



# LONG TOM WATERSHED COUNCIL

May 2005

Monthly Meeting

Tuesday, May 31st, 5:45 - 7:30

Lower Long Tom Subbasin - Kawonu Acres

## LONG TOM WATERSHED COUNCIL MAY MEETING

**\*\*NOTE EARLY START TIME: 5:45\*\***  
— RAIN OR SHINE —

### WETLAND RESTORATION PROJECT TOUR

*OUTDOOR TOUR AND DISCUSSION*

*Dale Bergey, Landowner*

*Jim Houk, US Fish & Wildlife (invited)*

*Dave Downing, East Lane SWCD*

*Rick Barney, NRCS*

### STEERING & STAFF REPORTS

*Steering - Rich Margerum, Vice Chair*

*Council Development- Chris Massingill, Chair*

*Staff Reports*

### RESTORATION PROJECT MONITORING

*UO Environmental Studies Students*

*& Instructor Chris Massingill*

*For background information, see p. 2*

*For directions and map, see back page.*



*Trevor Taylor from the City of Eugene leads a tour of the Tugman Park restoration site at the Council Meeting on April 26th.*

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## Our Mission:

*The Long Tom Watershed Council serves to improve water quality and watershed condition in the Long Tom River basin through education, consultation, and cooperation among all interests, using the collective wisdom and voluntary action of our community members.*

# Meeting Backgrounder

## Kawonu Acres Wetland Restoration Tour

**F**or this month's project tour, we will be visiting a 211-acre wetland restoration site in the lower Amazon basin. Originally, this site was an annual rye grass field, a crop that tolerates the predominately Bashaw clay soils that cover the property. Before European settlers arrived and began converting the land for farming, this property and the surrounding area was a complex of seasonal drainages and wet prairie. Landowner Dale Bergey, U.S. Fish & Wildlife Service, East Lane Soil & Water Conservation District, and the Natural Resource Conservation Service teamed up on this project to restore the wildlife habitat that existed here historically.

In the summer of 2002, the project team created three, shallow seasonal wetlands covering roughly 100 acres. These emergent wetlands are 10"-15" deep on average and characterized by sedges, rushes, and wetland shrubs. The team also restored 55 acres of wet prairie, a habitat typified by a tufted hair grass plant community and a water table at or near the surface during the winter. Many types of native birds, insects, and amphibians depend on or benefit from these wetland types, including Fender's blue butterfly, streaked horned lark, and red-legged frog. At a national scale, "...the Willamette Valley's wetland prairies are recognized as being particularly important for shore birds and waterfowl during migration and winter...Although enormous declines have occurred over the past 100 years among waterfowl using the basin, the seasonal marshes, ponds, and reservoirs of the Willamette Valley still host up to 300,000 wintering waterfowl."



At Kawonu acres, up to 6,500 Canada geese have been seen in a single morning. Other birds that frequent the wetlands in the winter include northern pintail, American widgeon, green winged teal, northern shoveler, snowy egret, dunlins, and killdeer.

The team also restored 25 acres of riparian habitat and 20 acres of oak savanna. To restore riparian habitat, they planted 8,000 trees, including Oregon ash, Willamette Valley pine, big leaf maple, Oregon white oak, native crabapple, and chokecherry. Dale is very proud of these trees, since over 90% have survived. The excellent survival rate is due to controlling grass competition around the seedlings and watering the trees twice during the first summer. The oak savanna is another important habitat component at this site. Oak savanna is one of the rarest ecosystems in North America and was once common in the Willamette Valley. Three federally listed endangered species rely on oak savanna, including golden paint brush (now extirpated from the Willamette Valley), Kincaid's lupine, and Fender's blue butterfly. Other species that use savanna are streaked horned lark, meadowlark, vesper sparrow, sharptail snake, western rattlesnake, and western bluebird.

Finally, two half-acre, 6-foot deep ponds were excavated to provide habitat for western pond turtles. So far, no turtles have been sited but the basking logs are awaiting their arrival. If you know of any western pond turtles looking for a home, have them contact Dale (non-native snapping turtles need not inquire).

Source: Draft Willamette Subbasin Plan. 2004. Prepared by Willamette Restoration Initiative for the Northwest Power and Conservation Council. Page 3-187.

## **UO Restoration Stewardship Project**

At this month's Council Meeting, students from the University of Oregon Environmental Studies program will be presenting information on the Restoration Stewardship Project. This project, which is part of the Service Learning Program at the U of O, will develop and implement a monitoring program to serve the needs of several local landowners, two public parks and the needs of participants of future restoration projects. For more information on this project visit <http://darkwing.uoregon.edu/%7Eecostudy/slp/restoration/>.

