



---

PO Box 848  
530 Hwy 20 South, Hines OR 97738  
Phone: 541-573-6446 [admin@harneyswcd.net](mailto:admin@harneyswcd.net)

**Harney Soil & Water Conservation District Regular Monthly Meeting  
May 25, 2023, 3:30 pm  
Harney County Courthouse Basement Conference Room**

Present: Board Chair (BC) Jeff Hussey; Vice Chair (VC) Scott Franklin; Board Directors (BD) Carol Dunten, Susan Doverspike, Ken Bentz; District Manager (DM) Jason Kesling; Rangeland & Ag Water Specialist (R/A) Breanna O'Connor; Rangeland Specialist (RS) April Mack; NRCS Sage Grouse Partner Biologist (NRCS) Danielle Reynolds; Admin Assist (AA) Barbara Pearson

Remote: HSWCD Sage Grouse Coordinator (SGC) Sarah Mundy

Guests: NRCS District Conservationist (DC) Zola Ryan; Alfred Dunten

Absent: Secretary/Treasurer Ryan Peila, BD Stacy Davies

BC Hussey called the meeting to order at 3:34 pm. DM Kesling asked remote attendees to identify themselves.

Item #1: Approve meeting agenda.

VC Franklin moved, and BD Bentz seconded approving the meeting agenda as presented. All present who were eligible to vote were in favor and the motion passed.

Item #2 April Financial report

The April Financial Report and a new attachment, a check registry, was included in the board director notebooks. The check registry will be included in financial reports from now on. This change stemmed from agenda Item #4, director training, suggested from OWEB's Eric Nusbaum. VC Franklin asked if there were any financial concerns, and DM Kesling said no. DM Kesling said that funds provided by ODA's capacity money was sent to OACD for the NRCS audit. OACD may return these funds once it figures out what to do. The funds will be held, and a check cut for the district. DM Kesling said he is uncertain of funds resolution if it is returned. The district may be able to keep the funds. BD Doverspike moved, and VC Franklin seconded approving the financial report. All present who were eligible to vote were in favor and the motion passed.

Item #3: Approval of April HSWCD meeting minutes

Copies of the meeting minutes were provided in the board director notebooks. BC Hussey asked sage grouse? When I hear back will put on meeting agenda. DM Kesling said there were two other BLM issues on the agenda for information that may or may not later require action.

DM Kesling updated the board on the MASA benefit. At the last meeting, it was approved for staff and OWEB was contacted to see if board members could receive membership. The ethics referral line was "gray," so DM Kesling said it would be best if it were offered through another agency (some sort of agency or employment is required for a MASA subscription). It was suggested board directors attempt to enroll via an RFPD if they are part of one. Otherwise, Karen Moon of the Harney County Watershed Council could see if directors could enroll through that agency.

Susan Doverspike, speaking as a rancher, said that she and her husband Mark had been members of MASA through the Riley RFPD, and she researched to consider providing subscriptions for ranch employees. She provided a different viewpoint of MASA. If the subscriber does not have additional insurance, MASA only pays \$500 toward an air ambulance, leaving the subscriber to pay the remainder. She felt the coverage wasn't as represented. DM Kesling said that HSWCD staff are covered through insurance, apart from those who have opted out. Employees who have opted out have to agree they are covered through other insurance (through spouse, etc.).

There were no other questions or comments regarding the minutes. VC Franklin moved and BD Bentz seconded approval of the meeting minutes. All present who were eligible to vote were in favor and the motion passed. BD Dunten said her approval vote was based on the recommendation of the board directors who were present.

#### Item #4: Director Training report

On March 1, 2023 OWEB provided board director training. DM Kesling, BD Doverspike, and AA Pearson attended. A written report of what they learned was provided in the director notebooks for informational purposes. More ways of protecting board members in financial actions have been incorporated into monthly practices, such as printing off a copy of the check registry as part of the financial report. Directors will also receive via email a copy of the VISA bill. Eric Nusbaum of OWEB gave the presentation. DM Kesling said the staff utilizes his guidance often.

