

**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 Dedijs-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 **Recessed Emergency Board Meeting:**
187 President Rob Mills excused the public, recessed the Emergency Board Meeting, and went into executive session at 5:28
188 p.m.

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190 **Executive Session: according to ORS 192.660(2), Concerning:**
191 The SRWD Board will meet in Executive Session, pursuant to ORS 192.660(2)(h); To consult with legal counsel
192 concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
193 Representatives of the news media and designated staff shall be allowed to attend the executive session. All other
194 members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to
195 report on any of the deliberations. No final decisions shall be made in Executive Session.
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197 **Reconvened the Emergency Board Meeting:**
198 President Rob Mills adjourned the executive session and reconvened the emergency meeting at 5:40 p.m.
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200 **Adjournment:**
201 President Rob Mills adjourned the emergency board meeting at 5:42 p.m.
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203 **Next Board Meeting:** September 14, 2023, at 4:00 p.m. Regular Board Meeting.
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211 Approved by Board President Date: