

BEFORE THE BOARD OF COMMISSIONERS

FOR MARION COUNTY, OREGON

RESOLUTION No. 15R-46

MARION COUNTY, OREGON

15 SEP -3 P 1:45

RECEIVED

In the Matter of Declaring a State )  
of Emergency )

WHEREAS, ORS 401.305 provides authority for Marion County to act as an emergency management agency, including authority to establish policies and protocols for defining and directing responsibilities during time of emergency; and

WHEREAS, Marion County has enacted Marion County Code Chapter 2.35 pursuant to the authority granted by ORS Chapter 401 that provides for executive responsibility in times of emergency and specifically delegates authority to declare a state of emergency to the County Board of Commissioners. If circumstances prohibit timely action of the Board of Commissioners the duties shall be performed by the Emergency Management Board Designee, Chair, Vice-Chair, third member of the board, Chief Administrative Officer, Emergency Management Director, or the Sheriff (in this order); and

WHEREAS, the following conditions have resulted in the need for a state of emergency: Severe drought conditions and record low stream flows across the county have persisted throughout the summer, with extreme drought in eastern Marion County, In addition, above-normal temperatures are expected through the rest of the summer and fall,

WHEREAS, the following damage to life and property can be expected from the above conditions:

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The most profound impact has been on recreation in the Detroit area. Weekday business has been hit particularly hard with businesses reporting 25%-30% less business than the prior year. The drought has also adversely affected agricultural enterprises in the county by altering normal farming and irrigation practices. For example, it has been reported that most seed crops and wheat are down in yield by 20% to 40% this year. Agricultural production is vital to the economy of Marion County. Farmers have made wise use of the limited water available, but at this late time in the growing season, are encountering problems that can only be solved by the emergency drought tools of the Oregon Water Resources Department.

WHEREAS, the entirety of Marion County is in a state of emergency.

now, therefore it is

RESOLVED that the board formally declares a state of emergency for Marion County, effective on this 3<sup>rd</sup> day of September, 2015 at 11:30, a.m. for the entire county; and it is further

RESOLVED that upon this declaration of a state of emergency the county Office of Emergency Management is empowered to carry out the appropriate function and duties identified in county ordinance during times of emergency and shall implement the Marion County Emergency Operations Plan; and it is further

RESOLVED that the Emergency Management Director shall take all necessary steps authorized by law to coordinate response and recovery from this emergency, including, but not limited to, requesting assistance from the State of Oregon; and it is further

RESOLVED that the Emergency Management Director prepare a letter for the board's signature requesting the governor to declare that a severe, continuing drought exists or is likely to exist for the area described above; and it is further

RESOLVED that this declaration of emergency shall expire upon termination of the state of emergency by resolution of the Marion County Board of Commissioners, or December 31, 2015, whichever comes first.

DATED this 3rd day of September, 2015.

MARION COUNTY BOARD OF COMMISSIONERS

  
Chair

  
Commissioner

  
Commissioner



**Marion County**  
OREGON

Board of Commissioners

(503) 588-5212  
(503) 588-5237-FAX

**BOARD OF  
COMMISSIONERS**

Janet Carlson  
Kevin Cameron  
Sam Brentano

**CHIEF  
ADMINISTRATIVE  
OFFICER**

John Lattimer

September 3, 2015

The Honorable Kate Brown  
Governor of Oregon  
160 State Capitol  
900 Court Street  
Salem, OR 97301-4047

Office of Emergency Management  
Andrew Phelps, Director  
PO Box 14370  
Salem, OR 97309

RE: Marion County drought declaration

Dear Governor Brown:

Pursuant to ORS 401.165, the Marion County Board of Commissioners requests that you declare a drought emergency for all of Marion County. As a result of severe and continuing drought conditions, the board requests that the drought declaration begin immediately and continue for an unspecified period of time, but not longer than December 31, 2015.

We have enclosed our Declaration of a State of Emergency, Resolution No. 15R-46 explaining the reasons for the declaration and adopted by the Marion County Board of Commissioners on September 3, 2015.

Thank you for your time and consideration of this request.

Respectfully,

Janet Carlson, Chair  
Commissioner



**Marion County Farm Bureau**

1284 Court St. NE, Salem, OR 97301 Phone: 503-378-0595 Fax: 503-364-9919

September 2, 2015

Commissioner Sam Brentano  
Commissioner Janet Carlson  
Commissioner Kevin Cameron  
Marion County Board of Commissioners  
PO Box 14500  
Salem, OR 97309  
Via Email: [Commissioners@co.marion.or.us](mailto:Commissioners@co.marion.or.us)

**RE: Marion County Drought Declaration**

Dear Commissioners Brentano, Carlson and Cameron:

On behalf of the Board of Directors of the Marion County Farm Bureau (MCFB), I am writing to follow up on the issue of drought conditions and whether Marion County should be declared to be in emergency drought conditions. We appreciate information provided by Ed Flick, Marion County Emergency Manager, and his dialogue with our members.

