



Idaho Soil & Water Conservation Commission

650 W. State St., Room 145 • Boise Idaho 83720
Telephone: 208-332-1790 • Fax: 208-332-1799
www.swc.idaho.gov

IDAHO SOIL & WATER CONSERVATION COMMISSION PUBLIC MEETING & TELECONFERENCE

Date and Time:

Thursday, June 13, 2013
From 8:00 am – 5:00 pm MST

Location:

Idaho State Capitol Building
700 W. Jefferson Street, East Wing 20
Boise, Idaho 83720

DRAFT MINUTES

COMMISSION MEMBERS PRESENT:

Dick Bronson
Dave Radford

Jerry Trebesch
Roger Stutzman

COMMISSION MEMBERS PRESENT via teleconference:

Norman Wright

COMMISSION STAFF PRESENT:

Teri Murrison
Delwyne Trefz
Cheryl Wilson

Pam Johansen
Terry Hoebelheinrich
Jan Webster

PARTNERS AND GUESTS PRESENT:

Harriet Hensley
Keith Reynolds

Shelby Kerns
Rich McCallister

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

2 Chairman Bronson called the meeting to order at 8:00 am. Roll call: Chairman Dick Bronson,
3 Commissioners Dave Radford, Jerry Trebesch, Norman Wright and Roger Stutzman were present.

4
5 **ITEM #2: Review Agenda**

6 Item #4a, Election of 2014 Officers, was moved to follow Item #7, Other Business.

7
8 **ITEM #4b: MINUTES**

9 Action: Commissioner Radford moved to approve the May 16, 2013 minutes. Commissioner Trebesch
10 seconded the motion. Motion carried by unanimous vote.

11
12 **ITEM #4c: FINANCIAL REPORTS**

13 Commissioner Radford moved to approve the May 31, 2013 Financial Report. Commissioner Trebesch
14 seconded the motion. Motion carried by unanimous vote.

15

16 **ITEM #4d: ADMINISTRATOR’S REPORT**

17 An item was added that arose subsequent to the posting of the agenda that was of sufficient urgency to
18 warrant consideration. It involved a request from the Idaho Department of Environmental Quality and
19 Idaho State Department of Agriculture to prepare and submit comments on the BLM’s Draft
20 Environmental Impact Statement for Owyhee 68, Group 2.

21 Action: Commissioner Radford moved that SWCC’s draft response to the BLM regarding the Jump,
22 Succor and Cow Creek Watersheds Grazing Permit Renewal Draft EIS, be finalized and sent to Brian
23 Oakey at the Idaho Department of Agriculture for incorporation into the state comment letter.
24 Commissioner Trebesch seconded the motion. Motion carried by unanimous vote.

25
26 **ITEM #4e: PROPOSED FY2014 REGULAR MEETING SCHEDULE**

27 Chairman directed that staff follow schedule as proposed and noted that the schedule can be modified
28 as needed. Action: no action taken.

29
30 **ITEM #4f: FY 2014-2016 STRATEGIC PLAN**

31 Action: Commissioner Radford moved to approve the Strategic Plan document with minor changes as
32 noted. Commissioner Stutzman seconded the motion. Motion carried by unanimous vote.

33
34 **ITEM #5c: DISTRICT CAPACITY BUILDING FUNDING REQUESTS**

35 Action: Commissioner Radford moved to distribute FY 2014 capacity building funds as recommended by
36 the District Support Services Specialist with the exception of increasing the allocation to the Ag
37 Symposium to \$1,500 and reducing the overall district awards to \$875 per district. Commissioner
38 Stutzman seconded the motion. Motion carried by unanimous vote.

39
40 **ITEM #7b: ELECTION OF OFFICERS**

41 Action: The Chairman surrendered the gavel to Jan Webster to conduct the annual election of
42 Chairman.

43
44 Chairman Bronson nominated Commissioner Wright for FY 2014 Chairman. Commissioner Trebesch
45 seconded the motion.

46
47 A substitute motion was made by Commissioner Radford to nominate Chairman Bronson for FY 2014.
48 Seconded by Commissioner Wright.

49
50 Discussion ensued. The maker of the substitute motion withdrew his motion, as did the second.
51 Commissioner Radford moved that the nominations be closed. Seconded by Commissioner Stutzman.
52 By unanimous consent the nominations for Chairman were closed.

53
54 The original motion carried by unanimous vote and the gavel was turned over to Chairman Wright to
55 conduct elections for Vice Chair and Secretary, and for the balance of the meeting.

56
57 Action: Commissioner Radford nominated Commissioner Stutzman for Vice-Chair. Commissioner
58 Bronson seconded the motion. By unanimous consent, the nominations for Vice Chair were closed.
59 Motion carried by unanimous vote.

60
61 Action: Commissioner Radford nominated Commissioner Trebesch for Secretary. Commissioner
62 Stutzman seconded the motion. By unanimous consent, the nominations for Secretary were closed.
63 Motion carried by unanimous vote.

64

65 Commissioner Radford moved that the group break for lunch at 12:23 pm and resume at 1:25 pm for
66 Executive Session.

67

68 **ITEM #8: EXECUTIVE SESSION**

69 Action: Commissioner Radford moved to break for lunch and enter into executive session pursuant to
70 Idaho Code §67-2345(d) for the purpose of considering pending RCRDP loan business and pursuant to
71 Idaho Code §67-2345(b) for the appointment of the Administrator for FY 2014. Seconded by
72 Commissioner Trebesch. Motion passed unanimously.

73

74 Executive Session commenced at 1:35 pm. Ms. Murrison, Mr. Hoebelheinrich, Ms. Wilson, Ms. Johansen
75 and Deputy AG Harriet Hensley were invited to stay for the RCRDP loan business consideration and Ms.
76 Murrison stayed for the consideration of appointing an Administrator for FY 2014.

77

78 Executive Session ended at 3:14 pm

79

80 The Regular Meeting reconvened in open session at 3:14 pm

81

82 Action: Commissioner Radford moved that Administrator receive a bonus up to \$2760.13 based on
83 balances remaining in the General Fund and Dedicated RCRDP Personnel Funds. Commissioner
84 Trebesch seconded the motion. Motion carried by unanimous vote.

85

86 Action: Commissioner Radford moved to reappoint Administrator for FY 2014. Commissioner Trebesch
87 seconded the motion. Motion carried by unanimous vote.

88

89 **ITEM #9: ADJOURN:**

90 The meeting was adjourned at 3:15 pm. The next Commission meeting will be held on Thursday,
91 August 8, 2013 in Boise.

92

93 Respectfully submitted,

94

95

96

97 Jerry Trebesch, Secretary

SWC REPORT SUMMARY AS OF June 30, 2013

GENERAL FUND	PERSONNEL			OPERATING			CAPITAL OUTLAY			TRUSTEE & BENEFITS			CASH				
	ACTUAL			ACTUAL			ACTUAL			ACTUAL			PLUS TOTAL			ACTUAL	
	EXPENSE thru			EXPENSE Thru			EXPENSE			EXPENSE Thru			BEG CASH AT	REC TO	LESS TOTAL	CASH	
	End of			End of			Thru End of			End of			7/1/12	DATE	EXP TO DATE	Balance	
FY13	BUDGET	Current	BALANCE	BUDGET	Current	BALANCE	BUDGET	Current	BALANCE	BUDGET	Current	BALANCE				End of	
	Month	Month		Month	Month		Month	Month		Month	Month					Current	
INDEX																	
7101 MANAGEMENT ADMINISTRATION	274,000	273,803	197	28,729	26,617	2,112	0	0	0	0	0	0	302,729	678	300,420	2,987	
7111 MANAGEMENT BOARD	2,000	3,552	(1,552)	6,600	7,302	(702)	0	0	0	0	0	0	8,600	0	10,854	(2,254)	
7201 ADMIN & FIELD STAFF	390,000	389,171	829	149,338	159,587	(10,249)	16,146	16,146	0	0	0	0	555,484	0	564,904	(9,420)	
7301 PROGRAMS	197,700	198,650	(950)	2,750	3,404	(654)	0	0	0	0	0	0	200,450	0	202,054	(1,604)	
7310 DISTRICT ALLOCATIONS			0			0				1,053,200	1,053,200	0	1,053,200	0	1,053,200	0	
7320 DISTRICT CAPACITY BUILDING			0			0				50,000	49,998	2	50,000	0	49,998	2	
7350 CREP	130,000	128,144	1,856	22,083	12,241	9,842			0			0	152,083	0	140,385	11,698	
TOTAL GENERAL FUND 0001	993,700	993,321	379	209,500	209,151	349	16,146	16,146	0	1,103,200	1,103,198	2	2,322,546	678	2,321,816	1,408	
			99.96%			99.83%						100.00%				99.97%	
7315 SWC TECH ASSISTANCE	0	0	0	69,474	69,474	0	10,526	10,526	0	0	0	0	0	80,000	80,000	0	
TOTAL FUND 0348	0	0	0	69,474	69,474	0	10,526	10,526	0	0	0	0	0	80,000	80,000	0	
7325 SWC PROFESSIONAL SERVICES	0	0	0	20,000	4,451	15,549		2,599	(2,599)	0	0	0	4,314	6,699	7,050	3,963	
TOTAL FUND 0450	0	0	0	20,000	4,451	15,549	0	2,599	(2,599)	0	0	0	4,314	6,699	7,050	3,963	
						22.25%											
DEDICATED FUND	PERSONNEL			OPERATING			CAPITAL OUTLAY			CASH							
	EXPENSE thru			EXPENSE Thru			EXPENSE			EXPENSE Thru			CASH				
	End of			End of			Thru End of			End of			BALANCE				
	Current			Current			Current			Current			End of				
	Month			Month			Month			Month			Current				
FY13	BUDGET	Current	BALANCE	BUDGET	Current	BALANCE	BUDGET	Current	BALANCE	BEG CASH AT	PLUS TOTAL	LESS TOTAL	BALANCE				
	Month	Month		Month	Month		Month	Month		7/1/12	REC TO DATE	EXP TO DATE	End of				
													Current				
7351 RCRDP LOAN ADMINISTRATION	144,100	144,100	0	146,000	132,148	13,852	0	0	0	4,443,506	1,579,743	276,248	5,747,001				
TOTAL RCRDP ADMIN 0522-01	144,100	144,100	0	146,000	132,148	13,852	0	0	0	4,443,506	1,579,743	276,248	5,747,001				
			100.00%			90.51%											
7361 REVOLVING LOAN - DEQ	0	0	0	30,000	6,117	23,883	0	0	0	16,228	129,002	122,439	22,790				
TOTAL DEQ LOAN 0529-16	0	0	0	30,000	6,117	23,883	0	0	0	16,228	129,002	122,439	22,790				
						20.39%											



SOIL & WATER
CONSERVATION COMMISSION

ITEM #4c

COMMISSION

H. Norman Wright
Chairman

Roger Stutzman
Vice Chairman

Jerry Trebesch
Secretary

Dave Radford
Commissioner

Dick Bronson
Commissioner

Teri A. Murrison
Administrator

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS RADFORD,
STUTZMAN, BRONSON, AND TREBESCH**
FROM: TERI MURRISON, ADMINISTRATOR
DATE: JULY 25, 2013
RE: ADMINISTRATOR'S REPORT

Office of Performance Evaluation Study on Water Quality Programs

Toward the end of the 2013 legislative session, the Joint Legislative Oversight Committee (JLOC) assigned the Office of Performance Evaluation (OPE) a study on managing water quality programs (see letter attached). In short, the letter asked for verification of the legislators' premise that Idaho's waters are most cost-effectively protected by state and local officials working collaboratively with local communities and stakeholders who have the greatest knowledge, interest and concern about Idaho's water resources.

As detailed in the letter, they specifically also asked OPE to evaluate:

1. Impediments to the revision of Idaho Water Quality Standards through the preparation of what is called in the letter Use Attainability Analyses (UAA) – see letter attached, and
2. Impediments to timely implementation of water quality trading for use in Idaho watersheds within the next three years.

OPE Director Rakesh Mohan and two investigators met with staff to provide information on the study and to determine how ISWCC's programs contribute to water quality improvements in Idaho. They were pleased to learn about the Tracker Program and the fact that we are presently compiling reports on ISWCC's voluntary conservation efforts (including RCRDP) back to 1999 and that our new website will feature mapping by hydrological unit (HUC) and include conservation practices installed/ funding expended.

Their report will be delivered to the Legislature in the FY 2014 session and is proceeding parallel to several processes to initiate water quality trading in Idaho (including the phosphorus trading project presented by Doug Jones recently and a separate DEQ effort – see below for more information).

DEQ Water Quality Trading Open House

DEQ will hold an Open House to discuss the introduction of a possible new water quality trading program on Aug. 22 (4-6 pm) at the DEQ office located at 1410 N. Hilton, Boise. In a nutshell, a water quality trading program could be a vehicle for municipalities, development, and others who must mitigate for certain pollutant impacts to water quality by buying credits. Private landowners would agree to implement the mitigation by installing BMPs. The Willamette Partnership (<http://willamettepartnership.org/>), a group formed to operate a similar effort in Oregon, will also be at the Open House.

DEQ has been working on this concept for a number of years, but attention has recently been focused on it via the OPE study, and other proposed trading projects like the phosphorus trading concept. A guidance document prepared by DEQ in 2010 can be found at: http://www.deq.idaho.gov/media/488798-water_quality_pollutant_trading_guidance_0710.pdf

An agreement was signed between DEQ, SWCC, and other agencies about 13 years ago that gave SWCC certain responsibilities identified in the 2000 Lower Boise River Effluent Trading Demonstration Project (see Summary, attached).

Delwyne Trefz reviewed the DEQ 2010 Guidance Document and determined that the responsibilities assigned to SWCC in the 2000 Demonstration Project had been transferred to the 2010 Guidance document. Given our constrained human and fiscal resources, he contacted DEQ to learn if those responsibilities were again assumed. He received the following from Marti Bridges, Trading Program Manager:

The language included in the Trading framework is accurate... the role of the SCC was requested by farmers at the time the Lower Boise Trading Framework was developed (1998) and the purpose was to accompany DEQ personnel or EPA personnel for verification of a practice that would be used for trading with a point source, a major component of any trade that would take place. A third party verifier could be utilized instead of the Commission, however. The Commission, in particular David Ferguson, was very involved in the BMP workgroup in developing trade ratios, verification concepts and identifying credible BMPs for use in the Lower Boise that could be backed up with sound on-the-ground research for the locality as to their performance in total phosphorus removal/capture. Having the Commission involved by verifying projects used for trades was deemed desirable by the agricultural community, at the time.

As I've mentioned previously, a major focus of the Joint Regional Agreement process between the three Region 10 states and EPA, facilitated by the Willamette Partnership, is to discuss these kinds of concepts and operating procedures for trading in the Pacific Northwest...

Attending the Open House would be an excellent start, providing a basis to bring everyone up to speed. After that, we most definitely should discuss what kinds of updates, changes or clarifications should be made or are desired for the role of the SWCC. It's been 15 year since the Commission, DEQ and all parties agreed to these principles and procedures for trading in the Lower Boise. And as the TMDL gets closer to determining LA and WLAs for the respective entities

and locations in the watershed, the Lower Boise Trading framework itself will need some updates to reflect newer information in the watershed, once the TMDL is EPA approved.

