



# IDAHO SOIL & WATER CONSERVATION COMMISSION

## REGULAR MEETING NOTICE & AGENDA

Idaho Soil & Water Conservation Commission  
August 13, 2020, 10:00 a.m. to 3:00 p.m. MT

Location: Idaho Water Center, 322 E Front St, Suite 560, Conference Room, Boise  
TELECONFERENCE # 1-877-820-7831 Passcode: 922837

[ZOOM Meeting Link](#)

Zoom Meeting ID: 925 3672 7559 Zoom Password: 568872

Members of the public may address any item on the Agenda during consideration of that item. Those wishing to comment on any agenda item are requested to so indicate on the sign-in sheet in advance. Copies of agenda items, staff reports and/or written documentation relating to items of business on the agenda are on file in the office of the Idaho Soil & Water Conservation Commission in Boise. Upon request, copies can be emailed and will also be available for review at the meeting.

The Commission will occasionally convene in Executive Session, pursuant to Idaho Code § 74-206(1). Executive Session is closed to the public.

### AMERICANS WITH DISABILITIES ACT COMPLIANCE

The meeting will be held in facilities that meet the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations to attend, participate in, or understand the meeting, please contact the Idaho Soil & Water Conservation Commission at (208) 332-1790 or [Info@swc.idaho.gov](mailto:Info@swc.idaho.gov) so advance arrangements can be made.

	1.	<b>WELCOME, SELF-INTRODUCTIONS, AND ROLL CALL</b>	Chairman Wright
	2.	<b>PARTNER REPORTS</b> (information only)	
*	3.	<b>AGENDA REVIEW</b> (potential action item) The Agenda may be amended by formal Board action, if necessary, at the meeting. If so, a motion that states the reason for the amendment and the good faith reason the item was not included in the original agenda will be made and approved by the Board.	Chairman Wright
<b>NON-ACTION ITEMS</b>			
#	4.	<b>ADMINISTRATOR'S REPORT</b> <ul style="list-style-type: none"> <li>• Activities</li> <li>• Commissioner Reappointment</li> <li>• District Surveys on Possible Changes to Commission</li> <li>• Field Staff Telecommuting Again</li> <li>• Replacement of Commissioner Tablets</li> <li>• Financial Reports Update</li> <li>• FY 2021 Meeting Schedule</li> </ul> <b>ACTION:</b> For information only	Murrison

(\* ) Action Item

(#) Attachment

ACTION: Staff recommended action for Commission consideration

Thursday, August 13, 2020 Meeting Agenda

Date of Notice: August 6, 2020

#	5.	<b>DISTRICT SUPPORT SERVICES UPDATE</b> <ul style="list-style-type: none"> <li>District Survey Update</li> <li>District Funds Allocation Update</li> </ul> ACTION: For information only	Trefz
#	6.	<b>TOTAL MAXIMUM DAILY LOAD (TMDL) ANNUAL REPORT</b> ACTION: For information only	Trefz
	7.	<b>OTHER REPORTS</b> <i>Commissioners and staff only, no discussion</i> ACTION: For information only	Commissioners, Staff
<b>ACTION ITEMS</b>			
*#	8.	<b>MINUTES</b> <ol style="list-style-type: none"> <li>June 11, 2020</li> <li>June 23, 2020</li> <li>July 16, 2020</li> </ol> ACTION: Approve	Chairman Wright
*#	9.	<b>FY 2022 Budget Request</b> ACTION: Approve FY 2021 Budget Request, granting authority to Administrator to make minor adjustments to request amounts, if necessary.	Misnick
*#	10.	<b>RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT PROGRAM (RCRDP): UPDATE AND ANNUAL SETTING OF INTEREST RATES</b> ACTION: Approve interest rates and loan terms for FY 2021	Hoebelheinrich
*#	11.	<b>RULEMAKING UPDATES</b> ACTION: Approve the Proposed Rule Bulletin Notice and Cost-Benefit Analysis documents for submittal to DFM.	Dalzell
*#	12.	<b>STATUTE UPDATES</b> ACTION: Approve recommended changes to statute and authorize staff to submit to DFM for review to allow the proposed changes to be presented to the Legislature for consideration in the 2021 Session.	Dalzell
*#	13.	<b>FY 2021-2024 STRATEGIC PLAN &amp; FY 2020 PERFORMANCE REPORT</b> ACTION: <ol style="list-style-type: none"> <li>Approve FY 2021-2024 Strategic Plan as submitted</li> <li>Approve FY 2020 Performance Report as submitted (authorizing the Administrator to make minor changes as necessary prior to submission)</li> </ol>	Dalzell
<b>ADJOURN</b> <i>The Commission will reconvene to take any action resulting from Executive Session and to adjourn. The next Regular Commission Meeting will be on September 17, 2020, at 10:00 AM MT in Boise, Idaho.</i>			

(\*) Action Item

(#) Attachment

ACTION: Staff recommended action for Commission consideration

Thursday, August 13, 2020 Meeting Agenda

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**SOIL & WATER  
CONSERVATION  
COMMISSION**

H. Norman Wright  
Chairman

Cathy Roemer  
Vice Chairman

Erik Olson  
Secretary

Gerald Trebesch  
Commissioner

Wendy Pratt  
Commissioner

Teri Murrison  
Administrator

**MEMO**

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, TREBESCH,  
OLSON, AND PRATT**  
**FROM: TERI MURRISON, ADMINISTRATOR**  
**DATE: AUGUST 4, 2020**  
**RE: ADMINISTRATOR'S REPORT**

**Activities**

For much of the last month I worked from home due to the need to quarantine as a result of my husband's COVID-19 diagnosis. Fortunately, I didn't contract the virus and have just returned to the office this week.

A summary of the most recent activities and developments follows:

- I was elected Chair of the University of Idaho's Rinker Rock Creek Advisory Board, replacing Lou Lunte from TNC who recently stepped down. The term lasts 2 years. The duties are not significant – basically the Chair facilitates input amongst Board members and works with the UI liaison to develop annual meeting agenda and a strategic plan. See attached UI Rinker Rock Creek Ranch Advisory Board Position Descriptions and Notes from RRCR Advisory Board on working structure.
- Staff has been working on making David Hahn's requested updates to the Strategic Plan, aggregating data on last year's Performance Measurements, and developing the FY 2022 Budget Request. Jill Young has been meeting with Rachel to make sure her questions can be answered. The regular Monthly Fiscal Reports will be delayed to your September meeting to allow Rachel to produce reports for the Performance Measurements Report, Strategic Plan, and FY 2022 budget request by the time of your meeting. The DFM has reassigned budget analysts and David Hahn has taken on other agencies. Our new analyst is Matthew Reiber. I have invited them both to attend via Zoom.

**Commissioner Reappointment**

As we discussed last month, ISWCC Commissioners serve five-year terms at the pleasure of the Governor. Commissioner Roemer was appointed to serve the remainder of Glenn Gier's term on June 26, 2017. That term ran through June of this year and continues until a new Commissioner is appointed or Commissioner Roemer is reappointed. Commissioner Roemer's form was submitted on June 11<sup>th</sup>. I have requested an update. Commissioner Trebesch will be up for reappointment in June 2021, followed by Chairman Wright in June 2022.

### District Surveys on Possible Changes to Commission

In July, we deployed a survey to help determine what changes districts would like to see from the Commission. As of last week, 35 responses were received. During August, field staff will reach out to district supervisors, staff, and partners to solicit more input. We anticipate having a report to your Board at your September meeting which will guide our efforts to strengthen the partnership going forward. We haven't received information on the IASCD's meeting process yet.

### Field Staff Telecommuting Again

We recently learned that NRCS and FSA offices have returned to restricted entry, federal employees only. Our staff are once again telecommuting. Fortunately, they have the tools they need to work from home and our plan has scaled up and back down the Governor's COVID-19 stages.

### Replacement of Commissioner Tablets

As you know, it's been difficult for your Board to make the transition to Zoom meetings due to the limitations of your current tablets. Crystal Rosen has worked with Admin to get bids on replacing them with machines that have onboard Internet connections. She will give a report at your meeting.

### Financial Reports Update

Rachel Misnik has been working with Jill Young on various projects including entering our FY 2021 budget categories by fund, completing the FY 2020 year end closing packages, grant accounting, FY 2022 budget preparation, and other duties. It's been overwhelming since this is a very busy time of year. As a result, for your August meeting, the FY 2022 budget request will be presented for your consideration. Regular monthly financial reports (Monthly Summary and the dashboard report) will be presented in September.

### FY 2021 Commission Meeting Schedule

Date & Time	Meeting, Teleconference to be held	Meeting Type*
Sept. 17, 2020, 10-3, MT	Regular meeting, 322 E. Front Street, Suite 560, Boise	Video Conf. via Zoom, teleconference
Oct. 15, 2020, 10-3, MT	Regular meeting, 322 E. Front Street, Suite 560, Boise	Video Conf. via Zoom, teleconference
Nov. 19, 2020, time TBD	Listening Session - 322 E. Front Street, Suite 560, Boise	Video Conf. via Zoom, teleconference
Dec. 17, 2020, 10-3, MT	Regular meeting, 322 E. Front Street, Suite 560, Boise	Video Conf. via Zoom, teleconference
Jan. 21, 2021, 10-3, MT	Regular meeting, Regular meeting, 322 E. Front Street, Suite 560, Boise	Video Conf. via Zoom, teleconference
Feb. 18, 2021, 10-3, MT	Regular meeting, 322 E. Front Street, Suite 560, Boise	Video Conf. via Zoom, teleconference

Mar. 18, 2021, 10-3, MT	Regular meeting, Regular meeting, 322 E. Front Street, Suite 560, Boise	Video Conf. via Zoom, teleconference
Apr. 15, 2021, 10-3, MT	Regular meeting, 322 E. Front Street, Suite 560, Boise	Video Conf. via Zoom, teleconference
May 20, 2021, 10-3, MT	Regular meeting, 322 E. Front Street, Suite 560, Boise	Video Conf. via Zoom, teleconference
Jun. 17, 2021, 10-3, MT	Regular meeting, 322 E. Front Street, Suite 560, Boise	Video Conf. via Zoom, teleconference

*\*While all meetings are scheduled tentatively for video and teleconference, should budgetary rescissions not materialize, regular meetings may again be held in person. In addition, should there be important loan or other Commission business to conduct, the Chairman may call a special meeting via video or teleconference.*

**REQUESTED ACTION:** For information only

**ATTACHMENTS:**

- UI Rinker Rock Creek Advisory Board Position Descriptions
- UI Rinker Rock Creek Advisory Board Notes on working structure

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## Rinker Rock Creek Ranch Advisory Board Roles and Management Position Descriptions

**Purpose:** This document intends to provide background information around the roles described in the 2019 Rinker Rock Creek Ranch MOU and Advisory Board Charter.

### **Background:**

*From the 2019 MOU - "The Rinker Rock Creek Ranch Advisory Board ("**Advisory Board**") will advise and assist, as appropriate, the University of Idaho ("**UI**") in the development and implementation of research, education, outreach, recreational use and management activities at Rinker Rock Creek Ranch.*

*All Advisory Board members have a professional or personal interest in the future condition and uses of Idaho's vast rangelands. Each member brings expertise and/or resources to help address one or more of the following critical needs of Idaho's rangelands, research, education, outreach, management of rangeland and riparian habitats, fish and wildlife, water, grazing and livestock, public lands, public access, recreation, rural economics, weed control, fire and monitoring."*

### **Vision:**

*From the 2019 MOU – "The Parties agree to collaborate in good faith at the Rinker Rock Creek Ranch to protect the Conservation Values and establish a program of research, education and outreach focused on sustainable rangeland management in the heart of Idaho where ranching, conservation, and recreation intersect. The facility will host innovative, interdisciplinary and collaborative research and management activities addressing important and pressing challenges impacting ranching and conservation on western rangelands. The Ranch will provide opportunities for public access and recreation and will serve as a podium for education on Idaho rangelands."*

### **Rinker Rock Creek Ranch Advisory Board Chairperson job description:**

*As described in the 2019 MOU the Advisory Board Chairperson is "elected by the Board from its Members, the Chairperson will work with designated University staff to develop meeting agendas, facilitate Advisory Board meetings and guide Advisory Board participation in Ranch planning and implementation activities".* The Chairperson actively works to ensure that the Board and UI are operating in accordance with the MOU and are continually considering the Collaborative Priorities (listed below). The Chairperson meets regularly with UI's RRRCR Operations Manager to ensure the Advisory Board and the University of Idaho are continuing to share information, set priorities, and work towards the RRRCR Vision. Chairperson will coordinate with each Advisory Board Member their participation on sub-committees or working groups and will work with individual Members to ensure they are able to meet their commitments to being on the Advisory Board.

### **Advisory Board Strategic Planning liaison/lead (optional):**

The strategic planning liaison/lead works with the Advisory Board and the University of Idaho on the 5-year strategic plan. This person works with UI strategic planning lead to coordinate/facilitate meetings of the core strategic planning team, and acts as liaison to the full Advisory Board to share progress and gather input on the planning process.

**Working Group lead job description:**

To advance working group priorities, the lead will convene meetings (online, by phone, or in person) on a semi-regular schedule, develop agendas, facilitate discussions and ensure meeting notes capturing actions & recommendations are distributed to members. Understand and promote the priorities for the working group and develop strategies, identify funding, and establish mechanisms to meet the Collaborative Priorities.

*As described in the 2019 MOU, "Working Groups are convened by mutual agreement of the UI and Advisory Board Chairperson to address topics of importance to accomplish the Vision and Collaborative Priorities outlined in the MOU. Working Group members can be UI staff/faculty, Advisory Board Members, technical staff including state and federal agency representatives, or other Stakeholders."*

**Advisory Board Member role:**

*As described in the 2019 MOU, Advisory Board Members "Serve as liaisons to communicate information to and from their affiliated organizations, agencies, stakeholder groups; act in a manner that will enhance trust among all Advisory Board Members and interested parties; and contribute expertise, data and information to clarify discussions, eliminate false assumptions, and advance innovation in development and implementation of research, education, outreach, recreational use and management activities at Rinker Rock Creek Ranch. All Members will be expected to participate in sub-committees or working groups to implement actions that support the Vision of the Rinker Rock Creek Ranch."*

**University of Idaho Roles:**

*As described in the 2019 MOU, the University of Idaho will "Provide functional support to the Advisory Board, including for Advisory Board meetings, Working Group activities and information exchange. While the University has ultimate responsibility for making decisions and implementing actions at the Rinker Rock Creek Ranch those decisions and actions will be consistent with the collaborative approach outlined in the 2019 MOU."*

**RRCR Operations Manager (Cameron) role with the Advisory Board:**

Serve as primary point of contact on behalf of the University with the RRCR Advisory Board to maintain relationships and information sharing. Work with the Advisory Board chair to develop meeting agendas and find mutually agreeable dates and locations for Advisory Board meetings. Ensure Deans are available for meetings, informed of activities, and solicit their input and direction. Actively engage and seek guidance and support from the Advisory Board and its Advisory Board Members. Participate in working groups as needed. Participate on the team identified to produce the 5-year strategic plan.

A few other highlights from Operations Manager's job description:

- Serve as primary point of contact for activities at the RRCR and process activity requests from internal and external constituents;
- Maintain local community relationships and information sharing as related to RRCR and activities at RRCR to make sure local expectations, interests and opportunities are considered;
- Coordinate uses of RRCR including by UI researchers and Extension, Advisory Board members and member organizations, agency partners, ranch manager, neighbors, visitors and the public;
- Facilities use management.

**RRCR Research Director's (Tracey) Role:**

- Develop and implement a research plan for Rinker Rock Creek Ranch (part of the 5-year RRCR strategic plan);
- Facilitate formation and lead teams of faculty, agency and industry partners to conduct research advancing knowledge of livestock, grazing, rangeland ecosystems, and rangeland management;
- Support efforts to secure funding for infrastructure including equipment, vehicles, and buildings;
- Develop and maintain research databases of findings and information;
- Collaborate with the Rangeland Center and others to design and implement outreach and Extension efforts to communicate research findings to local communities, industry members, and the scientific community.

**Collaborative Priorities:** as defined in the MOU between the UI and Advisory Board, signed March, 2019:

- 1) *Planning. Develop a five-year strategic plan for the Ranch, using as a reference the project plan developed under the 2016 MOU. The strategic plan will address the collaborative priorities 2-8, below, shall comply with the GRP Easements and address both fee lands and public land leases held by the Ranch, including native range, seeded pastures and irrigated pastures ("**Strategic Plan**").*
- 2) *Livestock Operations and Infrastructure. Use livestock operations, including infrastructure development and maintenance, to achieve the Vision, consistent with the Strategic Plan and GRP Easements and which may include livestock grazing and ranch operations currently based out of the Nancy M Cummings Research, Extension, & Education Center.*
- 3) *Fish and Wildlife Habitat Conservation. Identify, plan for, maintain, enhance and restore the Conservation Values of the Ranch, including conducting research, education and outreach to restore water quantity and quality, threatened and endangered species, species of special concern, invasive species and fire. Regularly conduct monitoring of sage-grouse abundance to understand its population trends, and use the monitoring data to assess and address, as practical, likely causes in the event of a population resurgence or decline.*
- 4) *Research and Monitoring. Identify, prioritize and conduct university and non-affiliated research and monitoring that helps deliver practical solutions to managing for healthy rangelands that provide a suite of ecologic, economic and social benefits. Important topics for research include, but are not limited to, water quality, fish and wildlife habitat, interactions between wildlife and livestock, livestock production techniques that maintain/enhance healthy rangelands, values of the open space provided by working ranches, economic and social values associated with rangelands and other topics that support the Vision. Research and monitoring information will be made available, as reasonably practical to the Advisory Board in a timely and accessible fashion.*
- 5) *Education, Extension and Outreach Programs. Plan for and disseminate the knowledge and experiences gained through the research done on the Ranch with diverse audiences, including land managers, educators, researchers, policy makers, community leaders and students.*

- 6) *Access Management for Public Recreation. Provide a wide range of managed recreational opportunities on the Ranch including, but not limited to, bird watching, dog walking, hiking, mountain biking, hang gliding, hunting, and certain motorized uses on designated roadways, subject to review and policies of the UI Office of Risk Management, consistent with the GRP Easements and balanced with other Ranch uses, including reducing wildlife disturbance during crucial life history periods, avoiding significant habitat damage, and minimizing conflicts with grazing, research\_and outreach.*
  
- 7) *Marketing and Communications. Communicate to the public, elected officials, agency leadership, donors and other stakeholders regarding research findings and activities taking place at the Ranch and to enhance the impact and relevancy of the Ranch.*
  
- 8) *Fundraising. Identify and solicit private and public funds to support Ranch priorities towards achieving the Vision.*

Notes from RRCR Advisory Board on working structure:

Based on comments from the 5/11/2020 Advisory Board call, a loose “Executive Committee” is proposed, consisting of:

**Chair** – internally focused role based on the job description listed in the MOU; works closely with the Ranch Operations Manager to facilitate Advisory Board meetings and serves as a liaison to the UI. Serves a 2-year term.

**Vice Chair** – assist Chair with duties and prepare to succeed to the Chair role

Each working group would then have 1) a UI “lead” for the working group focused on getting work done on the Ranch, and 2) a non-UI “lead” that would be the liaison to the Executive Committee

*Proposed meeting schedule*

The Executive Committee could plan to meet as needed to:

- 1) Plan Advisory Board meetings
  - a. Spring planning meeting
  - b. Summer/Fall field tour
  - c. Fall reporting meeting
- 2) Coordinate the annual report
- 3) Work with UI leadership on the 5-year Strategic Plan

Describe the role of the Executive Committee

**Commented [A1]:** What do people think about 2 years? This would mean that the Vice Chair would be committing to 4 years. Should we make it a 1 year term?

**Commented [PC(2R1)]:** I think 2 years is good, but yes, then it does make the commitment of the vice chair a bit longer

**Commented [A3]:** Note: with the Vice Chair position, I don't know that a separate “Strategic Planning Liaison” would be necessary – do people agree?

**Commented [PC(4R3)]:** Amy, I agree and I think the Executive committee could help with some of the strategic planning

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## IDAHO SOIL & WATER CONSERVATION COMMISSION

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, TREBESCH, OLSON AND PRATT**  
**FROM: DELWYNE TREFZ, DEPUTY ADMINISTRATOR**  
**DATE: AUGUST 3, 2020**  
**RE: DISTRICT SUPPORT SERVICES UPDATE**

### District Survey Update

Due to District meeting schedules being upset by the Covid-19 pandemic, 6 District responses to our 2020 District survey were submitted after your June 11<sup>th</sup> Board meeting. Because these 6 additional surveys represent a significant increase over the 26 responses reported on during your June meeting, I've updated the FY 2020 District Survey Response Summary (see attachment #1). For comparison, the survey summary that you saw in June appears below the updated summary. As you can see, adding the 6 responses didn't change survey results very much. Overall satisfaction increased by 2 percentage points, to 87%, while support for ISWCC asking the Legislature for additional technical assistance resources went down by 2 percentage points, to 94%.

Two of the late-submitting Districts provided comments with their survey responses, and these comments are on the second page of Attachment #1.

### District Funds Allocation Update

In accordance with direction you provided during your June 11<sup>th</sup> meeting, staff distributed \$525,000 of Trustee and Benefit funds to Districts in July as follows: \$8,500/District base and \$2,000/District operations allocations.

