



Soil and Water Conservation Commission Minutes

DATE	LOCATION	START TIME	END TIME
March 23, 2021	Via Go to Meeting	3:00 PM	4:12 PM
CHAIR	COMMISSION MEMBERS PRESENT	ABSENT	
Barbara Boyer	Ken Bailey, Stan Dean, Tim Kerns, Jerry Ward, Alec Hrynshyn, Jim Bob Collins,		
FACILITATOR	Eric Nusbaum		

Oregon Department of Agriculture (ODA) Staff Present

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:

Whitney Collins, Baker SWCD; Victoria Fischella, Jefferson County SWCD; Jan Hamer, West Multnomah SWCD; Jim Cathcart, West Multnomah SWCD; Karin Stutzman, Polk SWCD; Rhonda Black, Umpqua SWCD

Welcome and Introductions

Chair Boyer opened the meeting with roll call.

Back to Basics – ORS 568

Chair Boyer reminded everyone that no decisions are being made today; this is just to educate and we are building a parking lot for areas we want to focus on in the future. This is just open discussion and educational. Nusbaum indicated he is keeping track of the items we are putting in the parking lot.

ORS 568.520 – Petition nominating directors; regular elections; duties of department – Nusbaum said that all of the sections are related to elections. Boyer noted the statutes say the terms expire at the end of January; why don't they expire at the end of December? Nusbaum explained that this has come up a couple of times in the last year; technically, if someone is re-elected to the same position, it never expires. If no one runs for the position, it does expire on December 31st, and if someone does run and wins the election, the current person will remain in the position until the new person takes the oath at the first meeting. They don't all automatically end on December 31st. Ward agreed with Nusbaum's interpretation. Boyer asked for an example of 568.520(2). Nusbaum explained it as – we can set a date, but we can extend it after we set it. Hiatt confirmed his assessment of 568.520(2). Dean – 568.520(6) wondered if publishing in a general circulation newspaper is becoming archaic? Nusbaum said that some papers are only published once a week instead of daily. This is something that could be taken up with your legislator to perhaps change. Hrynshyn noted that

newspapers are closing rapidly and someday even an area like Eugene may not have a newspaper. Boyer asked if a website would be sufficient? Nusbaum – the meeting law is vague, however, if there is no newspaper of general circulation, the attorney general would deem it adequate if notice is posted around town at the post office, feed stores; wherever people usually congregate. The public meeting law is vague enough but posting on your website and in social media is not adequate as was determined by the attorney general, although this is not about a public meeting but about elections. If there are contemplations about changing statutes, this could be one to change. Bailey suggested we change it wherever it is referenced. Nusbaum added this item to the Parking Lot – **Notice of the date for filing nominating petitions and the date of the election.**

568.530 – Ballots; write-in votes; unfilled positions - Dean – at the end it says “...the local governing body of the district shall appoint a person to each position that was not filled at the election.” There are a lot of districts around the state with unfilled positions and this language says you can’t leave them unfilled. Collins – in Wheeler County you can’t have it worded that way; that isn’t how it works here. Making it a requirement can be difficult, especially when it comes close to haying or calving season. Dean – there has been a long past precedent for many districts of not following through with that. Also note that “shall” is applied in the context of the regular election process. So it is not clear whether that “shall” apply to someone that resigns mid-term. Nusbaum – that is very true. We also went through a flurry of size reductions of boards for those boards having trouble filling all of their positions. There were about a half dozen or so boards that went from seven to five members in order for them to meet filling their board. Boyer – if the makeup of the board had more *at large* positions, would they have reduced their board size? Nusbaum – indicated that he had no idea. It certainly is easier to fill an *at large*. Collins – Wheeler is a seven member board with two *at large*. Seven is a nice size; if someone is absent, it still works. With five members and someone is absent and there are only three members to vote, it doesn’t feel as correct. Ward – he remembers seeing results of last election around the state and was surprised by the number of *at large* positions that were vacant. Boyer – Sandi how many vacancies are there currently? Hiatt – still getting in oath of offices so I don’t have a count at this time. Dean – it says “shall” but it doesn’t say by when. It sounds like it would be worthwhile to change the wording from “shall” to “they should make a good faith attempt” to fill the position but may leave it open as long as they have a quorum. Ward – however, “shall” gives the board empowerment to appoint a person not as a hard, fast requirement. This provision gives them the ability to appoint a person. Collins – he agreed with Ward. The “shall” is implying you will appoint someone; I think you can interpret this as you need to fill this position. The lack of time frame leaves it open ended. Ward – the authority isn’t ODA’s or the commission’s but falls back to the district. Dean – there is another clause that does give ODA authority to appoint someone, but that is later on in the statutes. Boyer – Sandi what does 568.530(3) look like for you? What do you have to do for that? Hiatt – on the form, it’s a declaration. Right now we do the eligibility process – a signature from the county shows they are a registered voter; GIS provides the zone director 10 acre or more ownership confirmation. If need be, we work with the candidate and ask for more information. If they are a write-in, I have to start from scratch and work with the county to make sure they are an eligible voter and then follow the rest of the above process. Boyer – you have been doing this for a while, is there a better way? Hiatt - there might be a better way that is not as time consuming. Eric and I will be looking into having the candidates provide the information on the 10 acres ownership so there isn’t so much back and forth. This same process has to be completed for anyone who is appointed. Ward – if the candidate doesn’t own but manages 10 acres or more, that would be hard to verify. Nusbaum – Sandi does have a process for that, there is a lot of phone calling if we can’t determine they own a tax lot of 10 acres. Often they own other property if it isn’t their listed property, but we have to ask them and then verify it. But we are looking at having the candidate provide the information and self-certify.