# Council Development Committee Update

## by Chris Massingill, Chair

**Greetings Long Tom Council Members,**

In January the Council Development Committee (CDC) presented the possibility of moving to a 501c3 (non-profit) structure to allow the Council to grow and to address urgent liability and funding concerns. At present our contractors are required to provide their own insurance, including that for project implementation. That coverage is getting prohibitively expensive, and would have to be maintained for years to come in order to cover the life of the projects. Our current contractor has decided to stop doing higher-risk projects until the issue is resolved.

The second issue, funding, is the primary difference between this discussion of non-profit status and the discussion two years ago. The Department of Environmental Quality, the group that funds our water quality program, has stated that they will not allow us to use a pass-through organization (Cascade Pacific RC&D) for funding on future grants. That would make a large dent in our monitoring funding, to the tune of more than \$75, 000.

In January the CDC asked for, and received good-quality feedback and suggestions from Council members. We were asked to report back, mid-process, on our research. We are asking now that you review our findings, look for any gaps that we may have missed and bring your thoughts to the May Council meeting (or forward them to me or another member of the CDC).

One of the suggestions in January was to look at a range of possibilities for addressing our structure. Council staff and CDC members have gathered, organized and reviewed a large volume of information on possible structures. That matrix of information is presented to you here, with a summary of comments for each (most of which can be seen as positives and negatives and may vary on a person's interpretation). Also notice CDC recommendations for simplifying the matrix. The summary of findings was shared with Steering Committee in May (available on pp. 7-8) , and will be discussed more fully at the June Steering Committee meeting. Anyone interested in being part of that discussion is, as always, more than welcome to attend.

**Please note that we will not be asking for a decision on the choice of structure at this May's Council meeting. We are reporting in mid-way through, as requested, to ask for feedback or additional questions in our best efforts to have a full, diligent and transparent investigation of the issues.** Thank-you for your participation in this very important discussion, and I look forward to your input.

Sincerely,  
Chris Massingill, Committee Chair  
[mainstream@99webstreet.com](mailto:mainstream@99webstreet.com)

**Council Development Committee Members:**

Ryan Collay, Steering Committee Liaison  
Dave DeCou  
Rick Hayes  
Court Smith

**\*\* NOTE\*\*** *In addition to the research information provide on the following pages, supplemental information, including the previous committee's research and recommendations, can be found on our web-site at <http://www.longtom.org/newsletter2.html>*

