

SEAL ROCK WATER DISTRICT
Board of Commissioners
Regular Monthly Board Meeting Agenda
Thursday, October 12, 2023, @ 4:00 p.m.
Public Meeting by Zoom Video Conference

SRWD will conduct this meeting using Zoom video conferencing due to the restricted capacity for in-person gatherings and our commitment to prioritize the safety of the public and our employees. We strongly encourage the public to participate in this meeting electronically. To access further information, including registration details, please visit the SRWD website at www.srwd.org on the day of the meeting. We invite members of the public to submit written comments regarding agenda items by emailing tkarlsen@srwd.org no later than 2:00 p.m. on the day of the meeting. Submitted comments will be shared with the SRWD Board of Commissioners and will become part of the permanent record.

Call to Order:

Announcements and Visitor Public Comments:

The SRWD Board of Commissioners may entertain public comments during this meeting. The public comment period offers an opportunity for individuals to address the Commissioners concerning agenda items. Please adhere to a time limit of (3) minutes. It is important to note that while the Board may choose to allow or withhold public comments during these meetings, in accordance with the Open Public Meetings Law (OPML), the Board is not obligated to provide a response.

Consent Calendar:

The managers' reports, included within the consent calendar, serve as executive summaries presented to Commissioners to provide updates on system conditions, projects, and programs. Management welcomes Commissioner input and invites requests for more comprehensive information on any specific item, either before or during the meeting.

- | | |
|---------------------------------------|--------------------------------|
| • Invoice List | September 2023 to October 2023 |
| • Regular Board Meeting Minutes | September 14, 2023 |
| • Emergency Board Meeting Minutes | August 31, 2023 |
| • Financial Report / Approve Invoices | September 2023 to October 2023 |
| • USDA PMR Phase IV No. 37 | October 12, 2023 |
| • General Manager's Monthly Report | September 2023 to October 2023 |

• **Discussion and Information Items:**

- Consider Primary Source Water Project Update
Presented by: Adam Denlinger, General Manager
Jeff Hollen, SRWD General Counsel

• **Decision Items:**

- Consider Approving the Municipal Auditor Engagement Letter with Grimstad & Associates, Certified Public Accountants.
Presented by: Joy King-Cortes, SRWD Finance Manager

• **Reports, Comments, and Correspondence:**

- The General Manager will be serving on Jury Duty for the month of November.
- At the request of the USDA-RD National Office, the General Manager will be presenting at the 10,000 Communities Initiative, Northwest Rural Investment Strategy Summit, November 1st and 2nd.
- The General Manager will be attending the SDAO/SDIS Joint Meeting on November 15th and 16th in Salem.
- Employee Appreciation Luncheon is scheduled for December 14th @ 12:00 noon, followed by the December regular monthly Board Meeting @ 2:00 p.m.
- ODA Pesticide Use Regulations and Water Protections in Forestry Frequently Asked Questions.

• **Executive Session: according to ORS 192.660(2), Concerning:**

The SRWD Board may meet in Executive Session, pursuant to ORS 192.660(2)(h); To consult with legal counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the

audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations. No final decisions shall be made in Executive Session.

- **Adjournment:** Next Meeting: **November 9, 2023, @ 4:00 p.m.** Regular Board Meeting or established date.

Report Criteria:

Detail report.
Invoices with totals above \$0 included.
Paid and unpaid invoices included.

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount
01-1310				
JAMES KEATON	091523	Refund Overpayment Final Bill	09/15/2023	33.01
Total 01-1310:				33.01
01-5271				
PIONEER CONNECT TELEPHO	100123	Telephone Services/Internet	10/01/2023	1,696.94
Total 01-5271:				1,696.94
01-5272				
AT&T MOBILITY	09152023	Wireless	09/15/2023	198.01
Total 01-5272:				198.01
01-5273				
PIONEER CONNECT TELEPHO	100123	WTP Telephone Services/Internet	10/01/2023	216.44
Total 01-5273:				216.44
01-5274				
AT&T MOBILITY	09152023	Wireless WTP	09/15/2023	51.33
Total 01-5274:				51.33
01-5291				
US POSTAL SERVICE - WALDP	092123	Bulk Mailing	09/21/2023	915.11
Total 01-5291:				915.11
01-5610				
CENTRAL LINCOLN P.U.D.	092223	Utility Services	09/22/2023	1,308.51
Total 01-5610:				1,308.51
01-5611				
CENTRAL LINCOLN P.U.D.	092223	WTP Utility Services	09/22/2023	1,585.01
Total 01-5611:				1,585.01
01-5628				
LINCOLN COUNTY PUBLIC WO	6455	Fuel - WTP Vehicle	09/01/2023	103.58
Total 01-5628:				103.58
01-5632				
LINCOLN COUNTY PUBLIC WO	6453	Fuel - GM/Field Vehicles	09/01/2023	1,577.34
Total 01-5632:				1,577.34
01-5634				
SECURITAS TECHNOLOGY CO	6003577189	Quarterly Monitoring	09/03/2023	367.26

ORIGINAL

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount
Total 01-5634				367.26
Grand Totals:				✓✓ 8,052.54

Dated: OCT-2-2023

General Manager: A. Nicks

Dated: _____

Treasurer: _____

Report Criteria:

- Detail report.
- Invoices with totals above \$0 included.
- Paid and unpaid invoices included.

ORIGINAL

Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount
01-5271				
CENTURYLINK	092523	Toledo Pump Station SCADA	09/25/2023	70.95
CHARTER COMMUNICATIONS	001293709192	Internet (Office)	09/19/2023	129.98
Total 01-5271:				200.93
Grand Totals:				200.93

Dated: OCT-6-2023

General Manager: A. Nicks

Dated: _____

Treasurer: _____

[Handwritten signature]

Report Criteria:

- Detail report.
- Invoices with totals above \$0 included.
- Paid and unpaid invoices included.

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount
01-5064				
GLEN MORRIS	167	Stipend	10/12/2023	50.00
KAREN OTTA	83	Stipend	10/12/2023	50.00
PAUL HIGHFILL	28	Stipend	10/12/2023	50.00
ROB MILLS	188	Stipend	10/12/2023	50.00
SAUNDRA MIES-GRANTHAM	188	Stipend	10/12/2023	50.00
Total 01-5064:				250.00
Grand Totals:				250.00

Dated: _____

General Manager: _____

Dated: _____

Treasurer: _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61

**SEAL ROCK WATER DISTRICT
MINUTES OF THE
Regular Board Meeting
by Zoom Conference Call and In Person
September 14, 2023**

Introduction to Remote Meeting:

SRWD held this meeting through Zoom video conferencing. Due to the limited capacity for in-person meetings, the public was encouraged to attend the meeting electronically.

Present:

Present in person in the Board room were Commissioner Rob Mills, Board President, Commissioner Glen Morris, Member; and Commissioner Paul Highfill, Member. Attorney Jeff Hollen, Legal Counsel. Staff: Adam Denlinger, General Manager; Joy King-Cortes, Office Manager; Trish Karlsen, Bookkeeper; Brad Wynn, Senior Operator

Excused Absences: Commissioners Karen Otta and Sandra Mies-Grantham.

Call Regular Meeting to Order:

President Rob Mills called the regular board meeting to order at 4:02 p.m., Thursday, September 14, 2023, and introduced the commissioners and staff present in the board room. He welcomed those (15) members of the public attending via Zoom Conference. No member of the public attended in person. President Rob Mills acknowledged that the attendance of the public is a reflection of the public interest in the timberland spraying issue. This will be first on the agenda. During the past few weeks, SRWD has been deeply involved with the timberland spraying issue. The GM, Adam Denlinger has opened the district doors to public meetings and has been in contact with local officials and agencies to gather as much information about the proposed spraying and the effect it may have on the community and the water supply. It has been a lengthy and intense process of listening, learning, and informing. Intense to the point that district personnel received some abusive and intimidating phone calls and email messages. The underlying assertion to some people is that the district should be doing more to stop or limit the spraying as well as manage the impact of the spraying. It is important to have accurate, complete, and current information to deal with the spraying issue properly and constructively. The public was invited to send their written comments in advance of this meeting to be included as public testimony. Public comments will not be taken during the meeting.

Consider the Application of Herbicides in South Beaver Creek Watershed Approved by the Oregon Department of Forestry NOAP 1012-553-10095.

Adam Denlinger, GM provided an executive summary report to the Board of Commissioners which is available to the public on the district's website. The GM presented some of the highlights of the General Manager's Report. On September 6, 2023, district staff met with the Water Quality Pesticide Management Team (WQPMT) at the Lincoln County Court House with Lincoln County Commissioner Casey Miller, State Representative David Gomberg, and a representative from the Governor's office. Conversations between the agencies followed the general guidance identified in the Pesticide Management Plan for Water Quality Protection.

On September 7th the district received a request for a meeting from the Oregonians for Food & Shelter (OFS) Associate Director, Tiffany Monroe. OFS represents members in the agriculture, forestry, and urban sectors that rely on modern production tools. The mission of OFS is to provide outreach and expertise on responsible use and access to pesticides, fertilizer, and biotechnology. A meeting with OFS and the district is scheduled for later this month.

On September 8th the district received an email that included a letter from Oregon Forests Forever (OFF) which is also included in the Board packets.

On September 9th the district received a copy of a letter from Ursula Bechert, DVM, PhD, to the Governor's office in opposition to herbicide spraying on ANE Forests Property. This letter is included in the Board packets.

On September 11th the district received a copy of a letter dated September 8th from Mr. Sorn Nymark to the Lincoln County Commissioners regarding NOAP 2023-553-09307 providing that ANE and its Board of Directors have offered to ground apply herbicides rather than by helicopter. This decision was made in large part based on community concerns and protests. It will cost ANE an additional \$15,000 to \$20,000 to switch to ground application.