568.542 - Payment of expenses for director election from county funds - Boyer – does any county actually put forth an invoice for elections? Nusbaum – No. One of the reasons why a person has to declare a write-in candidacy was because the counties were spending so much time counting our ballots that they were threatening to charge the districts for it. This was the compromise – the county would continue to pay but they would have that limitation on write-ins . Larry Ojua was deeply involved in this and it saves the districts a tremendous amount of funds.

568.545 - Procedure for selection of directors of consolidated districts; selection of officers - Hrynyshyn - have there been any districts that have consolidated? Nusbaum – it has been a long time but there have been dozens and dozens.

Upper Willamette is a combination of 3 districts – Mid Lane, East Lane, and Willamette. Marion is a combination of Santiam, Silver Creek and Mt. Angel. The last consolidation was in 1988 and that was Upper Willamette. Boyer – found it fascinating that until they were dissolved, they held joint meetings.

568.560 – Number directors; director qualifications; officers; election; terms; vacancies - Dean – if a zone director owns 10 acres and is eligible, what if they sell their land? Nusbaum – we interpret it as they are no longer eligible. Hiatt – if the land is sold, they are no longer eligible and they need to vacate. Dean – it is vague; if you meet the qualifications when you are elected, does meeting the qualifications endure for your term? Ward – if you move, and not within the district, that automatically disqualifies you as being a director under one of the basic qualifiers for being a director. Also, if you are *at large* and move out of the district or out of the state, it disqualifies you. Bailey – could be a question of legality if you sell the property under contract, legally you still hold title to part of that land. Nusbaum – in (3) – it says “zone directors must...” I would read that as – as soon as they sell that land and no longer own 10 acres, they are no longer eligible to be a director. In (4) it explains what kind of officers you need to have; you only have to have two - a chairperson and secretary. You don’t need to have a treasurer or vice chair. The secretary is often the point of contact for legal reasons. Bailey – that is a state requirement for any corporation or business; you need a president and secretary. Boyer – I always thought the chair would be point of contact; secretary, makes sense. Nusbaum – the registered agent is the official point of contact, which traditionally is the secretary. Boyer – where do you register an agent at the district level? Nusbaum – all corporations and government entities have to have a registered agent. There is a form that is filed with Secretary of State and the county. There is a fairly simple process in our guide book; also the board votes on it. The registered agent is the official point of contact for notifications like taxes, etc. Dean – are the boards doing that? Nusbaum – for a lot of the districts, it usually is the manager that is the registered agent because they tend to be more stable than the directors. But then if the manager leaves and there aren’t any instructions after they leave...so we try to remind districts to check to see who is their registered agent. Hiatt – 568.560(7)(d) explains where they are no longer eligible and no longer qualify. Boyer – **put 560(2) in the parking lot to have a deeper conversation about the number of *at large* positions on a board**; need to talk more in depth but not now. Bailey – increasing that number could alleviate some of the objections to the acreage requirements. Hrynshyn – but could also open the districts up to groups of special interest applying to *at large* positions. Just something to think about. Bailey – all of us represent special interests; how do you define special interests? Ward – what about 560(3)? Are we going to take a deeper look at it as well? Boyer – yes. Dean – we just applied that last week – a OSU extension person who lives in the zone but does not own 10 acres of land put together a management plan in managing OSU lands; their plan was approved. Now they have a fantastic person on their board. Boyer – Jim Johnson doesn’t own land; he put together a pollinator plan for his yard and the Clackamas board approved it. He is on their board and he is urban. Ward – was thinking somebody in residential could say they have a conservation plan for their yard like Jim; thinking in terms of somebody managing land for metro. Metro owns rural land; if somebody can demonstrate that they actively manage rural land in Washington county for metro. This really opens up an avenue for being a zone director without owning land. Boyer – the same goes for managing college campuses. Nusbaum – associate director for one-year leading to a zone director; associate director is not defined in statute anywhere in state government. This leaves it completely ambiguous. He encourages districts to add a job description for an associate director and how they are appointed. **Adding a definition for associate director to the statute would be good idea.** Boyer – **add to parking lot.** Nusbaum – this has to do with our previous discussion - when terms end, when they become vacant. Dean – once again we have the same issue. In (8) it says “...position that becomes vacant before the scheduled expiration of a term shall...” The next sentence has a little ambiguity; “However, if a majority of the director positions are vacant or if the remaining directors cannot agree on an appointee, the department shall make an appointment to fill the position.” The second sentence almost implies that you can let it go for a while until it gets too bad and then the department will step in and fill them for you. Bailey – under (7)(e) a position doesn’t become vacant until the department receives a notice of the resignation. No - it doesn’t occur at the time of the resignation. Boyer – what does a resignation look like? Just a letter from the director to the department? Hiatt – that is correct. It can be an email or a letter. Bailey – it needs to be from the director? Hiatt – from the director who is resigning. Dean – what if the director doesn’t write a letter and they are just missing in action? Nusbaum – If a director just leaves