The \$50,000 in capacity building funds and an additional \$66,317.40 (5.4%) of the Trustee and Benefits appropriation is being held back to manage rescissions which may yet be imposed. In Spring, 2021 staff will distribute the available held-back funds based on actual rescission orders.

A total of \$525,377.60 is available for distribution to Districts as match allocations in November. This takes into account the 5% reduction in general fund appropriations ordered by the Governor's July 1<sup>st</sup> executive order as well as the \$50,000 of capacity building funds and the \$66,317.40 you directed staff to hold back as protection against future rescissions.

District financial and match reports are due August 16<sup>th</sup> after which staff have two weeks to review the reports, make a recommendation regarding which local support is eligible for match, communicate that recommendation to each District and schedule a District Allocations Work Group (DAWG) meeting for the second week of September. The financial and match funding process is shown in attachment #2.

**RECOMMENDED ACTION:** For information only

### **Attachments:**

1. FY 2020 District Survey Response Summary Update
2. Financial and Match Funding Flow Chart and Calendar

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## FY 2020 DISTRICT SURVEY RESPONSE SUMMARY -- AUGUST UPDATE

DSS RPT ATTACHMENT #1 PG 1

Survey Statement	Response Options	Responses	Percentage of Responses
1. Overall, this fiscal year, our Board is satisfied with the services and support provided by ISWCC.	Agree	28	87%
	Neutral	0	0%
	Disagree	4	13%
2. Our Board supports the ISWCC asking the Legislature for full 2:1 match.	Agree	32	100%
	Neutral	0	0%
	Disagree	0	0%
3. Our Board supports the ISWCC asking the Legislature for additional technical assistance resources (incl. personnel and operating costs)	Agree	30	94%
	Neutral	1	3%
	Disagree	1	3%

## 4. Our Board supports, other programs or services (please specify):

Other Programs or Services Supported by Districts	Number of Districts In Support Of
Enhanced RCRDP Program	8
Additional Technical Assistance Available From SWCC Staff	5
Water Quality Program for Agriculture (WQPA) Funding	4
Training Provided for District Supervisors and Staff	4
Additional Funding for District Operations	4
Conservation Improvement Grant Program Funding	1

## 5. In order of preference please rank your support for the following Legislative Requests in the box to the left of each:

Legislative Request	District Preference		
	1st	2nd	3rd
2:1 Match	28	1	3
Additional TA via more Conservation Planners	2	16	14
Additional TA via more Engineers	3	11	18

## FY 2020 DISTRICT SURVEY RESPONSE SUMMARY --JUNE 11th REPORT

Survey Statement	Response Options	Responses	Percentage of Responses
1. Overall, this fiscal year, our Board is satisfied with the services and support provided by ISWCC.	Agree	22	85%
	Neutral	0	0%
	Disagree	4	15%
2. Our Board supports the ISWCC asking the Legislature for full 2:1 match.	Agree	26	100%
	Neutral	0	0%
	Disagree	0	0%
3. Our Board supports the ISWCC asking the Legislature for additional technical assistance resources (incl. personnel and operating costs)	Agree	25	96%
	Neutral	1	4%
	Disagree	0	0%

## 4. Our Board supports, other programs or services (please specify):

Other Program or Service Supported by District	Number of Districts In Support Of
Enhanced RCRDP Program	6
Additional Technical Assistance Available From SWCC Staff	5
Water Quality Program for Agriculture (WQPA) Funding	4
Training Provided for District Supervisors and Staff	4
Additional Funding for District Operations	3
Conservation Improvement Grant Program Funding	1

## 5. In order of preference please rank your support for the following Legislative Requests in the box to the left of each:

Legislative Request	District Preference		
	1st	2nd	3rd
2:1 Match	22	1	3
Additional TA via more Conservation Planners	2	11	13
Additional TA via more Engineers	3	10	13

Owyhee CD:

“Our board would encourage less bureaucracy. Money needs to have specific benefit, not only for spending away before benefitting land users.”

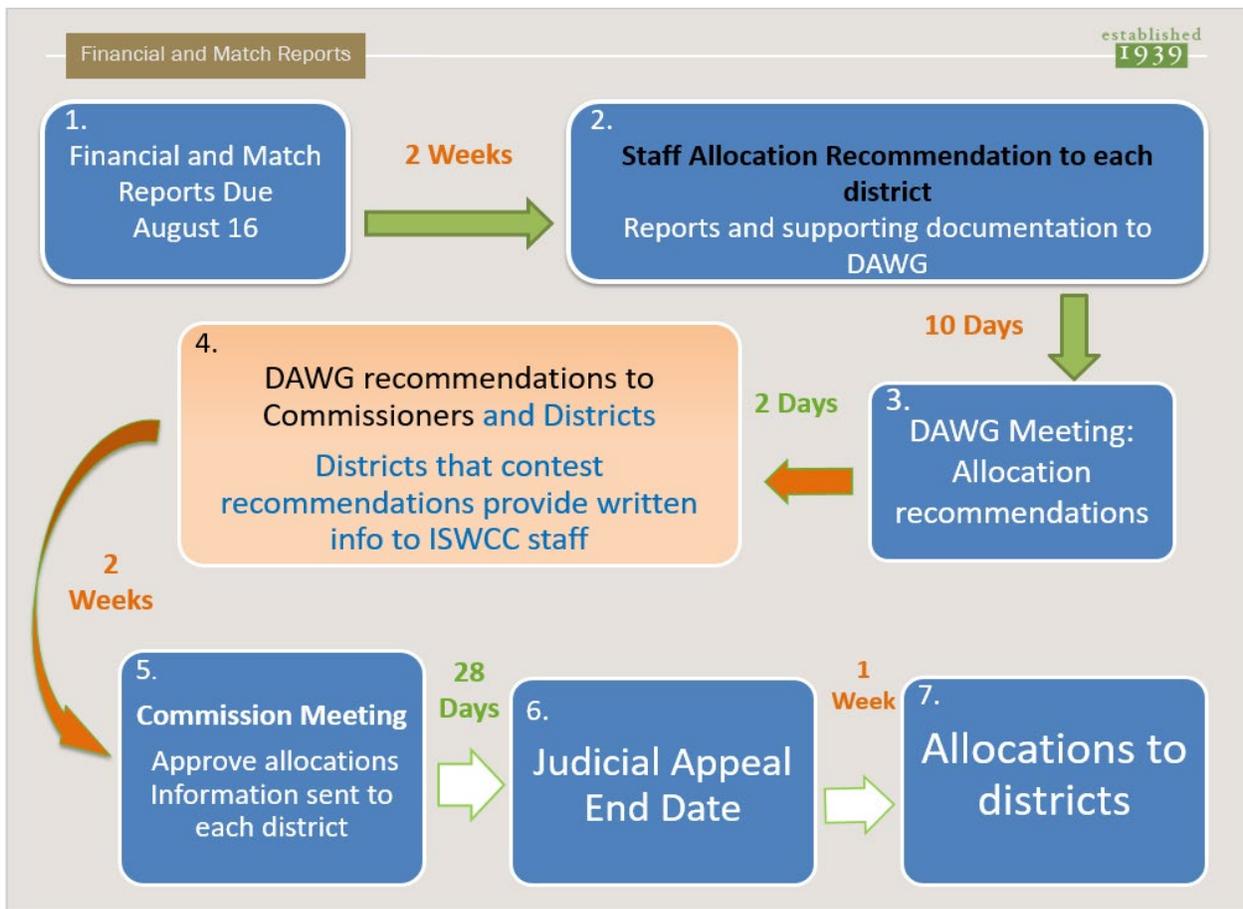
Valley SWCD:

“Technical Assistance through Loretta Strickland and Engineering support with Bill Lillibridge has been excellent! The District has never experienced delays in projects due to unavailable support. The quality of support is reflected in the projects completed and DEQ BAG continued high ranking of our projects. Diminishing District budgets continue to be of *critical concern* in order to continue the level of resource projects pursued and implemented by the district. Without some increased budget support, some District services will suffer or just have to be cut such as educational outreach programs (Envirothon team development, poster and speech contests). The District has decreased employee hours and has not been able to provide a cost of living increase for two years. Employee insurance support or health savings contribution has been eliminated; that was part of the hiring agreement in 2016. No investments have been made in office equipment, supplies nor software updates. In the near future this will catch up with the District.”

An individual Valley SWCD supervisor asked that his comments also be submitted. His comments follow:

“I personally have not seen the technical assistance provided by the Commission so will not comment.”

“I believe the success of the Commission is based on the successes of the Conservation Districts; put bluntly, without the CD’s there’s little need for a Commission. Could the Commission be doing **more** to insure the success of the CD’s? How about hands on training for newly elected supervisors? One could argue, “There’s the Supervisor’s Handbook!” But how does a newly elected supervisor even know there is such a handbook – I sure didn’t. A take one by the hand training where one could: 1) learn the jargon, 2) become familiar with the various “players” (ie. IASCD, ISWCC, IDEA) and who does what, 3) [such] Services available would go a long way in getting a novice up to speed. It’s clear to me that visibility promotes recognition, recognition promotes relevancy, and finally, relevancy promotes value and support. I believe help is needed by both CD’s, the ISWCC and IASCD to become “valued” – more visibility, more recognition and finally, most importantly relevancy.”



established 1939

AUGUST	16								
1. Financial and Match Reports Due									
AUGUST	30		SEPTEMBER						
2. Reports and supporting documentation to DAWG; Staff allocation recommendations to districts									
			SEPTEMBER	9		SEPTEMBER	11		
				3. DAWG Meeting: Allocation Recommendations		4. DAWG recommendations to Commissioners and districts; Districts provide written info to ISWCC staff			
						SEPTEMBER	25		
							5. COMMISSION MEETING. Approved allocations information sent to each district. Judicial Appeal Start Date		
						OCTOBER	24		
							6. Judicial Appeal End Date		
						NOVEMBER	1		
							7. Allocations sent to districts		

IDAHO

*Conservation the Idaho Way; Sowing the Seeds of Stewardship*



**SOIL & WATER  
CONSERVATION  
COMMISSION**

H. Norman Wright  
Chairman

Cathy Roemer  
Vice Chairman

Erik Olson  
Secretary

Gerald Trebesch  
Commissioner

Wendy Pratt  
Commissioner

Teri Murrison  
Administrator

**MEMO**

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER,  
TREBESCH, OLSON, AND PRATT**  
**FROM: DELWYNE TREFZ, DISTRICT SUPPORT SERVICES**  
**DATE: AUGUST 4, 2020**  
**RE: TMDL ANNUAL REPORT**

TMDL Implementation Plan & 5-Year Review Update

The attached FY 2020 TMDL Work Plan Final Report shows we completed eleven implementation plans and one 5-year review in FY2020. Our goal for the year was to complete a combined total of seven implementation plans and 5-year reviews, so staff did an outstanding job with their TMDL assignments this year. If there is a silver lining to the pandemic-imposed restrictions placed upon field work and meeting attendance it is that more time was available for writing TMDL implementation plans. A big thank-you to all the field staff for their diligence and commitment to this important effort.

A negative effect of the pandemic is that I have been unable to develop a firm TMDL workplan for FY2021. I am communicating as well as possible with DEQ and expect to be able to present the FY2021 plan during your next meeting. In the meantime, staff are working on ongoing TMDL-related assignments which carried over from last year.

**RECOMMENDED ACTION:** For information only.

**ATTACHMENTS:**

- FY 2020 TMDL Work Plan Final Report

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**FY 2020 TMDL Work Plan Final Report**  
**Benchmark: Total of 7 Implementation Plans or Reviews Completed in FY2020**

REGION	SUBBASIN	TMDL DOCUMENT	HOURS	DELIVERABLES/COMMENTS
Panhandle Brad S.	Pend Oreille Lk	Boyer Slough TMDL	200	50% Complete Implementation Plan. DEQ completing pre-TMDL monitoring this summer
	CdA River (S Fork)	Temp Addendum	200	50% Complete Implementation Plan. DEQ completing pre-TMDL monitoring this summer
	Div I Districts	TMDL Implementation Assistance	187	Provide TMDL project planning & implementation assistance
Clearwater Eileen R.	Clearwater River	Lindsay Creek 5-Year Review & Ag Plan	80	Assist DEQ to complete 5-Year Review, Develop Ag Implementation Plan
	Clearwater River	Hatwai Creek 5-Year Review & Ag Plan	80	Assist DEQ to complete 5-Year Review, Develop Ag Implementation Plan
	Clearwater River	Orofino Creek	50	10% Complete Implementation Plan. DEQ now working on SBA.
	Div II Districts	TMDL Implementation Assistance	52	Provide TMDL project planning & implementation assistance
Southwest Jon B.	DEQ	5-Yr Review of TMDL Chosen by DEQ	40	Complete 5-Yr Review of a TMDL selected by DEQ
	Bruneau River	Temp Addendum	160	50% Complete Ag Imp Plan for Bruneau River TMDL Addendum
	Mid-Snake/Succor	TMDL Temp & Sediment Add Ag Plan	120	Complete Ag Imp Plan for Mid-Snake Temp & Sed Addendums
Southwest Loretta S.	Snake River	Hell's Canyon Subbasin 5-Yr Review	80	Assist DEQ to complete Hell's Canyon 5-Year Review
	DEQ	5-Yr Review of TMDL Chosen by DEQ	40	Assist DEQ to complete 5-Yr Review of a watershed they choose
	Id Falls Region	Teton River Temp Addendum Ag Plan	225	Help Brian complete Ag Implementation Plan for the Teton R TMDL
Southwest Delwyne T.	DEQ	TMDL Program Coordination	40	Coordinate Statewide TMDL Program
	State-Wide	TMDL Program Supervision	533	Manage all staff so TMDL deliverables are achieved
Magic Valley Carolyn F.	Walcott Lake	Lake Walcott-Marsh Cr TMDL Add Ag Plan	120	Complete Temp & E. coli Addendum
	Salmon Falls Cr	Salmon Falls Cr Addendum	261	50% Complete Salmon Falls Cr Addendum--contingent on DEQ
Magic Valley Chuck P.	Big Wood River	Big Wood River Temp Add Ag Plan	168	Complete Ag Imp Plan for 2013 Temperature Addendum
	Little Wood River	Little Wood River TMDL 5-Yr Review	40	Assist DEQ to Complete 5-Yr Review
Southeast George H.	Curlew Valley	TMDL expected to be appoved by EPA soon	200	50% Complete Curlew Valley Imp Plan--contingent on DEQ/EPA
	Portneuf River	Portneuf River Ag Plan	50	Complete Portneuf R Ag Imp Plan
	American Falls	American Falls 5-Year Review	50	Assist DEQ to Complete 5-Yr Review
	Salt River	Salt River Subbasin Ag Plan		Complete Salt River Subbasin Ag Implementation Plan
	Bear River	Bear River Basin Addendums	300	90% Complete Imp Plan for Bear Basin TMDL Addendums
	Portneuf, Salt, Bear	TMDL Implementation Assistance	105	Provide TA for District TMDL implementation efforts
Upper Snake Brian R.	Medicine Lodge Cr	5-Year Review	40	Assist DEQ to complete 5-Yr Review of Medicine Lodge Cr
	Medicine Lodge Cr	Medicine Lodge Cr TMDL Addendum Ag Plan	30	With Loretta, Complete Imp Plan, 2017 Addendum
	Teton River	Teton River Temp Addendum Ag Plan	30	With Loretta, Complete Imp Plan, 2016 Addendum
Salmon Rob S.	Lemhi River	Temp & E. coli TMDL Add Ag Plan	80	Complete Implementation Plan
	Pahsimeroi River	TMDL Sed, Temp & Bact Addendum Ag Plan	80	Complete Pahsimeroi River TMDL Add Ag Imp Plan
	Little Lost River	5-Year Review	80	Assist DEQ to Complete 5-Yr Rev--Contingent on DEQ
	Little Lost River	TMDL Temp Addendum Ag Plan	135	Complete Little Lost R Ag Imp Plan



# Idaho Soil & Water Conservation Commission

322 E Front St, Suite 560 • Boise Idaho 83702  
Telephone: 208-332-1790 • Fax: 208-332-1799

ITEM #8-1

## IDAHO SOIL & WATER CONSERVATION COMMISSION PUBLIC MEETING & TELECONFERENCE

**Date and Time:**

Thursday, June 11, 2020  
10:02 AM – 11:24 AM MT

**Location:**

322 E. Front St., Suite 560  
Boise, Idaho 83702

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### MINUTES

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**COMMISSION MEMBERS PRESENT:**

Norman Wright (Chair)	Cathy Roemer (Vice-Chair)
Jerry Trebesch (teleconference)	Wendy Pratt (Zoom)

**COMMISSION STAFF PRESENT:**

Teri Murrison	Crystal Rosen
Corrine Dalzell	Jill Young
Delwyne Trefz	George Hitz (teleconference)
Jon Beals	Terry Hoebelheinrich (teleconference)
Bill Lilibridge (Zoom)	

**PARTNERS AND GUESTS PRESENT:**

David Hahn, DFM (Zoom)  
Mike Sommerville, Canyon SWCD and IASCD (Zoom)  
LeAnn Daman, Benewah SWCD (Zoom)  
Benjamin Kelly, IASCD (teleconference)  
Jeanette Mendenhall, Lewis SCD (teleconference)  
Karol Holthaus, Lewis SCD (teleconference)  
Ralph Thier, Valley SWCD (teleconference)  
Stephanie Barnes, Butte SWCD (teleconference)  
Shantel Chapple Knowlton, Office of the Attorney General (teleconference)

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**ITEM #1: WELCOME AND ROLL CALL**

Chairman Wright called the meeting to order at 10:02 a.m.

Roll call: Chairman Norman Wright, Commissioners Cathy Roemer, Jerry Trebesch and Wendy Pratt were present. Commissioner Olson was absent.

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**ITEM #2: PARTNER REPORTS**

Omitted due to time constraints.

**ITEM #3: AGENDA REVIEW**

Action: None taken.

**ITEM #4: ADMINISTRATOR'S REPORT**

Action: None taken.

**ITEM #5: DISTRICT SURVEY UPDATE**

Action: None taken.

**ITEM #6: RCRDP MARKETING PLAN FOR FY2021**

Action: None taken.

**ITEM #7: NATIONAL FISH AND WILDLIFE FOUNDATION (NFWF) GRANT FINAL REPORT**

Action: None taken.

**ITEM #8: RULEMAKING UPDATE**

Action: None taken.

**ITEM #9: OTHER REPORTS**

Action: None taken.

Meeting recessed at 11:10 AM.

Meeting reconvened at 11:25 AM.

**ITEM #10: ELECT COMMISSION OFFICERS TO SERVE BEGINNING JULY 1, 2020**

Chairman Wright yielded the gavel to Crystal Rosen.

Action: Commissioner Roemer made a motion to *nominate Commissioner Wright to serve as Chairman*. Commissioner Trebesch seconded the motion. Motion carried by unanimous vote.

Ms. Rosen yielded the gavel to Chairman Wright.

Action: Commissioner Wright made a motion to *nominate Commissioner Roemer to serve as Vice-Chair*. Commissioner Pratt seconded the motion. Motion carried by unanimous vote.

Action: Commissioner Roemer made a motion to *nominate Commissioner Olson to serve as Secretary*. Commissioner Trebesch seconded the motion. Motion carried by unanimous vote.

**ITEM #11: APPOINTMENT AND DELEGATION OF POWERS AND DUTIES TO ADMINISTRATOR IN FY 2021**

Action: Commissioner Trebesch made a motion to *appoint Administrator, Delegate Powers and Duties, and authorize Chairman to sign FY 2021 Delegation of Powers and Duties*. Commissioner Roemer seconded the motion. Motion carried by unanimous vote.

**ITEM #12: MINUTES**

Action: Commissioner Roemer made a motion to *approve the February 17, 2020 Regular Meeting minutes as submitted*. Commissioner Trebesch seconded the motion. Motion carried by unanimous vote.

Action: Commissioner Roemer made a motion to *approve the March 4, 2020 Special Meeting minutes as submitted*. Commissioner Trebesch seconded the motion. Motion carried by unanimous vote.

Action: Commissioner Roemer made a motion to *approve the May 21, 2020 Special Meeting minutes as submitted*. Commissioner Trebesch seconded the motion. Motion carried by unanimous vote.

**ITEM #13: FINANCIAL REPORT**

Action: Commissioner Roemer made a motion to *approve the Financial Reports for the month ended May 31, 2020*. Commissioner Trebesch seconded the motion. Motion carried by unanimous vote.

Action: Commissioner Roemer made a motion to *accept Management Review results and response letter*. Commissioner Trebesch seconded the motion. Motion carried by unanimous vote.

**ITEM #14: DISTRICT BUDGET HEARING**

Action: Commissioner Roemer made a motion to *accept Staff update on Unmet District Needs*. Commissioner Trebesch seconded the motion. Motion carried by unanimous vote.

Action: Commissioner Roemer made a motion to *Direct staff to, based on actual rescission orders from the Governor:*

- a. *Distribute \$8,500/District base and \$2,000/District operations allocations to all Districts in July.*
- b. *Holdback \$50,000 in outreach and education capacity building funds to be distributed in Spring 2021.*
- c. *Distribute District match allocations in November per statute and rule, holding back an additional 5.4% of match allocations until Spring 2021.*

Commissioner Pratt seconded the motion. Motion carried by unanimous vote.

**ITEM #15: FY2021 APPROPRIATION AND BUDGET BLUEPRINT**

Action: Commissioner Roemer made a motion *to approve FY 2021 General and Dedicated Fund Blueprints*. Commissioner Trebesch seconded the motion. Motion carried by unanimous vote.

**ITEM #16: STRATEGIC PLAN FOR FY 2021 - 2024**

Action: Commissioner Roemer made a motion *to approve FY 2021-2024 Strategic Plan with pending footnote additions*. Commissioner Pratt seconded the motion. Motion carried by unanimous vote.

**ITEM #17: EXECUTIVE SESSION**

Action: Commissioner Roemer made a motion *to enter Executive Session pursuant to Idaho Code § 74-206(1)(f) for the purpose of discussing pending litigation or controversies not yet being litigated but imminently likely to be litigated with legal counsel*. Commissioner Trebesch seconded the motion. Motion carried by unanimous roll call vote.

Executive Session commenced at 1:03 PM.

Executive Session ended at 1:37 PM

No action was taken.

**RECONVENE and ADJOURN**

The meeting was adjourned at 1:39 PM. The next Commission Meeting will be held via teleconference and Zoom on August 13, 2020 at 10:00 AM MT in Boise, Idaho.

Respectfully submitted,

Erik Olson, Secretary

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# Idaho Soil & Water Conservation Commission

322 E Front St, Suite 560 • Boise Idaho 83702  
Telephone: 208-332-1790 • Fax: 208-332-1799

ITEM #8-2

## IDAHO SOIL & WATER CONSERVATION COMMISSION PUBLIC MEETING & TELECONFERENCE

**Date and Time:**

Tuesday, June 23, 2020  
8:32 AM – 11:25 AM MT

**Location:**

322 E. Front St., Suite 560  
Boise, Idaho 83702

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### MINUTES

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**COMMISSION MEMBERS PRESENT:**

Norman Wright (Chair) (teleconference)	Cathy Roemer (Vice-Chair) (teleconference)
Erik Olson (Secretary) (teleconference)	Jerry Trebesch (teleconference)
Wendy Pratt (teleconference)	

**COMMISSION STAFF PRESENT:**

Teri Murrison	Crystal Rosen
Rachel Misnick	Chuck Pentzer
Terry Hoebelheinrich	Bill Lillibridge
Brad Shelton	Loretta Strickland
Delwyne Trefz	

**PARTNERS AND GUESTS PRESENT:**

Mike Sommerville, IASCD/ Canyon SWCD (teleconference)  
Jane Sandstrom, Lemhi SCD (teleconference)  
Clinton Aston, Franklin SWCD (teleconference)  
Ralph Thier, Valley SWCD (teleconference)  
Kirk Vickery, Gem SWCD (teleconference)  
Kent Foster, Ads SWCD (teleconference)  
David Hahn, DFM (teleconference)  
Shantel Chapple Knowlton, Office of the Attorney General (teleconference)

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**ITEM #1: WELCOME AND ROLL CALL**

Chairman Wright called the meeting to order at 8:32 a.m.

Roll call: Chairman Norman Wright, Commissioners Cathy Roemer, Jerry Trebesch, Erik Olson, and Wendy Pratt were present.

**ITEM #2: AGENDA REVIEW**

Action: None taken.

**ITEM #3: CONSIDERATION OF SENDING A LETTER TO THE IDAHO ASSOCIATION OF SOIL CONSERVATION DISTRICTS IN RESPONSE TO THEIR JUNE 12, 2020 MEETING NOTES**

Action: Commissioner Olson made a motion to *delegate Commissioners Roemer and Pratt to review and approve revisions of a letter to the Idaho Association of Soil Conservation Districts in response to their June 12, 2020 meeting notes. Once approved the letter will be sent to Chairman Wright for signature.* Commissioner Trebesch seconded the motion. Motion carried by unanimous vote.

**ITEM #4: EXECUTIVE SESSION**

Action: Commissioner Olson made a motion to *enter Executive Session pursuant to Idaho Code § 74-206(1)(f) for the purpose of discussing pending litigation or controversies not yet being litigated but imminently likely to be litigated with legal counsel.* Commissioner Roemer seconded the motion. Motion carried by unanimous roll call vote.

Executive Session commenced at 10:26 AM.

Executive Session ended at 11:20 PM.

No action was taken.

**ITEM #7: OPEN SESSION and ADJOURN**

Action: Commissioner Trebesch moved to *adjourn the meeting.* Commissioner Olson seconded the motion. Motion carried by unanimous vote.

The meeting was adjourned at 11:25 AM. The next Commission Meeting will be held in Boise on August 13, 2020 via Zoom and teleconference.

Respectfully submitted,

Erik Olson, Secretary

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# Idaho Soil & Water Conservation Commission

322 E Front St, Suite 560 • Boise Idaho 83702  
Telephone: 208-332-1790 • Fax: 208-332-1799

ITEM #8-3

## IDAHO SOIL & WATER CONSERVATION COMMISSION PUBLIC MEETING & TELECONFERENCE

**Date and Time:**

Thursday, July 16, 2020  
1:01 PM – 2:28 PM MT

**Location:**

322 E. Front St., Suite 560  
Boise, Idaho 83702

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### MINUTES

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**COMMISSION MEMBERS PRESENT:**

Norman Wright (Chair) (teleconference/Zoom)	Cathy Roemer (Vice-Chair)
Erik Olson (Secretary) (teleconference/Zoom)	Jerry Trebesch (teleconference)
Wendy Pratt (teleconference/Zoom)	

**COMMISSION STAFF PRESENT:**

Teri Murrison (teleconference/Zoom)	Crystal Rosen
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**PARTNERS AND GUESTS PRESENT:**

Jane Sandstrom, Lemhi SWCD (teleconference)  
Nate Fisher, Governor's Office (teleconference/Zoom)  
Darrell Early, Office of the Attorney General (teleconference/Zoom)  
Shantel Chapple Knowlton, Office of the Attorney General (teleconference/Zoom)

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**ITEM #1: WELCOME AND ROLL CALL**

Chairman Wright called the meeting to order at 1:01 p.m.  
Roll call: Chairman Norman Wright, Commissioners Cathy Roemer, Jerry Trebesch, Erik Olson, and Wendy Pratt were present.

**ITEM #2: AGENDA REVIEW**

Action: None taken.

**ITEM #3: EXECUTIVE SESSION**

Action: Commissioner Roemer made a motion to *enter Executive Session pursuant to Idaho Code § 74-206(1)(f) for the purpose of discussing pending litigation or*

*controversies not yet being litigated but imminently likely to be litigated with legal counsel.* Commissioner Olson seconded the motion. Motion carried by unanimous roll call vote.

Executive Session commenced at 1:05 PM.

Executive Session ended at 2:20 PM.

Meeting reconvened in Open Session at 2:23 PM.

**ITEM #3a: PENDING LITIGATION**

Action: Commissioner Roemer made a motion that

1. The Commission received an offer of settlement on 7/16/20 from Franklin in a letter from its attorneys.
2. *The Commission accept the offer of settlement as outlined with the exception of the monetary amount offered.*
3. *Move that the commission counteroffer the amount of \$71,000 with \$20,000 due within 30 days of execution of a final settlement agreement and the remainder due over time as outlined in the letter. The initial payment will be made to all districts prorata. The subsequent payments will be paid to the districts per an alphabetical schedule provided to Franklin as an attachment to the settlement.*
4. *Further move that the commission authorize the Attorney General and the Administrator to negotiate further with Franklins attorneys to reach agreement on the monetary amount within the limits recommended by the Attorney General.*
5. *Further move that the attorney general's office is given authority to negotiate additional terms necessary to effectuate the settlement.*

Commissioner Trebesch seconded the motion. Motion carried by unanimous vote.

**ITEM #7: OPEN SESSION and ADJOURN**

Action: Chairman Wright made a motion to *adjourn the meeting*. Commissioner Roemer seconded the motion. Motion carried by unanimous vote.

The meeting was adjourned at 2:28 PM. The next Commission Meeting will be on August 13, 2020 in Boise, ID.

Respectfully submitted,

Erik Olson, Secretary

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**SOIL & WATER  
CONSERVATION  
COMMISSION**

H. Norman Wright  
Chairman

Cathy Roemer  
Vice Chairman

Erik Olson  
Secretary

Gerald Trebesch  
Commissioner

Wendy Pratt  
Commissioner

Teri Murrison  
Administrator

**MEMO**

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS  
ROEMER, OLSON, TREBESCH, AND PRATT**  
**FROM: RACHEL MISNICK, FISCAL & HR MANAGER**  
**DATE: AUGUST 5, 2020**  
**RE: FY 2022 BUDGET REQUEST**

The Commission's FY 2021 Budget Request must be approved by the Board and submitted to the Division of Financial Management (DFM) and the Legislative Services Office (LSO) by August 28, 2020, along with the Performance Measures Report.

The Governor has advised that all state agencies will freeze hiring and salaries, as well as spending, at the FY 2021 **ongoing General Fund appropriation** amount, which totals \$2,690,500. Dedicated funds, such as RCRDP, SRF, etc., are not included in this amount. No line items requests are to be allowed, and replacement item requests are not encouraged. A copy of the FY 2022 Budget Preparation Guidance received from DFM is attached for reference.

I am currently in the process of preparing the preliminary budget request figures and will present them during the meeting for your consideration. The details below are provided for your consideration in approving the draft budget request (*amounts may vary slightly after the preliminary budget request is complete*):

FROM	FTPs	PERSONNEL	OPERATING	CAPITAL	TRUSTEE & BENEFIT	TOTAL
General Fund: Administration & Board	15.62	1,239,500	222,900		1,228,100	2,690,500
Dedicated Fund: RCRDP Administration	2.13	174,700	153,100			327,800
Dedicated Fund: Professional			30,000			30,000
Dedicated Fund: Revolving Fund			30,000			30,000
TOTAL	17.75	1,414,200	436,000		1,228,100	3,078,300

**RECOMMENDED ACTION:** Approve FY 2022 Budget Request, granting authority to Administrator to make minor adjustments to request amounts, if necessary.

**ATTACHMENTS:**

- Memorandum for FY 2021 and FY 2022 Budget Preparation Guidance from DFM

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State of Idaho  
**DIVISION OF FINANCIAL MANAGEMENT**  
 Executive Office of the Governor

June 22, 2020

**MEMORANDUM**

TO: Agency Directors and Fiscal Officers

FROM: Alex J. Adams, Administrator

SUBJECT: **FY 2022 Budget Preparation Guidance**

Last week, DFM and LSO issued the joint Budget Development Manual (BDM) which provides agencies with technical guidance on preparing their annual budget requests. The BDM may be found here: [https://dfm.idaho.gov/state\\_agencies/bdm/](https://dfm.idaho.gov/state_agencies/bdm/)

This memo outlines Governor Little’s expectations for the FY 2022 budget preparation given the economic reality we are facing with the global COVID-19 pandemic.

**FY 2021 General Fund Holdback**

Each state agency must add its FY 2021 five percent (5%) General Fund appropriation reduction in STARS or the statewide accounting system and submit the reduction plan spreadsheet your DFM analyst emailed you last month no later than July 15, 2020. The one-time holdback will be calculated from the FY 2021 original appropriation total which includes both ongoing and one-time funding. Your agency has discretion in how to accomplish the 5% reduction while minimizing the impact on Idahoans.

The FY 2021 5% reduction will need to be reflected in the DFM Budget Development System as a negative entry under DU 6.21 - Governor’s Holdback. Since this is one-time in nature, you will also need to restore what was removed in DU 6.21 by adding the amount back in using DU 8.48 - Removal of One-Time Expenditures.

Additionally, the FY 2020 holdback will need to be entered as a negative under DU 1.51 - Governor’s Holdback/Board of Examiners Reduction.

**FY 2021 General Fund Supplemental Requests**

Agencies must actively manage their budget and absorb all costs in their existing FY 2021 appropriation. In extraordinary cases in which a supplemental may not be absorbed, the agency head should set up a joint meeting with the Governor’s Chief of Staff and the DFM Administrator to discuss options no later than August 3, 2020.

**FY 2022 General Fund Base Budget Freeze**

To ensure a balanced budget at the end of FY 2022 and the fiscal years beyond, the Governor has called for a “spending freeze” in FY 2022. Each agency supported by General Fund must prepare its FY 2022 budget with a total request amount not to exceed its FY 2021 original ongoing General Fund appropriation amount. This total can be found for your agency in the appendix to this memo.

What this means is if you intend to add a line item, request a replacement item, include any contract inflation, or anything else additive, it will need to be within your existing ongoing appropriation granted for FY 2021. In addition, agencies must include the BDM-specified increases for health insurance, variable benefits, CEC, etc., however, they must be offset and absorbed within this base budget.

DFM will **not** accept an agency budget submission that exceeds the General Fund amount listed in the appendix. Constitutional officers, the legislature, and judicial branch are exempt, but should submit budgets that reflect the economic reality we are facing.

While the appendix is limited to the General Fund component of agency budgets, agencies supported by other funds should exercise extreme caution in budget growth given the widespread economic impacts. Agencies should not simply shift ongoing expenses to dedicated fund sources with a goal of eventually shifting them back to the General Fund; any fund shifts should be intended to be permanent in nature, and the agency should be prepared to demonstrate how the anticipated ongoing dedicated fund source will accomplish this.

### **Maintenance Item and Line Item Requests**

If an agency intends to request a maintenance item (e.g., replacement item, contract inflation, nondiscretionary adjustment, etc.) or line item from **any** source of funding, the agency must meet with their Governor's office contact and DFM analyst no later than August 3, 2020 to discuss the necessity of the request in this tight budget year. As a reminder, the hiring freeze and salary freeze remains in effect. If a line item request relates to another personnel matter (reclassification, etc.), the agency must also meet with their DHR analyst and receive attestation that the request is in alignment with statewide DHR policies. In such meetings, the agency must be prepared to discuss:

- How the requested General Fund items will be offset and absorbed within their base budget to accomplish the budget freeze; and
- How the requested items on other sources of funding will be sustainable.

DFM will **not** accept an agency budget submission that has maintenance items or line items that have not been vetted through this process.

### **Summary of Key Dates**

- **August 3, 2020:**
  - Last day to meet with Governor's office contacts and DFM analysts to discuss potential maintenance items and line items for FY 2022.
  - Last day to meet with DHR analysts to discuss potential personnel-related budget requests.
  - Last day to meet with Governor's Chief of Staff and DFM Administrator to discuss extraordinary supplemental requests for FY 2021.
- **August 28, 2020:**
  - Budget submissions are due to DFM and LSO no later than 5:00 p.m. MT

As always, please reach out to your DFM analyst with any questions. Thank you for your hard work especially during these challenging times.

**Appendix A. FY 2021 Ongoing General Fund Budget.**

<b>Agency</b>	<b>Agency #</b>	<b>Ongoing Amount</b>
Senate	100	\$ 2,499,300
House	101	\$ 4,255,700
LSO	102	\$ 5,622,400
OPE	104	\$ 950,200
Judicial Branch	110	\$ 50,356,500
Lt. Gov.	120	\$ 181,400
Sec. of State	130	\$ 3,558,300
Uniform Laws, Comm on State	131	\$ 53,000
SCO	140	\$ 11,095,900
Treasurer	150	\$ 1,444,800
AG	160	\$ 24,376,300
Super. of Public Instruction	170	\$ 12,664,900
OITS	177	\$ 1,744,500
STEM	179	\$ 3,044,400
DFM	180	\$ 1,946,700
Office of the Governor	181	\$ 2,262,300
Aging	187	\$ 4,519,000
Blind & Visually Impaired	189	\$ 1,504,400
Mil. Division	190	\$ 7,148,700
OSC	195	\$ 1,530,800
Arts	196	\$ 872,200
WDCB	197	\$ 392,000
ODP	198	\$ 332,000
Admin	200	\$ 2,418,600
Bond Payments	201	\$ 3,930,000
ISDA	210	\$ 11,861,900
SWCC	215	\$ 2,690,500
Commerce	220	\$ 5,944,400
IDOC	230	\$ 273,007,200
Pardons and Parole	232	\$ 3,459,100
IDOL	240	\$ 529,800
DEQ	245	\$ 22,002,900
IDHW	270	\$ 899,183,300
IDJC	285	\$ 42,296,400
Industrial Commission	300	\$ 294,000
IDL	320	\$ 6,437,400
ISP	330	\$ 29,386,800
IDPR	340	\$ 3,410,900
Tax Appeals	351	\$ 628,500
Tax Commission	352	\$ 37,312,000
IDWR	360	\$ 18,894,600

PDC	437	\$	11,273,800
Hispanic Commission	441	\$	247,100
SAPD	443	\$	3,092,200
Veterans	444	\$	1,204,400
DBS	450	\$	250,300
Public Schools	500	\$	1,985,451,000
OSBE	501	\$	7,994,200
CTE	503	\$	67,483,400
Community Colleges	505	\$	48,174,200
Colleges & Universities	510	\$	306,079,600
Ag. Research	514	\$	32,108,400
Health Ed. Programs	515	\$	21,880,900
Special Programs	516	\$	26,427,700
IPTV	520	\$	2,678,300
Libraries	521	\$	4,153,200
Historical Society	522	\$	3,864,300
Voc. Rehab	523	\$	8,117,400
Cat. Health Care	903	\$	3,500,600
SILC	905	\$	225,700
Public Health Districts	950	\$	9,715,900

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# IDAHO SOIL & WATER CONSERVATION COMMISSION

Item #10

**TO: CHAIRMAN WRIGHT, COMMISSIONERS ROEMER, OLSON, TREBESCH AND PRATT**  
**FROM: TERRY HOEBELHEINRICH, LOAN OFFICER**  
**DATE: AUGUST 5, 2020**  
**RE: RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT PROGRAM (RCRDP) UPDATE AND ANNUAL SETTING OF RCRDP INTEREST RATES**

## PROGRAM UPDATE

<b>Fiscal Year 2020</b>	<ul style="list-style-type: none"> <li>• 17 loan inquiries were received for FY 2020</li> <li>• 11 loan applications were received for FY2020</li> <li>• 3 loan denials</li> <li>• 1 loan withdrawal (incomplete)</li> <li>• 6 loans were approved for FY 2020 (\$488,161)</li> <li>• 1 loan application in process at end of FY 2020</li> <li>• Start of FY 2020: 69 loans &amp; \$2,729,019 portfolio balance</li> <li>• End of FY 2020: 67 loans &amp; \$2,496,840 portfolio balance</li> <li>• No delinquencies</li> </ul>
<b>FY 2021 to date</b>	<ul style="list-style-type: none"> <li>• no loan inquiries were received for FY 2021 to date</li> <li>• 3 loan applications were received for FY 2021 to date</li> <li>• 3 loan applications are in process</li> <li>• 1 loan denied</li> </ul>
<b>Administrative Rule</b>	<ul style="list-style-type: none"> <li>• Update to be provided by Rules Review Officer</li> </ul>
<b>Interest Rates</b>	<ul style="list-style-type: none"> <li>• Commissioners are requested to set interest rates per statute.</li> </ul>

## ANNUAL SETTING OF RCRDP INTEREST RATES

Per administrative rule 60.05.01 the Commission shall determine interest rates not to exceed 6% annually.

