricted for staff.

Meeting adjourned at 11:41am.