We've scheduled a follow-up meeting with DEQ program managers and division heads to discuss this further.

We will stress that any water quality trading effort should revolve around and focus on TMDL Implementation Plans, District 5 Year Plans, and involve conservation districts. As you know, district implementation of BMPs has been hampered by the lack of funding for projects for a number of years. This could be a good way to get funding for projects back on track.

We will keep your Board apprised of any developments going forward.

Small Agency Support Services MOU for Fiscal, IT, and HR Services

As you know, the Department of Administration provides fiscal, information technology, and human resources assistance to the ISWCC under a Memorandum of Understanding (MOU) to provide Small Agency Support Services.

Admin's Chief Financial Officer Keith Reynolds and I recently conducted the annual review of that MOU and made several small changes to the MOU (see attached) including:

- Adding preparation of annual financial statement preparation
- Audit management and support
- Attendance at monthly ISWCC meetings by Mr. Reynolds or his representative
- "Other" fiscal and administrative support services by mutual agreement, as appropriate.

Mr. Reynolds, Rebecca Fry (HR), and John Davison (IT) will be at your meeting to make brief presentations on the services provided to SWCC under the MOU and answer your questions, if any.

State Revolving Loan Fund to Commission

At your last meeting, Commissioners requested a summary of the ISWCC's Loan Agreement with DEQ and to understand the extent of associated liability. Mr. Hoebelheinrich and Ms. Hensley are reviewing the loan agreement, mortgage, personal guarantees, etc., and will present at your meeting. Ray Houston, Legislative Services Analyst, will also attend to present history on SWCC's involvement.

Correspondence

Attached for your information is a copy of:

- Letter to Districts regarding SWCC's statutory ability to pay incentive payments out of RCRDP loans (and Hensley letter re RCRDP District Participation)
- A letter from IASCD regarding the hiring of Benjamin Kelly to fill the Executive Director position. I have worked with Benjamin in the Food Producers Association. He will be an immediate asset to IASCD and the conservation partnership.
- A letter sent to Governor Otter by Kit Tillotson, IASCD President, stating IASCD's "full support" for Commissioner Bronson's reappointment. Mr. Tillotson stated, "... Mr. Bronson has worked

well with conservation district supervisors and has made every effort to strengthen our partnerships and provide valuable input on the important issues facing agriculture today...”

- A thank you card from the Bonner SWCD regarding the Commission’s support for the annual State Forestry Contest.
- Letter from Jeff Burwell re NRCS Office Closures

RECOMMENDED ACTION: For information only

Attachments:

- Legislative Request to OPE Letter
- Summary of SWCC Responsibilities in Lower Boise River Effluent Trading Demonstration Project, 2000
- Amended MOU with Department of Administrative Services for Small Agency Support Services
- Summary and History of State Revolving Fund Loan to Commission
- Murrison letter to Districts re SWCC’s statutory ability to pay incentive payments out of RCRDP loans (and Hensley Ltr. re RCRDP District Participation).
- Letter from IASCD re hiring Benjamin Kelly as Executive Director
- IASCD Letter to Governor Otter supporting Commissioner Bronson’s reappointment
- Thank You Card from Bonner SWCDC
- Letter from Jeff Burwell re NRCS office closures

LAWRENCE E. DENNEYDISTRICT 9
ADAMS, CANYON, PAYETTE
& WASHINGTON COUNTIESHOME ADDRESS
2227 DENNEY ROAD
MIDVALE, IDAHO 83645
(208) 355-2374
EMAIL: ldenney@house.idaho.gov

House of Representatives State of Idaho

March 8, 2013

Joint Legislative Oversight Committee
Idaho State Capitol
700 W. Jefferson
Boise, ID 83720

Re: Request for Water Quality Program Evaluation

Dear Committee:

The Environmental Protection Agency (EPA), the Idaho Department of Environmental Quality (IDEQ), local governments and communities and stakeholders each have a role to play in establishing, implementing and complying with water quality programs in Idaho. We request that the Joint Legislative Oversight Committee (JLOC) direct the Idaho Office of Performance Evaluation (OPE) to identify and evaluate opportunities to optimize state, local and stakeholder determination and implementation of water quality programs in the State of Idaho. We would like this evaluation to include analysis of our premise that Idaho's waters are most cost-effectively protected by state and local officials working collaboratively with local communities and stakeholders who have the greatest knowledge, interest and concern about Idaho's water resources.

We are specifically interested in an evaluation of the following issues:

1. Setting appropriate water quality standards for Idaho water bodies. Correctly identifying the uses a water body can reasonably be expected to support is essential to proper water quality planning and administration. Inappropriate designation of uses for water bodies can lead to unattainable water quality objectives and programs that impose unnecessary and costly restrictions on water users. Natural and manmade conditions, and limited available funding, may prevent the attainment of certain uses. Desert streams, for example, should not be expected to reach unnaturally cold temperatures.

When water quality monitoring and analysis indicate that a use designated for an Idaho water body is inappropriate, IDEQ has the authority and responsibility to perform a Use Attainability Analysis (UAA) to determine whether the use should be modified or removed from the water body, and the water quality standard revised accordingly.

However, UAAs are rarely prepared by IDEQ or approved by EPA. We are aware that stakeholders have been discouraged from pursuing water quality standard revisions, even when they have been willing to participate in the preparation of UAAs.

We therefore request an evaluation of the impediments to the revision of Idaho Water Quality Standards through the preparation and approval of UAAs.

2. Implementation of Water Quality Pollutant Trading. IDEQ describes pollutant trading as “a business-like way of helping to improve water quality by focusing on cost-effective, local solutions to problems caused by discharges to surface waters.” “Pollutant trading is voluntary and generally involves a party facing relatively high pollutant reduction costs [such as a municipal discharger] who compensates another party [such as a farmer] to achieve an equivalent, though less costly, pollutant reduction.” Water quality pollutant trading is widely regarded as essential to meaningful improvement in many Idaho water bodies.

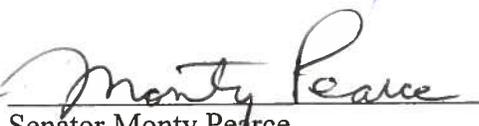
Water quality pollutant trading frameworks have been in development in Idaho for over a decade, yet the viability of trading in Idaho remains uncertain at a time when many dischargers, particularly municipalities, are facing increasingly strict permit requirements.

We therefore request an evaluation of the impediments to timely implementation of water quality trading for use in Idaho watersheds within the next three years.

Thank you for your consideration.


Representative Dell Raybould
Chairman, House Environment, Energy & Technology Committee


Representative Lawrence Denney
Chairman, House Resources & Conservation Committee


Senator Monty Pearce,
Chairman, Senate Resources & Environment Committee

**SUMMARY OF SWCC's KEY RESPONSIBILITIES FOR
LOWER BOISE EFFLUENT TRADING DEMONSTRATION PROJECT
SEPTEMBER 2000**

http://www.deq.idaho.gov/media/489512-boise_river_lower_effluent_report.pdf

Major tasks that will be completed to support implementation of the trading system are outlined below. The action plan in Appendix E (see below) includes a more detailed outline of tasks and target dates.

- DEQ will complete the TMDLs for the Lower Boise River, listed tributaries and the Snake River-Hells Canyon, incorporating key elements necessary to support trading in the appropriate documents.
Target Date: December 31, 2001
- DEQ will draft, and conduct a public review and comment process for, the trading requirements document (regulatory vehicle for this document still under consideration). EPA will review and approve the initial document and any subsequent revisions. The document will describe the trading framework, specify the conditions and procedures for trading, and include ratios and the BMP list.
Target Date: First draft by December 31, 2000; June 2001, 2nd draft with BMP list; Final raft, December 31, 2002
- The SCC will coordinate preparation and review of key elements of the BMP List, and will provide technical support to persons and organizations interested in marketing agriculture nonpoint source reductions as described in the interagency agreement. Review of the BMP List will be provided by the BMP Technical Committee.
Target Date: Draft BMP List by March 2001
- EPA, DEQ, and the SCC will develop a formal agreement to outline responsibilities and procedures for SCC review of BMPs to support NPDES permit inspections.
Target Date: July 2000

4.1 Agency Roles and Responsibilities

On April 21, 2000 the EPA, DEQ, SCC, NRCS, Ada SWCD, Canyon SCD, SWIRCD and the USBR signed an interagency agreement outlining their various responsibilities for continuing to support the demonstration project. The general responsibilities of the agencies are the following:

EPA will provide program oversight through the drafting and issuance of NPDES permits, review and approval of the state trading requirements document, review of the BMP List, and periodic audits of NPDES permitted facilities. In addition, EPA will develop a Memorandum of Understanding with the DEQ to establish roles and responsibilities for the audit of NPDES permitted facilities, and with the SCC for their role in the on-site review of the BMPs that generate credits used by those facilities.

DEQ will provide ongoing program support by developing the Lower Boise River, Lower Boise River tributaries, and Snake River-Hells Canyon TMDLs; preparing and maintaining the state effluent trading requirements document; providing technical support for ratios and review of the BMP List; and participating in program audits and reviews. In addition, DEQ will develop a Memorandum of Understanding with EPA to establish roles and responsibilities for the audit of NPDES permitted facilities, and with the SCC for their role in the on-site review of the BMPs that generate credits used by those facilities.

The SCC will provide ongoing program support by providing technical expertise for development and maintenance of the BMP List, and providing technical support to agricultural nonpoint source participants for BMP design, installation, and maintenance. In addition, SCC will develop a Memorandum of Understanding with EPA and DEQ to define the SCC's role in the on-site review of the BMPs that generate credits used by NPDES-permitted facilities, as part of the NPDES audit program administered EPA and DEQ.

APPENDIX E

Lower Boise River Effluent Trading Demonstration Project Action Plan for Implementation Phase September 18, 2000

The April 21, 2000 meeting of the Framework Team marks the transition from the design phase of the demonstration project to the implementation phase. The purpose of this plan is to generally outline roles and responsibilities and a time line for the next phase of the project. The plan complements the interagency agreement that identifies the responsibilities several agencies have accepted for supporting the project in the future. The plan generally describes next steps in the following areas: overall project support and completion of the TMDLs, completion of the BMP list and related work to support agriculture participation in trading, launching the association, and program reviews and audits.

Overall Project Support

- DEQ will assume the lead in providing overall coordination and support for the project.
Target Date: Ongoing
- DEQ will complete the TMDLs for the Lower Boise River, listed tributaries and the Snake River-Hells Canyon, incorporating key elements necessary to support trading in the appropriate documents.
Target Date: December 31, 2001
- DEQ will draft, and conduct a public review and comment process for, the trading requirements document (regulatory vehicle for this document still under consideration). EPA will review and approve the initial document and any subsequent revisions. The document will describe the trading framework, specify the conditions and procedures for trading, and include ratios and the BMP list. Target Date: Draft by December 31, 2000; Final December 31, 2002; Revise every five years EPA will continue to be involved by issuing NPDES permits, reviewing the TMDL when it is submitted, and supporting DEQ and the stakeholders as described in the interagency agreement.
Target Date: Ongoing
- The SCC will coordinate preparation and review of key elements of the BMP List (as described below), and will provide technical support to persons and organizations interested in marketing agriculture NPS reductions as described in the interagency

agreement. Review of the BMP List will be provided by the state BMP Technical Committee.

Target Date: Ongoing

- NRCS, SCC, and the Soil Conservation Districts will provide technical resources for development of conservation plans for individual landowners and project plans for parties developing watershed scale projects and seeking cost share funds.

Target Date: Ongoing

- BOR will provide technical assistance, such as water resources related planning, evaluation, and modeling; engineering design; monitoring; water quality analysis, and project construction (Congressional authorization required) on a cooperative, cost-sharing basis.

Target Date: Ongoing

- DEQ will respond to stakeholders in other watersheds who may want to develop trading systems.

Target Date: Ongoing, as needed

Completing the BMP List

- Completion of key program components to support agricultural involvement in trading is essential for program implementation. The SCC has agreed to provide overall coordination for this work. Major work areas include methods for calculating pretreatment load, and specific trading requirements for selected BMPs. These work tasks will be completed by the SCC and a contractor under contract to the Idaho Water User's Association as described below:

- The SCC will prepare a report outlining the method for calculating pretreatment load from surface irrigated lands.

Target Date: July 2000

- The SCC will develop methods for calculating pretreatment load from irrigated pasture and animal feeding operations.

Target Date: December 2000

- The SCC will work with IDA, and others as appropriate, to determine an approach for calculating pretreatment load infiltrating to ground water. This work will be based, at least in part, on an IDA project to evaluate the interaction of ground and surface water with respect to nutrients in the Mason Creek watershed. Target Date: Preliminary study results March 2001; proposed method for calculating ground water pretreatment load, December 2001

- The SCC will prepare a final report on sediment ponds to provide the technical basis for developing BMP list materials for sediment ponds.

Target Date: May 2000

- The Idaho Water User's Association contractor, in consultation with the SCC and the BMP Technical Committee, will prepare BMP list technical information for sediment ponds and six to eight additional BMPs.

Target Date: December 2000

- The BMP Technical Committee and BMP Effectiveness Subcommittee will provide technical review of all work products prepared for the BMP list.
Target Date: Ongoing

...

Program Review and Audits

- EPA and DEQ will be responsible for conducting routine inspections of NPDES permitted facilities, including review of records pertaining to any trades used by a permittee.
Target Date: Consistent with existing permit inspection schedule.
- EPA, DEQ, and the SCC will develop a formal agreement to outline responsibilities and procedures for SCC review of BMPs to support NPDES permit inspections.
Target Date: July 2000
- DEQ will conduct a periodic audit of the trade tracking database.
Target Date: December 2002, December 2004, December 2006, then every five years thereafter, to coincide with the 5-year permit cycle.

Summary of State Revolving Fund Loan Agreement between IDEQ and the Commission

Prepared by: Deputy Attorney General Harriet Hensley

Under the loan agreement between the IDEQ and the Commission executed in 2002, the Commission made the following commitments:

- Loan repayment will come first from repayment of the loan between the Commission and Preston, Riverdale and Mink Creek Canal Company;
- The collateral offered by the Canal Company is irrevocably pledged to the payment of principal and interest on the loan in the event of default by the Commission;
- The Commission may repay any portion of the loan from any other funds legally available to it for repayment;
- The Commission is responsible, both physically and financially, to repossess and sell the collateral which the Commission holds as security in the event of a default by the Canal Company;
- If funds generated are insufficient to meet the terms of the obligation owed to IDEQ, the Commission may use any of the funds legally available to it to satisfy the difference;
- Late payments to IDEQ will accrue at the rate of one (1) percent per month on the amount of such delinquent payments from and after the due date until it is paid in full, provided that no such interest shall be charged to or be payable by the Commission unless such delinquency continues for more than thirty (30) days;
- The Commission will be in default of its obligations when any loan repayment to IDEQ becomes sixty (60) days past due;
- In the event of default, IDEQ may cease making further disbursements and may declare the principal and interest on the loan immediately due and payable;
- Failure to make such repayments shall be treated as a late payment and will also be subject to the default remedies which include any action IDEQ determines is necessary to collect the amounts due and reasonable fees and expenses of attorneys will be awarded to the prevailing party.

