

Date: July 21, 2022
To: State Board of Agriculture members
From: Karla Valness, Special Assistant to the Director
Subject: Resolutions

Based on the Board Policy and Procedures for Resolutions, the following resolutions are scheduled for review in 2022.

Proposed action: ACTIVE Resolutions - For review and discussion*

Resolution	Title	Workgroup A--ODA Lead: Isaak Stapleton, Chris Benemann Board members: Allen, Miller, Orem, Santamaria, Harper
107	Priority for Agricultural Use of Water	Workgroup recommends keeping Resolution 107 active. Recommend edits to background statements 3 and 4 based on public comments received.
281	Conservation Plan for the Oregon Coast Coho	Workgroup recommends keeping Resolution 281 active. Continue to review. Suggested edits to background statement have been provided by ODA staff as requested. Would like to request a presentation from ODFW at a future board meeting.
319	Climate Change Policy Considerations	Workgroup recommends keeping Resolution 319 active and continue to review based on public comments.

Proposed action: ACTIVE Resolutions - For review and discussion*

Resolution	Title	Workgroup B--ODA Lead: Jim Johnson, Rusty Rock, Jess Paulson Board members: Boyer, Johnson, Lopez, Svaty, Zielinski
307	Farmworker Housing	Workgroup recommends keeping Resolution 307 active. Hold for additional input and comments.
317	Oregon Department of Agriculture's role in the Food Safety Modernization Act Produce Rule Implementations	Workgroup recommends keeping Resolution 317 active. Hold for additional input and comments.
318	Siting of energy transmission and generation facilities on agriculture land	Workgroup recommends keeping Resolution 318 active. Continue review based on discussion and proposed edits. Hold for additional input and comments.

For a list of State Board of Agriculture Resolutions go to: <https://oda.direct/BOAResolutions>

Public Comment

Written comments – All written comments received will be posted on the ODA website and will be provided to the Board in advance of the meeting. Submit your written comments by email to: Karla Valness at karla.valness@oda.oregon.gov by **5:00 PM on Thursday, August 11, 2022**.

Verbal comments – Verbal comments are limited to three minutes and will be heard in the public comment period on Wednesday, August 17, 2022, or Thursday, August 18, 2022.

In-person	Remote
<p>To provide verbal comments in-person you must sign-up, prior to the comment period on the agenda, at the meeting and provide your name and organization.</p> <p>If you have written material as part of your public comment, please provide the board assistant with 20 copies prior to your testimony. Comment time is limited to three minutes per person.</p>	<p>To provide verbal comment remotely, you must contact Karla Valness at karla.valness@oda.oregon.gov by 5:00 pm on Thursday, August 11, 2022, and provide the following information:</p> <ul style="list-style-type: none">• Date you plan to provide verbal comments (August 17 or August 18)• Your first and last name• The topic of your comment• The telephone number you will be using when calling the meeting

State Board of Agriculture Resolutions under review 2022
 Workgroup A

Proposed action: ACTIVE Resolutions - For review and discussion*

Resolution	Title	Workgroup A--ODA Lead: Isaak Stapleton, Chris Benemann Board members: Allen, Miller, Orem, Santamaria, Harper
107	Priority for Agricultural Use of Water	Workgroup recommends keeping Resolution 107 active. Recommend edits to background statements 3 and 4 based on public comments received.
281	Conservation Plan for the Oregon Coast Coho	Workgroup recommends keeping Resolution 281 active. Continue to review. Suggested edits to background statement have been provided by ODA staff as requested. Would like to request a presentation from ODFW at a future board meeting.
319	Climate Change Policy Considerations	Workgroup recommends keeping Resolution 319 active and continue to review based on public comments.