FISCAL YEAR			APPROPRIATION/ SPENDING AUTHORITY	EXPENSES	APPROPRIATIO N LESS EXPENSES
2013			\$290,100	\$276,248	\$13,852
2014			\$290,100	\$242,531	\$47,569
2015			\$297,500	\$239,385	\$58,115
2016			\$301,300	\$235,573	\$65,727
2017			\$312,000	\$237,009	\$75,999
2018			\$313,500	\$263,282	\$50,218
2019			\$316,100	\$285,982	\$30,118
2020			\$330,300	\$276,000	\$54,300
2021			\$328,500	\$328,500	\$0

FISCAL YEAR	RCRDP REVENUE (ACTUAL OR PROJECTED)	TREASURY (REVENUE) (ACTUAL OR PROJECTED)	TOTAL REVENUE PROJECTED)	EXPENSES	REVENUE LESS EXPENSES
2013	\$238,480	\$20,233	\$258,713	\$276,248	(\$17,535)
2014	\$170,452	\$17,425	\$187,877	\$242,531	(\$54,654)
2015	\$136,047	*(\$13,660)	\$122,387	\$239,385	(\$116,998)
2016	\$112,267	\$32,619	\$144,886	\$235,573	(\$90,487)
2017	\$101,700	\$59,310	\$161,010	\$237,009	(\$75,999)
2018	\$90,592	\$101,207	\$191,799	\$266,282	(\$74,483)
2019	\$85,550	\$151,944	\$237,494	\$285,982	(\$48,488)
2020	\$82,142	\$137,461	\$219,603	\$276,015	(\$56,412)
2021	\$64,000	\$57,200	\$121,200	\$328,500	(\$207,300)
Change ('20-'21)	(\$18,142)	-\$80,261	(\$98,403)	\$52,485	(\$154,815)

\*Includes \$32,931 loss from Idaho Treasury Bond Losses

Assumes

- 2.56% average interest rate for RCRDP portfolio (2.72% in FY 20, 3.01% in FY 19, 3.17% in FY 18, 3.67% in FY 17)
- 0.8% estimated FY 2020 interest rate for treasury (cash) (1.97% in FY20, 2.25% in FY 19, 1.44% in FY 18, 0.85% in FY 17) ( 0.47 % in FY 16)

<b>RCRDP LOAN PORTFOLIO BALANCE AS OF 6-30-2020</b>	<b>\$ 2,496,840</b>	<b>2.56%</b>
<b>RCRDP TREASURY CASH BALANCE AS OF 6-30-2020</b>	<b>\$ 7,154,250</b>	<b>0.8%</b>
<b>RCRDP TOTAL LOAN PORTFOLIO &amp; CASH AS OF 6-30-2020</b>	<b>\$ 9,651,090</b>	<b>1.26%</b>

<b>FY 2020 Term &amp; Interest Rate Requests</b>	<ul style="list-style-type: none"> <li>• 5 - 2.75% - 7 year terms</li> <li>• 5 -3.0% - 10 year terms</li> <li>• 1 – 3.5 15 year term</li> <li>• 2.97% is Weighted Average Interest Rates of FY 2020 Approved Loans</li> </ul>																																				
<b>Farm Credit Ag Direct Interest Rates</b>	<ul style="list-style-type: none"> <li>• 3.5% - 7 years - \$75,000+</li> <li>• 5.5% - 10 years - \$75,000+</li> <li>• See attached FCS Ag Direct rate sheet for more details</li> </ul>																																				
<b>Interest Rate Trends</b>	<ul style="list-style-type: none"> <li>• 5 year treasury rates have increased . Currently 0.22%.</li> <li>• Ave. FY 14 1.55%</li> <li>• Ave FY 15 1.57%</li> <li>• Ave FY 16 1.44</li> <li>• Ave FY 17 1.62</li> <li>• Ave FY 18 2.46%</li> <li>• Ave FY 19 2.57%</li> <li>• Ave FY 20 1.19%</li> <li>• 10 year treasury rates have increased. Currently 0.56%.</li> <li>• Ave. FY 14 2.71%</li> <li>• Ave FY 15 2.23%</li> <li>• Ave FY 16 2.02%</li> <li>• Ave FY 17 2.09%</li> <li>• Ave FY 18 2.62%</li> <li>• Ave FY 19 2.74%</li> <li>• Ave FY 20 1.41%</li> <li>• The Federal Reserve reduced the Federal Funds Rate in FY 2020 by 2 percent to the target range of 0% to 0.25%.</li> <li>• Historical Federal Reserve Rates <table data-bbox="625 1155 1299 1365"> <tr> <td>FY 2020</td><td>1.00</td> <td>FY 2014</td><td>0.08</td> <td>FY 2008</td><td>3.71</td> </tr> <tr> <td>FY 2019</td><td>2.00</td> <td>FY 2013</td><td>0.14</td> <td>FY 2007</td><td>5.25</td> </tr> <tr> <td>FY 2018</td><td>1.75</td> <td>FY 2012</td><td>0.10</td> <td></td><td></td> </tr> <tr> <td>FY 2017</td><td>1.16</td> <td>FY 2011</td><td>0.16</td> <td></td><td></td> </tr> <tr> <td>FY 2016</td><td>0.26</td> <td>FY 2010</td><td>0.15</td> <td></td><td></td> </tr> <tr> <td>FY 2015</td><td>0.11</td> <td>FY 2009</td><td>0.70</td> <td></td><td></td> </tr> </table> </li> </ul>	FY 2020	1.00	FY 2014	0.08	FY 2008	3.71	FY 2019	2.00	FY 2013	0.14	FY 2007	5.25	FY 2018	1.75	FY 2012	0.10			FY 2017	1.16	FY 2011	0.16			FY 2016	0.26	FY 2010	0.15			FY 2015	0.11	FY 2009	0.70		
FY 2020	1.00	FY 2014	0.08	FY 2008	3.71																																
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FY 2015	0.11	FY 2009	0.70																																		
<b>Interest Rate Recommendations for FY 2021</b>	<ul style="list-style-type: none"> <li>• Reduce Rates by ¼ percent</li> <li>• 2.50%, 7 year term (new and used equipment)</li> <li>• 2.75%, 7 year term, high credit score, undersecured</li> <li>• 2.75%, 10 year term (new equipment and real estate)</li> <li>• 3.0% 10 year terms, high credit score, undersecured</li> <li>• 3.00%, 8 - 12 year term</li> <li>• 3.25%, 12 year term, high credit score, undersecured</li> <li>• 3.250 %, 13 – 15 year term</li> <li>• 3.50%, high credit score, undersecured</li> <li>• 5.0% Combination 1<sup>st</sup> lien equipment and 2<sup>nd</sup> mortgage</li> <li>• 6% second mortgages</li> </ul>																																				

**RECOMMENDED ACTION:**

- Approve interest rates and loan terms for FY 2021

**ATTACHMENT:**

- FCS Ag Direct rate sheet

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**PURCHASE & REFINANCE**

- New & used equipment

**LEASE**

- New & used equipment  
- Not available: Under \$10K, Variable rates

**AUCTION & PRIVATE PARTY**

- Used machinery & titled equipment  
- Purchase or refinance  
- Irrigation equipment not eligible  
- Sales price minimum of \$25k

**TITLED**

- New & used titled equipment  
- Purchase or refinance  
- Not eligible for leases  
- 2 to 5 year term

	TERMS	\$75,000+	\$25,000 TO \$74,999	\$10,000 TO \$24,999	\$5,000 TO \$9,999
<b>FIXED</b>	2 - 5 years	2.99%	3.99%	4.99%	6.99%
	6 - 7 years	3.49%	4.49%	5.49%	- - -
<b>VARIABLE**</b>	2 - 5 years	2.49%	2.99%	3.49%	5.49%
	6 - 7 years	2.49%	2.99%	3.49%	- - -



• \*All rates and terms are subject to credit approval. Free rate lock for 0 to 45 days. Applications not funded within 45 days of application date are subject to rate change. Contact AgDirect® for rate locks greater than 45 days.  
 • \*\*Variable rate is based on the Prime Rate plus or minus a fixed spread. This is subject to change as the Prime Rate changes. Variable rate not available for leases.  
 • AgDirect® reserves the right to cancel or change rates and terms at any time and without notice. Rates outlined herein are for informational purposes only. The final rate for each transaction will be set forth in the financing documents signed by the customer.  
 • AgDirect® is an equipment financing program offered by participating Farm Credit System Institutions with lease financing provided by Farm Credit Leasing Services Corporation  
 • DOCUMENTATION FEES: The maximum documentation fee (i.e., origination fee, document fee, processing fee, application fee, closing fee, or similar fee) for each AgDirect transaction shall be the lesser of \$300 or the amount allowed under applicable state law. All such fees for an AgDirect transaction shall be disclosed on the AgDirect financing documents; AgDirect/Financing Company shall receive up to the first \$150 of such fee, and Dealer's share, if any, will equal the remainder of the fee disclosed on the AgDirect financing documents.

## PURCHASE & REFINANCE

- New & used equipment

## LEASE

- New & used equipment
- Not available: Under \$10k, Variable rates

## TECHNOLOGY PRODUCTS

- Limited to 3-year term (Remote telemetry products)
- 25% minimum down payment

## CONVERSION PRODUCTS

- Sprinkler packages, panel upgrades, & conversion packages when sold separately & put on existing pivot
- Limited to a 5-year term
- 20% minimum down payment

	TERMS	\$75,000+	\$25,000 TO \$74,999	\$10,000 TO \$24,999	\$5,000 TO \$9,999
FIXED	2 - 5 years	2.99%	3.99%	4.99%	6.99%
	6 - 7 years	3.49%	4.49%	5.49%	- - -
	10 year	4.99%	5.49%	6.49%	- - -
VARIABLE**	2 - 5 years	2.49%	2.99%	3.49%	5.49%
	6 - 10 years	2.49%	2.99%	3.49%	- - -

Free 45-day rate commitment. Applications not funded within 45 days from time of application are subject to rate change. Contact AgDirect® for rate locks greater than 45 days.



- \*All rates and terms are subject to credit approval. Free rate lock for 0 to 45 days. Applications not funded within 45 days of application date are subject to rate change. Contact AgDirect® for rate locks greater than 45 days.
- \*\*Variable rate is based on the Prime Rate plus or minus a fixed spread. This is subject to change as the Prime Rate changes. Variable rate not available for leases.
- 10-year term not available for leases.
- Zero down option - new pivots only.
- AgDirect® reserves all rights to cancel or change rates and terms at any time and without notice. Rates outlined herein are for informational purposes only. The final rate for each transaction will be set forth in the financing documents signed by the customer.
- USED PIVOTS - 20% down payment required. No financing for soft costs. 7-year term option for pivots less than 2 years old, otherwise 5-year max term. Leases restricted to \$10.00 residual.
- Down payment requirements are flexible and based on credit quality.
- Complete legal description, real estate title holder and invoice are required at application.
- SOFT COST (well, underground pipe/wire, dirt-work, concrete and any parts located below ground) financing is allowed, but is limited to 20% above and beyond HARD COST (pivot, pump, variable frequency drive, and any parts above ground that have a serial number) financed in the project. This amount is based on credit quality.
- Customer should always consult with a tax professional for advice on financing or leasing options and tax implications.
- AgDirect® is an equipment financing program offered by participating Farm Credit System Institutions with lease financing provided by Farm Credit Leasing Services Corporation.
- DOCUMENTATION FEES: The maximum documentation fee (i.e., origination fee, document fee, processing fee, application fee, closing fee, or similar fee) for each AgDirect transaction shall be the lesser of \$300 or the amount allowed under applicable state law. All such fees for an AgDirect transaction shall be disclosed on the AgDirect financing documents; AgDirect/Financing Company shall receive up to the first \$150 of such fee, and Dealer's share, if any, will equal the remainder of the fee disclosed on the AgDirect financing documents.



**SOIL & WATER  
CONSERVATION  
COMMISSION**

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Chairman

Cathy Roemer  
Vice Chairman

Erik Olson  
Secretary

Gerald Trebesch  
Commissioner

Wendy Pratt  
Commissioner

Teri Murrison  
Administrator

**MEMO**

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, TREBESCH,  
OLSON AND PRATT**  
**FROM: CORRINE DALZELL, RULES REVIEW OFFICER**  
**DATE: AUGUST 3, 2020**  
**RE: RULEMAKING UPDATES**

Rulemaking for the CY2020-2021 Legislative Session

DFM will be publishing the fee rules as proposed in a special edition of the Idaho Administrative Bulletin in September 2020. (Our temporary rules will remain in effect and continue to have the full force and effect of law.)

Our agency will need to submit both a Notice of Proposed Omnibus Fee Rulemaking and a Proposed Rule Cost-Benefit Analysis to DFM by August. A completed draft of this document is attached to this memo for your reference.

Once the proposed rule bulletin has been published, IF comments are received or an oral presentation is requested within 14 days of publication. We also have the option of being proactive and scheduling a public hearing in the notice of proposed fee rulemaking.

**REQUESTED ACTION:** Approve the Proposed Rule Bulletin Notice and Cost-Benefit Analysis documents for submittal to DFM

**ATTACHMENTS:**

- Notice of Proposed Fee Rule for September 2020 Bulletin
- Proposed Rule Cost-Benefit Analysis

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**IDAPA 60 – IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION  
DOCKET NO. 60-0000-2000F (FEE RULE)**

**NOTICE OF OMNIBUS RULEMAKING - PROPOSED ~~FEE~~ RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 22-2718, 22-2727, AND 22-2730, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

**This section only if a Public Hearing is being Scheduled:** Public hearing(s) concerning this rulemaking will be held as follows:

*(Include the following information for the scheduled public hearing:)*

**DATE – TIME - LOCATION**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of the purpose of the proposed rulemaking:

This proposed rulemaking re-publishes the following existing temporary rule chapters previously submitted to and reviewed by the Idaho Legislature under IDAPA 60, rules of the Idaho State Soil and Water Conservation Commission:

IDAPA 60

- 60.05.01, Rules of the Idaho State Soil and Water Conservation Commission

**FEE SUMMARY:** This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules. Rule 60.05.01.102.05 states, “[t]he applicant is required to cover all costs incurred for loan closure, title insurance, and recording fees.”

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2021 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the proposed rules attached hereto.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Corrine Dalzell, Rules Review Officer, (208) 332-1792.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho

Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

DATED this August 19, 2020.

Corrine Dalzell  
Rules Review Officer  
Idaho Soil & Water Conservation Commission  
322 E. Front St., Suite 560  
P.O. Box 83720  
Boise, Idaho 83720-0083  
Phone: (208) 332-1792  
Fax: (208) 332-1799

# PROPOSED RULE COST/BENEFIT ANALYSIS

ITEM #11-2

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** Idaho State Soil and Water Conservation Commission

**Agency Contact:** Corrine Dalzell, Rules Review Officer      **Phone:** (208) 332-1792

**Date:** August 01, 2020

**IDAPA, Chapter and Title Number and Chapter Name:** IDAPA 60, 60.05.01 – Rules of the Idaho State Soil and Water Conservation Commission

**Rule Status:**   X   Proposed         Temporary

**Rulemaking Docket Number:** 60-0000-2000F

**STATEMENT OF ECONOMIC IMPACT:** {This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules. Rule 60.05.01.102.05 states, “[t]he applicant is required to cover all costs incurred for loan closure, title insurance, and recording fees.”} (We do not anticipate a negative fiscal impact. With a larger loan limit, the dedicated program funds will better meet the needs of the agricultural community.) [This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.]

**Guidance on how to prepare the C/B Analysis** – if your fees are remaining the same as they were submitted for legislative review during the 2020 legislative session, simply put what the fee amount is, title for the fee, and that the fees are unchanged from the previous year’s temporary fee rule.

**If you have are changing from what was submitted for legislative review during the 2020 session, here are some examples of how to prepare the C/B Analysis:**

**Example 1 from Dentistry**

**STATEMENT OF ECONOMIC IMPACT:** Negative fiscal impact to the Board of Dentistry’s dedicated fund is estimated at \$4,000 for costs associated with rulemaking, legal fees, and changes to the Board’s licensing database. There is no immediate expectation of revenue from dental therapist license and application fees.

**Example 2 from Veterinary Medicine**

**STATEMENT OF ECONOMIC IMPACT:** These fee changes are needed to preserve a cash positive position in order to maintain the operational budget of the Board. The impetus for these fee changes is the incremental increase of business (legal fees, employee benefits, rent, risk insurance, etc.) Pursuant to the authority provided in Section 54-2105, Idaho Code, the Board of Veterinary Medicine is proposing fee increases of \$65 to veterinary license renewals, \$75 veterinary original licenses, and \$10 veterinary technician certification renewals. Veterinary license verification fees of \$20 will be eliminated. The Board is also proposing to eliminate license fees and renewal fees for active or returning from active duty military personnel. The fee increases go along with proposed statutory changes that will allow for endorsement nationwide as well as less restrictive licensing requirements. The Board estimates generating about \$65,000 per year (\$58,500 veterinary license renewal, \$3,300 veterinary original license, \$2,500 veterinary technician certification renewal) and losing roughly \$500 from elimination of license verification fees.

**Example 3 from the Brands Board**

**STATEMENT OF ECONOMIC IMPACT:** This will not have a negative fiscal impact on the State General Fund, as we are dedicated funds. An estimated \$473,000 will be generated by the Idaho Livestock Industry.



**SOIL & WATER  
CONSERVATION  
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Gerald Trebesch  
Commissioner

Wendy Pratt  
Commissioner

Teri Murrison  
Administrator

**MEMO**

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER, TREBESCH,  
OLSON AND PRATT**  
**FROM: CORRINE DALZELL, RULES REVIEW OFFICER**  
**DATE: AUGUST 3, 2020**  
**RE: STATUTE UPDATES**

In April, we received a memo from DFM notifying us that the Governor has requested each agency to extend the efforts of Executive Order 2019-02, Red Tape Reduction Act, to legislation within our agency's subject area. We were directed to submit a legislative idea that seeks to eliminate outdated or unnecessary provisions within your area of Idaho Code.

Staff and counsel have examined Title 22, Chapter 27 and identified the following changes for your consideration. For the most part (with the exception of the removal of OnePlan), the changes are minor.

1. Eliminated OnePlan from statute because the program is now defunct.
2. Removing "Soil" and "Soil and Water" from the statute referring to districts and the Commission, standardizing all references instead as "Conservation Districts" and "Conservation Commission".

The proposed draft legislation is due to DFM by the August 14<sup>th</sup> deadline. Staff recommends your Board invites public input on this item and considers approving the proposed changes as submitted.

**REQUESTED ACTION:** Approve recommended changes to statute and authorize staff to submit to DFM for review to allow the proposed changes to be presented to the Legislature for consideration in the 2021 Session.

**ATTACHMENTS:**

- EALS Memo 2020
- Title 22 Proposed Changes Final Draft

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State of Idaho  
**DIVISION OF FINANCIAL MANAGEMENT**  
 Executive Office of the Governor

BRAD LITTLE  
 Governor  
 ALEX J. ADAMS  
 Administrator

ITEM #12-1

April 10, 2020

**MEMORANDUM**

TO: Agency Directors  
 Executive Legislation Contacts

FROM: Alex J. Adams, Administrator  
 Division of Financial Management

SUBJECT: **Executive Agency Legislative System (EALS) – 2020 Procedures**

All legislation an agency is involved in must be reviewed and approved by the Governor’s Office to determine consistency with gubernatorial policies, and to assess the impact on state agencies and the public. **All** legislation bearing an agency name, or agency employee name, must go through the Executive Agency Legislation System (EALS) process.

**Manual**

Enclosed is the 2020 Executive Agency Legislation process manual which provides updated instructions on developing legislation. The following deadlines apply for all legislation agencies intend to bring forth during the 2021 Idaho legislative session:

Activity	Deadline
Last Day to Preview Idea with Governor Office Contact and DFM Analyst	June 12, 2020
Last Day to Submit Legislative Ideas	July 10, 2020
Last Day to Submit Proposed Legislation (If Idea is Approved)	August 14, 2020
Last Day to Submit Legislative Sponsor (If Proposed Legislation is Approved)	December 11, 2020

The manual provides information about the mechanics of drafting legislation and the review and approval process undertaken. **All** executive branch agencies, including all boards and commissions, must submit legislation through this process.

One key change this year is the requirement that you must meet with your Governor’s Office contact and DFM analyst **prior to submitting** the legislative idea form. This is especially important for those ideas that would impact the state General Fund, add regulatory burdens, require new rulemaking, or would likely receive opposition from stakeholders. These meetings must occur by **June 12**.

## Prioritized Agency Legislation

The administration has prioritized the following agency legislation:

- **Red Tape Reduction Legislation:** Agencies did a great job simplifying and eliminating obsolete regulations in 2019. The Governor has requested that agencies extend these efforts to legislation within your agency's subject area. **Each agency shall submit a legislative idea that seeks to eliminate outdated or unnecessary provisions within your area of Idaho Code.** While we recognize cleaning up obsolete and unneeded statutes will be a multi-year effort, please begin the process this year and submit one omnibus legislative idea per agency to eliminate obsolete code.
- **Licensing Freedom Act Legislation:** As part of the LFA, agencies identified more than 240 recommendations to eliminate barriers to entry or renewal of licenses, enhance portability and mobility, or otherwise remove restrictions on Idahoans. Agencies should move forward with those recommendations that require legislation as part of the 2020 submission.
- **Legislation to Advance Governor's Priorities.** Last year, each agency submitted key objectives outlining how their organization will advance the Governor's priorities. Legislation necessary to advance these key objectives is encouraged.

## EALS Link

The Executive Agency Legislative System (EALS) may be accessed at <http://apps.dfm.idaho.gov/eals>. If you need a user ID and password for EALS, go to this link: <http://apps.dfm.idaho.gov/eals/login.aspx> and click "to request EALS access." Questions about the EALS system and process may be directed to Colby Cameron ([colby.cameron@dfm.idaho.gov](mailto:colby.cameron@dfm.idaho.gov) or 208-854-3052). Questions about legislation content should be directed to your assigned Governor's Office contact and your assigned DFM analyst.

Enclosures

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TITLE 22  
AGRICULTURE AND HORTICULTURE

CHAPTER 27  
~~SOIL~~-CONSERVATION DISTRICTS

22-2714. PAYMENTS OF FEDERAL AID TO VARIOUS COUNTIES BY STATE CONTROLLER. The state controller is hereby authorized and directed to draw his warrant in favor of the counties to whom payment should be made pursuant to the Act of Congress of July 24, 1946 (60 Stat. 642, 33 U.S.C.A. 701-C-3) and forward the same to the treasurer of the county to which such funds are allocated under the terms of the aforementioned federal statute, to be by the treasurer of said county deposited in the public school fund of said county.

[22-2714, added 1953, ch. 157, sec. 1, p. 252; am. 1994, ch. 180, sec. 19, p. 434.]

22-2715. SHORT TITLE. This act may be known and cited as the ~~soil~~-conservation district law.

[22-2715, added 1957, ch. 218, sec. 1, p. 476.]