State Revolving Fund Loan Agreement between the Commission and the Preston, Riverdale, and Mink Creek Canal Company

- Mortgage
 - Assignment of water rights along with all easements, rights of way, pipelines, water mains, wells, storage reservoirs, pumps, canals, head gates, diversions, flumes, weirs, water control structures, and all other rights and privileges, including

revenues generated from the use of these water rights (decreed water right with priority of 1888) for diversion of 36 cfs from Mink Creek and up to 3/5th of all excess flows not to exceed 60 cfs

- Includes all rights and privileges enjoyed under agreements with Preston Whitney Irrigation Company for joint use of certain facilities
- Bureau of Reclamation is in first position; debt to Idaho Water Resource Board paid in full; Commission is in second position
- Promissory Note executed by five (5) guarantors in the amount of \$774,800.

MEMORANDUM

DATE: Thursday, August 8, 2013
 TO: Soil and Water Conservation Commission
 FROM: Ray Houston, Legislative Budget and Policy Analyst
 SUBJECT: Chronology of State Revolving Fund Use by Soil & Water Conservation Commission

August 2002: Department of Environmental Quality set aside \$2.7 million from the Clean Water State Revolving Loan Fund (Wastewater Facility Loan Fund, §39-3629) to the Idaho Soil Conservation Commission for nonpoint source projects. (The original idea was that this amount would be available on a revolving loan basis for the commission's use.)

Nov. 2002 through April 2004: In cooperation with Franklin Soil and Water Conservation District, the SCC distributed \$1.1 million for a pressurized underground pipeline project in Southeastern Idaho (Preston Mink Creek Canal - North Lateral). Project addressed seepage from the earth-lined lateral which caused flooded feedlots, septic tank problems, flooded basements, and potential canal breaks. There were two loans. One from DEQ to the SCC with a term of 20 years, 2% interest, with first payment October 2004, annual payment of \$68,693.24. The second loan was from the SCC to the canal company at 4% interest with an annual payment of \$81,270.38. The difference of \$12,577.14 per year was for SCC admin.

2003 Session for FY 2004: JFAC approved \$80,000 appropriation to the Commission from the SRF-SCC Fund to make the payments to DEQ. We learned later that the principal and interest repayments did not require a legislative appropriation and could be done in the accounting system as transfers within the statutory framework for the Clean Water State Revolving Loan Fund. The appropriation remained in the budget, with only \$500 to \$700 being expended per year in the SCC budget for administrative costs.

2007 Session for FY 2008: JFAC reduced the appropriation to \$30,000 in FY 2008. Expenditures continued in the \$500 per year range.

2010 Session: JFAC transferred \$105,000 from the Clean Water State Revolving Loan Fund (SCC SRF) to the General Fund to help balance the General Fund (\$1445 of 2010).

June 30, 2012: In FY 2012, SWCC expended \$9,800 in operating expenditures, including \$5,100 for employee training, \$3,200 for professional services, and \$1,500 for computer supplies. Outstanding free fund balance \$16,200.

June 30, 2013: In FY 2013 spent \$6,100 in operating expenditures of which \$5,600 was for professional services and \$500 was for administrative services. Outstanding free fund balance \$22,800. The Soil and Water Conservation Commission continues to pay principal and interest to the Department of Environmental Quality. Outstanding loan balance about \$608,000.

November 2022: Maturity date October 2023 but projected payoff November 2022 due to additional early payments made.

**AMENDMENT TO THE
MEMORANDUM OF UNDERSTANDING**

**For
DEPARTMENT OF ADMINISTRATION
SMALL AGENCY SUPPORT SERVICES**

This Memorandum of Understanding ("MOU") dated this 22 day of July, 2013, between the Department of Administration ("Administration") and the Idaho State Soil and Water Conservations Commission ("Commission"), collectively known as the "Parties".

WHEREAS, Section 67-2332, Idaho Code, requires agencies working together on joint projects to have a signed agreement in place describing certain responsibilities; and

WHEREAS, Idaho Code section 67-5704 authorizes Administration to receive payment for personnel costs and operating costs in exchange for providing services to departments of state government; and

WHEREAS, the following MOU details the types of service and cost associated with small agency support services provided by Administration. Funding for these services is made possible through dedicated fund spending authority used to interagency bill small agencies for the service cost.

NOW, THEREFORE, the Parties hereto agree as follows:

1. **SUPPORT SERVICES**

Support services provided by Administration under this agreement include the following, and do not supplant the Commission's obligations to manage the Commission and make all final policy and management decisions for the Commission:

- A. Set up and maintain STARS structure;
- B. Process cash receipts, accounts payable and accounts receivable;
- C. Accounting for various grant programs;
- D. Interface with State Controller's Office;
- E. Monthly financial statements, to include cash flows, budget to actual and income statements;
- F. Financial projections three (3) months prior to year end;
- G. Consolidated Annual Financial Report ("CAFR") reporting;
- H. Year-end hierarchy and structure for STARS;
- I. Payroll and personnel processing and monitoring;
- J. Recruitment and announcements;

- K. New hire orientation and verification;
- L. On-demand personnel-related reports;
- M. Salary projections;
- N. Employee benefits, FMLA and disability assistance;

- O. Support for one (1) LSO audit;
- P. Annual budget development and allocations;
- Q. Staffing, reduction in force, compensation, policy and procedure guidance;
- R. Guidance, counseling and assistance on personnel development, disciplinary actions, reclassifications;
- S. Personnel budget analysis and recommendations; and
- T. Travel associated with the above support services, if agreed upon in advance.
- U. Annual GAAP financial statement preparation
- V. Audit management and support.
- W. Attend Commission meetings as requested and as availability allows.
- X. Provide other fiscal and administrative support services, by mutual agreement, as appropriate.

2. SERVICE RATES

For Fiscal Year 2013, an interagency billing for the first quarter will be estimated and issued in July and is due and payable upon receipt. Subsequent interagency billings will be issued quarterly and are due and payable upon receipt. The parties will reconcile billings and payments following each quarter and make any necessary adjustments.

3. FEES

The fees for the support services will be the actual hourly rate of pay, including benefit costs, of the individual employee providing the service, as determined by Administration from time to time. Administration will record the individual hours of service provided by each employee in order to establish the amount billed in the quarterly billings. The Commission will pay travel expenses, if any, as mutually agreed upon. If Administration staff attends training, seminars, or the like, that benefits the Commission, the Commission may pay all or a portion of associated expenses, if mutually agreed upon in advance.

The Commission will be solely responsible for the following costs:

- A. Legislative audit;
- B. Risk management (liability, bond, auto, property, boiler, Inland Marine, other);
- C. Attorney General;
- D. Treasurer;
- E. Controller; and
- F. Facilities' rent.

4. MINIMUM REQUIREMENTS

To assist Administration in providing the support services, the Commission shall:

- A. Authorize Administration to access all online reports and transactions through the State Controller's Office, including IPOPS, I-Time, P-Card, IBIS and STARS;
- B. Authorize Administration the authority for approving and processing all IPOPS, I-Time, P-Card and STARS actions;
- C. Consult with Administration's Human Resource staff prior to any personnel action (e.g., hiring, promotion/demotion, reclassification, transfer and/or separation of an employee).
- D. Adhere to the established policies and procedures of Administration, including, but not limited to, personnel, travel, P-Card and fiscal policies and procedures (e.g., Cash Management Policy, Issuance of Warrants Policy, P-Card Policy, Purchasing Policy, Purchase Order Form, and Policy for the Inventory and Disposal of Capital Assets);
- E. Have all employees complete and submit required acknowledgement and understanding of Administration policy forms, including, but not limited to, Sexual Harassment, Code of Conduct, Hours of Work, Computer Usage, Drug Free Workplace and Personnel Procedure Manual;
- F. Consult with Administration's Human Resource staff whenever potential disciplinary action may be necessary and prior to such action; and
- G. Involve the Financial Services staff whenever potential financial problems may occur.

5. EFFECTIVE DATE

This MOU shall commence on July 1, 2013 and is to remain in effect until terminated in writing consistent with paragraphs 8 and 9 of this MOU.

6. ANNUAL REVIEW

The Parties shall meet within 60 days before the first day of July each year, or more often as required, to determine whether any modifications of the MOU should be made by agreement of the Parties.

7. ASSIGNMENT

No Party to this MOU shall assign any portion of this MOU or any privilege hereunder, either voluntarily or involuntarily, without prior written consent of all Parties, whose consent shall not be unreasonably withheld.

8. TERMINATION

Either Party may terminate this MOU at any time, with or without cause, upon ninety (90) calendar days' prior written notice to the other Party specifying the date of termination. Upon termination, the Parties shall: (i) promptly discontinue all work, unless the termination notice directs otherwise; and (ii) promptly return to the other Party any property provided by the

other Party pursuant to the MOU. Notwithstanding termination, the Parties shall remain obligated as otherwise set forth in this MOU to the extent of costs or obligations to third parties incurred pursuant to the MOU prior to the termination.

9. APPROPRIATION BY LEGISLATURE REQUIRED

The Parties are both governmental entities and this MOU shall in no way or manner be construed so to bind or obligate the Parties beyond the term of any particular appropriation of funds by the State's Legislature as may exist from time to time. Each Party reserves the right to terminate this MOU in whole or in part (or any order placed under it) if, in its sole judgment, the Legislature of the State of Idaho fails, neglects or refuses to appropriate sufficient funds as may be required for that Party to continue such payments, or requires any return or "give back" of funds required for the Parties to continue such payments, or if the Executive Branch mandates any cuts or holdbacks in spending. All affected future rights and liabilities of the Parties hereto shall thereupon cease within ten (10) calendar days after notice to either Party. It is understood and agreed that the payments herein provided for shall be paid from Idaho State Legislative appropriations.

10. FORCE MAJEURE OR AGENCY ACTION

No Party will be liable for failure to perform any duty under this MOU where such failure is due to unforeseeable causes beyond the Party's control and without the fault or negligence of the Party, including, but not restricted to, acts of God or the public enemy, fire, flood, epidemics, quarantine, strikes or other natural disasters. No Party shall be liable for any failure to perform resulting from any order of any court or state or federal agency.

11. GOVERNING LAW AND SEVERABILITY

This MOU shall be construed in accordance with and governed by the laws of the State of Idaho. This MOU is between two governmental agencies and any disputes herein should be resolved by the agencies through internal mechanisms. If an action to enforce the provisions of this MOU is required, it shall be brought in State district court in Boise, Ada County, Idaho. In the event any term of this MOU is held to be invalid or unenforceable by a court, the remaining terms of the MOU, to the extent the underlying purposes of this MOU may still be met, will remain in force.

12. NO AUTHORITY TO BIND THE OTHER PARTY

One Party under this MOU shall have no authority to enter into contracts or agreements on behalf of the other Party. All contracts or agreements shall be entered on behalf of the executing Party or executed jointly by both Parties.

13. ENTIRE AGREEMENT

This MOU constitutes the entire agreement between the Parties and supersedes all prior agreements or understandings between the Parties. No change, modification or waiver of any term of this MOU shall be valid unless it is in writing and signed by both Parties.

14. AMENDMENTS

This MOU may be modified upon written agreement of the Parties. However, no amendment or modification of this MOU shall be effective unless in writing.

MEMORANDUM OF UNDERSTANDING previously amended:

- June 23, 2012
- July 21, 2011

IDAHO DEPARTMENT OF ADMINISTRATION

By: 
TERESA LUNA
Director

Date: 7.22.13

IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION

By: 
TERI MURRISON
Administrator

Date: 7/23/13



SOIL & WATER
CONSERVATION COMMISSION

COMMISSION

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Chairman

Roger Stutzman
Vice Chairman

Jerry Trebesch
Secretary

Dave Radford
Commissioner

Dick Bronson
Commissioner

Teri A. Murrison
Administrator

MEMO

TO: IDAHO SOIL & WATER CONSERVATION DISTRICTS

FROM: TERI MURRISON, ADMINISTRATOR 

DATE: JULY 30, 2013

RE: CONSIDERATION OF THE COMMISSION'S ABILITY TO REIMBURSE
DISTRICTS FOR PARTICIPATION IN THE RCRDP LOAN PROGRAM

The Commission values and appreciates the local leadership of districts and our longstanding partnership. In particular, the assistance provided by districts in the implementation of the Resource Conservation and Rangeland Development Program has been and will continue to be very important.

Currently, the RCRDP provides loans to over 130 landowners for the implementation of conservation practices. Loan volume is down in the Ag lending industry in general, but it won't always be that way.

Going forward, district support can be very helpful in increasing the number of voluntary conservation activities funded through RCRDP. With this in mind, the Commission asked Deputy Attorney General, Harriet Hensley to research whether the RCRDP statutes and rules authorize the Commission to reimburse districts for their participation. She presented the results of her research at the June Commission meeting.

Ms. Hensley reviewed the relevant statutes, rules, and legislative history surrounding the establishment and development of the program. She noted that as a statutorily created agency, the Commission is limited to the powers and authorities given to it by the Legislature, as are districts. According to Ms. Hensley, "reading the plain language of the governing statutes and rules in conjunction with the legislative history leads to the conclusion that the Commission is not authorized to use RCRDP funds to reimburse districts for performing their statutorily required duties in the implementation of the loan program." Ms. Hensley's legal analysis is attached.

Ms. Hensley did conclude however that contracting with districts or other entities for additional services reasonably necessary to implement the RCRDP appears to be consistent with the statutory and regulatory framework established by the Legislature.

650 W. State St., Room 145 • Boise, ID 83702
P: 208.332.1790 • F: 208.332.1799 • swc.idaho.gov

established
1939

Conservation the Idaho Way: sowing seeds of Stewardship



MEMO to
Districts

July 30, 2013
Page Two

Shelby Kerns, Budget Chief for the Division of Financial Management, also spoke before the Commission on the primary purpose of the RCRDP, which is to promote conservation practices by providing low interest loans when such loans are not available through the private sector. Currently, landowners are able to finance the installation of conservation measures through low or no-interest loans on equipment.

Given the current economic climate and the extensive outreach and education efforts of Commission staff, Ms. Kerns noted that additional services, for example, local marketing by districts, at this time might not be a prudent use of RCRDP funds. She suggested that when market conditions change, however, the Commission will be in a position to determine whether additional assistance by districts is necessary to implement the RCRDP. She did indicate that additional discussions about how to use RCRDP funds to get more conservation projects on the ground might prove useful.

In the meantime, we will watch Program volume to determine the appropriate time for consideration of district compensation for participation in the loan program. Thank you for your part in maintaining the partnership. There is no substitute for your participation in our programs to further conservation in Idaho.

Attachments: Hensley Letter re RCRDP Loan Participation by Districts



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

July 22, 2013

Teri Murrison
Administrator
Idaho Soil and Water Conservation Commission
650 W. State Street, Room 145
Boise, Idaho 83720

Dear Teri:

You have asked whether the Idaho Soil and Water Conservation Commission (“Commission”) has the authority pursuant to statute or rule to reimburse soil and water conservation districts (“Districts”) for their participation in the Resource Conservation and Rangeland Development Program (“RCRDP”). As I understand it, the Commission has been discussing the possibility of reimbursing Districts with either a flat fee or a percentage of interest charged on individual loans approved by the Commission.