The district has received suggestions from the public to purchase the timberland that is subject to the spraying. Due to the budget limitation, the district is not at this time considering large-scale land acquisition in response to this matter. The Beaver Creek watershed is approximately 33.5 square miles, respectively, or over 21,536 acres according to DEQ's Source Water Protection Specialists. If land acquisition is to be considered in the future, the district would need to seek professional services and view this as a multiyear process. While grant funding may be available, it's competitive and

62 often comes with matching requirements. Developing a capital campaign for land acquisition will require subsequent rate
63 increases to cover the matching funds.
64 It's important to point out that herbicide application in the Beaver Creek watershed has been a common practice for
65 decades now. While this condition was not unforeseen by the district as it's identified in the district's Source Water
66 Assessment available on the district's website, due to the recent improvement to switch to a new primary source of water
67 on Beaver Creek, this is the first time the district has had to respond to this issue.
68 Data in the report developed by DEQ identifies that just over 50% of the watershed is owned and managed by the United
69 States Forest Service (USFS). 25.5% of the watershed is privately owned with the remaining balance 24.50% owned and
70 managed as private industrial forest, agriculture, and State Forest. The report identifies potential sources of pollutants
71 including the application of herbicides and pesticides, which is why the district tests for SOC's.
72 Staff want to impress upon the Board, SRWD customers, and the Community that we are doing everything within our
73 jurisdictional authority in response to this issue. Staff are working day and night responding to countless emails, phone
74 calls, and requests for information related to this issue.
75 District staff are committed to updating the SRWD Board and our customers regarding any new developments concerning
76 this matter and would encourage those seeking more information regarding this matter to please visit our website as new
77 information will be posted on the website as it becomes available. (See attached for a complete Manager's Report)

78
79 The board discussed how important it is for the public to have current, accurate, and clear information and commended
80 the staff for working with state agencies and the community. Jeff Hollen, legal counsel discussed what the laws are
81 pertaining to this issue.
82 ORS 634.172 is the Oregon law that limits claims to "after" the loss or damage has occurred from "pesticides." The ORS
83 Definitions include "herbicide" in the definition of "pesticide." ORS 634.212 allows landowners to form a protected area to
84 prevent or regulate the application of herbicides. Paragraph 6 of the Definitions identifies landowners as those having 3
85 or more acres. That appears to be the only action that citizens may take, and the decision to authorize that area as
86 protected is made by the Department of Agriculture.
87 The federal statute 42 USC 3001 limits authority to enforce the federal safe water drinking law to the
88 "Administrator." That is further described in the Updated Guidance, which states that no private citizen can enforce that
89 law. In each of these situations, the damage must have already occurred, or expert evidence to prove imminent danger is
90 required, and for the federal intervention, additional evidence must be provided that the State has not acted appropriately
91 to safeguard the public. Conclusion: The state must act to protect the public, and then federal assistance must be sought,
92 otherwise the district and the public must await the damage or loss to occur before seeking a remedy, which is only a
93 monetary remedy, not a preventative one. (See attached for cited ORS)

94 95 **Consent Calendar:**

96 Items on the consent calendar are the August/September 2023 Invoices List for approval; August 10, 2023, Regular
97 Board Meeting minutes; August 31, 2023, Emergency Board Meeting minutes August/September 2023 Financial Report;
98 USDA PMR Phase IV No. 37; and General Manager's Monthly Report. President Rob Mills asked if each commissioner
99 reviewed the consent calendar items. Commissioner Glen Morris answered YES, and Commissioner Paul Highfill
100 answered YES. Commissioner Glen Morris motioned to approve the consent calendar not including the August 31, 2023,
101 Emergency Board Meeting Minutes. Commissioner Paul Highfill seconded the motion. The motion passed 3 – 0. The
102 August 31, 2023, Emergency Board Meeting minutes will be approved on October 12, 2023, when the majority of the
103 board who attended that meeting will be present.
104

105 **Reports, Comments, and Correspondence:**

106 **Discussion and Information Items:**

107 **Primary Source Water Project Update:** On August 7, 2023, Jacobs engineers and district staff met with USDA
108 representatives to perform the 11th-month warranty walkthrough of the WTP. Operators pointed out several concerns the
109 district has experienced during the past 11 months of operation including various pump failures including chemical feed
110 pump failures; the automatic valves not functioning on command or sticking open/shut; and the membrane filtration skids
111 that have been difficult to clean, restricting production. Jacobs engineer brought a device to test the skids and it was
112 diagnosed that the amount of chemicals used as instructed by the manufacturer was not enough to clean the skids. That
113 has been corrected. A copy of the Phase IV Beaver Creek Water Supply Warranty Period Report is included in the Board
114 Packet.
115

116 **Decision Items:**

117 **Amendment No. 5 to the Engineering Services Agreement:** Jacobs Engineering submitted an executed Amendment to
118 the Owner-Engineer Agreement, Amendment No. 5 for board approval. Additional engineering services have been
119 required with project extension from the original final completion date of August 24, 2021. Amendment No. 5 would cover
120 additional services from July 2023 through November 2023 in the amount of \$55,960. The engineering budget under the
121 USDA project grant has been exhausted and the district is using its own funds to pay for additional engineering costs with
122 the understanding that when arbitration is completed, the available funds will reimburse the district for the use of its funds.
123 Commissioner Glen Morris motioned to approve the Amendment to the Owner-Engineer Agreement, Amendment No. 5.
124 Commissioner Paul Highfill seconded the motion. The motion was passed 3 – 0.

125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157

Reports, Comments, Correspondence:

The district received a copy of the Governor’s Executive Order No. 23-22 Determination of a State of Drought Emergency in Lincoln County. A copy is available on the district’s website.

Recessed Regular Board Meeting: President Rob Mills requested for those attending through Zoom to sign out or leave the meeting so the board can go into an executive session. He recessed the Regular Board Meeting at 4:45 p.m. to go into an Executive Session.

Executive Session: according to ORS 192.660(2), Concerning:

The SRWD Board may meet in Executive Session, pursuant to ORS 192.660(2)(h); To consult with legal counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations. No final decisions shall be made in the Executive Session.

Reconvened Regular Board Meeting: President Rob Mills adjourned the Executive Session and reconvened the Regular Board Meeting at 5:05 p.m.

Commissioner Glen Morris motioned to grant authority to the General Manager, Adam Denlinger, to go into arbitration for the substantial completion date and final completion date of the project with the contractor. Commissioner Paul Highfill seconded the motion. The motion passed 3 – 0.

Adjournment: President Mills adjourned the meeting at 5:07 p.m.

Next Board Meeting: October 12, 2023, at 4:00 p.m. Regular Board Meeting.

Approved by Board President

Date:

**SEAL ROCK WATER DISTRICT
MINUTES OF THE
Emergency Board Meeting
by Zoom Conference Call and In Person
August 31, 2023**

Call Emergency Meeting to Order:

President Rob Mills called the emergency board meeting to order at 4:02 p.m., Thursday, Aug. 31, 2023.

Present:

Present on the Zoom Conference Call was Commissioner Sandra-Mies Grantham, Secretary. Present in person in the Board room were Commissioner Rob Mills, Board President; and Commissioner Paul Highfill, Member. Staff: Adam Denlinger, General Manager; Joy King-Cortes, Office Manager; Trish Karlsen, Bookkeeper, and Brad Wynn, Lead Operator.

Members of the Public: See the Sign-in Sheet for those attending in person. There were 44 attended through Zoom.

Excused Absences: Commissioners Karen Otta and Glen Morris.

Purpose of the Emergency Meeting:

President Rob Mills explained that the purpose of the emergency meeting is to disseminate the most recent, accurate, relevant information that the district has regarding the aerial application of herbicides in the Beaver Creek Watershed. He also outlined the format of the meeting. Adam Denlinger, General Manager will give his staff report. After his report, the SRWD board members will comment, then Casey Miller, Lincoln County Commissioner will comment, and then the members of the public will comment. Each member of the public who wishes to comment will be given 3 minutes to accommodate everybody.

Staff Report:

Adam Denlinger, GM read his staff report outlining the dates of what has been done and what information he obtained from the time the district was notified of the potential for aerial herbicide application on approximately 475 acres of timberland in the South Beaver Creek Watershed. He facilitated meetings with representative Gomberg, LC Commissioner Casey Miller, and members of the community. He attended several community meetings, Lincoln County Board of Commissioners board meeting, and contacted the Oregon Department of Agriculture (ODA), Department of Environmental Quality (DEQ), Oregon Department of Forestry (ODF), and Oregon Health Authority (OHA). The report also outlined the necessary precautions to protect the water system. See the attached staff report for details.

Comments:

President Rob Mills wanted to know if there are any implications now that the timberland owner filed a new NOAP for Ground-Pressurized/Broadcast (Backpack spray) of herbicides on the same lots. Adam Denlinger, GM shared the information he got from ODF that the 2 NOAP permits are both in place. Any watershed spray is a concern. The applicants can do both aerial and backpack herbicide spraying. Regardless of the method the owner will use, the response of the district is the same. It is to try to work with the property owner to build a relationship to be able to exchange dialogue of what the district side of the operation is and the concern of how the herbicide spray can affect the Beaver Creek watershed.

Commissioner Sandra Mies-Grantham commented on the fact that all is happening all at once in the County, State, and Federal. She is highly interested in the EPA and what advocates we can get on our side.

Commissioner Paul Highfill commented if the timberland owner has a bond the district can use if we need to purchase water from the City of Newport if the water in Beaver Creek gets contaminated with herbicides. Adam Denlinger explained that the bond would be between the owner and the contractor doing the spraying and not with SRWD. Under the Oregon Forest Practice Act, if the property owner violates the rules and the spray causes damage to the district water supply then the district can seek remedy through the enforcement measures by the state (ODF) and federal (EPA) agencies.