22-2716. LEGISLATIVE DETERMINATION AND DECLARATION OF POLICY. (1) It is the determination of the state of Idaho that:

(a) Forest lands, rangelands and agricultural lands maintained in a healthy condition are a legitimate land use contributing to the economic, social and environmental well-being of the state and its citizens;

(b) It is essential to the general welfare of all citizens of this state that multiple use conservation improvements be implemented on a broader scale on both public and private lands;

(c) Due to numerous economic and practical issues relating to the improvements of individual tracts of land, ~~both~~-public and private resource conservation improvements, projects and programs of the nature contemplated by this chapter would enhance the economic productivity and environmental quality of the state; and

(d) It is sound public policy for the state of Idaho to provide for accounts to finance loans, grants, cost-share funding and tax incentives to the end that forest lands, rangelands and agricultural lands within the state can provide the greatest benefit to all concerned.

(2) It is the intent of the state of Idaho to provide a means by which funds, including federal, state, private and other moneys, can be obtained and utilized for the accelerated development of water quality programs, multiple use forest land, rangeland, and agricultural land conservation improvements in the state, and to provide that these improvements, projects and programs be locally planned, coordinated and implemented through statutory provisions pertaining to ~~soil~~-conservation districts, the ~~state soil and water~~-conservation commission, appropriate state and federal agencies and the owners and operators of privately owned lands.

(3) It is in the best interest of the state of Idaho:

(a) To emphasize nonregulatory, science-based technical assistance, incentive-based financial programs and informational and educational programs at the local level;

(b) To maintain, preserve, conserve and rehabilitate forest lands, rangelands and agricultural lands to assure the protection and productivity of the state's natural resources;

(c) That ~~soil~~-conservation districts, as governmental subdivisions, and the ~~state soil and water~~ conservation commission, as a state agency, are the primary entities to provide assistance to private landowners and land users in the conservation, sustainment, improvement and enhancement of Idaho's natural resources;

(d) To establish policies for cooperative working relationships between local ~~soil~~-conservation districts, the ~~state soil and water~~ conservation commission, local, state and federal agencies and public and private groups to plan, develop and implement conservation goals and initiatives with local landowners and land users;

(e) That ~~soil~~-conservation districts and the ~~state soil and water~~ conservation commission lead nonregulatory efforts to conserve, sustain, improve and enhance Idaho's private and state lands and to provide assistance to private landowners and land users to plan, develop and implement conservation plans addressing soil, water, air, plant and animal resources. Technical, financial and educational assistance to landowners and land users is vital to that effort; and

(f) That the ~~state soil and water~~ conservation commission provide support to ~~soil~~-conservation districts in the wise use and enhancement of soil, water and related resources.

(4) It is the policy of the state of Idaho:

(a) To provide appropriate tax policies and program mechanisms that provide incentives for private landowners and land users to voluntarily manage forest lands, rangelands and agricultural lands in a manner that promotes conservation;

(b) That the health, safety and general welfare of the people of this state can be greatly enhanced by providing nonregulatory opportunities to landowners and land users in order to increase the ability of such landowners and land users to readily understand and plan for local, state and federal natural resource requirements and opportunities through technological innovation and processes;

(c) To enhance natural resource productivity in order to promote a strong natural resource sector, reduce unintended adverse effects of resource development and use, protect individual and community health and safety and encourage stewardship;

(d) That conservation plan implementation shall include best management practices implemented according to the standards and specifications developed by the United States department of agriculture natural resources conservation service (NRCS) as designated by the agricultural pollution abatement plan. Those practices shall include, but not be limited to: irrigation water management systems; prescribed grazing; forest stand improvement; establishment of grass, trees and shrubs to reduce wind and water erosion; promotion of sound community development; protection of water and air resources from agricultural nonpoint sources of impairment; maintenance, restoration or enhancement of wetlands and fish and wildlife habitat; protection of upstream watersheds from flood risk; and protection of watersheds from the effects of chronic water shortages and risks; and

That all conservation programs authorized pursuant to this chapter shall deliver services fairly and equitably, strengthen the conservation district delivery system, provide timely science-based information and provide conservation information and educational programs and experiences to youth and adults.

[22-2716, added 2003, ch. 107, sec. 2, p. 335; am. 2010, ch. 279, sec. 1, p. 719.]

22-2717. DEFINITIONS. Whenever used or referred to in this chapter, unless a different meaning clearly appears from the context:

(1) "Administrator" means the administrator for the Idaho ~~state soil and water~~ conservation commission.

(2) "Agency" includes the government of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this state.

(3) "Agricultural pollution abatement plan" or "ag plan" means the document developed by the ~~state soil and water~~ conservation commission and approved by the commission and the department of environmental quality, that provides appropriate technical, programmatic, informational and educational processes, guidelines and policies for addressing agricultural pollution.

(4) "Best management practices" or "BMPs" means practices, techniques, or measures developed or identified by the designated agency and identified in the state water quality management plan which are determined to be a cost effective and practicable means of preventing or reducing pollutants generated from nonpoint sources to a level compatible with water quality goals.

(5) (5) "Commission" or "state soil conservation commission," formally known as "state soil and water conservation commission" or "state soil conservation commission," means the agency created in section 22-2718, Idaho Code.

~~(5) "Commission" or "state soil and water conservation commission" means the agency created in section 22-2718, Idaho Code.~~

(6) "Conservation plan" means a description of identified natural resource issues and a specific schedule of implementation of component practices necessary to resolve those specific resource issues as agreed upon by the landowner.

(7) "Designated agency" is as defined in section 39-3602, Idaho Code.

(8) "District," "conservation district," "soil conservation district," or "soil and water conservation district" means a governmental subdivision(s) of this state, and a public body corporate and politic, organized in accordance with the provisions of this chapter, for the purposes, with the powers and subject to the restrictions hereinafter set forth.

(9) "Due notice" means notice published at least twice, with an interval of at least seven (7) days between the two (2) publication dates, in a newspaper or other publication of general circulation within the appropriate area, or if no such publication of general circulation be available, by posting at a reasonable number of conspicuous places within the appropriate area, such posting to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs generally. At any hearing held pursuant to such notice, at the time and place designated in such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjournment dates.

(10) "Eligible applicant" means an individual agricultural owner, operator, partnership, corporation, conservation district, irrigation district, canal company or other agricultural or grazing interest.

(11) "Government" or "governmental" includes the government of this state, the government of the United States, and any subdivisions, agency, or instrumentality, corporate or otherwise, of either of them.

~~(12) "Idaho OnePlan" means a computer based system for improving efficiency and effectiveness of natural resource planning by landowners and land users.~~

~~(13)~~(12) "Landowner" or "owner" includes any person, firm, or corporation who shall hold title to any lands lying within a district organized under the provisions of this chapter. A buyer on contract, who is the occupier of land, shall be construed as landowner.

~~(14)~~(13) "Land user" means any entity with a lease, permit or similar business agreement with a landowner to implement, manage or utilize such land for activities related to use of the land.

~~(15)~~(14) "Natural resources conservation service" or "NRCS" means the agency governed by the provisions of 16 U.S.C. sections 590a through 590d and 590f.

~~(16)~~(15) "Nominating petition" means a petition filed under the provisions of section 22-2721, Idaho Code, to nominate candidates for the office of supervisor of a soil conservation district.

~~(17)~~(16) "Participant" means an individual agricultural owner, operator, partnership, private corporation, conservation district, irrigation district, canal company, or other agricultural or grazing interest approved by the commission or an individual agricultural owner, operator, partnership, or private corporation approved for implementation of conservation improvements, projects, or the water quality program for agriculture.

~~(18)~~(17) "Petition" means a petition filed under the provisions of subsection (1) of section 22-2719, Idaho Code, for the creation of a district.

~~(19) "Project sponsor" means a conservation district, irrigation district, canal company, or other agricultural or grazing interest, as determined appropriate by the commission, that enters into a conservation improvement or water quality project agreement with the commission.~~

~~(20)~~(18) "Qualified elector" means any person who is qualified to vote pursuant to the requirements of section 34-104, Idaho Code.

~~(21)~~(19) "Riparian land" means the beds of streams, the adjacent vegetation communities and the land thereunder, which are predominately influenced by their association with water and are privately owned.

~~(22)~~(20) "Specifications" means the materials, operations and procedures necessary to obtain the desired standards of construction and installation.

~~(23)~~(21) "Standards" means the minimum limits of technical excellence of a component practice for its planning, design and construction.

~~(24)~~(22) "State" means the state of Idaho.

~~(25)~~(23) "Supervisor" means one (1) of the members of the governing body of a district elected or appointed in accordance with the provisions of this chapter.

~~(26)~~(24) "Total maximum daily load" is as defined in section 39-3602, Idaho Code.

~~(27)~~(25) "United States" or "agencies of the United States" includes the United States of America, the natural resources conservation service of the United States department of agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

[22-2717, added 1957, ch. 218, sec. 3, p. 476; am. 1982, ch. 254, sec. 1, p. 646; am. 1995, ch. 118, sec. 7, p. 429; am. 1997, ch. 180, sec. 2, p. 500; am. 2000, ch. 160, sec. 2, p. 406; am. 2003, ch. 107, sec. 3, p. 336; am. 2010, ch. 279, sec. 2, p. 721.]

Commented [CKS1]: I don't see this phrased used anywhere in this chapter

22-2718. IDAHO ~~STATE SOIL AND WATER~~ CONSERVATION COMMISSION. (1) There is hereby established and created in the department of agriculture of the state of Idaho the Idaho ~~state soil and water~~ conservation commission which shall perform all functions conferred upon it by this chapter and shall be a nonregulatory agency. The commission shall consist of five (5) members appointed by the governor. In appointing commission members, the governor shall give consideration to geographic representation. Commission members shall be chosen with due regard to their demonstrated expertise including, but not limited to, knowledge of and interest in water quality and other natural resource issues, production agriculture, banking or other similar financial experience or experience as a county commissioner. The ~~soil and water~~ conservation districts may submit to the governor a list of up to three (3) names for each vacancy on the commission and the governor may, in his discretion, consider any such submission in the appointment of commission members. The term of office of each commission member shall be five (5) years; except that upon July 1, 2010, the governor shall appoint one (1) member for a term of one (1) year, one (1) member for a term of two (2) years, one (1) member for a term of three (3) years, one (1) member for a term of four (4) years and one (1) member for a term of five (5) years. From and after the initial appointment the governor shall appoint a member of the commission to serve in office for a term of five (5) years commencing upon July 1 of that year. A vacancy which occurs in an unexpired term shall be filled for its remainder by the governor's appointment. Each vacancy on the commission shall be filled by appointment by the governor. Such appointments shall be confirmed by the senate. Commission members shall serve at the pleasure of the governor. The commission may invite the state conservationist of the United States department of agriculture natural resources conservation service, a representative from a district or districts and the dean of the college of agriculture of the university of Idaho or his designated representative, or any other person or entity as the commission deems appropriate, to serve as nonvoting advisory members of the commission. The commission shall keep a record of its official actions, shall adopt a seal, which seal shall be judicially noticed, and may perform such acts, hold such public hearings and promulgate such rules as may be necessary for the execution of its functions under this chapter.

(2) The ~~state soil and water~~ conservation commission shall appoint the administrator of the ~~state soil and water~~ conservation commission. The ~~state soil and water~~ conservation commission may employ such technical experts and such other agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. The commission may call upon the attorney general of the state for such legal services as it may require. It shall have authority to delegate to its chairman, to one (1) or more of its members, or to one (1) or more agents or employees, such powers and duties as it may deem proper. The commission may establish offices, incur expenses, enter into contracts and acquire services and personal property as may be reasonable for the proper administration and enforcement of this chapter. Upon request of the commission, for the purpose of carrying out any of its functions, the supervising officer of any state agency, or of any state institution of learning, shall insofar as may be possible under available appropriation, and having due regard to the needs of the agency to which the request is directed, assign or detail to the commission members of the staff or personnel of such agency or

institution of learning, and make such special reports, surveys or studies as the commission may request.

(3) The commission shall designate its chairman, and may from time to time, change such designation. A majority of the commission shall constitute a quorum and the concurrency of a majority in any matter within their duties shall be required for its determination. The chairman and members of the commission shall be compensated as provided by section [59-509\(h\)](#), Idaho Code. The commission shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, and orders issued or adopted; and shall provide for a periodic management review of the accounts of receipts and disbursements as determined by the legislative auditor pursuant to section [67-702](#), Idaho Code.

(4) In addition to the duties and powers hereinafter conferred upon the ~~state soil and water~~ conservation commission, it shall have the following responsibilities:

(a) To offer such assistance as may be appropriate to the supervisors of ~~soil~~ conservation districts in the carrying out of any of their powers and programs.

(b) To keep the supervisors of each of the several ~~soil~~ conservation districts informed of the activities and experience of all other ~~soil~~ conservation districts and to facilitate an interchange of advice and experience between such districts and cooperation between them.

(c) To coordinate the progress of the several ~~soil~~ conservation districts so far as this may be done by advice and consultation.

(d) To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this state, in the work of such districts.

(e) To disseminate information throughout the state concerning the activities and programs of the ~~soil~~ conservation districts in areas where their organization is desirable.

~~(f) To provide for the establishment and encouragement of the "Idaho OnePlan" as a primary computer based conservation planning process for all natural resource concerns. Establishment and encouragement will be accomplished through an executive group and steering committee both containing private, state and federal representation. The information provided by those using the "Idaho OnePlan" shall be deemed to be trade secrets, production records or other proprietary information and shall be kept confidential and shall be exempt from disclosure pursuant to section [74-107](#), Idaho Code.~~

(5) In addition to other powers, functions and duties ~~of soil conservation districts and the state soil and water conservation commission~~ provided in this chapter, the [conservation](#) commission shall have the following additional powers, functions and duties:

(a) The commission shall conduct, in cooperation with appropriate federal and state agencies and the owners and operators of privately owned forest lands, rangelands and agricultural lands in this state, conservation improvements on or in respect to these lands for the purposes of implementing conservation systems to conserve and improve natural resource conditions;

(b) The commission shall assist and advise ~~soil~~ conservation districts and other entities in implementing the conservation improvements,

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projects and the water quality program for agriculture. To the extent that there are available general funds, the commission shall provide for grants and cost-share opportunities and, as legislatively designated, utilize the resource conservation and rangeland development fund for loans for conservation improvements. Provided however, that the commission shall determine whether general or resource conservation and rangeland development funds are available before approving any conservation improvements, projects and cost-share opportunities and, after having made such determination, shall enter into the necessary contracts for implementation;

(c) The commission shall be the agency responsible for the administration of funds accruing to the resource conservation and rangeland development fund and for all general funds appropriated as a separate and distinct action of the legislature to implement the powers, functions and duties of ~~soil~~-conservation districts and the commission;

(d) On or before March 1 of each year, the commission shall report to the senate agricultural affairs committee and the house agricultural affairs committee; and

(e) The commission shall promulgate such rules as are necessary to carry out the purposes of this chapter.

[22-2718, added 1957, ch. 218, sec. 4, p. 476; am. 1967, ch. 28, sec. 1, p. 48; am. 1971, ch. 100, sec. 1, p. 215; am. 1974, ch. 17, sec. 2, p. 308; am. 1980, ch. 247, sec. 10, p. 588; am. 1989, ch. 109, sec. 1, p. 250; am. 1997, ch. 180, sec. 3, p. 501; am. 2000, ch. 160, sec. 3, p. 407; am. 2003, ch. 107, sec. 4, p. 339; am. 2010, ch. 279, sec. 3, p. 723; am. 2015, ch. 141, sec. 33, p. 408; am. 2017, ch. 130, sec. 1, p. 304.]

22-2719. CREATION OF ~~SOIL~~-CONSERVATION DISTRICTS. (1) Any twenty-five (25) owners of land lying within the limits of the territory proposed to be organized into a district may file a petition with the ~~state soil and water~~ conservation commission asking that a ~~soil~~-conservation district be organized to function in the territory described in the petition. Such petition shall set forth:

(a) The proposed name of said district;

(b) That there is need, in the interest of the public health, safety and welfare, for a ~~soil~~-conservation district to function in the territory described in the petition;

(c) A description of the territory proposed to be organized as a district, which description shall not be required to be given by metes and bounds or by legal subdivisions, but shall be deemed sufficient if generally accurate;

(d) A request that the ~~state soil and water~~-conservation commission duly define the boundaries for such district; that a referendum be held within the territory so defined on the question of the creation of a ~~soil~~-conservation district in such territory; and that the commission determine that such a district be created.

Where more than one (1) petition is filed covering parts of the same territory, the ~~state soil and water~~-conservation commission may consolidate all of any such petitions.

(2) Within thirty (30) days after such petition has been filed with the ~~state soil and water~~-conservation commission, it shall cause due notice to be given of a proposed hearing upon the question of the desirability and necessity, in the interest of the public health, safety and welfare, of the cre

ation of such district, upon the question of the appropriate boundaries to be assigned to such district, upon the propriety of the petition and other proceedings taken under this chapter, and upon all questions relevant to such inquiries. All owners of land within the limits of the territory described in the petition, and of lands within any territory considered for addition to such described territory, and all other interested parties, shall have the right to attend such hearings and to be heard. If it shall appear upon the hearing that it may be desirable to include within the proposed district territory outside of the area within which due notice of the hearing has been given the hearing shall be adjourned and the due notice of further hearing shall be given throughout the entire area considered for inclusion in the district, and such further hearing held. After such hearing, if the commission shall determine upon the facts presented at such hearing and upon such other relevant facts and information as may be available, that there is need in the interest of the public health, safety and welfare, for a ~~soil~~-conservation district to function in the territory considered at the hearing, it shall make and record such determination, and shall define by metes and bounds or by legal subdivisions, the boundaries of such district. In making such determination and in defining such boundaries, the commission shall give due weight and consideration to the topography of the area considered and of the state, the composition of soils therein, the distribution of erosion, the prevailing land use practices, the desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive from being included within such boundaries, the relation of the proposed area to the existing watersheds and agricultural regions, and to other ~~soil~~-conservation districts already organized or proposed for organization under the provisions of this chapter, and such other physical, geographical, and economic factors as are relevant, having due regard to the legislature determinations set forth in section 22-2716, Idaho Code. The territory to be included within such boundaries need not be contiguous. If the commission determines after such hearing, after due consideration of the said relevant facts, that there is no need for a ~~soil~~-conservation district to function in the territory considered at the hearing, it shall make and record such determination and shall deny the petition. After six (6) months shall have expired from the date of the denial of such petition, subsequent petitions covering the same or substantially the same territory may be filed as aforesaid and new hearings held and determinations made thereon.

(3) After the commission has made and recorded a determination that there is need, in the interest of the public health, safety and welfare, for the organization of a district in a particular territory and has defined the boundaries thereof, it shall consider the question whether the operation of a district within such boundaries with the powers conferred upon ~~soil~~-conservation districts in this chapter is administratively practicable and feasible. To assist the commission in the determination of such administrative practicability and feasibility, it shall be the duty of the commission, at the next election held after entry of the finding that there is need for the organization of the proposed district and the determination of the boundaries thereof, to hold a referendum, subject to the provisions of section 34-106, Idaho Code, within the proposed district upon the proposition of the creation of the district, and to cause notice of such election to be given as provided in section 34-1406, Idaho Code. The question shall be submitted by ballots upon which the words "For creation of a soil conservation district of the lands below described and lying in the county(ies) of .... and ...." and "Against creation of a ~~soil-conservation district~~ of the lands below described and lying in the county(ies) of .... and ...." shall appear, with a square before each proposition and a

direction to insert an X mark in the square before one or the other of said propositions as the voter may favor or oppose creation of such district. The ballot shall set forth the boundaries of such proposed district as determined by the commission. All qualified electors who own lands or reside within the proposed district shall be eligible to vote in said referendum.

(4) The commission shall pay all expenses for the issuance of such notice and the conduct of such hearings and election and shall supervise the conduct of such hearings and election. It shall issue appropriate regulations governing the conduct of such hearings and election. No informalities in the conduct of the election or in any matter relating thereto shall invalidate the election or the result thereof if notice thereof shall have been given substantially as herein provided and the election shall have been fairly conducted.

(5) The commission shall publish the result of the election and shall thereafter consider and determine whether the operation of the district within the defined boundaries is administratively practicable and feasible. If the commission determines that the operation of such district is not administratively practicable and feasible, it shall record such determination and deny the petition. If the commission determines that the operation of such district is administratively practicable and feasible, it shall record such determination and shall proceed with the organization of the district in the manner hereinafter provided. In making such determination the commission shall give due regard and weight to the attitudes of the owners of lands lying within the defined boundaries, the number of landowners and qualified electors eligible to vote in the election who shall have voted, the proportion of the votes cast in the election in favor of the creation of the district to the total number of votes cast, the approximate wealth and income of the landowners of the proposed district, the probable expense of carrying on erosion control and other conservation operations within such district, and such other economic and social factors as may be relevant to such determination, having due regard to the legislative determination set forth in section [22-2716](#), Idaho Code; provided however, the commission shall not have authority to determine that the operation of the proposed district within the defined boundaries is administratively practicable and feasible unless at least a majority of the votes cast in the election upon the proposition of creation of the district shall have been cast in favor of the creation of such district.