Oregon State Board of Agriculture Resolution	
Title: Priority for Agricultural Use of Water	Number: 107 Effective Date: _____
Workgroup A: Harper, Allen, Miller, Orem, Santamaria ODA Staff Contact: Isaak Stapleton	Next Review Date: 00/00/2022 – Under Review Date of Last Review/Revision: 05/03/2022 Original Resolution Date: 04/12/1984
Board Chair: _____	Signature on file

Proposed action: Active Resolution under review

Background

- I. Agriculture is a major industry in Oregon, providing a vital and important economic base for citizens of the state.
- II. Agriculture is a water user in the state and must be recognized as being a beneficial use of water and in the public interest; and
- III. [As our state faces unprecedented water supply challenges, it is critical that communities come together to engage in water supply planning and watershed investments that meet all needs in the basin.](#)
- IV. [Oregon agriculture has a long history of engaging in conservation projects which have provided positive environmental benefits in all basins around Oregon. This work is valuable and should be continued.](#)

Resolution

The Board of Agriculture believes that agriculture, along with other beneficial uses and users of water, must be considered equally and coordinated with all water resource planning and management activities in the state; and

Current and future agricultural uses of water must be accounted for as the state develops new instream water rights. We support the continued use of reservations to ensure that agricultural needs are accounted for as the state develops new instream water right applications.

Summary

Agricultural uses of water should be considered equally with all other beneficial uses in water resource planning and management activities within Oregon.

Proposed action: Active Resolution under review

- Deleted: 09/27/2018
- Deleted: 02/02/2022
- Deleted: Sub-Committee:
- Deleted: 06/07/2018
- Deleted: 2/02/2022
- Deleted: Natural Resources¶
ODA Staff Contact: Stephanie Page
- Deleted: Tyson Raymond
- Deleted: Brian Harper

- Deleted: Watershed damage and water supply depletion have resulted from numerous actions by man people on the land and in the water and is not attributable to any single activity or water user group; and ¶
- Deleted: Agriculture has been responsible for conservation projects which have served to enhance and stabilize water quantity and quality in the state.

Oregon State Board of Agriculture Resolution	
Title: Conservation Plan for the Oregon Coast Coho	Number: 281 Effective Date: 09/27/2018
Workgroup A: Harper, Allen, Miller, Orem, Santamaria ODA Staff Contact: Jsaak Stapleton	Next Review Date: 00/00/2022 – Under Review Date of Last Review/Revision: 05/03/2022 Original Resolution Date: 02/23/2007
Board Chair: _____	Signature on file

- Deleted: Sub-Committee:
- Deleted: Natural Resources¶
- Deleted: Stephanie Page
- Deleted: Tyson Raymond

Proposed action: Active Resolution under review

Background

The state [completed a Conservation and Management Plan for the Oregon Coast \(OC\) Coho Salmon in 2007](#) to ensure that coastal coho populations fully recover. This planning effort included considerable agency input and public involvement. [In January 2007, then Governor Theodore Kulongoski requested that state natural resource agencies and their boards provide visible leadership, support, and endorsement to this effort.](#) The status of OC Coho has been reviewed three times since the plan was completed, and while there have been positive trends in some areas, the status of the species is still listed as threatened under the Endangered Species Act. Oregon Department of Agriculture (ODA) will contribute to this effort through implementation of the CAFO, Agricultural Water Quality, Pesticides, Soil and Water Conservation Districts (SWCD), and Weeds and Invasive Species programs. Also needed are additional voluntary fish habitat improvements not covered under the existing regulatory programs.

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[When this resolution was passed in 2007, the 38 Area Plans and Rules that form the backbone of the ODA Agricultural Water Quality Program \(AgWQP\) had only been fully developed and in place for 3 years. From 2004 through 2012, AgWQP compliance efforts were predominantly complaint-based and supported by voluntary implementation of conservation efforts by farmers and ranchers. Coastal Area Plans and Area Rules are designed to meet the requirements of the Coastal Zone Act Reauthorization Amendments \(CZARA\) and to implement agriculture’s part of Oregon’s non-point pollution control plan. The need for more strategic approaches to water quality issues was recognized, resulting in the Focus Area and Strategic Implementation Area Initiatives \(2012+\). SIAs received additional support for monitoring and local partner capacity in 2014. Focus Areas concentrate delivery of SWCD landowner technical assistance in small geographic areas to promote voluntary efforts. The SIA initiative takes a similar voluntary, partnership approach but also has an ODA water quality rule compliance lens.](#)

