



# Soil and Water Conservation Commission Minutes

DATE	LOCATION	START TIME	END TIME
November 16, 2020	635 Capitol Street NE, 3 <sup>rd</sup> Floor Conference Room and via Go to Meeting	3:00 PM	4:24 PM
<b>CHAIR</b>	<b>COMMISSION MEMBERS PRESENT</b>	<b>ABSENT</b>	
Barbara Boyer	Ken Bailey, Stan Dean, Tim Kerns, Jerry Ward, Alec Hrynshyn	Jim Bob Collins	
<b>FACILITATOR</b>	Eric Nusbaum		

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

Stephanie Page, Director Natural Resource Programs; Marganne Allen, Soil and Water Conservation Districts (SWCD) and Water Quality Program Manager; Eric Nusbaum SWCD Operations Specialist; Sandi Hiatt SWCD Grant Administrator; Renita McNaughtan Administrative Specialist

### Visitors:

Jan Lee, Oregon Association of Conservation Districts (OACD), Clair Klock, Whitney Collins, Baker SWCD; Jim Cathcart, District Manager West Multnomah SWCD; Jim Johnson, ODA Land Use Coordinator

### Welcome and Introductions

Chair Boyer started the meeting by having Al Hrynshyn, the new commission member, introduce himself and share a little about his background.

### Back to Basics – ORS 568

Nusbaum noted that items that are being put aside to discuss later are in the “parking lot.” There are two items from the last meeting on parking lot: 1. Expanding the functions of the commission due to its current duties; 2. ORS 561.400(2) – authorities of Natural Resources Division (cleaning up the tort liability insurance, approving riparian projects, etc.) 3. Does the commission belong under ODA.

Nusbaum started with Formation of Districts – 568.300 through 568.430 – Do any of the commission members have any comments about the formation of districts? Ward noted that the first paragraph talks about landowners. We have always been a landowner driven organization and is mentioned throughout the regulations. Stan Dean noticed the same thing and as he was looking through the rest – landowners stopped being used less and less and it started using electors. Feels there are a lot of inconsistencies. Landowners or electors? We need to figure out where we think the allegiance should be? Discussion regarding landowners petitioning to become a district, etc.

Nusbaum – noted that 10% of the electors can require a referendum – that is the difference between the landowners have the ability to stop it. He was referencing 568.351(2). Dean said this was a good example of landowners performing

but petitioning are the electors. Also noteworthy that 10% of electors within a district file a petition - if you have a large district, 10% - that would be almost impossible to get done.

Nusbaum questioned what 568.380(2) meant. Bailey thought perhaps it was a legal backstop if someone were to find a grammatical error it will not invalidate it.

568.431 – Petitions for inclusion of territory – Dean noted in (6) – only electors residing in the existing district are eligible to cast ballots in the referendum election. That means the people who petition to be included don't get to vote to be included. Ward indicated that this is not unusual in other situations that are similar. Nusbaum noted that if ODA does not approve it, petitioners can ask for a referendum.

568.433 – Petition for withdrawal of territory – Hynyshyn asked a withdrawal question that Nusbaum answered. Whitney Collins noted that at one time some areas of Union County were not getting same level of help as others due to the ranking; the boundary was redrawn and it went on the ballot to vote on.

568.445 and 450 – Dean asked regarding a district taking over another district. Has to be approved by the Department but he doesn't see any vote. If a territory is taken over and the district being taken over has a tax base and the other district doesn't - how does this work? This is an important issue to be investigated. Jim Cathcart of provided an example of how this has been done in their area and how it works for them. Dean noted that 568.445 does not include a public hearing, however, 468.450 does.

568.471 – Effect of consolidating districts – Dean noted that it is not clear who is the board of directors for the new consolidated district. Need to review – put in parking lot.

568.481 – Methods for initiating dissolution of district... - 568.481(2) – ...the department shall verify the petition signatures. Dean noted that it seems that signature verification should be part of any petition. Boyer asked if anyone knew who the Boundary Commission is. Jim Johnson noted that the metro area has a boundary commission and there used to be boundary commissions but it's something that's old and needs to be looked at. Nusbaum – if dissolving a district, there is a lot of work to do so. If a district is dissolved, ODA has to wait for 25 or more landowners to petition to start a new district.

568.495(3) – Boyer asked if there is a debt from a dissolved district, is ODA liable for the debt? Nusbaum does not feel they are, however, if there is any extra money after a dissolution of a district, ODA does receive the funds. Boyer also noted that ODA becomes the owner of any assets.

Dean when he and Jan Lee were collecting legislative priorities, they got a request from Curry County to amend 568.550(1)(5) – expand the contracting authority with districts.

Lee noted that we need to reach some Legislative history in order for some of this to be clear. Marganne Allen will do some inquiring on getting information from the Archives Division.

Dean asked, if we do get some changes made and need to approach the Legislature, who will carry that to them? Allen indicated she would need to discuss it with the leadership in order to do that.