and doesn't resign, (7)(a) covers it. "(7)(a) The department, upon the written recommendation of a majority of the members of the local governing body of a district, may declare vacant the position of a director who is absent from three consecutive meetings of the local governing body..." In the guide book we have a process outline for that, but if they miss three consecutive meetings, you can ask the department to declare it vacant. Hrynyshyn –when it talks about the department making appointment to fill a position, what criteria do they use in determining who they are going to put in the position? Nusbaum asked if Allen wanted to answer. Allen – we do a recruitment through advertising in a newspaper, emails, generally doing an outreach to the community to get a good pool. Hrynyshyn – how is the state's recruitment for a director different than if a district would recruit on their own? Bailey – the district probably hasn't done a lot of recruitment and would leave it up to the department. Nusbaum – common reasons we have done it are because there is not a quorum. One instance the board was deadlocked and couldn't make a decision and we had to intervene; but that is extremely rare. Ward – when it says it defers the decision to the department, who in the department specifically has the authority to make the decision? Nusbaum – as far as appointing a new director, that would be the director of the Department of Ag. Sandi has the authority to declare a position vacant. Boyer – I have really enjoyed this portion of the statutes and getting to know Sandi's job.

Nusbaum reviewed the items added to the Parking Lot:

- 568.520 - discussion about changing the newspaper of general circulation to meet modern times;
- 568.530 and 560 – use of the word "shall" and vacant positions 530 and 560;
- Number of *at large* positions, director eligibility;
- Definition of associate director.

Boyer – anything else from commission members on this? Bailey – is there anything ongoing with the eligibility committee? Boyer – the committee is still doing road shows, talking with different groups and gaining insight, informing them who we are and having them help us connect with different groups that we are not connecting with now. Marganne and I will be meeting with tribal council in June. When we are done reviewing the ORS and the Parking Lot, I will call the committee back together to talk about the Parking Lot ideas and get their insight on them. Bailey - sounds like the timing will be about right to have a sit down meeting and talk about difficult issues. Ward – it will be helpful for review if Eric will send out the Parking Lot all in one. Nusbaum – Renita sent out the list to everyone. Hrynyshyn - Are we going to discuss, 568.730? Nusbaum – yes, we will be talking about that at another time. I broke these out over 4 or 5 meetings. I tried to group them by topics that made sense.

Jim Cathcart – zone director eligibility – has anyone thought about having zone directors also having conservation plans that are approved by the districts? It seems there is a double standard; if you are a zone director and you own or manage 10 acres, presumably you are good at it; but if you are an associate director, you have to prove your worth and have to have a plan approved. Just an observation but thought it might be put in the parking lot. Also, having definitions of what it means to manage; there were good examples of that today. We are so focused on zone eligibility, whether you live in a zone and manage the acres somewhere else in the district and own, or you own and manage in the zone and live somewhere in the district, and then everybody gets to vote on you regardless. That is hard to explain and track. I don't know what the history behind the zone is to have geographic representation, which is great, but maybe other districts that aren't as densely populated as mine would say that they don't even have people living in some of their zones. Having the zone representative is a different model. Is there a way to follow the eligibility committee? Haven't seen updates of who you're talking to, when, and what you've learned. When the information gathering is completed, will there be a process of how we're going to move forward? Also of interest for a lot of districts is director eligibility. If it's decided, will there be a process to work together to forge our future? Or do we leave it to the outside forces to mold our future? Would like to be in a position to be a part of that process and those conversations. Boyer – the committee stopped and hasn't met since we started this ORS process because we knew it would take a year and we didn't want to overwhelm everybody; that's why we are doing it in chunks. Thinking of having the committee and the commission coming together, which would be a public meeting but that will be late fall, before the end of the year. We will have an open discussion to talk about it. We aren't really advertising who we are talking to, were just gaining information from these different organizations. We talked to the Environmental Justice Task Force, OSU and their extension leads, and then we will talk to

the tribal council in June. We will summarize each meeting, however, all of the meetings are probably recorded. Cathcart – looking to you to get this information to me. Marganne – would like to take advantage of our existing communication methods. Can include the links in the post meeting communications so that it is all there. Ward – the eligibility committee is not a subcommittee of the commission. Is it a committee that is bound by the public meeting laws? Boyer – No. Ward – I didn't think so. Okay.

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**
10. **568.520 - discussion about changing the newspaper of general circulation to meet modern times;**
11. **568.530 and 560 – use of the word “shall” and vacant positions 530 and 560;**
12. **Number of *at large* positions, director eligibility;**
13. **Definition of associate director.**

Adjourn Meeting

Boyer – does anyone else have anything to comment on? Not hearing any, this meeting is adjourned.