Statutory and Regulatory Framework

Idaho Code §§ 22-2730 through 22-2732 and IDAPA 60.05.01 govern the use of RCRDP funds. Idaho Code § 22-2730 provides:

(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, 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.

Idaho Code § 22-2731 provides:

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, projects and the water quality program for agriculture.

Idaho Code § 22-3732 sets out the respective roles and duties of the Commission and Districts regarding the implementation of the RCRDP. Applicants must file applications with a local district or the Commission describing the nature and purposes of the proposed conservation improvement or project and a conservation plan must be approved by the District or the Commission. I.C. § 22-3732(1) (a), (b). The Commission and Districts “shall keep each other informed of applications received.” I.C. § 22-3732(2). “Within sixty (60) days of receipt of an application, the local soil conservation district or the commission shall review and evaluate” the aspects of the proposed improvements. *Id.* If the conservation plan is determined to be satisfactory, the Commission must consider it for funding. *Id.*

The RCRDP statutes make no reference to the allocation of RCRDP funds to Districts for their participation in the loan program. The statutes do authorize the Commission to expend RCRDP funds “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.**” I. C. § 22-2730(1) (emphasis added). Consistent with the governing statutory provisions, the Rules of the Idaho State Soil and Water Conservation Commission Resource Conservation and Rangeland Development Program, IDAPA 60.05.01, (“RCRDP Rules”) require Districts and the Commission to work cooperatively to review proposed projects and complete the application process. IDAPA 60.05.01.056.01 provides, in pertinent part:

056. RESPONSIBILITIES

01. District. The local District shall:
 - a. Receive applications for program participation.

- b. Within sixty (60) days of receipt, review and evaluate the application for loans to determine if the project is consistent with the District's program goals and objectives.
- c. Assign a priority of high, medium, or low to the applications.
- d. Forward applications to the Commission with a recommendation for funding.
- e. Prepare and forward to the Commission special practice requests.

After receiving a recommendation, the Commission then reviews and evaluates the application and may or may not approve a loan depending on whether the applicant has adequate assets and security to protect the state from risk and provides reasonable assurance of repayment of the loan. IDAPA 60.05.01.056.02.(a),(b). The RCRDP Rules do not provide for reimbursement of Districts for their participation in the program.

In contrast, the Rules For Administration Of Agricultural Water Quality Cost-Share Program For Idaho, IDAPA 02.05.03, ("Cost-Share Rules") authorize the distribution of funds for administrative costs to project sponsors and grant recipients. Administrative costs include fund transfer costs, allowable costs incurred in contract administration, direct and indirect personnel, travel, equipment, material, supply costs, and administrative outreach activities. IDAPA 02.05.03.006.01. Where Districts act as project sponsors or grant recipients, the Cost-Share Rules authorize the Commission to reimburse Districts for such expenses. As discussed in more detail below, the cost-share and grant programs were funded initially with RCRDP funds, but in 2003, the Legislature authorized these programs only to the extent general funds are available.

Legal Standards

The interpretation of a statute "must begin with the literal words of the statute; those words must be given their plain, usual, and ordinary meaning; and the statute must be construed as a whole." *McLean v. Maverik Country Stores, Inc.*, 142 Idaho 810, 813, 135 P.3d 756, 759 (2006) (citations omitted). The objective of statutory interpretation is to "give effect to the legislative intent and purpose of the statute." *Adamson v. Blanchard*, 133 Idaho 602, 605, 990 P.2d 1213, 1216 (1999). Legislative intent is garnered from the statutory language, the statute's legislative history, and historical context in the enactment. *Id.* Administrative regulations are subject to the same principles of statutory construction as statutes. *Mason v. Donnelly Club*, 135 Idaho 581, 586, 21 P.3d 903, 908 (2001). Statutory and regulatory language should be construed in the context of the rule and statute as a whole, to give effect to the rule and to the statutory language the rule is meant to supplement. *Id.*

Analysis

The RCRDP statutes and rules unambiguously require that the Commission and the Districts perform specific duties to assist applicants interested in securing loans for the implementation of conservation and water quality improvement projects. Neither the statutes nor the rules contain provisions for funding District participation in the loan program.

A review of the legislative history surrounding the enactment of the RCRDP statutes indicates that one proponent of the legislation was of the opinion that the administrative costs incurred by Districts and the Commission in the loan program would be funded with RCRDP funds. In legislative hearings on the bill, Mr. Bivens of the Idaho Cattle Association stated and provided a fact sheet stating that “[t]he program will be administered and supervised through the Soil Conservation Commission and local Soil Conservation districts. These administering agencies will be reimbursed up to 4% of the funds accruing to the loan account annually for administrative expense.” Minutes of the Idaho House of Representatives Resources and Conservation Comm., March 5, 1985, 48th Leg., 1st Reg. Sess. Later in the hearing however, Mr. Faude, Commission Administrator, stated that “the four percent the bill discusses would be the amount up to four percent which could be used by the state soil conservation commission for administrative purposes for this program.” *Id.* at 3. There is no further mention of District reimbursement in subsequent committee meeting minutes or other legislative materials surrounding the establishment of the loan program.

Under general principles of statutory construction, a statement made by one person supporting legislation cannot modify the plain language of the legislation. *See Big Sky Paramedics, LLC v. Sagle Fire Dist.*, 140 Idaho 435, 438, 95 P.3d 53, 56 (2004). Moreover, until 2003, Idaho Code § 22-2730(1) authorized allocation of RCRDP funds only under the terms of the Commission’s rules and water quality program for agriculture, which did not provide for reimbursement under the loan program.

The history of amendments to the RCRDP statutes confirms that when the legislature intends for the Commission to disburse RCRDP funds to Districts, it says so. In 1992, House Bill No. 770 amended the RCRDP statutes to authorize use of the RCRDP account for grants. 1992 Idaho Sess. Laws 836. Further amendments were made in 1999 establishing a cost-share program from the account focused on the implementation of the water quality program for agriculture. 1999 Idaho Sess. Laws 387. Pursuant to the newly revised statutes and the Cost-Share Rules, Districts were eligible to apply for RCRDP grant and cost-share funds to implement or assist in the implementation of conservation and water quality improvement projects and programs. The Cost-Share Rules authorized the Commission, through contract with the Districts, to allocate funds to cover administrative expenses.

But, in 2003, the Legislature amended the RCRDP statutes to “reflect a number of changes in funding of the RCRDP grant and Water Quality Program for Agriculture cost-share component in previous legislative sessions.” Statement of Purpose, House Bill No. 109, 57th Leg., 1st Reg. Sess. The existing statutes now authorize the Commission to operate the grant and cost-share programs only to the extent general funds are available. I.C. §§ 22-2733 and 22-2734. There is no mention of reimbursing Districts for their participation in the RCRDP loan program in the legislative history surrounding these amendments.

You also asked whether the Commission could contract with Districts to perform services beyond those set out in statute to implement the RCRDP. Since the Legislature cannot possibly foresee all the practical difficulties that state agencies will encounter while carrying out their statutory functions, administrative agencies have the implied or incidental powers that are

Teri Murrison
July 22, 2013
Page 5

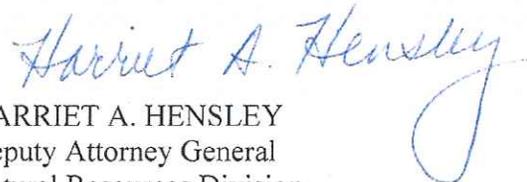
reasonably necessary in order to carry out powers expressly granted. *Vickers v. Lowe*, 150 Idaho 439, 442, 247 P.3d 666, 669 (2011) (citing 2 Am.Jur.2d *Administrative Law* § 57 (2004)). Idaho Code § 67-2328 authorizes “public agencies,” including state agencies and political subdivisions, to enter into agreements with one another to perform governmental services. See Idaho Code § 67-2327 (defining “public agency”). Given the discretionary language set out in Idaho Code § 22-2730(1), using RCRDP funds to contract with Districts for services reasonably necessary to implement the RCRDP beyond those tasks required by law would appear to be consistent with the statutory and regulatory framework established by the Legislature.

Conclusion

Reading the plain language of the governing statutes and rules in conjunction with the legislative history leads to the conclusion that the Commission is not authorized to use RCRDP funds to reimburse Districts for performing their statutorily required duties in the implementation of the loan program. Contracting with Districts (or other entities) for additional services reasonably necessary to implement the RCRDP would appear to be consistent with the statutory and regulatory framework established by the Legislature.

This letter is provided as an informal and unofficial expression of the views of this Office based upon the research of the author. If you would like to discuss these matters further or have follow-up questions please contact me at any time.

Sincerely,



HARRIET A. HENSLEY
Deputy Attorney General
Natural Resources Division



Idaho Association of Soil Conservation Districts

**9173 W. Barnes Dr, Ste. C
Boise, ID 83709
(208) 685-6989 FAX: (208) 376-6858**

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Box 701
Lava Hot Springs, ID
83246
(Division V)

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PO Box 293
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83832
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Director

Lynn Bagley
1402 West 8000 South
Victor, ID
83455
(Division VI)

Staff

Executive Director
Benjamin Kelly

Executive Assistant
Nancy Weatherstone

Date: July 30, 2013
To: Idaho Conservation Districts
From: IASCD
RE: Executive Director Hire

Good Morning,

On July 26th 2013 the IASCD Board of Directors met in Boise and conducted 8 interviews for the position of the Executive Director. I am excited to announce that we have offered the position to Benjamin Kelly of Kelly Associates Management group and he has accepted the position. We will be transitioning our office from the current location over to his office through the month of August.

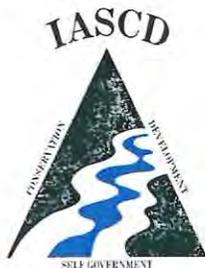
The board is very excited to begin working with Benjamin, with his management skills and network of people we feel that the Association will be well on its way to providing more services for districts as well as building the financial stability of the Association. Benjamin is very well known and respected in the legislature, as well, so we look forward to being able to continue our movement with the legislature this session.

I would like to thank everyone that took the time to be involved in the hiring process, especially those members of the selection committee. Your efforts were very much appreciated and it was a great value to the board to have the input.

We appreciate your patience in this matter and will keep you informed as we move through this transition and Benjamin comes on board with us full time. I am sure he will also be sending out a letter of introduction as well. In the meantime, if you should have any questions, please contact me or your division director. Thank you and have a productive summer.

Sincerely,

Kit Tillotson
IASCD President



Idaho Association of Soil Conservation Districts

9173 W. Barnes Dr, Ste. C
Boise, ID 83709
(208) 685-6989 FAX: (208) 376-6858

July 16, 2013

The Honorable C. L. "Butch" Otter
Office of the Governor
State Capitol
PO Box 83720
Boise, ID 83720

RECEIVED
JUL 19 2013
IDAHO SOIL & WATER
CONSERVATION COMMISSION

Dear Governor Otter,

On behalf of the Idaho Association of Soil Conservation Districts (IASCD), I would like to offer our full support of the re-appointment of Richard Bronson, as Commissioner to the Idaho Soil & Water Conservation Commission. Mr. Bronson has been an open, responsible and dedicated commissioner and we have enjoyed working with him on issues of mutual interest.

As you know, the IASCD relies heavily upon our federal and state partners when working with voluntary landowners on conservation issues and practices in the state. Mr. Bronson has worked well with conservation district supervisors and has made every effort to strengthen our partnerships and provide valuable input on the important issues facing agriculture today.

Please feel free to call upon me, or our staff, if you have any questions or need additional information. We appreciate your consideration in this matter and your on-going efforts to maintain and improve life in the great state of Idaho. Thank you.

Sincerely,

Kit Tillotson
President, IASCD
(208) 251-5829 (cell)

Cc: Teri Murrison, Administrator, ISWCC

2013 Board of Directors

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Kit Tillotson
Box 701
Lava Hot Springs, ID
83246
(Division V)

Vice-President
Billie Brown
PO Box 293
St. Maries, ID
83861
(Division I)

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2805 North 700 East
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17603 Morscheck Rd.
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83832
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1887 W. Beacon Light Rd.
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83616
(Division III)

Director
Lynn Bagley
1402 West 8000 South
Victor, ID
83455
(Division VI)

Staff

Executive Director
(Vacant)

Executive Assistant
Nancy Weatherstone



Idaho Department of Lands
 United States Forest Service
 Bonner Soil & Water Conservation District

IDAHO STATE

1983—2013

FORESTRY CONTEST

A large group of people, mostly young adults, are sitting on the ground in front of a rustic wooden building with a corrugated metal roof. Many of them have their arms raised in the air, suggesting a celebratory or enthusiastic gathering. The scene is outdoors with trees in the background.

Thank You

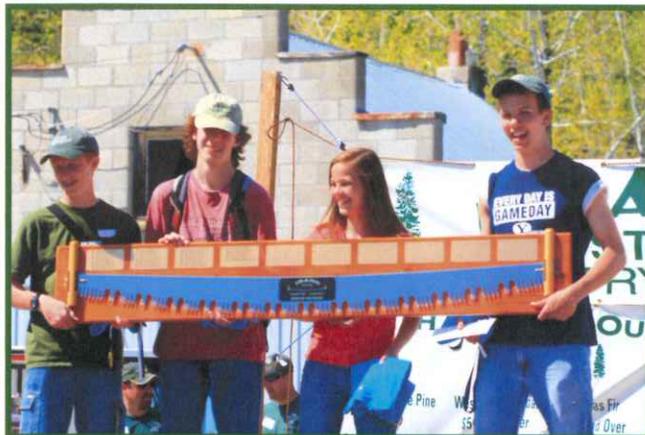
On behalf of Idaho Department of Lands,
the United States Forest Service, and
Bonner Soil & Water Conservation District,
we want to thank you for your
generous donation to the
2013 Idaho State Forestry Contest.

The support given to the Forestry Contest
through donations and through all the volunteers
is tremendous. We are grateful for the
opportunity to provide this unique
competition and educational event
for 31 years now — in 2013 we had 450 students
and 200 volunteers! A total of 17 schools, Boy
Scout troops, and 4-H clubs participated.

Thank You for your support!

*Thank You very much
for your continued support!
Linda O'Hare*

Idaho State Forestry Contest
Steering Committee



United States Department of Agriculture



Natural Resources Conservation Service
 9173 W. Barnes Dr., Suite C
 Boise, Idaho 83709
 Phone: (208) 378-5700
 Fax: (208) 378-5735

JUL 25 2013

RECEIVED
 JUL 31 2013
 IDAHO SOIL & WATER
 CONSERVATION COMMISSION

Teri Murrison, Administrator
 Idaho Soil & Water Conservation Commission
 650 W. State St., Room 145
 Boise, ID 83702

Dear Teri:

During this time of reduced federal budgets, I want you to be aware that we are pursuing the closure of our USDA Natural Resources Conservation Service (NRCS) field offices located in Payette and Jerome, Idaho. As I discussed at previous Commission meetings, our intent is to consolidate office space in situations where we have shared management by one District Conservationist and driving distance to the adjacent field office is negligible which will reduce costs while maintaining the same level of conservation technical assistance to landowners.