(6) If the commission determines that the operation of the proposed district within the defined boundaries is administratively practicable and feasible, it shall appoint two (2) supervisors to act, with the three (3) supervisors elected as provided hereinafter, as the governing body of the district. Such district shall be a governmental subdivision of this state and a public body corporate and politic, upon the taking of the following proceedings:

- (a) The two (2) appointed supervisors shall present to the secretary of state an application signed by them which shall set forth (and such application need contain no detail other than the mere recitals): (i) that a petition for the creation of the district was filed with the ~~state soil and water~~ conservation commission pursuant to the provisions of

this chapter and that the proceedings specified in this chapter were taken pursuant to such petition; that the application is being filed in order to complete the organization of the district as a governmental subdivision and a public body, corporate and politic, under this chapter; and that the commission has appointed them as supervisors; (ii) the name and official residence of each of the supervisors, together with a certified copy of the appointments evidencing their right to office; (iii) the term of office of each of the supervisors; (iv) the name which is proposed for the district; and (v) the location of the principal office of the supervisors of the district. The application shall be subscribed and sworn to by each of the said supervisors before an officer authorized by the laws of this state to take and certify oaths, who shall certify upon the application that he personally knows the supervisors and knows them to be the officers as affirmed in the application, and that each has subscribed thereto in the officer's presence.

(b) The application shall be accompanied by a statement by the ~~state soil and water~~ conservation commission, which shall certify (and such statement need contain no detail other than the mere recitals) that a petition was filed, notice issued and hearing held as aforesaid; that the commission did duly determine that there is need, in the interest of the public health, safety and welfare, for a ~~soil~~ conservation district to function in the proposed territory and did define the boundaries thereof; that notice was given and an election held on the question of the creation of such district, and that the result of the election showed a sixty percent (60%) majority of the votes cast in the election to be in favor of the creation of the district; that thereafter the commission did duly determine that the operation of the proposed district is administratively practicable and feasible. The said statement shall set forth the boundaries of the district as they have been defined by the commission.

(c) The secretary of state shall examine the application and statement and, if he finds that the name proposed for the district is not identical with that of any other ~~soil~~ conservation district of this state or so nearly similar as to lead to confusion or uncertainty, he shall receive and file them and shall record them in an appropriate book of record in his office.

(d) If the secretary of state finds that the name proposed for the district is identical with that of any other soil conservation district of this state, or so nearly similar as to lead to confusion and uncertainty, he shall certify such fact to the ~~state soil and water~~ conservation commission which shall thereupon submit to the secretary of state a new name for the said district, which shall not be subject to such defects. Upon receipt of such new name free of such defects, the secretary of state shall record the application and statement with the name so modified, in an appropriate book of record in his office. When the application and statement have been made, filed and recorded, as herein provided, the district shall constitute a governmental subdivision of this state and a public body corporate and politic. The secretary of state shall make and issue to the said supervisors a certificate under the seal of the state, of the due organization of the said district, and shall record such certificate with the application and statement. The boundaries of such district shall include the territory

as determined by the ~~state soil and water~~ conservation commission as aforesaid, but in no event shall they include any area included within the boundaries of another ~~soil~~ conservation district organized under the provisions of this chapter except as provided in section [22-2720](#), Idaho Code.

(7) After six (6) months shall have expired from the date of entry of a determination by the ~~state soil and water~~ conservation commission that operation of a proposed district is not administratively practicable and feasible, and denial of a petition pursuant to such determination, subsequent petitions may be filed as aforesaid, and action taken thereon in accordance with the provisions of this chapter.

(8) Petitions for including additional territory within an existing district may be filed with the ~~state soil and water~~ conservation commission and the proceedings herein provided for in the case of petitions to organize a district shall be observed in the case of petitions for such inclusion. The commission shall prescribe the form for such petitions, which shall be as nearly as may be in the form prescribed in this chapter for petitions to organize a district. Where the total number of landowners in the area proposed for inclusion is less than twenty-five (25), the petition may be filed when signed by a two-thirds (2/3) majority of the owners of such area, and in such case no election need be held. In elections upon petitions for such inclusion, all owners of land and qualified electors lying within the proposed additional area shall be eligible to vote.

(9) Incorporated cities, not already included within a district, may be included by presentation of a request of the district approved by the governing body along with a request of the city approved by the mayor and council, to the ~~state soil and water~~ conservation commission. The commission shall consider and act on such joint request at the earliest convenience. If the joint request is denied, the commission shall so notify the district and city in writing and state the reasons for such denial. After six (6) months shall have expired from the date of denial of such joint request, a subsequent joint request may again be made. If the joint request is approved, the commission shall then cause the necessary papers to be filed with the secretary of state. This shall include an amended legal description of the boundaries of the total district.

[22-2719, added 1957, ch. 218, sec. 5, p. 476; am. 1973, ch. 164, sec. 1, p. 310; am. 1995, ch. 118, sec. 8, p. 430; am. 2010, ch. 279, sec. 4, p. 725.]

22-2720. CONSOLIDATION OF OR DELETION FROM AND ADDITION TO NEW OR EXISTING DISTRICTS. (1) Petitions for consolidating two (2) or more existing districts or for deleting territory from one (1) or more existing districts and adding the deleted territory to one (1) or more existing districts or incorporating the deleted territory into a new district or districts may be filed with the ~~state soil and water~~ conservation commission on such forms as may be prescribed by the ~~state soil and water~~ conservation commission.

(2) The petitions provided for in subsection (1) of this section shall be signed by twenty-five (25) landowners in the area proposed to be consolidated or the area proposed to be deleted plus the district or districts to which it is to be added or the territory which is to be included in a new district or districts, as the case may be. Provided however, if two-thirds (2/3) of the landowners of all such territory total less than twenty-five (25), then such lesser number of signatures will suffice for the petition.

(3) Within thirty (30) days after receipt of such a petition, the ~~state soil and water~~ conservation commission shall cause due notice of hearing on the matter to be given in all of the areas concerned.

(4) At the close of the hearing, the ~~state soil and water~~ conservation commission shall make and record the following determinations:

(a) Whether or not, in the opinion of the commission, the proposal set forth by the petition would serve the public health, safety and welfare.

(b) Whether or not, in the opinion of the commission, the proposal set forth by the petition is administratively practicable and feasible.

(5) If either or both of the determinations made under subsection (4) of this section are in the negative, the matter is closed. Provided however, after six (6) months have expired from the date of such determination, a new petition may be filed involving substantially the same proposals.

(6) If both of the determinations made under subsection (4) of this section are in the affirmative and if the proposal involves the consolidation of two (2) or more existing districts or if the proposal involves the deletion of territory from one (1) or more districts and the addition of that territory to another existing district or districts, then the commission shall proceed to effect the change as per the commission's determinations herein-before referred to. The ~~state soil and water~~ conservation commission shall effect the change by filing with the secretary of state a sworn statement of a member of the commission stating:

(a) The name of the district or districts which are consolidated, if any;

(b) The name of the district or districts from which the territory is deleted or added, if any; and

(c) A description of the boundaries of the consolidated district or of the territory remaining in the district or districts deleted from and the district or districts added to, according to the commission's determination.

From and after the time of filing of such statement with the secretary of state, the changes will be effective. If the name of a district formed by the consolidation of two (2) or more existing districts differs from that of either of the consolidated districts, the secretary of state shall issue and record a new certificate of organization of said district.

(7) Within ten (10) days after the filing of a statement providing for the formation of a consolidated district as prescribed in subsection (6) of this section, the supervisors of each district involved in the consolidation shall meet and, from their number, shall designate a chairman of the consolidated district. Incumbent supervisors of districts involved in a consolidation may serve until any such supervisor's term expires. Any vacancy on the governing body of a district formed by consolidation shall not be filled until only five (5) supervisors, or seven (7) upon written request pursuant to section [22-2721](#), Idaho Code, remain on the governing body of such district. Thereafter, vacancies shall be filled consistent with procedures prescribed in section [22-2721](#), Idaho Code.

(8) A district formed by the consolidation of two (2) or more districts shall receive a sum not to exceed eight thousand five hundred dollars (\$8,500) for each district involved in the formation of the consolidated district for a period of three (3) years after the formation of such district. The maximum allocation of fifty thousand dollars (\$50,000) per district set forth in section [22-2727](#), Idaho Code, shall not apply to a district formed by consolidation for a period of three (3) years following

the formation of such district. Upon expiration of the three (3) year time period, a district formed by consolidation shall be treated as one (1) district and shall be subject to all provisions of section [22-2727](#), Idaho Code.

(9) The office of any district supervisor is hereby declared to be vacant when, after the deletion of territory, such district supervisor is no longer a landowner within the district deleted from.

(10) If both of the determinations made under subsection (4) of this section are in the affirmative and if the proposal involves the addition of territory deleted from one (1) or more existing districts to other territory thus forming a new district, a referendum shall be held and other procedures followed as in cases involving the original formation of a district where no existing district is involved. In such a case, due notice shall be given in the area which may comprise the new district.

(11) If a new district is formed under the procedure prescribed in subsection (10) of this section, part of the area which is composed of an old district, the ~~state soil and water~~ conservation commission shall cause to be filed with the secretary of state a sworn statement of a member of the commission stating:

- (a) The name of the district or districts deleted from; and
- (b) A description of the boundaries of the territory remaining in the district or districts deleted from.

From and after the time of filing of such statement with the secretary of state, the change in the boundaries of the existing districts shall be effective.

[22-2720, added 1957, ch. 218, sec. 6, p. 476; am. 2010, ch. 279, sec. 5, p. 729.]

22-2721. ELECTION, APPOINTMENT, QUALIFICATIONS AND TENURE OF SUPERVISORS. (1) The governing body of the district shall consist of five (5) super—visors, elected or appointed as provided in this chapter. Elections shall be conducted pursuant to the provisions of this section and the uniform district election law, [chapter 14, title 34](#), Idaho Code. If at any time the supervisors of a district deem it necessary, they may request permission from the ~~state soil and water~~ conservation commission to increase the number of supervisors to seven (7). Upon receipt of such a request in writing, signed by all five (5) supervisors, stating a valid reason for such need, the commission shall grant permission. The additional supervisors shall then be appointed as outlined in this section until such time as regular district elections for two (2) supervisors in each district. At that time those districts having seven (7) supervisors shall then elect four (4) supervisors for four (4) year terms. The two (2) supervisors appointed by the district shall be persons who are by training and experience qualified to perform the specialized services which will be required of them in the performance of their duties. All supervisors shall be landowners or farmers of the district where they are elected or appointed and shall be registered to vote in the state of Idaho.

(2) Within thirty (30) days after the date of issuance by the secretary of state of a certificate of organization of a ~~soil~~ conservation district, nominating petitions may be filed with the ~~state soil and water~~ conservation commission to nominate candidates for supervisors of each district. The county clerk shall conduct the election for the district in compliance with [chapter 14, title 34](#), Idaho Code, and shall be the election official for the

district. The election official shall have authority to extend the time within which nominating petitions may be filed. Nominating petitions shall be filed with the secretary of the district, and no such nominating petition shall be accepted by the election official unless it shall be subscribed by not less than five (5) persons who are qualified electors owning land or residing within the boundaries of the district. The election official shall give due notice of an election to be held, subject to the provisions of section [34-106](#), Idaho Code, for the election of three (3) supervisors for the district. The names of all nominees on behalf of whom such nominating petitions have been filed within the time herein designated shall appear upon ballots, with directions to choose three (3) names to indicate the voter's preference. The three (3) candidates who shall receive the largest number, respectively, of the votes cast in such election shall be the elected supervisors for such district.

(3) All elections in districts shall be conducted by the county clerk. Such election shall be held on the first Tuesday succeeding the first Monday of November in each even-numbered year. Such elections shall be in compliance with the provisions of [chapter 14, title 34](#), Idaho Code, and shall be supervised and conducted by the county clerk. The cost of conducting such elections shall be borne by the county that conducted the election. The county clerk shall certify to the ~~soil and water~~ conservation district the names of the elected supervisors. The ~~soil and water~~ conservation district shall issue certificates of election to each elected supervisor so certified. The county clerk or county clerks of the county or counties in which the district is located shall conduct the election for the ~~soil~~ conservation district, and the county clerk must provide a ballot for the district election and must provide a process that allows only qualified electors of the district to vote in that district's election.

(4) In any election for supervisor, if after the deadline for filing a declaration of intent as a write-in candidate, it appears that the number of qualified candidates who have been nominated is equal to the number of supervisors to be elected, it shall not be necessary for the candidates to stand for election, and the board of supervisors shall declare such candidates elected as supervisors, and the ~~soil and water~~ conservation district shall immediately make and deliver to such persons certificates of election.

(5) The supervisors shall designate a chairman and may, from time to time, change such designation. The term of office of each supervisor shall be four (4) years commencing on the first day of January next following election, except that the two (2) supervisors who are first appointed shall be designated to serve for terms of two (2) years. A supervisor shall hold office until a qualified successor has been elected or appointed. Vacancies shall be filled for the unexpired term. The selection of successors to fill an unexpired term, or for a full term shall be made by a vote of the majority of the supervisors duly qualified and acting at the time the vacancy shall arise and the supervisors shall certify the name of the appointed supervisor to the ~~state soil and water~~ conservation commission. The ~~soil~~ conservation district shall issue a certificate of such appointment.

(6) A majority of the supervisors shall constitute a quorum and the concurrence of a majority in any matter within their duties shall be required for its determination. A supervisor shall be entitled to expenses, including travel expense, necessarily incurred in the discharge of duties. A supervisor shall receive no compensation for services from regular district funds, county funds authorized in section [22-2726](#), Idaho Code, or state funds authorized in section [22-2727](#), Idaho Code.

(7) In the event the district has a special project, approved by the ~~state soil and water~~ conservation commission, making project funds available from federal or other sources, a supervisor may receive

compensation not to exceed thirty-five dollars (\$35.00) per day plus actual and necessary expenses from project funds for services directly related to the project.

(8) The supervisors may employ a secretary, technical experts, and such other officers, agents, and employees, permanent and temporary as they may require, and shall determine their qualifications, duties and compensation. The supervisors may call upon the attorney general of the state for such legal services as they may require or may employ their own counsel and legal staff. The supervisors may delegate to their chairman, to one (1) or more supervisors, or to one (1) or more agents, or employees, such powers and duties as they may deem proper. The supervisors shall furnish to the ~~state soil and water~~ conservation commission, upon request, copies of such ordinances, rules, orders, contracts, forms and other documents as they shall adopt or employ, and such other information concerning the supervisors' activities as the commission may require in the performance of the commission's duties under this chapter.

(9) The supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; they shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, and orders issued or adopted; and shall provide for independent financial audits in accordance with the provisions of section [67-450B](#), Idaho Code. Supervisors shall be subject to recall in accordance with the provisions of [chapter 17, title 34](#), Idaho Code.

(10) The supervisors may invite the legislative body of a municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county.

[22-2721, added 1957, ch. 218, sec. 7, p. 476; am. 1963, ch. 30, sec. 1, p. 171; am. 1973, ch. 59, sec. 1, p. 97; am. 1978, ch. 280, sec. 1, p. 679; am. 1986, ch. 179, sec. 1, p. 469; am. 1990, ch. 3, sec. 1, p. 4; am. 1995, ch. 118, sec. 9, p. 434; am. 1995, ch. 256, sec. 1, p. 837; am. 1997, ch. 180, sec. 4, p. 502; am. 1999, ch. 78, sec. 1, p. 222; am. 2000, ch. 4, sec. 2, p. 5; am. 2008, ch. 383, sec. 1, p. 1053; am. 2009, ch. 341, sec. 4, p. 994; am. 2010, ch. 279, sec. 6, p. 731; am. 2010, ch. 279, sec. 7, p. 733; am. 2011, ch. 11, sec. 2, p. 24; am. 2012, ch. 211, sec. 1, p. 571.]

22-2722. POWERS OF DISTRICTS AND SUPERVISORS. A ~~soil~~ conservation district organized under the provisions of this chapter shall constitute a governmental subdivision of this state, and a public body corporate and politic, exercising public powers, and such district, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this chapter:

(1) To conduct surveys, investigations, and research relating to the character of soil erosion, floodwater and sediment damages, for the conservation, development, utilization, and disposal of water and the prevention and control measures, and works of improvement needed, to publish results of such surveys, investigations, or research, and to disseminate information concerning such preventive and control measures and works of improvement;

provided, however, that in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or any of its agencies or with the United States or any of its agencies;

(2) To conduct demonstrational projects within the district on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owner of such lands or the necessary rights of interests in such lands, in order to demonstrate by example the means, methods, and measures by which soil and soil resources may be conserved, and soil erosion in the form of soil-blowing and soil-washing may be prevented and controlled; works of improvement for flood prevention and the conservation, development, utilization, and disposal of water may be carried out;

(3) To carry out preventive and control measures and works of improvement for flood prevention or the conservation, development, utilization, and disposal of water within the districts including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and other appropriate best management practices, on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owner of such lands or the necessary rights or interests in such lands;

(4) To cooperate, or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid, to any agency, governmental or otherwise, or any owner of lands within the district, in carrying on erosion control and prevention operations and works of improvement for flood prevention and the conservation, development, utilization, and disposal of water within the district, subject to such conditions as the supervisors may deem necessary to advance the purpose of this chapter;

(5) To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein and all such property shall be exempt from taxation for state, county and municipal purposes; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this chapter; to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and provisions of this chapter;

(6) To make available, on such terms as it shall prescribe, to landowners within the district, agricultural and engineering machinery or equipment, as will assist such landowners to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion and for flood prevention or the conservation, development, utilization, and disposal of water;

(7) To construct, improve, operate and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this chapter;

(8) To develop comprehensive plans for the conservation of soil resources and for the control and prevention of soil erosion and for flood prevention or the conservation, development, utilization, and disposal of water within the district, which plans shall specify in such detail as

may be possible, the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specifications of engineering operations, method of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land, and to publish such plans and information and bring them to the attention of occupiers of lands within the district;

(9) To take over, by purchase, lease, or otherwise, and to administer, any soil conservation, flood prevention, erosion control, or erosion prevention project, or combination thereof, located within its boundaries undertaken by the United States or any of its agencies, or by this state or any of its agencies; to manage, as agent of the United States or any of its agencies; or of this state or any of its agencies, any soil conservation, flood prevention, erosion control, or erosion prevention project, or combination thereof, within its boundaries; to act as agent for the United States, or any of its agencies, or for this state or any of its agencies, in connection with the acquisition, construction, operation, or administration of any soil-conservation, flood-prevention, erosion-control, or erosion-prevention project, or combination thereof, within its boundaries; to accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, or from this state or any of its agencies, and use or expend such moneys, services, material, or other contributions in carrying on its operations;

(10) To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to make, and from time to time amend and repeal, rules not inconsistent with this chapter, to carry into effect its purposes and powers;

(11) As a condition to the extending of any benefits under this chapter to, or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the supervisors may require contributions in moneys, services, materials, or otherwise to any operations conferring such benefits, and may require landowners to enter into and perform such agreements or covenants as to permanent use of such lands as will tend to prevent or control erosion and prevent floodwater and sediment damages thereon;

(12) No provisions with respect to the acquisition, operation, or disposition of property by other public bodies shall be applicable to a district organized hereunder unless the legislature shall specifically so state.

[22-2722, added 1957, ch. 218, sec. 8, p. 476; am. 2003, ch. 107, sec. 5, p. 341.]

22-2723. COOPERATION BETWEEN DISTRICTS. The supervisors of any two (2) or more districts may cooperate with one another in the exercise of any or all powers conferred in this chapter.

[22-2723, added 1957, ch. 218, sec. 9, p. 476; am. 2010, ch. 279, sec. 8, p. 736.]

22-2724. STATE AGENCIES TO COOPERATE. Agencies of this state which shall have jurisdiction over, or be charged with the administration of, any state-owned lands, and of any county, or other governmental subdivision of the state, which shall have jurisdiction over, or charged with the administration of, any county-owned or other publicly owned lands, lying within the

boundaries of any district shall cooperate to the fullest extent with the supervisors of such districts in the effectuation of programs and operations undertaken by the supervisors under the provisions of this chapter. The supervisors of such district shall be given free access to enter and perform work upon such publicly owned lands.

[22-2724, added 1957, ch. 218, sec. 10, p. 476; am. 2010, ch. 279, sec. 9, p. 736.]

22-2725. DISCONTINUANCE OF DISTRICTS. (1) At any time after five (5) years after the organization of a district under the provisions of this chapter, any twenty-five (25) owners of land lying within the boundaries of such district may file a petition with the ~~state soil and water~~ conservation commission requesting that the operations of the district be terminated and the existence of the district discontinued. The commission may conduct such public meetings and public hearings upon such petition as may be necessary to assist it in the consideration thereof. Within sixty (60) days after such petition has been received by the commission, it shall give due notice to the county clerk of the holding of an election, subject to the provisions of section [34-106](#), Idaho Code, and the county clerk shall supervise the election, and issue appropriate regulations governing such election as are consistent with [chapter 14, title 34](#), Idaho Code, the question to be submitted by ballots upon which the words "For terminating the existence of the . . . . (name of the ~~soil~~ conservation district to be here inserted)" shall appear, with a square before each proposition and a direction to mark the ballot as the voter may favor or oppose discontinuance of such district. All qualified electors who reside within the proposed district shall be eligible to vote in said election. No informalities in the conduct of the election or in any matters relating thereto shall invalidate the election or the result thereof if notice thereof shall have been given substantially as herein provided and the election shall have been fairly conducted.