Soil and Water Conservation Commission

Minutes

DATE	LOCATION	START TIME	END TIME
March 24, 2020	Via Go to Meeting	8:47 AM	12:36 PM
CHAIR	COMMISSION MEMBERS PRESENT	ABSENT	
Barbara Boyer	Ken Bailey, Stan Dean, Tim Kerns, Jerry Ward, Alec Hrynshyn, Jim Bob Collins		

Oregon Department of Agriculture (ODA) Staff Present

Stephanie Page, Director Natural Resource Programs; Marganne Allen, SWCD/Ag WQ Program Manager; Eric Nusbaum, SWCD Operations Specialist; Sandi Hiatt, SWCD Grant Administrator; Cheryl Hummon, Water Quality Specialist; Ellen Hammond, Monitoring and Implementation Lead; Renita McNaughtan, SWCD/WQ Program Administrative Specialist

Advisors/Visitors:

Roxy Nayar, DEQ; Nancy Hamilton, East Multnomah SWCD, DEQ; Mike Hiatt, DEQ; Priscilla Woolverton, DEQ; Andy Gallagher, Crook County SWCD; Rhonda Black, Umpqua SWCD; Kyle Gorman, Oregon Water Resources Department; Jeremy Baker, OCEAN ; Ryan Gordon, Oregon Department of Forestry; Georgina Kennedy, Douglas SWCD; Jan Lee, OACD; Heather Hendrixson, Hood River SWCD; Whitney Collins, Baker SWCDs; Vanessa Green, Network of Watershed Councils (NOWC); Jim Cathcart, West Multnomah SWCD; Karin Stutzman, Polk SWCD

Welcome and Introductions

Approval of November Meeting Minutes

Chair Boyer acknowledged everyone in attendance and then asked about the possibility of delaying approval of the November Minutes. After discussion, it was decided to delay the approval of the November 2020 Minutes until the May quarterly Commission meeting.

Re Appointment of Chair Boyer

Marganne Allen - recognized the reappointment and continued service of Chair Boyer. She noted that Boyer was elected as a Yamhill director in 2004 and has served as the chair since 2008; she has served as a member of the Commission since 2008 and as the chair since 2012, and is an ex-officio member of the Board of Agriculture.

Discussion on SWCC Reappointment Process

Allen said that Director Taylor has an interest in pursuing a robust recruitment and vetting process for all boards and commissions across the agency. The laws for SWCC appointments (ORS 561.395) - the SWCC, a seven member commission with four year terms, no restrictions on the number of terms served, limited to standing directors of SWCDs at the time of appointment, and must be citizens of the state. The Director of the agency shall make appointments to represent geographic areas of the state. These. These geographic areas are not defined in statute, but ODA policy has seven areas defined. The current method is an informal process where we ask the standing commission about their interest and offer reappointment if they want to continue their service; barring any issues in service, they are reappointed. We met with Director Taylor where a policy change for director/commission member appointments was discussed. The proposed process would be:

- When a commission member or director is nearing the end of their term:
 - ODA staff would solicit nominations and expressions of interest from/for directors/commissioners within geographic area(s)
 - The current serving commission member is welcome and encouraged to submit their interest
 - Communicate through emails, meetings, word of mouth
 - Candidate pool – current serving director/commissioner in area
 - Candidates would be reviewed and forwarded to the ODA Director
 - Appointment by Director

Allen then asked the commission several questions and then opened the discussion for comments. The questions were: What are your thoughts on the benefits of the proposed change? What are the cons? Are there ways we can improve this process? Could this incentivize/de-incentivize SWCC participation? The current upcoming commission member is Tim Kerns who's term ends in June.

Commission input:

- Would the existing commissioners have input or commentary on retaining that person within the commission or any other persons interested in that spot?
- For any positions that have become vacant, has the Dept received any inquiries from interested directors to fill commissioner positions?
- Puts onus on SWCC to engage in succession management for next SWCC members.
- This is where OACD can help. We establish contacts through OACD, although meeting through Zoom doesn't allow for the mingling.
- This has been more difficult with being online, how do we mitigate this?
- Local districts: they have difficulty filling positions already. If we help here can help with SWCC recruitments.
- Don't be too quick to replace commission members, they have strengths, history with commission.
- Clarify in recruitment that there is a standing member being considered like Board of Ag did.
- Support the need for "fresh blood" on the commission.
- Formalizing – reducing the air of "crony-ism," increases transparency in government.

Allen said next steps will be to take any feedback to Director Taylor to consider and then we will bring back to the next meeting the new process. Stephanie Page indicated that she would research the commodity commission appointment process and noted that when Board of Agriculture terms are up for reappointment, a press release still goes out asking for applications but notes that the current members in the positions have been asked to reapply.