- Deleted: ¶
Governor Kulongoski has requested that state natural resource agencies and their boards provide visible leadership, support, and endorsement to this effort.¶

Resolution

Be it resolved that the Oregon State Board of Agriculture endorses the Oregon Department of Agriculture’s efforts toward assisting with state efforts to fully recover coast coho populations. The board in cooperation with the Director of the Department of Agriculture will provide leadership and support to this effort, including efforts to help landowners achieve voluntary fish habitat improvements not covered under the existing regulatory programs.

Resolution number: 281

Resolution title: Conservation Plan for the Oregon Coast Coho

Page 1 of 2

Summary

The Board supports efforts of the state to ensure the recovery of the Oregon Coastal Coho Salmon population.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: Climate Change Policy Considerations	Number: 319
Workgroup A: Harper, Allen, Miller, Orem, Santamaria	Effective Date: <input type="text"/>
ODA Staff Contact: Jsaak Stapleton	Next Review Date: 00/00/2022 – Under Review
Board Chair: <input type="text"/>	Date of Last Review/Revision: 05/03/2022
	Original Resolution Date: 12/05/2019
	Signature on file

- Deleted: 12/05/2019
- Deleted: 02/02/2022
- Deleted: Sub-Committee:
- Deleted: Brentano,
- Deleted: Kitamura, Myers
- Deleted: 02/02/2022
- Deleted: Stephanie Page
- Deleted: Marty Myers
- Deleted: Brian Harper

Proposed action: Active Resolution under review

Background

WHEREAS, climate change is projected to impact Oregon agriculture in many ways, including but not limited to changing precipitation patterns, summer water shortages, increased average and extreme temperatures, and increased drought and fire.

WHEREAS, clean and abundant ground and surface water is critical for agriculture, and climate change is affecting annual rainfall and snowpack that provides water for agriculture.

WHEREAS, Oregon's agriculture industry is diverse in numerous ways, producing over 250 different commodities in various landscapes and climatic conditions, operating diverse production systems using a variety of inputs, depending on diverse markets both domestically and internationally, and partnering with numerous agriculture and food businesses to produce and process products.

WHEREAS, policies intended to help the state in adapting to changing climate conditions, such as policies to address water shortages and water quality issues, will affect agriculture.

WHEREAS, policies to address greenhouse gas emissions will also affect agricultural production, even if agriculture is exempted from these policies.

WHEREAS, policies that regulate greenhouse gas emissions will affect the costs of agricultural inputs including fuels, electricity, and fertilizer, impacting the cost of production as well as the cost of moving agriculture and food products to market.

WHEREAS, competition and regulatory issues can cause emissions intensive trade exposed industries to explore out of state or overseas opportunities, potentially affecting industries that add value to Oregon agricultural products and contribute to Oregon's agricultural and food economies.

WHEREAS, climate change policy may also benefit agriculture by mitigating some of the most serious impacts of climate change, and by providing incentives and tools to help agriculture reduce its emissions and adapt to climate change.

WHEREAS, offsets are one type of incentive, but the costs to measure and verify the mitigation benefits of offset projects can be prohibitive for certain project types.

WHEREAS, other jurisdictions have experienced good participation from the agricultural sector in flexible, accessible, voluntary programs that invest allowance revenue into activities that help agriculture reduce its carbon footprint and adapt to climate change.