(2) The commission shall publish the result of the election and shall thereafter consider and determine whether the continued operation of the district within the defined boundaries is administratively practicable and feasible. If the commission determines that the continued operation of such district is administratively practicable and feasible, it shall record such determination and deny the petition. If the commission determines that the continued operation of such district is not administratively practicable and feasible, it shall record such determination and shall certify such determination to the supervisors of the district. In making such determination the commission shall give due regard and weight to the attitudes of the owners of lands lying within the district, the number of residents eligible to vote in the election who shall have voted, the proportion of the votes cast in the election in favor of the discontinuance of the district to the total number of votes cast, the approximate wealth and income of the landowners of the district, the probable expense of carrying on such erosion-control operations within such district, and such other economic and social factors as may be relevant to such determination, having due regard to the legislative findings set forth in section [22-2716](#), Idaho Code, provided however, that the commission shall not have authority to determine that the continued operation of the district is administratively practicable and feasible unless at least a majority of the votes cast in the election shall have been cast in favor of the continuance of such district.

(3) Upon receipt from the ~~state soil and water~~ conservation commission of a certificate that the commission has determined that the continued operation of the district is not administratively practicable and feasible pursuant to the provisions of this section, the supervisors shall forthwith proceed to terminate the affairs of the district. The supervisors shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of such sale to be covered into the state treasury. The supervisors shall thereupon file an application duly verified, with the secretary of state for the discontinuance of such district, and shall transmit with such application the certificate of the ~~state~~ conservation commission setting forth the determination of the commission that the continued operation of such district is not administratively practicable and feasible. The application shall recite that the property of the district has been disposed of and the proceeds paid over as in this section provided and shall set forth a full accounting of such properties and proceeds of the sale. The secretary of state shall issue to the supervisors a certificate of dissolution and shall record such certificate in an appropriate book of record in his office.

(4) Upon issuance of a certificate of dissolution under the provisions of this section, all contracts theretofore entered into, to which the district or supervisors are parties, shall remain in force and effect for the period provided in such contracts. The ~~state soil and water~~ conservation commission shall be substituted for the district or supervisors as party to such contracts.

(5) The ~~state soil and water~~ conservation commission shall not entertain petitions for the discontinuance of any district nor conduct elections upon such petitions nor make determinations pursuant to such petitions in accordance with the provisions of this chapter, more often than once in five (5) years.

[22-2725, added 1957, ch. 218, sec. 11, p. 476; am. 1995, ch. 118, sec. 10, p. 437; am. 2009, ch. 341, sec. 5, p. 997; am. 2010, ch. 279, sec. 10, p. 736; am. 2010, ch. 279, sec. 11, p. 737.]

22-2726. FUNDS OR ASSISTANCE PROVIDED BY COUNTY FROM COUNTY GENERAL FUND. In those counties of Idaho wherein all or a substantial part of the county has been created and is operating as a ~~soil~~ conservation district or districts under the provisions of [chapter 27, title 22](#), section [22-2719](#), Idaho Code, or any amendment thereto, the board of county commissioners may, from time to time, at their discretion and upon request of the supervisors of such ~~soil~~ conservation districts provide in their budget a sufficient amount of money from the county general fund for allocation to the districts to be used by the districts for any purposes authorized by law, or in lieu of such allocation the county commissioners at their discretion may assign or hire an employee or employees of the county to assist the supervisors in the performance of the work of their office. The duties of such employee or employees shall be under the direct supervision of the supervisors of each ~~soil~~ conservation district.

[22-2726, added 1963, ch. 14, sec. 1, p. 149; am. 1969, ch. 217, sec. 1, p. 711; am. 1976, ch. 17, sec. 1, p. 48; am. 1984, ch. 16, sec. 1, p. 18; am. 1990, ch. 358, sec. 1, p. 967.]

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22-2727. ALLOCATION OF FUNDS TO DISTRICTS. (1) A public hearing shall be held by the ~~state soil and water~~ conservation commission on or before June 15 of each year and twenty (20) days' written notice of such hearing shall be given to each ~~soil~~ conservation district and to all other persons requesting notice of such hearing. At the hearing the ~~state soil and water~~ conservation commission shall consider the needs of each ~~soil~~ conservation district and shall base its request for state funds for the soil conservation districts upon the budgets, budget requests, district programs and work plans, and work load analysis of the various ~~soil~~ conservation districts.

(2) All funds appropriated by the state for the various soil conservation districts shall be appropriated to the Idaho ~~state soil and water~~ conservation commission and shall be allocated by the commission equally to the various ~~soil~~ conservation districts on the basis of the criteria established in subsection (1) of this section.

(3) Funds appropriated to the ~~state soil and water~~ conservation commission for distribution to ~~soil~~ conservation districts shall be allocated by the commission equally to the various ~~soil~~ conservation districts in a sum not to exceed eight thousand five hundred dollars (\$8,500) per district. All funds appropriated to the ~~state soil and water~~ conservation commission for distribution to ~~soil~~ conservation districts in excess of eight thousand five hundred dollars (\$8,500) per district shall be allocated by the commission to the various ~~soil~~ conservation districts in a sum not to exceed twice the amount of funds or services allocated to each district by the county commissioners in the previous fiscal year and funds or services allocated to each district by authorized officials or other local units of government or organizations in the previous fiscal year, provided that any such allocation by the commission shall not exceed fifty thousand dollars (\$50,000) to any one (1) district in a fiscal year.

(4) The ~~state soil and water~~ conservation commission shall adopt rules necessary to carry out the purposes of this section.

[I.C., sec. 22-2727, as added by 1969, ch. 217, sec. 2, p. 711; am. 1984, ch. 16, sec. 2, p. 19; am. 1990, ch. 358, sec. 2, p. 967; am. 1991, ch. 80, sec. 1, p. 181; am. 2010, ch. 279, sec. 12, p. 739.]

22-2730. RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT FUND CREATED. (1) There is hereby created in the state treasury a fund to be known as the Idaho resource conservation and rangeland development fund, which shall consist of all moneys which may be appropriated to it by the legislature or made available to it from federal, private or other sources. The state treasurer is directed to invest all unobligated moneys in the fund. All interest and other income accruing from such investments shall accrue to the fund. The ~~state soil and water~~ conservation commission may expend from the fund such sums as it shall deem necessary for any of the conservation improvements, projects and programs provided for under this chapter under such terms and conditions provided for in the commission's rules ~~and the water quality program for agriculture~~.

(2) The ~~state soil and water~~ conservation commission shall establish a priority list for conservation improvements ~~and~~ projects ~~and the water quality program for agriculture~~. The priority list shall be used as the method for allocation of funds loaned under this chapter.

**Commented [CK2]:** Because ISWCC can only make loans from the fund it can't provide money to WQPA because it is a cost share program.

[22-2730, added 1985, ch. 116, sec. 1, p. 240; am. 1992, ch. 270, sec. 4, p. 839; am. 1999, ch. 137, sec. 3, p. 388; am. 2003, ch. 107, sec. 7, p. 344; am. 2010, ch. 279, sec. 13, p. 739.]

22-2731. ALLOCATION OF FUND. The Idaho resource conservation and rangeland development fund shall be allocated for use by the ~~state soil and water~~ conservation commission:

(1) To eligible applicants for conservation improvements which it deems to be "in the public interest" in such amounts as are necessary for the implementation of conservation measures identified in a conservation plan;

(2) To eligible applicants for the purpose of conservation improvements on rangelands, agricultural lands and riparian lands, which will provide environmental enhancement to soil, water, wildlife and related resources;

(3) For the purpose of implementing conservation improvements and 212qq22q7 projects ~~and the water quality program for agriculture.~~

[22-2731, added 1985, ch. 116, sec. 1, p. 241; am. 1992, ch. 270, sec. 5, p. 839; am. 1999, ch. 137, sec. 4, p. 389; am. 2003, ch. 107, sec. 8, p. 344; am. 2010, ch. 279, sec. 14, p. 740.]

22-2732. LOANS FROM FUND -- APPLICATION -- APPROVAL -- REPAYMENT. (1) Eligible applicants may file an application with the local ~~soil~~ conservation district or the ~~state soil and water~~ conservation commission for a loan from the fund for the purpose of financing conservation improvement cost. Such application shall be filed in such a manner and shall be in such form, and be accompanied by such information as may be prescribed by the commission. Any such application filed with the district or the commission under the provisions of this chapter shall:

(a) Describe the nature and purposes of the improvements or projects;

(b) Set forth or be accompanied by a conservation plan approved by the local ~~soil~~ conservation district or the commission that identifies the conservation improvements, or projects, together with such technical and economic feasibility data and estimated costs as may be required by the commission;

(c) State whether money other than that for which application is made under this chapter will be used for improvement costs, and whether such money is available or has been sought for this purpose;

(d) Show that the applicant holds or can acquire title to all lands or has necessary easements and rights-of-way for the improvements; and

(e) Show the proposed project is feasible from a technical standpoint and economically justified.

(2) The local ~~soil~~ conservation districts and the commission shall keep each other informed of applications received. Within sixty (60) days of receipt of an application, the local conservation district or the commission shall review and evaluate, and if it deems necessary, investigate aspects of the proposed improvements. As part of such investigation, the district or the commission shall determine whether the plan for development of the conservation improvements is satisfactory. If the district or the commission determines the plan is unsatisfactory, it shall return the application to the applicant and may make such recommendations to the applicant as are considered necessary to make the plan satisfactory. If the district or the commission determines the plan and application are satisfactory, it shall be considered for funding.

(3) The commission may approve a loan for conservation improvements if after review, evaluation and investigation if necessary, it finds that:

- (a) The applicant is qualified and responsible;
- (b) There is reasonable assurance that the borrower can repay the loan; and
- (c) That money in the resource conservation and rangeland development fund is available for the loan.

(4) If the commission approves a loan, the applicant shall execute a promissory note for repayment to the account of money loaned therefrom, together with interest not to exceed six percent (6%) annually as determined by the commission. The note shall further provide that repayment of the loan, together with interest thereon, shall commence not later than two (2) full years from the date the note is signed. Repayment shall be completed within the time period specified by the commission not to exceed fifteen (15) years, except that the commission may extend the time for making repayment in event of emergency or hardship. Such agreement shall also provide for such assurance of, and security for, repayment of the loan as are considered necessary by the commission.

(5) Upon approval of the loan and securing all necessary documents, the commission will make available, in approved form, project or contract funding.

(6) If an applicant fails to comply with the repayment contract, the interest in the improvement may be conveyed to a successor upon approval by the commission, which may contract with the qualified successor in interest of the original obligor for repayment of the loan, together with interest thereon, and for succession to its rights and obligation in any contract with the commission.

[22-2732, added 1985, ch. 116, sec. 1, p. 241; am. 1992, ch. 270, sec. 6, p. 839; am. 1999, ch. 62, sec. 1, p. 164; am. 1999, ch. 137, sec. 5, p. 389; am. 2010, ch. 279, sec. 15, p. 740.]

22-2733. GRANTS FROM ~~STATE SOIL AND WATER~~ CONSERVATION COMMISSION GENERAL FUND -- APPLICATION -- APPROVAL -- GRANT AGREEMENT. (1) Eligible applicants or participants may file an application with the local ~~soil~~ conservation district or the ~~state soil and water~~ conservation commission for a grant from the ~~state soil and water~~ conservation commission general fund for the purpose of financing conservation improvements, projects and implementation of the water quality program for agriculture. Such application shall be filed in such a manner and shall be in such form, and be accompanied by such information as may be prescribed by the commission; provided however, any such application filed with the district or the commission under the provisions of this section shall:

- (a) Describe the nature and purpose of the improvements or conservation plan implementation project;
- (b) Set forth or be accompanied by an improvement project plan approved by the local ~~soil~~ conservation district or the commission that identifies the practices to be applied, together with such technical and economic feasibility data and estimated costs as may be required by the commission;
- (c) State whether money other than that for which application is made under this section will be used for improvement project or conservation plan implementation costs, and whether such money is available or has been sought for this purpose; and

(d) Show that the applicant or participant holds or can acquire title to all lands or has necessary easements and rights-of-way to implement the project plan.

(2) The commission and local ~~soil~~-conservation district will keep each other informed of grant applications received. Within thirty (30) days of receipt of an application, the local ~~soil~~-conservation district or the commission shall review and evaluate and, if deemed necessary, investigate all aspects of the proposed improvement, project or conservation plan. As part of such investigation, the district or the commission shall determine whether the project plan is satisfactory. If the district or the commission determines that the plan is unsatisfactory, it shall return the application to the applicant or participant and the district or the commission may make such recommendations to the applicant or participant as are considered necessary to make the plan satisfactory. If the commission determines either the plan or a plan revised pursuant to recommendation of the district or commission is satisfactory, it shall be considered for funding.

(3) The commission may approve a grant if after review, evaluation and investigation if necessary, it finds that:

- (a) The applicant or participant is qualified and responsible;
- (b) The improvement, project or conservation plan demonstrates public benefits; and
- (c) That money in the ~~state soil and water~~-conservation commission general fund is available for the grant.

(4) If the commission approves a grant, the applicant or participant shall enter into an agreement covering the grant offer and acceptance of the grant for implementing the improvement, project or conservation plan. The agreement shall be improvement, project or conservation plan specific. The terms and conditions shall be those specified by the commission.

(5) Upon approval of the grant and securing all necessary documents, the commission will make available, in the approved form, project or contract funding.

[22-2733, added 1992, ch. 270, sec. 7, p. 841; am. 1999, ch. 137, sec. 6, p. 391; am. 2003, ch. 107, sec. 9, p. 344; am. 2010, ch. 279, sec. 16, p. 741.]

22-2734. COST-SHARE FROM ~~STATE SOIL AND WATER~~-CONSERVATION COMMISSION GENERAL FUND -- APPLICATION -- APPROVAL. (1) Eligible applicants or participants may file an application with the local ~~soil~~-conservation district or the ~~state soil and water~~-conservation commission for a cost-share contract ]  
~~or project~~ from the ~~state soil and water~~-conservation commission general fund for the purpose of financing agricultural, grazing or other conservation improvements, projects or implementation of the water quality program for agriculture. Such application shall be filed in such a manner and shall be in such form and be accompanied by such information as may be prescribed by the commission; provided however, any such application filed with the district or the commission under the provisions of this section shall:

- (a) Describe the nature and purposes of the improvements and projects requiring cost-sharing;
- (b) Set forth or be accompanied by a plan that identifies the conservation improvements or projects, together with such technical and economic feasibility data and estimated costs as may be required by the commission;

(c) State whether money other than that for which application is made under this section will be used for costs, and whether such money is available or has been sought for this purpose; and

(d) Show the proposed project is feasible from a technical standpoint and is economically justified.

(2) The commission and the local ~~soil~~ conservation district will keep each other informed of cost-share applications received. Within thirty (30) days of receipt of an application, the local ~~soil~~ conservation district or the commission shall review and evaluate and, if deemed necessary, investigate all aspects of the proposed contract or project. As part of such investigation, the district or the commission shall determine whether the plan for development of the conservation improvements or projects is satisfactory. If the district or the commission determines the plan is unsatisfactory, it shall return the application to the applicant or participant and the district or the commission may make such recommendations to the applicant or participant as are considered necessary to make the application satisfactory. When the commission determines either the application or an application revised pursuant to recommendation of the district or commission is satisfactory, it shall be considered for funding.

(3) The commission may approve a cost-share contract to an applicant or participant for conservation projects and improvements if, after review, evaluation and investigation, it finds that:

(a) The applicant or participant is qualified and responsible;

(b) The conservation improvement or project demonstrates public benefit;

(c) There is reasonable assurance that the applicant or participant will adhere to contract terms; and

(d) Money is available in the ~~state soil and water~~ conservation commission general fund for cost-share.

(4) Upon approval of the cost-share contract ~~or cost share grant~~, and securing of all necessary documents, the commission will make funding available.

[22-2734, added 1999, ch. 137, sec. 7, p. 392; am. 2003, ch. 107, sec. 10, p. 345; am. 2010, ch. 279, sec. 17, p. 742.]

22-2735. PAYMENTS BY THE ~~STATE SOIL AND WATER~~ CONSERVATION COMMISSION -- RULES -- APPROVAL OF ATTORNEY GENERAL -- AUDIT OF PAYMENTS. (1) The commission may make payments not to exceed the estimated reasonable cost of an eligible improvement, project or plan.

(2) The commission may, in the name of the state of Idaho, enter into contracts with approved applicants, and any such approved applicants may enter into a contract with the commission concerning eligible improvements, projects or plans. Any such contract may include such provisions as may be agreed upon by the parties thereto, and shall include, in substance, the following provisions:

(a) An estimate of the reasonable cost of the improvements, projects or plans as determined by the commission;

(b) The terms under which the commission may unilaterally terminate the contract and/or seek repayment from the applicant of sums already paid pursuant to the contract for noncompliance by the applicant with the terms and conditions of the contract and the provisions of this chapter;

(c) An agreement by the applicant binding for the life of the eligible improvements, projects or plans:

(i) To develop water quality plans for landowners and provide payments to landowners for installation of best management practices;

(ii) To determine payment rates in conjunction with the commission for best management practices;

(iii) To establish a method for administration and provisions for technical assistance to landowners in conjunction with the com

(iv) To allow the state to make payments up to the estimated reasonable cost for best management practices installation, technical assistance and project administration of an eligible project;

(v) To develop and to secure the approval of the commission of plans for operation of the eligible project;

(vi) To ensure that the local matching share of the cost is provided as applicable;

(vii) To assure an adequate level of landowner participation and application of best management practices to ensure water quality goals are met.

(3) The commission may enter into contracts to provide technical assistance to applicants that have entered agreements pursuant to this chapter. Any such contract may include such provisions agreed upon by the parties thereto and shall include, in substance, the following provisions:

(a) An estimate of the reasonable cost of technical assistance;

(b) The terms under which the commission may unilaterally terminate the contract, and/or seek repayment of sums paid pursuant to the contract, for noncompliance by the applicants with the terms and conditions of the contract, the provisions of this chapter, or rules adopted pursuant thereto.

(4) The commission may enter into contracts and establish procedures to be followed in applying for eligible improvements, projects and plans herein authorized as shall be necessary for the effective administration of the water quality program for agriculture.

(5) All contracts entered into pursuant to this section shall be subject to approval by the attorney general as to form. All payments by the state pursuant to such contracts shall be made after audit and upon warrant as provided by law on vouchers approved by the chairman and the administrator of the commission.

(6) All grant agreements and contracts previously entered into with the state board of health and welfare, ~~soil~~-conservation districts and the commission pursuant to section [39-3627](#), Idaho Code, for payments and administration are now to be administered and payments implemented solely by the commission.

[22-2735, added 1999, ch. 137, sec. 8, p. 393; am. 2010, ch. 279, sec. 18, p. 743.]

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**SOIL & WATER  
CONSERVATION  
COMMISSION**

H. Norman Wright  
Chairman

Cathy Roemer  
Vice Chairman

Erik Olson  
Secretary

Gerald Trebesch  
Commissioner

Wendy Pratt  
Commissioner

Teri Murrison  
Administrator

**MEMO**

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS ROEMER,  
OLSON, TREBESCH AND PRATT**  
**FROM: CORRINE DALZELL, RULES REVIEW OFFICER**  
**DATE: JULY 31, 2020**  
**RE: FY 2021-2024 STRATEGIC PLAN & FY 2020 PERFORMANCE REPORT**

Due to the pandemic, this year our Strategic Plan, Performance Report are due at the same time – August 28, 2020.

At our June 11<sup>th</sup> meeting, we discussed adding information to the FY 2021-2024 Strategic Plan that would help to explain how the performance measures (PM's) were determined. Our staff has added footnotes to the Benchmarks and Performance Targets table that address this concern. I have attached the updated version for your review and approval.

I have also been working to update our agency's Performance Report to reflect the changes that were made to our Strategic Plan. We were instructed by David Hahn of DFM, to include a table for new PM's as well as a table for old PM's. Eventually, the old PM's will "fall off." I have attached the updated version of our agency annual Performance Report for your review and approval.

The PMR is purposefully not all-inclusive and is condensed per instructions from DFM. The following elements of the PMR are mandatory:

- Agency Profile
- Core Functions
- General Fund Revenue & Expenditures
- Profile of Key Services
- Performance Highlights
- Performance Measurements

**REQUESTED ACTIONS:**

1. Approve FY 2021-2024 Strategic Plan as submitted
2. Approve FY 2020 Performance Report as submitted (with minor changes as necessary)

**ATTACHMENTS:**

- DRAFT ISWCC FY 2021-2024 Strategic Plan
- DRAFT ISWCC FY 2020 Performance Report.

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# FY 2021-2024 Strategic Plan

*Conservation the Idaho Way: sowing seeds of stewardship*



## IDAHO SOIL & WATER CONSERVATION COMMISSION

322 E. Front Street, Suite 560  
Boise, Idaho 83702 | (208) 332-1790  
info@swc.idaho.gov

### CONSERVATION THE IDAHO WAY

Private forest, range, and croplands account for 71% of all land in the lower 48 states, including 82% of wetlands and 80% of endangered species habitat. They support urban areas and agricultural production, provide energy and transportation corridors, and habitat for fish and wildlife.

Conservation the Idaho Way is voluntary, locally led stewardship of private lands. It includes projects that improve water quality and restore forests, range, and cropland health. It balances our economic health with that of our natural resources and helps satisfy environmental laws and regulations.