The Payette NRCS Field Office is not co-located with Farm Service Agency or Rural Development. Farmer and rancher clients will be serviced out of our Weiser Field Office which is 14 miles away. There is one employee located in the NRCS Payette Field Office and he provides assistance to landowners in Payette, Washington, and Adams counties. This employee will be transferred to the Weiser office and will continue to provide assistance to the three-county area. The Payette Soil and Water Conservation District has been notified of our plans to close the office. While they are not happy with this, they understand the fiscal reasons driving this decision.

The Jerome NRCS Field Office is co-located with Farm Service Agency. Clients will be serviced out of our Shoshone Field Office which is 19 miles away. There are no NRCS employees located in the Jerome Field Office therefore there will be no impact on NRCS employees; however, we currently house one of your employees. We will be happy to work with you and Chuck Pentzer to find suitable office space in one of our Division IV offices. Conservation technical assistance will continue to be provided by the NRCS staff located in Shoshone. Landowners in Jerome County will continue to receive the same level of assistance. The North Side Soil and Water Conservation District has been notified of our intent.

The State Executive Directors for Farm Service Agency and Rural Development concur with these two office closures.

If you have any questions, please contact me at (208) 378-5701.

Sincerely,


Jeff Burwell
 State Conservationist

Helping People Help the Land

An Equal Opportunity Provider and Employer



Cc: Clint Evans, ASTC, Operations, Boise, ID
Hal Swenson, Acting SAO, Boise, ID
Bob Tribelhorn, ASTC, Operations - West, Moscow, ID
Dave Schmidt, ASTC, Operations - East, Pocatello, ID



established
1939

ITEM #4d

UPDATED
COMMUNICATION TOOLS PRESENTATION



IDAHO
SOIL & WATER
CONSERVATION COMMISSION

Conservation the Idaho Way: Sowing the Seeds of Stewardship



Item #4c: Updated Communications
Tools Presentation

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CERTIFIED PUBLIC MANAGER PROGRAM



Nationally-accredited 2-year management development program for public sector managers. Administered through the State of Idaho's Division of Professional-Technical Education (PTE)

- Goal: learn state system
 - Modules on Idaho personnel, legislative protocol, admin. law & rule making, state political system, risk management, budget process, etc.
- Agency project required by CPM, approved Oct. 2013
- Budget \$30,000 one-time, reimbursement, non-general funds

PROJECT GOAL: DEVELOP SHARED, UNIFIED VISION AND COMMUNICATE IT TO BENEFIT PARTNERSHIP & CONSERVATION THE IDAHO WAY

Conservation the Idaho Way: Sowing the Seeds of Stewardship



Item #4: Updated Communications Tools Presentation established 1939

OVERALL GOALS



- ✓ FY 2012: Rebuild, improve relations with districts
- ✓ FY 2013: Rebuild, inventory workload capacity & balance workload between district support services & programs
- ✓ FY 2014: Rebuild, improve communication with districts, legislators, other state agencies, and public, increase voluntary conservation in Idaho
(Districts requested in surveys, listening sessions - 2009, 2012, 2013)
- FY 2015, onward: Rebuild, increase voluntary conservation in Idaho

Conservation the Idaho Way: Sowing the Seeds of Stewardship



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WHY PROJECT MATTERS



INCREASING VOLUNTARY CONSERVATION

How?
Through unified message, improved communication tools to build support, increase project funding

Conservation the Idaho Way: Sowing the Seeds of Stewardship



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PROBLEM STATEMENT

Can developing a new unified message and employing improved communication tools help build support for SWCC efforts and provide Legislators and the Governor information to make positive decisions on SWCC's ongoing funding?



Conservation the Idaho Way: Sowing the Seeds of Stewardship



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EVALUATION

How will we know if we succeed?

Plan: Before (Jan. 2013) & After (Jul. 31) surveys to assess perception of SWCC efforts

- Legislators
- Districts (staff & supervisors)

Reality: Only evaluated Districts

- Logistically impossible to survey Legislators
- Districts very responsive

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PROJECT TITLE **Unifying Message and Tools to Achieve Prioritization of Services and Build Support**

Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Project approval, RFP, contract, committee work, legislative & district surveys, briefings			Messaging, committee work, briefings			Develop communication tools, committee work & review, briefings, district surveys (due Jul. 31)		

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*Steve Stuebner,
Stuebner PR & Marketing*

TASK 1: MESSAGE



*Warren Lassen,
Warren Lassen Communications*

Oct. – Jan.

- Briefed Commissioners, IASCD, L-Team
- Issued RFP, selected consultant, developed contract, Scope of Work
- Conducted extensive interviews with districts, IASCD Board, SWCC Commissioners, Staff, Governor’s Office, DFM, NRCS, NGOs, and other partners

Stuebner PR heard:

- Promote, enable, increase proactive, voluntary conservation on private lands
- District support, boots-on-the-ground
- Good stewards of public resources
- Story-tellers
- Partnership stewards
- Facilitate conservation to avoid WQ lawsuits/regs.
- Players in protecting natural resources & quality of life

Conservation the Idaho Way: Sowing the Seeds of Stewardship



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TASK 1: MESSAGE

Conservation the Idaho Way *sowing seeds of stewardship*

Helping maximize the benefit of Idaho's natural resources to our state and people - at the same time taking care of and improving resources for future generations.

Conservation the Idaho Way: Sowing the Seeds of Stewardship



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PROJECT TITLE

Unifying Message and Tools to Achieve Prioritization of Services and Build Support

Feb. – Jun.

- Refresh & update graphics - logo, photography
- New website: improve content, organization, & user-friendly
- Newsletter
- Brochure & RCRDP insert
- Standardized PowerPoint presentations
- Portable display for conferences, shows
- Improved Facebook and Twitter accounts

**TASK 2:
TOOLS**

Conservation the Idaho Way: Sowing the Seeds of Stewardship



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TASK 1: MESSAGE



Conservation the Idaho Way: Sowing the Seeds of Stewardship



STUEBNER SAID:

- WE NEED TO BE STORY TELLERS
- Target audiences:
 - Districts
 - Legislature & Governor
 - Conservation partners
 - General public
- Tagline
Conservation the Idaho Way: sowing seeds of stewardship
- FOCUS ON PARTNERSHIP!

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TASK 1: MESSAGE

Other Key Message Points

- Historical messaging – why oldest conservation movement in Idaho created
- Stewardship
- Sustainability
- Best Management Practices
- Clean water/water quality
- Preserving top soil
- Fertile ground
- Collaboration
- Good planning
- Sowing seeds
- Preventive measures
- Proactive
- Technical assistance
- Accountability (fiscal)
- Return on investment (tracking results of boots-on-the-ground)

Conservation the Idaho Way: Sowing the Seeds of Stewardship



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Regularly Report Key Milestones

Accountability, Transparency, & ROI

- Technical assistance accomplishments
- RCRDP Loan Statistics
- CREP Accomplishments
- Reducing pollutants in Nitrate Priority Areas
- TDML WQ progress
- Don't forget WQPA!

TASK 1: MESSAGE

Education Outreach

- Stress partnerships
- Showcase boots-on-the-ground w/photos, high-quality videos from around state
- Profile partners, staff, programs
- Use social media to spread the word, but don't discard hard copy distribution

Conservation the Idaho Way: Sowing the Seeds of Stewardship



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Rebrand and refresh graphics including logo, photography



TASK 2: BRANDING

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Website: Home Page

TASK 2

Conservation the Idaho Way: Sowing the Seeds of Stewardship

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Website: Conservation Partners

TASK 2

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Website: What We Do

TASK 2



The screenshot shows the IDAHO Conservation Commission website. The main heading is "What we do". Below it, there is a paragraph: "The Idaho Soil and Water Conservation Commission focuses on three main areas to advance Conservation the Idaho Way: 1. Funding Support - We are very fortunate to have several state and federal funding programs. 2. Conservation Incentive Program - It is our goal to help farmers and ranchers conserve their land and water by providing them with financial assistance. 3. Conservation Programs - We provide technical assistance and training to help farmers and ranchers conserve their land and water. We also provide technical assistance and training to help farmers and ranchers conserve their land and water. We also provide technical assistance and training to help farmers and ranchers conserve their land and water." The right sidebar features a "Conservation Loan" section with a "Loan Request" button. The footer contains the slogan "Conservation the Idaho Way: Sowing the Seeds of Stewardship" and the IDAHO logo.

Conservation the Idaho Way: Sowing the Seeds of Stewardship



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Website: District Support, links to fact sheets, reports, plans, websites

TASK 2



The screenshot shows the IDAHO Conservation Commission website. The main heading is "District Support". Below it, there is a paragraph: "The Conservation Commission provides technical assistance and training to help farmers and ranchers conserve their land and water. We also provide technical assistance and training to help farmers and ranchers conserve their land and water. We also provide technical assistance and training to help farmers and ranchers conserve their land and water." The right sidebar features a "Conservation Loan" section with a "Loan Request" button. The footer contains the slogan "Conservation the Idaho Way: Sowing the Seeds of Stewardship" and the IDAHO logo.

Conservation the Idaho Way: Sowing the Seeds of Stewardship



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Website: District Intranet

TASK 2



The screenshot shows the 'District Document Library' page. It features a header with the IDAHO logo and 'Conservation Commission'. Below the header, there is a search bar and navigation tabs. The main content area includes a title 'District Document Library', a brief description, and a section for user login with fields for 'Username' and 'Password'. To the right, there is a sidebar with a 'LOAN' section and social media icons. The footer contains the slogan 'Conservation the Idaho Way: Sowing the Seeds of Stewardship' and the IDAHO logo.

Conservation the Idaho Way: Sowing the Seeds of Stewardship



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Website: Conservation Programs

TASK 2



The screenshot shows the 'Conservation Programs' page. It features a header with the IDAHO logo and 'Conservation Commission'. Below the header, there is a search bar and navigation tabs. The main content area includes a title 'Conservation Programs', a brief description, and a list of programs. To the right, there is a sidebar with a 'LOAN' section and social media icons. The footer contains the slogan 'Conservation the Idaho Way: Sowing the Seeds of Stewardship' and the IDAHO logo.

Conservation the Idaho Way: Sowing the Seeds of Stewardship



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Website: Maps (update pending)

TASK 2



Conservation the Idaho Way: Sowing the Seeds of Stewardship

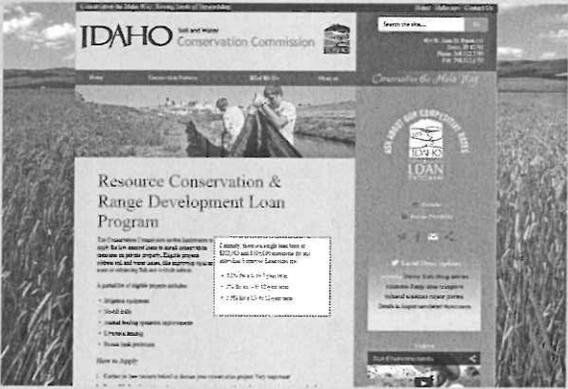


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Website: RCRDP Loan Program

TASK 2



Resource Conservation & Range Development Loan Program

The Department of Agriculture provides loans to assist the agricultural sector in rural conservation activities on private property. Eligible projects include soil and water conservation, riparian habitat restoration, and other activities that improve the environment.

- Riparian habitat
- Soil and water conservation
- Wildlife habitat
- Wetland restoration
- Riparian habitat
- Other eligible projects

Eligible projects include:

- 50% to 75% of the total project cost
- 50% to 75% of the total project cost
- 50% to 75% of the total project cost

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Website: About Us

TASK 2

Conservation the Idaho Way: Sowing the Seeds of Stewardship

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Website: Commission Members

TASK 2

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Newsletter

TASK 2

ISSUE ONE IDAHO SOIL & WATER CONSERVATION COMMISSION JULY 2012

Take care of the land and the land will take care of you.
— Hugh Ferriss

SOWING SEEDS OF STEWARDSHIP FOR 75 YEARS

Welcome to the first issue of Conservation the Idaho Way, which has solidified Idaho's good stewardship ethic and strong partnership. We've had a long legacy of sowing seeds of stewardship here. It's our 75th year of promoting conservation in Idaho. In this and future issues, we'll share information about the people, partner shops, and projects all over the state that are working to protect and enhance the things we all love about this great state.

Local efforts. The Conservation Commission and our partners – local soil and water conservation districts (SWCDs), the USDA Natural Resources Conservation Service (NRCS), and others – combine efforts to assist farmers and ranchers engaged in voluntary stewardship activities. Together we are the true force of voluntary conservation and partners in Idaho's global conservation movement.

Today we have a small staff of 10 full-time employees located around the state and there are 50 soil and water conservation districts located from Burner Ferry to Montpelier. We provide funding and technical staff to support districts to engage in hands-on the ground conservation. District efforts are guided by 5-year plans containing conservation goals and practical projects and activities. The Mule Landslide is approximately 15.7 million

Conservation the Idaho Way: Sowing the Seeds of Stewardship

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Brochure

TASK 2

Low Interest Conservation Easement & Project Loans

RESOURCE CONSERVATION & RANGE DEVELOPMENT LOAN PROGRAM

The Conservation Commission actively encourages the use of low interest loans for a wide range of resource conservation projects, including riparian habitat, wildlife, and other natural resource projects. The program was created in 1982 and has been successful in providing financial assistance to many landowners. The program is administered by the Conservation Commission and the Idaho Department of Agriculture. Many landowners have benefited from the program and have been able to improve their land and conserve their resources.

Specific projects that are eligible for this loan include:

- Riparian habitat improvement
- Wildlife habitat
- Riparian habitat conservation easements
- Wildlife viewing
- Riparian habitat preservation

CONSERVATION THE IDAHO WAY

Idaho is blessed with a magnificent landscape of diverse natural beauty. From the mountains, forests and riparian areas, to the vast and fertile agricultural lands, each offers the potential for a wide variety of conservation and stewardship projects.

People who work in the agricultural field are doing much for the land. We know that caring for the land will help benefit the future generations.

Conservation is the best way to ensure that the land will continue to be productive and provide the benefits that we all enjoy. We can help you with the land and the things you love about it. We can help you with the land and the things you love about it.

The Idaho Soil & Water Conservation Commission works together with the USDA's NRCS and other agencies, providing technical assistance, such as helping other landowners with their projects, and providing financial assistance for riparian habitat projects.

Conservation the Idaho Way: Sowing the Seeds of Stewardship

MURRISON CPM COMMUNICATION TOOLS
PROJECT

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Website: PowerPoint

TASK 2

Conservation the Idaho Way: Sowing the Seeds of Stewardship

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Portable Display

TASK 2

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TASK 2

Improved Facebook & Twitter Pages



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EVALUATION

District Initial Survey Results

- 59 responded
- 70% in Ag, 10%'s grandparents were, 20% not involved
- 10% either not very or somewhat familiar w/SWCC mission
- 53% either very or somewhat familiar w/mission
- Top 3 SWCC activities: distributing state matching funds, providing technical assistance to districts, providing low interest loans to landowners
- 76% satisfied SWCC provides opps to share district activities
- 5 out of 59 found fault with above and 5 were dissatisfied w/ opps to provide input
- 75% satisfied w/Boise office responsiveness & helpfulness, 80% satisfied with field staff
- Majority want monthly communications from SWCC (email)

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EVALUATION

District After Survey Results

- Pending (Jul. 31st deadline, results not compiled)
- Will report at a future meeting



Anecdotal Observations

- Distributed 2 newsletters to over 400 people to-date to favorable reviews
- New messaging utilized in all Legislative reports to favorable response
- Legislature appropriated districts additional \$50,000 in FY 2014

Conservation the Idaho Way: Sowing the Seeds of Stewardship



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QUESTIONS & COMMENTS?