President Rob Mills asked for clarification and more information regarding the meeting on Sept. 6. Adam explained that the State of Oregon Pesticide Management Plan for Water Quality Protection identifies 4 agencies – Oregon Department of Environmental Quality (ODEQ), Oregon Department of Agriculture (ODA), Oregon Department of Forestry (ODF), Oregon Health Authority (OHA) are responsible for coming together in developing a water quality and pesticide team. This team is working together in preparation for the meeting with SRWD staff next week. The outcome of the meeting is to provide the district with recommendations on how to best manage risks to the intake for what is likely to occur.

62 Commissioner Casey Miller left a comment in the chat box as he had to leave the Zoom meeting for another engagement.
63 His intent primarily was to observe but he wanted the district to know that the county is available to support and answer
64 questions that the district may have of their jurisdiction. SRWD is doing an excellent job of addressing this challenge and
65 the county is in fluid communication with Adam, who has the highest regard and responsiveness for the community's
66 concern. The county will continue to support the district and its principles. Ken Lipp, Lincoln County Public Information
67 Officer is informed on this issue and can answer questions on behalf of the county.
68

69 **Public Comments:** Comments were taken in the following order. Those attending by phone will comment first; then those
70 attending through Zoom will raise their hand to take turns to comment then those attending in person will comment last.
71 **Nancy McCarty** attended by phone from Makai Subdivision commented that she wanted to listen but she had no
72 comments.

73 **Comments from those who attended through Zoom:**

74 **Stan Ferguson** from Makai Subdivision commented that since EPA has backed Monsanto in court battles he questions
75 how much help EPA could be. EPA has an obvious bias with herbicides/pesticide companies. He is wondering if the
76 district has reached out to activist groups like the Sierra Club and Greenpeace who have more resources regarding
77 environmental issues. Another issue he is wondering about is, if the Siletz River watershed will be sprayed on Sept. 9,
78 and the district will be getting the water from there would the water be tested for contaminants before it's delivered to the
79 district's customers?

80 Adam replied the district is looking into both issues.

81 **Laura Gill** from South Beaver Creek Road. She is outside the district's service area but lives in the area of the watershed.
82 She expressed appreciation for the efforts the district has been making in the last two weeks. As a person living outside
83 the service area, she urged the district to protect the watershed. In doing that the district's customers are also protected.
84 The community should think outside the box and think of creative ways to stop the spray from happening over and over
85 again. Protecting the community will protect the district and the community will do everything to assist the district.

86 **John French** from Bayshore. Is it true that the new NOAP for backpack ground spraying doesn't require advance
87 notification? If so, how would the district know that the ground spraying has occurred and when would the district go
88 offline considering the time for water sampling and getting the test results? Public information indicates that the district's
89 legal counsel from Newport doesn't practice environmental law. He is wondering if the district has reached out to legal
90 counsel who practices environmental law. Adam replied that the new NOAP for backpack ground spraying doesn't require
91 advance notification but the district will be working with the property owner, the consultant, and the contractor to receive
92 notification before the spray. The district discussed with legal counsel that the district might need special counsel
93 regarding this issue.

94 **Sally Noack** from Fox Creek. The information that has gone out has been confusing regarding the spraying. She wants
95 clarification regarding the use of the words herbicides and pesticides. Would the district be testing for herbicides and
96 pesticides and if the carriers involved would be tested by the district also?

97 Adam: Yes, the district is testing for Synthetic Organic Compound (SOC) as required by the Oregon Health Authority
98 (OHA). SOC includes herbicides and pesticides.

99 If the state has preempted the county vote for no aerial spraying why don't USDA or US Forest Service requirements
100 preempt ODF? Adam: He can't answer the question since he has no authority to speak for other agencies. Sally said this
101 would be a good question if the district is considering an environmental lawyer.

102 **Rob Mills, President of the Board** commented that this meeting is to hear comments and not for answering questions.
103 Adam reminded the group that there are different meetings in the community where questions could be answered. This
104 meeting is to hear comments from the public.

105 **Eve Celsi** from South Beaver Creek Road. She has a water rights certificate for over 50 years for surface water located
106 over the boundary line where the spray zone is. It is her understanding that if there is domestic water use that area should
107 have a 300 ft buffer zone. She is wondering who to contact to make sure that is honored, and who is responsible for
108 mapping the area. She will be taking a water baseline sample from their collection source to be tested in a lab in Portland
109 for \$495 plus \$165 for additional testing for glyphosate. It is a community property so the costs will be covered but she is
110 wondering what others who own private wells are doing regarding testing. Adam asked to send him her contact
111 information so he could pass on to her the information he has.

112 **McKenzie/Sam Purdom** from Pacific Coast Highway between Waldport and Seal Rock. She has been a customer since
113 the late '90s. As a customer of the water district she is very appreciative of all the district has done this week and the last
114 month. As a public comment, she urged the district to keep going forward and do more testing as the rain comes and test
115 in different sites. She has a small business and often uses the Beaver Creek Watershed. Her 7th-grade son, Griffin
116 commented he doesn't want pesticides in drinking water and in water for everyday use.

117 **John/Amanda Berks** commented that in 2017 the Lincoln County voters narrowly approved the ban on spraying
118 pesticides. Two years later a Lincoln County Circuit Judge overturned that stating that state law preempts the local effort
119 to regulate the use of pesticides. He is wondering if there is a way to reverse that. Adam advised John to contact County
120 Commissioner Casey Miller for the answer.

121 **Sheila Ping** from Driftwood Village in Seal Rock. She attended a meeting in Waldport yesterday (Aug. 30) and there is a
122 number where you can register your water if you are not in the SRWD service area but getting your water in the
123 watershed like from a spring, a well, or other sources. She will post that number on the chat for others to see.

124 **Anny Celsi** from South Beaver Creek Road. She commented that her father and friends started a community in South
125 Beaver Creek Road when she was 9 years old where they and friends learned to cut trees, plant trees, fish, and hunt for
126 mushrooms. Her father at the age of 57 had non-Hodgeskin Lymphoma. He didn't drink alcohol or smoke but was a
127 landscaper and was close to the chemicals that others used. What happened to her father was not related to this issue
128 but she wanted to share that this is a real thing and it affects families. She hopes that the community continues in good
129 spirits and she doesn't want what happened to her father to happen to other families and to her father's grandchildren.

130 **Holly Brandwen** from Yachats. She gets her water from South West Lincoln Water PUD but she believes that the source
131 of water is all intertwined together. She is wondering if having endangered wildlife and rare species in the area has been
132 taken into consideration. The pesticide spraying is a toxin that could affect the wildlife. Adam: The Oregon Forest Practice
133 Act considers that in identifying the listed endangered species and wildlife and required buffers to protect them. He
134 recommended that Holly should contact ODF for more details.

135 **Debra Fant** from Waldport. She has a well on the base of the forestry land so she can empathize with those facing the
136 issue. She thanked the board for holding this public meeting. She met Barbara Flewellyn (SRWD Budget Committee
137 member) in a meeting last night and received the benefit of some of her wisdom. She encourages the board to continue
138 boldly in taking actions that are recommended to put leverage on the "no pesticide spray" solution. In 2017 she worked
139 with others to pass the no pesticide spraying but it was overturned. A small group is easily overlooked but having an
140 agency representing 5,500 customers there is more leverage in that regard. It is time for the state government to see what
141 changes are necessary to open the door for people to have the right to protect their health and safety. She thanked the
142 board and Adam for their leadership and for making this meeting open and available to the public.

143 **Cathy Redwine** from South Beach. She has been concerned about the pesticide spraying from the time she heard about
144 it. She thanked the board for calling this meeting and urged them to continue to work as diligently and hard as possible for
145 the customers and nature. Hopefully, we can stop what is happening or about to happen.

146 **Sally Noack** from Fox Creek. She expressed appreciation for everything the district is doing including Rob Mills, Tedd
147 Dewitt, and all who are involved. She wants people to realize the relationship between the spraying and the ecosystem
148 around us. It is important for our well-being and the earth.

149 **Ilene Samowitz** from South Beach. She commented on how important water quality is. She is a long-time environmental
150 activist and in support of the no-spray issue. She thanked everybody who is working hard to stop the spraying and will do
151 what she can to help the community.

152 **James Holzgraf/Yasmina Dedijer-Small** from Seal Rock. He has 2 small children and an elderly mother living with them.
153 He is very concerned about the pesticide spraying in the watershed also realizing Seal Rock as a whole has a new
154 challenge now that we are getting water from Beaver Creek. It is no longer an issue of the natural landscape, or habitat, or
155 the animals. We need to step it up and get more creative. He feels like we have a strong team. The fact that Brian Booth
156 Park is adjacent to the watershed, he is requesting the board have a conversation with the property owner regarding
157 acquiring the land to protect the watershed. There's grant money out there within the forest council.

158 **TiAnne Rios** from Seal Rock. She thanked Adam for answering the questions from the President of the Board when he
159 got it. It lessens the stress to have the answers before coming to the meeting. They are aware that the district (Adam) is
160 not doing the spraying but the one trying to figure out the water situation for the the customers. The community is holding
161 public meetings on Monday at 6:00 p.m. in the Garden Club in Seal Rock and on Wednesday at 3:00 p.m. in the Waldport
162 Community Center and would like to invite Adam to represent the district. It has been mentioned that we are stronger
163 together and the community will work with the district. Local agencies working with the community to change state law
164 regarding spraying is what the group is looking into in the future. Right now the issue is a public health concern because
165 water is being tainted in the Siletz as well. She is unclear about the amount of time to get the testing results back and how
166 to get water while waiting for the results to come back. She is concerned that tainted water will come into homes. She
167 would like the district to consider purchasing the land to protect the watershed. The cost to purchase water from another
168 source is \$40K, in the long run, the district will save money by purchasing the land. She also suggested to maybe send a
169 letter with the intent to sue if the spraying will cause damage to the property owner. She wants to be on record saying "I
170 don't want herbicides and pesticides in my water."

