

MINUTES
VEGETATION MANAGEMENT ADVISORY COMMITTEE
January 9, 2008

MEMBERS PRESENT: Peter Graham, Mike Koivula, Jim LaRue, Jan Nelson, Ross Penhallegon, John Sundquist, Kai Williams

MEMBERS ABSENT: Chris Melotti

STAFF PRESENT: Arno Nelson, Orin Schumacher, Ollie Snowden, Debby Woodruff

B/CC PRESENT: Bill Fleenor

GUESTS PRESENT:

PUBLIC PRESENT: Jan Wroncy, Lisa Arkin

Jan Nelson called the meeting to order at 5:35 p.m.

I. PUBLIC COMMENT

1. Jan Wroncy: She began by passing out copies of the testimony that she gave at the Board of Health meeting January 2, 2008. She suggested that a portion of the Annual Report be accepted. She suggested that the report only deal with the things that happened in that year so the Board can accept it and any changes be on a separate report. She wasn't clear how the 60 day comment period would be handled. She would like that to be clarified. She also would like the Board of Health have some representation on the VMAC committee to listen to the comments. She suggested that Schumacher send a letter to Dale Mitchell, the director of the ODA (Oregon Department of Agriculture), asking whether the County is mandated to spray or control noxious weeds and what the exact citations of the law are. She did go to the website and could not find any mandates regarding the spraying of noxious weeds. She would like to see this resolved. She proposed a modified procedure for the comment period of the meetings, by allowing comments at the first part of the meeting, as well as a brief opportunity to comment at the part of the meeting that is important to them. She thinks the permitted products list should be reviewed by VMAC and the Health Advisory Committee at least once per year as to any new data and information on health concerns.

2. Lisa Arkin: She stated she is there at the request of Commissioner Fleenor. She is a Lane County Planning Commissioner and knows what it is like to sit on these committees. She is an elected member of the new "Eugene Sustainability Commission" and an appointed member of the "Legislative Work Group on Pesticides in Children's Health". She stated that this is an exciting time. She stated that the Governor has convened an inter-agency task force to look specifically at how pesticides are used in our state, and to come up with a joint plan with forestry, Department of Human Services, Department of Agriculture, ODOT, the whole gamut of agencies to discuss pesticide use. The Senate working group on pesticides and children's health plans to make a recommendation in the 2008 session that integrated pest management be mandatory for all public schools. She thinks the work being done in Lane County is really visible right now and is a model for how the State should move ahead. The DEQ (Department of Environmental Quality), ODA, and Department of Forestry are in discussions about doing more monitoring of pesticides in our waterways. The DEQ has 4 pilot projects going on in the State right now. She is glad that staff is working with the Board of County Health. She hopes that the upcoming public

hearings be held in 2 different locations.

Sundquist stated that he is on the Board of Oregon Toxics Alliance that Lisa is employed by and thinks this is a good time to hear Lisa's ideas regarding the Work Plan.

J. Nelson stated that it may take a while and that they should wait.

3. Koivula stated that there have been a number of discussions lately about herbicide safety. It has been mentioned that product safety has been tested by the Environmental Protection Agency or other Government Agencies. He said that it needs to be noted that some of these agencies relied on this information and the head of the EPA, (Erin Miller) is a former Dow chemical executive. He believes that this type of private influence should call into question the information provided. Also there is an increased reliance on monies from private regulated industries to fund studies. He believes this creates conflicts of interest.

II. APPROVAL OF MINUTES

Disussion: Sundquist stated his vote was yes on the Limited Crack Seal and Road Repair Projects section of the Annual Report review from the last meeting.

Vote changed to 7 yes 1 no. He also asked if it was legal for Penhallegon's vote to be counted since he left the meeting early. Penhallegon stated that he voted yes based on information given at the time and there has not been significant changes made to change his vote.

Fleenor stated that the changes were not significant to change the vote.

Motion: Sundquist moved to approve the Minutes of December 12, 2007, as corrected. LaRue seconded. All present voted in favor. Motion passed.

III. GENERAL COMMENT

Fleenor stated that this would have been the time for Koivula's comments.

Williams asked that the Agenda Setting Discussion item V, be moved up so everyone would know which agenda is used.

