

Marion Soil & Water Conservation District



2008-2009

Business Plan

Revised 3-12-08



Executive Summary

The purpose of the Marion Soil and Water Conservation District (SWCD) Business Plan (Plan) is to serve as a broad outline for the Marion SWCD to follow when guiding its directors, employees, and partners in response to natural resource concerns, internal and external practices, and other factors that influence courses of action. This Plan has been formatted so that it performs the functions and incorporates the concepts and contents associated with both broad long-range and specific short-term strategic goals. This plan provides benefits to the District, our cooperators, constituents, and the community we serve.

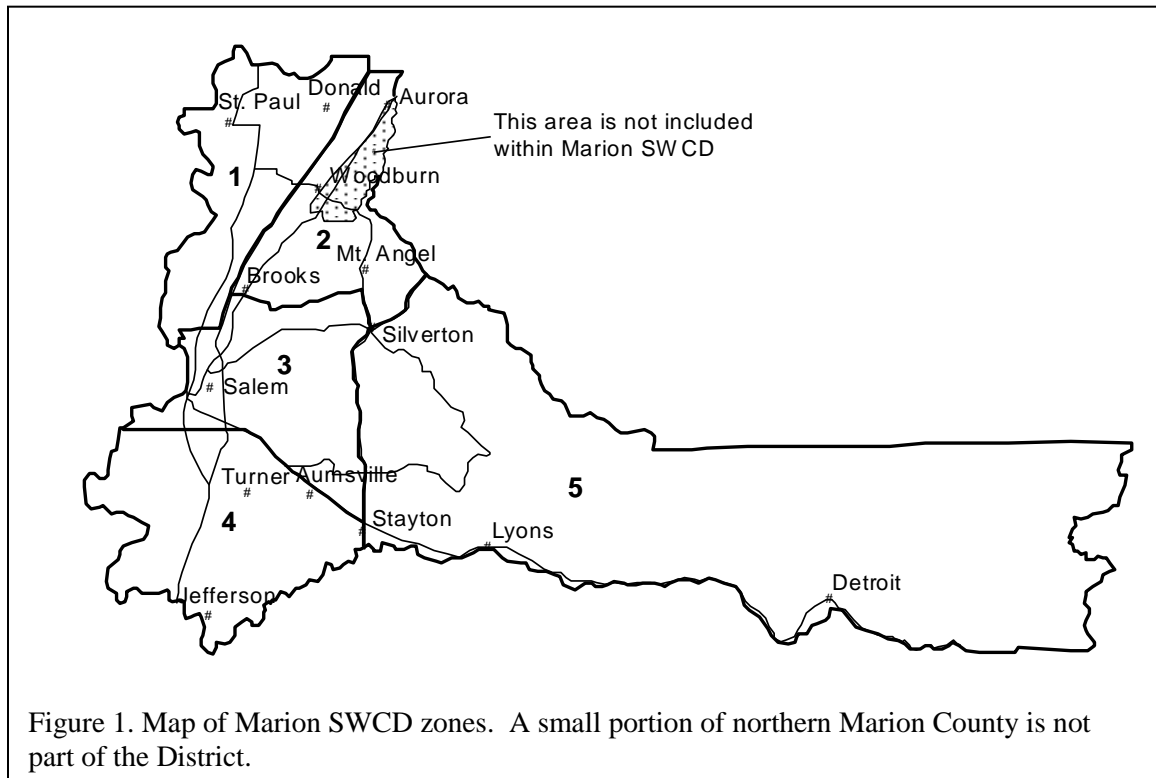


Figure 1. Map of Marion SWCD zones. A small portion of northern Marion County is not part of the District.

The Marion SWCD, established in 1971 with the consolidation of the Santiam, Silver Creek, and Mt. Angel Soil and Water Conservation Districts, encompasses the majority of Marion County, Oregon. The District lies in the northern portion of the Willamette River Basin. Comprising the western

half of the District is the fertile Willamette Valley, while the eastern portion contains rolling foothills and the forested Cascade Mountains. Marion County has a population of 302,135 and encompasses 1,175 square miles. Marion County is bordered on the south by the North Santiam and Santiam Rivers, on the west and north by the Willamette River and on much of the east by the Pudding River and Butte Creek. Detroit Reservoir, with a useable storage capacity of 321,000 acres/feet, is located in the eastern part of the county. More than 200 different agricultural cash crops on 164,307 acres are produced in Marion County.

In 2000 the electors of Marion County voted to fund the Marion SWCD to with a permanent rate limit of \$0.05 per \$1,000 of land assessed value. The District continues to wisely use its funds to meet the objectives and goals set forth in this plan related to the purchasing of equipment, the providing of training to employees, the development of programs, and the setting aside of funds to purchase or build a new facility. The Board of Directors follows a calendar of events to monitor this Plan, the annual work plan, and the development of the yearly budget.

The Marion Soil and Water Conservation District takes the lead in soil and water conservation throughout Marion County by working with urban and rural property owners, operators, public officials, various state and federal agencies, and private organizations. This District believes in the protection, conservation, and improvement of soil and water through our employees' and directors' abilities to plan, assist, and educate. It is our belief that concerns about water quality, water quantity, wetlands, soil erosion, and weed management be addressed while simultaneously respecting the private property rights of the property owner and operator. These concerns are addressed through the adoption of this Plan and by maintaining existing agreements with the various agencies that work with this District.

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History and Introduction

This Business Plan was written and designed by the 2003 Marion SWCD Board of Directors:

- Doug Kraemer (Zone 1)
- Myron Harper (Zone 2)
- Dan Goffin (Zone 3)
- Ryan Bishop (Zone 4)
- Ralph Fisher (Zone 5)
- Judy McClaghry (At Large)
- Laura Tesler (At Large)

Additional assistance was provided by Stan Vistica, Associate Director; Lee Hardy, Associate Director; Robert Dyk, Associate Director; Monte Graham, Marion SWCD District Manager; and Diane Cheyne, Marion SWCD Administrative Assistant.

This Business Plan was developed to direct the programs, activities and operations of the Marion SWCD Board of Directors and employees as a “road map” for their activities from the period July 1, 2003 through June 30, 2006. This Plan guides the development of the District annual budget and work plan (copies are available in the Marion SWCD office). It is organized into eight major sections and nine appendices. It will be reviewed annually for possible updates to reflect changing circumstances according to the District’s adopted planning cycle. This current long-range Business Plan will cover the time period of July 1, 2008- June 30, 2011.

Strategic Direction

Mission

The mission of the Marion Soil and Water Conservation District is to protect, conserve and improve the quality of soil and water in Marion County through planning, technical assistance and education.

In carrying out our mission, the Marion SWCD works, coordinates and cooperates with:

- property owners and operators
- public and private conservation organizations
- agricultural groups
- public agencies
- citizens

Vision

The vision of the Marion SWCD is to:

- be viewed as a leader in soil and water conservation efforts
- be known in urban and rural areas

- demonstrate accountability with the funds it receives
- have an active and informed board and a well managed district office
- have a track record of measurable and demonstrated results

Values

The Marion SWCD values:

- the proper administration of district funds
- quality customer service
- the capabilities and contributions of the Marion SWCD staff
- the economic importance of agriculture and natural resources to our community
- the respect, trust, confidence and confidentiality of all property owners/operators
- private property rights
- a voluntary, common-sense approach to problem solving rather than a bureaucratic or regulatory approach
- the stewardship of soil and water
- the application of science and research
- communication with the public and within the office infrastructure
- the decisions and knowledge of the property owners/operators
- managed use of natural resources
- farming of prior converted unique wetland soils should continue as long as property owners choose to do so, i.e. the Lake Labish agricultural area

Concerns

Natural Resource Concerns

1. Water Quality
 - Waterbodies classified as on the DEQ 303(d) water quality limited list
 - Discharge of pollutants into lakes, ponds, rivers and streams
 - Contamination of surface and ground water caused by various practices and sources
 - Improper operation of drainage and irrigation ditches
 - Inappropriate use of fertilizers and pesticides
 - Lack of baseline water quality data

2. Water Quantity
 - Declining groundwater tables and slow groundwater recharge due to area geology
 - Declining amounts of surface water available for beneficial uses
 - Decrease in fish and wildlife habitat

3. Wetlands
 - Loss of natural wetlands due to development
 - Construction of wetlands for mitigation may reduce the effective function and benefits of the wetlands, such as providing migratory bird habitat and supporting native aquatic species
 - Potential of unintended effects on surrounding property due to restoration

4. Soil Erosion
 - Irrigation-induced erosion
 - Bare soil during rainy seasons
 - Lack of healthy riparian vegetation or buffers
 - Improper application of management practices
5. Weed Management
 - Lack of noxious weed control
 - Loss of native groundcover
 - Contamination of crops

Areas of Special Concern

Particular places in the District with specific problems that may need special attention are:

1. Urban/rural interface development
2. Impaired urban streams (i.e. Mill Creek, Pringle Creek, Claggett Creek, Silver Creek)
3. Oregon Water Resources groundwater limited areas (Mt. Angel, Turner, Sublimity, South Salem, Jefferson, Silverton)
4. Construction sites that lack erosion control measures
5. Restoration and mitigation project sites that lack long-term maintenance and monitoring
6. The land area in northern Marion County that is not included in the District
7. Storm water management
8. Lack of education on soil and water conservation
9. Lack of education and outreach on vector control