171 **Willow Kasner** from South Beaver Creek Road / South Low Road. She lives on the family farm that is now a wetland.
172 She is worried about the drift from aerial spraying and runoff. The new NOAP has a comment period that ends on
173 September 13 at 11:59 p.m. Water testing is expensive. A GO FUND ME has been set up to offset testing costs. She is
174 trying to gain funds for water testing which is \$500 and soil testing for \$500. The GO FUND ME account has enough
175 money for 5 baseline tests. There are about 30 families who live in the area that need their water tested. She suggested
176 putting pressure on the property owner to stop the spraying. Right now Monsanto is having billions of dollars settlement in
177 California. This could be used to put pressure on the property owner. She is thankful that the community is working
178 together with the involvement of politicians. Keep the momentum going.

179 **TiAnne Rios** commented that the backpack spray permit is good for 1 year and the owner is not required to notify the
180 public. She called ODF and was told the backpack spray period is Jan 1 – Dec 31 and the owner could do both, the aerial
181 and backpack spraying.

182 **Willow Kasner** wants clarification on the ground pressurize method. Adam said: It is backpack spraying.

183 **TiAnne Rios** wanted to know if one representative from the community could attend the September 6 meeting that the
184 district is having with representatives from DEQ, OHA, ODA, and EPA. Adam explained that the meeting is not a public
185 meeting but he will share with the community the outcome of the meeting.

186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211

Recessed Emergency Board Meeting:

President Rob Mills excused the public, recessed the Emergency Board Meeting, and went into executive session at 5:28 p.m.

Executive Session: according to ORS 192.660(2), Concerning:

The SRWD Board will meet in Executive Session, pursuant to ORS 192.660(2)(h); To consult with legal counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations. No final decisions shall be made in Executive Session.

Reconvened the Emergency Board Meeting:

President Rob Mills adjourned the executive session and reconvened the emergency meeting at 5:40 p.m.

Adjournment:

President Rob Mills adjourned the emergency board meeting at 5:42 p.m.

Next Board Meeting: September 14, 2023, at 4:00 p.m. Regular Board Meeting.

Approved by Board President

Date:

SRWD Monthly Financial Report

Monthly Statistics		Comments			
Total customers	2675	Includes new connects Less Abandoned / Forfeited meter plus 3 SRWD meters (shop X 2 & office) plus 1 Hydrant meter			
New connections	0				
Reinstalls	0				
Abandonments/Forfeitures/Meter Removed	0				
Financial Report	Checking/MM	LGIP/PFMA	Fund Balances	Comments	
General	\$700,083.24	\$18,223.44	\$718,306.68		
Bond	\$685,731.65	\$0.00	\$685,731.65		
Capital Projects	\$92,853.89	\$68,611.82	\$161,465.71	\$7,421,586 Interim Loan Proceeds	
Revenue Bond	\$2,794.04	\$4,366.66	\$7,160.70		
Rural Development Reserve	\$0.00	\$98,675.69	\$98,675.69		
Dist. Office/Shop Reserve	\$3,615.02	\$125,034.57	\$128,649.59		
Depreciation/SLARA Reserve	\$0.00	\$229,552.90	\$229,552.90		
SDC (formerly SIP)	\$0.00	\$694,417.60	\$694,417.60	\$1,289,490.00 SDC collections thru 9/30/2023	
Water Source Improvement Rsrv	\$0.00	\$254,881.81	\$254,881.81		
TOTALS	\$1,485,077.84	\$1,493,764.49	\$2,978,842.33		
General Fund Review	Current	FYTD	Budgeted Amount	Comments	
Revenue	\$251,237.55	772,102.88	\$3,205,120.00		
Expenses	\$123,737.32	552,302.41	\$3,205,120.00	Contingency \$100,000; Transfers \$416,320; Total expenses budgeted \$2,677,800.	
Net Gain or (Loss) from Operations	\$127,500.23	\$219,800.47			
Water Sales Revenue Comparison	Month	FYTD	Comments		
Water Sales Current Year	\$243,580.32	\$734,677.27	Leak Adjustments & Billings Adjustments (YTD = July - June)		
Actual+In Lieu of Water Sales Less H2O CR	\$248,578.53	\$749,560.12	Billing Adj FYTD \$0.00		
Water Sales Prior Year	\$206,073.08	\$609,014.39	Leak Adj/Write off FYTD \$117.15		
Actual+In Lieu of Water Sales Less H2O CR	\$211,073.08	\$624,015.48	TOTAL FYTD ADJUSTMENTS \$117.15		
Over or (Under)	\$37,507.24	\$125,662.88	Note: Rate increase effective 6/1/2023		
Gallage Comparison	Current	Prior Year	Cost Comparison	Current	Prior Year
Gallons Purchased/Intertie/WTP Treated	11,968,000	10,263,664	Toledo Charges	\$0.00	\$6,221.89
Gallons Sold (includes accountable loss & intertie)	10,716,650	10,365,982	SRWD Sales	\$243,580.32	\$206,073.08
Variance %	10.46%	-1.00%	Ratio: Sales/Cost	0.00	33.12
Gallons Produced/Treated at WTP	11,968,000		8/11/2023-9/11/2023		
Gallons from Toledo Master Meter	0		Toledo Master Meter Readings read by SRWD field crew		
SRWD Intertie Usage (Purchased)	0		Additional water SRWD used/purchased from Newport Intertie		
Total Water Received/Produced	11,968,000				
City of Newport Intertie Usage (Sold)	0		Gallons sold to City of Newport for water used from the Newport Intertie		
Total Gallons Accounted	10,682,649		From flushing, leaks, CL2 Analyzer, & fire hydrant use		
Total Gallons Unaccounted	1,285,351				
Water Loss Percentage	10.74%				
Approval To Pay Bills	Payroll 9/8/2023 \$30,306.81		Payroll 9/22/2023 \$29,776.05		
Month of:	September	(after meeting)	October		
	GF A/P	\$8,052.54	GF A/P	\$24,368.26	up to 10/6/2023
	SDC Fund	\$0.00	SDC Fund	\$0.00	
	Bond/Rev Bond Fund	\$0.00	Bond/Rev Bond Fund	\$91,214.00	2011 GO Bond payment
	Depreciation/SLARA	\$0.00	Depreciation/SLARA	\$0.00	
	MP - Phase 4 (IFA)	\$0.00	MP - Phase 4 (IFA)	\$0.00	
	MP- Phase 4 (USDA)	\$0.00	MP- Phase 4 (USDA)	\$0.00	possibly reimbursable
	MCWPP	\$0.00	MCWPP	\$0.00	
	MCWCC	\$0.00	MCWCC	\$0.00	
Monthly Accrual Statistics	Beg. Balance	Accrued	Used/Paid	Balance	
	8/31/2023			9/30/2023	
Office Overtime Hours (2-01)	0.00	6.50	6.50	0.00	
Field Overtime Hours (2-02)	0.00	6.00	6.00	0.00	
PTO (3-01)	3158.37	126.18	136.00	3148.55	
Comp Time (9-01 / 9-02)	137.15	12.00	58.50	90.65	



1037 NW Grebe Street
 Seal Rock, Oregon 97376
 Phone: 541.563.3529 – Fax: 541.563.4246
www.srwd.org



Seal Rock Water District

General Manager's Report:
 Board Meeting - October 12, 2023

This report serves as an executive summary for the Board meeting agenda of October 12, 2023. It provides recommendations for actions to be taken if necessary. Detailed information, staff reports, and supporting materials can be found in the full agenda packet.

PHASE-IV BEAVER CREEK SOURCE WATER PROJECT:

Staff would like to update you on recent developments regarding the Beaver Creek source water intake for the district. During the week of September 18th, our region experienced unusually high sea swells. This situation has resulted in an impact on the quality of our raw water due to increased salinity and organics levels. This occurrence is reminiscent of a similar event last year around the same time. Fortunately, our instrumentation has performed as designed, and it has not affected the quality of our drinking water system.

As a precautionary measure, on September 26th, our operators decided to transition to the district's secondary emergency water supply, which is sourced from the City of Newport. We anticipate that we may need to rely on this secondary source for approximately one to two weeks, depending on the stream's conditions and necessary improvements at the WTP.

During this period, our water treatment plant operators have been using the downtime to address routine maintenance tasks. Specifically, we will be replacing a failing valve on one of the filter skids and addressing chlorine feedline issues that are crucial for overall operation. Additionally, our operators will collaborate with the contractor to address warranty work identified during the 11-month warranty walkthrough. This includes addressing leaking Clean in Place (CIP) lines used to maintain the filter skids and addressing leaking chemical injection feedlines. These repairs require temporarily taking the filter skids offline.

District staff are actively working with engineers and representatives from USDA-RD to secure funding to support additional treatment processes. Currently, USDA's Emergency Community Water Assistance Grant (ECWAG) program may provide the district with up to \$1 million in grant funds towards treatment processes to protect the district's source water system.

Attached to this report is the "Pesticide Use Regulations and Water Protections in Forestry" document. This document was developed in collaboration with several Pesticide Analytical and Response Center (PARC) member agencies, including the Oregon Department of Agriculture (ODA), Oregon Department of Forestry (ODF), Department of Environmental Quality (DEQ), and Oregon Health Authority (OHA). The purpose of this document is to disseminate information and resources to individuals with questions and concerns related to herbicide/pesticide use in forestry practices. A copy of this document is included in the Board Packets for this meeting and was made available to the community on the district's website on September 15, 2023.

