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## **Regular Monthly Business Meeting**

### **October 27, 2022, Harney County Courthouse Basement Conference Room**

Present at the courthouse: Board Chair (BC) BC Hussey, Vice Chair (VC) VC Franklin, Board Director (BD) BD Bentz; HSWCD Staff District Manager (DM) DM Kesling, Sage grouse Habitat and Rangeland Restoration Planner (SGP) SGH Reynolds, Admin Assist (AA) Barbara Pearson

Present, attending remotely: BD Dunten, Sage grouse Coordinator (SGC) Sarah Mundy

Absent: Secretary/Treasurer (S/T) Ryan Peila and BD Susan Doverspike

BC Hussey called the meeting to order at 3:35 pm. Those attending remotely were asked to identify themselves and advise if anyone was present with them.

#### Item #1 Approve Agenda

DM Kesling requested to add an item to the agenda: For the HSWCD board to consider a bonus for the staff this year, based on the staff's recent success, good work, and the district's financial stability. The requested agenda addition is to be labeled Item #8a. There were no other additions. BD Dunten moved and VC Franklin seconded approval of the agenda. This was approved unanimously by all present who were eligible to vote.

#### Item #2 August and September Financials.

DM Kesling said the district is in the best financial position since he has been working at HSWCD. He provided two financial reports (one for August and another for September) since there was no meeting last month due to a field trip and public outreach in Fields. He said that contractors are being paid on time, things flowing seamlessly. DM Kesling explained the negative entries,

allocations, and what was spent. He said he attempts to present what has been spent per month and provide a more involved report quarterly. It was decided to vote on both months' financial reports at the same time. VC Franklin moved and BD Bentz seconded approving the August and September 2022 financial reports. This was approved unanimously by all present who were eligible to vote.

SGH Reynolds arrived at 3:38 pm

### Item #3 August Meeting minutes

There were no September minutes due to the Fields tour and public meeting. As far as additions, corrections or questions about the August 2022 minutes, BC Hussey asked about page 2, the CCAA program NRCS audit—has there been an update? DM Kesling said that BD Dunten has contacted U.S. Representative Cliff Bentz. State Representative Mark Owens has also reached out to Rep Bentz and requested a Congressional inquiry to see how he can help us.

Since the August meeting, NRCS District Conservationist (DC) Zola Ryan was able to identify the land, based on a map and was able to put together a list which reduced HSWCD's bill by 75% based on other NRCS contracts she had. There was the option for NRCS to identify and provide requested information, and this did not involve HSWCD doing anything out of the CCAA scope. Between this reduction and congressional inquiry this issue may be a wash; the decision is to be announced next week. The presumed balance could be ten to fifteen thousand or nothing. Any of these options will not put the district in a financial bind. BD Dunten asked when DC Ryan identified the owners if she turned over this information to NRCS. DM Kesling said DC Ryan provided a small table based on HCs and provided this to DM Kesling and Jason Jeans from NRCS and then Mr. Jeans submitted it to USDA. The document will have all the protection of NRCS documents.

There were no further questions. VC Franklin moved and BD Bentz seconded approval of the August 2022 business meeting minutes. This was approved unanimously by all present who were eligible to vote.

### Item #4 November and December meeting dates

HSWCD monthly business meetings are held on the fourth Thursday of each month and the one in November will fall on Thanksgiving. Options for November and December meetings were provided.

After discussing date options, BD Dunten moved that the normally scheduled November and December business meetings be canceled and instead a

meeting combined with a dinner (spouses invited) be held December 15<sup>th</sup>. VC Franklin seconded. This was approved unanimously by all present who were eligible to vote.

#### Issue #5 Harney County Natural Hazard Mitigation plan as SWCD plan

The extensive plan (well over 500 pages) had been sent to board members prior to the meeting, but only the summary was provided in their notebooks to save paper. The plan identifies various hazards the county may face and proposed solutions dovetail what the HSWCD is already facilitating: Juniper cutting, medusahead for fire mitigation, water piping projects to improve water available during drought, as well as the future project of providing collars for livestock to preserve riparian areas. The Oregon Ag Trust (OAT) has put in \$1.4M to lease a ranch to serve as an emergency location in the event of a disaster. Total request is \$4M over 3-year period.

BC Hussey asked what prompted this, and DM Kesling said OAT Mark Driscoll had told him while he was working in Florida they would obtain pre-disaster hurricane money, and thought Oregon could also benefit from pre-disaster funds. He drafted the pre-application grant. DM Kesling said he contacted 10 county landowners who agreed to provide their land for disaster pre-mitigation activities. BD Dunten asked if this would involve perpetual easement? DM Kesling said the district side of the grant was strictly a conservation measure action but did not know how OAT's side of the grant would be implemented in practice.