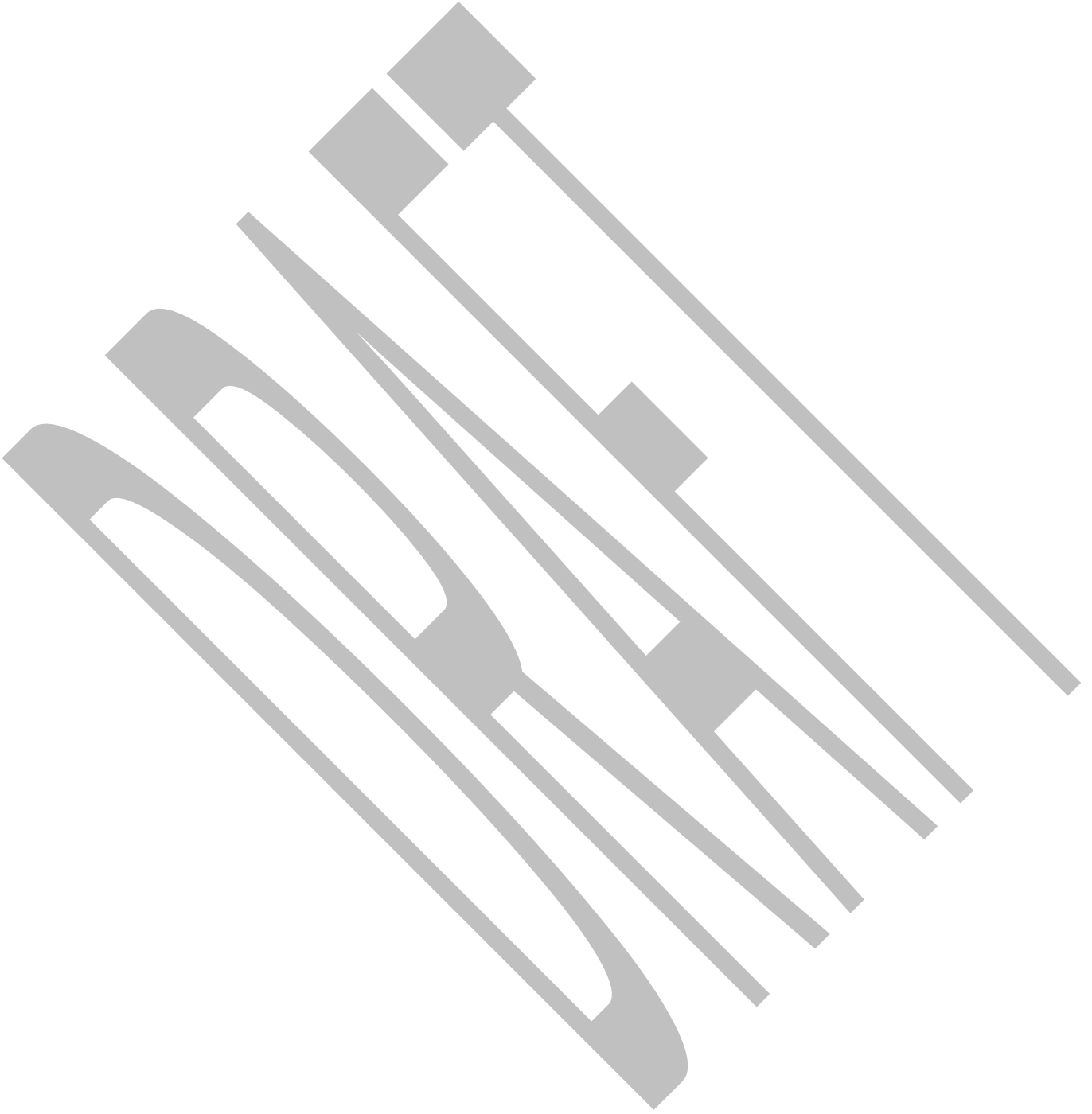
Boyer suggested that we have Lauren Henderson come and discuss with us our parking lot list. Dean – if there are going to be road blocks, then logically OACD could carry it – if they are willing.

Ward – noted that some of the items on the parking lot we can work on and pursue and others would be nice to see different wording but would it really be worth taking this on. Dean agreed with Ward.

#### **SWCC ORS 568 Review – Parking Lot**

- 1. Expand functions of SWCC – limited to advisory only in 561.395(5)**
- 2. Does the SWCC belong under the ODA at all?**
- 3. Clean up 561.400(2)**
- 4. Consistency of use of landowners or electorate in statutes**
- 5. Clarity of 568.445 when a taxing district petitions to include non-taxing district territory. No requirement for a public hearing.**
- 6. ORS 568.450 – has 500/10% for petitioning...not consistent with other statutes which are 10% only.**
- 7. 568.471 – not clear who new board members would be**
- 8. Verification of signature should be part of any petition, not just in dissolution section.**
- 9. Boundary commission in 568.481**

**Adjourn Meeting**



# Soil and Water Conservation Commission

## Minutes

DATE	LOCATION	START TIME	END TIME
November 17, 2020	635 Capitol Street NE, 3 <sup>rd</sup> Floor Conference Room, Salem, OR and via Go to Meeting	8:48 AM	12:04 PM
CHAIR	COMMISSION MEMBERS PRESENT	ABSENT	
Barbara Boyer	Ken Bailey, Stan Dean, Tim Kerns, Jerry Ward, Alec Hrynyshyn	Jim Bob Collins	

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

Stephanie Page, Director Natural Resource Programs; Marganne Allen, Soil and Water Conservation Districts (SWCD) and Water Quality Program Manager; Eric Nusbaum SWCD Operations Specialist; Sandi Hiatt SWCD Grant Administrator; Renita McNaughtan Administrative Specialist

### Advisors/Visitors:

Kyle Gorman, Oregon Water Resources Department ; Jan Lee, Oregon Association of Conservation Districts (OACD); Jason Jeans, Natural Resources Conservation Service (NRCS); Courtney Shaff, Oregon Watershed Emergency Board (OWEB); Sam Angima, Oregon State University (OSU); Heather Henderson, Hood River SWCD; Clair Klock; retired farmer and part-time Clackamas SWCD; Whitney Collins, Baker SWCDs; Vanessa Green, Network of Watershed Councils (NOWC); Jim Cathcart, West Multnomah SWCD; Andrew Brown, East Multnomah SWCD; Justin Ferrell, Lake County SWCDs; Terri Preeg Riggsby, Chair West Multnomah SWCD.

### Welcome and Introductions

Chair Boyer thanked Eric Nusbaum for his help on the facilitating the ORS review on November 16th.

