



Harney Soil & Water Conservation District  
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June 24, 2021

Harney Soil and Water Conservation District Regular Board Meeting  
Harney County Courthouse, 450 N Buena Vista, Burns

Present at the courthouse: Board Chair (BC) Jeff Hussey, Vice Chair (VC) Scott Franklin, Board Director (BD) Ken Bentz, District Manager (DM) Jason Kesling, Sage Grouse Coordinator (SGC) Sarah Mundy, Admin Assist (AA) Barbara Pearson; Farm Services Agency (FSA) Emma Gabriel; Conservation Reserve Enhancement Program (CREP) Ken Bierly

Participating remotely: BD Ryan Peila, SONEC biologist Carlton Strough

Absent: Secretary/Treasurer Carol Dunten, BD Susan Doverspike

NOTE: The District utilized the County's dial in which had worked successfully in the past. We tested the dial in prior to the meeting and the County's password was not recognized. A ticket through AT&T was created but the problem could not be resolved before the meeting. Another link through the County's Free Conference Call was set up and DM Kesling emailed the link to all who might attend.

A quorum was not present at the beginning of the meeting, so those who were scheduled to present were moved ahead in the agenda.

Agenda #4: Emma Gabriel is the County Executive Director for FSA, overseeing Harney and Grant Counties. In the past month the phones at the Harney County Service Center have been down, and the local phone company's response has been less than stellar. However, the office is open. She provided a brief overview of programs offered by the FSA and timelines when applications, reports, or updates are due. Because of the expected drought a water hauling program is available.

There has been an update to the CRP grasslands program: Enrollees can also hay and graze. This has worked well with producers. The land will not have to rest for a full year. She will be calling landowners to set up appointments to enroll in this program. VC Franklin asked what will happen if the contract is breached, and Ms. Gabriel said it is difficult to breach since grazing is allowed. However, participants are aware of regulations upfront. The agency operates with three strikes and you're out policy.

VC Franklin asked if there was a program for pivots? Ms. Gabriel said no, but to check with NRCS. DM Kesling said there is funding available for pivot efficiency improvement

(such as going to Low Elevation, or LESA). He has not heard anything regarding a new pivot. He instead suggested an FSA loan. Is there a cost share available for well drilling? Ms. Gabriel thought there was through NRCS and said she would speak to District Conservationist Zola Ryan when she returned to the office.

At 3:45 pm SGC Mundy arrived at the meeting. At 3:48 pm, BD Peila arrived remotely.

CREP Ken Bierly presented a PowerPoint and provided handouts, which are attached in the meeting minutes. The program is funded 80% through Federal; 20% State. He is working with the state on a proposal to provide funding for the program in its budget. He has also held conversations with local irrigators, beginning in 2017. Landowners would sign a 15-year lease program where the program purchases the water rights of a location. It would change the way the land is managed.

Mr. Bierly was asked if the program would be offered for every pivot in Harney County? He said yes, if they are within the Harney County groundwater area of interest. Landowners and managers would have to show using two-acre feet of water in the past four or five years. The landowner would have the ability to work the well instead as a stock water well. The land could be used for interim grazing. After 15 years when the lease has ended, the landowner can do whatever he or she wants with the land. However, another pivot would not be allowed since the water rights are gone.

If the landowner sells the property, what will happen? Mr. Bierly said the new owner would have the option to pay back what has been received or take over the contract. The program has a limit, \$50K per year from federal government (around 3 pivots). It is designed for a landowner with limited number of pivots.

While there is a downside in lowering property value, it is an option. The other is water resources eventually shutting down well operations. The program provides an incentive to reduce water. Mr. Bierly gave Weaver Springs as an example and said the shortest timeframe for water to reach critical levels is within three to four years. The next step would be to define the area and determine for shutdown.

Similar programs have been implemented in Colorado, Kansas, and Nebraska with success. VC Franklin asked if new landowners would qualify. Mr. Bierly believed so since groundwater declines began around 1985 to 1990. The program will be available as long as funding is available. He commended State Representative Mark Owens for his work.

If a producer has a pivot but no water rights, could he qualify? No.

Mr. Bierly provided a proposed timeline of the program's implementation. A Memorandum of Agreement will have to be signed between the Governor and the Secretary of Agriculture. He hopes to have a proposal submitted in the fall. He has drafted a Memorandum of Understanding but it has to go through state and federal attorneys and have an environmental assessment completed. He also needs to gather information on the economic affects and how the program might affect grazing.

Mr. Bierly is seeking a letter of support from the District prior to August. This is agenda item #3, requested action item.