SGH Reynolds said the BLM has a similar grass banking program for its projects. DM Kesling said OAT hopes to find a ranch that is for sale as this would make it possible for people to still live there but have the land available for emergencies.

BC Hussey asked if the plan included potential spraying and well development. DM Kesling said the proposal includes up to 10 wells and 30 miles piping, since he has heard water is not available in many wells. BD Bentz said piping is a better option now as it cheaper and portable.

BD Dunten asked what the district's role will be if the plan is adopted. DM Kesling said FEMA has a requirement to its application that a district have a natural hazard mitigation plan and it was suggested the district adopt our counties' mitigation plan.

SGH Reynolds asked how long the plan will be considered effective. DM Kesling said the existing plan was written in 2019, so it is still good. BD Dunten asked if it would include easement, and DM Kesling said not for the district. OAT is

proposing an easement and will be a subcontractor—it would manage and operate independent of us. The district will be the fiscal agent for OAT and insure all grant requirements are met. BD Dunten asked if county governments have already adopted this plan and DM Kesling said yes, in 2020. The district would approve following the county's proposed solutions, such as cutting juniper and managing medusahead as fire reduction.

After further discussion VC Franklin moved and BD Bentz seconded the district adopting the Harney County Natural Hazard Mitigation Plan. This was approved unanimously by all present who were eligible to vote.

#### Issue #6 Baldwin CREP Program Approval

DM Kesling presented the Baldwin CREP program and explained the process and plan to the board. NRCS presents to HSWCD a conservation plan, and the district is required to sign off on the plan in order for the contract to be awarded. This plan includes two tax lots. SGH Reynolds said that CREP often enacted through SWCDs. This is an old CREP that had not been renewed; it is now either being renewed or enrolled as a new one. VC Franklin asked if this is connected to private land and DM Kesling said the land is all private. The land includes a spring with red band trout. There was further discussion on the district's involvement, partnering with NRCS on projects and funding. DM Kesling said he saw no reason for the board to not sign because it fits the SWCD mission. VC Franklin moved and BD Bentz seconded approval of the program. This was approved unanimously by all present who were eligible to vote.

#### Issue #7 Sage Grouse BLM Amendment Update

This is not an action item. DM Kesling referred to the attached letter from Udom Hong. The BLM is now moving forward with some draft concepts. The district doesn't have a cooperating agency agreement in place yet and is trying to meet timelines. The email is from the Utah BLM office. The BLM will do a six states wide planned amendment of the Sage grouse plan. The district has the opportunity to influence the program, but for now the email is the only information on the sage grouse plan update. BD Dunten suggested forming a committee to keep track of this and see if the district's concerns will be an influence. Past considerations and concerns and their inclusion and exclusion from the BLM plans were discussed. DM Kesling said there are a lot of "what ifs" in this and thought it would be good to update board during this meeting. He has not heard anything beyond the information presented.

VC Franklin asked BD Dunten if she was aware if the alternatives address the 11-12 issues with lawsuit. BD Dunten yes, horses and invasive species (medusahead

and juniper). They have to consider all the uses for BLM guide. VC Franklin asked if stubble height was addressed and BD Dunten said it wasn't down to that detail. There are boundaries for wild horse management areas, grazing and the effect of improper grazing. Beyond that nothing specific yet. VC Franklin asked if a discussion about predators is taking place now. BD Dunten said yes, in one alternative. DM Kesling said a recent LIT sage grouse meeting documented that when wild horses are above an AML (appropriate management level) it is shown to have a negative impact on the sage grouse population. Researchers are getting information on how juniper cutting in Lake County and raven population in Baker County affects the bird population. BD Bentz said raven population has reached a critical mass in recent years; it has a huge impact on sage grouse.

VC Franklin thought this could be a good thing and DM Kesling said it could be good or bad because the Environmental groups could come with their own science. Following there needs to be negotiation to what is best for the area. He felt the district needs to provide better information about BLM doing positive actions for the area. VC Franklin asked when will this come together and DM Kesling said he didn't know. The region head of the BLM should be in Harney County next week.

BD Dunten urged the DM and/or other board members keep in contact with the BLM. VC Franklin said he had no objection. BD Dunten offered the board to form a committee to aid the DM. DM Kesling provided information with a previous employer in a similar situation. He said the county's political card is U.S. Rep Cliff Bentz. The district needs to notify him if the BLM is ignoring the community. Rep Bentz has been involved with the RCPP audit and that has also been helpful. DM Kesling said he thought it would be good for the local groups and cooperating agencies to respond to the BLM, let them know what they like about the plan and want implemented. He suggested to wait until we see what the district is committing to and he will respond to the email for additional information. DM Kesling will follow up with the Udom Hong email to check on the status of the Cooperative Agency agreement.