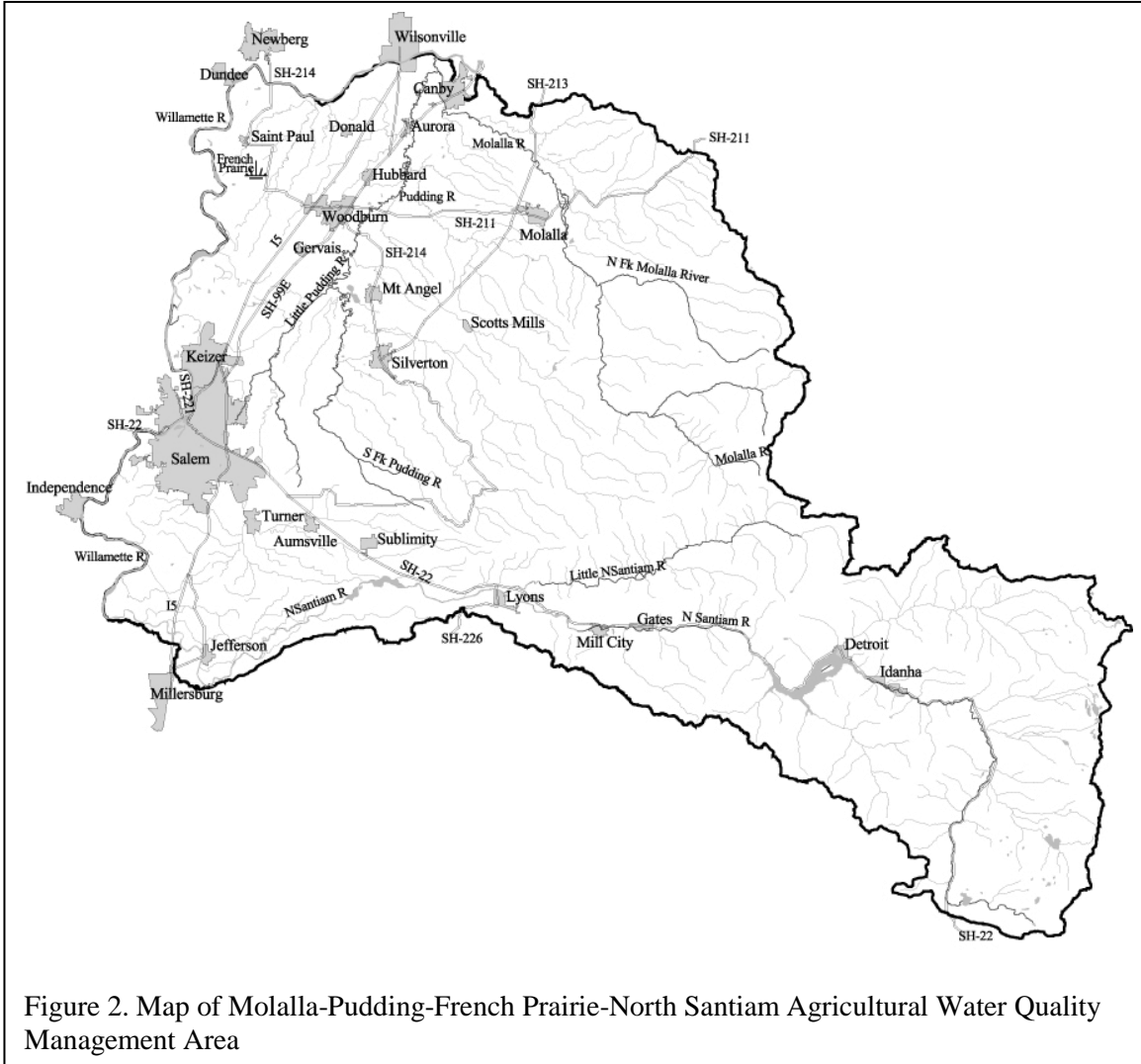
Goals and Objectives

Goal 1: Water Quality Enhance water quality to meet local, state and federal standards by providing resources to Marion District stakeholders.

Objectives:

- 1.1 Advance riparian protection, enhancement, and establishment.
- 1.2 Develop and carry out strategies to decrease DEQ 303(d) pollution criteria for listed water bodies: temperature, bacteria, mercury, other toxics, dissolved-oxygen, habitat modification, and sediment.
- 1.3 Develop and carry out strategies to address the Molalla/Pudding/French Prairie/North Santiam Agricultural Water Quality Management (AgWQM) Area Plan.
- 1.4 Develop and carry out strategies to minimize pollutants into surface and ground water.
- 1.5 Promote proper management of agricultural chemicals and alternative methods.
- 1.6 Continue to gather, evaluate and utilize baseline water quality data in conjunction with partners.

1.7 Develop and carry out a water quality education outreach plan for the District.



Goal 2: Water Quantity Promote conservation of limited water resources in response to increased diverse demand.

Objectives:

- 2.1 Develop and carry out strategies to address water conservation and those affected by declining groundwater tables and slow groundwater recharge.
- 2.2 Support appropriate water catchments for beneficial use.
- 2.3 Develop projects that benefit sufficient flow and retention to sustain fish and wildlife habitat.
- 2.4 Develop and carry out a water quantity outreach and education plan for the District.

Goal 3: Wetlands Support preservation and enhancement of wetlands through natural resource partnerships.

Objectives:

- 3.1 Assist and recommend on wetland conservation.
- 3.2 Assist and recommend on wetland mitigation.
- 3.3 Inform landowners of effects of wetland creation on surrounding properties.
- 3.4 Develop and carry out a wetland education and outreach plan.

Goal 4: Soil Address soil health and erosion through establishment of best management practices.

Objectives:

- 4.1 Reduce soil erosion through best management practices (BMPs).
- 4.2 Increase soil health through best management practices (BMPs).
- 4.3 Advance riparian protection, enhancement, and establishment.
- 4.4 Develop and carry out a soil erosion and health education and outreach plan.

Goal 5: Invasive Species Management Identify, educate, and recommend actions to control invasive species.

Objectives:

- 5.1 Develop and carry out strategies to control noxious weeds.
- 5.2 Improve native groundcover.
- 5.3 Inventory invasive vegetation to obtain baseline data.
- 5.4 Promote and develop cooperative programs to foster invasive species control.
- 5.5 Develop and carry out an Invasive Species Management education and outreach plan.

Goal 6: Energy Advance clean energy resources and energy conservation practices.

Objectives:

- 6.1 Support staff research and development of renewable energy and energy conservation.
- 6.2 Provide practical renewable energy and energy conservation resources through technical guidance.
- 6.3 Develop and carry out a clean energy education and outreach plan.

Additional Services

Marion SWCD may consider providing the following services in the future:

- Flow monitoring and water quality data accessible by website
- Bilingual outreach programs

Leadership

The 2008 Marion SWCD Board consists of seven voting Directors:

- Doug Krahmer, Chair- ZONE 1
- Sarah Jane Harper- ZONE 2
- Darin Olson, Vice Chair- ZONE 3
- Tim Bielenberg, Secretary/Treasurer- ZONE 4
- Joanne Carr- ZONE 5
- Brian McKinley- AT LARGE
- Emily Ackland- AT LARGE

These Directors are elected by the electorate of Marion County at the November General Election, which is held during even numbered years. Director positions are elected in staggered terms to provide continuity on the board and maintain operational consistency. The Marion SWCD Board may appoint a person to fill a board vacancy between elections. Five of the seven positions are classified as zone positions and must meet the zone requirements and terms of office as specified in ORS 568.560 as follows:

“Zone directors must own or manage 10 or more acres of land in the District, be involved in the active management of that property, reside within the boundaries of the District, and be a registered voter.”

An individual may serve as a zone director in lieu of the land ownership or management requirements if the individual resides within the zone that is represented, has served at least one year as a Marion SWCD Director or Associate Director and has a conservation plan approved by the Marion SWCD Board. The other two positions are at-large positions. To qualify for an at-large position, a person must reside in Marion County and be a registered voter. No land ownership or management requirements are needed for an at-large position, which is also governed by ORS 568.560.

If a Marion SWCD Director ceases to meet the eligibility requirements while serving in his/her current position, the directorship must be surrendered. The Director does continue to serve until a successor has been elected or qualified, or until the Board declares the position vacant pursuant to ORS 568.560. The Board may fill a vacancy that occurs between General Elections by a majority vote of the remaining board members. An appointed director must meet the same eligibility requirements of an elected director as previously detailed.

If a Marion SWCD Director is not attending publicly advertised meetings and has missed at least three consecutive meetings, the Board may request the position be declared vacant by the Oregon Department of Agriculture (ODA). ORS 568.560 states:

“Upon written recommendation of a majority of the members of the local governing body of a District, the department may declare vacant the position of any director who is absent from three consecutive meetings of the local governing body of the District.”

An individual director has power only when acting as a part of the Marion SWCD Board. Individual board members may be given authority

or power to act on behalf of the Board in specific, limited tasks. This authority or power is granted through board action (resolution, motion, policy, etc.) and must be recorded in the meeting minutes. The Marion SWCD has chosen to limit or grant authority to individual board members and employees through the Board adopted Delegation of Authority.

The Marion SWCD Board works cooperatively as a unit to plan and oversee implementation of district programs. As a representative of the District Board, opinions expressed publicly by individual board members should be consistent with established board policy, not the individual's personal agenda or opinions.

ORS 568.545 requires all districts to select a Chair and Secretary from among its directors. The Marion SWCD has decided to elect a Vice-Chair and Treasurer. Marion SWCD has also decided to appoint committees as needed.

The Chair is granted the responsibility to represent the District with other districts, agencies, associations, partners, organizations, legislators and property owners consistent with the policies, plans and interests of the District. The chair will also conduct regular and special meetings of the Board.

The Marion SWCD **Vice-Chair** has been given the authority to act as the Chair in case of the absence or unavailability of the Chair.

The Marion SWCD **Secretary/Treasurer** has the responsibility to oversee the financial transactions of the District and sign documents approved by the District Board.

Committees are an effective way for the District to plan and implement district functions. They can be comprised of board members, associate directors, district advisors, representatives of cooperating agencies and associations or interested citizens. The Marion SWCD has two standing committees, the Program Committee and the Administrative Committee.

The Program Committee was developed to research, investigate, report and recommend to the Board in the areas of conservation programs, technical methods, issues, and policies.

The Administrative Committee was developed to research, investigate, report and recommend to the Board in the areas of personnel, salary and benefits, budget, financial and accounting practices, purchasing and other administrative activities and policies and processes.

The Education and Outreach Committee was developed to research, investigate, report and recommend to the Board in the areas of conservation education, which includes youth to adult, and outreach covering all the District's programs, events, activities and public image.

The Marion SWCD also has various **ad hoc committees**, which are charged with specific tasks over a specific time period. Ad hoc committees are then disbanded after the assigned task and/or timeframe is completed. They meet on an as-needed basis and are authorized by the Board of Directors. There are no current ad hoc committees at this time.

The Marion Soil and Water Conservation District expands its capabilities through the selection and appointment of **Associate Directors**. The 2008 Associate Directors are:

- Emily Ackland
- Bob Baum
- Ryan Bishop
- Quentin Bowman
- Marilyn Clouser
- Robert Dyk
- Ralph Fisher
- Leland Hardy
- Alyssa Mucken
- John Savage

Associate Directors do not vote on board decisions but are expected to augment the Board's knowledge and experience level and assist with District programs and activities. They may also be asked to represent the Board on specific assignments. Associate Directors, once officially appointed by the District Board, are provided with the same Tort liability insurance under the Oregon Tort Claims Act as the elected directors. Associate Directors are expected to attend monthly board meetings and other special meetings as requested. Associate Directors serve until the Board meeting on the January following the General Election, at which time the Board determines who they wish to appoint or reappoint.