BC Hussey called meeting to order at 4:08 pm as a quorum was reached. There was further discussion regarding CREP. BD Bentz said it will be good that people be compensated because it is otherwise inevitable that the water will be shut off. He said having senior water rights may not be helpful because for him his property is at a higher elevation than his neighbors.

Mr. Bierly and Ms. Gabriel left meeting at 4:15 pm, with thanks from the Board.

BD Bentz moved and VC Franklin seconded that the District sign a letter of support for CREP. All present and eligible to vote were in favor (attached voting tally). The motion carried and BC Hussey signed the letter which had been drafted in advance of the meeting.

Agenda item #7: Site-Specific Program inclusion, CCAA for HC 78. SGC Mundy presented a summary to board. The property is 4669 acres, eleven land parcels, located in the Drewsey priority area (a handout is attached). The land is experiencing juniper encroachment and cheat grass. Water troughs are proposed with seven escape ramps to be installed. DM Kesling asked the Board to approve and BC Hussey to sign the certificate. SGC Mundy said that the District submitted a letter of concurrence on February 1, 2021, and it has just returned for enrollment, pending board and landowner signatures.

BD Bentz moved and VC Franklin seconded that there be a Site-Specific Inclusion for HC 78. All present and eligible to vote were in favor (attached voting tally). The motion carried. SGC Mundy left the meeting at 4:25 pm

Agenda item #8, re: Domestic Partnership, requested action item.

DM Kesling explained the reason (see attachment) this issue was brought before the Board. Insurance for domestic partnerships are currently not available, and yet the District's employee handbook indicates that the District does not discriminate based on marital status, which is a conflict. There is currently a District employee who is in a domestic partnership and would like insurance to be extended. It will need board approval. BD Bentz said, "I don't think we can legally deny it, anyway." DM Kesling agreed, but said a board decision was necessary for SDIS insurance. Currently the district covers an employee's health benefits of up to \$1300 per month. Many employees' insurance costs are below that. He provided himself and family as an example.

BD Bentz cautioned the Board based on a previous situation with a school district where insurance allowance was a specific number and a teacher's insurance was less and the employee requested and received the remainder as a bonus.

DM Kesling said the ruling wouldn't affect the district other than it benefits an employee if he or she is in a domestic partnership.

BD Bentz moved and VC Franklin seconded extending insurance to domestic partners of employees. All present and eligible for voting were in favor and the motion carried (attached voter tally).

Agenda item #9: Audit engagement letter, requested action item.

For the past two years, Rob Gaslin has audited the District's finances. Approval was sought for him to continue. VC Franklin moved and BD Bentz seconded this motion. All present and eligible to vote were in favor and the motion carried (attached voter tally).

Agenda item #1: Approval of Monthly Financials, requested action item.

DM Kesling provided an overview of May expenses. He said the ODA TA funds have been spent. He will present the proposed FY 2022 budget at the next meeting. VC Franklin moved and BD Bentz seconded approval of the financial report. The motion carried (attached voter tally).

Agenda item #2: Approval of May Financials, requested action item.

The May meeting minutes were presented. There were no additions or corrections. VC Franklin moved and BD Bentz seconded approval of the minutes. All present and eligible to vote were in favor. The motion carried (attached voter tally).

Agenda item #5: The Five-Year Plan. This was not an action item. Instead, DM Kesling urged directors to read through the plan and include any suggestions, edits or additions. Comments will be incorporated, and maps will be added. He hopes to provide a final draft at the July meeting for approval.

VC Franklin asked about the comment in the Five-Year Plan that more office space was needed. There was discussion about the present arrangement with NRCS. DM Kesling doesn't want to break the bond between the two organizations. For now, the building wing the two agencies share have eight spaces and HSWCD is allotted two. HSWCD have employees working remotely and until the District has ten employees feels the present situation is workable.

An employee trailer purchase or the building owner remodeling the property were discussed. Currently the District does not pay rent. VC Franklin said that whatever arrangements are made he wanted two people to remain in the office, the DM and AA Pearson. He said in previous years there was no one in the office and he is hearing positive comments from producers about someone being in the office consistently. BC Hussey pointed out that sometimes DM Kesling does need to be in the field.

Needed equipment listed in the Five-Year Plan was discussed—another vehicle. The funds obtained through selling previous vehicles has been spent on repairs of past vehicle. Funding sources, NRCS allowing use of vehicles, renting vs. ownership were discussed.

DM Kesling also updated the board on resubmission of the food security grant. The District is currently working with the High Desert Partnership.