Resolution

Be it resolved that the Oregon Board of Agriculture recommends any climate change related policies should:

- Maintain a healthy agricultural economy, including processing and infrastructure that adds value to Oregon agricultural production, and retain agriculture's ability to grow crops and livestock, harvest seafood, pack and process agricultural products economically in Oregon.
- Balance the need to reduce emissions from intensive and trade exposed industries with the goal of retaining these industries in the state.
- Recognize that if processing or other facilities leave the state because of higher costs due to carbon policy, we have not achieved the goal of reducing carbon and have simply moved emissions to another location while harming our economy and industry.
- Provide compliance assistance, including longer compliance time frames, technical assistance, and low-cost compliance instruments, for energy intensive trade exposed industries that are at risk of loss to overseas or out of state competitors.
- Support exemptions or rebates for fuel used in on-farm activities.
- Consider the costs of transportation to move agricultural and food products to market, both within the state, domestically, and internationally, and maintain affordable transportation methods to move agricultural products to market both within and beyond the state.
- Structure offset programs so they are as workable and accessible as possible for farmers and ranchers with diverse farm sizes, crop types, and production systems. An aggregation or cooperative effort of small and mid-size operations should be allowed under any offset program.
- Allocate funding for voluntary incentive programs to assist Oregon agriculture in adapting to the impacts of climate change.
- Provide incentives to address the potential impacts of climate change to water supplies and water quality, and support agricultural practices that conserve water, modernize irrigation techniques, and develop water storage capacity.
- Consider adapting the state's water management policies to recognize the changes in climate conditions and water availability.
- Create flexible funding programs, recognizing the diversity in Oregon's commodities, production methods, farm size, and changing and evolving technologies and strategies used.
- Design incentive programs to be as accessible as possible, including a straightforward and simple application process, delivery systems that use local partners such as Soil and Water Conservation Districts, and simple reporting requirements.
- Support research into strategies that help agriculture adapt to some of the projected impacts from climate change.
- Recognize the sequestration opportunities in agriculture and the benefits that longstanding stewardship activities such as protecting the soil, set aside lands with trees, shrubs and plants.

Summary

Recommends that any climate change policies provide voluntary incentives for agriculture to mitigate and adapt to climate change; recognize agriculture's positive environmental and economic impacts; provide exemptions and compliance time frames to minimize adverse impacts to input costs and companion industries; support research into additional strategies; and support long-term planning, resource allocation and policy changes to help the state adapt to climate change.

Proposed action: Active Resolution under review

State Board of Agriculture Resolutions under review 2022
 Workgroup B

Proposed action: ACTIVE Resolutions - For review and discussion

Resolution	Title	Workgroup B--ODA Lead: Jim Johnson, Rusty Rock, Jess Paulson Board members: Boyer, Johnson, Lopez, Svaty, Zielinski
307	Farmworker Housing	Workgroup recommends keeping Resolution 307 active. Hold for additional input and comments.
317	Oregon Department of Agriculture's role in the Food Safety Modernization Act Produce Rule Implementations	Workgroup recommends keeping Resolution 317 active. Hold for additional input and comments.
318	Siting of energy transmission and generation facilities on agriculture land	Workgroup recommends keeping Resolution 318 active. Hold for additional input and comments.

Oregon State Board of Agriculture Resolution	
Title: Farmworker Housing	Number: 307 Effective Date: 06/07/2018
Workgroup B: Boyer, Johnson, Lopez, Svaty, Zielinski	Next Review Date: 00/00/2022 – Under Review Date of Last Review/Revision: 05/03/2022
ODA Staff Contact: Jim Johnson, Rusty Rock, Jess Paulson	Original Resolution Date: 09/07/2011
Board Chair:	Signature on file

- Deleted: Sub-Committee: Government Relations
- Deleted: 06/07/2018
- Deleted: 02/02
- Deleted: Kathryn Walker
- Deleted: Barbara Boyer

Proposed action: Active Resolution under review

Background

Whereas Oregon’s agriculture, food and fiber industry is economically linked at 13.8 percent, or 326,617, of full and part-time jobs in Oregon;

Whereas a portion of the agricultural workforce related to production agriculture is seasonal and the housing needs for this population of workers are unique with seasonal employment estimated to be over 100,000 during peak harvest;

Whereas the number of on-farm housing and community-based housing opportunities do not meet the demand of the seasonal agricultural workforce;

Whereas farmers are concerned about the growing number of houses traditionally used for farmworker housing being converted to short-term rentals;

Whereas the Farmworker Housing Tax Credit Program is an important tool to help address the availability and livability of housing for seasonal and year-round farm workers in Oregon.

