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Harney Soil & Water Conservation District Regular Monthly Meeting
90 W. Washington, Burns
October 24, 2024

Present: Board Chair (BC) Jeff Hussey, Vice Chair (VC) Scott Franklin, Board Directors (BD) Carol Dunten and Susan Doverspike; District Manager (DM) Jason Kesling, Kaylee Littlefield, Admin Assist (AA) Barbara Pearson

Absent: Board Directors (BD) Stacie Davies, Ken Bentz, Ryan Peila

Guests: Alfred Dunten, Jim Angell, Sue Ramsay

Guest/Remote: Karin Stutzman, Oregon Department of Agriculture

BC Hussey called the meeting to order at 3:31 pm.

Item #1: Approval of Agenda (Action item)

DM Kesling requested an addition to the agenda, #9a, a discussion on grazing loss assessment for Farm Services Agency (FSA). BD Dunten moved and BD Doverspike seconded approval of the agenda with the proposed addition. All present were in favor and the motion passed.

Item #2: August and September Financial Report Approval (Action item)

Copies of the August and September 2024 financial reports were provided by email and in the director notebooks. VC Franklin asked if there were any problems. DM Kesling said none have been identified. VC Franklin moved to approve both months of financial reports; BD Doverspike seconded. All present were in favor and the motion passed.

Item #3: Approval August Meeting Minutes (Action item)

VC Franklin brought up items from the August meeting minutes for follow up. The first comment regarded the audit. He asked DM Kesling if the auditor (Robert Gaslin Accounting) would be able to continue. DM Kesling said Mr. Gaslin said he can

continue if the district would like. The concern is staffing. The second item was if the letter had been mailed thanking Harney County and Oregon Representative Mark Owens on their actions regarding the grasshopper infestation. DM Kesling said the letter would be sent out tomorrow. Last, VC Franklin asked if additional funds for grasshopper treatment had been secured. DM Kesling said not yet. The HSWCD paid landowners that it had committed to pay; it went over budget by approximately \$700. There is still hope that those who treated but didn't expect compensation would receive it. The district does not know if there would be funding for grasshopper treatment next year. There were no other comments or questions. VC Franklin moved and BD Dunten seconded approval of the August 2024 meeting minutes. All present were in favor and the motion passed.

Item #4—November, December 2024 Board Meeting Dates

The justification behind the proposed change were provided as a memo to board directors in their notebooks. HSWCD board meetings are regularly held on the fourth Thursday of every month and it is doubtful there would be a quorum for either month. DM Kesling suggested Thursday, December 5th. BD Dunten moved and VC Franklin seconded canceling November and December board meetings and scheduling a special meeting on December 5th. All present were in favor and the motion passed.

Item#5—HB 2020 Juniper bids

The best use of funds were discussed in depth. DM Kesling said a budget was not disclosed to contractors during bid tour. Contractors were advised all three projects may not be funded. DM Kesling felt all contractors were capable, though Workman was a new one for the district. Guest Jim Angell said he knew Workman personally, and felt if the company was awarded the bid, it would do a good job. Strain has two projects he is currently working on for the district, neither have been completed. There is \$223,600 for all three projects, but an individual budget was not listed per project. If the three lowest bids for the projects were accepted it would be approximately \$11K over. The District is awaiting other funds; if they don't come through BLM, admin would have to cover (a BLM rep contacted JK during the meeting and approved the additional funds). DM Kesling feels funding all projects is a valid concern to show legislation and possibly receive future funds. The three projects were as follows:

- a) Marshall—one bid received from O-O. Scoring would not be necessary.
- b) Butler—two bids received (from O-O and Workman contracting)
- c) Howard—two bids received (from O-O and Strain)

The board evaluated the bids. BD Dunten moved and VC Franklin seconded all present were in favor and the motion passed to awarding based on the lowest bid as follows:

- a) Marshall—O-O Contracting
- b) Butler—O-O Contracting
- c) Howard—O-O Contracting

Item#6 LIT Coordinator Position

DM Kesling said LIT is an acronym for Local Implementation Team. LIT works toward sage grouse conservation, funded through the Bureau of Land Management and NRCS. The LIT role is to coordinate sage grouse projects between public and private lands. The position is funded long term (three years). Would the district want the LIT coordinator in its office? Current HSWCD employee Alex Dohman has served in that position. DM Kesling asked if the board would create the position and approve the pay rate (the scale was in the board director notebooks).

VC Franklin asked what the person would do, and DM Kesling said the person would work with BLM, ODFW, State Lands, and landowners on land scale restoration; organize and administer projects. He or she would be staffed at the HSWCD office. After further discussion, VC Franklin moved and BD Doverspike seconded to authorize the District Manager to create the LIT position and hire at the pay rate scale attached. All present were in favor and the motion passed.

Item #7—Move BLM Funds to LGIP

DM Kesling was contacted by the BLM indicating year end funds would be lost if not allocated to a cooperative agency by the end of September. The DM created a budget and scenarios for \$1M for rangeland improvements. He said the district should receive the money before the special meeting. The BLM did not advise what the projects should be, but Mill Creek would be a priority. The DM asked the board that upon receipt of the BLM funds the money be moved into the LGIP (Local Government Investment Pool). VC Franklin and BD Doverspike seconded this motion; all present were in favor and the motion passed.