#### Issue #5: FY 2024 Workplan

Another item DM Kesling learned from OWEB's Board Director training was the need for a formalized work plan, which was in the board director notebooks. The first part of the workplan described Harney County; the second part lists what the district does, its staff, the district's grants and funding sources and partners, and plans for the coming year. The future included current grants and their dollar value. Not all grant funds will be spent, as some have extended timelines. A workplan is a requirement for ODA and NSWCD, but DM Kesling felt a more formal plan was needed.

BC Hussey asked why this was an action item. DM Kesling said board approval was needed. BC Hussey asked who prepared the work plan, and DM Kesling said he and AA Pearson. He also added that though the plan lists partners and funding it was subject to change. The workplan was similar to a budget approval.

While there were no further questions about the work plan, the coming year may include a building remodel, and VC Franklin asked about the status of this. DC Ryan said the FSA (Farm Services Agency, also in the building) was discussing this with the building owner and the national office. The last she knew the landlord was working with a contractor on plans and cost to modify the building. She was unsure of the process.

3:50 pm Alfred Dunten arrived.

DM Kesling said NRCS/HSWCD staff usually in the office are himself, AA Pearson, SONEC Sam Artaiz, DC Ryan, and NRCS Reynolds. Others may come into the office but work remotely on a regular basis. Currently, there is enough room with no plans to further expand staff. After further discussion, VC Franklin moved, and BD Doverspike seconded to approve the 2024 Work Plan. All present who were eligible to vote were in favor and the motion passed.

#### Item #6: NRCS Agreements and Civil Rights

DC Ryan gave a yearly requirement presentation to the board. She offered to provide copies of the material after the meeting.

The agreements that exist between NRCS/USDA with district are as follows:

- a. A Memorandum of Understanding (MOU) with HSWCD and USDA. It is a broad agreement, signed in 1972 and remains in effect until either party cancels. Basically, it states the USDA will cooperate with the HSWCD on soil and water conservation programs. Various agencies within the USDA can cooperate with the MOU. VC Franklin asked who signed for district in 1972 and was told Nevin Thompson and John Campbell.
  
- b. A supplemental three-way MOU between NRCS, ODA and HSWCD. This was recently updated, signed in May 2022. In essence, the ODA, NRC, and SWCD will work together on locally led conservation issues. The district will help promote NRCS programs. The district will chair the local work group, assist with the long range plan every three years, and provide an annual plan of work (see item #5). NRCS will support district outreach and keep the district informed on NRCS programs,
  
- c. An unfunded cooperative agreement between the NRCS of Oregon and HSWCD. It specifies NRCS will share equipment, vehicles, and office space. This agreement covers section 16.19 of the Farm Bill and requires compliance that information shared with staff and district board members is to be confidential. In the past, this cooperative agreement had verbiage that district staff complete a number of NRCS tasks; specifics have now been eliminated to simplify things. This agreement is in effect through December 31, 2025. There were no questions.

The second part of DC Ryan's presentation was on the HSWCD's civil rights responsibilities. The SWCD is considered a federally assisted entity with federally assisted programs, which brings the district under federal civil rights responsibilities. There are two important takeaways for HSWCD staff and board directors:

Discrimination based upon religion, gender identification and expression, based on race, etc. prohibited. No opinion about these can affect board decisions. Programs offered need to be advertised to increase opportunity for all people, with verbiage similar to, *"USDA is an equal opportunity provider, employer, and lender. A request for accommodations for persons with disabilities should be made at least 48 hours before the meeting to Zola Ryan, 541-573-6446 ext. 107."*

- 1) Posters that need to be displayed, which NRCS takes care of. If the district ever obtained its own office space DC Ryan said she could assist the HSWCD in obtaining these posters.
  
- 2) NRCS Civil Rights requirements are meetings should be in accessible places and those who wish to attend and participate be given full access (the ability to hear or understand, be able to attend in person), and this requires 48 hours advance notice to access accommodations (for instance, obtaining a sign language interpreter). Verbiage will need to be added to agendas and in public service announcements. In conclusion, DC Ryan asked present board directors to sign a form acknowledging they received this training.

#### Item #7: HC-24 Board Approval

NRCS Reynolds provided an overview to adopt HC-24 into the CCAA program. She explained the enrollment process and how including HC-24 will affect the CCAA stats if the grouse is ever listed as endangered. There was discussion on how the accidental death of a bird will affect a landowner.