### Approval of July Meeting Minutes

Draft minutes from the July 6-7, 2020 commission meeting via Go to Meeting were presented for review and approval. **A motion was made by Jerry Ward to approve the minutes with no changes or corrections. Seconded by Ken Bailey. Motion passed unanimously.**

### Ag Water Quality Program Update

Stephanie Page noted that Margaret Matter has taken a position with the Northern Colorado Conservancy District, which is a move up for her and also allows her to be near family. We were excited for her but sorry to see her go. This position, will be held open for the rest of the biennium. Talked through short term needs – specifically, reviewing the place-based planning reports as they are drafted and come out for review; participating in the integrated water resources strategy when that starts to occur in a few months; and participating on the grant review team. Margaret had also started a research project related to the use of reservations for aquifer storage and recovery. The results should be back by the next commission meeting. Governor’s recommended budget should be out soon. ODA’s budget has several program option packages (POPs); since the state is very short on revenue, we are uncertain if any of the GF requests will be funded. Some of the requests are: Soil health position; OSU to do soil health research; limited duration worker protection standards position in Pesticides to a permanent position; expand SIA work we do. The reduction list, sent with every agency budget, was submitted. It is likely some of the reductions will be in the proposed budget. One position likely to be

on the cut list is the Pesticide Stewardship Partnership program that is 50% GF and 50% OF. On the reduction list are monitoring funding, a vacant position in water quality program, and a vacant position in SWCD program. We continue to hold several positions open in anticipation of dealing with attrition. Due to the changing COVID situation, Marganne and Stephanie as well as other managers who are usually in the office, are going to start working from home more. Our team has adapted well to working from home. There have been outdoor inspections with staff wearing masks and social distancing. When inspecting, producers/landowners are requested to wear masks as well. During the wildfires, ODA staff helped with livestock sheltering and supporting the fire response teams. Marganne came to us with those skills and we were happy to lend her to help. Virtual meeting with director Taylor, deputy director Hanson, myself, Marganne and a few water quality staff will meet with Grant SWCD, Monument SWCD and state representative Owen regarding concerns Grant SWCD has about the SIA process and the 2023 schedule.

Stan Dean mentioned that Governor's executive order on climate change and thought it would be good for the commission to hear about the program; what types of actions that ODA is looking at, what's the schedule, and methods for input to ODA. Stephanie said that was a good idea, and by the next meeting, the budget will be out and we will know if the items requested will be approved.

Marganne Allen - We are running light on staff due to retirements, hiring freeze, and particularly the Willamette Valley area. We are holding two regional water quality specialist positions open and are covering duties with remaining regional staff. Policy specialist, Mike Powers, was elected the local SEIU union president and will be on a 2-year leave of absence and instrumental in our ag channel program. We held an online Open House for the Applegate River SIA but it happened at the same time as the fires. In response, the local district worked with us and there is a recorded presentation on the Jackson SWCD website as well as the ODA website. We recently had to put a pause on field evaluations for the SIAs. because of the changes and less staff, and working in a different way, we have been spending time revisioning our work. The 2019 legislature vested us with some authority, that was originally with the Department of State Lands, regarding drainage of ag lands that were traditionally maintained -but in particular it needs to happen in a small subset in seasonally dried channels and outside the salmon habitat. In September, rules were passed to clarify how the program will work. Currently, doing a soft rollout of the program; starting in the northern Willamette Valley and then spreading out to the coast, southern Oregon, and then eastern Oregon over the next few years. Would like to thank Polk, Linn and other districts who have been giving us feedback and engaging landowners in this important work. Especially recruiting for the OSU study which is part of the legislative expectation of product that will come out of this to talk about what potential impacts might be associated with water quality wildlife fisheries and wildlife habitat. We've been having good growing pains by adding tribal outreach to the process. We are planning to move forward with a small rule revision regarding undisturbed wetlands. We had another successful election year - of 275 positions, 170 were open in this election and 125 candidates filed by the first deadline. There were 26 write-in candidates for 19 positions, and 34 positions for which no one filed.

## Advisor Reports

- **NRCS - Jason Jeans** reported that NRCS is operating under a continuing resolution with discretionary funding through December 11<sup>TH</sup> and they have an advisory allocation for their mandatory program that lasts the fiscal year.
  - A special EQIP sign up to address wildfires - two sign up pools; a western and eastern Oregon emergency stabilization;
  - A general EQIP sign up with cut-off date, first was Oct 30 and Dec 30;
  - A regular EQIP application - cut off dates for 2021 - Nov 20 and April 16 - sage grouse initiative, seasonal high tunnels, organic air quality initiative, animal feeding operation, and on farm energy;

- Four joint chief landscape restoration partnership projects;
- Applications for fiscal year 2021; have not heard back on which applications will be funded for 2021;
- 11 RCPP projects ongoing. Awarded 3 new RCPP projects in 2020 (Lower John Day, South Fork, Polk County Oak Habitat). Seven RCPP that are closing out this year. Hired Tom Newall as a RCPP Coordinator for the state. A new application cut-off date for RCPP classic – apps are due November 30. Another planned alternative funding arrangement application sometime this winter;
- CSP – currently making payments for 2020 contract activities; calendar year 2020 requests were processed by November 6<sup>th</sup>. Payment requests for calendar year 2021 will be processed by Feb 5<sup>th</sup>;
- CIGs – selected 5 for 2020;
- ASAP – currently receiving applications for AIL and WRE; application cut off dates are still pending.

Continue to have a lot of watershed planning going on with several districts. CSP has been a large program on the east side of state and are trying to build interest in west side of the state. Given several direct hire authorities to bring on several entry level positions in several disciplines throughout the state. Oregon will be receiving a deputy conservationist on a rotation for 2 years and will be here in a few months.