Conservation the Idaho Way: Sowing the Seeds of Stewardship



Item #4e – FY 2013 Performance Measurements Report will follow under separate cover

COMMISSION

ITEM #4f

H. Norman Wright
Chairman

Roger Stutzman
Vice Chairman

Jerry Trebesch
Secretary

Dave Radford
Commissioner

Dick Bronson
Commissioner

Teri A. Murrison
Administrator

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS RADFORD,
STUTZMAN, BRONSON, AND TREBESCH**
FROM: TERI MURRISON, ADMINISTRATOR
DATE: JULY 25, 2013
RE: FY 2015 BUDGET REQUEST

Attached for your review and approval is a copy of the proposed FY 2015 Budget Request, the contents of which are due to DFM by September 1, 2014.

This Budget Request starts with the FY 2014 appropriation as the base for this year's request in both general and dedicated funds. Note that there are a number of Program Maintenance Adjustments listed that are necessitated by increases in the cost of health care benefits, a proposed CEC, and the replacement of two vehicles (with over 150,000 miles on them).

The Budget Request includes two line item enhancement requests this year:

1. District funding request of \$60,000, replaces traditional 2:1 match request. This is proposed to be allocated to all 50 districts equally (outside of the matching formula process).

Earlier this month, staff met with Steve Becker from IASCD, Shelby Kerns from DFM, and Keith Reynolds from the Department of Administration to discuss the district funding portion of our budget request.

After some discussion, we agreed that a new approach to seeking additional district funding might be favorably received. Traditionally SWCC requests the full 2:1 match, however in recent years this has not been recommended by the Governor, nor appropriated by the Legislature.

Staff requested IASCD consideration of the new approach, assuring that the Commission would structure its Budget Request to incorporate the amount suggested by IASCD. Attached is a copy of a letter received from

Kit Tillotson requesting the SWCC includes \$60,000 in its request for districts (to be distributed outside the match formula process).

2. Update to the Idaho Ag Pollution Abatement Plan (\$28,000) in FY 2015. Every ten years, the Idaho Agricultural Pollution Abatement Plan (Ag Plan) is scheduled to be updated. The current version of the Idaho Ag Plan was printed in March 2003. It serves as the implementation action plan for all nonpoint source agricultural activities in the state. The Ag Plan describes a voluntary approach for addressing agricultural water quality challenges.

The Ag Plan was Idaho's response to Section 208 of the Federal Clean Water Act (PL 92-500) and represented the agricultural portion of the State Water Quality Management Plan. The original Ag Plan was certified in 1979 by Governor John Evans (and will likely be certified by Governor Otter). The Plan is structured to contain nine main sections:

- Goal and Strategy
- Authorities, Roles, and Responsibilities (of numerous units of state and federal governments)
- Agricultural Nonpoint Source Water Quality Priorities (includes surface and groundwater priorities and the programs in place to address those priorities)
- Agricultural Activities which may impact water quality (current agricultural activities and associated potential pollutants which may cause impacts)
- Water quality law (updating and discussing to reflect current Idaho water quality law)
- Best Management Practices (including Catalog of Component Practices, and reviews BMP development, selection, and evaluation)
- Implementation (Outlines and describes implementation strategy which includes six action items necessary to reach the goal of restoring and maintaining surface and ground water quality.)
- Monitoring and Evaluation
- Plan Development

Over the past ten years, water quality laws, policies, programs, technology, and economics have changed significantly. As a result, the SWCC is required to fulfill its responsibility as described in the Ag Plan, initiating and coordinating the review and updating of the current Ag Plan.

Since SWCC does not have the resources to update the Ag Plan in-house, we plan to contract with the successful proposer to perform the following tasks:

- Draft updated Agricultural Pollution Abatement Plan, obtain input and concurrence from SWCC Board members and IASCD Board;
- Work to secure support of Governor;
- Serve as Ag Plan Coordinator;
- Educate legislators;
- Initiate and facilitate contact/input from appropriate federal and state agencies to review and update roles and responsibilities;

- Identify and recruit Technical Advisory Committee members, convene Committee and subcommittees to review evaluate, and make recommendations for Best Management Practices, Implementation, Monitoring and Evaluation sections of the updated Plan;
- Perform legal review of water quality law;
- Identify and recruit potential members for Ag Water Quality Advisory Committee;
- Incorporate updates and modifications to Plan, prepare final Plan for publication and distribution;
- Prepare MOA implementing Idaho Ag Pollution Abatement Plan responsibilities.

Normally staff presents the forms upon which the Budget Request is submitted, however due to the State's late closing of FY 2013, the forms will reflect the content of the attached, and there may be minor adjustments before the end of the year. Since your Board will not meet again before the deadline, staff requests delegated authority to make minor adjustments (to non-Line Item Enhancement requests only) should that be necessary. Should there be significant changes, we will request that the Board convene by teleconference to approve a revised Budget Request.

RECOMMENDED ACTION: Approve FY 2015 Budget Request and direct Administrator to submit it as adopted with any necessary minor adjustments.

Attachments: FY 2015 Budget Request

Soil and Water Conservation Commission

FY 2015 Budget (Preliminary)

July 31, 2013

	FTP —	Personnel Cost	Operating Expense	Capital Outlay	Trustee / Benefit	Total —
<u>FY 14 Appropriation:</u>						
General Fund - Administration & Board	14.00	1,005,400	198,400	-	1,153,200	2,357,000
Dedicated Fund - RCRDP Administration	2.00	146,000	146,000	-	-	292,000
Dedicated Fund - Professional Services	-	-	20,000	-	-	20,000
Dedicated Fund - Revolving Loan	-	-	30,000	-	-	30,000
Total	16.00	1,151,400	394,400	-	1,153,200	2,699,000
<u>Expenditure Adjustments</u>						
<u>DU 6.31 - Align FTP to Actual</u>						
General Fund - Administration & Board	(0.10)	-	-	-	-	-
Dedicated Fund - Professional Services	0.10	-	-	-	-	-
<u>Program Maintenance Adjustments</u>						
<u>DU 10.11 - Health Insurance</u>						
General Fund - Administration & Board	-	20,200	-	-	-	20,200
Dedicated Fund - Professional Services	-	3,000	-	-	-	3,000
<u>DU 10.12 - Variable Benefit Costs</u>						
General Fund - Administration & Board	-	7,000	-	-	-	7,000
Dedicated Fund - Professional Services	-	1,000	-	-	-	1,000
<u>DU 10.31 - Replacement Items</u>						
General Fund - Administration & Board	-	-	-	44,000	-	44,000
<u>DU 10.61 - CEC Regular Employees</u>						
General Fund - Administration & Board	-	8,300	-	-	-	8,300
Dedicated Fund - Professional Services	-	1,200	-	-	-	1,200
<u>DU 10.61 - CEC Regular Employees</u>						
General Fund - Administration & Board	-	400	-	-	-	400
<u>Line Items</u>						
<u>DU 12.01 - Pollution Abatement Plan</u>						
General Fund - Administration & Board	-	-	28,000	-	-	28,000
<u>DU 12.02 - District Match</u>						
General Fund - Administration & Board	-	-	-	-	60,000	60,000
<u>FY 2015 Request:</u>						
General Fund - Administration & Board	13.90	1,041,300	226,400	44,000	1,213,200	2,524,900
Dedicated Fund - RCRDP Administration	2.10	151,200	146,000	-	-	297,200
Dedicated Fund - Professional Services	-	-	20,000	-	-	20,000
Dedicated Fund - Revolving Loan	-	-	30,000	-	-	30,000
	16.00	1,192,500	422,400	44,000	1,213,200	2,872,100
<u>Change from FY 2014</u>						
	-	41,100	28,000	44,000	60,000	173,100
<u>Percentage Change from FY 2014</u>						
	0.00%	3.57%	7.10%	100.00%	5.20%	6.41%
<u>General Fund Increase from FY 2014</u>						
						167,900
<u>General Fund Percentage Change from FY 2014</u>						
						7.12%



Idaho Association of Soil Conservation Districts

9173 W. Barnes Dr, Ste. C
Boise, ID 83709
(208) 685-6989 FAX: (208) 376-6858

2013 Board of Directors

President

Kit Tillotson
Box 701
Lava Hot Springs, ID
83246
(Division V)

Vice-President

Billie Brown
PO Box 293
St. Maries, ID
83861
(Division I)

Secretary

Rick Rodgers
2805 North 700 East
Castleford, ID
83321
(Division IV)

Treasurer

Steve Becker
17603 Morscheck Rd.
Genesee, ID
83832
(Division II)

Director

Lynn McKee
1887 W. Beacon Light Rd.
Eagle, ID
83616
(Division III)

Director

Lynn Bagley
1402 West 8000 South
Victor, ID
83455
(Division VI)

Staff

Executive Director

(Vacant)

Executive Assistant

Nancy Weatherstone

July 30, 2013

Teri Murrison, Administrator
Idaho Soil & Water Conservation Commission
650 West State St, Room #145
Boise, ID 83702

Dear Teri,

The IASCD Board of Directors met Friday, July 26th 2013. As a result of that meeting this letter is to inform you that the IASCD supports a request to increase funding to the T&B portion of the ISWCC budget by \$60,000 for districts operations.

The IASCD would also request that this increase of funds be distributed out to districts equally and not by the 2 to 1 match formula. It is the Associations understanding from Keith that this is possible. Please give me a call if you have any questions. Thank you for your consideration in this matter.

Sincerely,

Kit Tillotson
IASCD President

COMMISSION

ITEM #4g

H. Norman Wright
Chairman

Roger Stutzman
Vice Chairman

Jerry Trebesch
Secretary

Dave Radford
Commissioner

Dick Bronson
Commissioner

Teri A. Murrison
Administrator

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS RADFORD,
STUTZMAN, BRONSON, AND TREBESCH**
FROM: TERI MURRISON, ADMINISTRATOR
DATE: JULY 25, 2013
**RE: ROBERTS KETTLE BUTTE DISTRICT WATERSHED IMPROVEMENT
DISTRICT DISSOLUTION REQUEST**

Under state law - IC §§ 42-3701-3717 - SWCC is responsible for the formation and discontinuance of Idaho Watershed Improvement Districts (WID). At your last meeting, Commissioner Radford requested staff initiate the dissolution process for the Roberts Kettle Butte District (RKBWID).

Attached are documents he provided to staff including a copy of the WID's Certificate of Organization dated July 12, 1974, a letter to the Bonneville County Commission from Vail Van Leuven in 2009 requesting the WID's dissolution since it is inactive, and Bonneville County Resolution No. 10-12 declaring its intent to dissolve the district under IC Title 63, Chapter 41, the provision for dissolution of special districts.

Analysis by Harriet Hensley (see attached letter of July 17, 2013) subsequently determined that the appropriate discontinuance mechanism for Watershed Improvement Districts falls under Watershed Improvement District Law, Idaho Code §§ 42-3701-3717.

Staff met with Tim Hurst, Deputy Secretary of State, to confirm the termination/dissolution process as prescribed by law. In short, the next steps are:

1. A petition must be drafted and signed by 25 qualified electors (registered to vote) or landowners within the WID requesting:
 - a. the operations of the WID be terminated and
 - b. the existence of the district discontinued(If fewer than 25 reside within the WID, 2/3 of the resident group will suffice.)
2. The County Clerk of Bonneville County must verify the names of registered voters and the County Assessor must verify the landowners. Both must certify the petition to SWCC.

3. The SWCC must order the election to the Bonneville County Clerk more than 50 days before the November election, or in an even year more than 60 days before the election. The cost of the election is to be borne by Bonneville County.
4. The County Clerk is provided with specific ballot language as required by IC 42-3717: The question on the ballots shall be *“For terminating the existence of the [WID name]”* and *“Against terminating the existence of the [WID name]”* with voters choosing between one or the other of the propositions.
5. The election must be conducted during a November election or a May election, the County Commissioners canvas the vote, and the Clerk certifies the outcome to SWCC. If voters have voted affirmatively, we will notify the WID Board that it has been terminated and discontinued and certify that to the Secretary of State.
6. The Secretary of State issues a dissolution document.

Staff requests approval to initiate the process of termination and discontinuance upon receipt of the required petition from Bonneville County. Attached is a draft letter to Roberts Kettle Butte District Director Van Leuven which will be sent if the action is approved.

RECOMMENDED ACTION: Authorize staff to initiate the process for termination and discontinuance of the Roberts Kettle Butte Watershed Improvement District upon receipt of a petition conforming with the requirements in Watershed Improvement District Law, Idaho Code §§ 42-3701-3717.

Attachments:

- RKBWID Documents from Bonneville County
- AG Hensley letter to Murrison re WID
- Draft letter to WID Director Van Leuven

State of Idaho



Department of State

CERTIFICATE OF ORGANIZATION

OF

THE ROBERTS-KETTLE BUTTE WATERSHED IMPROVEMENT DISTRICT

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, Doyle L. Scott, Administrative Officer of the State Soil Conservation Commission, presented to this office an application for a Certificate of Organization of the ROBERTS-KETTLE BUTTE WATERSHED IMPROVEMENT DISTRICT, stating that more than fifteen owners of land lying within the territory to be included in said district signed the petition as required by law (Title 42, Chapter 37, Idaho Code), and said certificate contained the legal description of said lands within the territory; and

WHEREAS, the name proposed for the said district is not identical with that of any other watershed improvement district of this State, or so nearly similar as to lead to confusion or uncertainty; and

WHEREAS, the said Certificate of the State Soil Conservation Commission has been filed and recorded in this office as required by law.

NOW, THEREFORE, it is hereby certified that

THE ROBERTS-KETTLE BUTTE WATERSHED IMPROVEMENT DISTRICT

has been duly organized as a government subdivision of this State and a public body corporate and politic.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise, the Capital of Idaho, this Twelfth day of July, 1974.

[Signature]
Secretary of State

Dave Radford

From: Gary Houde [gary.houde@tax.idaho.gov]
Sent: Wednesday, September 09, 2009 1:56 PM
To: Dave Radford
Subject: Information Request
Attachments: 2008 City and County Rank.xls; roberts kettle wtrshed_0001.pdf

Alan Dornfest asked me to send you the county levies for 2008. I have attached a copy of a report that shows the county's total levies as well as cities and combined city/county levies ranked from highest to lowest. Hope this helps.

Also I looked into the formation of the Roberts Kettle Watershed district, this district was formed in July 2007 and according to our records are still an active taxing district. I have attached a pdf file showing acceptance of its formation.

Please feel free to contact me if you need any further information.

