



# Soil and Water Conservation Commission Minutes

DATE	LOCATION	START TIME	END TIME
April 18, 2024	Sunriver Resort, 127600 Center Drive, Sunriver, OR 97707	8:30 AM	11:37 AM

CHAIR	COMMISSION MEMBERS PRESENT	ABSENT
Barbara Boyer	Jerry Ward, Stan Dean, Tim Kerns, Al Hrynyshyn, Robin Vora, Jim Bob Collins - (via Teams)	

## OREGON DEPARTMENT OF AGRICULTURE (ODA) STAFF PRESENT:

Kevin Fenn, Agricultural Water Quality Program Manager; Sandi Hiatt, SWCD Grants Administrator; Eric Nusbaum, SWCD Operations Specialist; Karin Stutzman, SWCD Program Lead, and Renita McNaughtan, Administrative Specialist (via Teams)

## ADVISORS:

David Rose, Natural Resources Conservation Service (NRCS); Brian Wolcott, Oregon Watershed Enhancement Board (OWEB); via Teams - Carolyn Sufit, Oregon Water Resources Department (OWRD); Steve Mrazik, Department of Environmental Quality (DEQ), Jan Lee, Oregon Association of Conservation Districts (OACD)

## VISITORS:

Kris Schaedel, Hood River SWCD; Heather Hendrixson, Hood River SWCD, Tom Straughan, Umatilla County SWCD; Brenda Sanchez, Marion SWCD; Whitney Rohner, Baker Valley SWCDs; Don Guttridge, Clackamas SWCD; Kelley Beamer, East Multnomah SWCD; Kevin Porter, Polk SWCD; Joan Zuber,

## WELCOME AND INTRODUCTIONS

The regular quarterly meeting was called to order at 8:30 AM by Chair Barbara Boyer on April 18, 2024.

## APPROVAL OF MINUTES

Draft minutes of the February 27 and 28, 2024, regular quarterly meeting was presented for approval. **A motion was made by Jerry Ward to approve the minutes. The motion was seconded by Al Hrynyshyn. Motion passed unanimously.**

## ODA AG WATER QUALITY PROGRAM AND AGENCY UPDATES

Kevin Fenn provided an update on an open house in Boardman this evening with agency directors from DEQ, ODA, and Water Resources in the Lower Umatilla Groundwater Basin Management Area (LUBGWMA). Currently working with irrigated agriculture with a lot of focus on how to improve nitrates in the groundwater in that area. It has been a groundwater management area for about 30 years with no improvements. Changes coming over the next few months with more involvement from the three different agencies mentioned. Recruitment for the northwest/north coast water quality person will start on May 1<sup>st</sup>. The eastside water quality specialist position will be posted in a few weeks, and the lead compliance position should be filled by the middle of May. The Ag Program Advisory Committee meeting is May 16<sup>th</sup> where different lobby groups meet with ODA, and we present information on programs and get their feedback. The meeting will be virtual and in-person. If interested in attending, contact staff for more information. The SIA open house in Days Creeks had about 30 landowners attend, and it went well. More open houses coming up - Sauvie Island and Scappoose. Next year four SIAs are planned, locations are not finalized. A current SIA is the LUBGWMA and is a

groundwater focus, which is taking a different path and process for assessment. The agency is going through strategic planning and will be working through the process with outreach to constituents and partners with some public messaging in the next couple of months.

## ADVISORS REPORTS

**OACD – Jan Lee** – Andrea is in Burns today for a rulemaking committee, so I am subbing for her. OACD has adopted a Diversity Equity and Inclusion (DEI) policy; Andrea will be sending out a survey to districts for their input. Worked with the NACD specialist for DEI, who suggested using the term “capacity building” instead of DEI, which is more encompassing. OACD is contemplating some basic land use training by Jim Johnson to assist districts in protecting farm and forest land. We have been involved in rulemaking, including Andrea serving on the DLCD Eastern Oregon solar issue and myself serving on the DLCD Farm and Forest rules. We have been following natural resource agency budgets and their POPs (new programs) and providing input. I am on the Water Resources Commission; we are finishing up groundwater rules (comments due by 5/31) and the Integrated Water Resources Strategy (IWRS) rules. A revised IWRS draft was due out in May for final comment. A letter from the Governor’s office requested a stay on the process until the new WRD director is on board later this year.

**NRCS – David Rose** – reported at the last meeting of 99 positions open. We are down to 90 positions open. Last month Congress passed the appropriations; there was a cut to conservation technical assistance and watershed operations. Got the revised allocations but haven’t had a chance to review it. The concern with the cut is that it will affect staffing, purchasing, supplies, vehicles, etc. A couple of smaller areas were cut but won’t affect us as much. Field staff are actively getting up to speed and getting contracted. Too early to know where we stand with our equipment. Status on the contracting and CSP is about to start. Had leadership and district conservationists at the conference. My original detail was set to end at end of April and has not been extended. The selection for the new conservationist will happen “soon.”

**OWEB – Brian Wolcott** - OWEB board is meeting in Baker City next week. Some highlights from the agenda – an open solicitation grants award; a land acquisition grant award; a focused investment partnership award; an opportunity for Stephanie, acting director, to provide an initial review of the 2025-27 policy option packages for the agency requested budget. Also, additional work on the strategic planning. The governor’s office is working through the hiring process for new executive director for OWEB. We are short in fiscal department and are currently going through a hiring process for a couple of positions. Wrapping up rulemaking with the drinking water source protection program and updating rules for our small grants program. The Oregon Ag Heritage program has some rulemaking updates that will be coming up.

**OWRD – Carolyn Sufit** - we have our next round of water project grants and loans and irrigation modernization projects. Application materials are available; both have application deadlines of July 10<sup>th</sup>. Let me know if anyone needs access to our coordinator for that process or materials, I can send you links. We are also looking at the 2025 legislative session and legislative concepts. We have the Klamath temporary transfers and leases for determined claims. We are looking at a OWRD feed bill for water rights transactions, dam safety, well construction, and water rights process improvements. The groundwater allocation rulemaking public comment period is open until the end of May. The informational sessions and public hearings around the state – one took place in Bend, there is one in LaGrande today, Central Point in May, and one in Salem in May that is also a hybrid. They are anticipating the Water Resources Commission to adopt the rules in September. There are some developments on the Division 512 rules which is the Malheur Lake Basin rules for critical groundwater areas; the RAC in April is on hold. The Department is currently evaluating the next steps forward and what additional engagement with the local community may be needed.

**DEQ – Steve Mrazik** – Powder River basin bacteria Total Maximum Daily Load (TMDL) – had a couple rule advisory committees, comments, and feedback into the TMDL and Water Quality Management plan and technical supporting documents. Anticipate bringing to the Environmental Quality Commission (EQC) in May. We have a whole series of temperature TMDLs as part of a court order to replace them around the state. One in the Sandy River Basin also has been going through several rule advisory committee meetings, had its hearing, and public comment period, which closed February 2024: anticipating taking to EQC in July. Similarly, we have been working on the Willamette Subbasins temperature replacement project. The public comment period was extended and closed March 15<sup>th</sup>; the team are incorporating those comments to present to the EQC in July. Also working on the Willamette mainstem temperature

replacement TMDL. We've had one rule advisory committee in March, second will be May 16<sup>th</sup>. Anticipate public notice and public comment period hearings will fall around August-September time frame and presented to EQC in January 2025. Also working on the Coquille River Subbasin TMDL looking at bacteria, Dissolved Oxygen (DO), pH, and temperature. Working with local advisory committees for a while and there has been a series of work that's been compiled. We have some rule advisory committees that are ready to start but the materials are not ready yet. Will start this summer. Also working on Umpqua temperature replacement TMDL. This one is different in that DEQ and EPA are partnering this effort. EPA will issue this TMDL and DEQ will focusing on the water quality management plan and are working in close collaboration. Anticipating several public meetings and conversations; the first one will be April 23<sup>rd</sup> and a webinar with two more in the May-June range and will be in person and hybrid. Looking at a public notice and public comment period in the October-November range. Anticipating having a decision in January 2025. DEQ administers the 319-grant program that comes from EPA and traditionally the fiscal info comes around February and we kicks off our RFP in March but we had a delay. It was finally received it Monday for fiscal year 2024. Across the board nationally there was about a 4% reduction and that appropriation for some of the 319 information. The team got together and will have more information on that soon.

## SWCC MEMBERS REPORTS

**Robin Vora** - the SWCDs don't understand what the SWCC does. He sent the minutes of the last commission meeting to the SWCDs in his zone.

**Jerry Ward** - when he talks to the districts, he feels he needs to remind them what he does and what the commission does. There are always new staff, and he explains his main mission. It's a continual process.