- **OWEB – Courtney Shaff** reported that staff rolled out a new approach for the rest of the 2020 SIAs which had not been funded (due to the funding pause OWEB implemented as a result of COVID-19) at the Sept board meeting. With this approach, there will be two application deadlines for SIAs, one for TA and stakeholder engagement funding and one for monitoring funding. When a district is ready to move forward, they will apply for funding. Sherman is ready to start work so in December the board will be asked for funding for their stakeholder and technical assistance work. The remaining eight 2020 SIAs will apply in January for their funding and then will go to the board in April to ask for the funding to begin their work. Monitoring proposals are continuing to be developed and the next deadline for proposals are to be submitted to OWEB for review in January. The MAG will meet at end of January to review proposals and give feedback. On the SWCD capacity side, Courtney thanked Sandi and Theresa for their work on helping to move parts of the district application into the OWEB online application system including the budget and some of the basic administrative questions, which eliminates entering them by hand. They can be automatically integrated into the online system now. There will still be uploads of PDFs of SOPs and Focus Area Plans. Working to simplify the process and make it as easy as possible for the districts. Courtney and Sandi will be talking about what orientation and training the districts will need before going through the application process. OWEB staff has begun talking about 2021-23 spending plan and will discuss with board at the December meeting and again in April 2021. The intent is to hold councils and districts at their current funding levels (2019-21 funding levels). Also, OWEB received \$500,000 from NRCS to continue the Farm Bill TA grants that were offered in 2018 to councils, districts, and tribes. Working with NRCS to offering the grant in early 2021 and get the grants distributed by April 2021. OWEB is offering fire response grants to 13 of the large fires that were identified with up to \$75,000 per fire and only accepting one applicant per fire. Helping where needed with local partners to have conversations about who is that primary applicant, what are the eligible activities, and how to work together to apply for and use funds. Funds are for immediate needs and must be spent by June 30, 2021 and are for private land and private nonindustrial land.
- **OSU – Sam Angima** reported that when the governor announced the two-week freeze, all extension offices' staff shifted to working from home. If someone needed to meet, they could schedule to meet at the office. Research was not impacted so that work continued and on-farm visits were still allowed. Clackamas, Malheur, Multnomah, and Washington counties are where things have been slowed down to stop the spread of COVID, however, staff are always accessible by phone and email and through Zoom. OSU has had pesticide trainings in the fall where people can get credits, certifications, and licensing. This year has gone strictly online working with ODA to make this happen. During wildfires, OSU extension ag program organized and coordinated the transportation of hay. In total, between September and the end of October, 700 tons of hay were transported and distributed free of charge. Also got several companies to donate feed for horses, sheep, and goats. A 1.6 million budget cut for the biennium really affected positions set to hire. Some positions able to go forward are an organic forages position that is being posted and a state-wide hemp specialist. Five positions were hired addressing wildfire: one position

at OSU campus that coordinates with four other positions across the state - Lane County, Willamette Valley/Cascades, Central Point SW region, Deschutes SE region and SE region. The SE region staff is a range wildfire specialist and is based in Burns Oregon.

- **OACD - Jan Lee** reported the annual meeting was held virtually last week and thanked Marganne, Barbara, Sandi and those who shared reports. A new working lands committee has been created of nine representatives from around the state and will meet in December to set goals. Working with a number of organizations, a new one to Oregon, the Oregon Climate and Ag Network, Oregon Agriculture Trust and some of the other trusts such as COLT. OACD is looking to promote regenerative agriculture through technical assistance programs as part of what the working lands group might do. She has been asked to serve on the DEQ cap and reduce rules advisory committee to coordinate on working lands; that work will begin next year with Stan being an alternate for that position. OACD will be following the natural resource legislative committees that will meet in the second and third week of December, and following up on the advocacy training that took place in early fall. Another training session will be held January 29<sup>th</sup> that will include makeup of the committees, how to work with them, and more of the current information. updating the prior training. OACD has a grant from NRCS, publishing “Oregon’s Conservation Story.” It will highlight district projects that are following Oregon NRCS priorities. Another grant, from the Oregon Conservation Partnership, will provide a booklet on how districts are working within programs to provide technical assistance for working lands and will highlight some of the partners.
- **NOWC - Vanessa Green** reported that both Jan and she closed the physical office in Salem and are both working from home and the mailing address is now a PO Box. Within the webinar series NOWC hosts, we hosted Gordon Reeves of the forest service. He gave a talk about wildfire response and strategies as they pertain to fish ecology. This talk is on the web along with his slides. Another webinar coming up will be Courtney Shaff who is leading a facilitated discussion with four groups on how to effectively collaborate and organize among different types of groups and agencies. Featuring the Upper Willamette stewardship network, the WASCO area watershed council, Rogue watershed council, and the Green Belt Land Trust. On December 10th, hosting Julie Harvey from DEQ and a panel to discuss grants DEQ is rolling out and drinking water partnership. The partnership reconfigured the grants and have come up with new deliverables. Putting together some affinity groups by creating space for long-term collaborations, conversations, and discussions; and ways for people to train each other and share information; and mentor among peers and organizations. There is funding for five coordinators who we are hoping to select from watershed councils, conservation districts and land trusts and those people will then lead five different topics, which have not been determined. A survey will help determine the topics of most interest or most urgent. Also wanting to fund a distinguished speaker series in 2021 – a series of six speakers that will be “thought” leaders or national calibre experts on various topics. We will solicit requests and suggestions from members. The topic will be: Diversity, equity, and inclusion as it pertains to conservation and restoration topics on the ground. We are still working on developing committees; will be following the December legislative committees; and have a committee on member services to improve the back end of what it means to be part of a watershed network and the benefits.
- **ODF - Ryan Gordon** submitted his report.
- **OCEAN - Vanessa Green** – Everyone was very disappointed by the 2020 Connect cancellation due to the pandemic. Planning tentatively for 2021 in the fall. Jeremy is wanting an in-person meeting but there will be a strong Plan B. OCEAN received a large grant from NRCS to develop training to training staff within the districts that NRCS is sometimes involved in.
- **OWRD - Kyle Gorman** reported there will be a water resources commission meeting on Nov 19<sup>th</sup>. There is going to be a session on senate bill 839 funding granting. Water projects and loans part of funding cycle 2020. Staff recommendations of funding three projects: No. 1 - Deschutes Basin flow restoration, Tumalo Irrigation District