Gary Houde
Senior Research Analyst
Idaho Tax Commission
(208) 334-7541

RESOLUTION NO: 10-12

A resolution by the Bonneville County Board of Commissioners to Declare its Intention to Dissolve the Roberts Kettle Butte Water District

WHEREAS, the Bonneville County Clerk Ronald Longmore has brought to our attention a non functioning special watershed district called the Roberts Kettle Butte District, which has not functioned since its inception in 1974; and

WHEREAS, the only remaining original officer, Vail Van Leuven of said watershed district, has delivered a letter to the Bonneville County Board of Commissioners requesting the dissolution of the Roberts Kettle Butte special district; and

WHEREAS, Title 63, Chapter 41 of the Idaho Code provides that the Board of County Commissioners may by its own volition or petition take action to dissolve a non functioning special district; and

WHEREAS, the Jefferson County Board of Commissioners has by resolution dissolved its own portion of the Roberts Kettle Butte Watershed Special District;

NOW, THEREFORE, be it resolved that on September 17, 2010 the Bonneville County Board of Commissioners agrees with Bonneville County Clerk Ronald Longmore and the remaining officer of said district and declares its intention to dissolve the Roberts Kettle Butte Watershed Special District.

ADOPTED this 17th day of September, 2010.

BONNEVILLE COUNTY BOARD OF COMMISSIONERS



Roger S Christensen, Chairman



Lee Staker, Member



Dave Radford, Member

ATTEST:



Ronald Longmore, County Clerk

County Commissioners Bonneville & Jefferson County

For many years I have at times tried to get the Kettle Butte drainage area discontinued. I am happy to help in this effort. This taxing area was established in 1974 in an effort to create what was, at the time, an organization that was thought to be badly needed to control floods. This organization was formed as we were trying to get fed funds and grants for studies and construction. About the time we got the study completed we were told we would have to have an environmental impact statement and at that time the project was planned to take the water to the river and that was vetoed by the state of Idaho. The cost estimates were very high. The project died at that point. No meeting was ever held. No assessment was ever leveled there was a president, vice president and I was secretary. That is how my name was put on the papers.

A brief history of the water problem is following.

Many years ago there was a channel southwest of Roberts that ran drainage water from near Kettle Butte to the Snake River. It went into the Snake River near where the Golden Valley Packers was located there are still places where this drainage is still visible. Even at places small canyons go through the rocks. I believe it was called Elk Creek. With the building of the Butte and Market Lake Canal Railroad & roads the water was cut off and backed up and covered a lot of land with no way to Drain out. Except they would cut the Butte and Market Lake Canal and run part of it to the River.

The first time I saw this was about 1940, again maybe about 1950 and one more time about 1970. This area was south and west of Roberts.

Another area was around 800 N and 2500 E north of Roberts. This came in from another Drainage area west of there because that area is lower than the Snake River. There was no way to drain this water and it covered several farms.

There was a third area and somewhat different of a condition. It was sub water and covered almost all of the area north of Roberts to near Sage Junction including the fish & game management area. About 1920 an unsuccessful Drainage Project was started and then dropped about 1930.

The Sub Water would raise out of the sand areas in the winter and freeze above the ground sometimes about 2 or 3 feet deep then would melt in the spring and cover the land below it. The slope of the land is too the west. There was no way to drain most of this water. It has been pretty well proven that much of this sub water came from the Egin Bench area where sub irrigation was practiced. I am sure the higher level of the aquifer also contributes to this sub water.

So what happened? Take the sub water problem first. Egin Bench area converted to sprinkler irrigation about 1976, each year the flow of the Roberts area springs got less. We know that the Roberts north Sub water is connected to the aquifer that is pumped south & west of this area. As the aquifer lowers the sub water lowers.

Some years ago a group of farmers west of interstate 15 went together and put in a drain system that pumps water to the River. It has only been used a small portion of the years, Robison Farms pumps some of this water for irrigation. It is doubtful that this problem of sub water will return.

South of Roberts Flooding has been helped by several things.

Before the advent of farming was much of that area was covered by sagebrush much of that is gone. It is believed that the farmed ground absorbs more run off then it did when it was sagebrush covered.

Weather conditions was probable also a lot of the problem. Deep snow would be in the sagebrush then a heavy warm rain would melt the snow and the water would run. The snow in the sagebrush would not run until the conditions were right for it to occur. Sometimes the weather conditions may be right and there will be a repeat of these occurrences.

Yes this unused organization should be done away with as I am sure there is a cost to carry this forward. I will do what I can to help get this done.

Vail Van Leuven
2867 East 800 North
Roberts, ID 83444
(208) 228-3881

Vail Van Leuven

COMMISSIONERS OFFICE	
SEP 22 2009	
Date Received	Date
Initial	Date
District No. 1	Date
District No. 2	Date
District No. 3	Date
Action:	Date

BONNEVILLE COUNTY

10-18-2009

BOARD OF COMMISSIONERS

Roger Christensen, Chairman, District #1
Dave Radford, District #2
Lee Staker, District #3

605 N. Capital Ave.
Idaho Falls, ID 83402
Office: 208-529-1350, Ext. 1360
Fax: 208-529-1319
IDD (Hearing Impaired): 208-529-1319

Commissioner Tad Hegsted
3521 E. 100 N.
Rigby, ID 83442

September 30, 2009

Dear Commissioners Hegsted:

It has come to our attention that a joint special water shed district is now nonfunctioning and has not functioned since its inception in 1974.

Our County Clerk, Ron Longmore, has explained to me that no county tax has been levied and a letter of one of the original officers of this district called the Roberts Kettle Butte water shed District has requested dissolution of this now nonfunctioning special district.

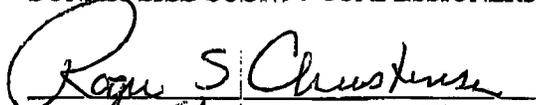
As per Title 63, Chapter 41 of the Idaho Code empowers the County Commissioners either on a petition or recognition by our own volition to dissolve a tax district that is nonfunctioning. This can be done as a matter of agenda vote. Our goal here at Bonneville County is to put it on our agenda and read the letter addressed to both Jefferson and Bonneville County Commissioners by Vail Van Leuven to take this taxing district off the rolls.

Vail Van Leuven, who is the only original officer of this original taxing district back in 1974, can be contacted by phone, (208) 228-3881, and mail at address 2867 East 800 North, Roberts, ID 83444.

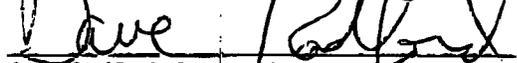
Our County Clerk of over 30 years has stated that this will be one less letter contact made by your County Clerk each year. Please feel free to contact me, Dave Radford, Bonneville County Commissioner at (208) 529-1360 or Ron Longmore, (208) 529-1350, ext. 1355, with any questions.

Sincerely,

BONNEVILLE COUNTY COMMISSIONERS

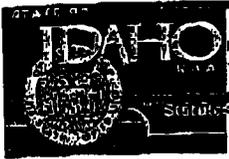

Roger S. Christensen, Commissioner/Chairman


Lee Staker, Commissioner


Dave Radford, Commissioner

Cc: Scott Hall, Bonneville County Attorney

Enclosures: Idaho Statutes, Title 63 Chapter 41
Vail Van Leuven Letter



IDAHO LEGISLATURE

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Idaho Statutes

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TITLE 63 REVENUE AND TAXATION

CHAPTER 41 SPECIAL DISTRICT DISSOLUTION ACT

63-4104. NONFUNCTIONING DISTRICT. Any special district which fails or has ceased to function for two (2) or more years may be dissolved by the board or boards of county commissioners of the county or counties in which it is located. The county commissioners may initiate such action upon their own volition or it may be initiated by petition. If by resolution a board of county commissioners finds that an emergency exists, the board may immediately take all steps necessary to operate and provide services of the district and preserve and maintain the property owned by the district.

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STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

July 22, 2013

Teri Murrison
 Administrator
 Idaho Soil and Water Conservation Commission
 650 W. State Street, Room 145
 Boise, Idaho 83720

Re: Discontinuance of Watershed Improvement Districts

Dear Teri:

This memorandum responds to your question regarding the statutory requirements for discontinuance of watershed improvement districts. As I understand it, the Jefferson and Bonneville County Boards of Commissioners took action several years ago to dissolve their respective portions of the Roberts Kettle Butte Watershed Special District pursuant to chapter 41, title 63, of the Idaho Code, the Special District Dissolution Act (“Act”). The Act allows any special district which fails or has ceased to function for two (2) or more years to be dissolved by the board(s) of county commissioners in the county or counties in which it is located. I.C. § 63-4104.

The Act applies to “special districts” which are defined as “any single purpose district organized or that may be organized as a local public body in accordance with the laws of the state of Idaho for the purpose of constructing or furnishing any municipal service **where the district's enabling law does not provide for dissolution of any district formed under it.**” I.C. § 63-4102 (emphasis added).

Watershed improvement districts do not meet this definition because the Watershed Improvement District Law, Idaho Code §§ 42-3701–42-3717, governs their termination. Idaho Code § 42-3717 provides:

At any time after three (3) years after the organization of a district under the provisions of this chapter any twenty-five (25) qualified electors or owners of land lying within the boundaries of such district or, if less than twenty-five (25) owners of land or qualified electors reside within the boundaries of such

district it would be deemed sufficient if two-thirds (2/3) of the resident group, 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. After such petition has been received by the state soil and water conservation commission it shall give notice of the holding of an election, subject to the provisions of section 34-106, Idaho Code, which the said commission shall supervise and govern the conduct in accordance with the provisions of 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 watershed improvement district to be here inserted)" and "Against terminating the existence of the (name of the watershed improvement district to be inserted here)" 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 discontinuance of such district. All qualified electors who own land or reside within the proposed district shall be eligible to vote in said election. No informality in the conduct of such election or in any matters relating thereto shall invalidate said election or the result thereof if notice thereof shall have been given as herein provided, and said election shall have been fairly conducted.

The state soil and water conservation commission shall certify the result of such election to the directors of the district. If the state soil and water conservation commission shall certify that a majority of the votes cast in said election favor the discontinuance of the existence of the district, the directors of the district shall forthwith proceed to terminate the affairs of the district. Any moneys remaining in the treasury of said district following the winding up of the affairs of the district shall be paid by the directors into the state treasury. The directors shall file an application duly verified with the secretary of state for the discontinuance of such district which shall recite that the affairs of the district have been wound up, and shall set forth a full accounting of the winding up of the affairs of said district. The secretary of state shall issue to the directors a certificate of dissolution, and shall record said certificate in his office.

The state soil and water conservation commission shall not entertain petitions for the discontinuance of any district nor conduct elections upon such petitions more often than once in three (3) years.

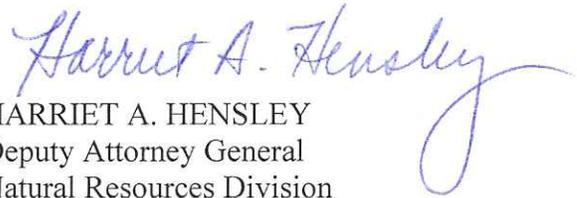
I.C. § 42-3717.

In short, by law, watershed improvement districts that no longer wish to operate must comply with the requirements of Idaho Code § 42-3717 to effect their dissolution.

Teri Murrison
July 22, 2013
Page 3

This letter is provided as an informal and unofficial expression of the views of this Office based upon the research of the author. If you would like to discuss these matters further or have follow-up questions please contact me at any time.

Sincerely,



HARRIET A. HENSLEY
Deputy Attorney General
Natural Resources Division

COMMISSION

H. Norman Wright
Chairman

Roger Stutzman
Vice Chairman

Jerry Trebesch
Secretary

Dave Radford
Commissioner

Dick Bronson
Commissioner

Teri A. Murrison
Administrator

August 8, 2013

Vail Van Leuven, Director
Roberts Kettle Butte Watershed Improvement District
2867 East 800 North
Roberts, ID 83444

Dear Mr. Van Leuven:

Bonneville County Commissioner Dave Radford recently provided us with documents indicating your desire to terminate and dissolve the Roberts Kettle Butte Watershed Improvement District (RKBWID).

While initially it appeared to the County in 2010 that this could be accomplished under Idaho Title 63, Chapter 41, research by the Idaho Attorney General's Office indicates that in fact, the Idaho Soil and Water Conservation Commission (ISWCC) is responsible for the formation and discontinuance of Idaho Watershed Improvement Districts (WID) under IC §§ 42-3701-3717.

We are happy to help you with this matter. In short, the process which you will need to follow to accomplish termination and discontinuance are:

1. A petition must be signed by 25 qualified electors (registered to vote) or landowners within the WID requesting:
 - a. the operations of the WID be terminated and
 - b. the existence of the district discontinued
 (If fewer than 25 reside within the WID, 2/3 of the resident group will suffice.) The language on the Petition needs to state: "We the undersigned registered voters or landowners residing within the boundaries of the Roberts Kettle Butte Watershed Improvement District request..."
2. The County Clerk of Bonneville County must verify the names of registered voters and the County Assessor must verify the landowners. One (or both) must certify the petition to ISWCC.
3. The ISWCC must order the election to the Bonneville County Clerk more than 50 days before the November election, or in an even year more than 60 days before the election. The cost of the election is to be borne by Bonneville County.

Vail Van Leuven
August 8, 2013
Page Two

4. The County Clerk is provided with specific ballot language as required by IC 42-3717:
The question on the ballots shall be *“For terminating the existence of the [WID name]”* and *“Against terminating the existence of the [WID name]”*, with voters choosing between one or the other of the propositions.
5. The election must be conducted during a November or a May election, the County Commissioners canvas the vote, and the Clerk certifies the outcome to ISWCC. If voters have voted affirmatively, we will notify the WID Board that it has been terminated and discontinued and certify that to the Secretary of State.
6. The Secretary of State issues a discontinuance document.

At our meeting today, the Commission approved initiation of process for the termination and discontinuance of the RKBWID as soon as we receive the certified petition from the Bonneville County Clerk’s office. Please note that enough time must be allowed for a Commission meeting to order the election in time to meet the 50 or 60 day deadline. Attached is a copy of ISWCC’s regularly scheduled meetings through June 2014.

Please don’t hesitate to contact me if you have any questions.

Sincerely,

TERI A. MURRISON
Administrator

Cc: Bonneville County Clerk
Bonneville County Commissioners

Enc. ISWCC Regular Meeting Schedule for FY 2014

COMMISSION

ITEM #5a

H. Norman Wright
Chairman

Roger Stutzman
Vice Chairman

Jerry Trebesch
Secretary

Dave Radford
Commissioner

Dick Bronson
Commissioner

Teri A. Murrison
Administrator

**TO: CHAIRMAN BRONSON AND COMMISSIONERS RADFORD,
STUTZMAN, WRIGHT, AND TREBESCH**
FROM: DELWYNE TREFZ, DISTRICT SUPPORT SERVICES SPECIALIST
DATE: JULY 23, 2013
RE: DISTRICT SUPPORT SERVICES UPDATE

Distribution of FY 2014 District Base and Capacity Building Funding

The FY 2014 district base allocations of \$8,500/district were disbursed July 3. FY 2014 district capacity building grant funds were disbursed July 11 according to the schedule approved by Commissioners during the June 13th SWCC meeting and presented in the following table.