Seal Rock Water District is an Equal Opportunity Service Provider and Employer.

Adam Denlinger, General Manager

adenlinger@srwd.org

www.srwd.org

Other notable activities for the month include:

- Attended meetings with engineers to discuss membrane module onsite testing.
- District operators hosted DEQ representatives on a tour of the district's WTP and Intake system.
- Met with representatives from USDA-RD to provide a project status update.
- Attended the Mid Coast Water Conservation Consortium Meeting.
- Met with property owners in the district to discuss water quality issues.
- Attended the OWRD Place-Based Planning Coordinating Committee Meeting.
- Met with GSI Water Solutions to review progress on MC-WPP, the Water Management and Conservation Plan, and Beaver Creek streamflow and temperature monitoring.
- District staff met with a property developer to discuss a proposed project to construct a Tiny Home community within the district, comprising 50 to 100 Tiny Homes.
- Attended the Monthly Oregon Water Utility Council (OWUC) meeting.
- District representatives met with Oregon Food and Shelter (OFS) to discuss herbicide/pesticide application in the Beaver Creek Watershed.
- Attended the 2023 Oregon Infrastructure Summit in Corvallis, hosted by Business Oregon and USDA-RD.
- Provided public testimony regarding water infrastructure financing to the House Interim Committee on Agriculture, Land Use, Natural Resources, and Water during Legislative Committee Days at the State Capitol.
- Attended the Coastal Partnerships for Drinking Water Protection Workshop hosted by DEQ and OHA at the Oregon Coast Community College on October 4th.
- Attended the SDAO Legislative Committee meeting.

GRIMSTAD & ASSOCIATE

Certified Public Accountants

October 10, 2023

Newport Office:
PO Box 1930
530 NW 3rd St. Suite E
Newport, OR 97365
(541) 265-5411
Fax (541) 265-9255
info@grimstad-assoc.com

Lincoln City Office:
1349 NW 15th Street
Lincoln City, OR 97367
(541) 994-5252
Fax (541) 994-2105

To the Board of Commissioners
Seal Rock Water District
Seal Rock, Oregon

I am pleased to confirm my understanding of the services I am to provide Seal Rock Water District (District) for the year ended June 30, 2023.

Audit Scope and Objectives

I will audit the financial statements of the business-type activities, including the disclosures, which collectively comprise the basic financial statements of the District as of and for the year ended June 30, 2023. Accounting standards generally accepted in the United States of America (GAAP) provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the District's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of my engagement, I will apply certain limited procedures to the District's RSI in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to my inquiries, the basic financial statements, and other knowledge I obtained during my audit of the basic financial statements. I will not express an opinion or provide any assurance on the information because the limited procedures do not provide me with sufficient appropriate evidence to express an opinion or provide any assurance. The following RSI is required by GAAP and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis
2. Schedule of the District's Proportionate Share of the Net Pension Liability (Asset) - Oregon Public Employee Retirement System
3. Schedule of the District's Contributions - Oregon Public Employee Retirement System
4. Notes to the Schedules of the District's Proportionate Share of the Net Pension Liability (Asset) and Contractually Required Contributions

I have also been engaged to report on supplementary information other than RSI that accompanies the District's financial statements. I will subject the following supplementary information to the auditing procedures applied in my audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS, and I will provide an opinion on it in relation to the financial statements as a whole, in a report combined with my auditor's report on the financial statements:

1. Schedule of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual - All Individual Funds
2. Reconciliation of Revenues and Expenditures (Budgetary Basis) to the Statement of Revenues, Expenses and Changes in Net Position
3. Schedule of Expenditures of Federal Awards
4. Notes to Schedule of Expenditures of Federal Awards

Members:
AICPA OSCP & OAIA

The objectives of my audit are to obtain reasonable assurance as to whether the financial statements as a whole are free from material misstatement, whether due to fraud or error; and issue an auditor's report that includes my opinion about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP; and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements. The objectives also include reporting on:

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

Auditor's Responsibilities for the Audit of the Financial Statements and Single Audit

I will conduct my audit in accordance with GAAS; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with Uniform Guidance, and other procedures I consider necessary to enable me to express such opinions. As part of an audit in accordance with GAAS and *Government Auditing Standards*, I exercise professional judgment and maintain professional skepticism throughout the audit.

I will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. I will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. I will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, *Governmental Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in the financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because I will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements or noncompliance may not be detected by me, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or on major programs. However, I will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to my attention. I will also inform the appropriate level of management of any violations of laws or governmental regulations that come to my attention, unless clearly inconsequential. I will include such matters in the reports required for a Single Audit. My responsibility as auditor is limited to the period covered by my audit and does not extend to any later periods for which I am not engaged as auditor.

I will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

My procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. I will also request written representations from your attorneys as part of the engagement.

I have identified the following significant risks of material misstatement as part of my audit planning:

According to GAAS, significant risks include management override of controls, and GAAS presumes that revenue recognition is a significant risk. Accordingly, I have considered these as significant risks.

My audit of the financial statements does not relieve you of your responsibilities.

Audit Procedures – Internal Control

I will obtain an understanding of the government and its environment, including the system of internal control, sufficient to identify and assess the risks of the material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for my opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. Tests of controls may be performed to test the effectiveness of certain controls that I consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. My tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in my report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, I will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that I consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, my tests will be less in scope than would be necessary to render an opinion on those controls, and, accordingly, no opinion will be expressed in my report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, I will express no such opinion. However, during the audit, I will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

Audit Procedures - Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, I will perform tests of the District's compliance with the provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance, and I will not express such an opinion in my report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that I also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. My procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of Seal Rock Water District's major programs. For federal programs that are included in the Compliance Supplement, my compliance and internal control procedures will relate to the compliance requirements that the Compliance Supplement identifies as being subject to audit. The purpose of these procedures will be to express an opinion on the District's compliance with requirements applicable to each of its major programs in my report on compliance issued pursuant to the Uniform Guidance.

Other Services

I will also assist in preparing the financial statements, schedule of expenditures of federal awards, and related notes of the District in conformity with accounting principles generally accepted in the United States of America and the Uniform Guidance based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. I will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal awards, and related notes services previously defined. I, in my sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

You agree to assume all management responsibilities for the financial statements, schedule of expenditures of federal awards, and related notes, and any other nonaudit services I provide. You will be required to acknowledge in the management representation letter my assistance with preparation of the financial statements, the schedule of expenditures of federal awards, and related notes and that you have reviewed and approved the financial statements, the schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Responsibilities of Management for the Financial Statements

My audit will be conducted on the basis that you acknowledge and understand your responsibility for (1) designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including internal controls over federal awards, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with accounting principles generally accepted in the United States of America, and for compliance with applicable laws and regulations (including federal statutes), rules, and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

You are also responsible for making drafts of financial statements, the schedule of expenditures of federal awards, all financial records, and related information available to us and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing me with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance; (3) additional information that I may request for the purpose of the audit; and (4) unrestricted access to persons within the government from whom I determine it necessary to obtain audit evidence. At the conclusion of my audit, I will require certain written representations from you about the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and related matters.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to me in the management representation letter that the effects of any uncorrected misstatements aggregated by me during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing me about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing me of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. You are also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with the provisions of laws, regulations, contracts, and grant agreements that I report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan. The summary schedule of prior audit findings should be available for our review on November 13, 2023.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received, and COVID-19 related concepts, such as lost revenues, if applicable) in conformity with the Uniform Guidance. You agree to include my report on the schedule of expenditures of federal awards in any document that contains, and indicates that I have reported on, the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes my report thereon. Your responsibilities include acknowledging to me in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to me any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which I have been engaged to report on, in conformity with U.S. generally accepted accounting principles (GAAP). You agree to include my report on the supplementary information in any document that contains, and indicates that I have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes my report thereon. Your responsibilities include acknowledging to me in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to me any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible identifying and providing report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Scope and Objectives section of this letter. This responsibility includes relaying to me corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on my current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Engagement Administration, Fees, and Other

I understand that your employees will prepare all cash, accounts receivable, or other confirmations I request and will locate any documents selected by me for testing.

At the conclusion of the engagement, I will complete the appropriate sections of the Data Collection Form that summarizes my audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditor's reports, and corrective action plan) along with the Data Collection Form to the Federal Audit Clearinghouse. I will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted with the earlier of 30 calendar days after receipt of the auditor's reports or nine months after the end of the audit period.

I will provide copies of my reports to the State of Oregon, the U.S. Department of Agriculture, and Environmental Protection Agency; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of my reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Grimstad & Associate and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the U.S. Department of Agriculture, Environmental Protection Agency or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for the purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. I will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Grimstad & Associate personnel. Furthermore, upon request, I may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the U.S. Department of Agriculture or Environmental Protection Agency. If I am aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, I will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Signe Grimstad CPA is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. I expect to begin my audit on approximately November 13, 2023 and to issue my reports no later than December 31, 2023.

My fee for these services will be at my standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that I agree that my gross fee, including expenses, will not exceed \$9,300 for the regular audit and the single audit will not exceed \$7,000. My standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. My invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with my firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If I elect to terminate my services for nonpayment, my engagement will be deemed to have been completed upon written notification of termination, even if I have not completed my reports. You will be obligated to compensate me for all time expended and to reimburse me for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the engagement. If significant additional time is necessary, we will keep you informed of any problems we encounter and our fees will be adjusted accordingly.