**Al Hrynshyn** - he does the same thing, and he is not convinced that they understand what the commission does. He explains that they are an advisory board. Everyone seems happy with what we do. Clackamas approved an annual budget, they hired a weed wise specialist, and they are working on pay equity reviews. Marion had a lot of turn-over recently and they have a new CREP tech they share with Yamhill. They are working with their wildfire recovery and opted into the wildlife habitat conservation program as well as beginning their budget process. Upper Willamette - hired a new working land specialist starting May 1<sup>st</sup>, which is a new position and is losing a conservation tech. Grants programs is going well, and he has been our best hire with excellent granting experience, and just passed the biggest budget they have ever had.

**Jim Bob Collins** - Wheeler is busy taking on some projects with BLM, which is new for them. Cassi is trying to get grants together to pay for new building, and we're starting to envision implementing things like stream assessments going forward into the year.

**Tim Kerns** - Whitney and he went through a session with EPA. He would like Whitney to speak on it later.

**Stan Dean** - not many people want to get involved in public policy; it's not glorious work. We connect with each other and ODA, but they are seeding the discussion. The districts may not see the value we provide until down the road. He is grateful that there are enough people around the room that do want to participate. We need to keep the focus on the importance of capacity grants although he has concerns about the amount and that watershed councils need them as much as districts do. We have ODA to support us, but watersheds don't. Really concerned that most of capacity grants go to the SOW and ag water quality, which hamstring the nontax-based district with the range of work they can do. In the future, would like to see capacity grants wide open like watershed grants are and would like the commission to start pushing for water quality capacity grants. If we are really the arm of ODA to meet their obligation in TMDLs and ag water quality that should be above and beyond, there ought to be a whole separate pot of money to meet that obligation.

**Barbara Boyer** - my district manager has been keeping me busy. We are forming our own 501c3. We are going to be forming our own land trust in Yamhill County. Because we own 500 acres and we manage 1,000 acres in the county and we've been paying property taxes, it was brought before the board whether we should we be paying property taxes with our property tax money. There was a robust conversation and not everyone agreed. The board voted to take it off, but some must stay on because some have homes and residents. We are hiring our first education and outreach staff and had 32 applicants for the position. We were paying \$13,000 in property taxes a year, so we are going to leverage that with the education and outreach person.

## DISCUSSION: SHOULD SWCC WRITE SUPPORTIVE COMMENTS FOR BOARD OF AG RESOLUTIONS?

**Stan Dean** hasn't looked at the Board of Ag resolutions, but in general it is entirely appropriate for the Commission to write supportive comments. When we do review them, we should be cognizant of our statutory authority in the way that it affects us. It would be an excellent practice for the commission to get into. **Barbara Boyer** – the resolutions are reviewed every two years on a rolling two-year cycle. It would be good to have Jim Johnson come to the next meeting and have him bring the resolutions that affect the districts; have two separate stacks: agriculture and SWCDs. I want to be supportive. **Stan Dean** – If we agree, yes, but if we find that these resolutions are hindering our work, we will want to state that also. Jim Johnson could give us an overview and then maybe we could take a handful at a time and review them. **Barbara Boyer** – ODA staff uses the resolutions when they are going to talk to other groups and when they are going to talk to legislators. **Request Jim Johnson to join the next Commission meeting to provide an overview of the Board of Agriculture Resolutions and/or if Jim Johnson is not the proper person to come to the Commission for the overview, then determine who would be appropriate.**

## SWCD ELECTIONS INFORMATION - HB 3073

**Sandi Hiatt** – in 2022, the legislature passed HB 3073 and is expected to go back to the legislature since it is not clear enough. The Secretary of State's office is taking on this project. There is a box that you can check as a candidate when filing that will protect your privacy such as your private address and phone number from being published. Once someone is not elected, that information is public. If elected, the information filled out on the forms, cannot be retracted as it is public record. If someone submits a public records request, and that information is put on Facebook, there is nothing we can do. We do not publish your address or phone number.

**Eric Nusbaum** – to clarify, this law is only specific to publishing your nomination petition, your address on it, and the list of electors that your county clerk would publish. It was our decision not to publish it in the directory. This law is only specific to keeping your residency address, if you want it, off any publishing or declaration of candidacy or a list of electors that are released by the county clerk or filing clerk. You will need to provide an alternative address like a PO Box or the district office. Check the box so your personal address is not being used. In the 2025 legislative session, it will be reviewed and updated for more clarity.