# Council Development Matrix

	Current Status	Personnel Services	Cascade Pacific RC&D
<b>Structure Independence Growth</b>	<ul style="list-style-type: none"> <li>◆ Council has done well with current structure to this point.</li> <li>◆ Relatively independent</li> <li>◆ Not be able to continue to grow as much - due to projects liability and funding issues.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Not clear how this would affect the Council's stature/independence/growth</li> <li>◆ Who or what would the "staff" ultimately be responsible to?</li> </ul>	<ul style="list-style-type: none"> <li>◆ May provide limited growth but doesn't address the outstanding issue of funding</li> <li>◆ May affect independence—employees would be answering to Cascade Pacific.</li> </ul>
<b>"Board" Liability</b> 	<ul style="list-style-type: none"> <li>◆ Steering is current covered under DAS insurance</li> <li>◆ Coverage is weak</li> <li>◆ Council cannot purchase additional insurance</li> </ul>	<ul style="list-style-type: none"> <li>◆ Same as with "current status"</li> </ul>	<ul style="list-style-type: none"> <li>◆ Same as with "current status"</li> </ul>
<b>Staff Liability</b> 	<ul style="list-style-type: none"> <li>◆ Coordinator is covered by DAS insurance</li> <li>◆ Coverage is weak—does not cover project implementation</li> <li>◆ Contractors currently not charging cost of liability in perpetuity</li> <li>◆ Council bears cost of liability insurance it requires contractors to carry</li> </ul>	<ul style="list-style-type: none"> <li>◆ The personnel service would be responsible for staff coverage</li> <li>◆ The Council would assume all costs for liability coverage</li> </ul>	<ul style="list-style-type: none"> <li>◆ Currently, CPRCD's umbrella policy would cover staff, but not projects</li> <li>◆ The Council would assume all costs for liability coverage.</li> </ul>
<b>Retaining Staff</b>	<ul style="list-style-type: none"> <li>◆ Independent contractors doing the work of the Council are not provided with health insurance, retirement, workman's comp or unemployment benefits.</li> <li>◆ Contractors are responsible only for work outlined in contract</li> </ul>	<ul style="list-style-type: none"> <li>◆ same</li> </ul>	<ul style="list-style-type: none"> <li>◆ Not clear what effect this structure would have on retaining staff</li> <li>◆ Might provide better benefits for staff</li> <li>◆ Potentially creates "two bosses" for staff</li> </ul>
<b>Funding Sources</b> 	<ul style="list-style-type: none"> <li>◆ DEQ has stated that they will not provide money for future monitoring to the Council with a pass-through agent.</li> <li>◆ Some Foundations will not grant money to organizations that are not 501(c)3.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Same as with "current status"</li> </ul>	<ul style="list-style-type: none"> <li>◆ Having Cascade Pacific as the Council's fiscal agent may not satisfy requirements for some foundation grants; it does not satisfy requirements for DEQ funding.</li> </ul>
<b>Status of Members</b>	<ul style="list-style-type: none"> <li>◆ Membership to the council is inclusive and all members have the right to vote on decisions</li> <li>◆ Decision making is guided carefully</li> <li>◆ Membership is somewhat unclear</li> </ul>	<ul style="list-style-type: none"> <li>◆ This would not affect the status of members.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Less independence could affect range of decision making</li> </ul>
<b>Maintenance Of Council Culture</b>	<ul style="list-style-type: none"> <li>◆ The council has developed a unique culture. There is a broad, grassroots feel</li> </ul>	<ul style="list-style-type: none"> <li>◆ Has potential to weaken the strength and cohesiveness of Council Culture</li> </ul>	<ul style="list-style-type: none"> <li>◆ Feeling of independence may be affected</li> <li>◆ Has potential to weaken the strength and cohesiveness of Council Culture</li> </ul>
<b>Requirements</b>	<ul style="list-style-type: none"> <li>◆ If the council kept the current structure, the issues of liability (esp. for projects) and for funding would have to be addressed</li> </ul>		<ul style="list-style-type: none"> <li>◆ To consider this option, a formal letter of inquiry must be submitted to CPRC&amp;D. It is not certain that they would agree to have employees for the Council.</li> </ul>