Reporting

I will issue written reports upon completion of my Single Audit. My reports will be addressed to management and the governing board of Seal Rock Water District. Circumstances may arise in which my report may differ from its expected form and content based on the results of my audit. Depending on the nature of these circumstances, it may be necessary for me to modify my opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to my auditor's report, or if necessary, withdraw from this engagement. If my opinions are other than unmodified, I will discuss the reasons with you in advance. If, for any reason, I am unable to complete the audit or am unable to form or have not formed opinions, I may decline to express opinions or issue reports, or I may withdraw from this engagement.

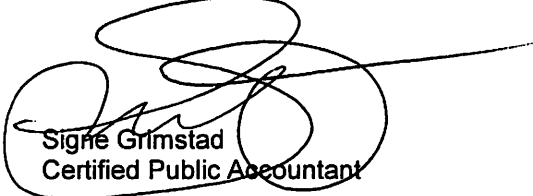
Seal Rock Water District
October 10, 2023

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will state that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will state that the purpose of the report on internal control over compliance is solely to describe the scope of the testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

I appreciate the opportunity to be of service to Seal Rock Water District and believe this letter accurately summarizes the significant terms of my engagement. If you have any questions, please let me know. If you agree with the terms of my engagement as described in this letter, please sign the attached copy and return it to me.

Very truly yours,

GRIMSTAD & ASSOCIATE



Sigfrid Grimstad
Certified Public Accountant

RESPONSE:

This letter correctly sets forth the understanding of Seal Rock Water District.

Adam Denlinger, General Manager

Rob Mills, President, Board of Commissioners

10,000 Communities Initiative

Northwest Rural Investment Strategy Summit

November 1 & 2, 2023 | Skamania Lodge | Stevenson, WA

Organizing Capital and Capacity for Community Resilience

Once-in-a-generation funding opportunities provided by the Biden-Harris Administration and Congress offer new opportunities for catalytic positive change for underserved rural and smaller communities.

The purpose of this summit is to bring together federal, state, philanthropic, muni bond, impact funders together with technical assistance experts to seize this moment in support of the local rural communities we serve and to design resilient partnership mechanisms to support community infrastructure project pipeline for the next decade.

Event Objectives:

- Identify tangible resources for rural communities to access capital and technical assistance from federal and nonfederal sources.
- Emphasize project predevelopment and other project readiness efforts which can help projects become competitive for grants, loans and impact investments.
- Focus on high-demand, replicable use cases within the region.
- Build long-term project pipeline and regional resilience.

Audience:

- Capital providers: federal and state economic development capital providers, CDFIs, philanthropy, impact and infrastructure investors.
- Technical assistance providers: local, regional, national.
- Proven project developers in key case areas.
- Pre-selected communities who are either success stories we want to replicate or eager guinea pigs to stand up one of the use cases.
- Regional Economic Development Group Leaders



Rural Development

U.S. DEPARTMENT OF AGRICULTURE

Day One

November 1, 2023 | 12:00 pm - 6:00 pm

- Opening lunch keynote and cross-sectoral panel: Defining the opportunity and the challenge
- Afternoon: Capital providers caucus, capacity builders caucus, communities caucus
- Town hall: Sharing from the three caucuses
- Reception

Day Two

November 2, 2023 | 8:30 am - 3:30 pm

- Morning and Afternoon Projects Tracks: Detailed use case trainings led by project developers
- Lunch keynote/panel
- Afternoon: Capital providers meet to discuss commitments, follow-ups, etc.

Regional Event Partners:



The Oregon iSector
A New Sector for Community Innovation

10,000 Communities Initiative Partners:





Pesticide Use Regulations and Water Protections in Forestry Frequently Asked Questions

Background

This document summarizes frequently asked questions about water protections and regulations associated with pesticide applications in forestry.

Why are herbicides used in forestry?

Herbicides are the most common pesticides used in a forestry setting. They are used for site preparation before tree planting and sometimes later to control competing vegetation while seedlings work to out compete other vegetation. Reforestation is required by law and herbicides are a tool available to landowners to be successful. In addition, forest landowners also use herbicides to control invasive noxious weeds, such as gorse, Scotch broom, Himalayan blackberry, and Japanese knotweed. These noxious weeds can displace native species and lower the habitat quality for wildlife. Noxious weeds can also increase of wildfire risk and can make cropland less productive.

How often are herbicides used in forestry?

In western Oregon, herbicides are typically applied 1 to 3 times during a 40-to-70 year timber harvest rotation. Herbicides are commonly used for site preparation before tree planting and sometimes later to control competing vegetation while seedlings gain height. In eastern Oregon, herbicides are used less frequently because of different management methods in the slower-growing forests than in the rest of Oregon.

What laws regulate pesticide use?

Except in limited circumstances, all pesticides used in the United States must be registered with the U.S. Environmental Protection Agency (EPA) and must carry federally approved labels describing permitted uses and appropriate protection measures. To be registered by the EPA, pesticides must undergo extensive laboratory and field studies. EPA develops risk assessments that evaluate the potential for harm to humans, wildlife, fish, and plants, including endangered species and non-target organisms. The potential for contamination of surface water or ground water from leaching, runoff, and spray drift are also evaluated. EPA approves the language that appears on each pesticide label to ensure the directions for use and safety measures are appropriate to any potential risk. Following label directions is required by law and is necessary to ensure safe use. For more information on EPA's registration process see Resources below.

Pesticide sellers and applicators must also comply with the state's Pesticide Control law (Oregon Revised Statute Chapter 634) which requires state product registration and applicator certification and licensing for many circumstances. This law is administered by the **Oregon Department of Agriculture** (ODA). Among other requirements, the law also prohibits faulty, careless, or negligent application of herbicides.

BOARD MEMBERS

Oregon Department
of Agriculture

Oregon Health
Authority

Oregon Department
of Environmental
Quality

Oregon Department
of Forestry

Oregon Occupational
Safety & Health
Administration

Oregon Department
of Fish & Wildlife

Oregon Poison Center

Oregon Office of
State Fire Marshal

Public Member

CONSULTANTS

Oregon Institute
of Occupational
Health Sciences

Oregon Department
of Transportation

Oregon State
University



Pesticide users on forestland must also follow Oregon's Forest Practices Act (FPA), administered by the **Oregon Department of Forestry (ODF)**. These requirements are in addition to pesticide label requirements. The FPA requires operators to protect human health and safety, and maintain soil productivity, air quality, fish, wildlife, and water resources through measures including but not limited to:

- Retain and protect trees and plants along perennial streams during and following logging,
- Prohibit helicopter herbicide applications within:
 - 300 feet around schools and dwellings
 - 75 feet or more of fish-use or drinking water streams and
 - 50 feet for non-fish streams, with visible surface water
- Prohibit other aerial applications (non-helicopter) within 60 feet of fish-use or drinking water streams,
- Prohibit all aerial applications within 60 feet of open water greater than ¼ acre,
- Prohibit ground-based applications within 10 feet of fish-use or drinking water streams and open water greater than ¼ acre, and
- Prevent, control and report leaks and spills.

The Oregon **Department of Environmental Quality (DEQ)** has authority under the Clean Water Act (CWA) to require permits for pesticide applications that result in a discharge to surface waters of the state from certain activities. Buffers established in the ODF and ODA laws and regulations are intended to prevent direct pesticide application to water. However, if other state and federal laws are violated, DEQ's regulatory authority is through the enforcement of CWA NPDES 2300A or 2000J permit requirements.

How is my water supply protected from pesticide applications?

Drinking water protection is implemented in Oregon through a partnership between the **Oregon Health Authority (OHA)** and the **Department of Environmental Quality (DEQ)**. Moreover, the state and federal laws that regulate pesticide use (explained above) are intended to protect water quality for all beneficial uses including drinking water. OHA Drinking Water Services is the state's primary agency for administering Oregon's Safe Drinking Water Act. OHA regulates Public Water Systems to ensure compliance with safe drinking water rules and regulations, performs regular inspections, certifies drinking water operators, and provides technical, managerial and financial resources to public water systems. Public Water systems are responsible for producing finished drinking water that meets requirements for maximum containment limits, regardless of source water quality.

DEQ's Drinking Water Protection program provides an advisory support role to public water systems and answers community questions about water quality concerns for source waters. This may include recommendations for voluntary measures that a system, community, or others can take to reduce the potential risk of consumer herbicide exposure. DEQ takes the lead on surface water Public Water Systems and OHA is the lead for groundwater systems.

What protections are there for my personal well water?

Individual well owners are responsible for servicing and testing their well water. The Oregon Health Authority's [Domestic Well Safety](#) Program provides resources to landowners on how to construct and maintain well water systems including a list of accredited labs for well water testing services. Individuals can also register their qualified home or surface water intake location on ODF's Forestry Activity Electronic Reporting and Notification System (FERNS) [E-Notification](#) website to receive notifications of planned aerial applications within a 1-mile area of their home or surface water intake location. Oregon's Forest Practices Act requires spray buffers and limitations on forestry activities to protect human health and safety, soil, air, fish, wildlife, and water quality.

What do I do if pesticides are found in my private domestic drinking water?

Should pesticides enter our environment, many things affect how long they may last and where they may go. Testing for pesticides in water and soil can be very expensive. Results from testing may also be difficult to understand. Although modern testing methods can be used to detect small amounts of pesticides, the risks to human health or the environment are challenging to determine. Should a pesticide be present in the environment or the body, it does not mean there is a meaningful health risk. If a homeowner does decide to test their water or are concerned about the potential health or environmental risks, the [National Pesticide Information Center](#) (NPIC) can help. You can reach them at 800.858.7378 (8:00 am – 12:00 pm PST), or email at npic@ace.orst.edu. NPIC has several websites to help better understand pesticide risk including [What's My Risk?](#) and [What happens to pesticides released into the environment?](#)

How do I report a pesticide use complaint?

