

**OREGON DEPARTMENT OF AGRICULTURE
AGRICULTURAL WATER QUALITY MANAGEMENT
PROGRAM ADVISORY COMMITTEE**

July 8, 2020

Oregon Department of Agriculture
Via-Go-To-Meeting

Attendance Via Phone:

Ken Bailey, Chair
Danette Faucera, ODFW
Tony Barber, EPA
Gene Foster, DEQ
Courtney Shaff, OWEB
Jeff Stone, OAN
Mary Anne Cooper, OFB
Karen Lewotsky, OEC
Jan Lee, OACD
Samantha Bayer, OFB
Ken Yates, OWRC
Ryan Michie, DEQ
Chandra Ferrari, TU
Karin Power, TFT
Steve Shropshire, Jordan Ramis
Torrey Lindbo, city of Gresham
Marika Sitz, Jordan Ramis

Anna Pakenham Stephenson,
Natalie Danielson, FoFF
Ron Alvarado, NRCS

ODA Staff:

Stephanie Page
Marganne Allen
Ellen Hammond
Brenda Sanchez
Theresa DeBardelaben
Ryan Beyer
Kevin Fenn
Mike Powers
Cheryl Hummon
Maria Snodgress
Renita McNaughtan
Tyler Manitsas
Sandi Hiatt

Introductions and Welcome

Chair Ken Bailey opened the meeting by welcoming everyone and asked for introductions. He noted the progress the program has made and the important role of this diverse group. He then turned the meeting over to Stephanie Page.

ODA Program Update - Stephanie Page

Stephanie Page updated the committee regarding budgets. ODA is working on preparing 2021-23 budget requests; POPs have been submitted that have positions associated with them. The rest of the budget will be submitted sometime in August. Page reviewed the POPs that have connections to water quality. A standard submission prepared each biennium is a list of cuts that would be put forward for consideration. Also preparing cut list for current biennium due to the pandemic of both general funds (GF) and lottery funds (LF); GF cuts has been submitted. The Department of Administrative Services has presented the cuts and the Legislature will need to vote on those cuts. Some of ODA's cuts are: foregoing hiring seasonal staff in Plant; CAFO inspector moved to an open position in Fertilizer Program. Cuts that haven't had action taken on are: Pesticide Stewardship Partnership (PSP) program - cuts to waste collection (GF); \$75,000 local partner grants; funds that go to DEQ for lab analysis. However, there is limited loss in our agency where we do have GF. In response to the Governor's Executive Order 20-04, ODA and several other state agencies developed and submitted climate change plans. Key components for several program option packages (POPs) have connections to climate change mitigation or adaptation, which included the Soil Health POP, WQ POP; Shellfish related POP. Creating a generalized inspector pool to avoid staff traveling long distances that would help reduce carbon footprint. In addition to new funding requests, we talked about how we are already partnering with other programs within ODA, which again

reduces the need for travel. On the operations side, looking at simple things in our building to reduce energy consumption. Participating in a variety of work groups to related to climate change mitigation or adaptation; we are part of an adaptation work group with Land Conservation they have been facilitating. Key component is connections with communities of color and disproportionately impacted communities, also includes the Environmental Justice Task Force and work groups between the state and Oregon's nine federally recognized Tribes. ODA has been doing a lot of work internally with training for management in diversity. Thank you to the SWCDs who have helped with trapping (Japanese Beetle) – several have reached out to help as well as Jan Lee at OACD. Will be seeing a lot of creative collaborations over the next few years. Marganne has the same duties that John Byers did with the SWCD but Market and Access has taken over the Smoke Program and is handling the day to day management.

Marganne Allen presented on the WQ program in relation to budget. Cuts have been salary savings and timing in when hiring. Holding an additional program manager position open as well as two regional water quality specialist positions for the Willamette and North Coast areas. Currently reassigned these two areas to other specialists. Allen also noted how COVID is affecting the program. Restrictions with overnight travel for only the most urgent circumstances that affect human health and environmental health. Working hard to continue support to and with our partners. Sandi Hiatt has worked hard to communicate with every county in relation to the director elections. We are kicking off a programmatic discussion with DEQ regarding our interagency agreement; held an executive meeting and currently working on an agenda for the rest of the staff. Ag channel - Mike Powers, Tyler Manitsas, and Paul Measeles are working hard on the rules and putting together procedures and forms with DSL and ODFW input. The rules are out for comment through July 30, 2020. Estimate that the rules will become effective around mid-August depending on the comments that come in from across the state. Using a phased-in approach across the state. Phase-in will start with Region 1, which is the North Willamette Valley and then from 2021-2024 moving south through the Willamette Valley and then easterly. There was a question about why the east side is not being included – Whitney Collins said that the east side has been involved all along and she has asked her District directors for comments and sent them on to Mike Powers. Stephanie Page was a member of work group that worked on legislation. There was a concern with going statewide because of resources, and concern about getting flooded with notifications across the state with only one position handling them all. Page encouraged everyone to send in their comments if they have other thoughts on how to roll out the plan. Outreach will be to the Districts in the regions as they come online through the roll out. There was no funding provided to the Districts but they could use the Capacity Grants to implement. Allen then reviewed the SIAs and said that due to COVID restrictions, meetings have either been switched to online or conference calls. Open Houses have been particularly difficult and staff are having to experiment with mailing or phone call campaigns. Same issues with biennial reviews due to COVID restrictions. Elections – July 16th is the first day for district candidates to file and August 25th by close of business is the last day for submitting forms. Any open positions that have no candidates can apply to be a write-in; deadline is October 20th, close of business. New directors can start on or after January 21, 2021. Deadline for noticing of elections is July 24, 2020; the date the publication needs to be published by.