Partnerships

The Marion SWCD works closely with and maintains partnerships with many natural resource organizations and partners in order to complete our mission. These partnerships and collaborations are formalized by various means including but not limited to Memorandums of Agreement, Memorandums of Understanding, Working Agreements, Intergovernmental Agreements and informal agreements.

Natural Resources Conservation Service (NRCS)

The Marion SWCD works with the United States Department of Agriculture (USDA) NRCS in Salem to provide technical assistance in designing and implementing conservation practices throughout the District, approval for NRCS local practice plans, administrative services for local field staff and business and annual work plan development through a Memorandum of Agreement. The Marion SWCD also shares office space with local NRCS staff.

Farm Service Agency and Rural Development

The Marion SWCD shares office space with the USDA Farm Service Agency (FSA) and Rural Development (RD). FSA's mission is to stabilize farm income, help farmers conserve land and water resources, provide credit to new or disadvantaged farmers and ranchers, and help farm operations recover from the effects of disaster. FSA provides aerial photos for use in conservation planning work done by Marion SWCD and NRCS. RD helps to improve the economy and quality of life in rural areas by providing financial assistance, economic development, housing programs, community empowerment programs, and essential public facilities and services.

Property Owners/Operators

The Marion SWCD assists property owners/operators with conservation planning, technical and/or financial assistance, cooperators agreements, farm bill program opportunities, needs assessments and conservation-related questions through various working agreements.

Watershed Councils

The Marion SWCD provides technical and administrative support, as resources allow, to the watershed councils located within our district. It may also serve as fiscal management agency for grant administration and collaborates with planning and projects as appropriate and requested. The Marion SWCD provides office space to watershed council volunteers.

Oregon Association of Conservation Districts (OACD)

The Oregon Association of Conservation Districts assists the Marion SWCD by serving at the state level and speaking for issues relating to the District. It cooperates with other public and private organizations, with purposes similar to the Marion SWCD, to adopt statewide policies and programs, which will effectively contribute to a quality environment and a productive economy.

Oregon Department of Agriculture (ODA)

The Marion SWCD receives overall administrative oversight, partial administrative and technical support funding and small grant funding from the Natural Resources Division of the Oregon Department of Agriculture. This division of ODA reviews and approves or disapproves all projects, practices, budgets, contracts and regulations of the Marion SWCD. ODA will keep the Directors informed of the activities and experiences of other districts, assist in the exchange of advice and information among the districts and promote cooperation among the districts. The Natural Resources Division will help coordinate the various programs of the Marion SWCD and solicit the cooperation and assistance of other departments of federal and state government. The Marion SWCD will function as the Local Management Agency (LMA) for SB1010, specifically the Agricultural Water Quality Management Act, 1993 and the Molalla-Pudding-French Prairie-North Santiam Subbasins Agricultural Water Quality Management Area Plan, 2002, through a Memorandum of Agreement. The Marion SWCD submits quarterly reports of work progress, annual reports of overall accomplishments, yearly work plans and financial status reports to ODA.

The District also functions as the local referral agency for questions and problems related to Confined Animal Feeding Operations (CAFO), a responsibility of ODA.

Oregon State University (OSU) Extension Service

The Marion SWCD works with OSU Extension to further their mutual goals of natural resource conservation, management and education by working closely with private property owners. The OSU Extension assists the Marion SWCD in delivering efficient conservation programs.

Marion County

Marion County is the taxing authority by which the Marion SWCD receives its permanent tax rate through direct deposit of collection of funds. The Marion SWCD provides technical consultation and assistance where requested from the various cities within the District's boundaries. Marion County Public Works and Planning provides funding and staff help with various conservation-related programs.

Oregon Watershed Enhancement Board (OWEB)

The Oregon Watershed Enhancement Board provides technical assistance, technical training and forums for communication among the watershed councils and the Marion SWCD. OWEB also provides small grants for locally identified restoration projects and offers workshops to landowners within the Marion SWCD.

Cascade Pacific Resource Conservation and Development, Inc. (RC and D)

The Marion SWCD works with Cascade Pacific RC and D to inventory problems, obtain funds, and implement natural resource projects. Cascade Pacific RC and D works to involve people from the private sector, corporations, counties, foundations and all levels of government to identify and solve environmental problems in Marion County.

Oregon Conservation Employees Association Network (OCEAN)

The Oregon Conservation Employees Association Network is a voluntary organization, affiliated with the Oregon Association of Conservation Districts, which represents the interests of employees of the Marion SWCD to the OACD and National Association of Conservation Districts (NACD) and sponsors employee training and workshops.

The National Association of Conservation Districts (NACD)

The National Association of Conservation Districts assists the Marion SWCD by developing national conservation policies, influencing lawmakers, and building partnerships with other agencies and organizations. The NACD also helps the Marion SWCD share ideas in order to better serve its local community.

Soil and Water Conservation Commission (SWCC)

The Soil and Water Conservation Commission has a major role in overseeing the ODA grant programs to the Marion SWCD. The Commission also provides assistance, direction and coordination between the Marion SWCD, the Natural Resources Division, the NRCS, Farm Service Agency (FSA), OSU Extension, OACD and OWEB.

Oregon Department of State Lands (DSL)

The Marion SWCD functions as the local reviewing agency for the Oregon Department of State Lands Removal/Fill Permits for state lands and waterways.

Oregon Department of Environmental Quality (DEQ)

The Marion SWCD has worked collaboratively with DEQ on the water quality monitoring program. DEQ has assisted Marion SWCD with technical advice, training, assistance on grants, and loaning of equipment. They serve as partners with Marion SWCD in the EPA Section 319 grant for the Pudding River Pesticide Stewardship Partnership.

Northwest Oregon Invasive Weed Management Partnership (NOIWMP) and Mid Willamette Cooperative Weed Management Area (CWMA)

The Marion SWCD works with the Northwest Oregon Invasive Weed Management Partnership and the Mid Willamette Cooperative Weed Management Area to address issues of invasive plants in the region. Together, these groups work to conduct prioritization, planning, inventory, control, and prevention activities. The Marion SWCD and these partnership groups also provide landowner outreach and education.

Oregon Forest Resources Institute (OFRI)

Oregon Forest Resources Institute is funded by a portion of the harvest tax on forest products producers and was created to improve understanding of forestry and the state's forest resources. Key OFRI programs include forest tours, conferences, support for scientific research, publications, teacher workshops, classroom education, and training workshops and other educational programs for forest landowners. OFRI is a key supporter of the Rediscovery Forest located at the Oregon Garden, and for Envirothon. OFRI provides the forestry test writer, implements the teacher in-service, and pays for class field trips.

The Oregon Garden

The Oregon Garden showcases botanically-rich collections of native and non-native plants for public enjoyment and knowledge. It also provides a learning environment where plants can be displayed and studied. The Garden employs state-of-the-art technology to improve the environment by recycling treated wastewater through constructed wetlands and also provides a venue to conduct research into the use of plants in mitigating some of society's environmental problems and challenges. The Envirothon is held annually at the Oregon Garden.

Capabilities

Services

The Marion SWCD will provide direct assistance, in an office or field setting, to property owners and operators on natural resource issues and concerns within the scope of our Mission. This service will be provided free from connections to programs or regulations, although information may be provided on programs or regulations when applicable. Specific examples include but are not limited to:

- field visits upon request to view livestock holding facilities, streambank erosion, field erosion

- Geographic Information System (GIS) computer information including prints of land area from FSA aerial photos, tax lot maps, soil maps, United States Geological Survey quadrangle maps of Marion County
- conservation planning assistance to address natural resource concerns
- workshops and presentations on natural resource issues or programs
- technical assistance on soil testing, plant tissue testing, water quality monitoring, nutrient testing training for individuals to conduct their own tests
- technical help with approved engineering plans for conservation practices
- assistance including planning, design, layout and construction observation on conservation projects
- assistance in obtaining permits such as DSL Removal-Fill permits, Flood Plain permits, CAFO permits, and non-agricultural erosion control permits
- facilitation of the locally-led process, the stakeholder work session, to address and identify critical natural resource issues, critical geographic areas of concern and recommend other state, local or private programs that are available
- assistance in obtaining funding from programs or grants to address natural resource issues (see Appendix C)
- providing information on water quantity and quality in some local streams

2008 Personnel

| | |
|---|---|
| District Manager 1 Full Time Equivalent Employee (FTE) | Manages all District personnel. Obtains professional, technical and administrative training for staff. Directs staff in day-to-day operation of office. Oversees technical programs of the District and may provide technical assistance to landowners. Serves as budget officer. Manages monthly budget by paying bills and payroll, filing reports for government, and Board. Manages and maintains personnel records. Monitors and updates policy. Represents District at public functions and meetings. Works with all District Committees. |
| Resource Conservationist 3 FTE | Provides technical assistance to landowners to implement conservation practices. Develop conservation plans. Attend various Watershed Councils meetings. Use computer programs to read and develop topographical maps for projects. Develop and deliver technical presentations. Works with Program Committee. |
| Conservation Technician 1 FTE | Assists Resource Conservationists with technical assistance and field work. Provides technical assistance to landowners to implement conservation practices. Conducts field data collection for water quality, stream flow and plants for herbarium. Use computer programs to read and develop topographical maps for projects. Delivers technical presentations. Works with Program Committee. |
| Education Outreach Coordinator 1 FTE | Coordinates and assists staff with outreach and education. Coordinates Envirothon and District's Annual Meeting. Writes and distributes articles and press releases, creates brochures, fliers, leads tours, holds workshops, and staff booths. Works with Education and Outreach Committee. |
| Conservation Education Technician 1 FTE | Provides technical assistance to landowners to implement conservation practices. Develop conservation plans. Use computer programs to read and develop topographical maps for projects. Leads invasive species program. Develops and delivers technical presentations. Assists with technical education and outreach. Coordinates Poster Contest and manages District's website. Works with Education and Outreach Committee. |
| Administrative Assistant 1 FTE | Answers the phone, routes messages, greets, and directs customers. Assists with correspondence and mailings for District and NRCS employees. Takes minutes, keeps records, and organizes files for District employees and Board. Maintains office inventory. Develops and distributes newsletters. Works with Administrative Committee. |

The Marion SWCD staff receives an employee evaluation after a 6-month introductory period of employment. This introductory period is part of the selection process used to

confirm the initial employment decision. Subsequent evaluations follow at least once a year. Employee performance evaluations provide important communication, feedback, and goal-setting between employees and their supervisor.