pipng project group 3 for \$1.2 million; No. 2 – East side lateral pipeline and water conservation project, east fork Hood River for \$2 million; No. 3 - Lone Pine Irrigation District modernization project for \$1.6 million. Stand up to Factory Farms Coalition have submitted a petition to the commission and are seeking a restriction on the exempt use of ground water for stock water. Special Commission Meeting on December 15. Harney Basin ground water issue; part of the place-based planning and one of our successes. Embarking on a Walla Walla Basin ground water study an overall basin study; partnering with the Washington Dept of Ecology and the Confederated Tribes of the Umatilla Indian Reservation. The Washington Dept of Ecology is looking to contract with the USGS. It's a multi-agency comprehensive study of that basin and will be going on for the next few years. There is also a collaborative basin workgroup called the Deschutes Water Collaborative. A 48-member work group that is enthusiastic and engaged. Their focus is how to shore up the water supply of the north unit irrigation district junior users while creating greater efficiencies with district with senior priority dates. Enhance and protect flows in the winter time in the upper Deschutes but not to the detriment of the north unit. We had a really slow start to the water supply this year, but within the last couple days it has improved fairly dramatically. The Owyhee Basin is at the lowest of precipitation at 77% of average and at the highest is the Umatilla/Walla Walla/Willow Creek Basin at 162% of average for precipitation. Recent rains that brought up averages but we just need to continue to get good precipitation for the remainder of the winter.

### Public Comment

**Terri Preeg Riggsby** – I am president of OACD but here today in my capacity as chair of the West Multnomah Soil & Water Conservation District. I would like to extend appreciation to Chair Boyer as part of her November 13 presentation to the Oregon Environmental Justice Task Force for inviting engagement of the task force in the commission's review of eligibility criteria for SWCD directors. As the discussion at the task force meeting indicated, there is interest in understanding the current criteria better and identifying needed change in land ownership and management criterion for zone directors that is not “anti-environmental justice.” We know that dismantling institutional and systemic racism, especially that which was overtly facilitated by governments at all levels, is at the top of this country's social agenda. It is imperative that the commission's review of the SWCD director eligibility criteria acknowledge that the criteria were borne within this framework of the institutional and systemic racism, especially when it comes to those who have historically have been denied the opportunity to own or manage farms, ranches, and forests. Acknowledging this history, no matter how uncomfortable, is a key tenant in our ability to move forward. As the criteria survey results indicate, SWCDs are divided across the state and within their own boards regarding the needed changes. The last thing we can afford is to have the SWCD community fractured along a perceived urban/rural divide. We ask that the commission adopt a process to identify needed changes to the eligibility criteria that can be fully supported by the Environmental Justice Task Force, the Commission, the Oregon Association of Conservation Districts, and the Oregon Department of Agriculture. This will require bringing all of the voices to the table including the SWCDs and farm, horse, landscape, and related day labor organizations. Developing eligibility criteria with equitable access to running for SWCD director positions is paramount to a successful and sustainable future for SWCDs where we have meaningful community leadership.

**Clair Klock** – I am a retired production farmer and associated with East Multnomah SWCD, Clackamas SWCD, and OACD for a number of years. I agree that all of the people in the districts are not represented on the board and this does needs to be changed, and suggest that zones be kept at the 10 acres and a production farming knowledge that is proven by schedule F. I advocate for at least one urban position with a person who is a resident of a city limit that is eligible; this would include the small cities and municipal areas in the county; and two at large positions to be filled by associate directors or someone who attends at least 75% of the meetings for at least one year. It is not in the best interest of the district to have a person totally unaware to come into the position.

**Justin Ferrell** – represents Lake County SWCD and also a private landowner. We support the acreage minimum and would be in favor of increasing it in certain parts of the state to a sizeable amount of land where production land can actually exist. We think that it is important that our board members are involved in production agriculture to varying degrees to properly represent our district.

**Kathryn Rifenburg** – part of the Clean Rivers Coalition, a multi-jurisdictional, nonprofit, targeting residents using herbicides and insecticide. We were awarded a Columbia River Basin restoration grant and will be creating a pesticide outreach campaign that targets pesticide and insecticide use by homeowners, specifically in Oregon and SW Washington. We are going to create videos about behavior change related to pesticide use and also try to connect people to their local waterways in English and Spanish. Rolling out some of the video production in the next few weeks. Just trying to build partnerships and awareness around some of our work.

**Andrew Brown** – represent East Multnomah SWCD and would like to address recent board eligibility survey and process to address any changes going forward in the future. The East Multnomah Board would like to see their landowner and management requirements for zone eligibility removed altogether. I would like to urge the Commission to undertake a process of engagement to provide the opportunity to hear from a wider and more diverse group. East Multnomah's headwaters farm is located on Orient Drive, so named for the thriving community of Japanese American farmers who once lived and farmed in that area. Today only a handful of those families are still there as most were forcefully removed and dispossessed of their land during WWII. The sons and daughters of those farming families don't get to run for the SWCD zone director positions, which is fundamentally unfair, discriminatory, and undemocratic. There are a few hundred thousand people living in our district zone but only a few hundred that meet the landownership requirement to be a zone director. All SWCDs are supported with tax payer funds, especially those with a tax base. Many of those tax payers that support the work of the district have limited opportunity to be represented as a SWCD director. We urge the SWCC to undertake a process of engagement where all those affected by SWCDs seek out prospects from a more marginalized society.