 = pressing issue that must be addressed

# Council Development Matrix, cont'd

	Benton/ E.Lane SWCD	501(c)3 - "Friends of"	501(c)3
<b>Structure Independence Growth</b>	<ul style="list-style-type: none"> <li>◆ May affect the independence of the Council - employees would be answering to SWCD</li> <li>◆ Could affect access to landowners because of closer relationship to the government</li> </ul>	<ul style="list-style-type: none"> <li>◆ The Council would maintain or increase its independence, as well as its potential for growth.</li> <li>◆ Staff would be directly responsible to the Council</li> <li>◆ Stature: this structure may not look as strong or influential as other options</li> </ul>	<ul style="list-style-type: none"> <li>◆ The Council would maintain or increase its independence, as well as its potential for growth.</li> <li>◆ Staff would be directly responsible to the Council.</li> </ul>
<b>"Board" Liability</b>	<ul style="list-style-type: none"> <li>◆ Same as with "current status"</li> </ul>	<ul style="list-style-type: none"> <li>◆ Uncertain liability—offers no extra protection for Steering Committee</li> <li>◆ The group could purchase additional insurance</li> </ul>	<ul style="list-style-type: none"> <li>◆ The board would be covered by the DAS insurance and could purchase additional insurance</li> <li>◆ Liability for projects would be limited to gross negligence.</li> <li>◆ Having employees would necessitate a liability policy for grievances.</li> </ul>
<b>Staff Liability</b>	<ul style="list-style-type: none"> <li>◆ SWCD could possibly hold liability for staff, but don't know whether liability for projects would be covered</li> <li>◆ The Council would bear the costs for liability coverage as it does now; more insurance may be required.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Liability would cost the Council more, but there would be better coverage</li> <li>◆ Liability costs would be born by the Council and additional coverage could be purchased.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Available coverage from DAS</li> <li>◆ Having an "insurable organization" and purchasing insurance would cover employees &amp; long-term risk.</li> <li>◆ Liability costs would be born by the Council and additional coverage could be purchased</li> </ul>
<b>Retaining Staff</b>	<ul style="list-style-type: none"> <li>◆ Not clear what effect this structure would have on retaining staff</li> <li>◆ Might provide better benefits for staff</li> <li>◆ Potentially creates "two bosses" for staff</li> </ul>	<ul style="list-style-type: none"> <li>◆ Having employees of the Council would create a more competitive employment situation in terms of benefits and direction as well as liability issues.</li> <li>◆ Potentially creates "two bosses" for staff</li> </ul>	<ul style="list-style-type: none"> <li>◆ Having employees of the Council would create a more competitive employment situation in terms of benefits and direction as well as liability issues</li> </ul>
<b>Funding Sources</b>	<ul style="list-style-type: none"> <li>◆ Doesn't satisfy requirements for DEQ funding and some foundation grants.</li> <li>◆ Potential synergies with grants and projects</li> </ul>	<ul style="list-style-type: none"> <li>◆ The "Friends of" Organization would be responsible for fundraising for the Council</li> </ul>	<ul style="list-style-type: none"> <li>◆ Having a non-profit status would resolve any questions over the Council's eligibility for foundation grants or money from DEQ</li> </ul>
<b>Status of Members</b>	<ul style="list-style-type: none"> <li>◆ Same as "Cascade Pacific RCD"</li> </ul>	<ul style="list-style-type: none"> <li>◆ Would probably not otherwise affect the membership of the Council itself</li> </ul>	<ul style="list-style-type: none"> <li>◆ Membership must be defined</li> <li>◆ Council would have to choose to be either a membership or non-membership corporation</li> <li>◆ However, this structure does offer considerable flexibility</li> </ul>
<b>Maintenance Of Council Culture</b>	<ul style="list-style-type: none"> <li>◆ Same as with "Cascade Pacific RCD"</li> </ul>	<ul style="list-style-type: none"> <li>◆ Would probably not otherwise affect the structure of the Council itself</li> </ul>	<ul style="list-style-type: none"> <li>◆ There is some uncertainty as to what effect this structure would have on council culture.</li> <li>◆ Structure would be more formal, and there would be increased responsibility for the Board</li> </ul>
<b>Requirements</b>	<ul style="list-style-type: none"> <li>◆ Before a formal letter of inquiry could be submitted, the Council and SWCD would have to work at developing an appropriate relationship for that. It is not certain that they would agree to hold employees for the council.</li> </ul>	<ul style="list-style-type: none"> <li>◆ There are several requirements - up front and annually for a non-profit. Could increase the work load for board members of the "friends of group."</li> </ul>	<ul style="list-style-type: none"> <li>◆ There are several requirements - up front and annually for a non-profit. Could increase the work load for Steering Committee.</li> </ul>

# Council Development Update

## Possible Organizational Structures

*The following are descriptions of the structures that the committee is considering. Please see the Council Development Matrix on the pages 4-5 for a comparison and analysis of the effects of each structure on key components of the Council.*

### **Current Status:**

The Council is currently a voluntary group of citizens. There is a volunteer Steering Committee of 12 people who are responsible for making decisions. The Council has a fiscal agent, Cascade Pacific RC&D (a 501(c)3), which processes the grants, and provides some oversight, as well as legal protection.

### **Personnel Services:**

The Council would pay a personnel service to provide employees to fulfill the needs of the council. The Council Development Committee has noted that this option is an organizational *tool*, and not an actual structure that the council could implement.

### **Third Party Employer - CPRC&D or SWCD:**

The Coordinator and Projects Coordinator for the council would be employees of a third party.

### **501(c)3— “Friends of” Organization:**

The “Friends of” organization would be a separate non-profit, and the Council would remain a volunteer group. The non-profit would be the actual employer of Council staff and hold liability. The “Friends of” group would have a separate board of directors from the Council’s Steering Committee.

### **501(c)3—Steering as Board / Executive Council:**

The Council would become a non-profit, with the Steering Committee (or a subset of Steering Committee) taking on the duties of the board. The Council would be able to have employees and could purchase liability insurance.