As additional personnel are needed, Marion SWCD will recruit educated, competent individuals to fill personnel needs. All new employees will be given orientation training upon employment with the District. This training will be on the job and be conducted or arranged by the District Manager.

This District encourages continued education and training for employees to enhance job performance and assist in potential career advancement within the District. If necessary, detailed training plans providing for the developmental opportunities will be recorded. Training will also be provided to meet District needs to be kept current of new procedures.

Facilities

The Marion SWCD and OACD are housed in a rented facility called the USDA Salem Service Center at 650 Hawthorne Ave. SE, Suite 130, Salem, OR 97301. The Marion SWCD pays monthly rent to USDA Natural Resources Conservation Service (NRCS). The NRCS and Farm Service Agency offices are co-located in the same suite.

Finances

In 2000 the voters of Marion County passed a permanent rate limit for the Marion SWCD at \$.05 per every \$1,000 of assessed property value. The Marion SWCD also applies for and receives various grants throughout the year for specific programs and activities.

Calendar of Board Events

| | |
|------------------|--|
| January | Review/Revise Business Plan |
| February | Review/Revise Business Plan Continues |
| March | Adopt Business Plan |
| April | Produce Draft of Annual Work Plan Begin Annual Budget Process Budget Committee Reviews/Approves Budget |
| June | Adopt Annual Work Plan Hold Public Hearing on Budget/Adopts Annual Budget Fiscal Year Ends |
| July | Fiscal Year Begins |
| September | Produce Annual Report |
| October | Hold Annual Meeting |
| December | Approve Annual Financial Audit |

Appendix A

Acronyms and Terms used in this Business Plan

| | |
|-----------------|---|
| ASCS | Agriculture Stabilization Conservation Services (currently FSA) |
| CAFO | Confined Animal Feeding Operation |
| CREP | Conservation Reserve Enhancement Program |
| CRP | Conservation Reserve Program |
| CWMA | Cooperative Weed Management Area |
| DEQ | Department of Environmental Quality (Oregon) |
| District | Soil and Water Conservation District |
| DSL | Department of State Lands (Oregon) |
| EQIP | Environmental Quality Incentives Program |
| ESA | Endangered Species Act (Federal) |
| EWP | Emergency Watershed Protection Program |
| FSA | Farm Service Agency (formerly ASCS) |
| FTE | Full Time Equivalent Employee (2080 hrs/yr) |
| GIS | Geographic Information Systems |
| HEL | Highly Erodible Land |
| LAC | Local Advisory Committee |
| LMA | Local Management Agency (Oregon SB1010) |
| NACD | National Association of Conservation Districts |
| NOIWMP | Northwest Oregon Invasive Weed Management Partnership |
| NRCS | Natural Resource Conservation Service (formerly SCS) |
| OACD | Oregon Association of Conservation Districts |
| OAR | Oregon Administrative Rule |
| OCEAN | Oregon Conservation Employees Association Network |
| ODA | Oregon Department of Agriculture |
| OFRI | Oregon Forest Resources Institute |
| ORS | Oregon Revised Statute |
| OSU | Oregon State University |
| OWEB | Oregon Watershed Enhancement Board |
| Plan | Marion SWCD Business Plan |
| RC and D | Resource Conservation and Development |
| RD | Rural Development (formerly Farmers Home Administration) |
| SCS | Soil Conservation Service (currently NRCS) |
| SDAO | Special Districts Association of Oregon |
| SB1010 | Agricultural Water Quality Management Act of 1993 (OR) |
| SWCC | Soil and Water Conservation Commission |
| SWCD | Soil and Water Conservation District |
| USDA | United States Department of Agriculture |
| WHIP | Wildlife Habitat Incentives Program |
| WRP | Wetland Reserve Program |

Appendix B

History

History of Soil and Water Conservation Districts

In 1935, President Franklin D. Roosevelt addressed the problems of soil erosion in the nation by establishing the Soil Conservation Service (SCS) within the United States Department of Agriculture, through the Soil Conservation Act. The Soil Conservation Service was charged with developing a program to conserve and enhance the nation's soil and water resources while providing food at a reasonable price. Within the first two years it became apparent that local leadership was needed to help coordinate the efforts of the federal conservation agencies and tie their programs to local erosion conditions and natural resource priorities. In 1937, President Roosevelt drafted the State Soil Conservation Districts law asking all governors to promote legislation that would implement the formation of soil conservation districts, creating a partnership that still exists today.

Oregon passed the Soil Conservation District Law in 1939 and organized what was then called the Soil Conservation Committee. This committee was given the responsibility to provide direction and assistance to individual districts as they formed and help coordinate their efforts. The first district formed in Oregon was the South Tillamook Soil Conservation District, organized officially on February 10, 1940. In March 1940, the USDA Soil Conservation Service (SCS) met with the Soil Conservation Committee and developed a partnership agreement. By 1946, the Soil Conservation Committee hired its first Executive Secretary and became a policy-making agency, and two years later they formed the Oregon Association of Soil Conservation Districts. In 1955 the Oregon Legislature changed the conservation district law to require directors be elected instead of appointed and changed the name of the Oregon Association of Soil Conservation Districts to the Oregon Association of Conservation Districts. By 1963 the Oregon Legislature added "Water" to the name of the Districts and the Committee. The Resource Conservation and Development project was also authorized at this time. On July 1, 1981 the Oregon Legislature merged the Soil and Water Conservation Committee with ODA and formed a Soil and Water Conservation Division, which became the administrative oversight entity for Soil and Water Conservation Districts. This name was changed to the Natural Resources Division in 1989. Since the formation of the first District in 1940, many other districts formed, consolidated, and redefined boundaries. Today there are 45 districts in Oregon, with Douglas, Grant, Josephine, Lake, Lane and Multnomah Counties having two districts each and Baker County four.

History of Marion Soil and Water Conservation District

In response to public demand in Marion County, three conservation Districts were organized under the Oregon Soil Conservation laws between 1947 and 1953. The three conservation Districts had offices in Stayton, Silverton, and Mt. Angel. Public hearings were held to determine different needs and boundaries. The Santiam SWCD hearing was held in Aumsville on May 29, 1947; Silver Creek on April 23, 1948; and Mt. Angel on March 16, 1953. After 18 years and lengthy deliberation, the three Districts decided to consolidate; and on September 10, 1971, a certificate of organization was issued by the

Secretary of State for the formation of the new Marion Soil and Water Conservation District (SWCD).

The districts were organized to work cooperatively with SCS on flood control, water storage, erosion, riverbank stabilization, terracing, weed control, improvement of fertility and field drainage. These problems affected the best use of land and water resources within Marion County. The solutions included the best management practices of tillage and residue management, grassed waterways, and tile drainage. The Silverton Hills became dotted with small reservoirs which were designed and constructed by SCS. This was the era of removing wet areas to prevent crop flooding and stuck tractors. Agronomic practices such as cover crops, forestry, sub-soiling, and pasture renovation were customary. Soil banks were established during the late 1950's and the 1960's.

Most of the practices were installed through funding and cost-share from the Agriculture Stabilization and Conservation Service (ASCS) and through the technical assistance of SCS. The ASCS was directed by a county committee which worked with the district boards to achieve the desired conservation. Funding through Public Law 566 and local matching dollars built the dike and pump station on Lake Labish and the Beaver Creek Project, which channeled Beaver Creek for flood control. The Emergency Watershed Protection Program (EWP) went into effect during the flood of 1964 and later 1996. In 1964 gravel dikes were built along the Santiam and North Santiam Rivers.

In the 1970's conservation policy began to change. Congress directed the ASCS to no longer fund production practices such as the building of reservoirs and the installation of tile for drainage. Water quality became an important topic, and the newly combined Marion SWCD worked with the dairy and swine industry on Confined Animal Feeding Operations (CAFOs). Twenty-five long term agreements with conservation plans were written, most including large ponds for long-term manure storage. Funding for SCS personnel was also reduced. In 1968 there were 20 SCS employees between the three districts, in 1979 there were three employees and by 1998 one employee.

The 1985 Farm Bill linked USDA financial assistance to conservation being applied to the land. New SCS standards were held to erosion control and wetlands could no longer be converted to farm land. SCS personnel had to determine where wetlands were located on farms and if the land was Highly Erodible Land (HEL). If land was HEL, a conservation plan was required. This placed a huge workload on the SCS employees; so in 1991, SCS determined that they would only serve those receiving USDA benefits related to the Food Security Act and the cost-share Agriculture Conservation Program (ACP).

In 1993 the SCS was renamed the Natural Resource Conservation Service, and the ASCS was renamed the Farm Service Agency.

The Marion SWCD provided financial support to Mike Gangwer, Oregon State University Dairy Extension Agent, and Monte Graham, NRCS Conservationist, to research the nutrient content of liquid and solid manure. Application of the research allowed operators to better utilize nutrients and stay in compliance with state and federal regulations. The district held field days and education workshops. Individuals came

from as far away as Wyoming to learn how CAFOs in Marion County were addressing manure and nutrient management.

The ACP was ended in 1996, and the new Farm Bill included the Environmental Quality Incentive Program (EQIP), a multiple practice program. A reduction in funds in the new Farm Bill meant a reduction in cost-share practice implementation.

In February 1996 a series of storms brought severe flooding to the Willamette Valley. The NRCS Emergency Watershed Program was authorized and implemented. The District sponsored 29 projects in Marion County for a federal cost of approximately \$4 million with a local match of \$1 million. The Marion SWCD funneled the engineers, conservationists and technicians in a separate EWP office from June, 1996 until November, 1997. Throughout the entire lower Willamette Valley, 100 projects were completed at a federal cost of approximately \$12 million.

The 1997 Oregon Legislature addressed the issue of salmon listings and the effect of the Endangered Species Act (ESA) on the Oregon coast. The Oregon Plan for Salmon and Watersheds was created. Directions were given to the different agencies; and the Oregon Department of Agriculture became responsible for the implementation of Senate Bill 1010, which had been passed in 1993. Soil and Water Conservation Districts were asked to be the Local Management Agencies for regional SB 1010 plans.