Marion County Farm Bureau requested input from our members and initial feedback reflected a hesitance to declare if there were no real benefit to be derived. While MCFB did not outright oppose declaration, MCFB did not wish to create a situation where some members of the community might be adversely affected by additional regulation, effectively creating winners and losers as a result of prioritization of usage.

It has since come to our attention that blueberry crops, particularly new unestablished crops, are being adversely affected by drought conditions. Should Marion County be declared by the Governor to be in emergency drought conditions, farmers would have the ability to use domestic water supplies to irrigate those crops.

We have received notification that the Commission has scheduled an emergency meeting for Thursday, September 3, at 11:30 a.m. to discuss this issue. MCFB is supportive of a declaration of emergency drought conditions in Marion County in order to provide relief for these farmers.

We appreciate the great care the Commissioners take in consideration of the opinions of the agricultural community and the impact of policy decisions made by the Commission. Thank you for the opportunity to provide input on behalf of the farming community.

Regards,

A handwritten signature in black ink, appearing to read "John Zielinski".

John Zielinski, President

**Information Paper: Drought in Marion County**

The purpose of this paper is to provide current information, analysis and policy options for Marion County in response to the drought. To date, 24 of Oregon's 36 counties have asked the Governor for a drought declaration Executive Order.

**Weather outlook**

**Federal Drought Monitor**

As of August 25<sup>th</sup> 2015, the *Federal Drought Monitor* has designated all of Marion County as experiencing either severe drought (Willamette Valley and West Cascade foothills) or extreme drought (West Cascades and High Cascades). Drought severity is determined by both physical conditions and the resulting economic impacts.

**National Weather Service (NWS)**

Although we have recently seen some temporary relief with scattered rain and thunder showers, the NWS forecasts "Continued above-normal temperatures are expected through the rest of summer and fall. With the onset of a strong El Niño in the tropical Pacific, the climate outlook for temperatures shows high likelihood of above-normal temperatures continuing through the upcoming winter of 2015-16. The outlook for precipitation for the coming fall and winter is more uncertain but leans below-average".

**Drought effects**

**Economic**

The most profound impacts have been on recreation in the Detroit area. Weekday business has been hit particularly hard with businesses reporting 25%-30% less business than the prior year.

**Agriculture**

Agricultural yields have suffered, with farmers reporting that most seed crops and wheat are down in yield by 20-40%.

**Municipal Water**

Water systems have been stressed, but have not experienced difficulties related to the drought to this point.

## **Environment**

The primary environmental impact has been on fish. Low water and above average temperatures have increased fish mortality and many rivers have until recently had fishing restrictions in place.

## **Assessments**

### **The US Army Corps of Engineers (USACE)**

USACE assesses "...that they will be able to maintain adequate flow from Big Cliff Dam to feed the North Santiam River until the start of the regular rainy season. We have coordinated with the Bonneville Power Administration to use the power pool at Detroit, and if necessary will draft the reservoir to the lowest outlet. The USACE will reduce the flow around the end of October once the irrigation season winds down. The reservoir operations will keep the flow level well above what the city of Salem assesses as their minimum flow requirement of 700 CFS." However, the USACE expects to receive a request to increase the release of water from 940 to 1200 CFS at some point in the near future to assist salmon. This increase would decrease the number of days that the USACE can augment flows this fall. MCEM will continue to participate on the bi-weekly Flow Management Water Quality Team meetings to discuss reservoir operations and forecast reservoir conditions.

### **Oregon Water Resources Department (OWRD)**

"OWRD continues to regulate users off due to the 1964 in-stream water right for the Pudding River Basin. Butte creek has been regulated back to 1943 in favor of other irrigation rights. It is uncommon to have to regulate for the 1964 instream right on the Pudding. However, it does happen some years. The difference this year is that it happened earlier and we cut back all the way to 1964. In the past we only had to regulate some rights to insure the instream right was met. This year we cut all of the rights newer (junior) to the 1964 instream right. Even with the regulation flows in the Pudding are at or below the historical lowest flow for this time of year. We do not have a lot of historical data for other streams in the County but I think it is safe to say they are pretty much in the same boat. Butte Creek, Abiqua Creek, and Silver Creek are regulated every year for the instream rights with priority dates in the 1980's. This year they are being regulated back to 1964 because of the near record low flows in the Pudding River."