# Council Development Update

## Council Development Committee Meeting Summary – 5/11/05

*Presented to Steering Committee by Chris Massingill, Committee Chair 5/12/05*

### **Recommendation:**

- ◆ *Check-in with Council as requested.*
- ◆ *Gather any additional questions so that we can begin making comparisons and final recommendations.*

## Summary by Structure

### **Current Status**

- ◆ Current status has been successful to a point, but now we are facing two major issues:
- ◆ **Two issues:**
  - Liability
    - *Steering Committee: current coverage is weak*
    - *Projects: current contractor is taking on an unacceptable level of personal liability due to the increase in number and complexity of projects.*
  - Funding
    - *DEQ has stated that they cannot again provide grant money to the Council in its current structure. In order to receive grants from DEQ the Council cannot use a “pass through” agency to handle its money. DEQ provides \$75,000 to fund the Water Quality Monitoring Program.*
    - *In looking to diversify funding sources, some foundations may not grant to organizations using a “pass through” agency to handle grants.*
- ◆ People tend to be comfortable with the usual – don’t like change
- ◆ Have developed a council culture that should be maintained
- ◆ Much of the success of the council has been dependent on contractors’ personalities
- ◆ The council’s growth is not sustainable due to emerging issues

### **Personnel Service**

- ◆ Using a personnel service is an organizational tool, not a structure.

### **Third Party Employer (CPRC&D, SWCD)**

- ◆ Employees would be answering to a second organization—there is a possible conflict of interest
- ◆ Uncertain as to how this might address liability issues
- ◆ Does not address funding issues
- ◆ Could weaken Council culture
- ◆ Many 2nd tier questions exist in deciding between Benton/E.Lane/SWCD

*Continued on following page*

# Council Development Update

Continued from page 7.

## 501(c)3 “Friends”

- ◆ Would not be “pass through” agent - would be directly related to the Council
- ◆ Uncertainty about how the structure would be organized (typically these types of organizations are used solely for fundraising)
- ◆ Uncertain about how this structure might address liability issues – but probably could be solved
- ◆ Two organizational structures would need to be maintained
- ◆ Council culture and member status would most likely not be affected
- ◆ It is uncertain about how this structure might affect current funding issues - could conflict with need for separation - would require minimal distinction between the groups

## 501(c)3

- ◆ Greatest potential for growth - especially in projects and finding
- ◆ Better opportunity to deal with liability issues, but at a greater cost to the Council
- ◆ Board protection increases
- ◆ Board responsibility increases - also level of effort
- ◆ Provides a solution to funding issues
- ◆ Council would become a more formal organization
- ◆ Membership would have to be defined but...
- ◆ By-laws are flexible - can be written to reflect council culture
- ◆ There are up-front costs - initially just legal costs, and increased effort for Steering Committee
- ◆ Within this structure we have two options
  - Having a subset of Steering perform the duties of the Board (Executive Council)
  - Having all of Steering be the Board

# Volunteer Opportunities

## **Biomonitoring Program Volunteers Needed**

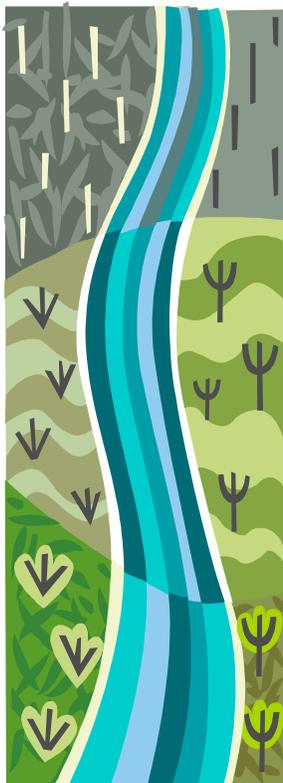
The Long Tom Watershed Council is looking for volunteers to help us collect macroinvertebrate samples this summer.

Volunteers will be paired in teams and use GPS units to navigate to sites around the watershed where they will gather and preserve aquatic bug samples and habitat information in order to help us get a clearer picture of habitat conditions in our watershed.



Sampling work may require hiking in steep or rugged terrain and wading in streams.

*For more information contact:*  
*Cindy Thieman,*  
*Projects & Monitoring, 683-2983*  
*or*  
*Lori Quillen, 683-6949,*  
*lquillen@longtom.org*



## **Summer Volunteer Opportunities with Stream Team!**

*Improve the health of the waterways within the City of Eugene by lending a hand this summer!!*

We will be collecting native seeds and welcoming volunteers twice weekly at the two native plant nurseries— Tuesday and Friday afternoons from 2:00 to 4:00. The schedule for seed collection is not set yet but will be in the morning hours.

If you have questions or would like to sign up please contact Stream Team at 682-4850 or [lorna.j.baldwin@ci.eugene.or.us](mailto:lorna.j.baldwin@ci.eugene.or.us) after May 24th.

# Calendar



## MAY

**May is American Wetlands Month!**  
**Have you hugged your wetlands today?**

See column at right for a calendar of events celebrating the West Eugene Wetlands.