The Marion SWCD agreed to assist in the development of plans for the Mill Creek and North Santiam River watersheds following the completion of the Molalla River, Pudding River and French Prairie watershed plans, initiated in November, 1997. ODA decided a larger watershed area was needed to complete the plan in the required amount of time. In November, 1998 three members from the expanded area were added to the 12 member Local Advisory Committee (LAC). The LAC completed the plan in Fall 2000 and the State Board of Agriculture approved the Molalla-Pudding-French Prairie-North Santiam Subbasins Agricultural Water Quality Management Plan.

Following the completion of the SB 1010 plan, the conception of the Federal Clean Water Act and the Endangered Species Act requests to Marion SWCD for technical assistance multiplied while funding from the state was cut by almost 30%. To deal with this lack of stable funding, Marion SWCD applied for a permanent rate limit; and on November 7, 2000, the voters within Marion County approved the rate of \$0.05 per \$1,000 assessed property value.

The first fiscal year for stable funding began July 1, 2001. Several positions were added to provide technical assistance to property owners and guide the operations of the District. Marion SWCD also began providing office space and financial support to the Pudding River and the Greater-Salem Watershed Councils. In February 2003 the District held its first Native Plant and Tree Sale. The demand for workshops and technical assistance grew dramatically through the outreach efforts of the Board and staff. In the summer of 2003, Marion SWCD began a cost-share grant program for landowners, called the Landowner Assistance Program. This program was designed to get conservation projects on the ground for small acreage landowners and livestock owners in order to meet the goals of SB 1010.

Appendix C

Programs

1. The Conservation Reserve Enhancement Program (CREP) is a voluntary conservation program enabling farmers and ranchers to enroll in contracts for 10 to 15 years to remove lands from agricultural production. The applicants must offer acreage along salmon and trout streams that have been cropped two out of the last five years. Although there is no length of ownership requirement, lands that have an existing Conservation Reserve Program contract are not eligible until that contract expires. The goals of the CREP program are to provide riparian buffers on streams, reduce sediment and nutrient pollution from agricultural lands, ensure vegetation establishment for stream stabilization and reduction of water temperature and to help landowners meet water quality requirements.
2. Landowners and operators are encouraged but not required to develop and implement an approved Voluntary Water Quality Farm Plan, which includes but is not limited to:
 - maps
 - aerial photographs
 - soil surveys
 - water resources
 - acres
 - agreements with other agencies
 - management practices
3. The Conservation Reserve Program (CRP) is a voluntary program that offers annual rental payments, incentive payments for certain activities, and cost-share assistance to establish approved cover on eligible cropland to improve soil, water, and wildlife resources. To be eligible for CRP, cropland must have been planted to an agricultural commodity 2 of the last 5 years or been pastureland that is enrolled in the Water Bank Program or suitable for use as a riparian buffer. Additionally, cropland must have an Erosion Index of 8 or higher, must be considered a cropped wetland, must be devoted to a number of beneficial environmental practices, must be subject to scour erosion, or must be associated with non-cropped wetlands. Applicants to CRP must have owned or operated the land for at least 12 months prior to the close of the sign-up period.
4. The Wetland Reserve Program (WRP) is a voluntary program that provides technical and financial assistance to eligible landowners to address wetland, wildlife habitat, soil, water, and related natural resource concerns on private lands. The program provides an opportunity for landowners to receive financial incentives to enhance wetlands in exchange for retiring marginal land from agriculture. WRP offers three enrollment options:
 - USDA pays for a permanent easement and 100% of the costs of restoring the wetland
 - USDA pays 75% of the cost for a 30-year easement and 75% of the restoration costs
 - USDA pays 75% of the cost to re-establish degraded or lost wetland habitat but no easement is placed on the property. Applicants must have owned the land for at least 12 months prior to enrolling in WRP. The land must be restorable and suitable for wildlife benefits
5. The Environmental Quality Incentives Program (EQIP) is a voluntary conservation program that promotes agricultural production and environmental quality. Through

EQIP farmers and ranchers may receive financial and technical help to install or implement structural and management conservation practices on eligible agricultural land. EQIP activities are carried out according to an EQIP plan of operations developed in conjunction with the producer. Total cost-share and incentive payments are limited to \$100,000 per individual regardless of the number of farms or contracts. EQIP also provides opportunities for Conservation Innovation Grants, which are competitive grants awarded to stimulate innovative approaches to environmental enhancement and protection, in conjunction with agricultural production.

6. The Wildlife Habitat Incentives Program (WHIP) is a voluntary program that encourages creation of high quality wildlife habitats that support wildlife populations. WHIP provides technical and financial assistance to landowners, operators, conservation district, Federal, State, and Tribal agencies to develop upland, wetland, riparian, and aquatic habitat areas on their property. Participants agree to limit future use of the land for a period of time while the wildlife habitat plan is developed. This plan becomes the basis of the cost-share agreement. There are no limits on the number of acres that can be enrolled or the amount of payment made.
7. The Emergency Watershed Protection Program (EWP) helps protect lives and property threatened by natural disasters such as floods, hurricanes, tornadoes, and wildfires. EWP also provides technical and financial assistance to preserve life and property threatened by excessive erosion and flooding. Any measure taken must be environmentally and economically sound and generally benefit more than one property owner. EWP will provide up to 75% of the funds needed to restore the natural function of a watershed. EWP will also purchase easements on floodplain lands that have been impaired within the last 12 months or that have a history of repeated flooding. NRCS then has full authority to restore and enhance the floodplain's functions and values. In exchange, a landowner receives the least of one of the three following values as an easement payment:
 - a geographic rate established by the NRCS
 - a value based on a market appraisal analysis for agricultural uses of assessment for agricultural land
 - the landowner offer
8. The Marion SWCD started the Landowner Assistance Program (LAP) in 2003 as a way to help small acreage landowners, livestock owners, and conservation-minded people who wanted to address the concerns of SB 1010. Another goal of the program was to help the landowners whom the SWCD had been working with but who did not qualify or rank high enough for USDA or OWEB cost-share grant programs. The driving force behind the LAP was to get conservation practices on the ground, no matter how small the project, to produce benefits for water quality and soil and water conservation. Projects are funded with a 50% cost-share match from the applicants and technical assistance was provided by the Marion SWCD staff. The maximum amount that the Marion SWCD pays out per project is \$5,000.

Appendix D

Enabling Legislation and Governance

The Marion SWCD is defined by Oregon Revised Statutes as a political subdivision of state government. The District is not a state agency, rather it is classified as a municipal corporation, a form of local government that is required to follow five basic requirements under ORS 568 to remain legal and become eligible for funding from ODA. ORS 568.554 contains two requirements stating that, “Each conservation district shall submit to the ODA its proposed long-range plan and annual work plan for review and comment.” Next ORS 568.580 states that the Board of Directors shall call an annual meeting where they shall present an annual report and audit. Fifteen days before the annual meeting the Board shall post three public notices within the district or publish, on two consecutive weeks in the local paper, the details of the time and place of the annual meeting according to ORS 568.590. Finally, in accordance with ORS 568.610, the Directors shall provide full and accurate records of all proceedings and schedule an annual audit of accounts.

The Oregon Legislature passed the Soil Conservation District Law on August 5, 1939, which created a Soil Conservation Committee. This law authorized the committee to begin forming Soil Conservation Districts, which were changed to Soil and Water Conservation Districts in 1963. The primary statutes relating to the formation and governance of Oregon Soil and Water Conservation Districts are contained in ORS 568.210 through 568.890. A listing of these statutes follows in Appendix E, and a complete text is available in the *Oregon Soil and Water Conservation District Law Book*. The general powers and authorities of conservation districts in Oregon are described in ORS 568.550 and are detailed in Appendix F. Additionally, conservation districts are subject to the provisions of several other statutes and Oregon Administrative Rules (OARs) as outlined in Appendix G. The full text of statutes is available at <http://www.leg.state.or.us> and the full text of the administrative rules is available at <http://www.sos.state.or.us/archives/rules>.

All Oregon Soil and Water Conservation Districts are classified as special districts under ORS 198.010 through ORS 198.955. As special districts, conservation districts are eligible to become members of the Special Districts Association of Oregon. SDAO provides a variety of resources, consultation, insurance plans, and training opportunities to its members.

In addition to the powers and authorities previously described, ORS 568.730 authorizes districts “to go upon any lands within the district, after notifying the owner or operator, for the purpose of making surveys and to determine whether land-use regulations adopted under ORS 568.630 to 568.690 are being observed. Due precaution shall be taken at all times to prevent injury to growing crops or livestock.” While implementing agricultural water quality management program strategies, ORS 568.915 states “after a reasonable attempt to notify the landowner, the Department of Agriculture or a designee of the department may go upon any lands within the area subject to a water quality management

plan for the purpose of determining: 1) those actions that may be required of a landowner under ORS 568.900 to 568.933 and, 2) whether the landowner is carrying out the required actions.”

Senate Bill 1010, passed by the Oregon Legislature in 1993, directs ODA to work with farmers and ranchers to develop area-wide water quality management plans for the state’s watersheds. SB1010 is the primary tool that the Oregon agricultural community is using to respond to the federal Clean Water Act, Coastal Zone Management Act, Endangered Species Act, Oregon Plan for Salmon and Watersheds, and other natural resource conservation mandates. Conservation districts are essential partners with ODA and private landowners in implementing SB1010’s Agricultural Water Quality Management Program. The Local Management Agency of SB1010 is Marion SWCD in the Marion, Linn, and Clackamas watershed areas. Conservation districts provide assistance to landowners in evaluating their property and implementing conservation measures. Districts also help landowner’s access technical and financial resources through NRCS and other local, state, and federal agencies.

The Soil and Water Conservation Commission is an advisory body to ODA and consists of seven SWCC Directors, appointed by the Director of ODA. These directors are voting members who serve four-year terms and are limited to two consecutive terms. In addition to the voting directors, several agencies and organizations serve as advisors to the commission. The advisors include representatives of NRCS, Farm Service Agency, OSU Extension Service, Oregon Watershed Enhancement Board, and the OACD. The chair of the commission, by statute, also serves on the Oregon Board of Agriculture. The commission’s primary function is to coordinate the programs of ODA, NRCS, FSA, OSU Extension Service, OWEB, and OACD with the needs of Soil and Water Conservation Districts to carry out their statutory responsibilities effectively. The commission also serves as an advisor to the director of ODA on natural resource issues.

