

SWCC February 2022

DRAFT Work Session Minutes

DATE: 2/15/2022

LOCATION: Online Via Teams Meeting

START TIME: 1:00PM

END TIME: 3:17PM

CHAIR: Barbara Boyer

COMMISSION MEMBERS PRESENT: Jerry Ward, Stan Dean, Tim Kerns, Al Hrynshyn, Ken Bailey, Jim Bob Collins

ABSENT: no one

Oregon Department of Agriculture (ODA) Staff Present:

Isaak Stapleton, Natural Resource Programs Director; Marganne Allen, Soil and Water Conservation District (SWCD) and Water Quality Manager; Sandi Hiatt, SWCD Grants Administrator; Eric Nusbaum, SWCD Operations Specialist; Brittany Mills, Ag Drainage Channel Maintenance Specialist; Patrick Reinhart, Office Specialist

Visitors:

Debbie Paul (Linn SWCD), Jan Lee (OACD), Karin Stutzman (Polk SWCD), Kevin Siefert (Linn SWCD), Gary Faw (Malheur SWCD)

Welcome and Introductions

The regular quarterly work session was called to order at 1:00 PM by Chair Barbara Boyer on February 15, 2022.

Public Comment

No Public Comment

SWCC – Review/Revisit Strategic Plan

2019-2021 Strategic Plan discussed. Feedback requested from the commission, should a topic of the plan be reviewed each quarter?

Items 1 and 2 on the parking lot list should be discussed before dealing with the strategic plan.

1. Should the SWCC expand its function?

2. Does the SWCC belong under the ODA at all?) Or where does OWEB become involved? Need to address the overall question of what the SWCC has as a future vision overall before getting into the details of the strategic plan or other parking lot issues.

The strategic plan should be reviewed at every meeting.

Topic tabled until next commission meeting.

Back to Basics – ORS 568 Parking lot review and prioritization SWCC

The SWCC prioritization flow chart was discussed. It will be used to prioritize future work sessions. Parking lot issues will go through the flow chart.

Suggestion to look at the commission as a whole and create a vision of where the commission wants to go first. Make changes to the SWCC and SWCD statutes to substantially advance the whole program first. Changes to make and taking it through ODA and through the legislature is probably not going to work.

Need to look at alternate paths (not through ODA, and not legislative) for big changes. SWCD's have important ties to all natural resource agencies besides ODA (i.e., ODFW, Water Resources, ODF, etc.), all are important to the work that SWCDs do. The commission is weak with only statutory authority to advise ODA. ODA can either accept or reject that advice. There is no relationship to the other natural resource agencies.

Future vision: to strengthen the SWCC and possibly take on many of the authorities that oversee SWCDs currently held by ODA. To expand the functions of the SWCD's roll of SWCC and develop overall vision before deciding the details of strategic plan. To discuss if other agencies are required to confer with SWCC, to be an advisor for other agencies who affect SWCDs, landowners, and ag businesses. Should consider adapting ideas from Washington and Idaho models. To button up proposals and be able to explain and defend them.

Director eligibility should be folded into a vision, as context of a larger future vision.

The agency timeline for legislative submissions like changes to director eligibility is from the November 2021 meeting: First deadline for all agencies is mid-April to submit concepts to Governor's office and DAS. Members of the legislature have much more perspective, jurisdiction, authority, and have more flexibility to introduce bills, having a different timeline. They can introduce bills up to six weeks into the session (mid-March).

Overall scope of SWCC moved to a future work session.

Prioritization flowchart topic: Language cleanup and Director eligibility discussion (Item 13).

- SWCD's have evolved into dealing with urban and rural land.
- Urban areas help fund districts via taxes and have supported SWCD work within urban areas.
- Be landowner based and allow non-landowners to be at-large members; allowing three of seven members to be non-landowners. Control of SWCD's needs to remain in landowner hands, landowner driven.
- Strong debate and polarization with landowner eligibility. Take a middle-of-the-road approach. There is a link between geography and opinions. Should have flexibility for SWCD's to suit local conditions.
- Can districts regulate landowner/non-landowner ratio on boards? Would require legislative changes.
- Flexibility for districts to have more choice. Make sure all details and points are put together.
- legislator who brought this topic forward agrees to leave it up to districts.

Start topic with the commission and put something together in discussion before starting to reach out to third parties. Only go outside the commission if no progress made.

Ask a legislator to introduce the bill.

Commission members agreed.

Most of the districts' money is not from private sources. There will probably be an argument because it's public money and not just landowners involved. Non-landowners might feel they aren't being represented because money usually goes to landowner projects. We need to understand the non-landowner point of view.