FY 2014 District Capacity Building Grants Funded	
State Forestry Contest	\$1,500.00
North Central Idaho Division II Grazing Conference	\$1,000.00
Ag Symposium	\$1,500.00
On-Line Skill Soft Training	\$2,250.00
District Capacity Building Funds Awarded per District	\$875.00
Total Capacity Building Funds Disbursed	\$50,000.00

Deadline to submit District Matching Funds Report

District Financial and Match reports are due August 16th. In the past, District financial and match reports were due September 1st. However, because updating local match information from FY 2012 lagged behind our submitted FY 2014 budget request by over a month and a half, the Governor had to make his FY 2014 budget recommendation based on FY 2011 local matches. Staff within the Governor’s office, including Division of Financial Management budget analyst staff assigned to the Commission, has encouraged us to submit budget requests by the September 3rd deadline and budget revisions by early

October. Moving the due date for District reports to August 16th will enable us to do so.

Districts were informed of the new due date and the reason for the change on June 21st, which gave them 8 weeks to complete and submit their report. As of July 30, 18 of the 50 districts (36%) have submitted complete FY 2013 Financial and Match reports.

ACTION: For information only

COMMISSION

ITEM #5b

H. Norman Wright
Chairman

Roger Stutzman
Vice Chairman

Jerry Trebesch
Secretary

Dave Radford
Commissioner

Dick Bronson
Commissioner

Teri A. Murrison
Administrator

**TO: CHAIRMAN BRONSON AND COMMISSIONERS RADFORD,
STUTZMAN, WRIGHT, AND TREBESCH**
FROM: DELWYNE TREFZ, DISTRICT SUPPORT SERVICES SPECIALIST
DATE: JULY 23, 2013
**RE: TECHNICAL ASSISTANCE WORK GROUP (TAWG) REVIEW OF
THE TECHNICAL ASSISTANCE ALLOCATION PROCESS**

On July 30, 2013 TAWG members who were involved with developing the technical assistance allocation process which was adopted by Commissioners in last September met via tele/video conference to review the process and to discuss revisions which might improve the process.

All conservation districts and district supervisors were informed of the meeting and encouraged to either call in or to submit comments in advance of the meeting. Prior to the meeting, 11 districts submitted written comments and suggestions. These comments are summarized in Table 1 on the following page.

During the July 30th meeting, additional ways to improve the process were suggested and discussed by TAWG members. These suggestions are presented in Table 2.

The July 30th meeting concluded with TAWG members agreeing to meet Sunday, November 17, 2013, during the IASCD Conference in Boise. Subsequent to the meeting, it was determined that the FY 2014 Regional TAWG representatives are the appropriate ones to meet to prepare recommendations from this point on so staff will arrange that with Regional representatives.

Between now and then staff will develop options for consideration based on what was expressed at the meeting. FY 2014 Regional TAWG members will consider all options and develop a recommendation for improving the Commission's technical assistance allocation process. It will be presented for Commission consideration at the Board meeting/Listening Session during the IASCD Conference.

Table 1. Comments submitted by districts

DISTRICT INPUT ON THE TECHNICAL ASSISTANCE ALLOCATION PROCESS		
COMMENT	SUGGESTION	FREQUENCY OF COMMENT
Process too cumbersome and complex, deters some districts from applying for assistance	Simplify. A 1-2 page supplement turned in as part of districts' Annual Plan could serve our purposes	8
Seems SWCC is asking districts to develop SWCC staff workload assignments	Use district annual & 5-yr plans to allocate SWCC staff time	5
Requiring letters of support for proposed projects is unreasonable	Simplify requirement to verify local support for the project	2
Process consumes too much SWCC staff time-- Delwyne & field staff, and too much district staff, supervisors, eval committee time	Simplify process so that minimal time is spent assessing district needs so SWCC staff are able to spend more time in the field	2
Criteria biased to progressive Districts	Remove bias to help struggling districts grow through assistance with implementing smaller projects	1
Too top-down rather than bottom-up		1
Is previous system really broken?		1
Fields in application for TA are not able to be spell-checked	Make fields accessible to spell-checking	1
Tought to participate in WG meetings because they're held during field season	Schedule WG meetings for late fall or winter	1
Districts can't be guaranteed TA from SWCC	Districts should include request for TA in grant applications	1
Some districts view TAWG process as busy work	SWCC needs to educate districts to explain the benefits of this process	1
Good start to a process to allocate scarce TA resources to districts	Continue working to refine process	1
A formal process for districts to request assistance needs to continue	Condense ranking sheet and criteria	1
Evaluation of requests by divisional ranking teams leads to districts competing against neighbor districts	SWCC leadership needs to make staff time allocation decisions based on info provided on the request forms	1

Table 2. Comments discussed by TAWG

TAWG INPUT ON THE TECHNICAL ASSISTANCE ALLOCATION PROCESS	
COMMENT	SUGGESTION
1 Process is too rigid	1a Streamline to make process less cumbersome and build in flexibility 1b Allocate SWCC staff time to districts then allow them to use those hours for whichever projects they place priority on. 1c Request assistance based on the task or skill-set required, rather than based on specific projects 1d Keep modifying process as necessary to improve it
2 Having regional evaluation teams rank requests leads to unhealthy competition between districts and creates the impression that evaluation teams know better than districts how best to prioritize district needs	2a SWCC leadership assign staff hours to districts based on requests 2b SWCC leadership assign staff hours and present to regional teams as a recommendation, subject to tweaking and approval by the regional team
3 Districts unsure of why process is necessary	3 Encourage districts to keep an open mind and understand we're trying to make things better
4 The SWCC staff person assigned to a district may not have the skills required to provide the type of assistance the district needs	4 Ensure that SWCC staff with specialized skills, e.g., engineers, are available to assist districts outside of their home areas
5 The process will be most beneficial to districts that do a careful job of developing their 5-year and annual work plans	5 Districts may need additional training on the planning process

ACTION: For information only



Idaho Soil & Water Conservation Commission

650 W. State St., Room 145 • Boise Idaho 83702

Telephone: 208-332-1790 • Fax: 208-332-1799

www.swc.idaho.gov

Item 6a

TO: CHAIRMAN WRIGHT, COMMISSIONERS STUTZMAN, RADFORD, BRONSON, AND TREBESCH

FROM: TERRY HOEBELHEINRICH, LOAN OFFICER

DATE: July 31, 2013

RE: RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT PROGRAM UPDATE

Since your last meeting, the following activities have conducted by staff:

Marketing	<ul style="list-style-type: none">• Attended Tri-District Picnic in Twin Falls• Farm Bureau and Capital Press Advertising Publications• RCRDP Booth Display• RCRDP/SWCC Brochures
New Loan Activity	<ul style="list-style-type: none">• Received 1 application• One \$40,000 application is in process• One application was denied• 4 loan inquiries have been received since last update
RCRDP Financial Report	<ul style="list-style-type: none">• May and June 2013 report (attached)
Delinquencies	<ul style="list-style-type: none">• 1 delinquency, with details to be provided in executive session
Audit	<ul style="list-style-type: none">• Auditors are writing their report. No significant issues.

ACTION: For information only.

Attachment:

- RCRDP Financial Report May and June 2013

RCRDP - MAY 2013			
	As of 05/31/13		YEAR TO DATE (As of 7/1/12)
BEGINNING CASH BALANCE	\$	5,676,414.65	\$ 4,443,506.48
Interest Received			
		May 2013	Fiscal Year 2013 thru May 2013
- 2515 Interest Income:	\$	1,069.45	\$ 19,441.93
- 2523 Loan Interest:	\$	17,431.16	\$ 228,864.94
- 2535 Default Interest: (late fees)	\$	410.32	\$ 3,548.89
Principal payments received	\$	133,270.75	\$ 1,487,932.73
Suspense cleared	\$	5,466.78	\$ (8,704.21)
Expenditure Adjustment (rvs pcard charges)	\$	82.00	\$ 99.00
Professional Services refund			\$ 349.08
Loan Refunds	\$	19.21	\$ 2,281.24
TOTAL INCREASES		157,749.67	1,733,813.60
ADJUSTED CASH BALANCE	\$	5,834,164.32	6,177,320.08
Decrease of Funds			
1) Personnel costs	\$	(15,411.28)	\$ (122,892.41)
2) Operating Expense	\$	(7,837.73)	\$ (79,480.37)
3) P Card Payment	\$	(1,984.15)	\$ (2,273.10)
4) State Holdback			
5) Loan Disbursements	\$	(27,480.00)	\$ (203,132.00)
6) Capital Outlay			
7) Suspense cleared			\$ 14,170.99
8) Refund of Revenue			
9) Refund from loan Payments	\$	(19.21)	\$ (2,281.24)
TOTAL DECREASES		(52,732.37)	(395,888.13)
ENDING CASH BALANCE as of 05/31/2013	\$	5,781,431.95	\$ 5,781,431.95
Cash as of 05/31/2013			\$ 5,781,431.95
3% Minimum Contingency Reserve			\$ (132,439.81)
P Card Liability as of 5/31/13			\$ (872.57)
Funds Approved - Not Disbursed			\$ (65,620.00)
FUNDS AVAILABLE TO LOAN			\$ 5,582,499.57
Pending Approval			\$ -
Funds Available			\$ 5,582,499.57
LOAN STATUS REPORT:			
Outstanding Principal Loan Balance beginning 04/30/2013			\$ 4,523,093.45
Disbursements during May 2013			\$ 27,480.00
Principal payments made during May 2013			\$ (133,270.75)
Adjustments to STARS balance			\$ (2,642.28)
ADJUSTED PRINCIPAL LOAN BALANCE as of 05/31/2013			\$ 4,414,660.42
Previous report number of active loans		120	
New Loans		1	
Loans Paid Off		-4	
Current Month number of active loans		117	
Past Due Accounts		1	

RCRDP - JUNE 2013			
	As of 06/30/13	YEAR TO DATE (As of 7/1/12)	
BEGINNING CASH BALANCE	\$ 5,781,431.95	\$	4,443,506.48
Interest Received			
	June 2013	Fiscal Year 2013 thru June 2013	
- 2515 Interest Income:	\$ 791.07	\$	20,233.00
- 2523 Loan Interest:	\$ 6,066.32	\$	234,931.26
- 2535 Default Interest: (late fees)	\$ -	\$	3,548.89
-3660 Retirement Contribution	\$ 212.42	\$	212.42
Principal payments received	\$ 65,159.21	\$	1,553,091.94
Suspense cleared	\$ -		
Expenditure Adjustment (rvs pcard charges)		\$	99.00
Professional Services Refund		\$	349.08
Payroll Expenditure Adjustment	\$ 209.84	\$	209.84
Loan Refunds	\$ -	\$	2,281.24
TOTAL INCREASES	72,438.86		1,814,956.67
ADJUSTED CASH BALANCE	\$ 5,853,870.81		6,258,463.15
Decrease of Funds			
1) Personnel costs	\$ (21,417.43)	\$	(144,309.84)
2) Operating Expense	\$ (48,417.60)	\$	(127,897.97)
3) P Card Payment	\$ (1,857.11)	\$	(4,130.21)
4) State Holdback			
5) Loan Disbursements	\$ (29,491.60)	\$	(232,623.60)
6) Capital Outlay			
7) Suspense cleared	\$ (5,466.78)	\$	-
8) Refund of Revenue			
9) Refund from loan Payments		\$	(2,281.24)
TOTAL DECREASES	(106,650.52)		(511,242.86)
ENDING CASH BALANCE as of 06/30/2013	\$ 5,747,220.29	\$	5,747,220.29
3% Minimum Contingency Reserve		\$	(131,369.83)
P Card Liability as of 6/30/13		\$	(872.57)
Funds Approved - Not Disbursed		\$	(71,128.40)
FUNDS AVAILABLE TO LOAN		\$	5,543,849.49
Pending Approval		\$	-
Funds Available		\$	5,543,849.49
LOAN STATUS REPORT:			
Outstanding Principal Loan Balance beginning 05/31/2013		\$	4,414,660.42
Disbursements during June 2013		\$	29,491.60
Principal payments made during June 2013		\$	(65,157.59)
Adjustments to STARS balance			
ADJUSTED PRINCIPAL LOAN BALANCE as of 06/30/2013		\$	4,378,994.43
Previous report number of active loans			117
New Loans			1
Loans Paid Off			-2
Current Month number of active loans			116
Past Due Accounts			1

Item 6b

TO: CHAIRMAN WRIGHT, COMMISSIONERS STUTZMAN, RADFORD, BRONSON, AND TREBESCH
FROM: TERRY HOEBELHEINRICH, LOAN OFFICER
DATE: July 31, 2013
RE: ANNUAL REVIEW & SETTING OF RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT PROGRAM INTEREST RATES

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

Background

FISCAL YEAR			APPROPRIATION	EXPENSES	APPROPRIATION LESS EXPENSES	LIFETIME ACCRUED INTEREST LESS EXPENSES
2013			\$290,100	\$276,248	\$13,852	\$ 1,964,614
2014			\$290,100			\$ 1,847,113

FISCAL YEAR	RCRDP REVENUE (ACTUAL OR PROJECTED)	TREASURY (CASH) (ACTUAL OR PROJECTED)	TOTAL REVENUE	EXPENSES	REVENUE LESS EXPENSES
2013	\$238,480	\$20,233	\$258,713	\$276,248	(\$17,535)
2014	\$161,199	\$11,400	\$172,599	\$ 290,100	(\$117,501)
Change	(\$77,281)	(\$8,833)	(\$86,114)		

Assumes

- 3.7% average interest rate for RCRDP portfolio
- 0.2% estimated annual interest rate for treasury (cash)

RCRDP LOAN PORTFOLIO BALANCE AS OF 6-30-2013	\$ 4,378,994
RCRDP TREASURY CASH BALANCE AS OF 6-30-2013	\$ 5,747,220
RCRDP TOTAL LOAN PORTFOLIO & CASH AS OF 6-30-2013	\$ 10,126,214

	6/30/2013	6/30/2014	Change
PROJECTED RCRDP CASH & PORTFOLIO TOTAL	\$ 10,126,214	\$ 10,008,713	\$ 117,501
TOTAL IDAHO ESTATE AND TRANSFER TAX TO RCRDP	\$ 8,161,600	\$ 8,161,600	\$ -
ACCRUED NET INTEREST OVER LIFE OF PROGRAM	\$ 1,964,614	\$ 1,847,113	\$ 117,501

FY 2013 Term & Interest Rate Requests	<ul style="list-style-type: none"> • Mostly 2.5% - 7 year terms • Some 3.0% - 10 years • 2.5% is Weighted Average Interest Rates of Loans Closed in FY2013 (Mix of Loans Approved in FY 2012 and FY 2013)
Interest Rate Trends	<ul style="list-style-type: none"> • 5 year rates have increased slightly • >10 year rates have increased 75 to 100 basis points (3/4 of 1% to 1%)
Interest Rate Recommendations for FY 2014	<ul style="list-style-type: none"> • No Change • 2.5%, 7 Year Term • 3.0%, 8 - 12 Year Term • 3.5 %, 13 – 15 Year Term

RECOMMENDED ACTION: Approve interest rates and loan terms for FY 2014.