#### Issue #8 New Position Hire

DM Kesling recently contacted board members via phone to approve a new position created for sage grouse and ag water. Now that grants are in place and finances are looking good he thought it was time to move forward in the hiring process. This would be for an SWCD Rangeland/AgWater Specialist and would be funded 25% through Ag Water programs and 75% through CCAA. He was seeking a board member to sit-in during interviews. VC Franklin

nominated S/T Ryan Peila; BD Bentz seconded. This was approved unanimously by all present who were eligible to vote.

#### Issue 8A: Bonus for Employees

DM Kesling said the staff has been working hard and inflation has affected district attempts to improve staff salary. Prior to the meeting he spoke to the district bookkeeper (Oster Professional Group's, Janae Trindle) and looked at employee handbook, and ODA's SWCD Manual created by Eric Nusbaum and couldn't find anything preventing the board from issuing a bonus. He said there are two ways to provide:

- 1) Gross—taxes are taken out by the District or,
- 2) Net—taxes are not taken out and it is up to the employee to claim on taxes.

The proposed bonus will come from unrestricted funds located in Admin, CWMA Admin, and the senate bill. There are a significant number of accounts that DM Kesling can choose from. He and Ms. Trindle thought providing the bonus prior to black Friday would be good to help families with the upcoming holidays and he would like to implement during the pay period 11/18. He request \$1000 per employee. VC Franklin asked if this would be a onetime bonus and if there had ever been bonuses provided before. DM Kesling said this would be a onetime bonus and any future bonus will go through the board approval. AA Pearson said that the business meeting minutes indicated during Marty Suter-Gould's tenure employee bonuses had been awarded. DM Kesling said the SOWR project has funds and the work has already been completed—the district has the money. VC Franklin asked if there were any other bonuses and AA Pearson said there is the two days off for holiday (to be taken by employees at their choosing during November through January). DM Kesling corrected AA Pearson that the days off is considered a vacation benefit and not a financial benefit. DM Kesling said that providing a bonus is also acceptable because it is considered a standard business practice. He said that the \$1000 would be entered as a gross payment, and should reflect around \$800 in net pay to each employee.

VC Franklin moved and BD Bentz seconded proving a \$1000 bonus to each employee. This was approved unanimously by all present who were eligible to vote. Employees present at the meeting expressed their gratitude to the board.

#### Public comment

BC Hussey discussed an issue he has already been concerned about: OWEB is slow in getting money back to the district. He felt due to communication that

the agency doesn't really understand what the district is doing. He asked if staff are staying in contact with OWEB so that OWEB understands and that we know what is causing the delay. DM Kesling said yes; staff is staying in contact to see why previous applications have been declined and expressed that district staff think approved grants needs to be more equitable. For instance, all FIP funds were awarded for projects on west side of Cascades. That area simply gets more money. DM Kesling would like to bring OWEB back out here. The real issue is with federal and state agencies staff that make up the review teams. Western Oregon more competitive, has more staff, more time, and a different project scale as well as a tax base. This can be frustrating, such as with the recent 300–400-page application for FIP all counties—he said he told OWEB that “don’t have us do all that work if you’re not going to fund.” SGC Mundy concurred. She said she had the impression they knew who they were going to fund already. “It is discouraging.” But she said the district joined the eastern Oregon advocacy group, with Autumn Larkin leading the effort to express the lack of eastern Oregon projects. DM Kesling said it sounds like OWEB will change its process based on that and hopefully this will resolve the issue of submitting grants that will not rate high enough for funding.

BC Hussey said it was during OWEB touring Stinkingwater he was surprised about that lack of understanding OWEB personnel has about what the district does. He wondered about what else the district staff and board can do. SGH Reynolds said “we’ve been undermined at SageCon for years.” She thought presenting the recent film by Wahoo productions and landowners showcasing what they are doing and sharing that good work would be beneficial.

BD Bentz also wanted to discuss with OWEB about double layering of funds. He gave the example that board and staff discovered at Fields trip vs. not funding projects that the SWCD is attempting. The Fields tour showed that ranch is being funded through The Nature Conservancy, the Oregon Desert Lands Trust and is seeking further funds through OWEB. It is not fair. SGH Reynolds said there is a notice in the Burns Times-Herald about a meeting regarding the proposal of \$3M funding. BD Bentz said one quasi-government agency funding another shouldn’t happen.

DM Kesling said there was a negotiating meeting today and he had an update on the RCPP grant agreement. The district had been awarded \$3,292,207.62 for conservation in the northern Steens area. The district had asked for \$4,220,779.00, but that amount had been reduced. But out of today’s meeting the district ended up with more staff salary than originally requested. Instead of \$761,920 the district will now receive \$823,051.90. He wanted to let board know

and the current negotiation process should provide better results than our past RCPP that is undergoing the audit.

VC Franklin moved to adjourn the meeting; BD Bentz seconded. This was approved unanimously by all present who were eligible to vote.

Respectfully submitted,

Barbara Pearson, Admin Assist

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District Representative

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Date