Partner Updates; DEQ and OWEB – Gene Foster, Courtney Shaff

Gene Foster updated the commission on the TMDLs in development, 319 pass-through grants, and the water quality initiative. There were litigated temperature TMDLs court ordered to replace TMDLs over the next seven years. Announced a data solicitation, which is a call for data to support the redevelopment of those temperature TMDLs. Still doing preliminary work pulling together data, information, and reviewing existing models, etc. Foundational work that will allow in subsequent years to efficiently move forward on the TMDL public process. Upper Yaquina DO, temp, and bacteria – engaging public late summer early fall; same for Coquille DO, temp, and bacteria - public engagement will pick back up early fall. Working on Siletz – DO; Powder – DO, pH and bacteria; these TMDLs are about a year behind the Upper Yaquina and Coquille. EPA Columbia River and lower Snake River temperature TMDL has been established and open for public comment. Will be important for EPA to issue for controlling heat from human sources. The 2020 319 pass-through grants that DEQ implements and administers; type of projects is outreach and education, technical assistance; watershed planning, best management practices, planning and implementation. Total grant dollars

of \$227,000. Also have the CZARA reduction that DEQ is not receiving of \$500,000. DEQ does expect a satisfactory progress letter from EPA on the implementation of Oregon's NPS Management Program Plan – that will allow putting grant agreement in place this fall for receiving the 2020 319 funds. CZARA reduction does not have a sunset date. The BOF may adopt riparian management rules for the Siskiyou region for the protection of salmon, steelhead, and bull trout, similar to the rules already adopted for the rest of Western Oregon. In addition, SB1602 may help with DEQs case with EPA and NOAA for addressing the gaps identified by these agencies in the Coastal Nonpoint Source Control Plan. Assisted NRCS with the national water quality initiative for public water system source water areas by using the drinking water program source water assessments for those areas. Has turned out to be helpful for Oregon to be competitive for these national funds. Oregon had five in 2019 and another five in 2020 and more coming in 2021 with funding coming from NRCS. It has been a good collaboration between ODA, DEQ, and OWEB for drinking water. DEQ is dealing with the same budget issues due to COVID as other state agencies. Currently addressing them through vacancies and less travel but have not laid staff off at this point.

Courtney Shaff provided an update that OWEB is facing budget reductions since video lottery closed down with restaurants. They took a significant cut to their budget and is down 33% for remainder of biennium. Eleven staff were reassigned; six to other state or federal agencies with five staff reassigned to the food safety and farm worker safety program and working with grant funds. OWEB is looking at a 16% reduction going into next biennium. For the SIA program, one staff had been key to that program was reassigned. Ellen Hammond will be taking the lead working with all of the SIAs related to monitoring with limited OWEB participation. OWEB will continue to facilitate the statewide monitoring meetings for the purposes of reviewing the SIA monitoring proposals. OWEB grant funds were on a pause and the OWEB board in June released that pause and are able to award open solicitation grants that were supposed to be awarded in April. Partial funding was awarded for FIPs. Restoration, stakeholder engagement, and technical assistance are only grants being offered through the rest of the biennium. OWEB's intent is to offer one more open solicitation grant cycle, with the deadline being July 27th. OWEB will not be offering another grant cycle for weed grants or monitoring grants this biennium. September 9th is the next OWEB board meeting. They are starting to get questions about next biennium, which is projected to be down 16%. They have been talking internally about extending watershed council grants into next biennium, maybe 6 months. Processing of payments to the districts has been going well thanks to Sandi. They are working with Sandi and Theresa to move the application online for next year. They have done some testing with district staff to make the online application as seamless as possible. For the remaining eight SIAs that are anticipating funds, she and Marganne are working through ideas on how to move forward and provide funding.