Appendix E

ORS, Statutes 568.210-568.890

- 568.210 Definitions for ORS 568.210 to 568.808 and 568.900 to 568.933
- 568.225 Policy
- 568.300 petition for formation of district; contents; consolidation of petitions
- 568.310 Notice of hearing; questions considered
- 568.320 Owner and interested parties have right to be heard; subsequent notice and hearings
- 568.330 Determination of need for district recorded; factors considered in determination; territory need not be contiguous
- 568.340 Determination of no need for district recorded; subsequent petitions may be filed
- 568.350 Referendum; purpose
- 568.360 Referendum ballot; contents
- 568.370 Eligible electors
- 568.380 Department to pay expenses and supervise hearings and referenda; informalities in referendum
- 568.390 Referendum results; majority required for creation of district
- 568.400 Appointment of first directors of district
- 568.410 Procedure for constituting district a public body
- 568.420 Certificate of organization by Secretary of State; boundaries of district
- 568.430 Petitions for inclusion or withdrawal of territory; form; eligible electors
- 568.440 District legally established; certificate as evidence
- 568.445 Petitions for inclusion of territory wholly within another district; approval or disapproval by directors and department
- 568.450 Procedure for consolidating districts
- 568.460 Referendum; eligible electors; majority required
- 568.470 Effect of consolidation on several districts
- 568.480 Petition and referendum for discontinuance of district
- 568.490 Directors to wind up affairs and dispose of property; application and certificate to Secretary of State
- 568.500 Certificate of dissolution; effect
- 568.510 Proceedings for discontinuance limited
- 568.515 Termination of inactive district's existence
- 568.520 Petitions nominating directors; regular elections
- 568.530 nominees' names placed on referendum ballot
- 568.540 Votes necessary to elect directors
- 568.542 Payment of expenses for director election from county funds
- 568.545 Procedure for selection of directors of consolidated districts; selection of officers
- 568.550 General powers of directors (See Appendix F)
- 568.552 Power of directors to manage and control water resources and projects; authority of Water Resources Commission
- 568.554 District to submit program and work plans for department review
- 568.555 Name of district may be changed
- 568.560 Number of directors; officers; election; terms; vacancies
- 568.565 Procedure for reducing number of directors
- 568.570 Majority constitutes a quorum
- 568.580 Annual meeting
- 568.590 Notice of annual meeting
- 568.600 Legal counsel; delegation of powers; assistance to department
- 568.610 Records; audits
- 568.620 Consultation with county or municipal representatives
- 568.630 Directors may formulate land-use regulations; public meetings
- 568.640 Referendum on land-use regulations; notice; form of regulations; proposed regulations available for inspection
- 568.650 Contents of referendum ballot; referendum governed by directors; landowner's eligible to vote
- 568.660 Votes necessary for approval; effect of regulations when adopted
- 568.670 Landowner may petition for amendment or repeal; procedure; referenda limited
- 568.680 Scope of regulations; approval by department
- 568.690 Regulations to be uniform; copies to be available to landowners
- 568.700 Directors petition circuit court for enforcement of regulations; contents of petition
- 568.710 Hearing and decree; court may appoint referee; joinder of owner and occupant
- 568.720 Court retains jurisdiction until work completed; statement of expenses; judgment
- 568.730 Officials may enter private lands
- 568.740 Board of adjustment established for each district; membership; appointment; term; disqualification
- 568.750 Vacancies in board of adjustment; compensation of members; administrative expenses
- 568.760 Rules of board of adjustment; meetings
- 568.770 Petition for relief from regulations; hearing; procedure; board may order variance of regulations; appeal
- 568.780 Certain public agencies to be deemed owners
- 568.790 County funds for personnel and other uses; duties of county extension agent
- 568.801 Stream control and management projects; application; designation and implementation; rules
- 568.805 Special assessments; improvement bonds; remonstrance by landowners (Tax Levying Authority)
- 568.806 Ad valorem tax; budget; collection
- 568.807 Electors authorizing taxation; election date
- 568.808 Taxing district to file legal description and map

WIND EROSION CONTROL

568.810 Purpose of ORS 568.810 to 568.890; types of wind erosion

568.820 Designation of areas by county court upon petition; description of boundaries

568.830 Publication and posting of notices describing districts; when regulations are enforced

568.840 Election of advisory board; meetings; members; function

568.850 Wind erosion inspector; appointment; duties; appeal from decision; compensation; expenses

568.860 Inspector may enter lands in district; service of notice on owner or occupant

568.870 County court may authorize inspector to control erosion; expenses of control

568.880 Tax levy for wind erosion control

568.890 District may be dissolved; disposition of district funds; change of district boundaries

The complete text of these statutes is available in the *Oregon Soil and Water Conservation District Law Book*.

Appendix F

ORS 568.550

The general powers and authorities of conservation districts in Oregon are described in ORS 568.550 as follows:

1. To secure surveys and investigations and do research relating to:
 - a. the character of soil erosion;
 - b. the character of flood water and sediment damage;
 - c. all phases of the conservation, development, utilization and disposal of water; and
 - d. the preventive measures, control measures and improvements needed.
2. To conduct demonstration projects on lands within the district upon obtaining the consent of the owner and occupier of such lands.
3. To carry out preventive and control measures on lands within the district upon obtaining the consent of the owner and occupier of such lands.
4. To enter into written agreements with and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any owner or occupier, or both of them, of and within the district, for the purpose of carrying on soil erosion control and prevention operations within the district.
5. To obtain options upon and to acquire by purchase, exchange, lease, gift, grant, bequest or devise any property, real or personal or rights or interests therein; to maintain, administer and improve any properties acquired; to receive income from such property and to expend such income in carrying out the purposes and provisions of ORS 568.210 to 568.808 and 568.900 to 568.933; and to sell, lease or otherwise dispose of any of its property or interests therein in furtherance of the purposes of ORS 568.210 to 568.808 and 568.900 to 568.933.
6. To borrow money and to mortgage personal property of the district as security therefore; provided, landowners are given opportunity to be heard at a public hearing in the district, notice of which shall be given according to rules described by the department.
7. To make available, on such terms as it shall prescribe, to landowners or occupiers within the district, agricultural and engineering equipment, fertilizer, seeds and seedlings and other material or equipment.
8. To construct, operate and maintain such structures as may be necessary or convenient for performance of any of the operations authorized in ORS 568.210 to 568.808 and 568.900 to 568.933.
9. To develop comprehensive plans and specifications for the conservation of soil resources and for the continued control and prevention of soil erosion within the district, and to publish such plans, specifications, and information and bring them to the attention of owners and occupiers of lands within the district.
10. To take over, by purchase, lease, or otherwise, and to administer, any soil conservation erosion control, or erosion prevention project, or combination thereof, located within its boundaries undertaken by the United States or any of its agencies, or by the state or any of its agencies.

11. To manage, as agent of the United States of any of its agencies, or of the state or any of its agencies, any soil conservation, erosion control, or erosion prevention project, or combination thereof, within its boundaries.
12. To act as agent for the United States or any of its agencies, in connection with the acquisition, construction, operation, or administration of any soil conservation erosion control, or erosion prevention project, or combination thereof, within its boundaries.
13. To accept donations, gifts and contributions in money, services, materials, or otherwise from the United States or any of its agencies, or from this state or any of its agencies, and to use or expend such moneys, services, materials or other contributions in carrying out its operations.
14. To sue or be sued in the name of the district; to have a seal, which shall be judicially noticed; to have perpetual succession unless terminated as provided by law; to make and execute contracts and other documents necessary or convenient to the exercise of its powers; to make, and from time to time amend and appeal, rules not inconsistent with ORS 568.210 to 568.808 and 568.900 to 568.933 to carry into effect its purposes and powers.
15. As a condition to the extending of benefits under ORS 568.210 to 568.808 and 568.900 to 568.933 to, or the performance of work upon, any lands not owned or controlled by this state or any agencies, the directors may require contributions in money, service, materials or otherwise to operations conferring such benefits, and may require landowners and occupiers to enter into and perform such agreements or covenants as will tend to prevent or control erosion thereon.
16. To purchase liability insurance or indemnity insurance, in such amounts and containing such terms and conditions as they may deem necessary, for the protection of directors, officers and employees in the performances of their official duties. The premiums for such insurance shall be paid out of moneys available for expenditures by the district.

Appendix G

Related Statutes and Administrative Rules

| <i>STATUTE</i> | <i>DESCRIPTION</i> |
|---|---|
| Americans with Disabilities Act of 1990 | Hiring Persons With Disabilities- Federal |
| OAR 137-30-000 through 137-35-080 | Oregon Public Contracting Law |
| Oregon Constitution Article XV, Section 3 | Oath of Office |
| ORS 44.320 | Oath of Office |
| ORS 190.003 through 190.110 | Intergovernmental Cooperation |
| ORS 192.001 | Public Records Policy |
| ORS 192.005 through 192.190 | Custody and Maintenance of Records |
| ORS 192.310 | Records and Reports |
| ORS 192.410 | Inspection of Public Records |
| ORS 192.610 through 192.710 | Public Meetings |
| ORS 198.010 through 198.955 | Special Districts |
| ORS 198.330 through 198.365 | Dissolution of Inactive Districts |
| ORS 198.410 through 198.440 | Recall (of district directors) |
| ORS 244.010 through 244.400 | Conflict of Interest |
| ORS 247.035 | Residency |
| ORS 292.210 through 292.250 | Subsistence and Mileage allowances for Travel by State Officers and Employees |
| ORS 294.305 through 294.565 | Local Budget- <i>Required of district with a tax levy</i> |
| ORS 297.005 through 297.712 | Contracting |
| ORS 297.210 through 297.230 | Auditing Accounts of State and State-Aided Institutions and Agencies Laws |
| ORS 297.405 through 297.485 | Municipal Audits |
| ORS 542.750 | Watershed Protection and Flood Protection |
| ORS 561.395 | Soil and Water conservation Commission |
| ORS 561.400 | Natural Resources Division (ODA) |
| ORS 568.900 through 568.933 | Agricultural Water Quality Management |
| ORS 659.010 through 659.990 | Civil Rights, Unlawful Employment Practices |
| ORS 659.405 | Civil Rights of Disabled Persons |
| Title VII Civil Rights Act of 1964 | Equal Opportunity Employment/Sexual Harassment/Discrimination- Federal |

Appendix H

MOLALLA-PUDDING-FRENCH PRAIRIE-NORTH SANTIAM SUBBASINS AGRICULTURAL WATER QUALITY MANAGEMENT AREA PLAN

ADOPTED JANUARY 2002

SUMMARY

INTRODUCTION

The Agricultural Water Quality Management (AgWQM) Area Plan provides guidance for addressing agricultural water quality issues in the Molalla-Pudding-French Prairie-North Santiam Subbasins. The purpose of the plan is to identify strategies to reduce water pollution from agricultural lands through a combination of education programs, suggested land treatments, management activities, and monitoring.