**Whitney Collins** – representing four SWCDs in Baker County and also as a private property owner. Our districts strongly believe the landownership requirements need to remain in place for director zone eligibility. There are other avenues for folks who don't own land; at large directors, associate members, committee representation, etc. How can we justify changing this with at large positions that weren't even applied for this past election. Why should nonlandowners be setting standards and priority work for SWCDs on private property. This is also the reasoning other similar entities including ditch companies, water control districts, irrigation districts, and reservoir companies have to name a few. We understand that in the past there may have been landownership opportunities for folks across the board, however, that not the case currently. FSA loans, which share the same pot of money with Farm Credit and RaboBank to name a few, all use the same ranking criterion. Folks in minority categories rank out of a different pot of money and FSA loan officers get KUDOs for signing up people in minority groups as they are currently FSAs target audience.

### **Director Eligibility Survey Results**

Stan Dean facilitated the responses to the survey with 31 of the 45 districts responding. All of the results were put into a database that allows calculation of averages and sorting of the data. Statement 1: SWCD Board member eligibility should be open to all registered voters in the district and there should be no other requirements such as being actively involved in land management. 102 Disagree and 11 Agree; Average of 1.80. Statement 2: SWCD board members should have qualifications that demonstrate knowledge about the business of SWCDs. 31 Disagree and 31 Agree; Average of 3.45. Statement 3: Active management in 10 or more acres of land is a good criterion for a pathway to becoming a director. 17

Disagree and 64 Agree; Average of 3.73. Statement 4: Professional education and experience in a field related to the business of SWCDs, such as natural resources conservation, public agency management, or education / outreach would make a good criterion for a pathway to becoming a director. 35 Disagree and 22 Agree; Average of 3.17. Statement 5: Prior experience serving as an associate director or director is a good criterion for a pathway to becoming a director. 8 Disagree and 28 Agree; Average of 3.57. Statement 6: Having a conservation plan that is approved by the district is a good criterion for a pathway to becoming a director. 35 Disagree and 7 Agree; Average of 2.78. Statement 7: It is important to have some at-large director positions on each board. 4 Disagree and 105 Agree; Average of 4.43. Statement 8: If actively managing land is retained as a criterion for being a director further definition of the types of land and management responsibilities should be developed. 10 Disagree and 40 Agree; Average of 3.54. Statement 9: In an urban environment any requirement to actively manage land should have a reduced number of acres (less than 10). 21 Disagree and 27 Agree; Average of 3.06. Statement 10: It is important to have zone requirements for directors to make sure that board representation covers various parts of the district's service area. 3 Disagree and 85 Agree; Average of 4.33. Statement 11: In districts with large urban populations it is important to have some directors representing urban areas. 11 Disagree and 38 Agree; Average of 3.46. Statement 12: Board members should have term limits, and boards should have the ability to waive term limits in the event that there are no others interested in filling a position. 42 Disagree and 28 Agree; Average of 3.15. Statement 13: Diversity, equity and inclusion criterion for boards should be set in State statute. 54 Disagree and 17 Agree; Average of 2.60. Statement 14: Diversity, equity, and inclusion in board membership could benefit from statewide guidance, but individual boards should decide what is best for themselves. 6 Disagree and 56 Agree; Average of 3.77. Statement 15: Our SWCD has a deliberate and effective program that promotes diversity, equity and inclusion on our board. 6 Disagree and 47 Agree; Average of 3.53. Statement 16: Efforts to modify the criteria for director eligibility should be pursued. 44 Disagree and 14 Agree; Average of 2.57. Summary of Findings - There is wide range of opinions on the topics in the survey This variation is typical within individual boards and between boards. The implication is that it may be very difficult to address director eligibility issues without significant opposition to any solution. On average, there is a strong desire to have requirements for being an SWCD director beyond being a registered voter and residing within the district. However, there are some very strong opposite opinions particularly in Multnomah County. The various criteria for director eligibility are associated with a wide range of opinions. There is strong support for maintaining at least some at large positions on each board. There is support for refining what it means to actively manage land. Overall opinions are near neutral for reducing the number of acres associated with actively managing land in urban areas. However, support is greater with districts that are more closely associated with urban areas. There is moderate support for making sure that there is urban representation in districts with large populations. The support gets stronger as districts have closer connections with urban populations. There is strong support for maintaining zones for representation within individual districts. There is a wide range of opinions on term limits with strong opinions on both sides. There is moderate opposition to including diversity equity and inclusion criteria for Boards in state statute, but there is support for having state guidance.

**Jerry Ward** – currently there is an avenue for nonland owners or managers of land to participate to be a board member with the two at large positions; that is not fully recognized or the significance of it. Maybe it should be changed to three at large positions for those boards that are seven member boards. Currently, there is an avenue for any member of a district to participate to be on the board, it is not just exclusive to landowners. Whatever is done for district served landowners, it is for the benefit for all constituents, not just for the sole benefit of landowners.

**Ken Bailey** – also appreciate the efforts of Jan and Stan in putting the survey together and analysis; first impression was not seeing any real surprises and there are diverse opinions on various parts. However, there needs to be more recognition that all districts, not just those with tax bases, are funded with public money. We need to get away from being afraid what others think and we need recognize our contribution to the whole society and water, soil, environment, etc. that we have dealt with as boards. Agree that there are alternatives to having open board seats that are available, but we

need to have an open mind and see if there is a way to compromise. Another issue is the Department has to deal with a process that puts a load on them by having to verify everyone that owns land.