Resolution

Be it therefore resolved that the State Board of Agriculture supports the Farmworker Tax Credit Program and continues to encourage farmers to help address the need for farmworker housing.

Also, be it resolved that the State Board of Agriculture encourages the Oregon legislature to consider additional strategies that would provide further opportunities to address the need for farmworker housing.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: Oregon Department of Agriculture's role in the Food Safety Modernization Act produce rule implementation	Number: 317 Effective Date: 01/20/2021
Workgroup B: Boyer, Johnson, Lopez, Svaty, Zielinski ODA Staff Contact: Jim Johnson, Rusty Rock, Jess Paulson	Next Review Date: 00/00/2022 – Under Review Date of Last Review/Revision: 05/03/2022 Original Resolution Date: 06/08/2016
Board Chair:	Signature on file

- Deleted: Boyer, Hallock, Johnson, Zielinski
- Deleted: 01/20/2021
- Deleted: 02/02/2022
- Deleted: Jess Paulson/Isaak Stapleton/Casey Prentiss
- Deleted: Stephanie Hallock

Proposed action: Active Resolution under review

Background

Whereas, the new Food and Drug Administration (FDA) Food Safety Modernization Act (FSMA) produce safety rule will have tremendous impacts to Oregon agriculture.

Whereas, Oregon's produce industry has not been previously regulated with respect to food safety.

Whereas, these new rules will require, produce farms to have produce safety measures in place and may be inspected for compliance with the rule.

Whereas, ODA has the opportunity to participate in implementation of the FSMA produce safety rule in several ways.

Whereas, ODA has applied for cooperative agreement funding to support the following implementation activities:

- Capacity building
- Outreach
- Education
- Technical assistance
- Developing an inventory of covered farms (this is a required part of the cooperative agreement)

Whereas, if ODA chooses to participate in on-farm produce safety inspections and develop a produce safety regulatory program in future years, ODA would need either (1) statutory authority to conduct the inspections; or (2) to conduct inspections under FDA authority as commissioned officials.

Whereas, ODA has received a variety of feedback from stakeholders about the department's role in inspections. Many stakeholders prefer for ODA to gain the authority to do produce safety inspections in Oregon, while others prefer to leave this responsibility to the FDA. Those in support of ODA-led inspections have indicated they believe ODA understands agriculture and has a good track record of successfully regulating Oregon farms in other areas.

Resolution number: 317

Page 1 of 2

Resolution title: Oregon Department of Agriculture's role in the Food Safety Modernization Act produce rule implementation

Resolution

Be it resolved that the Oregon State Board of Agriculture:

1. Supports ODA's participation in produce safety rule implementation only if federal resources are available to support this work.
2. Recommends that ODA focus on capacity building, outreach, education, and technical assistance to help prepare Oregon's produce industry for FSMA.
3. Recommends that ODA develop the farm inventory required as part of the cooperative agreement using voluntary approaches.
4. Recommends that ODA consider applying for inspection funds if and when more information is available.

Summary

Supports ODA's involvement in FSMA produce safety rule implementation as long as federal resources are available to fully cover the cost of the department's work. Recommends initial focus on outreach and education and recommends that ODA wait until more information is available. Recommends a voluntary approach to developing an inventory of covered farms.

Proposed action: Active Resolution under review

Oregon State Board of Agriculture Resolution	
Title: Siting of energy transmission and generation facilities on agricultural land	Number: 318 Effective Date: 06/07/2018
Workgroup B: Boyer, Johnson, Lopez, Svaty, Zielinski	Next Review Date: 00/00/2022 – Under Review Date of Last Review/Revision: 05/03/2022
ODA Staff Contact: Jim Johnson, Rusty Rock, Jess Paulson	Original Resolution Date: 06/07/2018
Board Chair:	Signature on file

- Deleted: Sub-Committee: Land Use
- Deleted: 02/02
- Deleted: Jim Johnson
- Deleted: Barbara Boyer

Proposed action: Active Resolution under review

Background

WHEREAS, the State Board of Agriculture has heard from the agricultural community about concerns related to the location and development of power transmission facilities through agricultural lands, including underground and above ground transmission lines and land intensive generation facilities on highly productive agricultural lands.