The plan was created in response to Senate Bill 1010, which requires the reduction of pollution from agricultural sources. It was developed by a Local Advisory Committee (LAC) consisting of affected landowners residing within the basin, with assistance from the Oregon Department of Agriculture and the Marion Soil and Water Conservation District. The plan applies to all lands, regardless of size, within the Molalla-Pudding-French Prairie-North Santiam Subbasins that are outside the urban growth boundaries and also not covered by Forest Practices Act.

MISSION

The mission of this plan is to produce sound agriculture conservation within a framework of economic profitability and agricultural viability. The plan is designed to achieve chemical, physical, and biological water quality standards as outlined in the Clean Water Act.

The LAC committee used the following guiding principles in the development of this plan:

- Control pollution as close to the source as possible.
- Base actions on scientifically based conservation planning.
- Promote a variety of conservation practices that allows individual landowners the flexibility to address their situations on their own land.
- Recognize the need for producers to maintain agricultural profitability.
- Protect beneficial uses of water in the Molalla-Pudding-French Prairie-North Santiam Subbasins.

IMPLEMENTATION AND COMPLIANCE

The AgWQM Area Plan encourages producers to develop Voluntary Conservation Plans, which outline management strategies for addressing pollution. Voluntary Conservation Plans are developed by the landowner, with assistance from the Marion Soil and Water Conservation District (SWCD) who works cooperatively with the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service, USDA Farm Service Agency, and OSU Extension Service.

While the emphasis of the plan is on voluntary action by landowners or occupiers to control the factors affecting water quality in the Molalla-Pudding-French Prairie-North Santiam Subbasins, the Prevention and Control Measures are outlined as a set of minimum standards that must be met on all rural lands. Landowners or occupiers who fail to address these Prevention and Control Measures with or without an individual conservation plan may be subject to the enforcement authority of the Oregon Department of Agriculture under administrative rules for the Molalla-Pudding-French Prairie-North Santiam Subbasins and Oregon Administrative Rules (OARs) 603-095-1900 through 603-095-1980.

PREVENTION AND CONTROL MEASURES

MOLALLA-PUDDING-FRENCH PRAIRIE-NORTH SANTIAM SUBBASINS

Prevention and control measures (PCMs) provide guidance to help landowners and operators reduce water pollution from all agricultural and rural lands. The following table summarizes the prevention and control measures that must be met on all agricultural or rural land, indicators of non-compliance, and the management practices that will address the problems.

| | PCMs | Minimum standards to meet | Clear indicators of non-compliance | Example best management practices |
|---|---------------------------------------|---|---|---|
| 1 | Chemigated Irrigation Water | Prevent chemigation runoff from entering state waters | <ul style="list-style-type: none"> • Visible runoff into water or evidence of runoff | <ul style="list-style-type: none"> • Riparian buffers • Waste storage structures • Filter strips |
| 2 | Surface Drainage & Irrigation Ditches | Prevent movement of pollutants or runoff into state waters | <ul style="list-style-type: none"> • Visible soil erosion from excessive channel slope | <ul style="list-style-type: none"> • Streambank stabilization • Grassed waterways |
| 3 | Erosion Prevention & Sediment Control | Soil erosion rate should be below 5T/Ac/yr | <ul style="list-style-type: none"> • Sediment accumulation in waterways • Visible rills or gullies • Muddy runoff | <ul style="list-style-type: none"> • Cover crops • Filter strips • Buffer areas • Residue management |
| 4 | Irrigation Management | No irrigation runoff from fields into state waters | <ul style="list-style-type: none"> • Visible irrigation runoff into water or evidence of runoff | <ul style="list-style-type: none"> • Filter strips and buffers • Integrated water management • Equipment calibration & maintenance |
| 5 | Waste Management – Livestock & Other | Prevent movement of livestock waste or runoff into state waters | <ul style="list-style-type: none"> • Runoff from livestock facilities into water • Waste accumulation in a vulnerable area | <ul style="list-style-type: none"> • Vegetative buffer areas • Prescribed grazing • Fencing • Off-stream watering |
| 6 | Nutrient Management | Prevent crop nutrient applications that have adverse impacts on state waters | <ul style="list-style-type: none"> • Nutrients applied to water • Visible trail of compost, ash, or biosolids to water | <ul style="list-style-type: none"> • Use current fertilizer guides • Use modern practices • Maintain & calibrate equipment |
| 7 | Pesticide Management | Use all pesticides according to label requirements | <ul style="list-style-type: none"> • Pesticide applied to open water • Contamination of water source • Improper disposal of containers | <ul style="list-style-type: none"> • Follow label & calibrate sprayer • Vegetative buffer strips • Leakproof storage pad • Integrated pest management |
| 8 | Riparian Management Areas | Streamside areas will be managed to allow establishment and growth of riparian vegetation appropriate to site; vegetation must be sufficient to provide shade and protect streambanks during 25-yr flood events | <ul style="list-style-type: none"> • Active stream bank erosion due to destruction of vegetation | <ul style="list-style-type: none"> • Riparian buffer zones • Protect streambanks • Filter strips • Forest buffers • Exclusion zones or limited use areas |
| 9 | Roads & Staging Areas | Roads shall be constructed and maintained to prevent sediment and/or contaminants from entering state waters | <ul style="list-style-type: none"> • Surface runoff carrying contaminants into state waters • Pesticide or oil cans stored outdoors | <ul style="list-style-type: none"> • Appropriate design & construction • Roadside seeding & critical area vegetation • Water bars • Heavy use protection |

For additional information about the Molalla-Pudding-French Prairie-North Santiam Subbasins Agricultural Water Quality Management Area Plan, please call the Marion SWCD at (503) 391-9927. For a complete copy of the plan, stop by the SWCD office located at 3867 Wolverine St NE, Building F, Suite 16 in Salem.

Appendix I

OREGON ADMINISTRATIVE RULES
OREGON DEPARTMENT OF AGRICULTURE
CHAPTER 603, DIVISION 95

Molalla/Pudding/French Prairie/North Santiam Subbasins

603-095-1900

Purpose

- (1) The purpose of these rules is to outline requirements for landowners in the Molalla/Pudding/French Prairie/North Santiam Subbasins for the prevention and control of water pollution from agricultural activities and soil erosion. Compliance with Division 095 rules is expected to aid in the achievement of applicable water quality standards in the Molalla/Pudding/French Prairie/North Santiam Subbasins.
- (2) It is intended that the Molalla/Pudding/French Prairie/North Santiam Subbasins Agricultural Water Quality Management Area Plan will aid in achieving compliance with these rules through education and promotion of voluntary land management measures.
- (3) Failure to comply with any provisions of the Molalla/Pudding/French Prairie/North Santiam Subbasins Agricultural Water Quality Management Area Plan:
 - (a) does not constitute a violation of OAR 603-090-0000 to 603-090-0120, or of OAR 603-095-1900 to OAR 603-095-1980;
 - (b) is not intended by the department to be evidence of a violation of any federal, state, or local law by any person.
- (4) Nothing in the Molalla/Pudding/French Prairie/North Santiam Subbasins Agricultural Water Quality Management Area Plan shall:
 - (a) construed an effluent limitation or standard under the Federal Water Pollution Control Act, 33 USC 1251-1376
 - (b) used to interpret any requirement of OAR 603-095-1900 through 603-095-1980.

Statutory Authority: ORS 561.190-561.191 and ORS 568.912

Statutes Implemented: ORS 568.900-568.933

603-095-1920

Geographic and Programmatic Scope

- (1) The Molalla/Pudding/French Prairie/North Santiam Subbasins includes the drainage areas of the Molalla, Pudding, North Santiam, and Santiam Rivers. In the area known as French Prairie, all the creeks and drainages between the towns of Saint Paul and Donald that flow directly into the Willamette River are also part of this management area. The Willamette River is the western boundary. The physical boundaries of the Molalla/Pudding/French Prairie/North Santiam Subbasins are indicated on the map included on page 11.
- (2) Operational boundaries for the land base under the purview of these rules include all lands within the Molalla/Pudding/French Prairie/North Santiam Subbasins in agricultural use, agricultural and rural lands which are lying idle or on which management has been deferred, and forested lands with agricultural activities, with the exception of public lands managed by federal agencies and activities which are subject to the Forest Practices Act.
- (3) Current productive agricultural use is not required for the provisions of these rules to apply. For example, highly erodible lands with no present active use are within the purview of these rules.
- (4) The provisions and requirements outlined in these rules may be adopted by reference by Designated Management Agencies with appropriate authority and responsibilities in other geographic areas of the Molalla/Pudding/French Prairie/North Santiam Subbasins.
- (5) For lands in agricultural use within other Designated Management Agencies or state agency jurisdictions, the department and the appropriate Local Management Agency shall work with these Designated Management Agencies to assure that provisions of these rules apply, and to assure that duplication of any services provided or fees assessed does not occur.