Ag Water Quality Program, GRB, Climate Change, and Legislative Update

Marganne Allen – shared how the Governor's Recommended Budget (GRB) budget has affected the WQ program. It's a mixed bag for ODA but for WQ program it came down to reduction. We are continuing with Klamath water quality monitoring, SWCD temperature monitoring is proposed to be cut; two ag WQ positions are proposed to be cut, and we had been recruiting for the SWCD manager but that position is proposed to be cut; we had 17 FTE in addition to the managers. I will continue to serve as the manager for both programs; overall we have 14 FTE. We are holding a Natural Resources Specialist 4 position open, which is Mike Powers' position, water quality policy specialist, who is currently serving as the SEIU President for the next 2 years. We are reassigning 2 technical specialists – a hydrologist and riparian specialist. Reassigned as regional specialists in the NW Oregon regional areas – honing in on core WQ program delivery – plan reviews, SIAs, Focus Areas, timely complaint responses, etc. We are looking at ways to increase program efficiency - area plan reviews, which was discussed at the AgWQ Pac. Focus Area Initiative, which will be discussed today; and the Strategic Implementation Area Initiative (SIAs) and exploring ways to gain efficiencies.

- SIAs: Growing Pains
 - 2015 – SIA Pilot
 - Challenges
 - COVID!

- Reduced ODA staffing
- Regulatory component
- SWCD capacity reduction
- Goal was to have 9 SIAs per year
 - This may be challenging considering the current issues

We had a proposed legislative concept for the ag channel maintenance fix (HB 2032) which passed yesterday. Also, we received our first ag channel maintenance notice for this year.

Bailey – has concerns about the monitoring piece. We had made headway and it’s important to show good work and we won’t have the monitoring results to show that. Dean – understands the budget situation; concern that it appears that support for SWCDs is heading downward. Not hearing of talk about recovering in the future and building them back up and making them stronger. Lack of where are we going is concerning. Page – really appreciate your concern. After the legislative session, we will have to sit down with partners that work with the SWCDs, commission, OACD, OWEB, and others and look into who does what and make the most out of partners. What are other sources to support districts capacity long term; work on a long-term strategy. ODA maintains a prioritized list of programs and gets input from a broad list of stakeholders. Public health is the agency’s top priority. Factor into discussion when asking for resources – tough choices. Bailey – climate change initiative and carbon; SWCC and Ag need to be more involved in making sure the right things are looked at and funded. Ward – regarding monitoring he agrees with what Ken said and paraphrased what Dean said - maintaining recognition of what SWCDs do, they are in community, etc. another reason why we need members of the commission that have experience that can provide solid input to the Department of Ag as we move forward.

Stephanie Page – ODA budget will be presented to the legislature starting the week of April 12th with one day for public input, April 21st. Cuts that are affecting other sections of the agency besides PANRPA. It has been a year of shared sacrifices. When looking at lottery cuts in the agency and we saw restaurants closed, our leadership took early action that involved big sacrifices. The Plant Dept moved their weed staff into the hemp program to reduce lottery funding. They really took one for the team. People outside of our program don’t always see what happens outside of our programs in terms of sacrifices made in other sections of the agency. Food Safety took a hit from General Fund to Other Funds starting in the 17-19 biennium which helped out other ODA programs, and as a result are facing fee increases because of the fund shift. CAFO lost a staff person due to reduction; an inspector was moved to the fertilizer program. We are also having staff going on job rotations to other agencies. Food Safety/Animal Health and agency staff with public health or livestock experience spent a lot of time consulting food and farm organizations or providing hands-on help with disaster response during COVID and the wildfires. ODA is responsible to shelter animals and many staff helped with all of this during the fires, which caused some programs to get behind in their work. Also wanted to show what has changed in our Org Chart – Jason Barber was over Weights and Measures and Facilities; he retired. Due to the shortages expected, ODA did not replace him and other divisions absorbed his duties. Tim Butler, manager of the noxious weed program is now managing the hemp program as well. He took on a big role with that change. Page presented an overview of ODA's climate change plan and progress so far in implementing the plan. Climate Change Plan - projected impacts:

- Warmer, drier summers
- Increase in drought and wildfires
- Increase in extreme events
- Ocean acidification and warming
- Invasive pests and diseases
- More intense rainstorms
- Less snowpack
- Harmful algal blooms

Ag influences on climate change – soil management – sequester carbon, fertilizer. Nitrous oxide; fertilizer use; livestock and manure management reduce emissions; Energy use – switch to renewable energy. Existing climate change effort:

- Interagency climate change adaptation framework
- Oregon Global Warming Commission
- Legislative work groups
- Executive Order 20-04
 - Agency climate change plans

- Natural/working lands sequestration proposal
 - Judith Callens, natural resources staff, is working on this effort
- Impacted communities
 - Surveys task force has put out – Judith is representative on that group

Board of Ag has a resolution that was finalized in September 2019 that includes recommendations regarding climate change policy. Climate change policy should maintain healthy ag economy; create workable accessible offset/incentive program; help agriculture adapt; support research; recognize sequestration. The USDA has issued a call for input and feedback on its efforts to address climate change. Judith is working to pull together comments. Key elements of ODA's climate change plan:

- Baseline
- Planning and stakeholder engagement
- Budget
- Investments
- Policy decisions
- Coordination, implementation and crosscutting
- Also references ODA strategic plan