TUESDAY

31

**Long Tom  
 Watershed Council  
 Monthly Meeting  
 5:45 - 7:30  
 Kawonu Acres  
 Restoration Tour**

*See p. 2 for Backgrounder  
 See back page for directions*



## JUNE



THURSDAY

9

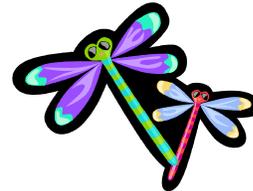
**Long Tom Watershed Council  
 Steering Committee Meeting  
 6:30 - 9:00 Council Office  
 For information contact 683-6949**

TUESDAY

28

**Long Tom Watershed Council  
 Monthly Meeting  
 Outdoor Tour  
 See next month's newsletter for details!!**

## CELEBRATION ACTIVITIES PLANNED AT THE WEST EUGENE WETLANDS



### **Discover Dragonflies! Wednesday May 25<sup>th</sup>**

Learn all about these amazing flying machines with a naturalist from Nearby Nature. Enjoy fun facts, specimens, a craft, a story and more. Fun for families! Meet at the West Eugene Wetland yurt at 6:30pm for this 1 hour activity. For more information, contact: Holly McRae, 683-6494



### **Wetlands Nature Photography Workshop, Saturday May 28<sup>th</sup>**

Saturday, May 28, 12 - 4pm, and Thursday, June 2, 7 - 9pm. The West Eugene Wetlands offer many opportunities to photograph the natural world right here in Eugene - wildflowers, birds and miniature landscapes abound. Learn from local photographer David Stone the principles of nature photography and see examples in class, practice techniques in the field and share your results in a follow-up session back in the classroom. Film and digital cameras welcome. Bring one roll 24 or 36 exposure slide film or a memory card (64 mb or larger) for your digital camera. Space is limited to 15 participants. For registration call Holly McRae at 683-6494.

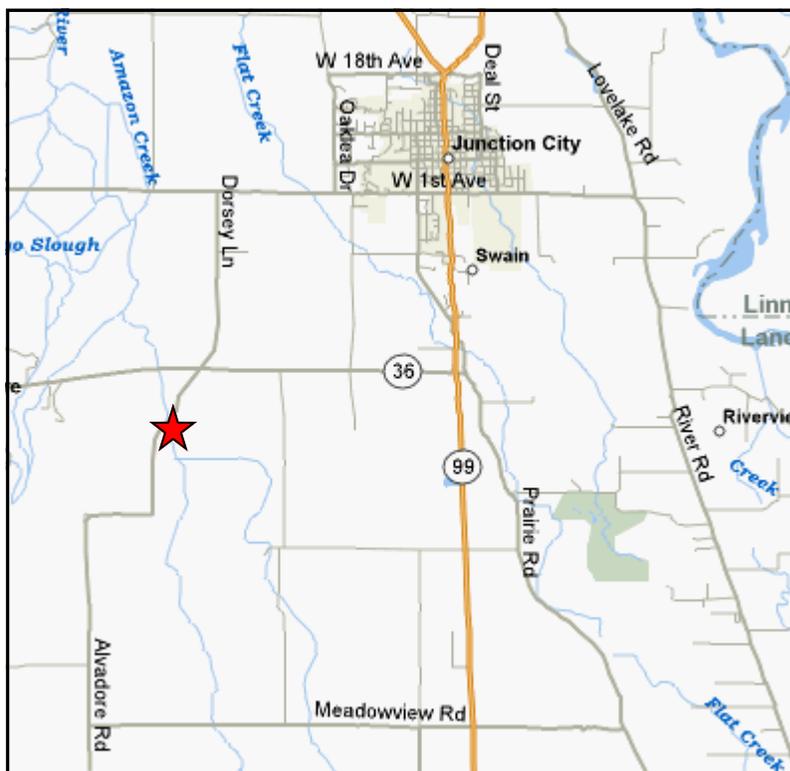
# Watershed Map



Inside: Kawonu Acres Restoration Tour, Council Development News,  
Be a Biomonitor!!

Long Tom Watershed Council  
Phone: 683-6578 e-mail: coordinator@longtom.org  
www.longtom.org  
751 S. Danebo Avenue  
Eugene, OR 97402

## Directions to the May Council Meeting at Kawonu Acres



### Directions:

- ◆ Take Hwy 99 (North from Eugene)
- ◆ Turn West onto Hwy 36
- ◆ Turn South onto Alvadore Rd  
Travel .7 miles and turn left into the Kawonu Acres Driveway - there is a sign.
- ◆ Park on the grass