WHEREAS, energy produced from renewable sources is an important part of the future for our state and nation.

WHEREAS agriculture is both land and soil dependent, while the siting of energy related facilities does not require soils with a high capability for agricultural production.

WHEREAS, deliberations regarding designation and treatment of agricultural lands under the statewide land use planning program have included consideration of actions that designate or treat differently lands zoned exclusive farm use based solely on soil quality without accounting for other factors that are conducive to the production of high-value agricultural products, including livestock.

WHEREAS numerous applications to develop solar energy generation have been [approved](#) or are under review throughout the state on highly productive agricultural lands.

- Deleted: , but especially in the Willamette Valley
- Deleted: This has led several counties to amend or consider amending their land use codes to limit beyond state law the siting of solar energy generation on agricultural lands.

WHEREAS the existing state “exceptions process” provides for the consideration and location of land uses otherwise not permitted when reasons merit

WHEREAS, the State Board of Agriculture has [in the past](#) been contacted by the State Soil and Water Conservation Commission regarding concerns it has related to the increased development of agricultural lands by solar energy generation facilities. In response to the letter from the Soil and Water Conservation Commission the Board discussed issues related to the siting of solar energy generation facilities on productive farmland and expressed several concerns related to location on productive agricultural lands. The discussion by the Board resulted in a written request to the Land Conservation and Development Commission (LCDC) asking that LCDC initiate an evaluation of the current administrative rules related the siting of solar facilities on lands zoned exclusive farm use.

WHEREAS the Department of Land Conservation and Development has since developed rules (see OAR 660-033-0130(37) and (38)) for solar energy siting on designated agricultural lands. These rules are intended to direct energy development to lands that have limited value to wildlife and farming. For example, in the Willamette Valley solar panels are allowed up to 12 acres in areas with the best soil for farming. Up to 320 acres of land may be used for solar in areas with poor soils and no water rights. While these rules have had some impact in discouraging placement of large facilities in the Willamette Valley, they have not precluded the serial development of solar facilities. They have also not precluded the placement of solar facilities on productive irrigated cropland in Oregon outside the Willamette Valley.

Resolution

Be it resolved that the Oregon State Board of Agriculture is concerned about the conversion of high-value and productive farmland and the implications to ongoing and future agricultural operations by energy facility development on lands zoned exclusive farm use.

The Board:

1. Recognizes that energy produced from renewable sources is an important part of the future for our state and nation. We support developing renewable energy facilities at appropriate locations.
2. Recommends the Land Conservation and Development Commission continue to evaluate and monitor the effectiveness of existing administrative rules related to the siting of energy facilities on land zoned exclusive farm use.
3. Supports establishing review criteria to evaluate not only the individual impact of proposed energy development on agricultural lands, but also the cumulative impacts of existing and potential similar nonfarm land use on agricultural operations.
4. Supports the evaluation of the impacts of proposed linear energy transmission facilities on agricultural operations that focuses on individual segments of a linear facility that are comprised of similar agricultural characteristics.
5. Supports better definition of highly productive farmland (instead of “high-value farmland”) based on multiple factors such as soils, crop types, operational characteristics, and developed agricultural infrastructure.
6. Supports land use regulations that afford greater protection for highly productive farmland including, land use requirements that preclude the location of energy facilities on highly productive or less valuable farmland when otherwise reasonable alternatives exist.
7. Supports evaluation and reconsideration of existing land use regulation that promotes serial development of energy facilities to skirt other more stringent review standards.

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Proposed action: Active Resolution under review