Agenda item #6: Update on Season Tech (ST). New employee Zane Taylor has been working for the past two weeks. SGC Mundy is training him. They went out in field today. DM Kesling also said that on ST Taylor's first day on the job he was doing property weed maintenance. He was using a weed eater and was a considerable distance from everything and did not know a rock had projected, hitting the personal vehicle of an FSA employee. The HSWCD will take care of the damage, believed to be about \$1200.

DM Kesling said there were two additional items he wanted to present to the Board but they came up after the agenda had been published.

- 1) A proposed contract between HSWCD and Crook County Soil and Water Conservation District. This would be for CCAA data input. Crook County is taking the lead and hopes to streamline the HSWCD's efforts. The contract will be from July 1, 2021 to June 30, 2022. DM Kesling believes the work will actually take about two weeks, but he wanted to keep the contract open ended if any problems arose or HSWCD lost staff. CCSWCD will bill monthly. The contract will not exceed \$6500 and CCSWCD will bill anything beyond hourly. Funds are secured through the OWEB Sage Grouse Monitoring grant. VC Franklin moved and BD Bentz seconded approving this intergovernmental agreement. All eligible to vote who were present were in favor and the motion carried (attached voter tally).
  
- 2) A proposed Intergovernmental Agreement between HSWCD/CCSWCD: This was written in the event a CCAA landowner has property in both Harney and Crook Counties. The two District Managers will work together in setting up a plan to develop the CCAA plans on both county properties. VC Franklin moved and BD Bentz seconded approval of the agreement. All present who were eligible to vote were in favor. The motion carried (attached voter tally).

VC Franklin moved and BD Bentz seconded adjourning the meeting, roughly at 4:55 pm. All present eligible to vote were in favor and the meeting ended (attached voter tally).

Respectfully submitted,

Barbara Pearson, Admin Assist

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District Representative

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Date

HSWCD Regular Board meeting June 24, 2021

Agenda Item #1: Approval of Monthly Financials

Name	Aye	Nay	Abstain
Jeff Hussey	✓		
Scott Franklin <i>2nd</i>	✓		
Susan Doverspike			
Carol Dunten			
Ken Bentz <i>move</i>	✓		
Ryan Peila	✓		

Agenda Item #2: Approval of May 20, 2021 special meeting minutes

Name	Aye	Nay	Abstain
Jeff Hussey	✓		
Scott Franklin <i>move</i>	✓		
Susan Doverspike			
Carol Dunten			
Ken Bentz <i>2nd</i>	✓		
Ryan Peila	✓		

*Signature of letter of support*

Agenda Item #3: Approval of letter, Ken Bierly HC Groundwater CREP

Name	Aye	Nay	Abstain
Jeff Hussey	✓		
Scott Franklin <i>2nd</i>	✓		
Susan Doverspike <i>absent</i>			
Carol Dunten <i>absent</i>			
Ken Bentz <i>move</i>	✓		
Ryan Peila	✓		

Agenda Item #7 HC 78 SSP *approved HC 78 SSP cert.*

Name	Aye	Nay	Abstain
Jeff Hussey	✓		
Scott Franklin <i>2nd</i>	✓		
Susan Doverspike			
Carol Dunten			
Ken Bentz <i>moved</i>	✓		
Ryan Peila	✓		

Agenda Item #8: SDIS Domestic Partnership

Name	Aye	Nay	Abstain
Jeff Hussey	✓		
Scott Franklin <i>2nd</i>	✓		
Susan Doverspike			
Carol Dunten			
Ken Bentz <i>moved</i>	✓		
Ryan Peila	✓		

Agenda Item #9: Audit Engagement Letter

Name	Aye	Nay	Abstain
Jeff Hussey	✓		
Scott Franklin <i>MOVED</i>	✓		
Susan Doverspike			
Carol Dunten			
Ken Bentz <i>2nd</i>	✓		
Ryan Peila	✓		

Agenda Item #10: Scope of Work 2021 CCAA Database

Name	Aye	Nay	Abstain
Jeff Hussey	✓		
Scott Franklin <i>MOVED</i>	✓		
Susan Doverspike			
Carol Dunten			
Ken Bentz <i>2nd</i>	✓		
Ryan Peila	✓		

Agenda Item #11: Intergovernmental Agreement between CCSWCD/HSWCD

Name	Aye	Nay	Abstain
Jeff Hussey	✓		
Scott Franklin <i>MOVED</i>	✓		
Susan Doverspike			
Carol Dunten			
Ken Bentz <i>2nd</i>	✓		
Ryan Peila	✓		

Meeting Adjournment

Name	Aye	Nay	Abstain
Jeff Hussey	✓		
Scott Franklin <i>MOVED</i>	✓		
Susan Doverspike			
Carol Dunten			
Ken Bentz <i>2nd</i>	✓		
Ryan Peila	✓		