Requests in budget for positions: soil health; baseline soil health assessment; groundwater protection research; aquatic invasive coordinator; shellfish coordinator. The one position in the GRB was the baseline soil health assessment position, which would work closely with the OSU lab. Existing ODA programs are to use current resources; are there things we can factor in to what we are already doing? Adding climate change into our Block Grant proposals. We are talking about climate change more in the agency. Dean – recognizing agencies shortages – makes it challenging to fully accomplish anything using existing resources. Where are we going long-range with this? Shouldn't we have a vision about how ODA should be responding to climate change in the next 5-10 years? Collins – maintaining healthy ag economy, we saw how beef industry collapsed with COVID; as a timber owner, we need forest product mills, which are in missing or in decline. How are we supposed to maintain a healthy economy when the infrastructure is declining or gone. Also deep rooted grasses need to be emphasized – shallow grasses are taking over the bulk of the grasses. Water runoff losses - deep rooted grasses help the water aquifers. Dean – soil health, sequestration, soil baseline, but we need what the next steps? How does ag fit into carbon, other programs? DEQ is in conversations, where is ODA? Where does ODA fit into the next steps to help ag move forward? Bailey – we need to focus on what we are doing and get the word out; can be done with the scope of work with the districts. SWCDs need to be ready for climate change – more emphasis in grants. Agree we need short and long-term approaches.

Advisor Reports

- **NRCS – no report**
- **OWEB – Courtney Shaff** – on vacation
- **OSU – Sam Angima** provided written report
- **OACD - Jan Lee** reported that she was testifying at the legislature; Lack of funding for natural resources. OACD is tracking about 80 bills dealing with conservation. Bill up tomorrow – SB 541 - sequestration and will be testifying on that. On the cap and reduction program advisory committee at DEQ. Representing working lands – ability to reduce greenhouse gas projects.
- **NOWC – Vanessa Green** reported that Jan just gave verbal testimony report joint ways and means committee - OWEB's baseline budget. As a partnership, identified funds from reorganization and started using contracted bookkeeper. Deliverables are starting to roll out. Affinity groups - five groups – topics are on fire and conservation and is under enrolled – on Oregon Conservation; Journal: Protecting Pollinators; Estuaries and Tide gates. Are scheduling meetings and are going to have six meetings in 2021. Offering a distinguished speaker series and are still putting together roster of speakers; diversity, equity and inclusion... Include employees and

directors so everyone is on the same page and move forward as a group. Making a lot of coordinated community networks.

- **ODF – Ryan Gordon** – SB1602 – changes buffers for pesticide applications from helicopters; extends SSBT stream rules to the Siskiyou Georegion; most provisions went into effect January 1, 2021; work continues on enhancements to the online forestry notification system, FERNS, to allow some landowners to receive timely notifications about helicopter pesticide applications; discussion between the timber industry and conservation community continues and will focus on potential changes to the Oregon Forest Practices Act, particularly around protection measures for streams. The Oregon Board of Forestry recently added three new members - Carla Chambers, Stahlbush Island Farms; Ben Deumling, president of Zena Forest Products; Chandra Ferrari, senior policy advisor and staff attorney for Trout Unlimited. The Board is still short one member and the Governor is expected to appoint a new chair. There are numerous bills impacting ODF in the current Legislative session – many relating to our fire program; of interest to this community, may be bills related to the use of prescribed fire as a management tool, which focus on funding, liability, and implementation of a Certified Burn Manager Program; also, there has been discussion of reviving the Reforestation tax credit – amendments to come, most likely focusing on people who have been impacted by wildfire. State Recovery Function 7 – the Natural and Cultural Resources Recovery Taskforce, has also submitted an \$85M ask to the Legislature for post-fire restoration, which is being considered alongside other fire recovery needs. On the federal side, there are several requests for assistance in DC; NRCS has recently closed a couple Emergency EQIP offerings and will soon close a regular EQIP offering for post-fire restoration; FSA rolled up to a \$75 million EFRP ask from the State of Oregon; in process of how that will roll out. Capacity to assist impacted landowners is the critical resource need at this time; Seedling availability is another key concern for smaller landowners; ODF is currently working with partners, including OSU Extension, NRCS, Sustainable Northwest, and many local watershed councils and SWCD's to address these needs.
- **OCEAN – Jeremy Baker** – Connect 2021 will be held May 11-13 – the website is up and running at [ConnectOregon.net](https://connectoregon.net). We have put together a fairly robust offering. Registration is \$50 this year. Because of virtual nature of the conference, sessions were scaled back significantly. The price is reflective of the scaled back offerings to help cover the costs of the platform. OCEAN holds a contract with NRCS for oversight and coordination of training of SWCD and WSC staff who are NRCS Certified Planners for the next 5 years. This contract provides two positions to help get the grant up and running and assist with day to day activities. Interviews will start next week.
- **OWRD – Kyle Gorman** reported on water conditions; NE part of state is 140% of average; south is lowest at 80-82% of average; Owyhee drainage is 80%; contrasting storage across the state – NE are operating under flood control and some are only 10-12% full; Wickiup reservoir – will only fill to 59% of average – lowest ever recorded – severely curtailed. Klamath Project supply is same or less than last year; 15-16 counties have declared drought last year; Klamath submitted a drought request already. Years of below average precipitation results in extreme drought conditions. Legislative session – 700 bills introduced and there are now about 400 we are tracking. Was hoping that with last Friday's deadline, that a majority would die but we are tracking some 200 bills still. Budget – GRB – agency is maintaining current budget and positions are at the same FTE since 2017. Legal expenses are double what was budgeted and with a majority coming out of the Klamath Basin. Funding deadline April 28th - \$3million water projects grant and loan fund – eligibility – conservation, above-ground storage, below-ground storage, streamflow protection or restoration, water distribution, conveyance or delivery systems, and other water resource development projects that result in economic, environmental, and social/cultural public benefits. Grants require a 25% cost match. Any local government, Indian tribe, or person may apply for funding. Stan Dean mentioned that he had read about several water master field staff cuts. Gorman – a couple of water master positions are unfilled; we are maintaining several unfilled positions. Water rights services division could see eight positions cut.