Statutory Authority: ORS 561.190-561.191, and ORS 568.912

Stats. Implemented: ORS 568.900-568.933

603-095-1940

Prevention and Control Measures

- (1) All landowners or operators conducting activities on lands in agricultural use shall be in compliance with the following criteria. A landowner or operator shall be responsible for only those violations of the following prevention and control measures caused by activities conducted on land managed by the landowner or operator. Criteria do not apply to conditions resulting from unusual weather events or other exceptional circumstances which could not have been reasonably anticipated.
 - (2) Chemigated Irrigation Water. Effective upon rule adoption.
 - (a) Landowners or operators shall use the application of chemicals in combination with irrigation water in a manner that does not adversely impact waters of the state.
 - (3) Surface Drainage and Irrigation Ditches. Effective upon rule adoption.
 - (a) Construction, maintenance, and use of surface drainage field ditches or surface irrigation field ditches shall cause no pollutant delivery to waters of the state from soil erosion induced by excessive channel slope, unstable channel cross section or placement of disposed spoils.
 - (4) Erosion Prevention and Sediment Control. Effective upon rule adoption.
 - (a) Soil erosion rate shall not exceed five tons per acre per year between October 1 and September 30 if the resulting sediment has access to and enters the waters of the state. The erosion rate will be determined using standard scientific methods.
 - (A) Visual on-site indicators for erosion to surface water include sheet and rill erosion that combines to a concentrated flow that runs into a waterway or road ditch, or any waters of the state.
 - (B) Other visual indicators include sediment deposition from overland flow in channels that are carrying or connected to waters of the state. Field measurements may include depth of sheet and rill erosion on the field and by inspection of exposed roots from soil erosion.
 - (5) Irrigation. Effective upon rule adoption.
 - (a) Irrigation systems shall be designed and operated to minimize runoff of potential pollutants. Irrigation scheduling shall be appropriate to each site and consideration shall be given to water use efficiency, off-target minimization, soil conditions, crop, climate and topography.
 - (6) Waste: Livestock and Other. Effective upon rule adoption.
 - (a) No person subject to these rules shall violate any provision of ORS 468B.025 or ORS 468B.050.
 - (b) Landowners and operators shall prevent the runoff or leaching of contaminated water from feed and manure storage piles into waters of the state, including but not limited to groundwater.
 - (7) Nutrients. Effective upon rule adoption.
 - (a) Landowners or operators shall use and apply crop nutrients in a manner that prevents transport into the waters of the state.
 - (8) Riparian Management Area. Effective upon rule adoption.
 - (a) A Riparian Management Area (RMA) that allows for the natural or managed development of riparian vegetation and riparian function over time shall be provided along all streams. This shall include the natural or managed establishment and maintenance of riparian vegetation, such as grasses, sedges, shrubs, and trees, appropriate to site capability, and that in the normal course of time will provide shade and protect streambank stability from flows at or below those expected to occur during or following a 25-year, 24 hour storm event.
 - (b) Sufficient RMA width will be site specific, and may vary by, for example, soil type, size of stream, and agricultural use.
 - (9) Roads and Staging Areas. Effective upon rule adoption.
 - (a) Roadways, staging areas, and heavy use areas shall be constructed and maintained to prevent sediment or runoff contaminants from adversely affecting waters of the state.
 - (A) Exemptions: Public roads and roads subject to the Oregon Forest Practices Act.
- Statutory Authority: ORS 561.190-561.191, and ORS 568.912
Stats. Implemented: ORS 568.900-568.933

603-095-1960

Voluntary Water Quality Farm Plans

- (1) Intent: Landowners or operators are encouraged but are not required to develop and implement an Approved Voluntary Water Quality Farm Plan. An Approved Voluntary Plan is defined in OAR 603-095-0010(6) and is not the same as a Voluntary Plan defined in OAR 603-095-0010(51).
- (2) In order to be considered for approval, Voluntary Plans shall be designed to meet criteria in OAR 603-095-1940. At a minimum, Approved Voluntary Plans shall include the following information:
 - (a) General components:

- (A) Maps, aerial photographs, and soil survey, water resource and other natural resource inventory information shall be included to the extent that the information is pertinent and necessary in the formulation of the Voluntary Plan to assure it achieves the criteria in OAR 603-095-1940;
- (B) A list of fields, land uses, acres and resource concerns; and
- (C) Any agreements entered into by the landowner or operator involving any agency providing technical or financial assistance in the completion of the conservation measures included in the Voluntary Plan.
- (b) Depending on the nature of the operation, any or all of the following specific components shall be included in the Voluntary Plan. If any of the components do not apply to the operation, the plan shall so indicate;
 - (A) Erosion prevention and sediment control
 - (B) Livestock waste management.
 - (C) Roads, staging areas and farmstead construction and maintenance.
 - (D) Streamside area management.
 - (E) Irrigation management.
 - (i) Plans filed with the Department pursuant to letters of intent submitted by operators of container nurseries may meet the requirements of the irrigation management component of a Voluntary Plan, provided that such plans meet other requirements under OAR 603-095-1960(1) and (2).
 - (F) Nutrient management.
 - (G) Pesticide management to minimize off-site transport.
 - (H) Chemigated irrigation water.
- (3) Preparation
 - (a) The landowner or operator may prepare the Voluntary Plan, arrange with a Local Management Agency to prepare the plan, or may contract with another person or agency to prepare the plan.
 - (A) The Local Management Agency may require certification by a professional soil scientist or soil conservationist, or a registered professional engineer, that it meets the standards of the Natural Resources Conservation Service technical guide for conservation plans, and that completion of the conservation measures included in the plan will enable the landowner or operator to meet the criteria on OAR 603-095-1940; or
 - (B) The Local Management Agency may require proof from the preparer of the plan that he or she is qualified to prepare such a plan.
 - (b) The Local Management Agency may require such additional documentation as is necessary to identify in detail the conservation measures listed.
- (4) Implementation schedule: Any portion of a Voluntary Plan designed to meet the criteria in OAR 603-095-1940 shall provide a schedule of implementation until full compliance with OAR 603-095-1940 is accomplished.
- (5) Approval
 - (a) The Local Management Agency shall approve or disapprove Voluntary Plans and plan amendments at a schedule meeting and shall maintain a record of its actions as part of the meeting minutes. Approved Voluntary Plans and plan amendments shall be signed by the chair or the chair's designee. As a condition of approval, all Voluntary Plans shall meet the criteria in OAR 603-095-1940 and the criteria for the plan preparation contained in OAR 603-095-1960(2) and (3).
 - (b) In the event that the Local Management Agency finds that a Voluntary Plan or a plan amendment does not meet the criteria in OAR 603-095-1940 or the criteria for plan preparation contained in OAR 603-095-1960(2) and (3), the Local Management Agency shall provide a written explanation, by certified mail, to the landowner or operator who submitted the plan, listing all the deficiencies to be corrected.
 - (c) Voluntary Plans approved under 603-095-1960(5)(a) shall be considered approved until such time as the department adopts new standards or rules applying to Approved Voluntary Plans.
- (6) Appeal
 - (a) Any landowner or operator may request reconsideration of the Local Management Agency's decision to disapprove a Voluntary Plan or a plan amendment by submitting a request for a hearing before a scheduled Local Management Agency meeting. If an appeal is filed, the Local Management Agency shall reconsider its decision at its next regularly scheduled meeting and may either affirm, modify or reverse its previous decision. The purpose of the hearing shall be to present relevant information or evidence that the Local Management Agency's action was not based on an appropriate or adequate evaluation of the Voluntary Plan or plan amendment. The Local Management Agency shall maintain a record of its action regarding reconsideration as part of the meeting minutes.
 - (b) A landowner or operator may appeal the Local Management Agency's denial of reconsideration within thirty days of the date of the reconsideration decision by filing a hearing request with the Department. If the landowner or operator appeals within the prescribed period, the Department shall notify the

Local Management Agency. The Local Management Agency shall forward its action and rationale to the Department within seven days of such notification.

- (c) Within thirty (30) days of receiving an appeal request, the Department shall schedule a rearing between the landowner or operator, a designated representative of the Local Management Agency, and a representative of the Department. The purpose of the hearing shall be to review the Local Management Agency's reconsideration decision. If the representatives of the department and the Local Management Agency can reach agreement, they shall forward a joint recommendation to the Local Management Agency for approval at its next regularly scheduled meeting. The Local Management Agency shall maintain a record of its action as part of its meeting minutes.
- (d) If the representatives of the Department and the Local Management Agency cannot agree on a joint recommendation, the Department may approve or disapprove the Voluntary Plan or plan amendment. The Department shall forward a copy of its decision to the Local Management Agency.
- (7) Amendments to an existing plan: Any amendments to an existing Approved Voluntary Plan shall be approved by the Local Management Agency in accordance with OAR 603-095-1960(5) and (6).

Statutory Authority: ORS 561.190-561.191, and ORS 568.912

Stats. Implemented: ORS 568.900-568.933

603-095-1980

Complaints and Investigations

- (1) When the Department receives notice of an apparent occurrence of agricultural water pollution through a written complaint, its own observation, or through notification by another agency, the Department may conduct an investigation. The Department may, at its discretion, coordinate inspection activities with the appropriate Local Management Agency.
- (2) Each notice of an apparent occurrence of agricultural water pollution shall be evaluated in accordance with the criteria in ORS 568.900 to 568.933 or any rules adopted thereunder to determine whether an investigation is warranted.
- (3) Any person allegedly being damaged or otherwise adversely affected by agricultural water pollution or alleging any violation of ORS 568.900 to 568.933 or any rules adopted thereunder to determine whether an investigation is warranted.
- (4) The department will evaluate or investigate a complaint filed by a person under section OAR 603-095-1980(3) if the complaint is in writing, signed and dated by the complainant and indicates the location and description of:
 - (a) The waters of the state allegedly being damaged or impacted; and
 - (b) The property allegedly being managed under conditions violating criteria described in ORS 568.900 to 568.933 or any rules adopted thereunder.
- (c) As used in section OAR 603-095-1980(4), "person" does not include any local, state or federal agency.
- (5) Notwithstanding OAR 603-095-1980, the Department may investigate at any time any complaint if the Department determines that the violation alleged in the complaint may present an immediate threat to the public health or safety.
- (6) Actions based on investigation findings:
 - (a) If the Department determines that a violation of ORS 568.900 to 568.933 or any rules adopted thereunder has occurred and an Approved Voluntary Plan exists and the landowner or operator is making a reasonable effort to comply with the plan;
 - (A) The Department shall inform the landowner of the non-compliance with ORS 568.900 to 568.933 or any rules adopted thereunder; and
 - (B) The Department may acknowledge the existence of the Approved Voluntary Plan and direct the landowner to seek appropriate technical assistance and revise the plan and its implementation in a manner necessary to eliminate the violation.
 - (b) The landowner may be subject to the enforcement procedures of the Department outlined in OARs 603-090-0060 through 603-090-0120 if:
 - (A) The Department determines that a violation of ORS 568.900 to 568.933 or any rules adopted thereunder has occurred and an Approved Voluntary Plan does not exist; or
 - (B) The Department determines that a violation of ORS 568.900 to 568.933 or any rules adopted thereunder has occurred and an Approved Voluntary Plan exists and the landowner or operator is not making a reasonable effort to comply with the plan; or
 - (C) The Department determines that a landowner or operator has not revised a plan per paragraph (a)(B) of this section within the time specified by the Department.

Statutory Authority: ORS 561.190-561.191, and ORS 568.912

Stats. Implemented: ORS 568.900-568.933