Item#8—Discussion on Audit Update

This past Monday and Tuesday auditor Robert Gaslin came to the office to conduct the annual audit. It was slightly later due to fires, etc. Mr. Gaslin said everything looked good; there were no findings as of yet. Mr. Gaslin interviewed BC Franklin (in the past he has interviewed other board directors or employees). Conducting future audits with the district were discussed. If Mr. Gaslin's office is fully staffed he could be available, so there is less urgency to find another auditor. Having the same firm do the annual audit was discussed as well as the cost involved. Guest Karin Stutzman said a new rate for administrative costs is allowed (15% instead of 10%). DM Kesling said Mr. Gaslin will present the audit to the board once he reports to the State of Oregon; he will also be present at the annual meeting.

Item#9—Done Work Discussion

Drones are a new tool for the district and contractors. The CWMA has a drone and contractors have drones for applying herbicide. The CWMA recently contracted with an herbicide applicator that utilized a drone to treat purple loosestrife. The weed grows in swampy areas difficult for a vehicle to reach. The contractor used GPS technology to mark locations of the weed and then used the drone to treat. Recently, the CWMA contracted with an herbicide drone applicator at BD Dunten's property. Unbeknownst to BD Dunten and CWMA Tyler Goss this drone made a great deal of noise (compared

to other drones) and two horses in a meadow were spooked. One ran into a barbed wire fence and died as a result. This was a horse owned by a ranch manager. BD Dunten said she didn't think it was anyone's fault but most people are cognizant of the fact that the drone sound terrorizes a horse. She felt the operator should have known that (BD Dunten and CWMA Goss did not know). She called the drone company to discuss, but she would like to see if the ranch foreman could be compensated for the value of the horse and felt the district and drone company jointly bear responsibility. She felt an amount of \$3-5K would be fitting.

Discussion followed if this would set a precedence of the district bearing responsibility for any livestock death for district projects. Other issues brought up were creating a liability waiver for landowners and contractors; the possibility of giving landowners ten days' notice to remove livestock from an area to be treated. DM Kesling will contact the SDAO regarding liability and setting a precedence for paying for such losses and will contract the drone operator. DM Kesling said we don't want to exclude working with drones; we want to learn from this and improve our communication with landowners and contractors.

Item #9a—FSA Yearly Professional Opinion regarding Grazing

The DM will develop a letter for the FSA. Has there been any forage loss in the 2024 grazing season? VC Franklin asked if fire is considered forage loss. DM thought it was more meant to be drought-related or weather patterns. BC Hussey said in his area there was no rain this summer. DM asked if he had to downsize his herd, BC said no but weaning weights were down 5-10% due to nutrition issues. The lack of summer rain didn't keep meadows green and they had to be moved.

Another thing mentioned was weather affecting different parts of the county and DM Kesling said his letter would take this into account. BD Dunten said her area had lot of forage but it got dry early. Guest Sue Ramsay said the heat stress affected mother cows, which would affect the next set of calves. BD Doverspike noted there was about two weeks of temperatures over 100 degrees. She said it is hard for a calf to "gain weight on a broom straw." DM Kesling will draft a letter and present it to the board for review prior to sending it to FSA's Emma Bailey.

Item #11—Public Comments

Jim Angell introduced himself to the board. He is the owner of Wild Honey Excavation. He asked for clarification on the origination of funds to cut juniper—public or private funds? DM Kesling said the majority of it is public funds but a portion of it is obtained through lottery purchases. Mr. Angell asked if tax payer funds are used does the district have to verify if the contractor's employees are U.S. citizens or legal to work in the U.S?

He expressed frustration that O-O is awarded the bulk of the projects. He asked the district if the board considered who O-O employs? Does the money paid in wages stay in the county? VC Franklin asked if it was the district's business. Mr. Angell said other than Safeway and the local laundromat the money leaves the area.

Mr. Angell said he has worked as a contractor for years and expressed frustration that he is in competition with a contractor who pays his employees \$30 to \$50 per day. In contrast, he employs local people who have a family to support and mortgages to pay.

He also noted the district does not require performance bonding bids through the district. In working for another entity, he was required to post a 3% performance bond prior to beginning the project. If a contractor doesn't complete a job, where does it leave the district? BC Hussey said contractors aren't paid until the work is completed. DM Kesling said the district has had contractors quit and explained how the district settled with them. Regarding if contractor employees are here legally, he said district employees need to complete an i-9 and it was up to contractors to do the same with their employees. The district doesn't ask this information.

Mr. Angell said he hasn't participated in bid tours recently because he can't afford to miss a days' work and then not be awarded the bid. Many on the board indicated they understood his frustration and had considered about the money remaining in the county vs. awarding bids to the lowest submission. The consensus for now is accepting the lowest bids allows for more landowners to receive assistance. He also said he would like to serve on the conservation board someday. He thanked the board for listening to him and he was also thanked for his comment. He left the meeting at 5:14 pm.

Sue Ramsay is a landowner/land manager and asked questions about district projects—does the district inspect the work midway? The DM discussed the possibility of creating a photo tour after a project completion to educate the board on contractors.

VC Franklin moved and BD Dunten seconded adjourning the meeting. It was about 5:30 pm. All present who were eligible to vote were in favor. After the end of the meeting Ms. Ramsay remained to learn more about the bid process. She has registered with the county clerk office to have write in votes counted and may be a new board member.

Respectfully submitted,

Barbara Pearson, Admin Assist

District Representative

Date