**Stan Dean** – does feel it is beneficial to districts to have knowledge based criteria. It's useful to have people on the board that can bring something that is related to the business of the districts. Managing land is a knowledge based criteria and it shows you have skill and knowledge about what works in the district. There are other types of knowledge. For instance, a soil scientist, but they might not own land; that knowledge would be valuable to the district. A farm advisor for OSU extension service who doesn't own land but would bring huge experience. Knowledge about how to run public districts on the administrative side could be helpful to have on a board; legal expertise, etc. It is important to have various criteria on the board and to have some open at large positions to allow more opportunity for all people. However, he doesn't favor getting rid of all of the knowledge based positions on the board. What we have learned from the survey shows very strong and diverse opinions within OACD and there is a concern that if we try too hard to force the statute in one direction or another, it could get very divisive and it is important to weigh the divisiveness within our organization versus the potential benefits. If we open up the statute, almost no one will get what they want. Diversity, equity, and inclusion is very important and something we ought to be addressing. We should work with ODA and other stakeholders to develop a model DEI program for SWCDs to provide guidance on what they should be doing to get more diversity on their boards.

Such a program should recognize that different parts of the state are very different; it can't be a one size fits all program. **Al Hrynyshyn** – Vey intrigued by reading the survey. DEI absolutely; a firm believer that all government should reflect the constituency. Likes the idea of some broad guidance. Term limits – why do we have term limits? Read the question about if you can't find anyone to run, you can waive the term limit. If you can do that, why have them at all? People should be able to run as many times as they want and as many times as they can get people to vote for them. Landownership and management – rural/urban divide - east vs west divide – why does there have to be a one size fits all membership? Why can't we come up with one set of criteria from which a district can choose depending on their circumstances. People in the city do manage "land." It may be a quarter of an acre, but they take care of it and manage it.

**Barbara Boyer** – This is very hard work and we don't take this lightly as a commission. Was not surprised by results as we are a diverse group with opinions. If you read conservation districts missions across Oregon, they all mention technical assistance, which is one of their motivators across the districts. Owning or managing land has value on a board. Some language cleanup needs to be done as we review the ORS as a commission, there are some areas that definitely need language tweaking. Maybe leaving it up to each district for the ratio between zone and at large. There needs to be some land management experience but it doesn't need to be the major makeup of the board. This needs to be explored. **Next commission meeting we will be reviewing the ORS Back to Basics eligibility criteria and the work group will go over these results and next steps.**

Question from Chair Boyer to commission members about outreach and recruiting for diversity? What are the districts doing to recruit?

**Stan Dean** – in his own district, he is not aware of them actively going out to seek different people; just trying to fill positions with someone that would be good for the board. But within the survey, there were questions about that and quite a few districts said they had DEI programs. It would be interesting to see what they are actually doing in this area.

**Ken Bailey** – currently the district is looking for anyone to serve rather than doing a lot of outreach for diversity. We have identified some diverse candidates but most are too actively involved in their own things or farm to get involved. The districts are a well-kept secret. We need to do more outreach to show what we are and get more people interested in what we are doing. Having a better connection with the public may be better than having a certain criteria.

**Al Hrynyshyn**– He echos what Stan and Ken said. The two associate directors at our district came to us but just getting people to serve can be a challenge. When we were working on getting a tax base, we surveyed the public. The general response was, who are you guys? How can you have been around for 65 years and we haven't heard of you? Education of who we are was key, and once they knew what we were about, they had no problem supporting us. In general, we were a

rural serving organization, but now that we have a tax base, many of the voters are urban dwellers, whether they own property or not, their voices need to be heard.

**Jerry Ward** – our board does not have a specific policy for recruitment but have actively discussed it. John McDonald recruited a lady who is a landowner; another gentleman with logging and farming experience but we need to diversify more if possible. We also have a robust and increasing urban outreach program Hillsboro/Beaverton and are active in communities. We realize that things are changing and we have an aggressive forward thinking staff and we are open to ways of inclusion as it makes sense.

**Tim Kerns** – our districts are doing everything they can to encourage people that meet the qualifications to get on the ballot. Main focus is trying hard to find someone and encourage younger people. We don't see a really compelling reason to change anything but we recognize how some districts do. From our perspective, the urban/rural divide is a real thing that we see it every day and it is not to be discounted. We have diversity goals but are just trying to fill seats and we have very low barriers.

Stephanie Page – wanted to compliment Marganne and Chair Boyer for taking this topic to the Environmental Justice Task Force to broaden the conversation. Continuing to broaden the audience is really important and that includes rural and urban Oregonians and communities of color. Critical to keeping broader conversations on eligibility going forward.

**Barbara Boyer** – noted that they had four people running in her district and she was in shock regarding the overvotes for all four positions. Overvotes are people who voted, turned in their ballot, but did not vote for an SWCD person. There was 23,000 in one; 24,000 in another, and 25,000 in another. That's a huge number. It is clear we are not engaging enough with our local communities. That's where the Environmental Justice Task Force comes in, and I will seek their assistance with us to have that engagement with our local communities.

**Al Hrynshyn** – Zone requirements need to stay in place. Zones are set up for very specific reasons. You don't want your board overloaded in one area.

**Ken Bailey** – we can initiate the process to make changes but we don't have the final say. The legislature is the one that makes the ultimate decision.

**Jim Cathcart** – the distinction between minimum qualifications and desired qualifications. When we make desired qualifications minimums or part of the minimums, we create barriers. So all that richness that Stan pointed out, could create unintended consequences of one of those being a minimum qualification that might prohibit someone that has all of the other desired characteristics from being eligible. If we remove barriers by setting minimum qualifications that are engaging and open, and let people get selected based on competition and based on an evaluate of their desired characteristics, that makes them a great choice for an SWCD board member.

**Stan Dean** – good point to separate the minimum from desired. From a practical stand point, the fact that we don't have much competition for these positions makes it difficult to get the desired qualifications. Ideally, we would have people with all sorts of qualifications that are above the minimums and put their statements in voter pamphlets and the public could decide who has the most qualifications. The reality is we are not set up for that type of competition and many of the good people won't even apply or go through the hassle of having to campaign, etc.

**Jerry Ward** – Agree with Jim and Stan that we have a lot of wishes for qualifications to provide experience and diversity on our board, but it just places more restrictions and it's really hard to get everyone with all the qualifications for a good mix on the board. We need to place as few restrictions as possible. Is there an avenue that ODA can approve some changes? Should we weigh-in with ODA to recommend making a change?