Sundquist stated he was at Board of Forestry meeting today in Salem and they discussed pesticides and the Governor's work group.

Lisa Arkin stated that the Government work group consists of all the agency heads.

IV. AGENDA SETTING DISCUSSION – COMMITTEE/STAFF

J. Nelson stated that according to Teresa Nelson's email list 3 different ways agenda's can be set. She thinks the by-laws are lacking and the committees that she sits on give the chairperson the authority to set the agenda and get it distributed. She stated that in the past some people have made suggestions at the end of the meeting for the following month's agenda. She thinks this is restrictive and would like to allow the committee the responsibility for setting the agenda and that would be the chairperson assembling items from the members during the month preceding the meeting and sending that to staff for the process of notification.

Snowden stated that that is counter to how other committees work in Public Works. He explained that the staff assembles the agenda and members can call in with items. Then staff can confer. He thinks the committee should decide at the end of the meeting what items should be placed on the agenda for the next meeting. He stated that under General Comment, members can discuss whether they want to add something to that meeting at that time, or defer it to another meeting.

J. Nelson stated that she wants to have the items listed ahead of time so people are prepared. She stated that she never got a response to her request for an item to be put on the agenda.

Fleenor explained that the BCC has an agenda setting team that consists of the Chair, Vice Chair, County Counsel, and Administrator. They set the agenda the morning of the meeting one

week before. He said that this committee could have an agenda team meet at 4:00, and set the agenda for the following month in advance and if members want to add items, they could contact the Chair or bring it up in the General Comment for vote by the committee.

J. Nelson stated that they were told they cannot add items to the agenda.

Schumacher stated that he had explained to J. Nelson that he was checking with County Counsel on the issue.

Motion: Sundquist moved that an agenda discussion be put on the agenda for the next meeting. Graham seconded.

VOTE: 3 yes 4 no

Motion: J. Nelson moved that the chairperson submit a proposed agenda to everyone and then get the agenda finalized and submitted to staff for distribution.

No second

Williams moved that members use the end of the meeting to set the agenda and use the General Comment period at the meeting to add items to that agenda.

Graham seconded.

VOTE: 6 yes 1 no

V. COMMITTEE ELECTIONS:

Nominations: Sundquist nominated Koivula
Koivula nominated Sundquist – Declined
Penhallegon nominated Williams
Williams nominated Graham – Declined
Koivula nominated Melotti – Melotti was absent so nomination was withdrawn

VOTE: Koivula – 4 votes Williams – 3 votes

2008 Chairperson – Mike Koivula

2008 Vice Chair – Kai Williams

VI. ROAD TOUR DISCUSSION:

Koivula began his duties as chair.

Sundquist suggested the County get a van and take the committee out to see the problem areas. He would like to see the chip sealing, guardrails, and noxious weed problems.

Snowden explained that the County used to combine this tour with the RAC (Roads Advisory Committee). They usually did this in August. Chip seal operations and noxious weeds would be better viewed in August.

A. Nelson explained that vegetation in the cracks would not show up until May or after.

J. Nelson stated she would like to see the guardrail sites.

Schumacher explained that it is much easier to reference these plants when they are growing and doesn't think it would be as valuable to go now.

Koivula suggested the County get video of these sites rather than having to go out repeatedly to see the different operations.

Sundquist stated that they are only concerned with the herbicide application sites.

J. Nelson stated she would like to go now and thinks a couple trips should be offered and people

can sign up for whichever trip.

Schumacher explained that they will be treating the Meadow Knapweed.

J. Nelson asked Schumacher to list the sites and members can go look at sites on their own.

Fleenor asked members what their expected outcome was from the tour.

Sundquist explained that as vegetation professionals, they have to determine alternative assessments according to the Vegetation Management Plan.

Koivula asked members what their interest was.

Snowden asked if they would want to include the commissioner on this tour, and also explained that this tour may be premature, because at the end of the 60 day comment period, staff may get direction that they will not be managing noxious invasive weeds other than mowing.

Koivula asked staff when the best time to go would be.

Schumacher explained that early to mid summer would be the best time. He explained that right now the plants are in their dormant season and a true picture will not be captured.

J. Nelson stated she would like to go sooner and they won't be able to see everything anyway.

Schumacher stated that in the summer they would be able to see everything.

Motion: J. Nelson moved that the committee go on the tour within 30 days.
Sundquist seconded.

Discussion:

Graham stated that he thinks they still need to go in July also

Members discussed availability of schedules for the tour. A sign-up sheet was suggested and discussion on whether to invite the Commissioners.

Fleenor stated he would get the word out to the Commissioners.

VOTE: 5 yes 1 no 1 abstain

VII. ROAD MAINTENANCE UPDATE – A. NELSON

Crews have been working 24/7 due to the tree and ice issues. They have been working on a 24hr operation for emergency response. They are preparing for 80 miles of chip seal projects and 45 miles of chip seal for ODOT. They will be doing work on Territorial Rd and Hwy 36. The crews are going back and forth from shift to shift on a daily basis.

Koivula asked Nelson if they ever contract out to Emergency Services.

A. Nelson explained that they do on really big storm issues and depending on other things such as power companies.

LaRue asked if crews are looking at slides and other problems when they are out video taping the roads.

A. Nelson explained that it is standard practice for crews to be looking for these areas. He explained that the crews just went off this 24/7 operation as of today. The biggest problem areas were Veneta, Poodle Creek and the Florence area.

VIII. REVIEW OF BOARD OF HEALTH MEETING

Fleenor explained that the County is resource constrained. How much can be done with the resources they have? The Management Prescription Plan does talk about economic considerations being a factor in choice treatment. How will they deal with the roadside vegetation in order to maintain safety along the roadways? He thinks it will be a good idea to watch the meeting for those who were not able to. They are talking with the Sheriff's office regarding the work crew coming back.

Due to technical difficulties, the Board of Health Meeting was not viewed.

Fleenor explained that Schumacher has done the research regarding ORS statutes.

Schumacher passed out copies of the ORS statutes and explained some of the statutes. *Statute*

570.510 states that the State and respective Counties shall control any weeds designated as noxious by the State or respective County in any such County on land other than respective ownership. He explained that there are 10 pages of statutes regarding noxious weeds. The statutes also state that responsibility rests not only on the individual land owner and operator but also on the County, State, and Federal Government and that they should cooperate with individual owners in the control and eradication of noxious weeds.

J. Nelson stated that if you call the ODA office and ask if the County is mandated and they will say no. She stated that she talked to 3 staff people there and it is called an advisory document.

Schumacher explained that the ODA has authority on their State Lands and Federal Lands to mandate. They don't have the authority on County lands but the State of Oregon does.

Williams explained that ODA and State of Oregon are 2 different things.

Fleenor explained the funding issues for non funded mandates vs. funded mandates. He stated that this mandate is a Class C misdemeanor and who is going to go to jail. The reality is this may be non enforceable. He would like to have VMAC drill down deep to give the Board of Health information on how required this is. He suggested that the committee have another meeting to discuss it and then take to County Counsel next month with more specifics regarding statutes; otherwise he would have to get Board approval to go through the whole list of statutes.

Snowden & Schumacher explained that there will be an ad in the Register Guard and a news media release regarding the public comment period.

Schumacher explained that public can respond to him directly and possibly to the Commissioners as well. The questions he got from the meeting were: should Lane County be involved in using herbicides as part of their vegetation management program and should Lane County be in the business of noxious and invasive plant control.

J. Nelson stated that she talked to Commissioner Stewart and the end of the comment period would be March 2.

Schumacher stated that the end date would be 60 days from January 2. He stated that public could also comment at BCC meetings and VMAC meetings.

Lisa Arkin asked if the Commissioners asked for public comment on Section 3 as it was proposed.

Schumacher stated it wasn't specified. The herbicide purchase of new equipment was postponed until after the 60 day comment period.

Fleenor explained that what he got from the Board meeting is whether Lane County should be in the business of controlling noxious weeds. If yes, than how are they going to do it?

Schumacher explained what is going to be on the ad in the paper.

VIV. NEW ITEMS FOR NEXT MEETING – WED. FEBRUARY 13TH, 2008

1. Review of bylaws
2. Review ORS statutes
3. Review purpose of vegetation management along roadside
4. Definition of "Last Resort"
5. Staff explanation of map sites proposed for herbicide application

Meeting adjourned at 7:45 p.m.

Debby Woodruff, Recording Secretary