## PUBLIC COMMENT/DISTRICT ROUNDTABLE TOPICS

**Kris Schaedel** – **Hood River SWCD** – the work being done in Hood River has statewide implications on agriculture. In Hood River Valley, we are focused on working with the orchard industry that is highly labor intensive and completely dependent on a Latino workforce. We have done a lot of work and funding with the ODA Pesticide Stewardship Partnership program and Oregon Watershed Enhancement Board program. We've done a lot of training utilizing Washington State Department of Agriculture and contracted educators from Washington for Spanish language sprayer calibration, integrated pesticide management, Worker Protection Standards, etc. To expand our education efforts, we asked the industry what they need. They need more licensed applicators, and preparation materials, access, and administration of an exam, and it needed to be in Spanish. What we found in the State of Oregon, is that education and exam preparation for Spanish language applicators is not available. The access and the administration to this exam is prohibitive. This exam is so problematic that it barely has a single digit pass rate. For exam prep, there are no written materials, no online materials, no in-person training, and there is no remote option. On a highly agricultural stand in Oregon for a huge Latino workforce. Why is this license important? Our system does not say you need to have this license to interface and apply for this license. They apply under someone else's license. However, what is tied up with this license is meeting regulatory requirements, operational capacity, there is continuing education requirements, and increased wage and job mobility. We have not said we will protect you from the risks of potentially dangerous products, but we will keep the benefits of this credential from the applicators of Oregon. In Oregon, access to the exam is only accessible through testing sites, only on a computer, and only available through community colleges or universities campuses, and almost never any bi-lingual support. In our region, the closest access is in Wasco County at a community college 50 miles away. The exam is offered once a week, twice a day on three computers. If we were to offer an exam

prep class to 50 people, it would be two-half months before they each had one chance at this exam. The exam is 100 questions with a two-hour default to finish the exam. State policy says that people can have three hours, but the only place that this is written is in the contract between ODA and the testing center. The registration for this exam is through a third party that is cumbersome, counterintuitive, and when we started this effort, registration required a social security number. In 2013-17, seven people statewide accessed their license through the Spanish language exam in comparison to the English exam of 1,300. In 2020-24 on any given year, between 10-30 attempt this exam as compared to the English exam of 250-300. The English exam has a pass rate of 70-78%. The Spanish language exam, at a high, has a 20% pass rate, more often it is single digits. We have laid out straight forward solutions to resolve issues to exam preparation, access and administration, and the exam itself to ODA. Most of these solutions would be an afternoon report. We are waiting. What we have done in the meantime is put together a training program using Washington State Department of Agriculture resources in conjunction with OSU being responsible to our applicators as Oregon applicators. We became to a statewide testing center in response to being able to administer this exam in a bilingual fashion with support in an appropriate capacity only to be able to offer the broken exam. This has been a known problem in agriculture for decades. We have laid this out to ODA. The industry is begging for this, the extension is begging for this, etc. We need action. We have worked with Colton Bond, Kathryn Rifenburg, and talked with Isaak Stapleton. Discussion followed.

**Sandi Hiatt** – praised Hood River for winning a SDAO award for their work with the orchard industry and helping the Latino workforce. They went to Washington DC with Colton Bond and Gilbert Uribe-Valdez to receive their award.

**Whitney Collins**– attended a meeting in Hermiston regarding a new EPA regulation for the endangered species act. A new requirement for anyone applying any sort of chemical. There is a website that is called **Bulletin Live Two** – type in the address of where you are going to spray, when you are going to spray, and what you are going to spray. It tells you if there are restrictions. It provides a point value system of mitigation. There isn't a lot of publication about it. The Department of Agriculture will be regulating it. If you are a district spraying chemicals at all, get a hold of your OSU extension as there is a huge liability.

**Tom Straughan** – three or four years ago had floods in our area and the Umatilla district manager, Kyle Waggoner, helped people get permits to do stream work when they needed to. He got a grant and put together a guidebook for landowners. Anderson Perry helped with the document. There is a partial list of govt organizations that are contributing to it and has input from every agency that has to do with permitting but is specifically written for Umatilla Basin. Need to make it more available to others. Barbara Boyer asked that the Commission be notified once it is finished and available, for Kyle to give a presentation. Possibly find a grant to pay someone to make this guide generic for everyone to use.

## **CALL FOR UPCOMING MEETING AGENDA ITEMS/NEWSLETTER CONTENT**

**Next Meeting** - Next meeting is at hosted by Curry SWCD and is July 10-11, 2024.

**Newsletter** - Review ODA Board of Agriculture Resolutions; SWCD Elections; Bulletin Live Two; Spanish Prep and Exam for Applicator License

**ADJOURNMENT:** Meeting adjourned at 11:37AM.