*Conservation the Idaho Way: Sowing the Seeds of Stewardship*



# FY 2021-2024 STRATEGIC PLAN

## MISSION

To facilitate coordinated non-regulatory, voluntary, and locally led conservation by federal, state, and local governments and other partners to conserve, sustain, improve, and enhance soil, water, air, plant, and animal resources.

## SLOGAN

*Conservation the Idaho Way: sowing seeds of stewardship*

## VISION

Conservation in Idaho reflects locally led natural resource conservation leadership and priorities, is voluntary and incentive-based, non-regulatory, and demonstrates scientifically sound stewardship. The Conservation Commission and local Conservation Districts are the primary entities to lead coordinated conservation efforts with partners to provide landowners and land-users with assistance and solutions for natural resource concerns and issue

## GUIDING PRINCIPLES

- Address legislative intent and statute
- Benefit the environment and Idaho's agricultural-based economy
- Benefit conservation Districts' locally led, voluntary, non-regulatory priorities and projects
- Benefit the Commission's ability to serve and meet statutory authorities
- Promote fiscal responsibility
- Strengthen existing and build new conservation partnerships
- Incorporate valid scientific data and practices
- Benefit conservation work on natural resource priority issue areas
- Promote established and innovative conservation measures

*Conservation the Idaho Way: Sowing the Seeds of Stewardship*



# FY 2021-2024 STRATEGIC PLAN

## CORE FUNCTIONS

The Conservation Commission focuses on core functions and responds to Executive Orders outlining other Strategic Plan Requirements:

1. Providing support to Idaho's 50 locally led Conservation Districts
2. Providing incentive-based and general voluntary conservation programs and services
3. Conducting outreach and communications to educate and inform the public, decision makers, partners, and other stakeholders



## KEY EXTERNAL FACTORS

There are key external factors that could affect the agency's ability to meet the goals and objectives contained in this Strategic Plan.

They include:

- Availability of funding
- Changing demographics and land use designations
- State and federal regulatory pressure and mandates that could shift priorities and resources away from current activities
- Changing economics and pressures of agricultural and natural resource dependent industries which could result in significant increases or decreases in conservation program participation
- Changing economics of local, state, and federal budgets, which could result in reductions in agency personnel, services and/or fewer conservation dollars.

# FY 2021-2024 STRATEGIC PLAN

## CORE FUNCTIONS & KEY PERFORMANCE MEASURES

FY 2021 GOALS	FY 2021 OBJECTIVES	FY 2021 KEY PERFORMANCE MEASURES	FY 2021 PERFORMANCE TARGETS/BENCHMARKS
1. <b>Support Districts' Voluntary Conservation Efforts</b>	<b>Build Support in State &amp; Local Partnerships</b> Work to develop strong partnerships with Conservation Districts and facilitate implementation of conservation projects throughout the state; provide Conservation Districts technical guidance and capacity building assistance	Percentage of Conservation Districts satisfied with services & programs provided <sup>1</sup>	Satisfy 85% of Conservation Districts with Commission services and programs
		Percentage of Conservation Districts satisfied with the effectiveness of the communications received from the Commission <sup>2</sup>	Satisfy 85% of Conservation Districts with communication effectiveness
		Percentage of requests submitted by Conservation Districts through the Technical Assistance Allocation Process (TAAP) that receive the requested assistance <sup>3</sup>	Provide 90% of Conservation District requests for technical assistance in whole or in part
2. <b>Provide Conservation Programs &amp; Services</b>	<b>Conservation Reserve Enhancement Program (CREP)</b> Provide technical leadership and guidance to private landowners in coordination with Federal, State and other partners to reduce ground water consumption on cropland within the Eastern Snake Plain Aquifer	Number of CREP-enrolled acres over which technical leadership and guidance is provided <sup>4</sup>	Provide technical leadership and guidance for 18,000 acres enrolled in CREP

<sup>1</sup> Developed in collaboration with key legislators, partners in 2012

<sup>2</sup> Targeted to determine achievement of IC 2217(4)(b)

<sup>3</sup> Established by Board to track delivery of Technical Assistance hours to Districts

<sup>4</sup> Developed to determine progress toward meeting state goals per Memorandum of Agreement between ISWCC and the Idaho Ground Water Appropriators, October 23, 2006 and subsequent agreements

## FY 2021-2024 STRATEGIC PLAN

FY 2021 GOALS	FY 2021 OBJECTIVES	FY 2021 KEY PERFORMANCE MEASURES	FY 2021 PERFORMANCE TARGETS/BENCHMARKS
<b>2. Provide Conservation Programs &amp; Services</b> (continued)	<b>Resource Conservation &amp; Rangeland Development Program (RCRDP)</b> Encourage farmers and ranchers to improve water quality and conserve natural resources by providing low-interest conservation loans	Acres improved with implementation of Best Management Practices (BMPs) and facilitated by RCRDP funding <sup>5</sup>	Implement BMPs on 800 acres facilitated by RCRDP funding
	<b>Ground Water Quality/Nitrate Priority Areas</b> Provide technical assistance in developing Ground Water Quality Improvement Plans within Nitrate Priority Areas; Maintain and improve ground water quality by promoting and supporting conservation projects through implementation of Best Management Practices (BMPs)	Number of acres with BMPs implemented to maintain and improve ground water quality <sup>5</sup>	Facilitate BMP implementation on 48,500 acres of cropland
	<b>Total Maximum Daily Load (TMDL) Implementation Planning Program</b> Write plans to provide a framework for Conservation Districts, landowners and other partners to use to reach Idaho's non-point source water quality goals	Percentage of TMDL implementation plans completed within 18 months of the TMDL having been approved by the Environmental Protection Agency (EPA) <sup>6</sup>	Complete 90% of TMDL implementation plans within 18 months of EPA approval and DEQ assignment to the Commission

<sup>5</sup> As defined in Idaho Agricultural Best Management Practices Field Guide for Evaluating BMP Effectiveness (rev. April 2013)

<sup>6</sup> Established in Idaho Nonpoint Source Management Plan 1999

## FY 2021-2024 STRATEGIC PLAN

FY 2021 GOALS	FY 2021 OBJECTIVES	FY 2021 KEY PERFORMANCE MEASURES	FY 2021 PERFORMANCE TARGETS/BENCHMARKS
3. <b>Conduct Outreach &amp; Communication</b>	<b>Conduct Outreach &amp; Communication</b> Keep the public, decision makers, Conservation Districts and others informed of the activities and experiences of partners participating in Conservation the Idaho Way	Increase the number of <b>newsletter</b> subscribers <sup>7</sup>	Increase subscriptions by 20 annually
		Increase annual percentage of <b>social media</b> reach, likes, and follows <sup>7</sup>	Increase social media reach, likes and follows by 10% annually
		Increase number of additional partner projects to <b>Tracker</b> <sup>8</sup>	Train and enable partners to add 6 additional partner projects to Tracker
4. <b>Other Strategic Plan Requirements</b>	<b>Executive Order 2017-02</b> , adopt the NIST Cybersecurity Framework and implement CIS Critical Security Controls 1-5 (updated 05/26/2020)	As a technology customer of the Office of Information Technology Services (ITS) in the Governor’s Office, we are using the cybersecurity systems and technical expertise in ITS to fulfill requirements related to Executive Order 2017-02. Staff from ITS were briefed on the NIST Core Framework, CIS Controls 1-5, and their plan for adoption of the NIST Cybersecurity Framework. We participate in DHR and ITS administered cybersecurity training, as awareness is a critical component of an effective cybersecurity program. As briefed by ITS staff, implementation of the CIS Controls 1-5 will be their responsibility for the systems they operate and, as technological tools applied to the computer systems, largely invisible to us as a customer. ITS, working through the multi-agency Incident Response Task Force, has developed an Incident Response Program in support of our agency.	

<sup>7</sup> Established by ISWCC Board

<sup>8</sup> Established to drive expansion of reporting on nonpoint source voluntary conservation projects in Idaho

# FY 2021-2024 STRATEGIC PLAN

## Idaho Soil & Water Conservation Commission

Brad Little, Governor

### Board

H. Norman Wright, Chairman

Cathy Roemer, Vice Chair

Erik Olson, Secretary

Gerald Trebesch, Member

Wendy Pratt, Member

Teri Murrison, Administrator

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*Conservation the Idaho Way: Sowing the Seeds of Stewardship*



## Part I – Agency Profile

### Agency Overview

The Idaho Soil and Water Conservation Commission (ISWCC) was created in 1939 under Idaho Code § 22-2716, et. seq.) to form local conservation districts to work on reducing soil erosion generated by agricultural land management practices. ISWCC is now also the lead agency for a number of voluntary conservation programs that address water quality and other natural resource issues. ISWCC has no regulatory authority. The ISWCC was led in FY 2020 by five Commissioners appointed by the Governor: Chairman H. Norman Wright, Vice Chairman Cathy Roemer, Secretary Erik Olson and members Gerald Trebesch and Wendy Pratt. The administrator was Teri Murrison. In FY 2020, the agency had 21.75 administrative and technical staff located in offices around the state.

### Core Functions/Idaho Code

1. **District Support and Services:** provides technical, financial, and other assistance to Idaho's 50 conservation districts.
2. **Comprehensive Conservation Services:** provides/promotes non-regulatory incentive and science-based programs to support voluntary conservation activities enhancing environmental quality and economic productivity.
3. **Administration:** ensures fiscally responsible operations to support Commissioners, programs, and staff.
4. **Outreach:** engages local, state, and federal partners, non-governmental organizations, and resource and agricultural production groups to promote agricultural stewardship (voluntary conservation).

### Revenue and Expenditures

Revenue	FY 2017	FY 2018	FY 2019	FY 2020
General Fund	\$2,730,900	2,759,200	2,659,200	
Receipts	300	33,400	11,100	
RCRDP Loan Program	910,800	889,100	722,600	
SRF Loan Program	86,300	92,300	92,300	
Federal Grant Funds	0	170,900	201,800	
<b>Total</b>	<b>\$3,728,300</b>	<b>3,944,900</b>	<b>3,687,000</b>	
Expenditures	FY 2017	FY 2018	FY 2019	FY 2020
Personnel Costs	\$1,331,000	1,368,500	1,620,127	
Operating Expenditures	290,500	329,800	341,802	
Capital Outlay	74,100	111,200	3,425	
Trustee/Benefit Payments	1,353,200	1,253,200	1,253,200	
RCRDP Loan Disbursements	604,200	939,100	305,800	
DEQ Loan	\$73,700	79,700	104,700	
Federal Grant Funds		136,600	270,000	
<b>Total</b>	<b>\$3,726,700</b>	<b>\$4,218,100</b>	<b>3,899,054</b>	

\* indicates where numbers have been updated to correct prior year errors.

### Profile of Cases Managed and/or Key Services Provided

Cases Managed and/or Key Services Provided	FY 2017	FY 2018	FY 2019	FY 2020
Conservation systems implemented on all cropland (acres)	97,776	99,982	109,144	
Conservation implemented on other land uses (acres)	6,549	8,199	1,300	
Grazing/pasture management systems implemented (acres)	339,356	282,851	339,955	
Riparian acres implemented with protection, restoration, enhancement or creation (acres)	3,981	4,783	2,750	
Conservation Reserve Program (CRP) – Private agricultural land removed from tillage-induced erosion through financial incentive for a contractual time period.	568,729	538,994	542,772	

Numbers above include conservation statistics from federal and local partners: NRCS and districts.

**Red Tape Reduction Act**

In FY 2019 the Idaho Soil and Water Conservation Commission reduced their rules by 50%. ISWCC began the year with four chapters of rule and ended the year with two. ISWCC will continue to work towards further reduction of ineffective or outdated regulations in the new fiscal year.

	As of July 1, 2019	As of July 1, 2020
Number of Chapters	2	1
Number of Words	4,662	4626
Number of Restrictions	79	74

**FY 2020 Performance Highlights**

The Soil & Water Conservation Commission (Commission) launched the **Idaho Conservation Project Tracker** website, to communicate the significant accomplishments of Idaho’s broad conservation partnership and “Conservation the Idaho Way”, Agricultural and natural resources stewardship that’s locally led and voluntary. Project Tracker currently contains Commission projects back to the 80s and will ultimately feature the collaborative conservation accomplishments of multiple partners, as well. It’s a central online inventory of dollars invested and performance measures achieved. An Accomplishments Dashboard is featured on the site tracking projects and dollars invested overall and by partner and project type. It doesn’t require an account/login to access, sort, and review project info. Partner users create an account and login and can then enter proposed, current, and past projects into a searchable database containing focus areas, project themes, performance measures, watersheds, legislative and congressional districts, divisions and organizations, funding sources, and more.

Part II – Performance Measures

Note: ISWCC has reworked its Strategic Plan and Performance Measures Report to more closely reflect DFM requirements. This year and through FY 2023, there will two sections: New Performance Measures (FY2021 and future) and Old Performance Measures (FY2017-FY2020).

Performance Measure New		FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>District Support &amp; Services</b>						
Percentage of Conservation Districts satisfied with services & programs provided	actual					
	target	n/a	n/a	n/a	n/a	90
Percentage of Conservation Districts satisfied with the effectiveness of the communications received from the Commission	actual	n/a	n/a	n/a	n/a	
	target	n/a	n/a	n/a	n/a	90
Percentage of requests submitted by Conservation Districts through the Technical Assistance Allocation Process (TAAP) that receive the requested assistance	actual	n/a	n/a	n/a	n/a	
	target	n/a	n/a	n/a	n/a	90
<b>Conservation Programs &amp; Services</b>						
Number of <b>Conservation Reserve Enhancement Program (CREP)</b> enrolled acres over which technical leadership and guidance is provided	actual	n/a	n/a	n/a	n/a	
	target	n/a	n/a	n/a	n/a	20,000
Acres improved with implementation of Best Management Practices (BMPs) and facilitated by <b>Resource Conservation &amp; Rangeland Development Program (RCRDP)</b> funding	actual	n/a	n/a	n/a	n/a	
	target	n/a	n/a	n/a	n/a	600
Number of acres with Best Management Practices (BMPs) implemented to maintain and improve <b>Ground Water Quality</b>	actual	n/a	n/a	n/a	n/a	
	target	n/a	n/a	n/a	n/a	
Percentage of <b>Total Maximum Daily Load (TMDL)</b> implementation plans completed within 18 months of the TMDL having been approved by the Environmental Protection Agency (EPA)	actual	n/a	n/a	n/a	n/a	
	target	n/a	n/a	n/a	n/a	100

Performance Measure New		FY 2017	FY 2018	FY 2019	FY 2020	FY2021
<b>Communication &amp; Outreach</b>						
Increase the number of newsletter subscribers	actual	n/a	n/a	n/a	n/a	
	target	n/a	n/a	n/a	n/a	20
Increase annual percentage of social media reach, likes and follows	actual	n/a	n/a	n/a	n/a	
	target	n/a	n/a	n/a	n/a	10%
Increase number of additional partner projects in Tracker	actual	n/a	n/a	n/a	n/a	
	target	n/a	n/a	n/a	n/a	6

Performance Measure Old		FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	
<b>District Support &amp; Services</b>							
1. # of District Surveys on Commission Satisfaction - Strongly agree - Somewhat agree - Neutral - Somewhat Disagree - Disagree N/A	actual	42 of 50	40 of 50	58 of 50*	32 of 50		
		43%	40%	50%	57%		
		48%	48%	30%	31%		
		2%	3%	13%	0%		
		7%	5%	7%	6%		
		0%	5%	0%	9%		
	target	50 of 50	50 of 50	50 of 50	50 of 50	n/a	
		36%	34%	47.5%	47.5%		
		46%	47%	47.5%	47.5%		
		8%	7%	0%	0%		
2. District five-year plans updated	actual	50	50	50	50		
	target	50	50	50	50	n/a	
	3. Technical Assistance Provided to Districts						
	# of technical assistance hours requested/awarded (new)	actual	7,360/6,071	7,630/6,061	7,654/6,061	7,355/5,928	
		target	-----	7,400/6,100	7,400/6,100	7,500/6,000	n/a
# of districts w/projects	actual	39	42	40	40		
	target	40	40	40	40	n/a	
# of new projects	actual	19	19	29	22		
	target	50	50	25	25	n/a	
# of ongoing projects	actual	70	89	64	71		
	target	75	100	100	75	n/a	
# of landowners served	actual	316	407	536	436		
	target	245	300	350	350	n/a	

Performance Measure Old		FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>4. CREP Program Deliverables</b>						
Total Contracts	actual	168	181	178	187	
	target	160	160	201	201	n/a
Total Acres	actual	17,257	18,351	18,161	18,484	
	target	22,000	17,500	20,000	20,000	n/a
Certified Contracts	actual	2 (90 total contracts)	5 (95 total contracts)	49** (144 total contracts)	0 (144 total contracts)	
	target	10	10	8	5	n/a
Certified Acres	actual	131 (9,658 total acres)	1,837 (11,495 total acres)	3,740 (15,235 total acres)	0 (15,235 total acres)	
	target	1,500	800	500	350	n/a
Water Conserved (new)	actual	34,514 ac-ft.	36,700 ac-ft.	36,322 ac-ft.	36,968	
	target	-----	36,000 ac-ft.	40,000 ac-ft.	40,000 ac-ft.	n/a
<b>5. Ground Water Quality/Nitrate Priority Areas</b>						
Acres Treated	actual	42,194	43,778	47,704		
	target	42,000	37,700	43,000	48,500	n/a
Nitrates Reduced (lbs.)	actual	142,000	147,500	152,500		
	target	140,000	132,100	147,000	154,000	n/a
Phosphorus Reduced (lbs.)	actual	28,500	30,100	30,800		
	target	28,000	26,500	29,500	31,500	n/a
Sediment Reduced (tons)	actual	148,500	151,400	155,500		
	target	150,000	142,600	150,500	157,000	n/a
<b>6. RCRDP Loan Program</b>						
# of new loans	actual	5	12	7***	6	
	target	15	12	15	15	n/a
Total \$ conservation projects	actual	\$335,784	\$1,017,163	\$391,374	\$488,626	
	target	\$900,000	\$850,000	1,000,000	1,000,000	n/a
Inquiries received	actual	36	45	43	17	
	target	65	50	55	55	n/a
Applications submitted	actual	5	17	19	11	
	target	28	25	25	25	n/a
Pending @ end of FY	actual	0	0	0	1	
	target	2	2	2	2	n/a
Applications denied or withdrawn	actual	1	5	3	4	
	target	5	5	2	2	n/a
Satisfied customers (new)	actual	5	12	7	6	
	target	-----	5	15	15	n/a

Performance Measure Old		FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>7. TMDL Ag Implementation Plans (subject to DEQ priorities)</b>						
# of new plans assigned by DEQ ( <i>new</i> )	actual	7	3	7	2	
	target	-----	7	5	5	n/a
Completed	actual	10	5	10	11	
	target	7	6	5	7	n/a
In Progress	actual	22	12	12	7	
	target	15	12	12	12	n/a
Pending	actual	10	10	10	5	
	target	18	19	10	10	n/a
<b>8. Communications <i>Note: Performance measures listed below in gray have been determined not to be meaningful for this report and will no longer be tracked.</i></b>						
Website (Total Visitors)	actual	19,607****	2635****	3,969	30,826	
	target	-----	74,000****	5,000****	5,000	n/a
(Ave. Page Views) per visitor	actual	204.73	N/A †	N/A †	N/A †	
	target	26	N/A †	N/A †	N/A †	n/a
(Ave. Hits/Day)	actual	22,000	32,647	N/A †	N/A †	
	target	33,000	33,000	N/A †	N/A †	n/a
(Total Hits)	actual	669,967	995,051	N/A †	N/A †	
	target	1,100,000	1,020,000	N/A †	N/A †	n/a
Facebook (impressions/# of posts)*	actual	163	N/A †	N/A †	N/A †	
	target	275	N/A †	N/A †	N/A †	n/a
Facebook (Post Reach)	actual	38,851	31,274	60,431	27,012	
	target	50,000	50,000	50,000	65,000	n/a
(New Page Likes)	actual	72	40	61	123	
	target	200	200	75	75	n/a
Twitter (# of tweets)	actual	115	35	157	220	
	target	75	55	45	160	n/a
(Twitter Impressions)	actual	19,059	16,332	N/A †	N/A †	
	target	12,000	11,200	N/A †	N/A †	n/a
(Profile Views)	actual	434	559	N/A †	N/A †	
	target	800	700	N/A †	N/A †	n/a
(New Followers)	actual	70	25	28	5	
	target	200	200	50	50	n/a
Newsletter subscriptions	actual	620	632	744	784	
	target	675	700	700	750	n/a

**Performance Measure Explanatory Notes**

\* For FY 2019, 40 of the surveys returned were identified as being submitted by districts. Due to the option of submitting surveys anonymously, an additional 18 surveys could not be associated with any districts. This issue has been remedied in FY 2020..

\*\* The increase in numbers of CREP certified contracts in FY 2019 was due to partners performing additional certifications.

\*\*\* The decrease in the number of new RCRDP loans is due to low commodity prices making it much more difficult for applicants to qualify.

\*\*\*\* Reporting methodology changed by website host in late FY 2017 leading to discrepancy in numbers the following year. Discrepancy has been accounted for and consistent data should once again be available to address FY 2019 target.

† n/a indicates that these performance measures are no longer to be included in annual reporting.

#### For More Information Contact

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