Public Comment:

Jim Bob Collins – Wheeler SWCD is looking for a new Manager.

Focus Area Discussion

Cheryl Hummon – presented the Focus Area background, history, and key points.

- Has been an important program tool for 8 years
- Significant tracking
- Voluntary only
- Process
 - Use as systematic, strategic approach
 - Assess conditions, do projects, re assess conditions'
- Outcomes:
 - Develop measurable objectives and report progress
- 2011-2013
 - 9 pilot focus areas
 - Convened “6+2” - group for input – 6 SWCD Managers – Barbara Boyer and OACD Director
- 2013-2021 (4 biennia)
 - All 45 districts
- Map – Each biennium – approximately 50 open; 2/3 continue; approximately 1/3 close, open new
- State wide and Case Studies
- Focus Area Process and Metrics
- Focus Area Outputs – Aggregated State wide
 - Riparian Methods – Ag Stream Miles Assessed
 - Upland Methods – Ag Acres Assessed
 - Reviewed Case Study – Fiddle Creek – Results from 2013-2019
 - Reviewed Case Study – Fletcher Gulch – Results from 2013-2019
- Benefits and Challenges
 - BENEFITS -
 - State wide
 - Geographic focused work to improve land conditions and water quality
 - Measurable Objectives
 - Voluntary approach – FAs
 - Align with partners and priorities and funding
 - WQ monitoring (a few – FA);
 - CHALLENGES -
 - Not all SWCDs are on board – All SWCDs have a FA; ODA still rolling out SIAs
 - Tracking/reporting is complex
 - Capacity limitations (ODA and SWCDs)
 - No dedicated implementation funds
 - Competing initiatives for ODA and SWCDs
 - Lack of automated assessment methods
 - Voluntary results; average low; individual variable

Ellen Hammond – options to moving forward with Focus Areas

Input from SWCDs – ODA asked SWCDs YES-NO questions with comments. Thirty-one of the 45 SWCDs responded. ODA did not present the options to SWCDs. We just wanted a broader picture of how the FAs were working for them. The summary document was provided to the Commission.

Summarizing the Input from the SWCD:

- Benefits of Focus Areas:
 - Help achieve WQ and other SWCD goals (77%)
 - Can align efforts with partners and funding

- Can prioritize work and understand local watersheds
- Challenges of Focus Areas:
 - No dedicated funding for implementation
 - Competing initiatives
 - Landowners not interested/incentives inadequate
 - Two-year time frame to report outcomes is too short
 - Some would prefer district-wide opportunistic approach
 - Staff turnover/COVID

Focus Area Options for Future – the goal of options is adaptive management at a programmatic level and maximize benefits and minimize challenges with the funding we have. FAs were designed to measure the program progress in improvement of land conditions and/or water quality; to provide consistent process for all SWCDs to think, plan, and implement strategically and report outcomes; and to demonstrate success in improving land conditions or water quality and what it takes to make it happen. Cheryl Hummon was the riparian specialist and was working with the SWCDs on the FAs, however, with staff cuts, her duties were changed and she is now a water quality specialist. Ellen reviewed the Focus Area options suggested, which vary from SWCDs to be required to have a FA; FA required if no SIA; FA optional; or phase out or end FAs. Ellen requested the commission's input.

Dean – in some cases they work, and in some cases, they don't make sense. Option B – if an SIA comes and then it's gone, not seeing continuity of that working. Option C – where FA is optional, might be useful but modify to get funding? Even with funding, a percentage of the work funds have to go with that. 25% of capacity funding – put in a FA fund.

Bailey – that is one option to look at. If we have restricted funding, have a provision that focus on what needs to be done. if we continue to pick low hanging fruit, we may need an enforcement provision to address the real problem rather than work on what is voluntary.

Hummon – so currently, we require each district to use 25%; all are choosing to keep the 25%.

Hrynyshyn – Does ODA prefer to have a district do an FA over an SIA?

Allen – there is a lot of interest in SIA work and having that regulatory back drop has been the strength of that program. With the comments on Option B about the complexity of planning, that could be challenging.

Page – in our agency communications about AgWQ program with the legislature, it is challenging to describe multiple initiatives and the differences between them. The EQC is very interested in SIA pace and scale. We focus on SIAs because there is that expectation about having a compliance component. Sees advantages to have one but sees the value in both.

Bailey – SIAs are geographically-based program as well. Is there a model that we can pick to parts of one and parts of the other and combine?