**Ken Bailey** – Wasco District had an at large position that moved to a zone position because of a vacancy, which opened a position so the board can appoint someone after the first of the year. Putting on more responsibility to recruit for positions and support them in the process to get them on the board.

**Stephanie Page** – ODA could work on rulemaking, for example, to define the word “manage” but we could not do anything that would run afoul of what the statute says. So if we did rulemaking to define the word “manage,” we would not be able to change the underlying 10 acre requirement. That would require a statutory change. The challenge, particularly in

urban areas is, does defining manage really reduce barriers to eligibility given the small farms that people are operating? Another option – this would need to be for 2023 – ODA could consider a Legislative Concept that we could develop over the next three years, in consultation with the commission, and could change what is in the statute. But there is the risk of opening the statute; the Legislature can go in another direction than you were hoping it would once it is open. We always pay close attention to the relating to clause and just how narrow or broad the fix proposed by legislation is structured. Those are a couple of options with both disadvantages and benefits.

**Chair Boyer - Recap – reviewing the eligibility at the next meeting. Appreciate the survey and is a snapshot in the process and helped in discussion today.**

### **SWCC Member Reports and Wrap Up**

**Jerry Ward** – John McDonald retired from the board and sold his farm and moved to Meridian, Idaho. Was on the board for about 25 years, a large contributor to OACD, personal mentor, and instrumental in getting the tax base approved. We will miss him and wish him well. The district manages to get a lot of work done remotely and are flexible with a large office that is pretty much vacant. Have been very pleased with what the executive director and staff have done to keep things moving.

**Tim Kerns** – he hasn't heard from the other three counties, but Baker County is doing well and staff are working from home. Whitney finished out nine grants and submitted four grants. We are having more interest from landowners than average and it is gratifying to hear about a public agency that is accomplishing things. Winter is starting to roll in with snow already.

**Stan Dean** – our area had the fires that burned up Talent and Phoenix. The Jackson SWCD decided as a district to pull staff off of that they were doing and help deal with fires. Working with landowners and equipment, getting seed and materials to them. Despite not going into the office very often they are managing to get a lot of work done and helping the local community. A couple of years ago we saw the Pipeline conversion; we have a new one is starting and are partnering with the Applegate watershed council and designing a new pipeline. We have our own in-house engineer so design is largely done by our own staff. On the OACD side, he is trying to help people to get ready for the upcoming legislative session. We are hoping districts are taking steps to respond to legislative actions and would like people to be engaged for the next session.

**Al Hrynshyn** – we had a tax levy measure on the ballot and it was passed with 60%. John McDonald came down a couple of years ago to help us get the ball rolling and told us what to expect. We are now in process of building capacity and starting to build up programs. Dave Downing and Lily Leiterman are working full time on the Holiday Farm fire in the recovery efforts. On a sad note, Paul Reid passed away, he was an emeritus director.

**Ken Bailey** – Kudos to staff at Wasco who have joined offices with USDA office. Staff are working from home but meeting at the office when needed. We have always supported the USDA staff using our project managers to support USDA programs and that gets more money to the county landowners. With a Capacity Grant we added a full time position for the next 2 years to work on USDA projects. USDA staff has been down staff in the county and state and are currently without a district manager. We also had a fire but not as devastating as some. In process of purchasing the building district is housed in, which we have tried to purchase for several years but were told they weren't interested. Started process of purchasing another building and they decided they were interested in selling the office we're in after all. Getting everything done despite all of the restrictions.

**Barbara Boyer** – created an operations position and hired in August. We had found that a lot of day to day things were not getting done; policy manual, employee handbook, many that needed updating. We are in the process of purchasing IT equipment. NRCS will only supply districts now with one port. We have been doing a lot of research and are ready to spend a lot of money. I took 16 hours of DEI training offered through OWEB. Received an email from someone in Multnomah about not being able to find candidate information on the ballot. There should be a page in voters' pamphlet



that talks about what conservation districts are and then referring to the district website with a bio on each candidate. \If we want people to know who we are, maybe that's an avenue for us.

**Al Hrynshyn** – he also said they had a problem getting information out about the district. Lane County doesn't apparently put out a voters' pamphlet. They got a little bit on the NPR station, but it was frustrating trying to educate the public. Had to go through Facebook and the website.

**Jan Lee** – Clackamas district makes a point of having all of their people put a statement in the voter's pamphlet at the county level for a nominal fee and it's good advertising for the district.

**Jim Cathcart** – this is a good opportunity to get guidance from ODA on what districts can do in providing information and using district resources and not be in violation. We can't help board members file their statement in the pamphlets and are prohibited from suggesting they do. Maybe something the board can police themselves on. Clear guidance would be great. Navigating through the limits of what we can do as public employees.

**Eric Nusbaum** - suggested that he and Barbara talk later about what can and can't be done. District cannot pay for getting candidates in the pamphlet they have to do it themselves. It depends on if the county has an elections pamphlet and Lane County does not. There are some possible solutions and we can make sure that the districts understand what they can and cannot do by the next election.

**Eric Nusbaum** – After elections, we usually do new director training. The theme this time is Planting the Future. New director and employee training will be scattered over several days and a few evenings. Time management and coaching for managers. He will put out a survey to see what training people need. Some sessions will be repeated so there will be several opportunities.

**Newsletter topics:** Feedback from Eligibility Survey Results; ORS Back to Basics; Partners and Districts responses to fires; Environmental Justice Taskforce; New Director Training.

**Future Topics:**

Climate Change – ODA's Plan

ORS Back to Basics will be under review. Work group will go over these results and next steps. (Director Eligibility Survey)

**Upcoming Meetings:**

February 16 – 3-5; February 17 – 8:30-Noon

May 4 and 5

**Adjourn**