Ron Alvarado – USDA NRCS

Ron Alvarado noted that the function of field offices during the pandemic are in Phase 2 – allowed to have employees in the office to a certain number as long as they are social distancing. Operations continue – able to provide technical assistance to customers. Majority of work being done in field and meeting landowners on their property; if they need to come into office – an appointment is needed. Point source water protection – receiving funding for five communities and between last year and this year puts us over 10. This shows how strong our partnership is in Oregon. ODA and OWEB are instrumental in that partnership.

Channel Maintenance Rulemaking and Program Update – Mike Powers

Mike Powers provided an update on the channel maintenance program (CMP) by reviewing the history of how we got to where we are. Challenges – maintain ag channel drainage efficiently and responsibly. In 2016, there were discussions with Department of State Lands (DSL), Oregon Farm Bureau (OFB), producers, and ODA met to discuss the issues, which led to a Legislative work group. HB2437 passed in 2019 and was signed by the governor, which changes the permit process through DSL to a notification process at ODA. DSL has the final say on the required conditions. Public comment period extended through the end of July for Oregon tribes to participate. Statute requires OSU do a study of the impacts of this program and then look at the study in an adaptive management process. Tyler Manitsas is working with King County, state of Washington to use their manual to adapt for our needs. The rules should be finalized by mid-August.

Effective and Efficient Biennial Reviews – Ellen Hammond

SP asked for everyone to provide their feedback as she is wondering if there are other ways to reduce biennial reviews to free up time for SIA work. Staff has spent 18 years doing biennial reviews and has worked to improve them over the years. ODA has two reasons for doing them – statutes require that we have plans and rules for each management area and current rules require that we convene an advisory meeting every 2 years. This is a key process in sharing information about the WQ program at all levels. At the AgPAC meeting in January, we presented on why we were streamlining the biennial reviews. A lot of administrative work goes into the area plans every couple of years. We looked at changing the process by updating the template; a full review with LAC discussion with edits to the plan; a light review is just the LAC discussions. The current status of changing the system, and due to COVID, we had to postpone 10 biennial reviews and we are going to pilot a few online reviews. Lite reviews are very popular. Have also combined a couple of management area LACs. Getting a lot of support from Districts and staff in using the new template and process. OARs spell out the duties and membership of the LACs. They are supposed to be diverse and actively participating; what's working, what needs to change, and are required to submit a written report to the BOA. Describes the membership and focus on diversity and the majority must be landowners; can meet more often if they want. Some LACs have met several times with data meetings, specific topics. Several benefits to the Biennial Reviews; such as good communication, portal for larger input like ODFW and DEQ as well as federal programs. By having everyone in the same room, misunderstandings can be reduced and information provided. LAC meetings have big discussions about data and are requested by LAC members. RWQS have said they thought about two-thirds of the LACs were very effective and are about communicating both ways. Great for BOA members and they become immersed in the information and data. Talked to RWQS about ineffective LACs and those are the ones that don't really use their role to strengthen plan implementation and are more concerned about changes. These LACs do require a lot of extra effort on ODA's part. Some feedback from LAC members: area plan isn't relevant to them; chair may be weak and have trouble directing conversations in meaningful ways; we still get some "fear of government"; Also, they think that ODA has taken over "their" plan. Some members aren't prepared before coming to the meeting, afraid to speak out; and feel peer pressure.

Mary Ann Cooper - doesn't disagree – but the Farm Bureau has heard complaints from people on LACs – a little on producers and heavy on non-landowners or non-farmers.

Brainstorming session to come up with recruiting more effective LACs.

- Try to get 12 members;
- Diversity but mostly landowners;
- Actively recruit;
- Younger members;
- More training for new members;
- Provide a clear role for the members;
- Productive agendas;
- Chair encourages productive discussion – no one person domineering the discussion;
- Meet outside of BiRevs - strengthen the relationship with ODA;
- Make sure the members feel comfortable talking and their input is valued.

BOA Report – required by OAR (reporting progress, impediments, modifications); compiled by ODA, not very user friendly, approximately 20 are done a year and sent to the Board. BOA advises ODA on policy, develops recommendations on ag issues, and advocates for Oregon ag.

New idea for an annual report to the BOA:

- 2-3 page summary that is:
 - Interesting, colorful, success stories, relevant

- Reoccurring issues and concerns
- Presentation to the BOA – face to face

Other ideas relating to being efficient, effective, and providing more time for other work:

- Reduce number of management areas?
- Combine BiRev Meetings
 - SWV LACs plan to have a tour and discussion among the three LACs of that area, which will have a light review coming up.

However, LACs are very invested in their plans. By reducing the management areas, it may hurt the program by moving it to a department program rather than a local program.

Stephanie Page said the program's main workload is in several buckets – partnerships; compliance (regulatory); continuous improvement; evaluation monitoring; stakeholder engagement.

Q & A

SP said that she noted that people wanted to meet more frequently. Is every six months good? How often do you want to meet? Twice a year seems to be the consensus. If an additional meetings need to be had, it can be arranged.

Meeting was adjourned at 3:00PM.