There are several ways to report a pesticide incident that has impacted people, animals, bees, or the environment. You can call ODA's Pesticides Program directly at 503-986-4635. You can also submit a [written complaint](#) by email to naturalresouce-complaints@oda.oregon.gov or by mail to Oregon Department of Agriculture, 635 Capitol St NE, Salem OR 97301-2532. You can also call 211 anytime of the day or night (24 hours) to speak to an information specialist, who will take your information and forward on to the Pesticide Analytical and Response Center (PARC) for follow-up. PARC is a central location to receive Oregon-specific pesticide incident information and works with several state agencies, including ODA, ODF, DEQ, and OHA to respond to pesticide incidents.

Who can I talk to about health and safety questions around pesticides?

The National Pesticide Information Center (NPIC) provides objective, science-based information about pesticides and pesticide-related topics to enable people to make informed decisions. NPIC is housed at Oregon State University and has specialists available to discuss your health and safety pesticide questions. They are available by phone Monday through Friday, 8:00AM to 12:00PM Pacific Time at 1-800-858-7378 or by email at npic@ace.orst.edu. You can also visit their website at <http://npic.orst.edu/> for information and fact sheets.

How can I stop someone from using pesticides on their land?

Landowners, their employees, and appropriately licensed individuals are allowed to utilize registered pesticides in a manner consistent with label directions. ODA regulates the sales, use, and distribution of pesticides within Oregon, including the licensing of applicators and dealers.

Every pesticide product sold in Oregon must be registered in Oregon. Pesticide products must be used in accordance with the label directions. Report any observations of drift onto other property or misuse of a pesticide inconsistent with label directions to ODA in a timely manner for follow-up.

Pesticide Regulations in Oregon

Pesticides, as well as issues arising from the use of pesticides, can fall under the authority of multiple different state agencies, depending on the circumstances, making it difficult to know who to contact. The following information explains the various pesticide-related authorities provided under Oregon Administrative Rules (OARs).

Oregon Department of Agriculture (ODA) - ODA regulates the sales, use, and distribution of pesticides within Oregon, including licensing of applicators and dealers. Every pesticide product sold in Oregon must be registered in Oregon. Pesticide products must be used in accordance with the labeled directions. ODA's regulatory authorities may be found in [ORS 634](#) and [OAR 603 division 57](#).

Oregon Department of Environmental Quality (DEQ) - DEQ is charged with protecting the quality of Oregon's air, water, and soil. DEQ issues pesticide general permits (2300-A) and irrigation system permits (2000-J) that cover pesticide applications made to or near water. Permittees include weed control and irrigation districts, vector control districts, golf courses, lake and marina managers, large landholdings, public utilities, and federal, state, and municipal agencies. DEQ also regulates pesticide waste generated from pesticide operations and management. See [OAR 340](#) for DEQ's statutory authorities.

Oregon Department of Forestry (ODF) - ODF protects, manages, and promotes stewardship of Oregon's forests. These efforts are regulated under the [Oregon Forest Practices Act](#) (ORS 527.610 to 527.770, 527.990(1) and 527.992). Under this act, private forest landowners must notify ODF before any forest-related activity, including pesticide applications. Rules for pesticide applications are found in [OAR 629 division 620](#).

Oregon Department of Fish and Wildlife (ODFW) - ODFW protects and enhances Oregon's fish, wildlife, and their habitats. ODFW's regulatory authorities may be found in [OAR 635](#).

Oregon Health Authority (OHA) – Under [OAR chapter 333 division 18](#), pesticide poisoning is a mandatory reportable condition in Oregon and must be reported by health care providers. Civil penalties may be imposed for failure to report ([OAR chapter 333 division 124](#)). Public Water system using groundwater sources are required to ensure that "sanitary hazards" which include pesticides are not used within 100 feet of their well or spring ([OAR 333-061-0050](#)).

Resources:

National Pesticide Information Center (NPIC)

<http://npic.orst.edu/>

<http://npic.orst.edu/envir/testing.html>

What's My Risk?

<http://npic.orst.edu/factsheets/WhatsMyRisk.html>

What happens to pesticides released into the environment?

<http://npic.orst.edu/envir/efate.html>

Pesticide Analytical and Response Center (PARC) - ODA

<https://www.oregon.gov/oda/programs/Pesticides/Pages/PARC.aspx>

Pesticide Complaints – ODA

<https://www.oregon.gov/oda/programs/Pesticides/Pages/PesticideFertilizerComplaints.aspx>

Domestic Well Safety - OHA

<https://www.oregon.gov/oha/ph/healthyenvironments/drinkingwater/sourcewater/domesticwellsafety/pages/testing-regulations.aspx>

FERNS E-Notification System - ODF

<https://www.oregon.gov/odf/Working/Pages/ENotification.aspx>

Herbicide Use in Forestry factsheet - ODF

<https://www.oregon.gov/oda/shared/Documents/Publications/PesticidesPARC/HerbicideUseInForestry.pdf>

Pesticide Applications into Surface Waters / Water Quality Permits – DEQ

<https://www.oregon.gov/deq/wq/wqpermits/pages/pesticide.aspx>

EPA Pesticide Registration Process

<https://www.epa.gov/pesticide-registration/about-pesticide-registration>

General Contact Information

Oregon Department of Agriculture

503.986.4550

<https://www.oregon.gov/ODA/Pages/default.aspx>

Oregon Department of Forestry

503.945.7200

<https://www.oregon.gov/odf/pages/index.aspx>

Oregon Department of Environmental Quality
503.229.5696 / 800.452.4011
<https://www.oregon.gov/deq/pages/index.aspx>

Oregon Health Authority
503.947.2340
<https://www.oregon.gov/oha/Pages/Portal-About-OHA.aspx>

From: [Adam Denlinger](#)
To: [Jon French](#)
Cc: [Joy King-Cortes](#); [Trish Karlsen](#); [Brendi Hoch](#)
Subject: RE: Beaver Creek water testing
Date: Tuesday, September 19, 2023 2:40:38 PM
Attachments: [image001.png](#)
Importance: High

September 19, 2023

Greetings

Your email will be provided to the Board,

Regards

Adam

Adam Denlinger

General Manager

Seal Rock Water District

1037 NW Grebe Street | Seal Rock OR. 97376

O: 541.563.3529 | F: 541.563.4246 | M: [541.270.0183](tel:541.270.0183) | adenlinger@srwd.org

www.srwd.org

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Records Retention Schedule and may be made available to the public.

CONFIDENTIALITY NOTICE: This message is intended solely for the use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable state and federal laws. If you are not the addressee, or are not authorized to receive information for the intended addressee, you are hereby notified that you may not use, copy, distribute, or disclose to anyone this message or the information contained herein. If you have received this message in error, please advise the sender immediately by reply email and expunge this message.

From: Jon French [REDACTED]

Sent: Tuesday, September 19, 2023 11:23 AM

To: Trish Karlsen <TKarlsen@srwd.org>

Cc: tianne rios [REDACTED]; laura gill [REDACTED]; Trish Ferrell-French

[REDACTED]; Annette Talbott [REDACTED]; Barbara Davis

[REDACTED]; Debra Fant [REDACTED]; Willow Kasner

[REDACTED]; Heather Graham [REDACTED]; Ted DeWitt
[REDACTED]; Becky Baker [REDACTED]; Morgen Spiess
[REDACTED]; Michael Noack [REDACTED]; Vivian Mills
[REDACTED]; Kenn Apel [REDACTED]; [REDACTED]; Casey Miller
<clmiller@co.lincoln.or.us>; Adam Denlinger <ADenlinger@srwd.org>; Garret Jaros
<GJaros@yachatsnews.com>; Kenneth Lipp <klipp@co.lincoln.or.us>

Subject: Beaver Creek water testing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Caution! This message was sent from outside your organization.

Please forward this to the SRWD Board. Thanks!

TO: Board of Directors, Seal Rock Water District

I'm writing to express my concern about the Board's sudden decision not to allow public comments or questions at the September 14th Board meeting. I'm aware that the right of public attendance guaranteed by the Public Meetings Law does not include the right to participate by public testimony or comment, however I'm also aware that, based upon SRWD's monthly Board meeting agendas posted online since 2015, visitor public comments have always been welcomed--until September 14th.

Shortly after I submitted questions for the September Board meeting, the agenda was revised twice so as not to allow public comments or questions. I have attended all SWRD public meetings regarding the threat of pesticide spraying in the Beaver Creek watershed, and as I believe the Board members and district staff who have attended those meetings will agree, there has never been any disrespect shown or criticism directed at the water district by community attendees.

Based almost entirely on General Manager Adam Denlinger's openness and responsiveness to community concerns and questions regarding the threat to our water supply, the district has gained much respect and goodwill among the community. I am disappointed to say that the Board's decision to now ignore relevant questions from the community, if that policy continues, will result in a significant loss of that respect and goodwill.

I am repeating my questions below which I submitted on September 13th regarding the district's testing of our water supply. I again request that these questions be publicly answered. The district has been invited to submit notices and information to the stop-the-spray website, and of course the district can also disseminate information directly or through the media. I believe my questions regarding water testing are very relevant, are shared by the community, and need to be answered soon, before the next Board meeting.

Thank you.

Jon French
Waldport/Bayshore

The YachatsNews 9/12/2023 article on ground spraying in the Beaver Creek watershed included the following statements:

The district will not be stepping up its monitoring beyond its normal quarterly water sampling along Beaver Creek barring any unexpected rain event.

“If we had a heavy rain event immediately following a spray-activity we would probably shut down and sample,” Denlinger said. “Just because with that we could see some runoff from that impact the water system. That potential exists but given the weather window that they have to work in I don’t see that likelihood right now.”

The district plans to monitor the situation closely, particularly by learning when Ane Forests plans to spray. But the company is under no legal obligation to notify residents or the district on its ground spray operations, and thus far Denlinger’s requests to the company to keep him in the loop as a professional courtesy have gone unanswered.