DM Kesling spoke about implementation and said RB Mack and SGC Mundy have other properties ready for enrollment. The agreement signed by the landowner indicates a plan needs to be in place 90 days after signature.

Lands being enrolled in a timely matter was discussed, which included the process of enrollment, time staff is able to devote to developing site-specific plans, an updated mapping program, new staff at the Oregon Department of Fish and Wildlife (biologist Brian Wilk). DM Kesling said the district is working north to south in the county to enroll and that the district holds the permit from the landowner. VC Franklin moved, and BD

Doverspike seconded that the HSWCD adopt HC-24 into the District's (CCAA) program. All present who were eligible to vote were in favor and the motion passed.

#### Item #8: CWMA/SWCD Vehicle Purchase

The blue Ford purchased from Grant County is not electronically reliable. Both Burns Ford and Point S have checked it, do not know the cause, and it has not been rectified. DM Kesling said he is not comfortable sending staff out in the county with the vehicle. The green pick up is old (1997) and the speedometer and odometer do not work. The district has funds now to put a significant down and monthly payments. He has checked with Burns Ford and the district can purchase a pickup identical the 2022 purchased last year without the chrome package. It is reasonably priced, and depending upon when the vehicle arrives could have zero interest (a VIN is needed to calculate interest) payment plan. Ted from Burns Ford thinks it could take four to six months for the vehicle to arrive. DM Kesling proposed a \$30K down payment (\$10K from the district; \$20K from CMWA) and would probably use SOWR project funds.

VC Franklin moved, and BD Bentz seconded the purchase. All board members present were in favor and the motion passed.

#### Item #9: August Board Meeting

The regularly scheduled HSWCD meeting would be August 24, 2023. This conflicts with the NACD regional meeting in Lake Tahoe. DM Kesling said this meeting/conference will include new fire science and have information on forest fringe grants. The regional meeting covers the west coast, Hawaii, Alaska, and Guam, so the one in Nevada would be the closest opportunity for him to attend. After discussion of various options (if the DM should make reservations to attend, staff facilitate the next meeting, cancel the meeting or change the date), the consensus was for the DM to attend the NACD meeting and for now table discussion on the August meeting. BD Dunten said in the past the district has canceled August meetings. There was a consensus to cancel the August meeting.

#### Item #10: BLM Sage Grouse Amendment Update

Information for discussion is in the director notebooks. DM Kesling referred the board to the overview from last month. For those who had not attended that meeting he said there was a nine-page spreadsheet with that meeting's materials. BD Dunten asked if a timeframe has been provided. DM Kesling said no; the BLM recently provided an update and said it was way behind. "We're not seeing progress due to this." He said he didn't have a lot of information now and there is no present timeline.

#### Item #11 Public Lands Rule

Information for discussion is in the director notebooks. DM Kesling said there is no other information at this time. He said at the LIT he asked Jeff Rose from the BLM if an update could be provided and was told no. DM Kesling said no one is happy about this rule though he is unsure of what conservation groups think. BD Bentz said this would further deteriorate the Taylor Grazing Act. He said Congressman Bentz publicize this once it is determined what the rule may entail. Comments will need to be submitted by

June 20, 2023.

DM Kesling went on website and obtained the fact sheet and information provided in board packet. BD Bentz said if this rule comes into effect, then conservation groups will be able to outbid ranchers to lease grazing rights.

Documents will need to be reviewed and a special meeting may need to be scheduled. It will be a tight timeline for the SWCD to comment. BD Dunten thought it important for the Soil and Water to have a voice in this. BD Doverspike suggested Congressman Bentz's office provide correspondence that the district could sign. The efficacy of sending this letter as a district or individually was discussed. BD Bentz said he would contact Congressman Bentz and the County Court. The district was reminded that 48 hours' notice is required to notify the public of the special meeting. The consensus was to hold the meeting at the district office with a remote option (to be scheduled later).

Though it was not listed on the agenda, the meeting was opened for public comments. There were none.

Item #12: Adjournment

BD Dunten moved, and VC Franklin seconded that the meeting be adjourned. All were in favor. The meeting ended at approximately 4:55 pm.

Respectfully submitted,

Barbara Pearson, Admin Assist

---

District Representative

---

Date