Allen – good question – we are wrestling with that right now. Looking at everything.

Page – the best of both worlds is intriguing. It has taken a lot of time to education our stakeholders, we would rather borrow from one and give to the other rather than starting with another new initiative. Having to start a new one, re-educating the stakeholders is time consuming.

Bailey – we have had both in our area. SIA is better with the enforcement.

Hammond - a key point – FA is an ODA program. SIA is a joint program with ODFW, DEQ, and OWEB. A four-agency program and would involve all in order to modify the SIA program.

Hrynyshyn – SIAs should be required and FAs should be optional. Especially for some of these smaller districts.

Collins – just on the enforcement aspect – the Wheeler board is having problems with that idea. They like the voluntary but are having problems with the enforcement. The board pulled back when having to pick an area. Had been making headway, but when it came to facing fines, there was a complete shutdown. Landowner involvement decreased. SIA are a good idea, gives ample time for the SWCDs to do projects – five years.

Kerns – reached out to districts and triggered discussion. He then asked Whitney to discuss the results.

Whitney Collins – I sent an email for Tim in his area and accidentally included Union instead of Umatilla - 25% mandatory funding. That number is very high. Understand the focus – still doing work in other areas. Watershed councils are not

required for any of their funding to be allocated to one area and wanted to be more parallel. Having an SIA, all of their districts have no tax base and limited staff, have been very successful in our region and may have same SIA for eight years; goal is to show improvement. If you want to show improvement, think about that and allow for longer time for projects and having only one SIA or FA.

Allen – clarify the time frame.

Whitney Collins – Keating, multiple partners, open for two years already – two high priority landowners with water quality issues; applied for funding and four more landowners wanting to apply. It takes a year to get the funding so two years is not realistic.

Hammond – which two-year time frame are we talking about?

Nancy Hamilton - same formal reporting timeline; expected to have data, findings, and scope of work could change?

Often times won't see measurable change in a two-year timeline.

Hammond – SIA or FA?

Hamilton – SIA

Hammond – SIA – two year is an old expectation. Reporting on two-year intervals and it was confirmed by SWCD comments. Two years is okay for reporting on activities, but to report on changes five years is better for noting changes.

Whitney Collins – Two-year intervals – two FAs in Baker County and one SIA and you're talking about heading to Burnt River for another SIA.

Dean – If we were to choose an option to hold SIAs...

Page – if an SIA is open for four years, that means after a four-year cycle, with the programs current

Allen – Under current funding, there would only be 12 over the next biennium.

Page – some districts are really nervous about having an SIA. I could see a schedule where every district eventually has an SIA open sometime in the future.

Hammond – Sounds like there is no support for Option A as currently being done. Does anyone disagree with that?

Boyer – Key point is that this program is not moving swift enough.

Hammond – challenge is that we are not moving the needle much as Cheryl pointed out

Jim Bob Collins – one of the big issues is funding. We could do a lot with more funding. We shouldn't be beating ourselves up much because we can only do so much with what we have, and as long as we are doing a good job with what we have, we should be proud.

Hammond – in the current environment and funding constraints, etc., which option do you think is the most effective?

Most viable option is to phase out FAs in current environment?

Bailey – thinks in the current environment, that makes sense, but likes Option C better.

Hammond – so then everyone would eventually have an SIA?

Bailey – yes, eventually – maybe modified.

Boyer – timeframe on this topic?

Hammond – timeframe is the next biennium. Districts in April will need to start negotiating with ODA; need to decide this immediate biennium and move forward.

Ward – would support Option D – phasing FAs out.

Dean – Option C is the more prudent option now to give us more time to see if districts want to hold onto their FAs.

Hrynshyn – supports Option C – given the diversity we have, let's make them optional.

Boyer – Option C – better success because it is voluntary.

Jim Bob Collins – Option C.

Hammond – amount of funding? Would you leave that optional or require a minimal amount?

Dean – If you're going to make it optional, the amount should be optional.

Hammond – negotiable rather than optional.

Bailey – most fair would be negotiable.

SWCC Member Reports and Wrap Up

Al Hrynshyn – he has been in touch with SWCDs and attends board meetings. There was a lot of controversy over everyone’s names and addresses in directory. Most everyone is concerned about fire recovery efforts and seedling availability. Speaking for Upper Willamette – very busy and getting ready to be tax-based and rewriting policy and hiring for a conservation tech and financial officer. DEI is a big concern and many districts are not certain what to do. Also applied for a bridge loan and hopeful to receive and make our hires.

Ken Bailey – Wasco purchased their building.

Jim Bob – looking to replace manager at Wheeler.

Boyer – Yamhill held a virtual plant sale with presales only and it was very successful.

Newsletter Topics:

Reappointment process – Allen

Upcoming speaking engagements (eligibility requirements and awareness of SWCD work, opportunities) - Allen

Focus Areas - Allen

Future Topics:

Climate Change – ODA’s Plan

Appointment/reappointment policy change

ORS Back to Basics will be under review. Work group will go over these results and next steps.

Upcoming Meetings:

May 4-5

August 24-25

November 16-17

Adjourn