Topics to consider:

- landowner vs natural resource directed funding.

- public land in a district, every constituent is a “landowner” and have rights to voice opinion. Each district might be different in these situations.
- need more participation of landowners to defend any changes made. It’s a harder battle to fight for landowner control when the ratio of landowner/non-landowner is changing.
- at-large positions; for representation but not control. Keep over 50% control of boards to people who are actively managing most of the land. They understand the land management/working lands more.
- Allowing non-landowners to be on the board could lead to special interest groups with agendas dictating what can/can’t be done on land and landowners will lose control of their own land.
- political realities when pushing legislation. Diversity/equity/inclusion in policy discussion. We need to be careful not to polarize our districts over new rules. We need support from all districts.
- Boards wont unanimously agree. There are too many differences between districts.
- Need to have people who know and understand the land be included, “land managers”. Already in statute. We don’t want “us” vs “them” situations.
- Include farm workers that manage land, that aren’t titled “manager.”
- “resource professionals” who are knowledgeable but don’t fit the current definition of land manager.
- Use Ag Heritage Commission as a template. Each position can have a designated category; broader position criteria than “landowners.”
- Make recommendations as a commission and let specific boards decide. Would like to see more landowners on the boards.
- Would like to see “at least two landowners” but leave it up to districts to decide ratio. Regardless of five or seven member boards.

Any rule changes need to be legislative. Districts draw boundaries, ODA approves them (568.330). Nothing specifically states ODA approves zone boundary changes, but you can interpret zone boundaries as “boundaries” within district boundaries.

- change to director eligibility, may mean zone maps will probably change. It should be addressed together.

Without zones, the entire board can all be from one area, without representing the entire district, leaving the door open to special interests, and rules that aren’t in the best interest of entire district.

Zones are a critical must have for districts for diversity.

Putting too many requirements on “landowner” status, we run the risk of vacant seats due to nobody running for them. Two landowner requirement is a good place to start.

Two landowners minimum is an acceptable number. It is the responsibility of districts to ensure landowners run for positions.

Board: Agrees to find a legislator to help carry these changes before changes are made for us. Sit down with legislator for advice/opinion on moving forward with legislation proposal. Show them we are working hard on this.

Previous workgroup for this topic was to defer to the commission. Commission was to take a year after workgroup recommendation to review ORS 568. The workgroup was to meet one additional time.

Workgroup will reconvene one more time. Suggests inviting legislator to that workgroup meeting. In an informal fashion. Then report to commission. Bring the workgroup up to speed, and then commission can weigh in and comment during a future meeting. What path will the commission take in this legislation? The commission may not be, under statute, able to carry legislation or advocate for legislation. Can SWCD’s, ODA, or OACD?

Question: Can the commission legally carry legislation with OACD? Question was sent to Lauren at directors' office via Isaak. OACD can't carry this bill because no agreement amongst members.

Unsure if leaving landowner numbers to be decided by boards would be enough for agreement.

District boundaries stay the same, but zone maps would change if ratio changed. For e.g., if district changes from four directors to two directors, zone maps would need to change.

If you change the number of zonal directors/at-large, regardless of landowner status, it will take a lot of verbiage changes in many places. Currently as written, "zones are all landowner based." If this changes to non-landowner based, it can become complicated to rewrite statute. A few years ago, we accidentally eliminated "zones" in a rewrite. It's a lot to add into a statute to allow zone changes. Statute needs to be as simple as possible to avoid a bill that's hard to interpret. Current statute is simple and easy to understand.

People on the east side are open to the idea. Maintain zones but remove landowner requirements.

Commission: Agrees that we maintain district/zone boundaries for directors. If legislation arrives to remove landowner requirements, we'll be in the same situation.

Public Comment: Notice given at 2:58 PM (1:57 in video). Public comment will be open at 3:08PM.

-No public signed up for public comment.

Jan Lee: In the 2023 session, OACD is going for funding sequestration for all landowners and others. Does not want to see this board eligibility issue get in the way of that goal. Would like to see buy-in of the idea from all the districts if we are going to go there. Would like to see a big bill where the SWCC has a new role, making more decisions, work with other agencies. The director eligibility might be problematic in accomplishing a bigger role for SWCC. SWCC should reflect Washington's model where decisions are made where money is spent. Where there is a bigger budget than currently and have more authorities.

Public comment: Closed (2:11:40 in video)

Opened to discussion:

Whoever the commission chooses to carry this bill needs to be familiar with the vocabulary.

Commission is open to change the landowner requirement to minimum of two; and still contemplating how to address zone changes.

Adjournment:

Work session adjourned (at 2:16 in video)