### **Farm Bureau**

Marion County has consulted with both the Oregon Farm Bureau and the Marion County Farm Bureau. The Marion Farm Bureau has submitted a letter to the Board in support a declaration.

## **Select Cities/districts**

### ***The city of Salem***

Salem has estimated that they require a flow in the North Santiam River of 700 CFS in order to operate their water system, and has not seen the need for a declaration up to this point.

### ***The city of Silverton***

The City Council enacted stage two water curtailment on August 24th. Silverton is not experiencing water shortages, and has senior water rights. Customers are asked to voluntarily restrict all lawn watering and nonessential uses of water.

### ***The city of Gates***

Gates is the only city in Marion County that is required to implement water conservation measures in the event of a drought declaration by the Governor based on their Water Conservation and Curtailment Plan on file with the OWRD. Conservation measures would include public service announcements; voluntary customer water reduction; all public facilities stop outdoor watering; limited lawn/landscape irrigation schedule or some other mandatory residential conservation. The city has made considerable improvements to their water system, and has not had any difficulties. The Mayor and other city officials are not opposed to a county wide declaration, as most conservation measures described above are already in place.

### ***The city of St Paul***

St Paul has experienced problems with their water system that pre-date the drought.

### ***The cities of Detroit and Idanha***

These are the only cities currently located in the area of extreme drought. Both cities are dependent on in-stream flows upstream of Detroit Lake and are vulnerable to low water levels. Neither city has experienced serious difficulties to date.

***No other cities have identified drought related concerns to MCEM.***

### **The North Santiam Water Control District**

The district has not been significantly impacted by the drought.

## **Drought Related Programs**

### **Small Business Administration and Farm Service Agency Programs**

Farmers, ranchers and small non-agricultural businesses are eligible for drought related loan assistance programs based on a US Secretary of Agriculture drought designation that is unrelated to county or state declarations.



## **Oregon Water Resources Department**

Farmers often respond to drought by applying to transfer rights (using water in a different location) or making emergency permit requests (using another water source temporarily). For example, using a domestic well for irrigation, or using a well instead of water from a stream.

This permitting process can move faster and more cheaply with a declaration in place, but a declaration does not guarantee that a permit will be issued.

According to the OWRD, domestic wells are exempt from the need for water rights, but can only be used for household purposes and to irrigate up to ½ acre of non-commercial landscaping or gardens.

Under the authorities granted to the OWRD by statute when the Governor issues a drought declaration Executive Order, citizens can apply for a drought permit to temporarily use a domestic well for commercial irrigation. This process can be completed in approximately 10 days. Without a declaration, citizens would have to apply for permanent water rights. This process can take months.

### **Considerations for a declaration**

According to the OWRD, the primary benefits of a state drought declaration from the Governor are that it creates greater awareness of drought conditions; facilitates coordination between state agencies; and allows OWRD to provide existing water right holders with access to emergency water management tools.

Harvest is in full swing, and earlier than normal. Significance – agricultural use will decrease.

According to OWRD, there has not been an unexpectedly high number of applications for drought related permits, although more citizens might come forward if a declaration were in place. Significance - it is unclear how many citizens will benefit from a declaration.

Although it has been cooler and rainy lately, the long term forecasts are for dry and warm weather. Significance - The drought will likely stretch into the winter.

There are no clear losers if the county were to declare. The city of Salem may not think such a declaration is necessary, but would not be obligated to any actions if a declaration were issued. This is different than in many other Oregon counties who have not declared, in that several large cities in those counties would have to implement mandatory conservation measures under a state declaration.

Until last week, no party had requested Marion County to declare a drought. Now that Marion County has received such a request; and considering that the vast majority of counties have declared; and that the county is experiencing prolonged and severe drought; and that the weather outlook for the fall and winter is uncertain at best; and that the county has experienced

damages to agriculture, recreation and the environment; it is likely that the Governor would issue an executive order declaring a drought in Marion County if one were requested by the Board of Commissioners (according to the deputy director of Oregon Office of Emergency Management (OEM)).

## **Declaration Process**

### **Request process**

Once a county has made a drought declaration, they can request a state emergency declaration from the Governor for their county via a letter from County Commissioners to OEM. Counties' requests for state drought declarations are discussed and considered by the Water Advisory Committee and Drought Council; however, it is OEM that advises the governor on the need for state drought emergency declarations. The next Drought Council meeting is scheduled for September 17th, but per the deputy director of OEM, OEM will process a county request at any time.

### **Duration**

All state declarations issued in 2015 will expire on December 31st, 2015.

## **Policy Options**

- Declare drought and request the Governor to issue a drought declaration Executive Order. Do so at the next opportunity and request consideration from OEM and the Governor's office.

Or

- Wait and see what happens this fall.