My questions for the September 14th Board meeting regarding water testing:

1. At least one of the pesticides to be ground sprayed, Metsulfuron-methyl, is classified as having the high potential for reaching surface water via runoff for **several months or more after application**, yet the district intends just to do normal quarterly monitoring and a shut down and water sampling only in the event of a heavy rain **immediately** following a spray-activity. How does that protect the district's customers from contamination of the water supply given that contamination could occur during the wet winter season for months after spraying, not just immediately after?
2. I asked at the recent emergency board meeting how we will know when ground spraying occurs, and General Manager Denlinger responded that, although notice to the district is not required, he had been informed by the consultant that the district would be notified when

ground spraying occurs. Yet the YachatsNews story reports that Mr. Denlinger's requests of the company to be kept in the loop have gone unanswered. How can the district and its customers have any confidence that we will know when ground spraying occurs?

From: [Adam Denlinger](#)
To: [Patricia Ferrell-French](#)
Cc: [Joy King-Cortes](#); [Trish Karlsen](#); [Brendi Hoch](#)
Subject: RE: SRWD's Last Board Meeting
Date: Tuesday, September 19, 2023 2:38:55 PM
Importance: High

September 19, 2023

Greetings

Your email will be provided to the Board,

Regards

Adam

Adam Denlinger
General Manager
Seal Rock Water District
1037 NW Grebe Street | Seal Rock OR. 97376
O: 541.563.3529 | F: 541.563.4246 | M: [541.270.0183](tel:541.270.0183) | adenlinger@srwd.org
www.srwd.org

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Records Retention Schedule and may be made available to the public.

CONFIDENTIALITY NOTICE: This message is intended solely for the use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable state and federal laws. If you are not the addressee, or are not authorized to receive information for the intended addressee, you are hereby notified that you may not use, copy, distribute, or disclose to anyone this message or the information contained herein. If you have received this message in error, please advise the sender immediately by reply email and expunge this message.

From: Patricia Ferrell-French [REDACTED]
Sent: Tuesday, September 19, 2023 1:38 PM
To: Adam Denlinger <ADenlinger@srwd.org>
Cc: Jon French [REDACTED]; tianne rios [REDACTED]; Barbara Davis [REDACTED]; Annette Talbott [REDACTED]; laura gill [REDACTED]; Ted DeWitt [REDACTED]
Subject: SRWD's Last Board Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Caution! This message was sent from outside your organization.

Hi, Adam. I was very disturbed to hear Glenn Morris claim in the last Board meeting that there had been threats against SRWD from Bayshore owners. I doubt *very much* that he is correct. I live in Bayshore and I have not heard anyone in Bayshore or elsewhere say anything that could be construed as a threat against SRWD or its staff or Board.

I wrote the following and presented/read it out loud it at the Saturday Bayshore Board of Director's meeting for all Bayshore members present at the Board meeting. I didn't see Glenn there and I don't think he was on remotely. Please forward this on to all of the SRWD Board members to hopefully assure them all that no one, at least no one I know of, has or is threatening anyone at SRWD or the entity of SRWD.

Thanks, Adam.

Trish Ferrell-French

"I want to speak about the threat of spraying of glyphosate and other toxins in the Beaver Creek Watershed which is where we get our drinking water through the Seal Rock Water District. In August the owner of approximately 3000 acres in the Beaver Creek Watershed notified the Oregon Department of Forestry that he was going to aerial spray pesticides and herbicides in 8 of his parcels totaling 475 acres. This is currently legal for him to do. But this directly threatened our drinking water supply. Fortunately, other property owners in the Beaver Creek watershed learned of this and spread the word. Adam Denlinger, the Manager of the Seal Rock Water District, also learned of this and invited people to meet together at the Seal Rock Water District office to figure out what could be done to try and stop the land owner aerial spraying those toxins in our watershed. Groups formed and gathered together. Perhaps you saw some of us protesting along 101 in Seal Rock.

Along with the Seal Rock Water Dept we were able to convince the land owner NOT to aerial spray. And he agreed not to aerial spray in writing in a letter to the Lincoln County Commissioners.

"I want to make clear that this voluntary concession by the land owner resulted from joint efforts by many. Adam Denlinger, Seal Rock Water District manager went the extra mile in this situation by holding multiple meetings with not only Seal Rock Water consumers but also the other landowners in the Beaver Creek Water shed at risk of the spraying. Adam also caused there to be a meeting with Seal Rock Water District and several other state agencies and with Lincoln County Commissioners regarding the potential threat to our drinking water. County Commissioner Casey Miller has been consistently involved with concerned citizens over the spray threat. And he continues to maintain that involvement coming to weekly meetings which we continue to have.

"So for right now our drinking water is SAFER – there won't be aerial spraying on these 8 parcels. But there are many more forested parcels surrounding the Beaver Creek water shed and there probably will be more plans by timber owners for aerial spraying. Several of us are creating a more organized group to work for the long term resolution to protect not only our water shed but all

water sheds in Oregon that feed into citizens' drinking water systems. Even though we have caused this owner not to aerial spray, he will be spraying glyphosate and other toxins via ground spraying on these 8 parcels that surround the Beaver Creek Watershed. This doesn't create an immediate problem for our drinking water but it does create long lasting environmental problems for all of us one way or another – and perhaps for our drinking water and for all flora, fauna, insects, reptiles and fish in the area. Bayer, the company that produces Roundup which is made of glyphosate is discontinuing Round up sales in the US this next year solely because it has been sued so many times and has been incurring billions of dollars in damage awards against it. But still other companies sell glyphosate in the US.

"Finally, I would like to add that in all my meetings and conversations with community members concerned about the threat to our water supply, I have never heard or seen, here in Bayshore or elsewhere, any disparaging remarks directed at our Seal Rock Water District, and certainly no threats made against the water district or water district board members or any of the water district staff. We all are grateful for the swift action that Adam Denlinger took in addressing & helping to resolve this urgent and critical situation. This problem won't be solved anytime soon. Use of Glyphosate and similar toxins is universal. We have a web site and a facebook page. I can give you the information for those so please contact me if you are interested in this long term endeavor."

Patricia Ferrell-French

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

"Wisdom is knowing the right path to take ... integrity is taking it." ~ M.H. McKee

Adam Denlinger

From: Adam Denlinger
Sent: Thursday, October 12, 2023 2:00 PM
To: Jon French
Cc: Trish Karlsen; Joy King-Cortes; Brendi Hoch; Rob Mills; Adam Denlinger
Subject: RE: 10/12/2023 Board Meeting

Importance: High

August 12, 2023

Hello Jon,

We appreciate your email to the district and want you to know that the district takes your concerns regarding impacts to our source water operation seriously.

As we've mentioned before and made available on the district's website for the community, we are committed to closely monitoring conditions in the watershed. We also employ best management practices that are used by multiple drinking water system providers to ensure we not only meet but exceed state and federal drinking water standards. You can find more details about these steps in various documents, emails, PSA announcements, and on our website.

Our dedicated staff maintains regular contact with state agencies responsible for overseeing and regulating the application of herbicides and pesticides in the Beaver Creek Watershed. Please be assured, we will take any necessary measures to protect our drinking water system.

For future reference, please feel free to direct these kinds of questions to our staff. The Board expects our capable team to adhere to best management practices in response to these concerns. Furthermore, our staff has been keeping the Board updated on this and other issues affecting the district's operation. Since the conditions related to the spray issue have not substantially changed since our last Board meeting, this topic is not currently on the agenda for this afternoon's Board Meeting.

Our staff will ensure your concerns /comments are shared with the Board, along with this response.

Once again, thank you.

Sincerely,

Adam

Adam Denlinger
General Manager
Seal Rock Water District
1037 NW Grebe Street | Seal Rock OR. 97376
O: 541.563.3529 | F: 541.563.4246 | M: 541.270.0183 | adenlinger@srwd.org

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Records Retention Schedule and may be made available to the public. CONFIDENTIALITY NOTICE: This message is intended solely for the use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable state and federal laws. If you are not the addressee, or are not authorized to receive information for the intended addressee, you are hereby notified that you may not use, copy, distribute, or disclose to anyone this message or the information contained herein. If you have received this message in error, please advise the sender immediately by reply email and expunge this message.

From: Jon French [REDACTED]
Sent: Wednesday, October 11, 2023 4:47 PM
To: Trish Karlsen <TKarlsen@srwd.org>
Cc: Adam Denlinger <ADenlinger@srwd.org>
Subject: 10/12/2023 Board Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Caution! This message was sent from outside your organization.

Trish, please forward this to the Board. Thanks!

To the Board:

I previously submitted the following concerns regarding the Beaver Creek spraying of pesticides which remain outstanding and which I know others share. Although I understand the Board isn't obligated to respond to comments from the public, I hope that, in the interests of transparency and public awareness, these concerns can be addressed by the Board at its 10/12/2023 meeting.

1. At least one of the pesticides to be ground sprayed by ANE Forests, Metsulfuron-methyl, has the high potential for reaching surface water via runoff for *several months or more after application*, yet the news has reported that the district intends just to do normal quarterly monitoring and a shut down and water sampling only in the event of a heavy rain *immediately* following a spray-activity. If that is correct, I am concerned as

to how the quality of our water supply can be assured given that contamination could occur during the winter season for *months* after spraying, not just immediately after.

2. The district has previously stated that, although notice of ground spraying is not required, it had been informed by ANE Forest's consultant that it would be notified when ground spraying occurs. Yet the news has reported that the district's requests of the company to be kept in the loop have gone unanswered. If that is correct, I am concerned as to how the district will know when ground spraying occurs and when precautions should be taken.

Thank you.

Jon French

--

Jon French

[Redacted signature block]